Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 1 JULY 1879

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LEGISLATIVE ASSEMBLY.

Tuesday, 1 *July*, 1879.

Petition.—Questions.—Motion for Adjournment.—Electoral Rolls Bill—committee.—Wrecks and Salvage Bill—second reading.—Lady O'Connell Pension Bill.—New Bills.—New Members.—Impounding Act Amendment Bill—Legislative Council's amendments.—Licensing Boards Bill—second reading.

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

PETITION.

Mr. MCLEAN presented a petition from Charles William Cox, of Pimpama, praying that the particulars of a Crown Land Sale at Beenleigh, in which he was interested, might be taken into consideration.

Petition read and received.

QUESTIONS.

Mr. SIMPSON asked the Minister for Lands—

1. *Re* "Irvingdale Exchange" and petition presented from inhabitants of Dalby,—What ground have petitioners for stating that "Waterless country on East Prairie, remote from town of Dalby," was to be given for Irvingdale land, and that original terms of agreement have been departed from?

2. Is there a plan of proposed original exchange?—Has this been departed from, reasons for such departure, and by whom authorised?

3. What was position of exchange when present Ministry took office, and was it then, or is it now, in their power to afford relief prayed for by petitioners?

4. *Re* "Allora Exchange,"—Will the Minister give replies to the same questions?

The MINISTER FOR LANDS (Mr. Perkins) replied:—

1. *Re* "Irvingdale Exchange,"—The original proposal made by Messrs. Kent and Wienholt describe the land to be granted to them in exchange for that surrendered as "the land at the back of the frontage pre-emptive purchases on Jondaryan Run." The original terms of agreement have not been departed from.

2. The Land Commissioner furnished the first plan of the lands proposed to be granted to Messrs. Kent and Wienholt when reporting on their proposal. The arrangement of the exchanged lands as shown thereon has not been departed from.

3. The exchange was approved by the Executive Council on the 4th September, 1877. The deeds of grant (2) were signed by His Excellency the Governor on the 29th January, 1879.

1. *Re* "Allora Exchange,"—In his first proposal Mr. Wienholt offered to take the back country on East Prairie in exchange for the Allora lands, but there was not sufficient area of vacant Crown land on that run available for the purpose. In a subsequent letter, before the proposal was considered by the Government, he expressed his willingness to take the balance out of the back country on the Jondaryan Run. This arrangement has been carried out.

2. The plan showing the lands to be granted to Mr. Wienholt was prepared in the office. The whole of the vacant Crown lands on East Prairie and Jondaryan are absorbed in the exchange. There was scarcely any excess after the area required by the exchange as surveyed.

3. The exchange was approved by the Executive Council on the 10th June, 1878, but the deeds of grant have not yet been issued.

MOTION FOR ADJOURNMENT.

Mr. MACFARLANE (Ipswich) moved the adjournment of the House for the purpose of bringing under notice a matter which had caused considerable agitation outside the House, in reference to the dismissals in the police force which, he understood, were now taking place. Many of those men, if not the whole of them, had been paying into a superannuation fund, and some of them were naturally concerned about what would become of the money paid in, and wished to know whether they were to receive a pension or have the money paid back to them. It was very hard if, after all these years of paying into the fund, many of them varying from ten to fourteen years and being almost entitled to the regular pension, they should now be discharged and have no compensation given them. It was just possible that it was the intention of Government to give back the money paid into the fund; but if it was not their intention to do that, it was hard and unfair to those men, who had been looking forward for a number of years to a time of comparative ease and to the half-pay on which they would be entitled to retire. It was a matter which concerned not only the men themselves, but it was the duty and prerogative of the House to see that no injustice should be done to any class of persons outside.

The COLONIAL SECRETARY (Mr. Palmer) said that it was exceedingly inconvenient to discuss questions of this kind on a motion of adjournment. If the hon. member had given him the slightest intimation of what he was going to do, he would have had all the papers ready and have laid them on the table of the House, so that the fullest information should be given. It was not the intention of the Government to dismiss men in the police force quickly. The instructions to the Commissioner were to dismiss slowly and regularly, and any who were entitled, or nearly entitled, to a retiring allowance would get it. Personally, he had always been proud of the force in Queensland, and every hon. member who had been Colonial Secretary had also had reason to feel proud of them. The dismissals in his department had given him very great pain indeed; but no injustice would be done to the police who had paid into the superannuation fund. There would be no sudden dismissals. In the natural course of events there would be men always retiring from the force, and those nearest the expiration of their term would go first. The police force would be gradually reduced in that way.

Mr. BEATTIE said that everyone who had known the opinion of the Colonial Secretary with regard to the police force must feel that that hon. gentleman would not do the force an injustice; but there was one portion of the remarks of the hon. member (Mr. Macfarlane) that remained unanswered—that was, in reference to those men who had been paying into the fund for some six or eight years, but who would not be entitled to their retiring allowance for some years to come. Would those men by being discharged be deprived of the amount of money they had paid in? If it was the intention of the department to retain that money in its coffers they would be doing an act of injustice to which he (Mr. Beattie) would be no party. After what had been said by the Colonial Secretary, he felt satisfied with what would happen to those men who were nearly entitled to their pensions; but he wished to know how the other men who had been paying in would be compensated?

Mr. MACKAY was glad the matter had been brought up again, because considerable correspondence was going on about it. The force would now be aware that they would be treated much more considerately than some of them had expected. The police force he believed to be thoroughly creditable to the colony, and Queensland was one of the very few countries where the police force had been respected by all classes of men. Some of the officers who had been ten or more years in the force were not now fit to take up with other employment, and he was glad that they were not to be sent adrift in a body. He took advantage of the motion to bring forward another matter. A reference had been made to the Roads Department, and he wished to bring under their notice the case of Mr. Owen Jones, who, if he (Mr. Mackay) was correctly informed, was the only civil engineer in the Roads Department. He felt pained to see, at the end of last week, that this man had been dismissed, though fortunately he had been engaged in a private service since in the colony, and his services would therefore be retained for a time. Mr. Jones was an able man, and one they would miss very much, for he was a young man very keen in his work and one who stuck to it. When they had men of that sort it would be a good thing if, instead of turning them out and allowing such men to drift away, there could be some other reorganisation arranged by which their services would be secured to the colony, because, if those men went away, they would probably meet men from all quarters of

the world who might be inclined to turn their attention to Queensland, but who would be deterred by the fact of their having left. Mr. Jones was at present engaged by the contractor of the Maryborough-Gympie Railway, and it would be a good thing could some offer be made to men of those qualifications—if, instead of going out of this colony, their services could be availed of, to prevent their leaving, as there was some risk of Mr. Jones doing.

Mr. WALSH was pleased with the Colonial Secretary's assurance that no injustice would be done by the dismissals from the police force, as it was generally admitted the force was a credit and a benefit to the colony. He understood that, up to the present, a great many of those who had formerly made applications to retire, having served their fifteen years, had been refused because they were still fit for their duty; and he hoped the applications of these men would be taken into account if it was necessary to dismiss men at all. It might be found very difficult to replace such men, as it was not always that steady, upright, trustworthy men could be found when they were required. Consequently, to dispense with such men was a matter which materially affected the welfare of the colony, the force being composed of trustworthy and effective men. He would here point out that depredations were still being committed in his district by the blacks. No later than this week he had seen letters which intimated that the blacks were gradually taking possession of the Hodgkinson goldfield, and in his speech in the debate on the Financial Statement he had expressed himself unfavourably to the native police force. He would now repeat that the colony derived no corresponding benefit from the outlay on that force. If in his district the Government would undertake to pay the value of the horses and other property destroyed by the blacks, and compensate in some way the relatives of men murdered, it would cost less than had been expended on this force. Yet he believed the officers were as hardworking and efficient as any in the colony; but, if they had never had a native police, he doubted very much whether the depredations would have been so numerous as they had been. He had received telegrams from Port Douglas lately that the blacks were within two miles of the town, and had taken off numbers of horses and cattle from there. He hoped the Colonial Secretary would see into the matter, and, if possible, relieve the district by placing in it efficient men, for, as it was, affairs were not at all satisfactory, and people's property was not protected.

Mr. HENDREN was understood to say that a revision of the force was wanted, and if he was a member of the House for any period of time he would try to get it done.

Mr. BAILEY said the police should be treated not only with justice but with the utmost fairness; otherwise the colony could not have a body of men in whom it could at all times have full confidence. The present system of dismissals, which might not be so gradual as the Colonial Secretary had intimated, would certainly not tend to improve the *morale* of the force, more especially if newly-joined members were to be kept and others who had nearly approached their term of service were to be dismissed without receiving back what they had paid towards the superannuation fund. In regard to their duties to the public, the force should be treated with the strictest justice. A case occurred in Brisbane, the other day, in which a police officer was accused and found guilty of having violently assaulted in the street a man who merely asked him a civil question. If the man were guilty—a question on which he (Mr. Bailey) declined to express an opinion—the punishment awarded was quite insufficient. He would take advantage of the motion for adjournment to bring forward another matter. Some very important gold discoveries had lately been made in the Wide Bay district; in no fewer than three places in that district gold had been discovered almost by accident. A great part of the land on those new goldfields was taken up in homestead selections and goldfields homesteads. On this subject he had received a letter from a Gympie miner, setting forth the grievance which this caused to prospectors, although no hardship had as yet resulted therefrom. His correspondent wrote as follows:—

"A discovery of gold has recently been made at the Two-mile, in the Wide Bay district, near Gympie. One side of it is practically hemmed in by homesteads. There is nothing objectionable in them, for *bona fide* farming is being done upon them; but there are also other homesteads at the Two-mile and other parts round Gympie where gold was got in the early days, and where gold may be got again, and here we may any day have a grievance. In the Goldfields Homestead Act there is a provision enforcing upon the warden or commissioner the duty of (when an application has been received) inspecting the ground in order to judge whether public interests will be interfered with; there is another clause securing to the miner (under certain conditions) the right of entry for mining purposes. It cannot, however, be said that any real hardship has so far resulted, but many are of opinion that no more homesteads should be granted in auriferous localities. It is argued that they may interfere with the mining industry. That a miner, for instance, on a prospecting trip would not give a likely-looking locality a trial if he had first to climb over a fence, run the risk of a row with the owner, and perhaps have to call out the warden before he could drive his pick in the ground. It stands to reason, I think, that the more ground is open to the miner to prospect where he pleases the

greater will be the chance of discoveries. It was fortunate the ground at the Two-mile had not been all taken up as homesteads. The interests of the miner in such cases must be paramount."

