Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 3 JULY 1879

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LEGISLATIVE ASSEMBLY.

Thursday, 3 *July*, 1879.

Lady O'Connell Pension Bill—third reading.—Permissive Bill—second reading.—Motion for Adjournment.—Patent Inventions Act—second reading.—Tooth Estate Enabling Bill—second reading.—Travelling Sheep Bill—committee.

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

LADY O'CONNELL PENSION BILL—THIRD READING.

On the motion of the PREMIER (Mr. McIlwraith), this Bill was read a third time, passed, and ordered to be transmitted to the Legislative Council by message in the usual form.

PERMISSIVE BILL—SECOND READING.

Mr. MCLEAN moved the second reading of this Bill, and in doing so said that it was not his intention to occupy much time, as there was an accumulation of private business, and the sooner it was disposed of the better. He informed the House, in the first place, that last year, when he moved the Speaker out of the chair to go into committee on this Bill, he was met by an adverse motion of the hon. member for Toowoomba (Mr. Groom), that the House go into committee that day six months. The hon. member stated that his object was that, as they were approaching a general election, it was but right that the voice of the people should be heard on the Bill. That election had taken place, and several of the constituencies had spoken plainly on the principle of this Bill, and therefore he was quite justified in again submitting it to the consideration of the House. It was essentially not a party measure now. It was supported on both sides of the House on various occasions; but he had not the slightest doubt that it was a question which, at no distant day, would become a party question quite as rapidly as it was in the mother country. At the next general election in Great Britain this would be one of the most prominent public questions. He had read somewhere that every reform went through three stages: first it was laughed at; then it was said to be opposed to religion; and then every person said they were sure it was right. This Bill had passed through the first two stages: many of the newspapers laughed at it; the hon. members for Springsure and the Mitchell had told them that it was contrary to Scripture; and he was therefore safe in asserting that the measure was in its early stages; but the time was not far distant when the people would say it was right they should have local control of the traffic in intoxicating liquors, and that that control should be vested in the hands of those most interested in the public welfare—the public themselves. He did not doubt every hon. member would allow the importance of the Bill. The *Courier*, the leading journal of the colony, in an article recently on the traffic in intoxicating drinks, said that "something must be done" in the matter, and that very soon. The majority of hon. members were echoing the same sentiment, and the sooner, therefore, they took action the better it would be for the colony and its future prosperity. He had been asked by several persons why, if he persisted in bringing the Bill forward year after year, did he not adopt the tactics of Sir Wilfrid Lawson in the House of Commons? His answer was very simple—that the principle of the Bill had been acknowledged already by the two divisions on its second reading. The resolution of Sir Wilfrid Lawson was just the same as the preamble of the Bill. There were many persons who considered that Sir Wilfrid Lawson had entirely abandoned his early tactics, and was therefore more likely to be successful. For the information of the House he would read Sir Wilfrid Lawson's resolution, and enable hon. members to contrast that with the preamble of the Bill. Sir Wilfrid Lawson's resolution was—

> "That inasmuch as the ancient and avowed object of licensing the sale of intoxicating liquor is to supply a supposed public want without detriment to the public welfare, this House is of opinion that a legal power of restraining the issue or renewal of licenses should be placed in the hands of the persons most deeply interested and affected—namely, the inhabitants themselves—who are entitled to protection from the injurious consequences of the present system by some efficient measure of local option."

That was just the principle of the Bill before the House—it asked the House to place in the hands of the people the controlling power in connection with the granting and renewal of licenses. He had no doubt he should be met again by that threadbare argument that you cannot make people sober by Act of Parliament. What was the position now of the last Act of Parliament passed in Great Britain on this subject—the Bill which enforced the closing of public houses in Ireland on the Sabbath Day, and which was carried by a majority of fifty-three against the Government? After that Bill got into Committee—there never was a Bill which got through under such trying circumstances as that had—it was opposed night after night, but the friends of the Bill stuck to it and finally succeeded in passing it. Now, what was the testimony of the

newspapers in Ireland on that measure? The *Cork Examiner* of October 16 said—

"The first enforcement of the Sunday Closing Act appears to have been watched with great and natural interest. It has passed off in such a manner as to elicit the loudest congratulations from those who were advocates of the measure. We who were amongst those who disapproved of it are heartily glad it has commenced in so satisfactory a way. While opposition to the measure, so long as it was in agitation, was perfectly legitimate, obedience to it now becomes a serious duty."

A little later on the *Nation*, on October 19, said—

"The Sunday Closing Act came into force on Sunday last, and, contrary to what might have been expected from the predictions of the opponents of the measure, there was no popular rebellion. The publicans in the country districts kept their houses closed all day, and those in the five exempted towns closed two hours earlier than usual, and, instead of rioting and tumult on the part of the people, there was, generally speaking, a ready and, apparently, a hearty acquiescence in the new arrangement. No doubt, as time goes on, the improvement will be more perceptible; and, altogether, the new Act promises to work so well that a renewal of it four years hence may be regarded as certain."

On November 13 the Waterford *Chronicle* said—

"Thanks to the Sunday Closing Act, there was not a single person in the dock at the police court on Monday."

That showed the successful operation of the Bill in Ireland, and closed the mouths of those who were so eloquent in arguing that it was impossible to make people sober by Act of Parliament. Another objection raised was this, that they had no right by any legislation to interfere with the liberty of the subject. It was all very well to raise an objection of that kind, but they knew that all legislation interfered to a greater or less extent with the liberty of almost every person in the country. A man might have a habit, and have acquired a taste for beating his wife; but in any civilised community would they stand by quietly and see that done without legislating against the abuse? If one man pilfered the goods of another man, they interfered with his liberty when they caught him; and they knew the result which followed—the individual was punished. Regarding the argument in another way, if they had no right to interfere with the liberty of the subject, how did they find that a man who had imbibed intoxicating liquor to excess would be afterwards apprehended and taken to the police office? If they had no right to interfere with a man's liberty, how could they apprehend that man when they had legalised the traffic and placed temptation in his way? He (Mr. McLean) also thought he could show the Minister for Works how he could claim his vote for the Bill before them. That hon. member had voted against him always, but he would show him he was in duty bound to support the Bill in any division which occurred. The first year the Bill was before the House the hon. gentleman told them that the prohibitory law had been in operation for twenty years in Massachusetts, but the year before it had been repealed, and a licensing law had taken its place. Here was the testimony of the Hon. R. C. Pitman, a Supreme Court judge, in the State of Massachusetts, who said that—

"From official reports the repeal of the prohibitory law increased crime by 68 per cent. and drunkenness by 140 per cent., and the Governor in his annual message, referring to the license law, says, 'The State prisons, jails, and houses of correction are being rapidly filled and will soon require enlarged accommodation if the commitments continue to increase as they have since the present law came into force.'"

But there was another ground on which he would claim the hon. member's vote, that on the second reading of the Mining Bill he had told them that—

"If by legislation they could prevent an accident which would result in even one death, they were justified in introducing legislation for that purpose."

If there ever was necessity for legislating as here suggested, the subject now before them was one which should receive attention first. They read in the papers recently of the case of a man who, in passing from the wharf to a ship, fell into the water and was drowned, and who was under the influence of intoxicating drink at the time. In every railway accident they heard of, in nine cases out of ten the cause could be clearly traced to an indulgence in intoxicants. Would not this Bill be the means of saving life? He said it would. Therefore, the hon. member was bound to support him. The very necessity of the Bill was further shown by the remarks of Dr. Norman Kerr, before a meeting of medical men in the mother country a short time ago. A statement had been current that in Great Britain the number of deaths from intemperance was 60,000 annually, but Dr. Norman Kerr said he had arrived at a different conclusion—that the annual number of deaths from that cause was something like 120,000, or double what was usually supposed. Of course, such a statement was laughed at, but the coroner for Middlesex, a gentleman who, though not a total abstainer, had a very large practice in his profession, said he considered Dr. Kerr's statement to be under rather than over the mark. On

those two grounds, he contended, he was justified in asking the hon. gentleman to support him to-day. The Bill was not of that revolutionary character which many people supposed. It did not interfere with a single statute on the books; it would not run counter to the Bill introduced by the Colonial Secretary; and it would not deprive the magistrates of any of their powers. It simply enabled the people in certain districts to say to the magistrates, "We do not want a license granted; there is no necessity for a public-house in this district." In the Dominion of Canada an Act was passed last year similar to the Bill now before the House, but with this important difference —namely, that whereas in the present Bill he asked that a majority of two-thirds of the people should say they did not want a license before the Bill could be put into operation, in the Canadian Act the same thing could be done by a simple majority. Thus, if 100 said they did not want the Bill, and 101 said they did, the Bill would be put into operation in that district. They had heard much of late about dull times and depression of trade, and those evils had been felt even more severely in Great Britain than in the colonies; yet, notwithstanding this fact, the amount of money spent there last year on intoxicating liquors showed an increase of £181,000 over the previous year; the total amount being no less than £142,188,900. If one-half of this money had been spent in the legitimate channels of trade very little would have been heard about hard times. In the Caledonian Distillery at Edinburgh, with a staff of 150 men, they manufactured whiskey to the value of £1,500,000 per annum. In a cotton or woollen mill, the same value of out-turn would have given employment to 6,000 or 8,000 people, and if the whole amount had been spent in legitimate channels of trade it would have given employment to from one and a-half to two millions of people. No doubt the licensing question was a difficult question to deal with, and he was not so sanguine as to believe that the thing could be disposed of in one sitting of the House, because those laws had been in operation more than 350 years. At first there seemed to have been free trade in drink; then a law was enacted enabling two justices of the peace to prohibit certain individuals from selling beer or other intoxicants. A change then came over the statutes, and, whereas it required formerly two magistrates to say that certain persons should not have a license, it now required a bench of magistrates to say that they should. It might be said that he had brought forward no statistics to prove that there was any present necessity for legislation of this character in Queensland. Without saying that there had been either an increase or a decrease of intemperance in the colony, he simply asked that this power be given to people in certain localities for their own protection. Wherever a public-house was built and a license granted, the property in the immediate neighbourhood immediately depreciated in value; and surely he, if he owned property, had a right to prevent the opening of an establishment next door which would depreciate the value of his property. All that was asked for was that the people, who ought to be the best judges in the matter, should have an opportunity of saying whether they wanted a public-house or not. At present, when a public-house license was applied for, very little consideration was given by the bench to the requirements of the locality, and the granting of the licenses was, as a rule, a mere matter of form. But, surely, the people ought to be enabled to say whether they would have these things imposed on them or not; and if they declared by a two-thirds majority that they would not, it was but right that public-houses should not be thrust upon them against their will. The whole principle of this Bill lay in the preamble, which stated that—

"Whereas it is expedient to confer upon the occupiers and owners of property and the resident householders of cities townships and other districts the power of prohibiting the common sale of intoxicating liquors within such districts Be it therefore enacted"—

and so on. The rest of the Bill was simply the machinery for carrying the preamble into effect. Objection had been taken to the demanding of a poll on the ground that it would lead to unseemly disturbances. He did not think anything of the kind would occur. At Parliamentary elections, when party feeling ran very high, few disturbances took place, and there was hardly ever any necessity to call in police protection. Any disturbance at the poll under this Bill would certainly not be caused by those who were anxious to put it into operation, although it might be by those opposed to it. Under the present licensing system they had created a Frankenstein, and now they were frightened at the very appearance of it. The objection taken to the demanding of a poll was of a most frivolous character, for there was no fear of the slightest disturbance occurring at the poll. Some of his friends were of opinion that he ought not to have made the majority so large—that he ought to have gone in for a simple majority; and he thought no one could object to the provision that before the Bill could be brought into operation a two-thirds majority should poll in favour of it. This Bill had been before the House and had been read a second time on two occasions. Whether it would do so on this occasion he could not tell, but he felt he was perfectly justified under the circumstances in again submitting it to the con-

sideration of hon. members. Without taking up the time of the House further, he would move that the Bill be read a second time.

Mr. BAILEY said it would be rather a good job if this Bill were allowed to pass, although it would not be quite so good a thing for the hon. member who introduced it, for then Othello's occupation would be gone. If that hon. member, instead of styling it a Permissive Bill, were to call it a Bill for the Encouragement of Sly-grog Shops, he would be much nearer the mark. The consequence of this Bill, if passed, would be that in certain country districts sly-grog shops would spring up on all hands. It was already difficult in country districts, owing to the high price of licenses, to procure convictions against the keepers of these sly-grog shops; and, as had happened in his own district, when a conviction was obtained it did not succeed in diminishing the evil. What was so difficult now to repress would become a regular system, and in place of respectable licensed houses there would be an interminable series of those miserable grog shanties. The two-thirds majority of which the hon. member spoke would not be a two-thirds majority of the people of a district, but a certain number who would be sure to go and vote. A man who occasionally drank and enjoyed a glass of beer would not ride forty or fifty miles to poll his vote against the Bill, while the Good Templars would ride long distances to prevent such a man from getting his glass of beer when he wanted it. It was a nice little scheme to "rob the poor man of his beer," and he felt sure the Parliament of Queensland would never consent to anything of the kind. The object of the hon. member for Logan could be much more easily obtained by means of the Divisional Boards Bill now before the House. Under that Bill there would be a board elected in each district, who would have the right of saying that there should or should not be a public-house in certain parts of that district. That was local government pure and simple, and the aim of the hon. member would be secured by that Bill if it ever became law, which he doubted very much. He would also like to know who was to pay the expenses of these elections? The existing election expenses were far too heavy a tax on the community; and yet here was a Bill under which elections would be going on every week in the year, and the expense to the country would be enormous, for it would be in the power of any ten or twenty individuals to call upon the returning officer to get up an election in the district, or in a portion of it. The hon. member for the Logan held a very prominent position in the secret society formed for the very purpose of robbing poor men of their beer. Was he authorised by that secret society to force this measure on the House?

Mr. MCLEAN: No.

Mr. BAILEY said the hon. member was also the representative of the Logan: was he authorised by his constituents to press this matter on the House?

Mr. MCLEAN: No.

