

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

THURSDAY, 25 SEPTEMBER 1879

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ERRATA.

- Page 67, column 1, fifteenth line from bottom—*read* “horses worth £500,” *for* “five hundred horses.”
- Page 197, column 1, twelfth line from bottom—*read* “enure” *for* “ensue.”
- Page 197, column 2, twenty-first line from top—*read* “enured” *for* “endured.”
- Page 224, column 1, twenty-fifth line from top—*read* “ten” *for* “four.”
- Page 226, column 2, twenty-seventh line from top—*read* “the old” *for* “his own” country.
- Page 243, column 2, fifth line from top—*read* “first three items” *instead* of the words printed.
- Page 317, column 1, thirteenth line from bottom—*read* “not” *for* “but.”
- Page 324, column 2, eighteenth and nineteenth lines from top—*read* “but every title must be endorsed with the encumbrance, which, in future transfers, would involve an expense,” &c., *instead* of the words printed.
- Page 366, column 2, twenty-eighth line from top—*read* “none” *for* “one.”
- Page 391, column 2, sixteenth line from bottom—*read* “recess” *for* “session.”

Victoria Bridge Lands Sale Bill.
 Crown Lands Alienation Act Amend-
 ment Bill.
 Western Railway and Railway Reserves
 Bill.

CENTRAL RAILWAY.

The POSTMASTER-GENERAL moved—

1. That this House approves of the Plans, Sections, and Book of Reference of the extension of the Central Railway from 147 miles to 260 miles, as received by message from the Legislative Assembly on the 16th instant.

2. That such approval be notified by message to the Legislative Assembly in the usual form.

He said there was an understanding arrived at that the motion should go without further discussion, as it had been sufficiently discussed at the previous sitting, and therefore he did not think he was called upon to say anything further in reference to the subject of it.

Question put and passed.

LICENSING BOARDS BILL.

The House resolved into Committee of the Whole for the consideration of the Legislative Assembly's message in reference to the Council's amendments in the Licensing Boards Bill.

The schedule of amendments was as follows:—

The Legislative Assembly having had under consideration the Legislative Council's amendments in the Licensing Boards Bill—

Disagree to the Council's Amendment in lines 1 and 2 of clause 2, *because* the Governor does not appoint by proclamation in the *Gazette*.

Propose to amend the Council's amendment in sub-section 1 of clause 2 by the omission of the word "and."

Agree to the amendment which proposes to omit sub-section 2 of clause 2; but *disagree* to the amendment which proposes to substitute a new sub-section in lieu thereof, *because* it may prove very inconvenient in the case of several small municipalities in the neighbourhood of a large town but in the same police district.

Agree to the amendment which proposes to add certain words to sub-section 3 of clause 2, with the following amendment—namely, *omit* the words at commencement thereof "or the agent of any such person."

Propose to amend the Council's new clause 3 by the omission of the words "as aforesaid," in the 4th line of the clause, and by the omission of the following words at the end of the clause, namely, "not later than the eighth day of March in each year."

Disagree to the amendments in clause 6, *because* the balance of convenience appears to be with the system as proposed by the original clause.

Propose to amend the Council's new clause 8 by the insertion, after the word "Board," of the following words:—"on the ground of his unfitness to hold a license."

And *agree* to the remaining amendments in other parts of the Bill."

LEGISLATIVE COUNCIL.

Thursday, 25 September, 1879.

Assent to Bills.—Central Railway.—Licensing Boards Bill.—Joint Standing Committees.—Divisional Boards Bill.—Orphanages Bill.—Divisional Boards Bill.—Orphanages Bill.—Licensing Boards Bill.—Appropriation Bill No. 2.—*Hansard*.—Health Act Amendment Bill.—Close of the Session.

ASSENT TO BILLS.

Messages were received from the Governor informing the House that his Excellency has assented to the following Bills:—

Mercantile Bank of Sydney Bill.
 Bills of Exchange Bill.

The POSTMASTER-GENERAL moved that the Council do not insist on their amendments in the 2nd clause. Technically, no doubt, the reason given by the Assembly for disagreeing with the Council was correct.