It was evident that the more ground was open to miners the greater chance there would be of an accidental discovery of gold. Now that so much of the district had been proved to be gold-bearing, he trusted that every facility would be given by the Minister for Lands, or the Minister for Mines, to allow miners free access to the land; and if this were done, he doubted not that in a few months the district would become a great gold-mining centre.

The PREMIER (Mr. McIlwraith) said that, in reply to a question put by the hon. member for Fortitude Valley, he would say that, whenever any member of the police force was obliged to leave the service on account of reductions, any contribution he might have made to the superannuation fund would, as a matter of course, be refunded.

Mr. MCLEAN said the House had every confidence that the Colonial Secretary would act to the best of his judgment in every case submitted to him. No doubt justice would be done to the force, but the question was, would the dismissal of somewhere about 100 policemen be an act of justice to the public. The Colonial Secretary might be of opinion that those men could be dispensed with; but not long ago, even in the streets of Brisbane, a man was murdered, and a considerable time elapsed before a policeman put in an appearance; and complaints were constantly made in the outside districts that the police service was inadequate. With regard to the native police force, he went even further than the hon. member for Cook, and pronounced it a disgrace to the colony and a blot on our civilisation. He hoped the time was not far distant when the services of those men would be dispensed with altogether. Much had been said about their ability, and it was anticipated by some that they would succeed in capturing the Kelly gang; but they had failed there, and he doubted very much whether they had ever succeeded here, or had afforded the protection expected from them. If the hon. member for Cook would take action in this matter he should have his hearty support. The service could be performed by white men far better than by native troopers; and they knew that many atrocities were committed by the latter which never came before the public eye. It was a question for the House to consider whether justice was being done to the country by the dismissal of these 100 policemen, more especially as it was a matter of common complaint that, even in the suburbs of Brisbane, to say nothing of outside districts, the present police protection was inadequate.

Mr. LOW said it was evident the hon. member for the Logan knew very little about the native police or about the circumstances which brought them into existence. Had the hon. member lived where he (Mr. Low) had lived for many years, he would have spoken in quite a different way. Within thirty miles of his residence seventeen white people had been killed by the aborigines; and but for the protection afforded by the black police they would long since have been compelled to abandon their stations. He had been a witness of outrages by blacks on more occasions than one, and if the hon. member for the Logan had seen as much of their depredations as he had done he would use a different tone in speaking of the services of the native police. Without them, many of the outside districts would be uninhabitable.

Mr. DICKSON said it was satisfactory to know that all pecuniary rights that had accrued to the police would be respected by the Government. He fully concurred with the Premier on that point, but he could not refrain from expressing his surprise at the statement of the Colonial Secretary that the men would only be dismissed as opportunity offered. Did the hon. gentleman mean to falsify the statement laid before the House—that after the 30th June no provision was to be made for 100 members of the police force? Was this the initiation of the Supplementary Estimates of which he spoke on a previous occasion? The Government were evidently reconsidering the whole subject of their financial policy. He congratulated them on the fact of such reconsideration, and he hoped it would extend to many other matters which at present agitated the public mind. This was possibly a sign of repentance on the part of the Government, and he hoped it would bear good fruit.

Mr. RUTLEDGE said that reference had been made to certain proceedings that had taken place during the past week with regard to a member of the police force, and those proceedings had been brought before the public in a very objectionable form in one of the daily newspapers. It had been asserted that the police were actuated by such an *esprit de corps* that they would hide the most inexcusable delinquencies in order to shield one of their number from just condemnation. The *Telegraph* of last night contained a leading article founded upon a case in which he was engaged to defend an accused constable. The facts were very meagrely reported in that paper, and the editor had evidently based his strictures on the insufficient materials at his disposal. This article reflected not only upon the police, but upon the metropolitan police magistrate. Now, he (Mr. Rutledge) wished

to say that nothing could have been more clear and straightforward than the statements made by the several constables who were examined as witnesses, and they were evidently not actuated by a desire to shield a fellow constable charged with having wantonly assaulted a peaceable citizen. Those who heard the evidence must have received a very different impression from that intended to be conveyed by the leading article to which he had referred; and so far from the police magistrate having shown undue leniency towards the accused, nothing could have been fairer or more impartial than his remarks on that occasion. If that gentleman erred at all it was on the side of severity. It was only fair that the statement of the *Telegraph* should be rebutted, for the police were not deserving of the wholesale condemnation with which they had been visited. Our policemen were, on the whole, a credit to the city, and there were always persons ready to select them as victims whenever anything went wrong. There was another matter which he wished to bring before the notice of the Colonial Secretary. According to the Civil Service Act the widow of any member who had been in the service a certain number of years was entitled to receive payment for as many months as her deceased husband had been years in the service. A young man named Welsby, who had been an officer in the public service for about fifteen years, was one of the unfortunate victims of the inclement weather which prevailed at the last Volunteer encampment; and because he happened to be an unmarried man, his mother, who was a widow, was held not to be entitled to receive twelve months' salary on account of the service of her decease son. Surely, it would not be an infringement of the letter or spirit of the Act to give to his mother the money to which his widow, had he been a married man, would have been entitled. He hoped this matter would be taken into consideration.

Mr. GRIMES wished to call attention to the very unnecessary delay exhibited in laying on the table a return he moved for on the 19th June as to the balance of votes on roads and bridges during 1878-9, in East Moreton, unexpended on the 1st June last. The preparation of this return could not have taken much more than half-an-hour, and it was strange that it had not yet been tabled.

The MINISTER FOR WORKS (Mr. Macrossan) said there had been no unnecessary delay in furnishing the report, and he should like to see the hon. member prepare it in half-an-hour. Besides, the clerks in his department were sufficiently employed, and when additional work of this kind was put upon them it must take them some time to do.

Mr. GARRICK said his experience had been that the balance of any particular road vote could be told in three minutes, and that there was no difficulty, especially when the balance was on the wrong side. In most cases the balance was carried down, but in any case the balance for a particular road vote could be arrived at in half-an-hour. He had usually been able to ascertain such balances without giving notice, and therefore the excuse of the Minister for Works did not appear to him to be a good one. With reference to the police, he was glad to hear the statement of the Colonial Secretary, and he agreed with the hon. member for Enoggera (Mr. Dickson), that there had been a change of policy on the part of the Government. When the Financial Statement was before the House he had told the Colonial Treasurer that he was like many of his predecessors in his hope to escape Supplementary Estimates; and now he was sure the hon. gentleman would have as big a bunch as anybody. If coming events cast their shadows before, they had seen an example of it this afternoon. Though he approved of the change of front, it was evident that, according to the Estimates, there were about 120 men for whom no provision had been made for after yesterday; and the Colonial Secretary now said they were not to be discharged hastily, so as to hurt anybody, but slowly and gently, so that no one would be injured. That course was, however, very inconsistent with the Colonial Treasurer's idea of having no Supplementary Estimates, and he (Mr. Garrick) believed there would be very extensive ones in consequence of this gradual and fair reduction in the police force. There was also a matter he wished to state in reference to the Minister for Works, as he had not had an opportunity of speaking privately to him. A very large deputation had arranged to meet the hon. gentleman at half-past 2 to-day, with reference to a particular railway. He did not know whether the hon. gentleman was informed of the largeness of the deputation, which included residents of both town and country, many of whom had suffered some inconvenience in attending. He and many others were on their way to the office when they learned that the hon. gentleman had another engagement. Somebody met some of the number in the street since dinner, and said the hon. gentleman had got another appointment. It was hardly fair to the deputation not to have given them notice in some way.

The MINISTER FOR WORKS, in explanation, said the hon. member might have seen him privately any time since half-past 3. He would explain the circumstances of the case from his point of view. Yesterday, Mr. Herbert asked him whether he would receive two or three people from

Sandgate, with reference to the Sandgate railway, and he said "No," as he was very busy. Mr. Herbert asked when he could, and he said to-day, very likely, at half-past 2. He knew of no such deputation as had been mentioned by the hon. member, and had only seen Mr. Herbert on the subject. At 1 o'clock to-day, suddenly discovering that he had made a previous engagement, he sent a note to Mr. Herbert, asking him to convey his regrets to the deputation, and say he would see them to-morrow. Sometime after half-past 1, he was met by the hon. member for Balonne, who gave him a ticket showing that the deputation had been advertised and many people called to attend. That was the first intimation he received that it was to be a large deputation, and not two or three people coming from Sandgate. He was therefore only to blame for not remembering the first engagement, and not for disappointing the deputation, as precautions should have been taken beforehand to let him know that a deputation was coming to see him.

Mr. STUBLEY said he could endorse the opinions of the hon. member for Cook as to the inefficiency of the police there. It would be just as good for the country if the black police were shot by their nigger brothers and replaced by white men. He had known the blacks to search in the bush for seven days, and white men have to go out after all. Another instance of their uselessness was seen in Victoria, to which colony our choicest trackers had been sent to capture the Kelly gang, but had done nothing. It would be a good thing if all the native police in the Cook district, except one or two for convenience, were dispensed with, and their places filled by the surplus hands from here.

Question put and negatived.

ELECTORAL ROLLS BILL—COMMITTEE.

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

The COLONIAL SECRETARY said, as some hon. members wished to introduce important amendments, the Government had consented to postpone the further consideration of the Bill till to-morrow.

On his motion,

The CHAIRMAN left the chair, reported no progress, and obtained leave to sit again to-morrow.

WRECKS AND SALVAGE BILL—SECOND READING.

The PREMIER said that the Imperial Merchant Shipping Act formed part of our statutes, and it was at one time supposed that part 8, respecting wrecks, casualties, and salvage, had operation within the colony. The opinion, however, of previous Attorneys-General had been to the effect that its operation was confined to the United Kingdom, so that there were no officers in this colony having complete authority to deal with wrecks and salvage. The object of the Bill, the second reading of which he was about to move, was to enact the whole of part 8 of the Merchant Shipping Act, in order to give the colony of Queensland the same authority as the British authorities had in the United Kingdom, a necessity for such authority having arisen in consequence of legal questions having been decided in such a way as to show that those clauses had no operation in Queensland at the present time. If any changes had been made they were only small ones for the purpose of getting over technical difficulties. In committee there might be some amendments worthy of consideration, and which the Government would be prepared to accept; but as the clauses were almost *verbatim* copies of those in the Act which had previously been considered to be law, it was only necessary to formally move that the Bill be now read a second time.