Mr. BAILEY said there had not been a single petition from any portion of the colony in favour of the Bill. It would be quite time to bring in a radical measure like this when it had been asked for by the people of the colony. Intemperance was a very serious question to deal with, but the hon. member should remember that there was another vice, almost as bad as intemperance, from which teetotallers themselves were not free. The vice of gluttony was only another phase of the same question, and only a few years ago it was stated in the medical journals that there were more deaths from gluttony than from intemperance. A great deal of the intemperance, indeed, was caused by gluttony. If the hon. member would bring in a Bill to limit a man's food, as well as his drink, they might legislate on a perfectly healthy basis. But he could not allow the hon. member to over-feed himself while he was so very anxious that other people should not have their glass of wine or beer when they wanted it. When intemperance became a nuisance it was punished by the law; but to prevent men from taking that which cheered the heart simply because it was liable to abuse was legislation of the very worst character.

Mr. GROOM said that on a previous occasion he had opposed this Bill, and he intended to adopt a similar course now, in order to test the opinion of the House. He yielded to no man in his desire to see intemperance ameliorated, if it was possible to do so. He would even go further, and say that no one could more regret the scenes they had witnessed here within the past week. He had been a member of the House since its first Parliament, and he had never before witnessed within its walls such a disgraceful exhibition, and he regretted that the leaders of both parties had not put some check upon it so as to preserve the dignity of the House. Much as he regretted the fact of intemperance, which prevailed wherever intoxicants were drunk, he questioned very much whether its amelioration could be dealt with on the basis of legislation. The hon. member had given statistics to show what had been the effect of repressive measures in Great Britain; but there was no analogy between Great Britain and the colonies. The hon. member had referred to the Act passed by the Canadian Parliament, but he had not told how that Act had affected the Colonial Treasurer's estimates. Within the past three months there had been a deficiency in the revenue there of 2,400,000 dollars, a portion of which the Colonial Treasurer stated to have been the effect of that measure,

A great deal had been said about the tariff of 17½ to 20 per cent. in Victoria; but in this case the tariff had been 25, 30, and even 60 per cent., to raise revenue to meet the deficiency in the ordinary expenses of the country. He was not giving an overdrawn picture, nor did he say that the whole of the deficiency had arisen from the passing of such a Bill, or that the tariff had been based on that assumption; the Canadian tariff was known to be protectionist, pure and simple. But he would ask the House to consider that the Colonial Treasurer had submitted his Estimates of probable receipts and expenditure, and that this Bill would materially interfere with the financial arrangements of the Government. Whether it was passed in the present form or not, the Colonial Treasurer would have to devise some system to make up the deficiency by additional taxation. He was prepared to give the hon. member the credit of having been actuated by good intentions in introducing his Bill, and he considered no hon. member had any right to ask whether he was authorised to do so by any secret society or by his constituents. It was the right of hon. members, however, to see that a good case was made out, and the hon. member had endeavoured to make out a good case, and deserved credit for the researches he had made, the careful consideration of the subject, and the manner in which he had appealed to the intelligence and reason of the House. They had to consider, however, a very important defect—namely, that vested interests were not provided for under this Bill. A very large amount of capital was invested in the colony in hotel property, and, as far as that was concerned, not the slightest provision was made. When Sir Wilfrid Lawson brought forward his measure, he was asked by a prominent member who was engaged in the beer trade, but took an intelligent interest in the question, what proposals he had to make with regard to vested interests? The question completely nonplussed him, and he said that would be a matter of detail to be attended to in committee. He (Mr. Groom) said that before the Bill went into committee the question of vested interests should receive consideration. In the colony there were large and expensive hotels furnished at considerable cost, and it would not be fair to put a coercive power into the hands of a majority, brought together, perhaps, by the caprice of the moment. He quite admitted that some improvement in the present licensing system was absolutely necessary, but the Colonial Secretary had already laid before the House a Bill which, to a great extent, met the existing difficulties. He would go further than that measure, and repeat what he had said the other evening—namely, that before a man built a hotel at all he should be compelled to make application to the bench stating that he intended to build a hotel in a given locality, so that residents should have an opportunity of appealing to the bench and giving their reasons against the building of such hotel, or *vice versâ*. Further than that, plans of the building should be submitted, so that the bench could see that they were in accordance with the Act. There were at the present moment many hotels which should never have been licensed—places which were little less than drinking palaces, where the accommodation was insufficient, stables out of the question, and travellers almost scorned. Then the man would build on the complete understanding that he would get a license without any difficulty. At present, a man built a hotel which he thought absolutely necessary, and without receiving the slightest intimation of opposition; but, directly he advertised, there was a hue and cry raised by Good Templars on the one hand and on the other by interested parties — sometimes wholesale spirit merchants with whom he did not deal; so that his license was refused and the whole of his capital invested in the house completely lost. If any measure could be adopted in the Colonial Secretary's Bill to guard against that evil it should be introduced. With regard to this Bill, he should do with it the same as he had done before. The hon. member had referred to the great good that had resulted from Sunday closing in Ireland, and in that respect he could agree with him. He did not believe there was a single respectable publican in Queensland who would not be glad if, when he closed his house on Saturday at 12 o'clock, he could keep it closed till Monday morning. He believed if such a provision was introduced into the Colonial Secretary's Bill it would be in accordance with the wish of all respectable publicans. This Bill would, he believed, interfere very materially with vested rights, and he therefore felt called upon to take the same action as he had when the measure was last before the House. In doing so, he hoped the hon. member would not consider anything like disrespect was shown towards him. He gave him credit for having the courage of his opinions, and firmly believed he was actuated by conscientious motives; and he trusted the hon. member would give to those who opposed him the credit of holding equally conscientious opinions. Acting upon such opinions, he begged to move that this Bill be read a second time this day six months.

Mr. MACFARLANE (Ipswich) said the Bill before the House was one to which he could give a very hearty support. The hon. member for Wide Bay, who was generally looked upon as credible, had said some rather strange things in his speech. He said that after all it would be a good

thing if the Bill were passed, but not for the hon. member for Logan, whose occupation would be gone. He (Mr. Macfarlane) thought it would be the greatest pleasure to the hon. member for Logan if the Bill was passed, and that the hon. member did not look upon it as a light thing scarcely worthy of the attention of the House. The hon. member for Wide Bay also said that the costs of elections under this measure would be a very serious matter; but did he suppose that the country would refuse to pay the expenses of an election to test whether the people of a district were in favour of or against having public-houses in their neighbourhood? The country had freely paid, without a murmur, taxes for the purpose of destroying marsupials, and for preventing diseases in plants, grains, and many other things. Money from the Consolidated Revenue had been expended for many purposes not so highly commendable as the purpose sought by the present Bill. With regard to the hon. member bringing in the Bill without instructions from any secret society or from his constituents, a member of Parliament was perfectly independent, and at liberty to take any action which would improve the circumstances of the people of the colony and conduce to the welfare of the general community. He was amazed at the argument of the hon. member, who suggested they should bring in a Bill to prevent gluttony. Who ever heard of anyone, after having his dinner, desiring to have another dinner? He was not aware that many persons died from eating too much, though he believed many had died from not having sufficient to eat. The argument was scarcely worth replying to on account of its absurdity. A man after eating a hearty dinner did not go home and beat his wife and children; but the wives and children had often to suffer on account of the amount of liquor taken by those who were styled the lords of creation, or their better halves, but who deserved to be despised for using their advantages to injure those they were sworn to protect. The hon. member for Wide Bay should see in the proper light the efforts of those who were earnestly anxious to eradicate an evil which caused so much distress and destitution. The hon. member for Toowoomba began his remarks by saying that he would not yield to the hon. member for the Logan in his desire to see something done to reduce the amount of drunkenness. He did not expect to hear that the hon. member was a disciple of the Bishop of Peterborough, who declared in the House of Lords that he would rather see England free than sober. The hon. member took up the ground that he would like to see drunkenness diminished; but, if it could not be diminished by some other means than this Bill, he would rather have drunkenness—he would, in fact, rather protect the vested interest than have the people sober: but the power that made the vested interest had the power to take it away. If he understood the laws, licenses were only given for one year. The hon. member said "No;" but he (Mr. Macfarlane), in his capacity of justice of the peace, had only given licenses for one year at a time. The hon. member for Toowoomba also agreed that there were a great many hotels which would be no longer required if the Bill were passed; but were they to adopt the argument that those houses could not be kept up without the sale of drink to demoralise the people? Not a single hotel would necessarily be shut up, as they would be required the same as before for travellers' accommodation. Was this vested interest to be looked upon as of greater interest than the sobriety and virtue of the people? Such arguments were beside the question. The hon. member had alluded to what had taken place in Canada, where the revenue received from the sale of drink had not been so great as usual; but he thought the people should be very glad of that. Public-houses were for the benefit of the public and not of the publican; and, therefore, the public should have the right to say how many there should be, or whether any at all. One hon. member said the same argument applied to stores; but such was not the case, because stores were not licensed. Public-houses were licensed because the traffic carried on in them was a dangerous one. They might be as free as the wind were it not for the evil results which flowed from them—the sin, destruction of property, and crime committed through them. On account of the nature of the trade, licenses were only given to men of especially good character, and having houses containing certain accommodation. He had always found that the greater the facilities given for the consumption of intoxicating drink the greater was the amount of drunkenness. That had been proven over and over again wherever statistics had been collected—in Ireland, Scotland, and in England. Twenty-five years ago, when Sabbath closing was introduced into Scotland, the amount of drinking was reduced in one year from £7,000,000 to £4,500,000. The statistics of Edinburgh proved that.

Mr. O'SULLIVAN: Statistics prove nothing.

MR. MACFARLANE said that they might not prove anything to the hon. member. If it could be shown that drunkenness could be reduced, it was the duty of the House to endeavour to reduce it to a minimum. It was strange that while hon. members looked upon rabbits, hares, and marsupials, as things requiring to be legislated upon, they would not legislate for the

poor drunkard and his wife and children. They were placed in the House to do the greatest amount of good to the greatest number, and should endeavour, as Mr. Gladstone had said, to make it easy for people to do right and difficult for them to do wrong. If that object were kept in view, much good might be accomplished for suffering humanity. Poor children suffered for the sins of their fathers and mothers, who consumed upon their own gratification what should be spent upon them; and it would be a wise, good, and becoming act to pass a law to prohibit men from making themselves worse than the brutes that perish. The taxpayers of the colony had a perfect right to demand laws to protect themselves from the evils arising from drunkenness. He would put a clear case: Supposing a hundred men in Brisbane made up their minds to form a new settlement in that far west which had been so well described as a place suitable for close settlement, and that they agreed among themselves that no strong drink should be retailed in their district—would any hon. member deny their perfect right to make such an agreement among themselves? If that right should be granted to those hundred men, then those who lived in townships already formed had the same right to demand the same protection. It was simple justice. Again, supposing the Bill did pass, it was not to be supposed that it would be enforced in every place, and that every public-house in the land would be shut up in a moment—it would come into effect gradually. The places which were most noted for sobriety would be the first to put it in force, no doubt; but in a place like Brisbane it was not likely to come into effect for some time. He would accept the advice given by the Premier as to the necessity for members making short speeches, and conclude his remarks, trusting that subsequent objectors to the measure would bring forward better arguments than he had yet heard inside the House.

Mr. KELLETT said the hon. member who had just spoken had said that he was taxed for things which did not benefit him, and had instanced the marsupial tax; but he could not understand how that could be. As far as he knew, the hon. gentleman had never paid a tax for the purpose of destroying marsupials. The next thing that he said was that sober men were virtuous; but that was an absurd contention, for they had not very far to go to find men who were sober but not virtuous—he could engage to put his finger on some such men. As to his argument that the more public-houses there were the more drunkards there would be, his opinion was that the very opposite was the case. If a man was inclined to drink he would get liquor, even if there was only one public-house; and, supposing there were only one such a house in the district, it would be more objectionable to the inhabitants than a number, for all the drunkards would congregate there. The more licensed houses there were the better it would be for the inhabitants. In Germany one could travel all over the colony and get a good bottle of wine at almost every wayside shanty, and he was told that one hardly ever saw a German drunk in his own country. He believed that if they were to take off the heavy duties that were imposed on wine they should be doing more good than by passing prohibitory measures. Good wine was manufactured in the other colonies; and, if it were freely introduced, many men who were now forced to take strong drink to keep up their spirits would take to wine, which was a milder drink and would not cause them to lose their heads. He also felt compelled to say that the most vehement supporters of these prohibitory measures were, as a rule, men who had drunk strong liquor in their time, and had only given it up when their heads or stomachs would not stand it any longer; and because they could not take it they begrudged liquor to men who could take a quantum without doing themselves any harm. They were actuated by a dog-in-the-manger spirit—they would like to take strong drinks themselves, but could not stand them for one or other of the reasons that he had named; and that was the chief motive why Good Templars, and such people, supported the Bill. He should vote for the amendment.

Mr KINGSFORD said he had supported the Bill last year, and should do so again. He could support the measure fairly and impartially, belonging to neither extreme—being neither a total abstainer nor a drunkard. The hon. member for Logan deserved credit for bringing forward the matter so persistently, and he was sure that his motives were good, and that if he could accomplish only what he was attempting he would be the means of doing some good. The object of the Bill was to lessen the great evil of drunkenness, and it was therefore worthy of consideration. It was said not long ago by one of the foremost men of England, when Sir Wilfrid Lawson's motion came before the House of Commons, that it would be useless instituting museums, public libraries, and various other educational institutions, and sending out preachers of Christianity, until the sale and use of intoxicating liquor was restricted. That remark was worthy of consideration. He was not an enemy of publicans, and should be sorry to support any measure which would close all public-houses; he should certainly set his face against the Maine Liquor Law, and he was opposed to all motions which sought to make people moral by Act of Parliament. They could

not make drunkards sober by Act of Parliament, but they could do a great deal towards the suppression of what was proving a crying evil and an unmitigated curse, not only to this country but all over the world. It had been stated that the object of the Bill was to deprive men of their glass of beer; and if that were really so he should oppose it. He relished his glass of beer or grog in a moderate way, and did not choose to be interfered with; but when he looked round and saw hundreds and thousands of his fellow men unable to withstand temptation, he felt bound to support that which lessened the temptation, believing that "prevention was better than cure." It was a remarkable thing that not a few of the publicans in town were in favour of a Permissive Bill of some kind; and it occurred to him now that, at the close of one of his electioneering speeches, a publican asked him whether he would support Mr. McLean's Permissive Bill if he was returned? He replied that he would, and the man at once proposed that he was a fit and proper person to represent South Brisbane. Amongst his supporters there were not a few who were publicans, and he believed they voted for him. The measure was not a direct attack upon publicans, but upon men who were of least use to the community. He sympathised to a large extent with the remarks of the hon. member (Mr. Macfarlane) as to the evils that intemperance produced. Not many days ago he was passing along Roma street, and saw bundled out, like a dog or some despicable thing, a woman respectably dressed; she had been allowed to remain on the place until she became intoxicated, and had then been kicked unceremoniously into the street. He insisted, however, on her being received back and staying at the house until she became sober again. Many families were ruined through the husband or wife being unable to resist temptation, and it should be the duty of every hon. member to assist in preventing men sinking to the low depth of degradation to which drinking brought them. Reference had been made to the deficiency in the Treasury, and it had been said that a measure of this kind would affect the finances of the colony. Were their finances to be maintained and augmented by promulgating and protracting the curse of drunkenness? Rather, he should say, let the Treasury suffer; he would prefer to see an empty Treasury than one filled from such a source. Who demanded this Bill? it had been asked. He would reply, that the whole world did. He did not say that public-houses were responsible for all the miseries that were caused through drunkenness, but he did say that many a drunkard would become sober were it not for the social aspect and inducements of the public-house. A man was responsible for his own actions, it was true, and they had no power to stop him taking drink, but the House was bound to do what it could to prevent in every form temptation being placed in men's way. He should support the second reading.