Mr. WALSH thought that the message from the Assembly and the information given by the Postmaster-General were not pertinent to the subject. No doubt, the persons referred to were appointed by Executive authority. He did not desire that the Governor should exercise the authority alone. It seemed to be that the other House were determined to be captious in regard to the business done in the Upper Chamber. He should insist upon the amendments.

The POSTMASTER-GENERAL: But the Governor in Council did not appoint by proclamation in the *Gazette*. Public notification of appointments was given in the *Gazette*.

Mr. MEIN: It was a verbal quibble. Still, the amendment need not be insisted upon. The Legislative Assembly appeared to be in a very technical mood.

Question put and passed.

With reference to the amendment proposed in sub-section 1 of clause 2,

Mr. MEIN said it was child's-play and farcical. The word in the clause was grammatically correct. The Committee ought to insist upon its remaining.

The amendment was negatived.

With reference to the 2nd sub-section of clause 2,

The POSTMASTER-GENERAL, in moving that the Council do not insist upon their amendment, said if his motion were carried it would necessitate the re-committal of the Bill to make consequential amendments in the interpretation clause.

Mr. MEIN regarded the message of the Assembly as an admission that they had themselves made a blunder and that they wanted to get out of it; but he contended that there was a valuable principle in the original Bill, to include the mayor or chief officer of the local governing body as a member of the licensing board. As the head of that body, the people would through him have some representation on the board. There was little danger to be apprehended from a large number of corporations springing up in a large police district. They did not exist at present, even in the neighbourhood of Brisbane. The Governor in Council would, under any circumstances, have the power of limiting the number of members of any board, and could thus meet any possible difficulty.

Mr. PETTIGREW said if there should be five or six municipalities in the neighbourhood of Brisbane, it would be easy to arrange that the chairman should be empowered to sit on the licensing board only for the district of which he was chairman.

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Mr. MEIN regarded the suggestion as a very good one.

The POSTMASTER-GENERAL: There was a great deal in the suggestion of the honourable Mr. Pettigrew, but the House must now either insist upon the amendment or give way; they could not further alter the clause. For his own part, he was disposed to retain the sub-section as it stood. He did not think any practical harm would result from it.

The question was negatived, the House insisting upon their amendment.

On the 3rd sub-section,

The POSTMASTER-GENERAL remarked that the Council had had some difficulty with reference to the definition of the word "agent," and he moved that the Council agree to the amendment on their amendment by the Assembly, by the omission of the words "or the agent of any such person."

Agreed to.

New clause 3 was amended in accordance with the message.

The Committee insisted upon their amendments in clause 6.

The amendments suggested in new clause 8 were agreed to.

The Bill was then reported to the House with further amendments, and the report was adopted. A message was ordered to be sent to the Legislative Assembly in the following terms:—

Mr. SPEAKER—The Legislative Council having taken into consideration the Legislative Assembly's message relative to the amendments made by the Legislative Council in the Licensing Boards Bill, beg now to intimate that they *insist* on their amendments inserting new sub-section 2 of clause 2, *because* it is desirable that ratepayers should be represented on every Board, and no practical inconvenience will arise from the creation of additional municipalities.

Insist on their amendments in clause 6, *because* it is desirable that a majority of the members of each Board should concur in the granting of a license.

Disagree to the proposed amendment in sub-section 1 of clause 2, *because* the amendment as originally drawn is sufficiently intelligible.

Do *not insist* on the other amendments to which the Legislative Assembly have disagreed.

And *agree* to all other amendments made by the Legislative Assembly.

JOSHUA P. BELL,
President.

Legislative Council Chamber,
Brisbane, 25th September, 1879.

JOINT STANDING COMMITTEES.

On the Order of the Day being called for the consideration of the Legislative Assembly's message relative to the Joint Committees of the two Houses,

The POSTMASTER-GENERAL moved that the President leave the chair, and that the House resolve into a Committee of the

Whole for the consideration of the message, as follows:—

Mr. PRESIDENT—The Legislative Assembly having this day agreed to the following resolution, viz. :—

“That, in the opinion of this House, it is desirable that the members of the two Houses, constituting, respectively, the Buildings Committee, the Refreshment Rooms Committee, and the Library Committee, should continue to control during the recess the several matters committed to their management as such Committees during the session,”—

Be it now to transmit the same to the Legislative Council for their concurrence.