The Hon. S. W. GRIFFITH said the hon. gentleman was quite right in stating that this Bill was almost a transcript of part 8 of the Merchant Shipping Act, 1854, and he could bear testimony to the great care shown in adapting the provisions of that statute. He observed that the Bill was not quite the same as that first in print, but the greatest care seemed to have been taken in amending it in another place. The passing of the Bill, however, was not quite so simple a matter as the hon. gentleman had led the House to understand. For one thing, the Governor could not assent to it, but would be bound to reserve it for Royal assent; and he (Mr. Griffith) had very grave doubts as to whether a great part of it could be passed at all. He believed he had been one of the previous Attorneys-General who advised that that part of the Merchant Shipping Act was not in force in the colony; but the matter which induced him to doubt the competency of the Legislature to pass the Bill was the fact that it proposed to alter the law of salvage. The right of salvage was not established by positive law in the colonies and in Great Britain until the Merchant Shipping Act was passed, but depended on the general maratime law. Jurisdiction in case of salvage was, until the passing of the Judicature Act, limited to the Court of Admiralty and the Imperial Courts of Vice-Admiralty in the dependencies. By the Merchant Shipping Act, jurisdiction in case of salvage, in small cases, was given in Great Britain to justices of the peace, with appeal to the Court of Admiralty, they exercising a sort of delegated authority from the Court of Admirality. In this colony jurisdiction in case of salvage was

exclusively confined to the Court of Vice-Admiralty, an Imperial court over which we had no control whatever, not even over the forms of proceedings. Salvors had, by the law maritime, a lien which could only be enforced by proceedings in the Court of Admiralty. By this Bill, according to the clauses after clause 17, a quite different state of things would be introduced. The jurisdiction would no longer be left to the Court of Admiralty, but would be given either to justices of the peace, with an appeal to the Supreme Court, or to the Supreme Court itself. The Bill appeared also to constitute a new kind of lien. It was altogether quite inconsistent with the exclusive jurisdiction of the Court of Vice-Admiralty, from which there was an appeal to Her Majesty in Council. He was inclined to think they should be wasting their time if they attempted to pass the Bill, because he did not think that a jurisdiction which had been so jealously guarded for centuries by the Court of Admiralty would be allowed to be delegated to justices of the peace or the Supreme Court. He had had no opportunity of considering the matter fully, having no idea that it would come before the House so soon. He observed that, by the 18th clause, the right to recover salvage was limited to the cases of assisting a ship or boat and saving the cargo or apparel of the ship or boat. The third case mentioned in the Imperial statute—the saving of life—was omitted for some reasons which were not apparent; and no jurisdiction was conferred upon the courts contemplated by the Bill in respect to salvage for the preservation of life; but in the next clause it was provided that salvage for the preservation of life should be payable by the owners of the ship in priority to all claims. He must confess that he could not understand the reason of the omission, whether accidental or not. He did not see any objection to the first part of the Bill regarding wrecks; no doubt some law was required in this colony for taking care of wrecks, and if the Bill stopped at the fifteenth clause there would not be much objection to it. The part that he had referred to as giving a new lien was in the sixteenth clause, which provided that the receiver should have the same lien and be entitled to the same remedies for the recovery of his expenses as a salvor had. It was quite clear that the Bill would have to be reserved for Her Majesty's consent, and he would suggest that the Government should take advice as to whether there was any probability of the Royal assent being given if the measure did pass. Some hon. members would doubtless recollect how, in regard to the Navigation Act, their labours had been thrown away by the fact of their passing, in the first instance, provisions inconsistent with Imperial policy, and the Royal assent had been refused. He apprehended the same consequences if they dealt with the question of salvage in the way proposed by the Bill. He did not think that the objection would apply to the first part of the Bill. Giving his opinion without having much time to consider the question, he should feel disposed to advise the Government to withdraw the Bill or limit it to the first part; he did not suggest that this should be done then, but he expressed his opinion in order that the Government might give the measure very careful consideration before proceeding further with it.

Mr. DICKSON said that the Navigation Bill of 1874 came from the Upper House, and on its going into committee a discussion arose as to the propriety of a money Bill emanating from the Council. The hon. member for Toowoomba objected to the Bill on that ground; but, unfortunately, there were no means of referring to the debate, as *Hansard* in that year did not report the discussions in committee. According, however, to vol. 17, page 859, Mr. Morgan, as Chairman of Committees, referred the following point of order to the Speaker—

"That the Bill is a money Bill and ought not to have originated in the Council, the 153rd clause imposing a burden on the people by the imposition of fees or dues, which when collected are to be paid to the Consolidated Revenue of the colony."

The Speaker's ruling was—

"My opinion is that this is a Bill that imposes a burden upon the people; it seems to me, all through, to do so; therefore it is a Bill which ought only to have originated with this House."

He would point to the second paragraph of the 33rd clause of this Bill, which provided—

"If no owner establishes his claim to wreck found at any place before the expiration of such period of a year as aforesaid and if no person other than Her Majesty her heirs and successors is proved to be entitled to such wreck the receiver shall forthwith sell the same and after payment of all expenses attending such sale and deducting therefrom his fees and all expenses if any incurred by him and paying to the salvors such amount of salvage as may be decided on by the Marine Board pay the same to the Colonial Treasurer and the same shall form part of the Consolidated Revenue of the colony."

Again, the 35th clause provided—

"All forfeitures and penalties imposed or incurred under this Act may be prosecuted and recovered by information before any two or more justices of the peace sitting in petty sessions and all forfeitures and penalties so recovered shall be paid to the nearest chief officer of Customs to be by him after deducting the charge of prosecution and other contingent expenses divided equally and paid one-half to

the Colonial Treasurer and the other half to the seizing officer or to the person who sued for the penalty or forfeiture."

He would therefore submit that, under these two clauses, the Bill ought to have originated in the Assembly, and that the objection sustained against the Navigation Bill in 1874 was equally fatal to the introduction of this measure.

The SPEAKER: Perhaps I cannot do better than direct the attention of the House and the hon. member to the 268th Standing Order, which meets the objection that has been raised:—

"With respect to any Bill brought to this House from the Legislative Council, or returned by the Legislative Council to this House with amendments whereby any pecuniary penalty, forfeiture, or fee shall be authorised, imposed, appropriated, regulated, varied, or extinguished, this House will not insist on its privileges in the following cases—

"1. When the object of such pecuniary penalty or forfeiture is to secure the execution of the Act, or the punishment or prevention of offences.

"2. Where such fees are imposed in respect of benefit taken or service rendered under the Act, and in order to the execution of the Act, and are not made payable into the Treasury, or in aid of the public revenue, and do not form the ground of public accounting by the parties receiving the same, either in respect of deficit or surplus.

"3. When such Bill shall be a private Bill for a local or personal Act."

It seems to me that the 35th clause refers to the disposal of forfeitures and penalties, and, under the standing order, forms one of the cases in which the House does not insist upon its privileges. The second part of the 33rd clause refers to the rights of Her Majesty in regard to the proceeds of wrecks, which occur only when no owner can be found to establish a claim. I do not think that a clause which merely authorises the appropriation to the Consolidated Revenue of the proceeds of unclaimed wrecks can be held to impose a burden on the subject.

The Hon. J. DOUGLAS said, before the question was put he should like to say this seemed to be altogether a new subject, dealing with a class of cases which had hitherto been dealt with by the Vice-Admiralty Court. In bringing forward such a measure there ought to be something like a practical justification for legislation of this kind at all; and, then, when they came to consider the doubts that had been cast upon their jurisdiction by the hon. member (Mr. Griffith), it did seem somewhat doubtful whether they should proceed to commit themselves unless the Government had been so well advised upon the matter as to be able to assure hon. members that it was absolutely necessary, and that they were in a position to legislate upon it. Supposing they passed the Bill, it would be exceedingly unpleasant to be told afterwards, by a higher authority, that they had no right to deal with the matter. He should therefore, on the whole, prefer that they should not pass the Bill unless the Government were quite satisfied that the House had the power to legislate upon the subject. It was always undesirable to attempt to deal with anything in regard to which they had limited powers; and if they were limited in this matter, and unless some very strong cause —some emergency—existed to justify them legislating upon it, they had better refrain until the Government were more fully advised upon the subject. He had no wish to throw obstacles in the way, but it was preferable not to pass the Bill if there was a probability, or chance even, of their being told by the Imperial authority that they had no jurisdiction.

The MINISTER FOR WORKS said the hon. gentleman had argued that they ought to wait until they were better informed. How were they likely to be better informed than by passing a measure and bringing it before the home authorities? If they acted in any way contrary to the English Act, which he did not believe they were, they should then be informed, and could remedy whatever defects were pointed out, just in the same way that the House acted in regard to the Navigation Act. But they were supposed to be possessed of this power; and, if the Bill was simply a transcript of the English Act, the best thing the House could do was to pass it in its present form, and if it went home and required amendment, it could be done in the same way as the Navigation Act. There was no reason to postpone legislation. If it was undesirable now, it would be undesirable at any other time. They were as well informed now as they would be until they got information from home.

Mr. BEATTIE thought it desirable that there should be an Act of some sort for the appointment of receivers of wrecks, but he was never aware before of receivers being given such extraordinary powers as were contemplated by the Bill. Under it a man who was cast away could not, apparently, take possession of his own luggage. If that were law, he himself had broken it on two or three occasions. He feared that if temporary receivers were appointed for ordinary parts of the colony —men who knew little about the law—and a wreck were to take place, and the owner, passenger, or sailor, were anxious to save his effects, he would, under the Bill, come into collision with the receiver. Most extraordinary powers were given to the receivers. They had the power to refuse to hand over to the owner personal property saved from a wreck, and could by brute force take from him articles that he had

recovered. Although he believed it was necessary some law should be introduced for the purpose of having a proper authority to take possession of wrecks, yet the clauses which empowered the receiver to prevent a man taking his personal effects were very objectionable.

The MINISTER FOR WORKS: The man might take another's goods.

Mr. BEATTIE said he would not leave any loophole in the law which would permit a man to take property not belonging to him, but as the Bill stood there was clearly something wanting.