Mr. BEOR said that the question had been argued almost entirely upon the ground that the Bill was one against the drunkard: if it were so he should have no objection to it. He realised as fully as any hon. member the great danger which there was from drink, and the awful, terrible results which followed from it; but he did not see that, because these evil effects followed, they should shut their eyes to every consideration and rush blindly to support any measure which sought to provide a remedy. He intended to oppose the second reading, because he believed the Bill to be unjust and tyrannical. No man had any right, for the sake of a small portion of the community who were unable to control themselves, to say to perfectly innocent persons that they should suffer a deprivation. It was not against the drunkard, but the people who were sober and could take drink in moderation that the Bill was principally levelled. Out of the one-third who were to be controlled by the two-thirds, how many might be supposed to be drunkards? He should be inclined to say that one-tenth would be a large percentage. Yet the hon. member for Logan would have it that a majority of two-thirds were entitled to inflict a tyranny upon the one-third—who believed that a certain amount of drink taken in moderation was good for them—for the sake of the small number who were unable to resist temptation. The hon. member had asked whether it was right to inflict punishment upon a man for intemperance after licensing traffic in drink and placing temptation in his way. He might as well ask whether men had a right to wear watches, or any other valuables, and have persons who stole them punished. The proper remedy clearly was not to place restrictions upon innocent people, but upon guilty ones; and it appeared a totally wrong principle to him, that because two-thirds of the people of a district found themselves inconvenienced by a certain amount of drunkenness, or were imbued with philanthropic desires to put down drunkards, they should have the power to force people to accept their views. They had no right to make people deny themselves what they believed to be good, to satisfy the philanthropic ideas of others. But the measure would be ten thousand times more an act of tyranny upon those who had invested thousands of pounds in property which would be rendered valueless if the Bill became law. When they had allowed the traffic in liquor to go on for years, and

people had been encouraged to invest large amounts in building valuable houses for the purposes of the traffic, it would be an injustice to give any number in a district, for the purpose of protecting a few unfortunates who could not take drink in moderation, the right to say to the owners of this property, "You shall close your houses, and put an end to your business; you shall be thrown adrift and those you employ." It had been said that the existing public-houses were not to be abolished; and reference had been made to the clause saving existing rights during the currency of the licenses; but these licenses ran only for a year, and were renewed from time to time. People had sunk their money in these investments on the understanding and belief that the licenses would be continued to them, and therefore it would be an act of the grossest injustice to put an end to this traffic, and ruin numbers of people, at the will of a two-thirds majority. Moreover, he doubted very strongly whether the Act would become effective if it was ever put in force. They knew that the Maine Liquor Law had had no effect, or only very little, in the direction intended, and that the Gottenburg Law had been another failure. Why should this be anything else? And, if it were a failure, the result would be that a number of persons throughout the country would be ruined, who, by their honesty in carrying on the retailing of liquor respectably, had put an end to something which was a thousand times worse—because people who were fond of liquor would have it whatever legislation there was. He believed if they put an end to the respectable public-houses now established the result would be that a number of sly-grog shops would be established all over the country, which would retail just as much liquor and of a much worse description; and, instead of having less drunkenness, they would very probably have more; and not only that, but people would be poisoned, and those who indulged moderately would be seriously injured. His opinion was that violent measures of this description generally defeated their own object, and he did not think there was the necessity for the Bill that some hon. members appeared to consider there was. He believed that drunkenness, instead of being on the increase in these colonies, was on the decrease. In other English speaking countries it was decreasing as it was here, and he believed that in no very long time it would be a very exceptional thing to see a drunkard anywhere. He believed the right way to put a stop to intemperance was by carefully prepared regulations, and that the Food and Drugs Bill, and Licensing Boards Bill, now before the House, would have very great influence in that direction. The way to meet the evil was not by restrictive measures like this, but by promoting counteracting influences throughout the country. If one-tenth the energy that had been expended throughout the country in agitation, in order to enable a Bill like this to be passed, had been expended in forming coffee-houses and bushmen's clubs, and institutions of that description, where men could obtain liquors which did not intoxicate them, and where they could spend comfortable evenings together instead of being obliged to go to public-houses, he believed it would have done far more to promote the end the hon. member for Logan had in view than any Bill like this. He had heard it said that it was impracticable to get such places established in a colony like this, but he knew that in the old country such places had been successfully started, in towns very much smaller and far less prosperous than this.

The Hon. J. DOUGLAS said the hon. member who had just sat down had led them to suppose that this was a strictly restrictive Bill in order to put down drunkenness, and that if it were passed the innocent would suffer for the faults of those who indulged too freely in intoxicating liquors; but what induced him (Mr. Douglas) to vote for the Bill was, that it enabled persons who objected to the presence of public-houses in their neighbourhood to prevent the establishment of such a place amongst them. Originally, public-houses were houses of entertainment, not necessarily for encouraging drinking habits; but, unfortunately, they had very often been diverted to that purpose. He was fully sensible of the very degrading effects of excessive drinking, and he was afraid the habits of the English-speaking race all over the world were of a kind, in this respect, that ought to cause them to consider most seriously the whole question. It was a habit that could only be met at its foundation by encouraging habits adverse to the excessive use of intoxicating liquors. Moral and social influences of all kinds were probably the most effectual way of counteracting the evils arising from intemperance. There could be no doubt that their licensing laws had not been restrictive enough, and that they had really in their operation encouraged, instead of discouraged, drunkenness; and as legislators should look at the question in that way. He did not think the Bill proposed to provide a remedy for that; but in view that the habits of the people were such, and that their laws were such, the Bill proposed to give certain localities, if they chose to adopt it, the right to prevent the existence of a public-house amongst them. There seemed to him to be nothing unreasonable or tyrannical in that, and a fair plea could be made out for the Bill on that ground. There were

substantial reasons why at the present time they should shrink from encountering the tremendous difficulty of proposing a change altogether in the habits of the people, which had become so engraved in them as to necessitate the presence of public-houses. It might be impossible to encounter those habits by any general law; but what the Bill provided was to enable certain persons in certain localities—it might be in isolated localities in the first instance—to come under the operation of this law, and if they found that the system operated to their advantage then it would gradually spread—in fact, admitting the magnitude of the evil, it was proposed to try an experiment on a small scale at first, whether the putting down of public-houses in certain districts where people wished them put down would have the desired effect. If they found that it succeeded the cure would gradually grow, and in that way they would probably provide more effectively for the evil than if they had recourse to what were called "heroic measures." This was not an heroic measure, but a simple practical process, which he thought could be very easily applied. In the United Kingdom they knew that there were many parishes where there were no public-houses, and this arose from the fact that the proprietors of those parishes set their faces against it. The hon. member (Mr. McLean)—who, he thought, deserved great credit for bringing the matter under their notice—had told him that there were 1,400 parishes at the present time in England where there were no public-houses; and they did not hear that the people in those places were materially inconvenienced, but that, on the other hand, they benefited in every way. In Scotland there were 400 parishes where there were no public-houses, and it was the same there. There were no martyrs there to a rigourous law such as the hon. member for Bowen described. On the contrary, the people almost invariably reaped the benefit of that system, and were only too glad to express their feelings of gratitude at being exempted from the pains and penalties of those public-houses. The hon. member was rather accustomed to look upon this as a forlorn hope; but he (Mr. Douglas) hoped he would do nothing of the kind. He hoped they should precede the legislation of the mother country in this respect. In a locality such as this they had no vested interests which were of such enormous power in the old country. Here everything was new, and they could afford to test principles of a novel kind on a scale which it would be impossible to apply in an older country, and he hoped to see this law established before long. The habits of the people were such that he believed they all drank more than was good for them. A man could not meet another in the ordinary course of life without being asked to drink; common courtesy almost forced a man to ask his friend, "what will you have?" He wished to God that it was the fashion to put this custom down. It was a monstrous fashion—he shrunk from it himself; and when he thought that while he was able to resist it how many thousands there were who were not able to do so, and of all the degradation and wickedness and ruin that was brought about by these habits, he felt that they were bound, as legislators, to discountenance in every way they possibly could the evils which followed from those habits which were so prevalent. He had refrained, so far, from saying anything about those habits among members of the House themselves, but he hoped the hon. member for Rosewood (Mr. Meston), who stated that he had moral courage enough for anything, would bring under notice, once more, the motion he tabled at an early period of his legislative career, and endeavour to revise their own customs in connection with drinking. They were productive of very bad effects upon some of them; and therefore he hoped the hon. member would be encouraged to pursue his course in this respect, and, if necessary, they should alter their Standing Orders, and endow the Speaker with additional powers to enable him to express their indignation that the ordinary principles of sobriety and conduct amongst gentlemen should be so grossly violated as they had lately been. He exhorted the hon. gentleman to pursue this in the hope that he might carry it into effect; and he hoped that, ere long, this Bill would become law, because he was certain it would result in great good to the community at large.

Mr. NORTON believed that the hon. member who had introduced this Bill was prompted by a sincere desire to prevent intemperance, and if he thought the measure would attain that object he should give it his very hearty support; but he was afraid that it would not attain that object. There were too many other sources from which a supply of liquor could be obtained; not only could it be obtained from storekeepers and other regular places of business where hotels might be closed, but there would, without question, be a large number of sly-grog shanties started where any quantity of liquor could be obtained, and of the very worst quality. It had been brought under his notice, within the last few weeks, that in one district there were more sly-grog shops than public-houses; and there were many people who, as long as they could get a supply of drink, could not resist it, and as long as they had drink in the house they were in a constant state of drunkenness. He had seen instances over and over again in the bush, where the supply of drink was somewhat limited in

consequence of the difficulty of getting it sent there, that when people there got a supply they went on a regular spree which lasted for a week or ten days. With regard to the statement of the hon. member, Mr. Groom, as to the effect this Bill might have on the revenue, he could not in the least agree with those remarks. He thought if the revenue would be lessened from a less quantity of drink being consumed it would be a very good thing for the country; but the question was not whether the revenue was to be lessened, but whether the object sought to be attained would really be promoted by this Bill. He considered it extremely doubtful that the Bill would have the desired effect. He should like to see some measure introduced for the suppression of intemperance; but in the present condition of affairs he thought hon. members would do wisely by turning their attention to the Licensing Boards Bill, which, if carried out, might end in making publicans, if not as good as they ought to be, at any rate would reduce the number of them, and see that the men who were licensed were much more fit to fill that position than many who now held licenses. He was sorry he could not support the Bill; but he hoped, if it was not carried, that the hon. gentleman would do all he could to make the very best of the Licensing Bill he had referred to.

Mr. MACKAY said he intended to support the second reading of the Bill—for one reason, because it was a measure that deserved a trial; and, also, because the respectable publicans in the colony really deserved more consideration than they got. Let a man travel wherever he liked over the colony, he would always find the respectable publican so hardly pressed by competition that he found great difficulty in doing what he would like to do—to keep his house at a high standard. Another reason why he supported the Bill was, that he believed it would be the means of saving many a man who fell a victim to the vice of intemperance. They had heard, in the course of the discussion, something about the importation of bad liquors, and the hardship it would be to publicans if they got such stuff, perhaps unwittingly, in their cellars, and were detected disposing of it; but he, for one, would not object to the capture of bad grog at any stage from the time it was landed, or even on board ship, right up to the time it was offered to some unfortunate person to drink. At any stage, it would be much better to seize before it went into the internals of some unfortunate victim that it had such a deplorable effect upon. It had been stated that one effect of the Bill would be to encourage sly-groggeries; but if there was any prospect at all of the Bill being carried through, he hoped a clause would be inserted to punish still more severely than the present law did sly-grog sellers, because there could be no doubt that the most vicious grog served out in this colony was disposed of in sly-groggeries. It was deplorable to see the state of affairs on some of our railway works at the present time, and to hear from the contractors, who had an interest in the men who were working for them, the frightful stuff that was sold to them as drink. He had lately seen some of those men—fine, manly-looking fellows—two hours after they got their pay, worse than beasts in the fields. It was not only the stuff taken in a public-house, but, in a climate like this, as well as any other, those men by lying out contracted diseases which caused our hospitals to be filled as they were. Those were the results of sly-groggeries and selling bad stuff, and he trusted if the measure was passed it would include a still more stringent clause to put a stop to sly-grog selling. Something had been said about gluttony, and about over-eating being as great an evil as over-drinking; but most men would admit that over-eating and over-drinking went together, and that very few men who did not over-drink over-ate. So far as he had an opportunity of judging, that was the case, as he had found that where drink was on the table there was a disposition to sit too long, whereas when there was only tea on the table that was not the case. Another remark had been made that the men who advocated a measure of this kind were generally old topers; but there were exceptions to that rule, and large numbers who were in favour of the Bill had never taken half-a-pint of grog in their lives, and those men had as good a right to legislate on the subject as anyone else. He always paid every respect to the opinions of men, however much they differed from his own, and he paid every respect to the opinions of a man who had been an old toper as to the effect he considered drink had on his system. Those who attended licensing benches knew that many publicans were placed at their wits-end to bear the expenses they were put to under the present system, and if he thought that the Bill would be the means of pressing heavier on the respectable class of publicans he should not support it. He believed respectable hotels were necessary, and when he had occasion to go to a house of that kind he liked to go to a well-conducted one. Knowing the opinions of the respectable publicans on this licensing question, he would support the Bill as a means of wiping away some of the evils those men were compelled to suffer from over-licensing. If the Bill was allowed to become law, it only asked that from year to year a system should be tested, and there was abundance of evidence before the House to show that some such measure was required, and that they might do worse than

allow the Bill to become law in order to test its effect on the community. With regard to the old country, he knew that in Scotland, where the Duke of Sutherland had immense numbers of men working on his improvements who were paid fortnightly, there was not a single public-house within twenty miles, and not a case of drunkenness. But there was one institution that benefited by that, and that was the savings bank, which did not flourish much on our railway works. There was another thing that the licensed publicans, if fairly polled on this question, would give their adherence to—a very stringent clause in reference to the issuing of licenses; and it was a sorry thing that, whilst the respectable publicans were oppressed with all sorts of expenses, they did not get the consideration they deserved. This Bill would, however, be a step in the right direction so far as they were concerned, and would also remove a temptation to a man to drink, as there were thousands of young men who might drink in a public-house but who would never think of going into a sly-groggery to drink. Those groggeries were undoubtedly a bane to the community, both to the man who was asked to go in and have a drink and to others; and, as something which would assist in putting them down, the Bill would have his hearty support.