H. E. KING,
Speaker.

Legislative Assembly Chamber,
Brisbane, 22nd September, 1879.

Mr. WALSH urged that before the question was put the Postmaster-General ought to assign some reason to show the necessity for varying the practice of Parliament.

The POSTMASTER-GENERAL: He would do so in committee.

Mr. WALSH said he did not believe in the proposition, unless on very good grounds. He was not quite sure that the resolution passed by the other House did not cast something like a slur upon the way in which the past President and past Speakers had performed their duties. He did not know what had called for such a resolution. Probably it was that little accident which occurred to the library chimney a short time ago. If a chimney catching fire was to be a cause for moving for an alteration in the management of parliamentary matters, there would probably be no finality in the changes the Houses would be called upon to make. He must admit that he was extremely jealous of seeing the duties, which he believed had been well performed heretofore by the heads of the respective Houses, handed over to any other person or body. As far as the Upper House, especially, were concerned they had a President who undoubtedly would do his duty in the particular matters brought under consideration, as well as in all others. He (Mr. Walsh) was satisfied that the Parliament had at the heads of the respective Chambers gentlemen who would do their duty; and, if honourable members were able to judge of the past, that duty had been well performed heretofore. However, he would listen to what was to be stated in committee. He did not know who were the gentlemen who formed the Joint Committees, but unless they resided most of their time during the recess in Brisbane or near the metropolis, he was quite sure that the passing of such a resolution as had been sent to them by the Assembly would do more harm than good. If those gentlemen did not reside in the neighbourhood they

could not possibly attend to the duties to be imposed on the several committees during the recess. If authorised, they would share the responsibility of the management of the Parliamentary Buildings; but the heads of the two Chambers would only be relieved from responsibility, while it would not be their sole business to do that which they now did unaided. Virtually the President and the Speaker would be left to their duties, while they would not feel the responsibility of them.

Question put and passed, and the House went into Committee.

The POSTMASTER-GENERAL, in asking the Committee to concur in the resolution of the Legislative Assembly in regard to the Parliamentary Buildings, the Library, and the Refreshment Rooms Committees, could only say that it seemed to have been agreed to unanimously by the other House. There had been practical inconvenience suffered, he believed, during former recesses from inattention to the Parliamentary Buildings, the Refreshment Rooms, and the Library. It was the desire of a number of members of the other House that the committees named should exercise their functions during the recess, just as they did during the session. The majority, being residents of Brisbane and its neighbourhood, would be able to do so with very little trouble. He could safely say that it was with no desire to reflect upon the conduct of either the President or the Speaker, that the subject was brought before the other House. The arrangement was intended rather to relieve those honourable gentlemen from unpleasant responsibility. He believed the Colonial Architect was supposed to have some duty in connection with keeping the buildings in repair; but that officer had so much other work to attend to that, unless during the session, necessary repairs and improvements of the House were neglected. He might call honourable members' attention to the circumstance that nearly always when the Houses were in session works were going on. During nearly the whole of the present session there were mechanics at work within and without the Council Chamber. Much of that had arisen no doubt from the want of attention during the recess to the requirements of the Parliament. He believed the President was quite willing to take his full share of responsibility, and that, if the committees did not act during the forthcoming recess, he would be responsible for all that he could do as an individual towards carrying out those functions which were, during the session, exercised by the committees. The resolution sent up to them seemed to have been spontaneous in the other House, members on both sides agreeing to it. He did not take it in hand because he felt the necessity of it. He did not under-

stand the subject thoroughly. He did not think it arose out of the fire in the chimney of the library; but, for some time, members on both sides had thought it well that the committees should exercise their functions in the recess. However, the subject was in the hands of the House, and there were honourable members present who would give them the benefit of their experience in relation to the Joint Standing Committees.