Mr. GARRICK did not know whether the Government had been advised as to the powers they were getting under the Bill; but it was very clear they were seeking legislation upon a matter which was of more than local interest—which, in fact, affected Imperial interests. The question of salvage affected a question of national law, and the point they had to consider was, whether Government was sufficiently advised about the powers which they took to themselves under the Bill. It certainly affected Imperial, more than local, interests, and local law must be at one with Imperial law. It rested with the Government to say whether they had been sufficiently advised. Perhaps they would place on the table the despatch received in reference to the Navigation Act after that measure was refused assent, for the House would then be able to see the position that was taken up by the Imperial authorities on that occasion.

Question — Second reading — put and passed.

The PREMIER moved that the committal of the Bill stand an Order of the Day for to-morrow.

Mr. GRIFFITH would ask the hon. gentleman whether he would lay on the table the despatch which accompanied the Navigation Bill of 1874 when the Royal assent was refused? He had not been able to find it among "Votes and Proceedings," but he remembered that it distinctly pointed out the objections to Colonial Legislatures dealing with matters of legislation affecting Imperial interests.

The PREMIER thanked the hon. member for drawing his attention to the despatch. He remembered, also, that it threw a great deal of light on the subject of the objections raised by the hon. member. He had not the slightest doubt that it had received full consideration from the framers of the Bill, but, to give hon. members opposite the same opportunity of studying it, he would lay the document on the table before the measure went into committee.

Question put and passed.

LADY O'CONNELL PENSION BILL.

The COLONIAL SECRETARY (Mr. Palmer) said, in moving the second reading of this Bill in a House constituted as this was he need not waste many words. The services rendered to the colony by the late Sir Maurice O'Connell were well known to all members of the House, and to the community generally. He had been in the service of the country from his earliest years. He joined the army when a youth; he served as a distinguished officer in the Peninsula; and during the whole time he lived in the colonies filled highly important offices in the most satisfactory manner. He had, unfortunately, died and left his widow without the slightest provision; and although he (the Colonial Secretary) was, as a rule, opposed to the granting of pensions, in this case the House might very well grant the widow of such a distinguished member of the community as Sir Maurice O'Connell the small pension asked for in the Bill. It would be useless for him to enter into a detail of the services rendered by that lamented gentleman. He held in his hand papers showing the services he had rendered to the country during the course of many years; but, as he said before, those services were so well known that it would be almost an insult to hon. members to repeat them. Sir Maurice O'Connell was President of the other Chamber for many years; twice he filled the distinguished office of Administrator of the Government; and he (the Colonial Secretary) had no hesitation in saying that, as far as he knew—and he had many opportunities of knowing—that gentleman tried to hold the scales fairly and equally between all parties in the colony. He knew that Sir Maurice was blamed a little on one occasion—and unjustly blamed—for a dissolution granted to himself (the Colonial Secretary); but he took this opportunity of saying that it was the late Sir Maurice O'Connell's wish to hold the scales equally between all parties, and as far as that dissolution was concerned he (the Colonial Secretary) never asked for it—it was absolutely forced upon him, because Sir Maurice took his own view of the subject. After the extreme step that was then taken of adjourning the House for five months, under circumstances which he need not now go into—and he now stated this for the first time in the House—that dissolution was forced upon him by the hon. gentleman referred to with a view to do what he considered justice between all parties. He hoped there would be no opposition to the granting of this very small sum mentioned in the Bill. He was justified, and, in fact, authorised, to state that the lady was entirely without resources, except what the House might be pleased to give her. He moved that the Bill be now read a second time.

Mr. GRIFFITH said that, of course, this could in no sense be considered a party question; and as he had not the slightest idea of what the views of hon. members on that

side of the House were on the subject, he would simply express his own opinion in what he was about to say. He did not approve, as a general rule, of pensions; and the only ground upon which he should feel justified in supporting the Bill was this—that it was not consistent with the honour of a country like Queensland that the widow of an officer who had served the colony in so distinguished a manner as the late Sir Maurice O'Connell did should be left without means. For that reason he should vote for the second reading of the Bill, but he did not commit himself to the exact amount mentioned. He was under the impression—but his recollection was some fourteen or fifteen years old and might not be quite correct—that in New South Wales the widows of the late Chief Justice Forbes, and Chief Justice Dowling, and Sir Thomas Mitchell received pensions from the Legislature of that colony under somewhat analagous circumstances, and, if his memory served him, the amount was £200 a year. Whether it was provided by Bill or not he did not know. He observed, however, something in the Bill which was unusual and objectionable; it was made optional to the Governor in Council, which meant the Ministry of the day, to pay the pension. A pension Bill should be entirely independent of the Government, and the usual form was to use the words "shall be paid," so that the Governor in Council would have nothing whatever to do with it. He was sorry the Colonial Secretary referred to the dissolution that took place in 1871. It would have been better if it had not been referred to on this occasion; but if the circumstances were as the hon. gentleman stated they were, it was clear that he ought to have resigned. Who ever heard of a Governor forcing a dissolution upon a Ministry, and that Ministry holding office? The hon. gentleman had thrown a little light upon those troublous times, and the blame was now shifted from the shoulders of Sir Maurice O'Connell, who bore it for a long time, to the shoulders of the then head of the Government, who was wanting in the respect due to his office if he allowed a dissolution to be forced upon him by any representative of Her Majesty. He was sorry to have to refer to this, but he could not allow the hon. gentleman's statement to pass without notice.

Mr. NORTON said, as the representative of the district with which the late Sir Maurice O'Connell was for so many years connected, he could not allow this opportunity to pass without stating that he could bear testimony to the very high esteem in which the late Sir Maurice O'Connell was held by all classes in that part of the colony. The honourable gentleman was distinguished not only for his upright bearing and hospitality, but also for the liberal manner in which he took part in every movement for charitable purposes or for the public benefit. One amendment he should like to see made in the Bill, was, that the provision mentioned should be made retrospective, so that payment should be made from the time of Sir Maurice O'Connell's death.

Mr. MCLEAN said it was well known that in the last Parliament he always opposed pensions as far as he possibly could, and he did so on the ground that gentlemen holding high or subordinate positions in the Civil Service should make provision for their families, in the event of their death, the same as people in other circumstances had to do. That was the public opinion outside, and that was his impression at the time the pension was granted that the hon. member for Rosewood introduced a Bill to repeal the other day. But he had no intention of opposing the second reading of this Bill, because he believed, if ever there was an individual in this colony who deserved some recognition at their hands it was the late Sir Maurice O'Connell. He had great respect for that gentleman, and he carried that respect and esteem to his family, and, therefore, he did not intend to oppose this Bill; but he wished it to be distinctly understood that, wherever there was the slightest chance of opposing pensions, he should always do so as long as he had a seat in that House. He did not look upon this so much in the light of a pension as an expression of gratitude on the part of the House to the widow of the late Sir Maurice O'Connell, who was well advanced in years, and he did not think that this would be a great drain on the colony if granted. Under these circumstances, he would not oppose the second reading of the Bill.

Mr. LOW said he did not agree with the word "gratitude," as used by the hon. member. The word should have been "respect."

Mr. GROOM said, having occupied a seat in the House during the whole time Sir Maurice O'Connell was President of the Legislative Council, and on two occasions Acting-Governor, he could not allow this Bill to pass without some notice. When the outrage was committed upon Mr. Manning, then Under Colonial Secretary, the House was undoubtedly carried away by a great deal of sentimentality, and the very large sum of £600 was voted for him for the term of his natural life, and £300 a-year for his widow if she survived him. There were no distinguished services in that case—not the slightest; and he looked with a feeling of regret at the fact that it was only proposed to give the widow of a gentleman who had been for so many years President of the higher branch of the Legislature, and twice Administrator of the Government, the small sum of £250 a-year, while they unanimously voted £600 to a

gentleman who was now, and had for many years, been spending it in the adjoining colony. Of course, he could appreciate the motive of the Colonial Secretary in putting the sum down; but the circumstances under which the pension was granted to Mr. Manning, and under which it was proposed to be given to Lady O'Connell, were different altogether, and if he had increased the amount to a sum commensurate with the position occupied by the late Sir Maurice O'Connell, he was sure the colony would wish Lady O'Connell to get that sum. Of course, it was now out of the power of the House to increase the amount. With regard to the phraseology the hon. member (Mr. Griffith) had drawn attention to, he believed if such phraseology had been used in the Manning Retirement Bill, Mr. Manning would never have got his pension.

The COLONIAL SECRETARY: The terms are precisely the same, word for word.

Mr. GROOM said if the terms were the same, and it was discretionary on the part of the Governnor in Council to pay pensions, the time would soon come when a resolution of the House would be passed calling upon them not to pay the pensions any longer. He accepted the Colonial Secretary's statement that it was so, but it was the first time he had heard of it; he remembered that the Bill was introduced by Mr. Hodgson, then Colonial Secretary; the money was paid out of the Consolidated Revenue, and the Government had nothing to do with it. However, although the principle of voting pensions was objectionable, this was a case in which it was necessary to overlook, for once, the prejudice in connection with that matter, and he hoped they would vote the amount in a gracious manner. He knew there were some hon. members who, on general principles, voted against pensions, and might therefore oppose this Bill; but still it would be a graceful tribute to the memory of the deceased gentleman, and it would be highly esteemed by his widow, if the Bill was allowed to pass without a division.

The PREMIER said there was no objection to amend the Bill so as to meet the objection raised by the leader of the Opposition.

Mr. STUBLEY was understood to say that the sum mentioned should be augmented, and if it could not be done in any other way the Bill should be thrown out and a fresh one introduced, fixing the amount at about one-half more than it now was. The amount was too small for the widow of a gentleman who had held such high offices in the colony.

Mr. MACFARLANE (Ipswich) said ever since he had the honour of a seat in that House he had always, on principle, opposed pensions and gratuities, and on the same principle he felt bound to oppose this pension. He disagreed with the preamble of the Bill, in which it was stated that it was expedient that this amount of money should be granted to the widow of the late Sir Maurice O'Connell. No doubt, Sir Maurice O'Connell, with honour to himself and benefit to the country, had filled the position in which he was placed, but that was not sufficient reason to justify them in taxing the people of the colony to provide a pension for his widow. She was not the only widow in the land. There were other widows in the colony mourning the decease of their husbands as well as Lady O'Connell, and, if it were expedient to vote a pension in the one case, similar provision should be made in the others. While Sir Maurice O'Connell held the position of President of the Legislative Council it was not an honorary position: he was paid, although not handsomely, a salary sufficient to keep himself in respectability and leave something for old age or future necessities. Besides, if he had left a large young family it would be a reason why a pension should be granted, or if he had a large family grown up it might be another reason, because he would have contributed largely towards the Consolidated Revenue in providing for them: but that was not the case. He could give an instance of a person who died lately, whose wife bore him seventeen children, but no provision was made in that case, although in bringing up such a family they must have contributed largely to the revenue. No doubt, the position held by Sir Maurice O'Connell was an honourable one, and he filled it in a way that secured the admiration of everyone; but he said that at a time like this, when retrenchment was the order of the day, when people were being dismissed from their employment, and made poorer by their means of living being taken from them, it would not be fair to pass a Bill like this, because the result would be that these poor people would have to pay part of the amount, in the way of taxation, to support the payment of this pension. That was a strong reason why the pension should not be granted, and for these reasons he should oppose the second reading of the Bill.