The Hon. S. W. GRIFFITH said he had not intended to take any part in the debate, but only to give a silent vote, having expressed his opinions very fully when supporting the Bill on a previous occasion. One argument urged against the Bill was that it would encourage sly-grog selling, but it would not have that effect, inasmuch as the state of public opinion that would exist in a district where there was a majority of two-thirds in favour of bringing the Bill into operation would have the effect of keeping down sly-grog shops. He did not think that the practical operation of the Bill would be so much in parts of the colony where there were public-houses already established as in those where there were not. In a former debate on the Bill he had mentioned that in a large part of the district he then represented there was not a single public-house, and he believed that such a Bill as the present would prevent any public-house being established, so that in that case there would be no vested interests interfered with. He should not have risen to address the House had it not been for the reference made—first, by the hon. member for Toowoomba, and afterwards by other hon. members—to some lamentable scenes which had been witnessed during the present session in that House, and to the statement made that it was the duty of the leaders of the House to take some steps in the matter. He might mention that the leader of the Government consulted him, some days ago, as to the necessity of taking measures to prevent a recurrence of anything of the kind in future, and they had agreed to a common course of action open to them under the Constitution Act. He was sure that, if it was necessary for the House to take means for punishing acts of impropriety within its walls, both sides of the House would consent to that action being taken. He could not sit down without referring to another and a very painful matter which had been brought under his notice. It was notorious that some members of the House deliberately plied others who were unfortunately addicted to drinking intoxicating liquors to excess with liquor at the refreshment-room bar, and then sent them into that Chamber. He would not now mention the names of those members, but, on another occasion, should the same thing happen again, he should do so, and hold them up to the public scorn which they deserved. He merely mentioned it now to deter them from such conduct in future.

Mr. ARCHER said he had no intention to take part in the debate until he heard the remarks of the hon. gentleman who had just spoken. He wished to refer more particularly to the statement made that hon. members plied certain members with drink, and then sent them into the House. He knew that that remark did not apply to him; but he should like to hear that statement substantiated. He could prove, on the contrary, that in several cases where members had had too much to drink, and had been anxious to go to the bar, the door had been shut against them by hon. members on his side of the House, and therefore he could hardly believe the statement made by the hon. gentleman was a fact. It was very remarkable that the leader of the Opposition should have taken that opportunity to glide gracefully over mistakes made by members on his own side of the House, and should have cast a slur on those sitting opposite. If a person made up his mind to take too much they could not prevent him; but he did not think there had been any encouragement given to members who had taken too much to come into the House, and certainly he had seen it very much discouraged.

The PREMIER said that the leader of the Opposition should have been more explicit. Hon. members opposite had appealed to him to discover a remedy for what had occurred, and he had been always most anxious to do so. In support of that he could appeal to the hon. members for Ipswich and the Logan. Every member of common-sense agreed that the remedy should be as private as possible, as otherwise it would only lead to disgrace. The leader of the Opposition had agreed with him that it was not advisable to seek a remedy by a formal motion. As to the statement that members had been plied

with liquors and then sent into the House, he could hardly believe it. The hon. gentleman opposite said it was notorious; but he (the Premier) knew nothing about it. Hon. members opposite had come to him and stated that certain members were being made intoxicated downstairs; but he, on inquiry, had found that it was not true. He thought the hon. gentleman should have mentioned the names of the members who had done such things, as he was sure there was not a member on his side of the House who was afraid of publicity being given to his actions.

Mr. RUTLEDGE said he had not had the advantage of being in the House earlier in the afternoon when a number of speakers had addressed themselves to the question of the Bill, and he should therefore be to a very considerable extent in the dark as to the nature of the arguments which had been advanced for and against it. It did not require very strong argument to recommend the principles of the Bill to the favourable consideration of hon. members, all of whom must desire to put down the evil of intemperance. A great many efforts had been made by societies and private organisations to wipe out the disgrace which rested upon the colony from the evils arising from intemperance, and it was even found that so conservative a body as the House of Lords had thought it advisable to recommend a trial of the Gothenberg system. He considered that in this colony they would not be doing very wrong if they attempted to pass a measure of a novel kind to diminish the evils of drinking. He had referred to the Gothenberg system being approved by the House of Lords, and he might further mention that a committee of that House had recommended the application of that system by way of experiment to the town of Birmingham. There was nothing of so sweeping a character in the Bill as was contained in the measure commended by the House of Lords. All that was provided in this Bill was, that persons living in any locality should have the privilege of saying whether there should be an additional number of public-houses to those already in existence in that locality. He should support the second reading of the Bill, and he believed in so doing that he should be acting in harmony with the opinions of his constituency, which was as respectable as any in the colony, including as it did nearly all the suburbs of the city. He had made it a special point on all occasions, when addressing his constituents, to say that he should support the passing of a permissive liquor law, and everywhere that statement had been received with applause. He was quite satisfied that what held good in his own electorate in that respect held good in others. He was of opinion that where people outside were anxious to have a system like that proposed by the Bill put into operation, hon. members should not allow their own prejudices to interfere with such a measure being placed on our statute book. It had been said that the Bill would operate injuriously to licensed victuallers, but he had spoken to several of them in his electorate, and they admitted at once that the adoption of the permissive principle would not have an injurious effect on them. He should, when the Bill was in committee, introduce certain amendments by which vested rights should not be interfered with unless compensation of a sufficient kind was granted for such interference. If that was done, and the number of public-houses was limited, the measure would work not injuriously to those already embarked in the trade, and would certainly work advantageously to every district which had the good fortune to place itself under its provisions. It had been said repeatedly that it was impossible to make men sober by reducing the number of public-houses, as if men wanted to drink they would do so. But the temptation to which a man was subjected had a great deal to do with his sobriety or intemperance. It was not always because the disposition of one man was more depraved than that of another that he committed a crime, but because he had not had the same good fortune to be saved from temptation that the other had enjoyed. Nothing could be more plain to the mind of every candid person than that the number of public-houses did tax the resolution of many a man who had resolved to be very abstemious, and nothing tempted him more to break that resolution than the fact that at every few yards he was met by the open door of a public-house. If a man had any weakness or craving for liquor, the very fact of his having to pass the public-house was sufficient to provoke him to break his resolution to keep within bounds. Now, many men had resolution enough to take them past one or two temptations, but who had not sufficient strength to enable them to go past a third or a fourth. In every city the principal corners of the streets were monopolised by public-houses, and on all the main lines of thoroughfare leading out of the city public-houses were met with in considerable numbers. Take the Gympie road, for instance, or any other road. Along those roads, every mile or two there was a public-house; but what necessity could there be for so many of them, if their object was simply to satisfy the natural desire of travellers for refreshment on a warm day? The fact was that the existence of the majority of them was simply because they were traps to catch the unwary, and to induce a man to come in and spend his money, by leaving the door open to him; when, if his own wishes were consulted, he would much rather pass by and take no notice of them. He was correct in stating

that the proprietors of respectable houses would not suffer by the passing of such a measure as this. The existence of the less respectable houses must tend to diminish the resources of any publican who was trying to keep a respectable house, and who desired to keep away the tipplers and loafers and hangers-on whose habit it was to lounge about public-houses. When the respectable man found that any fellow under the existing system, without a character and without capital, could go and set up a shanty, and obtain a license for it, within 100 yards of where he was trying to carry on his business in a respectable manner, that not only diminished his resources as the proprietor, but injured the respectable character of his hotel. By improving the surroundings of his hotel he also elevated the character of those who sought it, and as he made the exterior respectable so it might be generally found that the practice in the interior was in harmony therewith; but if the place was low, perhaps in a low locality as well, with no pretensions to architecture and no effort at exterior respectability, then they might feel sure that the proceedings which took place within were disreputable. If, however, they permitted a man to obtain a fair share of the traffic of any part of a district, he was at once furnished with the material with which to make his hotel reputable, and more reputable as he went on from year to year. And not only would the proprietor be enabled to conduct his hotel better, but he would be able to supply his customers, by paying better prices, with the best grog. There was nothing more damaging to a public-house in the eyes of those who relished a glass of grog—and he had nothing to say against anyone who chose to take it in moderation—than to pay for liquor and not be satisfied that what they had called for was what they had a right to expect they would receive. By having so many houses they only gave encouragement to a set of tipplers and loafers; but, provide the hotel-keeper with the means and the inducement to procure for his customers the best quality of liquor, and he would do so. This was a consideration which should not be overlooked. Respectable publicans had nothing whatever to fear from a Bill like this, while they could not help gaining by it. A great many persons had raised a cry about the Good Templar and total abstainer. He was not a Good Templar, but he was a teetotaller; but for all that he did not deny to other men the right to drink if they pleased. He did not set himself up to be better than other men because he did not drink; and nothing could be a greater mistake than to suppose that those who advocated the principle of total abstinence and the permissive principle, which was the cardinal feature of this measure, were a set of rabid fanatics, solely animated by one great desire to crush out all the public-houses in the country. That was entirely wrong. Were a Bill brought in to suppress public-houses altogether, he, for one, would be inclined to give such a Bill his uncompromising hostility. The country was not ripe, and very likely would never be ripe, for the entire abolition of public-houses; but it would be a good thing if the law was introduced by which the number of public-houses—which were always increasing from year to year—could be kept within moderate bounds. In illustration of his argument that intelligent teetotallers were not the enemies of respectable publicans, he would allude to an incident that occurred a few years ago when Gympie was all the rage. On one occasion a coach-load of passengers coming from Gympie to Brisbane stopped at a wayside public-house, after enduring a whole day's misery by reason of the cold and the pelting rain. One of the occupants was the hon. member for South Brisbane (Mr. Mackay), a teetotaller. When all had regaled themselves—the general company with hot brandy, and the hon. member with a cup of hot tea—a conversation took place as to the advantages arising from having well-conducted places of the kind, where travellers could obtain good accommodation and decent entertainment. Attention was drawn to the fact that at that time a roadside inn had to pay as much for a license as a first-class hotel in Brisbane. The matter was freely commented on by all present, and not long after the hon. member, who was then, as now, the editor of the *Queenslander*, published a very strong article on the subject, representing the hardship under which the country publican suffered. The question was taken up warmly, and soon afterwards an Act was passed by which the country publican's license was reduced from £30 to £15. Legislation in this matter of granting licenses was a crying necessity. To see how the present system was abused one had only to attend at the police court on licensing days. A man who wished to obtain a license would go round the city and ask magistrates to be present to vote for his application, and those who wished to oppose it were driven to the same expedient. The consequence was that the bench was packed by men who had to decide on matters in which they had no personal interest and but little personal knowledge, and the whole affair resolved itself into a trial of strength between the two parties. That was an evil which ought not to be any longer tolerated. He was aware that the Government had brought in a Bill dealing with this subject, but he was certain it would not be productive of the results they anticipated. They proposed to nominate a number of gentlemen as a licensing board, of which the police magistrate should *ex officio* be chairman—thus

simply transferring the power of regulating the number of public-houses from one nominee board to another. The only difference was, in one case the question would be adjudicated upon by a few, and in the other by many—the principle of both was the same. The people themselves ought to be consulted in the matter; they were the best judges as to whether they required additional public-houses or not, and this Bill was the only measure, so far as he was aware, which recognised the right of the people to pronounce a final judgment. If the people were allowed a voice in legislation generally, he failed to see why they should be debarred from dealing with certain measures particularly. One of the objections raised against the measure was that people could not be made sober by Act of Parliament. Was there ever a teetotaller in the possession of his faculties who asserted that men could be made sober by Act of Parliament? Of course, men could not be made sober by Act of Parliament any more than they could be made honest by Act of Parliament; yet it was not considered wrong to legislate against larceny, and the crime of getting drunk was in many of its aspects far worse than the crime of larceny, because habitual drunkards not only injured themselves physically and morally, but destroyed the present and future prospects of multitudes. There was one thing they ought to take care of, and that was not to make people drunk by Act of Parliament. The objection that the Bill would interfere with the liberty of the subject was still more trivial. Was it interfering with the liberty of the subject to place it in the power of the subject to say whether a certain number of public-houses should exist in his neighbourhood or not? It was giving the subject a privilege, and not interfering with his liberty. The very essence of liberty was restraint, and nothing could be more dangerous to the true interests of liberty than allowing every man to do as he liked. Parliament itself existed for the purpose of curtailing the liberty of the subject, saying that such things should or should not be done; and such judicious curtailment was the very best means of conserving the liberty of the subject. Was it not interfering with the liberty of the subject in a most extraordinary manner to confer upon benches of magistrates or licensing boards, who knew nothing about the requirements of a district, the power of saying to the people that they should or should not have an hotel, as the case might be? Another argument extensively made use of was that, if a measure like this became law, it would simply multiply the number of sly-grog shanties. That was not an argument which ought to be held fatal to the adoption of the Bill. There was never a good Act passed in the world but some abuses did not creep in. If they were to refrain from taking a certain step in a right direction simply because there were individuals who would take advantage of it to go in a contrary direction, it would put a stop to all useful legislation. The same argument might be applied to the restraints imposed by the ordinary laws of morality, or the conventionalities of daily life; and it might be said that because some men had illicit tendencies in certain directions, therefore it was wrong to legislate to prevent the indulgence of those illicit tendencies. The argument, in short, was one which intelligent men ought to be ashamed to use. The thing would work in quite a different way, for it would give a direct inducement to the respectable publicans to detect the existence of these sly-grog shops so inimical to their own interests, and in that way the evil could be speedily eradicated. He only foresaw one danger which might be apprehended on the adoption of a measure like this. It might be said that if they limited the number of public-houses and prevented the multiplication of the existing number they would certainly raise the value of those properties now let as public-houses beyond the value of other property, and would thereby be simply legislating for the benefit of a few landlords, because the unfortunate tenants would have to pay high rent, as they would have no chance of moving to another house the number being limited. If some provision were not made to prevent that state of things, the House would have reason to hesitate before committing themselves to the adoption of the principles of the Bill. But it would be easy to provide against that danger. If it were enacted that the license granted for a public-house should vest jointly in a certain house and a certain individual, then the publican and the landlord would be dependent upon one another, and one would act as a check upon the other. The landlord could not oppress the tenant, and the tenant could not defeat the honest purposes of the landlord—the landlord could not become an extortioner, and the publican could not cheat the landlord of his just rights. Other arguments might be adduced in support of this measure—which he trusted would go into committee, so that an opportunity would be afforded for introducing a few needed amendments—but he would leave them to be advanced by other members.

Mr. SIMPSON said he rose not to discuss this Bill, but to move the adjournment of the debate, to allow the hon. member for North Brisbane (Mr. Griffith) to give the names and particulars with regard to the statement he had made. The hon. gentleman had made a most unwarrantable attack upon hon. members on that (Ministerial) side of the House, by saying that they had plied hon. members of the Opposition with drink. The hon. member did not refer to him (Mr. Simpson), and he

therefore felt confidence in taking upon himself to move the adjournment of the debate, to give the hon. gentleman an opportunity of giving the names, or allow hon. members on that side to deny what had been stated. The charge was that hon. members had deliberately attempted to intoxicate members of the Opposition, and he did not believe any hon. member would be guilty of doing such a thing; besides which, it was palpable that the hon. members referred to did not require anybody to help them to get into that state. He had frequently spoken privately upon the subject, and said that had the members in question sat on the same side as himself he would have moved that some strong measures be adopted; and had told hon. members opposite that if any one of them made such a motion he would second it. No hon. member on his side would like to take any steps towards expelling a member of the weaker party, because if they did so there would probably be a just cry raised against them; but some hon. members of the Opposition should have had the courage of their opinions and endeavoured to correct the abuse. If the leader of the Opposition had taken such a course he would have had the support of hon. members on that side. He protested that the only time he had felt ashamed of his connection with the Ministerial party was when, on a division, he had to walk across with them and sit with one of the Opposition members. The leader of the Opposition had gone too far altogether, and now he ought to give names, as he said he was willing to do. He (Mr. Simpson) challenged the hon. gentleman to give the names of the gentlemen who, he said, had supplied drink to his supporters to prevent them coming into this Chamber. It might have been said, with more truth, that some hon. members had tried to bring them into the House when they were not in a fit state. The report would go forth to the country that hon. members had tried to intoxicate members to prevent them coming to the vote, and the night should not be allowed to pass without the statement being challenged and denied.

After a pause,

Question—That the debate be now adjourned—put and negatived.

The Minister for Works (Mr. Macrossan) said he did not intend to say very much upon this question, as he had been present on two former occasions when the subject had been well debated, and it would be right now to allow new members the privilege of making their speeches. The hon. member who moved the second reading (Mr. McLean) had challenged him for his vote, but had given very imperfect reasons for doing so. He might tell the hon. member that he should give the same vote as on the two previous occasions when the Bill had been before them. It was a most extraordinary thing to hear hon. members on that (Opposition) side get up and advocate the Bill upon principles which were not contained in the Bill. They had heard a fine speech from the hon. member for Enoggera (Mr. Rutledge), which was very pleasant to listen to, and he must congratulate that hon. member on the arguments he used. It was most extraordinary, however, that throughout his speech he did not seem to understand the principle contained in the Bill; he was speaking, in fact, in favour of the Divisional Boards Bill now before the House. He stated that, if this Bill contained the principle of extinguishing the public-houses at present in existence, it would have his most uncompromising hostility. The Bill did aim at the extinguishing of every public-house at present in the colony. To show he was not mistaken he would read two or three lines from the Bill, as followed—

"When this Act shall have been adopted in any district no license shall thereafter so long as this Act continues in operation therein be granted or renewed for the sale of alcoholic or intoxicating liquors."

That clause was the very essence of the Bill, and, if modified, the Bill would no longer be a Permissive Prohibitory Bill. He was sure the hon. member for Logan would not accept the hon. member's explanation of what the Bill was. A mistake was also made by the hon. members for Maryborough (Mr. Douglas) and South Brisbane (Mr. Kingsford). The member for Maryborough said that this was not a Bill to prevent any man from getting his glass of grog; but it would certainly have that effect. When the licenses were taken away in any district, how could the poor man get his glass of grog, unless he get it from a house where it was sold illegally? The poor man would be deprived, but the rich man would not. The hon. members for Maryborough and South Brisbane were able to go to a wholesale wine and spirit merchant, and get a case of spirits or a barrel of beer, as the case might be, but the poor man could not do so. The whole argument of the hon. member for Enoggera was directly in favour of the Divisional Boards Bill, which gave the very power which the hon. member said he would give to the people, by the alteration he was going to make in the Bill. It gave the power to a majority not two-thirds of the electors in any divisional district to elect members who should say whether or not there were a sufficient number of licenses issued in the district, and, when they said only a certain number should be issued, the bench of magistrates could issue no more. That was a much greater boon and higher privilege to the people than was given by this Bill, and the hon. member for Enoggera should vote for the Divisional Boards Bill instead of it,

He also drew a comparison between the licensing board which would be nominated under the Licensing Boards Bill, if it passed, and the present licensing benches. The licensing board, which would be appointed by the Government of the day, would be composed of gentlemen who had a special act to perform—they would be appointed entirely for the purpose of licensing, and would be responsible for that; whereas justices of the peace were not appointed specially for that purpose; and the Ministry of the day, in justice and fair play to all classes, would take care not to appoint gentlemen on the board who were either publicans, brewers, or Good Templars. The three members to whom he had referred were not speaking on the merits of this Bill, but upon another not now before the House.

Mr. KINGSFORD wished to explain that he did not pledge himself to the clauses of the Bill, but to the principle. He mentioned that there were some clauses which would have to be materially altered, and clause 12 was one.

The MINISTER FOR WORKS said the whole of the clauses were just the means of working out clause 12, which was the Bill; if any alteration was made in that clause, therefore, it would be another Bill based upon a different principle. He might say that lately he had visited, in his official capacity, the districts of East and West Moreton, and the Darling Downs, and had seen all the main roads and a great many of the bye-roads in all these districts, and he had been very much surprised to find so few public-houses. He had gone into several districts where the churches were more numerous than the public-houses. He might mention the district of Rosewood in particular, where the churches were five times more numerous than the public-houses, which fact showed that in that district there was no necessity for the Bill. In the district represented by the hon. member, Mr. McLean, he found that the churches were far less numerous, and that, so far as he had seen in his travels, the public-houses on the main road exceeded the churches by several. He should be quite willing to vote for the Bill on the principle laid down by the hon. member, Mr. Rutledge, that clause 12 should be altered, if the hon. member would apply it to his own district as an experiment. He was not willing, and never should be, to extend a Bill of this description to the whole colony, but he was quite ready to try an experiment of this kind in some district where it could be applied without doing much harm, and he would begin in the district of the hon. member for Logan, where there were more public-houses than churches. It was very unfortunate that so much should have been made by the leader of the Opposition and others in relation to the unfortunate circumstance of there being some members in the House who were in the habit of taking a little too much grog. If less had been said about the matter it would probably have been better, and certainly the scandal would not have been so great, because the more they talked about it the more likely it would be to spread abroad. The leader of the Opposition, however, went further. Not satisfied with having amongst his supporters gentlemen whom, no doubt, he was ashamed of having assisted to return, and probably stung by the knowledge that he had done wrong so far, he made a charge against hon. members sitting on the Government side. He said it was notorious that several members on that side were guilty of priming these gentlemen with liquor. Since that charge he had made inquiries of a good many members on his side, and he would state distinctly that he believed the charge to be utterly untrue; and if the hon. member had been able to say one word in support of it he should have done so when the adjournment of the debate was moved. He did not know whether the hon. member was aware of it, but hon. members on his (Mr. Macrossan's) side were, that one of his late colleagues, an ex-Minister, tried last night to drag one of these unfortunate men into the House when he was unfit to vote, and when he had enough sense left to know that he should not come into the House. Before making such an accusation as he had done the hon. member should have made himself acquainted with the facts, and the facts were not creditable to his own side.

Mr. GARRICK said the speech just made was one of the most dastardly that had ever been delivered, and the hon. member should be ashamed of it, for he knew it to be untrue. The allusion about an ex-Minister was to him (Mr. Garrick), and the hon. gentleman knew substantially that it was not true. The hon. gentleman had risen, under the cover and shadow of making a speech on the Bill, to deliver an attack against the leader of the Opposition. He always did that; he was always rampant when on his feet, and ready to jump across the table to vent his spleen and rage. His whole career in and out of office had been to attack the leader of the Opposition, but he was glad to say that his hon. friend was ten times too much for him—because he was honest. His hon. friend was no Jesuit, but he was a plain straightforward man. The Minister for Works should shrink with very shame from his position for permitting himself to be induced by the men around him—from whom they expected no better, for they had been styled by the Press the "larrikins" of the House—to espouse a cause which he would reject this evening. It had been stated that members who were unfortunately weak

had been made weaker still by the temptations of members of the other side who ought to know better, and had yielded to the temptation.

MINISTERIAL MEMBERS: No.

Mr. GARRICK said he had it from their own lips that they tried to get the hon. member for Bundanba, and another member, intoxicated. He saw in the Library himself, last night, that they endeavoured to get one of the Opposition members away from the division, and he now charged them with it. They tried to get him from the division and he prevented it, and told them then what he thought they were doing, and also mentioned it to the Opposition whip. He was not going to say more, except that the Minister for Works generally managed to trouble matters—he had a nasty habit of saying nasty things. He, of all others, should avoid trouble; but, above all others, he succeeded in making more trouble than any other hon. member.

Mr. MOREHEAD really did not know that the Minister for Works had named any gentleman opposite, but his speech seemed to have drawn the hon. member for Moreton. As to the two members who had been referred to, he had been under the impression that they had been introduced into the House with the sinister desire of assisting in passing the Bill. The hon. member for Moreton had stated that he prevented a certain member of the House being made away with, last night, by certain members on the Government side. He had been told outside that the statement was not correct, and had admitted the incorrectness. He (Mr. Morehead) could bring proof of that, and he himself saw the hon. member having a sort of "rough-and-tumble."

Mr. GARRICK: It is untrue, and you know it.

Mr. MOREHEAD did not think the hon. gentleman's interruption was in keeping with the rules of the House. He was simply stating what he saw, and he would repeat that he saw the hon. gentleman attempting — by forcible means, then, if he objected to the phrase "rough-and-tumble"—to prevent a certain member from being, as he thought, taken away by members on the Government side. That was apparently his intention. It was explained to him then that the opposing party had really no intention of monopolising the gentleman referred to. They had no desire to do so; they had never expressed any regard or affection for him; the regard and affection was expressed by the hon. member (Mr. Garrick). He seemed anxious to bring this gentleman into the House. The members on that (the Government) side of the House were the Opposition in that case; they wished that the gentleman should not be allowed to enter the House, being in such a state that they thought he should not be permitted to come in. Those were the facts of the case as far as the hon. member (Mr. Garrick) was concerned. They had no intention, so far as he knew—and he knew as much as most members, having seen the whole thing—to endeavour to secure the vote of the member referred to, who was very much better in the embrace of the Opposition than he would be on that side. Speaking for himself—and, in doing so, he spoke for others—he could say that on more than one occasion he absolutely prevented the two unfortunate gentlemen who had been referred to from coming into the House, when members on their own side expressed a wish that they should come in;—for the sake of the honour and reputation of the House, he begged that they should remain outside; and yet they were told by the leader of the Opposition and his friend (Mr. Garrick) that members on that side had done all they could to decoy those very useful members of society over to their side of the House. He was not sure that it would be any great gain to that side of the House to have those members voting on it, or whether they voted at all. They did certainly catch a vote last night by the somnolence of one gentleman; but they could not prevent that gentleman from going asleep—he did not know that they were supposed to keep him from going asleep. He thought the leader of the Opposition had behaved in a very unfair and unmanly way. After making such serious charges against members of the House, either on one side or the other—that they plied certain members with liquor to gain their votes, or, at any rate, to secure their absence, he thought that hon. members ought to have had the courage to tell the House who those members were. He had never seen it, and he did not see what object was to be gained by members on that side descending to such disgraceful tricks as to make men incapable of being present or in such a state as to bring contempt, not only upon themselves, but upon the whole House. He thought the hon. member had cast a slur upon the whole House when he stated that there were members in the House capable of such a thing. He (Mr. Morehead) had only this evening induced one member who had been alluded to to leave the precincts of the House because he was not in a fit state to come into the House; and it was patent to anyone that there could be no inducement to any member to bring disgrace upon the Assembly of which he was a member. Surely, all had a sufficient sense of honour and manliness not to commit an action of that kind. While he was on his feet he wished to correct the hon. member (Mr. Rutledge)—not in the way in which he ought to have been cor-

rected when he was a boy—but he brought these things out in such a glib manner that, if he were not corrected, people might be led to believe that they were correct. He did not accuse the hon. member of having said anything that he did not believe to be true; but still, if not corrected, his statements might be taken as gospel. That hon. gentleman stated that the hon. member (Mr. Mackay) was the cause, through a cup of hot tea, of a reduction being made in country publicans' licenses. Now, he did not believe in that hon. member getting publicans' votes by a side wind, as proposed by the hon. member for Enoggera. The hon. member stated that it was through this cup of hot tea, which had become almost an historical cup of tea, that the country publicans' licenses were reduced from £30 to £15. When the Bill was introduced, in 1870, by Mr. Palmer, to reduce country publicans' licenses, he found that, in the debate, strange though it might seem to the hon. the Speaker, and doubly strange to the hon. member (Mr. Rutledge), there was not a word said about a cup of tea. He found that, after the Bill was introduced by the then Colonial Secretary, Mr. Atkin—one of the brightest intellects that ever adorned that House, or was ever likely to adorn it—

"Observed that the Bill before the House was one which previous Governments had often promised to bring in. He believed it would prove a most advantageous measure in every sense."