Mr. STEVENSON said he did not rise to reply to what the hon. member (Mr. Macfarlane) had said, because he did not think that hon. member's opinions would meet with much sympathy in the House; but he wished to state that he hoped, before the Bill passed, the amount mentioned would be increased.

Mr. REA was understood to say that there appeared to be great incongruity in discharging men from the public service, in order to reduce expenditure, and at the same time proposing to vote pensions. Such a course was a downright contradiction to the whole policy of the Govern-

ment. Sir Maurice O'Connell had been receiving public money for many years; he was a most excellent man in private life, but he had the advantage of high education, which ought to have called upon him to look ahead and make provision for those he was likely to leave behind him by means of life assurance. He could not vote for the Bill unless some better reasons were advanced in support of it.

Mr. MOREHEAD said he had hoped that, after what had fallen from the leading members on both sides of the House, the Bill would have been allowed to pass its second reading without any opposition. He certainly was very much surprised at the remarks which had been made by the hon. member for Ipswich. He could quite understand that, if the late Sir Maurice O'Connell had left behind him a family capable of supporting a destitute and widowed mother, the arguments of the hon. member would have had some force; but when he told the House that because the late Sir Maurice O'Connell died childless, the House ought not to vote a sum of money for the support of his widow, it showed the utter heartlessness of the hon. member. The case was one deserving of the fullest sympathy of the House, and he confessed that he was very much surprised that any member should have got up to oppose the motion. It had been suggested by the member for the Kennedy that the sum mentioned in the Bill should be larger, but he (Mr. Morehead) had no doubt that the members of the Government had good reasons for not fixing it at a higher amount. He was surprised that any opposition should have been shown to the Bill, which provided a sum that could only in the natural course of things be enjoyed by the widow of the late Sir Maurice O'Connell for a few years.

Mr. MACKAY said that he should support the second reading of the Bill; but, if any attempt were made to increase the amount he should oppose it, although he held the memory of the late Sir Maurice O'Connell in the highest esteem.

The COLONIAL SECRETARY: It cannot be increased.

Mr. KINGSFORD said that he should support the second reading. At the same time, he did not agree with the hon. member for the Mitchell that there was any heartlessness in the remarks of the member for Ipswich, although he confessed he did not agree with them. It had been mentioned by another hon. member that the late Sir Maurice O'Connell ought to have made provision for those he left behind him. That charge was of a very serious character, but he was quite sure that if the late Sir Maurice O'Connell could have made any provision for his family he would have done so. He had known that gentleman for a quarter of a century, and he entirely endorsed the opinion which had been expressed of him by the Colonial Secretary—namely, that he was everything that a gentleman or a man ought to be. He did not agree with those hon. members who treated the matter as an act of charity, for he considered that a gentleman whose whole life was distinguished by a desire to do good to others was worthy of anything that the House could do. A remark had been made by another hon. member that there were a number of widows of Civil servants for whom no provision was made by the State; but that was no reason why the House should neglect to do its duty in the present instance. It was no argument why the widow of the late Sir Maurice O'Connell should not receive from the House some recognition of the services performed by her late husband. That lady had a claim on the country, and he was sure that if the House went beyond the sum mentioned in the Bill it would be only doing what was right. It was also said that the taxpayers of the country would have to suffer in providing this pension, but he ventured to say that the poorest person in the colony would not object to subscribe his or her mite towards the small amount proposed by the Bill.

Mr. GRIMES took exception to the remarks of the hon. member for Mitchell that, because the Premier and the leader of the Opposition were favourable to the Bill, no other members should raise their voices in opposition to it. He, for one, wished to express his opinion decidedly against granting pensions to the relatives of any Civil servants. He endorsed the statement of the member for Ipswich (Mr. Macfarlane), that there were many other widows in Queensland who were equally deserving of assistance from the State. There were, for instance, the widows of Civil servants who had lost their lives whilst in the discharge of their duties. It was not so very long ago since two members of the Volunteer Force were blown away from the guns whilst firing a salute on a public occasion, and yet no provision had been made for the widows or families of these men. If the question went to a division he should vote against it.

The PREMIER said, in reference to the last remark of the hon. member—that the Government had been deterred from making any provision until they had received the report of the Colonel Commandant of the Volunteer Force—that report had lately been received, and was now being acted upon.

Question put and passed.

NEW BILLS.

On the motion of the PREMIER, the House went into Committee of the Whole, and

affirmed the desirableness of introducing a Bill to regulate the Pearl-shell and Beche-de-Mer Fishery in the Colony of Queensland, as recommended by His Excellency the Governor's message of date the 28th May last.

The Bill was read a first time, and the second reading made an Order of the Day for to-morrow.

On the motion of the COLONIAL SECRETARY, the House went into Committee, and affirmed the desirableness of introducing a Bill to make better provision for the Establishment and Management of Asylums for Orphans and Deserted and Neglected Children, as recommended by His Excellency the Governor's message of date the 28th May last.

The Bill was read a first time, and its second reading made an Order of the Day for to-morrow.

NEW MEMBERS.

The SPEAKER having announced at an earlier period of the sitting the return of the writ declaring Francis Kates and William Miles, Esquires, duly elected to serve in the Legislative Assembly as members for the electoral district of Darling Downs, those hon. gentlemen were introduced, and, having taken the prescribed oaths and signed the roll of the House, took their seats.

IMPOUNDING ACT AMENDMENT BILL—LEGISLATIVE COUNCIL'S AMENDMENTS.

The PREMIER said that the Chairman of Committees, Mr. John Scott, having been obliged to leave the House through indisposition, he moved that Mr. Kingsford take the chair.

The SPEAKER said that the motion of the hon. member should have been made before the Order of the Day was called on. It could only be put now by favour of the House, and he concluded the House would not object under the circumstances.

Mr. GRIFFITH thought that it would be the proper course for the Government to appoint one of their own side to take the temporary Chairmanship of Committees, since, having a large majority, they would not interfere with the voting power of the other side in case of a division.

The PREMIER said he had requested Mr. Kingsford to take the position of Chairman, and he understood he had consented. He had not considered the point of diminishing the voting power of the other side: he had no objection to appoint a member of his own side whatever.

Question put and passed.

On the motion of the COLONIAL SECRETARY, the House went into Committee of the Whole to consider the Legislative Council's amendments, Mr. KINGSFORD occupying the chair.

The COLONIAL SECRETARY said he thought the Council's amendments were an improvement on the Bill as it left the Assembly. The first was in the fourth clause, where it was proposed to add the following proviso—

> "Provided that the poundkeeper shall not be under any obligation to send any such telegram where no telegraph office is in operation within ten miles of the pound in which the animals are impounded."

That would meet the views of the House, and he could see no objection to it. The next amendment was in the fifth clause, where it was proposed to increase the penalty from £5 to £10, which was the amount under the existing Act. In the 7th clause it was proposed to add the words—

> "So far as relates to the impounding of animals from any unenclosed land which is distant less than ten miles from the nearest pound."

He saw no objection to that. The further amendments in clause 7 were merely verbal. He moved that the Council's amendments be agreed to.

Mr. GRIFFITH suggested that the amendments be taken *seriatim*, as some of them might be objected to.

The COLONIAL SECRETARY moved that the amendment in clause 4 be agreed to.

After discussion as to the wording of the proviso in connection with the words "where practicable" in the original clause,

Mr. PATERSON moved that the words "the poundkeeper shall not be under any obligation to send any such telegram," be omitted, with the view of inserting the words "such telegram may be sent by post to the nearest telegraph office."

Mr. Low asked how the telegram was to be sent to the post? There might be no post office in the neighbourhood.

Mr. SIMPSON thought it would be a great hardship in many cases for a poundkeeper to have to send ten miles to a telegraph office.

Mr. GRIFFITH pointed out that if his horse was impounded in Brisbane the poundkeeper would have to send a telegram, because that form of communication was imperative under the Bill.

Mr. STUBLEY said the best plan would be not to establish a pound where there was no telegraph office.

Mr. MOREHEAD said that the clause was not improved, and it would be better to keep the original clause.

Mr. PATERSON said the clause was better as it left this House, because it left the poundkeeper four ways of sending the message—firstly, by post; secondly, by telegram direct, if within ten miles of an

office; thirdly, by posting the telegram; and, fourthly, by sending a telegram to the office by private hand.

Mr. GRIFFITH asked whether the Government agreed to the amendment of the hon. member for Rockhampton?

The COLONIAL SECRETARY said the Government agreed to leave out the amendment, and let the clause remain as it was.

Mr. PATERSON withdrew his amendment.

Question—That the amendment of the Legislative Council be agreed to—put and negatived.

On the motion of the COLONIAL SECRETARY, the amendments to clauses 5 and 6 were agreed to.

The COLONIAL SECRETARY moved that the amendment to clause 7 be agreed to.

Mr. GRIFFITH said this clause was proposed by himself, and was admitted to be a valuable one; but the amendment of the Legislative Council would practically nullify it and leave matters as they were. The object had been to do away with the grievance of impounding from unenclosed lands, and the Legislative Council now proposed that the redress of the grievance should be limited to animals driven less than ten miles. Were that limit imposed all the object of the clause would be done away with, and he would prefer that the clause should be omitted altogether.

The COLONIAL SECRETARY said he had proposed that the amendments be agreed to to bring on a discussion and to hear the opinions of hon. members. For himself he would far rather have the Bill as passed through this House, but he felt bound to propose the adoption of the amendments which had been made.

Mr. LOW said if the amendments were not agreed to a very great hardship would be inflicted on owners of runs. If he had to employ three or four men every month to clear cattle off his run and drive them sixty miles for nothing, it would be a great hardship.