It was right to make this correction, because this cup of hot tea might possibly become historical, like some other noteworthy events that had happened to the hon. member (Mr. Mackay)—because it was possible that when his biography was written, this cup of hot tea in connection with country publicans' licenses might occupy a very prominent position. Therefore, he felt it his duty, in the interests of the history of this colony, to point out that the hon. member (Mr. Mackay) had really nothing to do with this amendment in the Publicans' Act. With regard to the Bill itself, he had on former occasions expressed his opinions respecting it, and he did not intend to detain the House by repeating them. He should give it his most hearty opposition, both on the second reading and when it got into committee, if it ever got there; and if he were a betting man, he would not mind putting a little money upon it that when it came out of committee the father would not know his own child.

Mr. WALSH said when he was before his constituents he was asked if he would support a Permissive Bill, and he said he would not until he saw the measure and felt that he could approve of its principles. While he thoroughly approved of a Bill to amend the present licensing law in relation to public-houses, he was in a dilemma as to whether he could support this Bill, some members holding that it would have a good effect, and others that it would have a bad effect, and as yet he had not been able to reconcile himself as to how he should vote. He thought the little episode that occurred this evening had been made a great deal too much of. The remarks of the leader of the Opposition were, in his opinion, most unwarrantable, but he felt that the hon. gentleman in making them believed them to be true. That being so he considered the hon. gentleman was sufficiently answered by the hon. member for Blackall, and he had hoped that the matter would rest there, and that there would have been no occasion for the motion for adjournment that had led to anything but satisfactory results. Perhaps the Minister for Works was rather severe in his remarks, but he certainly thought the hon. member (Mr. Garrick) made use of remarks contemptible in the highest degree, and unworthy of a gentleman occupying the high position he held in that House and of the legal standing that he had. They were very unworthy of him, and he (Mr. Walsh) hoped he would not repeat them. He trusted they had heard the last of this unpleasant subject, and that some quiet means would be adopted to relieve them from the miserable scenes they had witnessed the last few evenings. With reference to the Bill, not being able to make up his mind upon it, he should not vote at all.

Mr. MCLEAN said he would try and follow as nearly as possible the rule he had laid down for himself in regard to this Bill, but there were one or two things he felt bound to refer to. The Minister for Works evidently wished the House to believe, and no doubt when they saw *Hansard* to-morrow morning it would be clear that he wished the country to believe, that, in the event of this Bill becoming law, all the public-houses in the colony would be shut up. But the facts of the case were the very opposite. If the Bill became law, it might be upon the statute book for years before a single public-house would be shut up. The hon. member also said he would support the Bill if he (Mr. McLean) would put it in operation in his district; but it was not to be put into operation by him or by the Government, but by the people themselves, and if the people in his district wished to bring it into operation he had no doubt they would feel very beneficial results from it. He wished it to be distinctly understood that, although the Bill might become law to-morrow, it would not affect a single public-house in the colony until once the people in a district asked for it to be brought into operation, and even then it could only be brought into operation in the

places enumerated in the 1st clause. It applied to the whole colony certainly, but it would only come into operation gradually, as it was not likely that the whole colony would rise up on a certain day, and say, "We want this Bill to come into operation." The member for Toowoomba, when referring to a deficiency in the revenue of Canada, wished the House to believe that the deficiency in the Canadian revenue had been caused by the Permissive Act which came into operation last year in that country; but there were only three districts in Canada that had come under the operation of the Act, so that the deficit could not in the least be attributable to the operation of the permissive law. Again, when speaking of the Divisional Boards Bill, the Minister for Works said that the boards *shall* say how many public-houses there should be in a district; but he (Mr. McLean) did not read the clause in the same way. He read it that the boards *may* do so; it was not a matter which rested with the divisional boards, but it was simply a permissive power, the same as that contained in the Bill before them.

The PREMIER: It rests with the electors.

Mr. McLEAN said it rested with them in the same way that the power rested with them under this Bill; but it did not follow that, because boards were elected with certain powers to do certain things, that they should do those things. That was just where he differed from the hon. member. He had asked a colleague of the hon. gentleman if that was the case, and he said, "No, as then to all intents and purposes a Permissive Bill would be in operation." With respect to vested interests and compensation, he had not raised that question, but it was one that might have to be discussed. He would point out that in the city of Glasgow, some time ago, an amount of money was raised by a special bye-law in that city for the purpose of pulling down a considerable portion of the old town and making new streets. In carrying out that work a number of houses were destroyed, but the question of compensation was not raised, and it was urged that in the interests of the city the old portions of the town should be pulled down and new streets made. It had been said that in this colony the publican's license was granted for twelve months; and, if the question for compensation was raised, he should be prepared to meet it on fair and reasonable grounds, but he wished to point out that vested interests were not taken into consideration in the case he had mentioned. Some hon. members seemed to think that there was almost a sacredness about licenses, and the member for Toowoomba stated that they were granted in perpetuity so long as a person remained in the same house and conducted it properly; but the hon. member must know, from his experience as a justice of the peace, that they were only granted annually. He did not regret the time which had been taken up in discussing the Bill, for, whether it passed its second reading that night or not for years, he was convinced that such a measure would pass eventually, and that the people of the colony would assert their right to have a voice in granting licenses. They were already drifting in that direction in the Divisional Boards Bill, and all the recent legislation in the Imperial Parliament was in that direction, and would continue to be so. The Bill had been discussed from various points of view, but very few members had touched upon the main point, which was that the people were the best judges of what was to their own interest. All he wanted was that the people should have the power and privilege of stating what they considered to be for their own interest; and, if they considered it better that more public-houses should be licensed, well and good—they were the best judges. It had been said that many licensed publicans would not object to the Bill, and he knew they would not. When he was a candidate for his present constituency, some of his warmest supporters were publicans. A publican went one day into an hotel at Beenleigh, and asked the proprietor who he was going to vote for, and he said for McLean. "What," said the other, "vote for a man who will introduce a Bill to take away your license?" "No," replied the man; "if you keep your house as respectably as I do mine, you need not fear McLean's Bill." No man who kept his house properly need be afraid of the Bill, but only those who did not do so. With reference to the action of the hon. member for Toowoomba in opposing the Bill, that hon. member had full liberty to do as he chose in that Chamber, and whether he (Mr. McLean) succeeded or not in passing the Bill he should have no ill-feeling against any hon. member who opposed it, let the result be what it might.

Question—That the words proposed to be omitted stand part of the question—put.

The House divided:—

AYES, 18.

Messrs. Griffith, McIlwraith, McLean, Rea, Dickson, Rutledge, Meston, Stubley, Beattie, Grimes, Macfarlane (Ipswich), Hamilton, Mackay, Douglas, Kates, Kingsford, Garrick, and Miles.

NOES, 22.

Messrs. Perkins, Macrossan, Persse, Weld-Blundell, Cooper, Bailey, Groom, Horwitz, Davenport, Price, Amhurst, Lumley-Hill, Low, Stevenson, Lalor, Beor, Simpson, O'Sullivan, Macfarlane (Leichhardt), Stevens, Norton, and Morehead.

Question—That the Bill be read a second time this day six months—put and passed.

MOTION FOR ADJOURNMENT.

Mr. BAILEY moved the adjournment of the House to direct attention to what he considered was a discourteous reply given to him at the previous sitting by the Minister for Works. He had not asked the question eliciting that answer from motives of idle curiosity, but it was a matter in which his constituents were deeply interested, and they wanted to know what the policy of the Government really was. The question he asked was—"Is it the intention of Government to continue the trial surveys from the Gympie Railway at or near Gootchie, and in the direction of Kilkivan?" In that direction there was an immense area of agricultural land—wheat-growing land, and country fit for settlement; but there were no roads, nor did it seem likely there would be for many years. That survey was commenced by the late Government, and it branched off from the Gympie line at Gootchie, and the Burnett would be accessible by a branch line in that direction. Suddenly, however, the survey was stopped—for what reason he did not know; perhaps the Government were waiting until the local members resigned and Ministerial candidates came forward. It was possible the intentions of the Government in their railway policy in that district might have been disclosed by a manœuvre of that kind; but now the country had been waiting month after month, and were at a loss to know what the policy of the Government in regard to the coast district was. At any rate, a more courteous answer might have been given than the one he had received, and which he looked on as most impertinent. Any hon. member sitting in opposition had at least a right to get a civil answer to a civil question, but this was the answer he received—"The intentions of the Government will be disclosed at the proper time." When would be that proper time—this year or next year, or when there were a couple of Ministerial candidates in the field to represent the district?

The MINISTER FOR WORKS said he had not the slightest intention of being discourteous to the hon. member for Wide Bay, but he must tell him that the policy of the Government was not to be disclosed in a piecemeal way, in answer to questions put by individual members of the House. Every member had a right to put questions, but could not always expect the exact answer he wanted. In this case the survey had been stopped because there was no money available to carry it on. There were many surveys in the same position; and, when the Government saw their way clearly to do it, they might cause the survey in question to be continued along with others. The hon. member might disabuse his mind of any intended discourtesy, but it must be understood that the policy of the Government would not be disclosed to individual members of the House on questions put in the House. It would be disclosed at the proper time—when the Loan Estimates were before them—and to the whole House.

Mr. PRICE was understood to agree with the senior member for Wide Bay. He thought a straightforward answer should have been given to a straightforward question, and that the hon. Minister should have said whether the survey was to go on or not.

Mr. GRIFFITH said that the question asked did not justify the answer that the policy of the Government was not going to be disclosed piecemeal. Had the question been one affecting the principles of a great public policy, such an answer might have been given; but in this case it only affected a trial survey which Government were asked if they were going on with. There was no question of policy involved. How were they to discover matters of detail of this kind if not by asking questions of the Ministers? Apparently, the hon. Minister had not read the question before he gave the answer. He would not go into the question of when was the proper time to disclose their policy; but on a small matter like this, which had nothing to do with policy, the answer given was not an appropriate one.

The PREMIER said the subject on which this question was founded was fully debated in the House on a previous occasion, and it was distinctly stated then that these surveys should be stopped because they had not been authorised by the House, and there were, besides, no funds for the purpose. The question was taken as one which tried to force the policy of the Government as to branch lines; and, that being so, the answer of the Minister for Works ought to have been taken in good part. If hon. members will ask fishing questions they must expect to get evasive replies.

Mr. DOUGLAS said that Government could certainly take their own form of answering questions, and he knew from experience that it was necessary occasionally to give indirect answers, and he had done so himself; but he did not think he had ever been guilty of giving a discourteous answer, and he could not charge himself with having willingly done so. But as a matter of suggestion he thought the Minister could have given an evasive answer without imparting an air of discourtesy to it. He could have told the hon. member that at some indefinite period a statement would be made of the amount of money available for purposes of this kind. The Government, he presumed, had some such scheme in view as these surveys, but they were frequently carried on without the sanction of the House. There

was a sum of £20,000 for this purpose, but he was not aware that there had been any direct authority for specific surveys of this particular kind, but he was aware there was a considerable balance available for branch surveys—there must be. If he remembered aright there was something like £17,000 available.

The PREMIER: In figures, but not in coin.

Mr. DOUGLAS: Does the hon. gentleman mean to say he is bankrupt now?

The PREMIER: There is a good deal less than nothing in the Treasury.

Mr. DOUGLAS said the hon. gentleman could not delude him with any such statement, for he could now get as much money as he wanted for the purposes of Government. He really should be ashamed, if he were Treasurer, of making any such statement. It was a mere fancy, but it was a fancy which had unfortunately imposed upon a good many people in this country, and the hon. gentleman had succeeded in making them believe that he was actually at present in a state of impecuniosity.

The PREMIER: Hear, hear; so I am.

Mr. DOUGLAS said he was perfectly satisfied that such was not the case. He would have a very handsome balance to pay over to the Queensland National Bank in a few months, and, such being the case, his circumstances could not be so very bad now. Only the other day a large amount was raised by loan, and that could be made available at any time. What he wished to say was, that while it was impossible to extract an answer from an unwilling Government, yet there was an easy way of disposing of questions so as not to unnecessarily annoy hon. members.

Mr. BAILEY, with the permission of the House, withdrew his motion.

Mr. REA moved the adjournment of the House, in order to make a direct charge against the Ministers for their unconstitutional conduct, last night, in getting up and deliberately walking out of the House while he was speaking on the Land Bill which they themselves had introduced. What would have been said in the House of Commons if such a thing had occurred there? The supporters of the Government would themselves have put them out of office for conduct so very unparliamentary. If the rule was once established that all the Ministers could leave the House, so as to try and snuff out a man who declined to speak in favour of their monstrosities, good-bye to all independent action on the part of private members! Upon what grounds did they leave the House, last night? Was it because he was a "new chum" in political matters and was wasting the time of the House? He would inform them that he took a part in the public affairs of the colony before any of them had set a foot in it. Was it because he had had no experience in the land question of the colony? With his own hand he wrote out the Land Act of 1868. Was it in consequence of his ever having used unparliamentary language in the House? He could appeal to the Speaker and to every other hon. member to say that such was not the case. Was it because he represented an insignificant constituency? He would like to compare it with the constituency represented by the Premier of the colony. Was it in consequence of his commercial antecedents in this or the other colonies? He was quite prepared to be examined on oath on that subject before a select committee in company with the Cabinet Ministers as to theirs, and see which of them stood the examination best. Was it in consequence of his past domestic career? If that was the case, he would challenge them to go with him before a select committee and be examined on oath as to their past domestic careers—any mis-statements to be visited with the punishment attached to perjury—and it would be seen who came out with the clearest character. He would warn the Cabinet that if this ever happened again, either to himself or to any other private member, not one single Bill of theirs should pass this session, for he would use every form of the House to prevent the success of such poltroonery on the part of Ministers.

The MINISTER FOR WORKS said he did not rise to answer the hon. gentleman, but simply to say that the hon. member had made an assertion which was untrue. It was untrue that all the Ministers got up and walked out when the hon. member rose to speak. He was sitting by the hon. member for Rosewood at the time, and seeing that the Treasury benches were empty, he mentioned the fact to that hon. member, and walked over to his place.

Mr. DOUGLAS said the hon. member for Rockhampton had a right to call attention to the fact that the Treasury benches were empty when he addressed the House. That certainly was the fact. The Minister for Works said he was on this side of the House at the time. He did not know how that might be, but the hon. gentleman had again aggravated the tone of debate by making use of a term which was quite unparliamentary. He would call the Speaker's attention to the statement of the Minister for Works that a statement made by an hon. member on this side was untrue.

The MINISTER FOR WORKS: So it is.

Mr. DOUGLAS: Then I must ask you, Mr. Speaker, if that word, as reiterated by the Minister for Works, is not unparliamentary?

The SPEAKER: The Minister for Works was undoubtedly entitled to correct the hon. member for Rockhampton if he stated incorrectly that he was out of the House; but it might have been done in better language.

Mr. MESTON confirmed the statement of the Minister for Works, that he was talking to him (Mr. Meston) at the time, and that he went over to his place on seeing the Treasury benches empty.

Mr. DOUGLAS rose to a point of order. He had understood the Speaker to intimate that the language used by the hon. gentleman was in excess of ordinary Parliamentary language, but the hon. gentleman had not risen to acknowledge that statement and withdraw the one he had made. On the point of order, he wished to know whether it was not customary for an hon. gentleman who had so far transgressed the rules of the House to apply the intimation as given by the Speaker just now?

The PREMIER said the House should be obliged to the hon. member for his endeavour to force courtesy upon hon. members, but it would have come with more grace had he interrupted his colleague, the hon. member for Moreton, when he so deliberately, in such an angry tone, accused the Minister for Works with saying what he knew to be untrue. The tone in which he spoke was in itself sufficient to justify an hon. member in calling for order. The hon. member for Maryborough did not then rise; but when an hon. member made what was a perfectly true statement, he rose in a solemn way and asked for a ruling as to the language used. As to the point raised by the hon. member for Rockhampton, Ministers had a perfect right to leave the Chamber. Their responsibilities were already very heavy; but if to them was to be added the duty of sitting and listening to every speech that was made he should not long remain a Minister.

Mr. O'SULLIVAN said he never before suspected that the hon. member for Maryborough was so one-sided, and he had always given him credit for being even-handed. The hon. member sat by the side of the hon. member for Moreton when that hon. member even descended to calling names.

The SPEAKER said the hon. member was not speaking to the point of order at the present time. It was hardly necessary to say anything more about the point of order. A charge having been made against an hon. member that he had done what he had not done, the hon. member should contradict it in the mildest language that could convey a contradiction. Every hon. member might not have the exact words at command to do so in language suited to the occasion. The charge made by the hon. member for Rockhampton, that the Minister for Works went out of the House when he rose, was, it appeared, incorrect, and the Minister for Works, instead of using the word "incorrect," used the word "untrue." He (the Speaker) did not gather that the Minister for Works intended to charge the hon. member for Rockhampton with uttering a falsehood, but that he intended to express that he did not go out of the House, he having been sitting at the back where the hon. member did not see him.

Mr. DOUGLAS said, with the utmost deference to the Speaker and desire to bow to his ruling, he would submit that the apology made and the interpretation given to the words should have come from the hon. member himself. He had raised the point of order, and he hoped, even making full admission——

HON. MEMBERS: Order, order!

The SPEAKER: The question before the House is, that this House do now adjourn.

Mr. GRIFFITH said he thought there was no intention to be inaccurate on the part of the hon. member for Rockhampton. He complained that the Treasury benches became empty, and a number of members went out when he spoke, thereby treating him with marked discourtesy. The benches—including the Treasury bench—became almost empty when the hon. gentleman had spoken on the previous evening. From the exclamations of hon. members he judged that the discourteous treatment was intended.

Question put and negatived.

PATENT INVENTIONS BILL—SECOND READING.

Mr. MACKAY, in moving the second reading of this Bill, would like to state that the matter with which it dealt was one of very considerable moment to a goodly number of people in the colony, and one which had been discussed in the old country very recently. It was a rather singular circumstance that the House of Lords—perhaps one of the most conservative institutions on earth—had been very minutely discussing this very question. For that purpose a commission of that House had been sitting, and had put forward many reasons and arguments in favour of a great reduction being made in the cost of patents. One of the reasons was the direct tendency the alteration would have to educate the industrial—and more especially the mechanical—classes, and also that more attention paid to the registration and working of patents would have the effect of doing away with trades-unionism and other matters of that kind;—in fact, that the alteration would have the effect of causing working men in England, as in Belgium and other countries, to turn their attention to any kind of invention for

which they showed a special aptitude. The preamble stated that "whereas it is expedient to amend the law relating to the issue of letters of registration for inventions and improvements in manufactures: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same as follows." Then followed a description of the Acts on the subject now in force in the colony. The first, which came from New South Wales, was an old colonial Act having very little bearing on the matter, and his principal objection to it was that it had very little effect. To get a patent under it it was necessary to prepare a petition or specification, and deposit a fee of £20 at the Colonial Secretary's Office. The specification was examined—or was supposed to be examined—and then the applicant got information as to whether his patent was granted or not. Eight or nine years ago a considerable discussion arose upon this subject, and an interest was evinced which had ever since been growing greater. Under that Act the cost of getting a patent was at least £20, and to a man who could not draw up his own specification about £30. Yet several patents had been registered, although the receipts therefrom had never been a source of revenue. Some, no doubt, had been very valuable, but in many cases the expense had crippled the energies of the patentee and stultified his powers to work the patent out for the advantage of himself and the colony. Therefore, many became practically a dead letter. About the time stated, to remedy this matter, a short Act was brought in to enable a man to register a patent for six months at a cost of £2; but in practice the six months was found too short a time to test the value of a patent. The objections against both of these Acts—against the first on account of the heavy cost, and the second because of the short time allowed—had induced him to bring forward this measure. There was not a tittle of party politics in it, and he hoped hon. members would treat it on that basis. At the present time, to his own knowledge, amongst articles for which parties were anxious to get patents in the colonies was a scheme for crossing streams. A gentleman had written to him from one of the western districts, giving information which led him to believe that his informant could apply a discovery he had made to very great advantage in the colony. By an inexpensive arrangement an article of dress, which might be carried with a man's clothing, could be used as a life-preserver in case of flood or when the wearer was crossing streams. Another gentleman, living near Brisbane, had made a very important discovery to be applied for the destruction of marsupials upon a very large scale; and he was willing to try it as soon as he could get a patent on reasonable terms, he not being a man of wealth. Another had invented a plan to reduce some of the native trees to a pulp suitable for paper making. There were other parties who had made useful inventions, and were waiting to see what the fate of the Bill would be. The 4th clause of the Bill stated—

"The Governor with the advice of the Executive Council may appoint a Commissioner of Patents at whose office petitions for the issue of letters of registration shall be lodged and who shall keep a register of all inventions for which letters of registration shall be issued under this Act and such register shall be open to inspection by the public on the payment of such fee as may be fixed by regulations under the provisions of this Act."

He might state that the whole of the Bill had been drafted by one of the examiners of patents for the colony, and all through the attempt was to meet the wants of the colonists. At present it was a difficult matter to see the patents; they were kept in the Colonial Secretary's Department, where there were no conveniences for business of this kind. The intention of the clause was to provide more convenience for the inspection of patents by the public on the payment of a fee, in the same way that the register of deeds could be inspected. The next clause, after providing that applications for letters of registration should be by petition, said—

"And such petition shall state whether protection be sought for seven or for fourteen years and shall embody or be accompanied by a detailed specification of the nature and particulars of the invention with plans and drawings or models where necessary in explanation And where any description or matter which is not new shall be included as explanatory of the new invention or its application then such specification shall clearly set forth what portion of the specification applies to the invention for which letters of registration are sought as distinguished from any explanatory details."

This had been found to be necessary, because various patents had been taken out for improvements upon known processes. Supposing that a man had taken out a patent, and afterwards found that a portion of his invention was in use; in that case it was provided, by the 7th clause, that he could lodge a disclaimer renouncing his interest in such portion, and the remainder would not be vitiated: for this the sum of £5 was to be charged. A provision like this had been found necessary in connection with some patents already taken out. The 6th clause provided—

"Every applicant for letters of registration will be held to have made due inquiry whether his invention is really new and that he has not found that the invention has been in public use

or has been the subject of any previous patent in Queensland except in the case of such inventor or his agents and if after the issue of letters of registration for an invention it shall be found that the said invention has been in public use by other persons than the inventor specified in the petition or his agents or that it has been the subject of a patent of prior date in either this colony or in any other country except as may be set forth in the petition as having been issued to the inventor or his agent then such letters of registration shall be void and of no effect."

This clause was designed to meet the difficulty if a portion of a patent were found to have been in use, and to avoid the expenses of examination. In such a case the Bill provided that the whole onus of proof should lie with the patentee. Practically such was the case now, although the law did not say so. There had only been one or two disputes in the colony, and in every one the patentee had to take steps to preserve his rights. Since the measure had been in print one or two matters had discovered themselves, with regard to which he should move amendments when in committee; amongst others, he would provide for transfers of patents, so that a person who had a patent right could dispose of it if he wished. The fees chargeable under this Bill, according to clause 8, were £5 for lodging the petition for letters of registration. That would give a man an absolute patent right for three years, which would be ample time for him to prove whether his invention was of sufficient value. If the patentee wished to register for four years more he might do so on payment of another fee of £10. Any man who had any invention of any real value would not complain at having to pay that amount. He could extend the patent for another seven years by a fee of £20; so that by paying £35 he could protect himself for fourteen years. For lodging a disclaimer of part of a specification, such as he had explained, a fee of £5 had to be paid. The only expense that the Government would be put to, besides seeing to the registration, which was to be done almost as under the present Act, would be in making provision for the public being able to inspect the register of letters of registration and the specifications, on payment of a fee. The 4th clause provided for the appointment of a commissioner of patents; but in practice that officer already existed in the person of the Colonial Secretary, in whose department patents now were; the matter might, however, be transferred to the Registrar of the Supreme Court, or some other department. This measure, if it became law, would have a tendency to increase the number of patents, and he would submit that no patent could be taken out without benefiting the colony. Some persons might hold the opinion that patents restricted business; but anyone who would think of the countries in which the patent laws were most liberal would see that the effect was the very opposite. He would point to America, Belgium, and France, and to portions of Germany, where, since the Exhibition of 1851, wonderful strides had been made in the sciences and mechanical arts largely through there being liberal patent laws. The measure would have a tendency to develop the mechanical faculty of men, and would have the effect of removing the prejudice which existed against machinery. By giving a patent right the quality of the article patented would also be secured. As a case in point, he might allude to sewing machines, which had been brought down to a wonderfully low price; the mechanical skill and the value which was given for the small price charged was amazing. The direct effect of a good patent law was to ensure the high quality of the article that the patentee was desirous of selling to the public. There was a large amount of skill in the colony of the kind that he had described, and it would be developed if the Bill came into operation. If anyone would take the trouble to look at the existing patent records, he would be surprised to see the amount of skill that had been devoted to the working out of many things—things which, he was sorry to say, had been seldom heard of through the local market being small and the inventors being crippled by the price that had to be given to get a patent. He should like to see all mechanics encouraged to develop their faculties, because many a man had good ideas in his brain which were allowed to sleep all his life for the want of the facilities which this Bill conferred to patent inventions. Referring again to the 7th clause regarding the entering of disclaimers, he might refer especially to a recent patent—the evaporation of cane liquor through the injection of air. It was a most valuable application of ingenuity in connection with sugar-making, and he believed that before two years a large number of sugar-houses in the colony would be working under it. It hinged upon a small point which had been suddenly discovered. The machinery had been in existence for years, and some of it had been in use in the colony; and by the application of two means, by which the forcing of air into the syrups at a low cost was secured, a difficulty had been overcome and a valuable discovery had been made. He referred to Sutton's sugar evaporating process, which was now at work on some eight or nine plantations in the colony, and nearly an equal number were preparing to work it next season. He only pointed that out as one case in point. This patentee had only just a fraction of a right for his patent, but he had that fraction, and it was

allowed to him. This Bill would have enabled him to put in a disclaimer with regard to the part that was not his own and maintain his right to the rest. The Bill was short, easily understood, and would be a boon to many in the colony. It might also be the means of increasing the revenue, because he was satisfied a business of that kind was to be made; it interfered with no vested interests, and would be welcomed by many deserving classes of the community. He had much pleasure in moving the second reading of the Bill.