Mr. MOREHEAD said this was one of the numerous instances of over-legislation. There was no necessity to touch the Impounding Act at all, but it would be better to strike out the clause than allow the amendment to pass. If it was a shame to impound a neighbour's cattle within ten miles, it was so much the more harrassing and annoying to have them driven sixty or seventy miles. The squatter had his remedy by action for trespass, and any provision which would remove ill-will should receive the support of the Committee. Impounding neighbours' cattle only stirred up bad blood, and did no good to the pastoral tenant. Why was ten miles, and not three or four, fixed? If the theory was good there should be no limit at all.

Mr. LOW said an action in the Supreme Court stirred up bad blood. With regard to distance, he was sure it was much easier to drive cattle ten miles than fifty.

Mr. STEVENSON quite agreed with the principle of the clause as proposed by the hon. member (Mr. Griffith), so far as the question of discouraging people to impound for the sake of the fees was concerned. At the same time, he agreed with the hon. member (Mr. Low) that it was a hardship on people who lived seventy or eighty miles from the nearest pound, as many stationholders did, and who might be annoyed with trespassing stock, that they should have to go to the expense of driving them so far to the pound without getting anything for it. If the clause was to be retained, the Council's amendment should be accepted.

Mr. PATERSON said there was not a law on their statute book which did not appear to some portion of the community as inflicting a hardship. Only the other day, a number of grocers considered it a hardship that they were fined for selling bottles of grog. With respect to the amendment, it was entitled to the highest respect as coming from the Council, but at the same time it should receive the scantiest attention in view of the mature consideration that was given to the clause before it was passed by the Committee.

Mr. SIMPSON said the Impounding Act, as it now stood, gave persons the right to impound trespassing stock in their own yards and send notice to the owner. The clause as amended would be a bad one.

Mr. ARCHER said the clause was maturely considered before it was passed; and he should vote against the amendment.

Mr. REA was understood to say that, if the amendment was passed, persons who acted as horse and cattle planters, and others who were in the habit of impounding for profit would, throw up their hats, for to obtain the fees they had only to drive the trespassing stock the required distance of ten miles and over from the pound.

Question — That the Council's amendments be agreed to—put.

The Committee divided :—

AYES, 5.

Messrs. Low, Hill, Baynes, Stevenson, and Davenport.

NOES, 40.

Messrs. King, Garrick, Griffith, Dickson, McLean, Rea, Walsh, Perkins, McIlwraith, Weld-Blundell, Rutledge, Meston, Paterson, Simpson, H. W. Palmer, Macrossan, Price, A. H. Palmer, Douglas, Miles, Norton, Stevens, Morehead, Kates, Persse, Beor, Tyrel, Lalor, Macfarlane (Ipswich) Archer, Beattie, Stubley, Swanwick, Grimes, Hamilton, Macfarlane (Leichhardt), Mackay, Amhurst, Hendren, and Groom.

Question, therefore, resolved in the negative.

Mr. Low said he had never seen a measure which would put so much in the pockets of the lawyers as this would do.

On the motion of the COLONIAL SECRETARY, the Chairman left the chair, and reported that the Committee had agreed to certain amendments and disagreed to others. A message was ordered to be sent to the Legislative Council, stating that the Assembly disagreed to their amendments in clauses 4 and 7, because they were contrary to the spirit of the Bill as transmitted from the Assembly; and agreed to their amendments in clause 5.

LICENSING BOARDS BILL—SECOND READING.

The COLONIAL SECRETARY, in moving the second reading of the Bill, said its object was to set at rest a very vexed question—namely, the licensing of public-houses. The objection that had been brought against the present system had been repeated over and over again, and he believed with very good reason. There was no doubt that the only occasion on which there was a full bench—and, in fact, he might say a packed bench—was when publicans' licenses were issued. The Bill was an attempt to do away with that, and to restrict to a board of three magistrates, and not more than five, the power of licensing public-houses. He had thought over the question a good deal, and believed that the Bill, if passed into law, would have a very good effect. It took away from all parties who might be interested in the granting of publicans' licenses the power to issue licenses, and placed it in the hands of a board to be appointed by the Government of the day. A board of three or five individuals, appointed by any Government—he did not care what Government it was—would be much more likely to deal justly and fairly in the matter of issuing licenses than a bench of magistrates, which, he was sorry to say from experience, were very often packed. It was a short Bill, and merely provided—

"The Governor in Council shall from time to time appoint not less than three nor more than five fit and proper persons to be the licensing board for any district and in appointing such board regard shall be had to the following rules—

"1. The police magistrate of the district (if any) shall be one member of the board and shall be chairman thereof

"2. When any district or part of a district shall be a municipality or shire established under the laws in force for the time being relating to municipalities the mayor president or chairman of such municipality or shire shall be another member of the board unless disqualified under next sub-section

"3. No member of the board shall be the holder of a general spirit license or a publican's license or be a brewer or distiller or the owner or landlord of any house or houses used or licensed for the sale of fermented and spirituous liquors."

He was quite aware that the Bill did not go nearly far enough to meet the views of some hon. members, who seemed to think that no licenses at all should be granted for the sale of spirituous liquors; but he could not agree with them. He believed it was a necessity that they must have public-houses to a certain extent; but if boards of this kind were appointed, and they took proper care and gave due consideration to the character of the men whom they licensed, a great deal of good would be done. Clause 3 simply provided that the board should be the licensing body, instead of justices. Clauses 4 to 8 were matters of detail consequent upon previous clauses, and clause 9 was new. It provided—

"Any person appointed by the licensing board of any district in that behalf may at any hour within the time during which a licensed house may be kept open enter any licensed house to inspect the same and demand and take therefrom any quantity not exceeding one pint of any liquor there offered or exposed for sale therein or stored on the premises on tender of and payment for same at the value or selling price thereof And any holder of a license in whose licensed house such liquor shall be refused to be given to any such officer shall be liable to a penalty not less than five pounds and not exceeding twenty-five pounds to be recovered before any two justices."

He was sure that any hon. member who knew, or had occasion to know, the rubbish that was sold in bush public-houses as good liquor would agree with this clause. He was certain, from his own experience—having seen men go into public-houses in the bush perfectly sober and come out in ten minutes in a beastly state of intoxication, which no amount of good grog could have put them into—that this provision was absolutely necessary; and he was satisfied that any member who had any experience in the matter, as most of them had, would agree with him. The honest publican had nothing to fear from the Bill, whilst the dishonest man would have a great deal to fear from it. He had found this clause of the Bill in a rough state among some papers in his office, and it was evidently part of a measure intended to be introduced by a late Colonial Secretary, Mr. Stewart. Under that clause as it then stood any constable was entitled to go in and demand a pint of grog from a publican; but he had modified the clause so that the constable should pay for what he had, his object in doing so being to avoid a suspicion that might otherwise exist—that a

constable could go into a public-house and get a pint of grog for nothing. The clause said that any officer taking liquor for analysis should forthwith seal up the same in a bottle in the presence of the person from whom he received it, and give a receipt therefor to such person. It was absolutely necessary to take those precautions, as, however anxious a constable might be to do his duty, he should not be allowed to trespass, and should be prevented from in any way annoying a man who was doing a legitimate business. For those reasons he had put in this clause—

"and shall forthwith forward such liquor so sealed up to the analyst appointed by the Government the licensing board the Municipal Council (if within the bounds of any municipality or shire) or any authority created or to be created under any Local Government Act for the purpose of being analysed."

For men who sold what he would term downright poison there was no punishment sufficient or too excessive; at the same time, there was nothing in the Bill which would interfere with the legitimate business of the licensed publican, whilst it would prevent many of the evils which now existed. With those few remarks, he moved that the Bill be now read a second time.

Mr. GRIFFITH said he did not rise to oppose the second reading of the Bill. The fact was that the late Government had really framed the Bill; for, although the hon. gentleman said that he had found the 9th clause with some papers in his office, he might, had he tried to do so, have found the other eight clauses. He (Mr. Griffith) had found a draft of the Bill when he was in office, and thus it was proved that the matter was under the consideration of the late Government, although they had never had an opportunity of bringing it before the House. He regretted that the Government, who were in the position to do so, from being able to command such a large majority, should not have introduced a more comprehensive measure. Owing to the pressure of business upon them, the late Government had been unable to deal with the subject in the comprehensive way they wished to do; but, when the present Government had an opportunity of dealing with it, they might have done so in a more comprehensive manner. With the general principles of the Bill—such as the substitution of a licensing board for the present system—he quite agreed; but be was afraid that, as the Bill stood, it would be found impracticable to carry it out, as it dealt with other matters than the mere issue of licenses—matters which were more suited to the Bill already introduced dealing with the adulteration of food and drugs. It was only the skeleton of a Bill which the hon. gentleman said he found left in his office by Mr. Stewart, and was incomplete; in fact, it was another instance of the folly of attempting to deal with an important question in a few words only. He was, however, glad, judging from the expression of opinion when the hon. gentleman was moving the second reading, to see that the House approved of the general principle of having licensing boards rather than the present system of licensing benches.

Mr. GROOM said that nothing worse than the present system of licensing benches could well be conceived; and therefore any improvement in that direction which was suggested by any Bill would be exceedingly welcome. The Bill was a step in the right direction as far as licensing boards were concerned, but as regarded the other clauses he was sorry the hon. mover had not gone farther. The hon. gentleman mentioned hotels where spurious liquors were sold, but he might have added that there were wholesale stores which were just as bad. He knew of cases where wholesale stores kept from ten to twenty quarter-casks of spirits for bottling—every kind of rubbish which could be picked up in the auction rooms, and those quarter-casks of bad spirits were sent to publicans in the country purporting to be genuine Martell's brandy. Surely, the unfortunate publican should not be punished for the sins of the unscrupulous wholesale dealer, and he hoped that when the Bill was in committee the hon. Colonial Secretary would insert an amendment dealing with this matter. There had been an instance of what he referred to described only a short time ago in Brisbane; and, although he should be sorry to make any accusation against the wholesale wine and spirit merchants as a body, he and other hon. members could not conceal from themselves the fact that there were some who were in the habit of sending out the most deleterious spirits. He should certainly vote for the second reading of the Bill, as he approved of its general principles; and he hoped the hon. gentleman in charge of it would consent to an amendment giving police constables the same power to enter wholesale spirit stores, where they suspected inferior spirits were kept, as to enter public-houses.