The PREMIER said, when he saw that the hon. member had given notice that he intended to introduce a Bill for the purpose of amending the patent laws of the colony, he anticipated that, from the large and valuable experience the hon. member had gained in his tour round the world, he would have given them, at all events, something useful and different from their Australian experience; but, so far as he had examined the Bill, he would not say he was surprised to find no new ideas—certainly no ideas imported from America—but he was utterly astonished that any man who had any knowledge whatever of the patent laws of the colony should bring in such a Bill. There was scarcely a provision in it at all useful that did not exist in the patent laws now in our statute book. On the other hand, the hon. member had provided a more expensive scale of fees to which inventors would be subjected, and provided for the appointment of a commissioner to do what was at the present time ten minutes' work for a clerk in the Colonial Secretary's Office, once a week. The hon. member had made some most extraordinary and absurd mistakes in the phraseology, so as to remove from the operation of the patent laws now existing one-half of the subjects that were now under those laws, and left perfectly unintelligible other clauses which were quite intelligible in the present law. Clause 2 provided for the repeal of the existing patent laws, and clause 3 went on to extend the system by which patents should be granted—not to arts and manufactures, which were the subject of the present patent laws, but to manufactures only; arts were left out altogether, and they constituted one of the most important parts subject to patent laws. Just to illustrate the effect of what was proposed, he would take, for instance, the case of hardship mentioned by the hon. member, where he stated that a friend of his had discovered a valuable means of destroying marsupials; but by what means could he bring such an invention under patent laws which provided simply for manufactures? Another invention he mentioned was for reducing timber to pulp for the purpose of paper-making, and that most decidedly came under the arts, which were entirely excluded from this Bill, and which provided only for manufactures. He had followed the hon. member patiently to hear what the merits of the Bill were, but he had failed to show any defects in the existing patent laws, which were not long but were very explicit and simple, embodying the whole of the patent laws of England in one clause. That they had been operative for good he did not know, but that they had not been operative on account of the expense attached to them he utterly denied. The only point he could discover that the hon. member made was, that the expenses which an inventor would be put to in taking out a patent would be less under this Bill than under the existing patent laws. Under the present law an inventor might apply for letters of registration, and all he had to do was to deposit £20 and send in specifications, with a petition to the Governor that letters of registration should be granted to him. He had no further trouble, but the hon. member tried to make the House believe that this enforced upon him the necessity of giving elaborate specifications of his invention, which would entail upon him a large amount of expense. No doubt it did, but the more extensive his plans and specifications, the safer was his patent; so that that was not an expense that attached particularly to the present law, and so far from this Bill decreasing that expense it actually increased it. All the present law asked was, that the inventor should describe his invention, and of course he would do that as well as he could for his own safety; but this Bill said he should give distinct plans and drawings, or actually give models, in addition. He (the Premier) did not say it was wrong that this should be done; but he said the hon. member had no right to claim that the administration of this Bill would be less expensive than the Act now in force. The cost at the present time was £20; any inventor could claim letters of registration on payment of that amount, although it might cost the Government £50 or £100 to satisfy themselves that the invention was a fit subject for patenting. £20 was all, in his experience, that an inventor had ever been asked to pay for a patent. Of course, if the Government went to large additional expense in consequence of some peculiarity in the patent, there might be some further charges, but they were not enforced by the Act; and he knew of no case where a charge of more than £20 had been made. What did the Bill substitute for this? By the Bill the patentee for exactly the same privileges had to pay £35, the only difference being that when he got his letters of registration he paid £5; at the end of three years, when he would probably be most hard up, he had to pay another £10; and at

the end of seven he had to pay £20 more—making in all £35, while, under the present Act he had only to pay £20. The hon. member had therefore utterly failed in showing that cheapness was at all secured by this Bill. The mode of securing the patent was exactly the same as under the present Act, but the phraseology was changed. He would ask hon. members what was the English or the meaning of clause 6? He was sure the leader of the Opposition would see what nonsense it was—

"Every applicant for letters of registration will be held to have made due inquiry whether his invention is really new and that he has not found that the invention has been in public use."

That was not common-sense, and yet that was what was proposed to be substituted for the plain matter-of-fact provisions in the present law. Clause 7 was new, and if the hon. member had the slightest idea of the working of the patent laws, especially where the operation of patent rights had been litigated, he would have known that a clause of that nature was of no use at all. It amounted to this—that after having secured letters of registration for an invention, the inventor might find out that a portion of what he had patented had been actually patented by some other person, and this gave him power to secure the remainder of the invention which he claimed as his own; but that power existed in the present Act, because, although a portion might have been patented before, that did not invalidate the patentee's interest in the part that really belonged to the inventor. Cases had been decided over and over again in England to that effect. But the most extraordinary failure of the measure was, that it was made perfectly inoperative as a patent law, and what showed that the hon. member did not understand the patent laws of England was his omission of one of the most valuable provisions in the present law—it was this:—

"Any letter of registration granted by virtue of this Act shall be liable to be repealed by writ of *scire facias* for the same causes and in the same manner as other grants of the Crown are liable to be repealed."

That important clause was omitted from the Bill; and this was what was substituted for it—that the patent should be invalid if after letters of registration were granted it was found that the said invention had been in public use by other persons than the inventor, or that it had been the subject of a patent of prior date in either this colony or any other country. In the present law there were a good many reasons stated why patents should be held to be invalid, and it would be a great pity that they should not be allowed to exist. In order to make a patent valid the position of a patentee in this colony and at home was this—he had a right to all the privileges granted by the letters of registration, but whenever any question was raised by any person claiming to have been a previous inventor he was bound to protect himself. The omission of this clause took away the power of questioning the right of a man to a patent, and made the Bill altogether useless. A patentee by the present law having taken out a patent, if publication of that invention could be proved before, or it could be proved that the invention was not the invention of the party who had secured the patent, there was a process by law in the existing Act by which the patent could be set aside; but that provision had been entirely omitted in the Bill, although it was one of the most important provisions, as hon. members could readily understand. When the Government of the day gave the right of invention to any person it was not given exclusively, but only presuming that all the premises were correct—namely, that the person was the right inventor and the party to whom the patent should belong; but it was quite clear that no Government could institute such an inquiry as to be certain whether the patent was issued to the proper person. Any person could apply for a patent. He could himself apply for a patent for making a chair like one of those in that Chamber, and he dared say that, under the present Act, that patent would be granted. The ordinary course was this—that a petition was sent to the Government, and by them it was referred to two parties to report upon. Since he had been in this colony all those petitions had been referred to Mr. Gregory, who reported whether a subject was a fit one for a patent or not. It was really in the hands of one man, although nominally a clerk in the Colonial Secretary's Department was engaged to constitute the two persons required by the Act. That patent existed only so long as the patentee could hold it against all comers. The only way in which the patent law could be made better would be by avoiding all litigation, by extending the field for investigation made by the Government before a patent was granted at all. He pointed out the ease with which patents were granted, not to inventors and not by the Act, as that simply referred to patents granted to inventors or their assignees, but because most of the patents granted in the colony were for inventions that had been made in other colonies. He was not speaking with any knowledge of patents taken out in England, but he knew that in Victoria a great majority of the patents were not taken out by inventors or by any party to whom an invention might have been assigned, but by parties who had seen a patent in other countries, and who took out a patent as the invention had not been

already patented in Victoria. There was something new in the Bill, and the hon. member had himself pointed it out—namely, that the Government might with the advice of the Executive appoint a Commissioner of Patents who should keep a register of all inventions for which letters of registration under this Bill were issued, such register to be open to inspection on payment of a fee. That was wholly unnecessary, as at present it did not take up a tithe of the time of one intelligent clerk in the Colonial Secretary's Office to administer the whole of the Act; and why a commissioner should be appointed to run this Bill he could not understand, except to create an additional office. There was an omission in the Bill of one of the most valuable provisions in the Patent Act—namely, clause 3, which provided that holders of patents might assign all their rights to other individuals. There was no new principle embodied in the Bill, but very valuable clauses in the present Act had been omitted from it; in addition to that the phraseology was such as to make it unworkable, and on that account the Bill should not go into committee at all. The hon. member had failed to show that his Bill would be any improvement on the Act in force, and therefore he (the Premier) should oppose the second reading.

Mr. GRIFFITH said there were several valuable provisions in the Bill to which he should call attention. But, first of all, he would refer to the present practice in this colony with respect to granting patents, of which he had had some experience, and he could assure the hon. member at the head of the Government that, if he applied for a patent for making the chair he spoke of, he would not get it as a mere matter of form.

The PREMIER: I would get it in a week.

Mr. GRIFFITH said if the hon. member could do such a thing it was only since the present Government came into office. He could assure the House that Mr. Gregory had always taken the greatest pains in reference to applications for patents, and that, of late, in all cases in which applications were made they were also referred for the report of the Attorney-General. From his own knowledge of those applications, he could say that a great many were rejected; they were reported by Mr. Gregory as not new inventions: so that it was by no means a mere matter of form to obtain a patent. There was an omission in the Bill of any provision for reporting on patents, whereas he considered that the provision already in force should be made more stringent, and that proper notice should be given of an application, so that the public might object if necessary. Clauses 7 and 8 contained valuable provisions. Clause 7 provided that the holders of letters of registration might enter a disclaimer of any part of a specification which might be found not to be a new invention. The present law was somewhat doubtful on that point, and therefore the clause might be useful in that respect. The provisions of clause 8 were not intended to bring about the results pointed out by the hon. member at the head of the Government. The hon. gentleman said that the cost of registration would be increased by the Bill; and so it would be where an invention was a success, but in the case of a struggling inventor he would be able to obtain protection for three years from the date of registration by payment of £5; and by paying £10 he could get protection for an additional four years; and if it then proved to be a valuable invention, surely it would not be too much to ask him to pay £20 for being protected for another seven years. He believed those clauses would be useful, and for that reason he should support the second reading. In respect to the 6th section, at present there was considerable doubt as to what prior use and in what places would invalidate a patent in this colony, and this 6th clause might assist to clear up that doubt. He had not time to go fully into the matter that evening; but, for the reasons he had already given, he should vote for the second reading of the Bill.

Mr. STUBLEY did not profess to be able to deal with the different clauses of the Bill; but he noticed a remark made by the Premier—that it was an easy matter to take out a patent; and it was to that he wished to refer, as he had not found it so. Some time ago a patent was taken out in England which was used in the neighbouring colonies, and he was anxious to use it here; but before he could get his application granted by Mr. Gregory he had to get copies of the plans and registration from England, and also from Melbourne and Sydney, which detained the application for seven months. In New Zealand, he believed, it was only necessary to say that you had a patent and wished to use it. There they paid a few shillings, and the matter remained open for anyone to come in at any time and dispute the right, the first man to register holding the right until he was proved not to be entitled. The principle of paying only £5 instead of £20 he agreed with, but he did not agree with an hon. member who had said the laws were not stringent enough—he thought it was quite the reverse. On payment of £5 a man should have his patent-right granted, and fight the battle out if it was disputed.

Mr. MOREHEAD did not see why the time of the House should be taken up with a Bill of this kind. He had listened to the introducer very attentively, but he could see no reason in his remarks for any alteration of the present law. He had been led to believe that when the Bill was

brought forward, the hon. member, who had only lately come back from America, would have been able to give some valuable hints to the House; but he (Mr. Morehead) learnt from the speech of the Premier that there was nothing new in the Bill, and that it was, if anything, a step backwards. He did not know how it was that the hon. member, with his unhappy facility for courting popularity, should always come forward with bad cases. It seemed to him (Mr. Morehead) there were many matters in need of amendment to which the hon. member could have better devoted his time than to this; and there really was no reason whatever, so far as he could judge, why there should be any alteration in the present law, that appeared to work well and gave no reason why it should be repealed. To introduce this Bill, then, was playing with legislation. Nobody took any interest in the Bill; nobody seemed to mind either it or the hon. member; they had taken up time over it which could far better have been devoted to more important subjects; it had been clearly proved the hon. member knew very little about the patent laws, and, therefore, he (Mr. Morehead) trusted he would not push the second reading. Next time the hon. member came down with a Bill he hoped it would even be better worded. They might submit to Americanisms introduced in debate, but they certainly would not permit them to find their way into their enactments. They had heard from the hon. member (Mr. Mackay) that if this Bill were to pass he had a friend who was just burning with a desire to take advantage of it and introduce a new patent about railway gates, but he would make no move at all until the Bill was passed. What terrible danger was there if the Bill was not passed?—it must exist now, but he (Mr. Morehead) must admit he had never heard of it, though the hon. member seemed to have heard. Then he had also said that there were various other patents which would not be made use of unless the Bill were passed. Well, if they were so valuable, what was to prevent their being registered under the existing law? Was it a matter of a few pounds? If it was, the Premier had pointed out that it would be cheaper to register under the existing law than under this Bill; and he could not see how there was any stoppage at present to gentlemen of inventive genius. He could quite understand how the hon. member, burning with worlds already conquered, and desiring still further worlds, with the knowledge of a James Watt or George Stephenson, and with all the accomplishments to make him the Admirable Crichton of the Assembly, desired to leave his mark in the Legislature of the colony. But the hon. member had better wait till he was a little older, not as a man but as a member. They respected him, but he was running too fast, and he ought to walk before he ran—in fact, he was going so fast he was just turning over and over again. He was always getting knocked down, but, on the other hand, he revived very rapidly. As to the Bill, it was no improvement in the law; there was nothing which greatly wanted to be rectified, and the hon. member had not shown what benefits were to be derived from it to induce him (Mr. Morehead) to vote for the second reading.

Mr. REA said that the last speaker first asked why the hon. member (Mr. Mackay) had not introduced American ideas, and immediately afterwards said he would not have any Americanisms. The hon. member should talk sense himself before he attacked other hon. members. If it were only for the schedule in the Bill, it would be a benefit to the colony. The hon. gentleman also wanted them to believe that there was no difference betwen £5 and £20—any schoolboy could point out that there was. The remarks of the hon. member (Mr. Morehead) were entirely uncalled for. The Bill was an improvement on the present Act, and he should vote for the second reading.

Question—That the Bill be now read a second time—put.

The House divided:—

AYES, 20.

Messrs. Dickson, McLean, Rea, Griffith, Garrick, Kingsford, Mackay, Macfarlane (Ipswich), Rutledge, Beattie, Paterson, Douglas, Grimes, Kates, Bailey, Stubley, Groom, Miles, Horwitz, and Davenport.

NOES, 21.

Messrs. McIlwraith, Macrossan, Lumley-Hill, Perkins, Walsh, Cooper, Stevenson, O'Sullivan, Norton, Lalor, Low, Simpson, Stevens, Archer, Morehead, Amhurst, Swanwick, Persse, Beor, Palmer, and Weld-Blundell.

Question, therefore, resolved in the negative.

TOOTH ESTATE ENABLING BILL—SECOND READING.

Mr. GRIFFITH, in moving that this Bill be read a second time, said it was a private Bill, introduced on the petition of one of the trustees of the late William Butler Tooth, to enable them to sell certain trust property known as Clifton Station. At the time of Mr. Tooth's death the property was subject to mortgage at a heavy rate of interest, and the result would be, according to the evidence taken before the Select Committee, that the property, if allowed to remain as at present, would be all eaten up before the youngest surviving child of the late Mr. Tooth reached the age of 21 years. If the trustees were authorised to sell some portion of the estate a substantial balance would be left, and that was the only chance of saving it. The same result might possibly be obtained by throwing the estate

into Chancery, but sales would have to be made by the court subject to its restrictions, and the probability was that, in the end, the heirs to the property would fare no better than they would have done had it been left in the hands of the mortgagee. Such being the case, the Select Committee reported in favour of the Bill, and he now moved that it be read a second time.

Question put and passed, the committal of the Bill to stand an Order of the Day for this day fortnight.

TRAVELLING SHEEP BILL—COMMITTEE.

The House went into Committe to resume consideration of this Bill in detail, Mr. Cooper, in the absence through indisposition of Mr. Scott, taking the chair; and

On the motion of Mr. STEVENS, the Chairman reported no progress, and obtained leave to sit again on this day fortnight.

The House adjourned at half-past 10 o'clock, till Tuesday next.