Mr. MACFARLANE (Ipswich) said he approved of the general principles of the Bill, although he should have liked a more comprehensive measure. The present system of licensing had no doubt led a great number of people to drink, as in his own district, for instance, few attempts were ever made to refuse a license. Petitions were presented occasionally against the granting of a license, but, as a rule, they were ignored by the bench; and therefore putting in the hands of a responsible board what had for so long been in the hands of magistrates would be a great improvement. He did

not agree with the police magistrate of a district being the chairman of a board, as he was frequently called upon to adjudicate in cases in which publicans were concerned; but he should prefer to see the mayor of the municipality the chairman, and the board, which should consist of three members only, composed of the aldermen in the municipality. There would be this advantage in having aldermen as members of the board—that the ratepayers would have an indirect control over the number of houses to be licensed. He did not find fault with the Bill as far as it went, but there were one or two suggestions he would make to render it more comprehensive. One amendment he should like to see made was in reference to the meetings of the board. Under the present law licensing benches sat every month, and it was not an uncommon thing for a man whose license was refused to make a fresh application month after month, and to bring additional influence to bear; whereas, if the board met only twice a year the same amount of influence could not be brought to bear. Such an amendment should be introduced. There was also something to be done in reference to the opening of public-houses on the Sabbath Day. The present law permitted them to be open at a certain hour during which they could only sell drink, not to be consumed on the premises; but they were not very strict in carrying that law out. The Bill should provide that the public-houses should not be open at all on the Lord's Day, except for hotels to supply travellers actually lodging on the premises. Such a provision would be to the advantage of the publican. He had heard, himself, that the difficulty with the publican was that one man did not like to shut up while others remained open. The licensing question had excited much interest in the mother country for many years past, as during the last three sessions of Parliament in England seven or eight liquor Bills had been introduced, and last year an Act was passed closing the public-houses on Sundays in Ireland, and that Act had worked remarkably well. It was an Act which had been in force for the past twenty-five years in Scotland, and had been the means of reducing the amount of drunkenness, in that country, to a great extent. A clause might be inserted in the Bill something like this—"That no board shall grant any new license in any municipality where this Act is in force except at the rate of one for every 500 of the population." That would be a very fair proportion indeed, and would be the means of reducing the number of public-houses by one-half, and it would be a great source of comfort to the inhabitants of municipalities, and would be a protection to the public. As in other trades, the competition was too great, and the consequence was they got bad liquor; and, besides, with fewer houses the accommodation would be better. The Colonial Secretary had referred to the fact that very bad liquor was to be obtained at the country public-houses. That was not confined to the country districts—they could get as bad in town, for he had seen a man get off his horse, enter a public-house, and in ten minutes' time be unable to mount again. That had happened in Ipswich. Clause 9, which secured the examination of liquor, he approved, although he had always believed that the alcohol was about the worst poison to be found in the liquor. In regard to the remarks of the hon. member for Toowoomba as to bad liquor being found on the premises, it would be too bad to punish the publican if he was able to prove that the adulterated liquor was procured in that state from a wholesale house. Much as he would like to see no drinking, he would, if there must be drinking, prefer good liquor for those who liked it; yet it would be too bad to punish the publican for bad liquor supplied him by a wholesale house, and a clause should be introduced into the Bill to afford the publican an opportunity of clearing himself. He should vote for the second reading, hoping in committee to be able to carry his views into effect.

Mr. WALSH said that it was generally admitted a Bill of this kind was urgently needed, but he did not altogether agree with the measure before the House. He disliked sub-section 3 of clause 2—"No member of a board shall be the holder of a general spirit license"—because in some districts the best men they could get to put on the board were the respectable wine and spirit merchants, who well knew who were fitted to keep public-houses. It would be an improvement to introduce the power for wine and spirit merchants to sit on a board, as many of them suffered great hardships under the old Act—in fact, under the Act they did not fulfil their obligations as justices of the peace, because it was generally known beforehand that the bench would grant such and such licenses and would refuse others. That was a common occurrence under the law, and any amendment of it would be welcome. The wholesale wine and spirit merchants, or the chamber of commerce in towns where there was a chamber of commerce, would be the best persons to constitute the boards. The hon. member (Mr. Macfarlane) had referred to petitions for and against public-houses. Petitions could be got up on every subject, but it would be a very bad thing to be guided by those petitions either one way or the other. The difficulties surrounding the boards should make the Government very careful how they proceeded; but he again said that if they wanted to improve

the present system it would be by drawing members from the class of wholesale wine and spirit merchants. Another thing that would be welcomed—and in this he agreed with the hon. member for Toowoomba—was, that it was necessary this law should not apply only to publicans, but also to wholesale vendors. But here, again, there was a difficulty in the road, for it was not only possible, but a fact, that a good deal of the spurious spirits which found its way into consumption was consigned out here for sale to merchants perfectly innocent of the nature of the article. The men were bound to sell in justice to the consignor who offered the spirits for sale, and that was the way in which much of the spurious spirits got into the market. He knew of a case in point himself, in which he was offered spirit at such a price that he knew it could not have been the genuine article. It would therefore be unjust to punish anybody for selling goods consigned to them for sale, and where they were ignorant of their quality. This clause was one which would require the careful attention of the committee; and he again pointed out that, even if the spirits offered in the case he alluded to were very inferior, they were consignments and must be sold. He approved of the principles of the Bill, and, though he had not given the various clauses his careful consideration as yet, he would do so when it came into committee.

Mr. MOREHEAD agreed with much of what had been said by the last speaker, but he would have gone considerably further as regarded sub-section 3 of clause 2, which said no member of the board should be the holder of a general spirit or publican's license, or be a brewer, distiller, or owner or landlord of any licensed house. He should have gone further and said that no member of the board should be a Good Templar. A man who, under a solemn oath, had stated that he would be one to suppress the liquor traffic in every shape and form, and who would do all he could to put it down, should not be allowed to sit on any board of the kind here proposed. He had never heard of any wine and spirit merchant who took an oath to compel people to drink, but if the section passed as it stood, a Good Templar who was under an oath to compel people not to drink would be able to sit on or preside over a licensing board. He should endeavour to hinder any man who had taken an oath to prevent the absorption of spirituous liquors by his fellow man from sitting on the board. That man should be debarred with the rest, and when the Bill got into committee he (Mr. Morehead) would take the necessary steps to prevent the individual who had taken such an oath from having anything to do with the board. It was a matter of notoriety in this city that when licensing day came round it was a case of "pull devil, pull baker." The Good Templars went round and packed all the magistrates they could on to the bench, and the publicans naturally did all they could in the same way, and all licenses or none were granted, according to which side happened to have the majority. That was notorious, and he defied contradiction of it from any member of the House, and he would repeat a dozen times if necessary that, not only should every person connected with the sale of spirits be debarred from sitting on the bench, but the Good Templars should as well. The hon. member for Ipswich (Mr. Macfarlane) had been very grand in his talking about breaking "the Sabbath Day." What was it had destroyed the respect for the Sabbath in this colony if it was not the action which the hon. member and his friends had taken, and of which they had boasted so much, in connection with secular education? It was the godless schools which the hon. member and his friends had succeeded in establishing, and not the public-houses, which led to the breaking of the Sabbath Day. And yet the hon. member would thank God he was not as other men are, and come to the House and whine and howl about the desecration of the Lord's Day. Let the hon. member be consistent, or else let him (Mr. Morehead) hold him up before the colony as a hypocrite. With reference to the 9th clause, he agreed with the remarks of the hon. member for Toowoomba; indeed, he saw many objections to the 9th, 10th, and 11th clauses. It would be impossible to get a conviction unless guilty knowledge was proved, and he failed to see how that could be done. The retail dealer might buy from the wholesale dealer, and the wholesale dealer might import direct, or have consigned to him, what he believed to be a genuine article, and everything might be done in good faith. There was great difficulty surrounding those clauses, and it would, perhaps, be better to deal with the subject in a separate measure. A man might go to a wholesale spirit dealer and buy a lot of Hennessy's brandy, properly labelled and capsuled, indicating that it was a genuine article, and yet might find, on analysis, that it was not brandy at all. This might have been imported and purchased in good faith, and it would be an act of injustice to fine him. The Bill as it stood was not perfect, but in committee it might be made into a really good and useful measure. As he had said before, when the third sub-section came on he should most strongly oppose it, because he did not think a Good Templar had any more right to be a member of a licensing board than a wine or spirit merchant or a publican.

Mr. PATERSON said he would refer, first, to sub-section 1 of clause 2—providing that

the police magistrate of the district (if any) shall be one member of the board, and shall be chairman thereof. If it was desirable to inculcate a spirit of self-reliance amongst the people this office ought to be made as important as possible, in order to attract the right men to the boards. While agreeing, therefore, that the police magistrate should be a member of the board, he would strongly advise that in all municipalities the mayor should be the chairman of it. There might occasionally be gentlemen occupying the position of mayors who might be unsuited to preside over such a board as was contemplated; still those occasions were very rare. The mayor was elected by the people, and the question of the number of public-houses was, as stated by the hon. member for Ipswich, one of peculiar interest to the people, and they were entitled to have the highest officer, in whose election they had a voice, to represent them as chairman of the board. In this way, by adding to the importance of the office, the board would be raised to the high position to which it was entitled. With regard to sub-section 3, he failed to see whether the term "holder of a general spirit license" applied to the wholesale spirit dealers. It was not the term used in the licensing clause of the Publicans' Act. It would also be as well to add to the list of exceptions persons in partnership in a wholesale wine and spirit business or in a brewery. As to the frequency of meeting, he was of opinion that half-yearly would be too seldom, and that the board should meet at least once every quarter. It would also be judicious to insert a clause preventing any rejected applicant coming again before the board with the same application for six, if not twelve, months. He was, on the whole, sorry that this Bill had been introduced, for he believed, with the leader of the Opposition, that it would be far better to deal with the whole licensing system in a comprehensive manner than to tinker at the existing legislation in this fashion. There was nothing that more urgently called for revision. At present, men who invested capital in building first-class hotels had no assurance whatever that they would get a license when the building was completed. This fact must have struck everyone who watched the working of the licensing system with great force; and it would be highly judicious to insert in this Bill a clause removing this piece of flagrant injustice, and enabling a man, when contemplating the erection of a good public-house, to submit his plans to the board and have their decision, yea or nay, before he invested his money in it. By a provision of that kind, Brisbane and the other large towns would be provided with much better hotels. Even if this Bill pass, the whole question must be taken up next year; and one subject demanded to be dealt with early — namely, the licensing of others than publicans to sell spirituous and fermented liquors not to be drunk on the premises. In Scotland there were three kinds of licenses, he thought, and the Scottish system would be eminently suitable to this colony. There was, first, the publican's license. This was confined solely to the bar-trade, as it was called, the holder of the license not being allowed to sleep on the premises. That system had proved eminently satisfactory in the old country, and had diminished drunkenness to a large extent. Only a few minutes' grace were allowed, and at 11 o'clock the publican had to clear out customers and turn the key upon his premises. Then there were the inn or hotel-keepers' licenses—for places where board and lodging were provided for man and horse; and, lastly, there were the grocers' licenses, the grocers receiving permission to sell small quantities over the counter, but not to be drunk upon the premises. These systems, if adopted in Queensland, would prevent much of the ill-feeling and injustice and law-breaking which took place almost weekly under the present system. The hon. member for Ipswich had suggested that it would be a good thing to devise some means by which the number of public-houses should be reduced to, say, one for every 500 of the population, including women and children. He (Mr. Paterson) would never consent to any such restriction. The restriction, if any, should be calculated on a distance basis—as, for instance, two public-houses should not be within one chain or two chains of each other; and it would be possible to put only a given number of public-houses within a given space. He did not offer this as anything more than a suggestion; but it seemed to him the only remedy for the evil complained of by the hon. member for Ipswich. The weakness of the Bill was, to his mind, that it did not include the wholesale wine and spirit merchant within its operations. He did not see why the officer appointed under the Bill should not be at liberty to walk into a wholesale house, or even into the bond, and purchase a package of beer or spirits, learning from the books of the bond to whom they belonged. By thus going to the source of supply before distribution it would be unnecessary to test the publican's wares to anything like the same extent. Of course, publicans would doctor their grog, as he himself could testify from experience. Travelling in a distant part of the colony, and having been drenched for several hours, he and his companions got a glass of grog at the only place in the locality where it could be purchased, and they never regretted anything so much in their lives—it nearly killed them both, and they had to place themselves in the doctor's hands when they returned to town.

He could speak, therefore, from personal experience as to the vile stuff vended from day to day all over the colony. If the bonds were placed under the operation of this law the country would know that wines and spirits were at least good and wholesome before they were distributed over the country, and there would be less need for making provision in the case of publicans. There were other points that might be adverted to, but, to allow other hon. members to speak, he would refrain from saying anything more at present.

Mr. O'SULLIVAN was sorry that so practical a man as the hon. member (Mr. Paterson) could not see that the more restriction they placed on the sale of spirits the more would be sold without paying any revenne to the country; and he should not have expected that hon. member would have preferred the mayor of a municipality being the presiding officer of the boards in preference to the police magistrate, who was paid by the country and responsible to the Government. It was well known that the mayor of a town was often a party man and, generally speaking, a very ignorant man. Had the hon. member never heard of the mayor of a municipality being unable to read or write? The hon. member knew that such a case had occurred. Supposing such a man as the hon. member for Ipswich—outwardly a Good Templar—were sitting on the board, how would he act in the case of an application being made? On principle he would vote against it, and in that way no licenses would be granted at all. In this House the publicans seemed to be under as great a ban as the attorneys;—they were the black sheep in the country, and one would think that such a thing as a respectable publican did not exist. He considered, however, that there were as good, as able, and as respectable men in this line of business as in any other. There might be exceptions, but they were not more numerous than in other walks of life. On what principle did the hon. member propose to limit publicans to one for every 500 inhabitants? Why should not the publican have the same liberty as other tradespeople who met with as much competition? The competition among storekeepers was even greater than among publicans. If a man wanted to build a house he should not be required to say whether it was to be a store or not, but should be allowed to build his house and turn it into a public-house if he chose. He had seen houses turned to worse account; but he would not refer to that now. The hon. member had said that the turning of the key had a very good effect upon the people of Scotland. If that were so they must have been very bad, as he had heard that not very long ago 30,000 were found drunk on Saturday night. He also objected to the ratepayers having the right to appoint the boards, because under that provision the boards would be just as they were now, when forty-two magistrates went on to the Brisbane bench for the purpose of granting a publican's license; and it might not be very far out to say that half the number perjured themselves. There was no doubt they came to the bench with their minds previously made up, and their decision, whatever it was, was a foregone conclusion. His own impression was that wherever there was a police magistrate he should be a member of the board; and, if a district court judge or Crown prosecutor could not be got to sit with him, he should be made chairman. He would certainly take the licensing away from particular localities, and place the responsibility on the Government of the day. Monthly applications had been said to be a great nuisance, but the nuisance was created by Good Templars, who made up their minds to give licenses to nobody. The unfortunate publican, having a right to apply monthly, watched until those characters had left, and the next month he had a chance to apply and probably purchase some of the magistrates for cash—for he had known that to be done. He knew one very gross case, and could go into particulars if necessary. So far as his vote in committee was concerned, he should endeavour to keep the boards out of any hands but those of the Government, and let the Government of the day have the responsibility to the House and the country. It was a step in the right direction to bring the bonds, wholesale houses, and publicans under the Act, and there was a fourth party that should be brought under it, and he should probably allude to the subject in committee. He should support the second reading, because the Bill would give as much relief and satisfaction, in a small way, as any Act the Government could bring forward.

Mr. STUBLEY said he should vote for the Bill as a step in the right direction, but he should like to know whether the Government intended that the board should be appointed permanently or only for the occasion. This was a serious matter, because, if they were to be appointed temporarily there would be little improvement, but if appointed permanently, subject to good behaviour, they would make an efficient licensing body. The police magistrate would be the proper man to be in the chair, because he would be responsible to the Government, and it would be a mean thing to suppose him not honest and just enough to deal straightly and fairly with the community. He would also point out, with reference to subsection 3 of clause 2, that one class of liquor dealers had been omitted. Reference was made to holders of general spirit licenses, publicans' licenses, and brewers' and distillers' licenses, but nothing was

said about cordial manufacturers, who often had more to do with public-houses than anyone except brewers. Many were in a large way of business, and put men into houses to have the option of supplying them with cordial in the same way as brewers did to supply them with beer. In reference to clause 9, which defined the quantity of grog the officer should take, the amount should be limited to a bottle or a pint; so that, in the case of brandy or porter, the whole bottle might be taken. For liquors in bulk the limit of one pint would work very well. With those amendments it would, he thought, be a very good Bill.

Mr. BAILEY did not agree with the remarks of the hon. member for Stanley with regard to competition among publicans and among storekeepers;—in either case the result was the same. Competition, to a certain extent, was good in the case of publicans, but when excessive it was the great cause of all the adulteration the public had suffered from. With respect to the clauses to prevent adulteration, the House knew, as a matter of fact, that genuine liquors hardly existed. The brandies sold in the colony were mostly whiskies of a low class. As to the schnapps and other spirits, they knew very well that rum of inferior quality had been exported from Queensland and had come back in the shape of schnapps. They should have great difficulty in getting genuine liquors. Moreover, an analyst competent to discover which were, and which were not, genuine spirits must be an exceedingly skilful man—one who had an exact and deep knowledge of analytical chemistry. He was afraid that such a man could not be got in the colony, and that they should have to send home, for it would not do to appoint an inefficient analyst, as he might be the means of causing a great deal of trouble and much injustice. He could see great difficulties in carrying out the analysing scheme, and thought that clauses 9 and 10 were impracticable. There were some adulterations which might be discovered by an ordinary chemist, such as mixing tobaccco—which was one of their principal grog adulterations—with rum; but as regarded the adulteration of "genuine liquors" the case was entirely different. With the exception of the clauses that he had named he agreed with almost the whole of the Bill, and thought it would make a very good Act.

Mr. GARRICK concurred with the Bill as far as it went, but did not quite understand whether the appointment of a board everywhere should be compulsory or discretionary on the part of the Government. The 2nd clause seemed to imply that a board should be appointed for every district, whilst the 7th clause made exceptions. The Colonial Secretary had not stated whether it was intended to have boards everywhere or only in such places as the Governor in Council might think fit. With respect to the constitution of the board, the hon. gentleman had also failed to intimate whether the boards were to be permanent or appointed annually. It was desirable that they should not be permanent. He agreed that the police magistrate for the district should be chairman, and he of course would be a permanent officer; but it was very undesirable that the other members should be continuously in office. One of the great disadvantages of the licensing system was with reference to applicants knowing long beforehand to whom they had to apply. The board should be an annual one, so that persons applying for licenses would not know, until about the time for applying came round, to whom to go. Some objections had been made to the disqualification provided in sub-section 3 of clause 2. The disqualification regarding holders of general spirit licenses was a very good one—for the reason that no person whose interests might conflict with those who might come before him in his official capacity should be a member of the board. There were, as had been said by the hon. member (Mr. O'Sullivan), numbers of publicans who were honourable men, but they also knew that there were some who were not; and so it was with sellers of liquors in bulk. There were some who could be trusted, and there were others who could not, and it was very easy for a board constituted in part of wholesale dealers to favour particular applicants with whom they might have business transactions. They knew that frequently, when there were benches of forty magistrates on licensing day, some attended to assist those whom they intended to start in business. The last part of the Bill, referring to adulteration, would, he believed, have to be omitted, not because something of the kind ought not to be enacted, but because it was in the wrong place. The clauses in question would have been very much better in the Sale of Food and Drugs Bill. There was no provision in the measure before the House that a man should be considered innocent if he proved that he was selling without a guilty knowledge an article that he bought elsewhere. The publican might say, "I bought this liquor exactly as I am selling it;" and they might go to the seller, the merchant, who would say, "I bought it from another merchant and sold it in the same state, believing it to be genuine." The whole thing revolved in a circle. The Sale of Food Bill was very clear on the point, providing that no person should be liable to be punished in respect to the sale of any article of food if he showed to the satisfaction of the court that he did not know the article was adulterated. The

publican ought to be in the same position, and a provision exactly analagous to the one named should be placed in the Bill. It was not sufficient to prove that he was selling an adulterated article; he should be able to exonerate himself on showing that he had no guilty knowledge, and that he was selling his liquor in the same condition as he purchased it. If the Bill was confined to the creation of licensing boards, to be appointed annually, it would make a good Act; but the last part with reference to adulteration was a mere skeleton.

Question put and passed, and the committal of the Bill made an Order of the Day for to-morrow.

The House adjourned at twenty-seven minutes past 9 o'clock, until the usual hour to-morrow.