MR. GREGORY: The question presented itself in two aspects; one, as indicated by the honourable Mr. Walsh, as to whether the resolution was to be regarded as a slur upon the President and the Speaker; and the other, whether the official heads of the Houses of Parliament should or should not continue to control internal matters connected with the Parliamentary Buildings. If he thought for a moment that the resolution had the former effect, he would be the very last to recommend its adoption by the House. He was under the impression that neither the President nor the Speaker would have any feeling upon it in that respect. As to the President and the Speaker having the advantage of the assistance, or aid, of the committees, it might be said that in the multitude of counsellors there was wisdom. The committees might give useful hints in matters of mutual concernment. He certainly thought there were members of the committees who would be unable to attend. If there were, they could either retire from the committees, or act otherwise, so as to ensure that there should be a quorum of any of the committees, whenever a meeting was necessary. If the members of the committees did not attend, the heads of the Houses of Parliament would hardly be in any worse position than they were at present. However, he should wait for further evidence in favour of the change. Being a member of one of the committees himself, he was perfectly willing to attend when required; but, whatever was done, he hoped that it would be with the approval of the President and the Speaker.

MR. MELN: He did not profess to have studied the matter, but it appeared to him that the desire for the committees' action had arisen from the accident in the library chimney. Now, honourable members must have observed that the exercise of the functions of the Library Committee, of whom he happened to be a member, had been so invaluable that they could not prevent that accident to the chimney occurring during the period that Parliament was in session. If the accident occurred while the committee were at hand, and able to meet, the logical conclusion was that it would be much better that they should not meet at all. He thought the Parliament had got on very well hitherto, through the exertions that had been made by the President of the

Council and the Speaker of the Legislative Assembly. He had not heard any complaints of the manner in which things had gone on during the recess; and, as the only cause of complaint had arisen during the time that the committees exercised their functions, the House had best leave things as they were. If the President and the Speaker were satisfied with the existing arrangements, he thought it was an unnecessary slur on the heads of the two Houses of Parliament, who had hitherto looked after everything appertaining to them, to make the proposed change. The present arrangements worked smoothly and satisfactorily. A number, at any rate, of the members of the committees were not permanent residents of Brisbane, but of the interior of the country; and they could not really devote their attention during the recess to the functions with which they were charged during the session; and, after all, the committees were simply creatures of the Houses for the time being, during the session, and they could not go beyond that. They had to refer to the two Houses frequently for instructions; and, if they wanted to take particular action during the recess, in reference to any course of procedure, they would have to wait for authority until the session began. If any responsibility was to be undertaken, it would certainly be undertaken more readily by the two heads of the Houses of Parliament than by any committees. For instance, no committee would undertake the responsibility of a particular work when it would be beyond their functions. He did not think the House could do better than leave the management of the Council, at any rate, in the hands of their President.

Dr. O'DOHERTY said he was a member of one of the committees—the Refreshment Rooms Committee; but really, so far as the message was concerned, he could scarcely understand what that committee would have to do during the recess. He should certainly be glad if the Parliament could see its way clear to consider of a reform which would enable the Parliamentary Library and the Refreshment Rooms to be open during the session to the chief officers of the State. That was a reform which he had previously advocated, and which he should be very glad to see given effect to. It would be regarded as a boon by those gentlemen, and, if it were granted, he could imagine that the committee would have something to do during the recess in seeing that the place was kept in proper order. He repeated that he should like very much to see liberality of that kind displayed.

The PRESIDENT said he should be very sorry to offer any objection to the proposition conveyed in the message, for the reason that he had consulted the Speaker and asked his opinion with regard to it,

Individually he had no objection to it; but, then, that fatal *Hansard* contained words in reference to this question which might create or rouse in the minds of those who were interested—he could not say that he was exactly in that position—that they conveyed an imputation which he thought was hardly deserved. He was not aware that the words which he found in *Hansard* correctly described the conduct or management during the recess of the Parliament Buildings since they were erected; but it was stated that, between the Speaker and the President the buildings were not sufficiently attended to; that there was some neglect shown. He had not discovered that any neglect was ever before complained of, or that any neglect ever took place. The Speaker of the Legislative Assembly had most to complain of in regard to the words used, because he must be amongst those who participated in that neglect, if neglect had been shown in the manner referred to in another place. But the honourable gentleman seemed not to have taken any objection to the motion, and he (the President) was not unwilling to follow the same course. He would say, however, that the motion would not be a very valuable one, if carried; as if the committees were charged with the functions during the recess which they performed during the session, they would take from the President and the Speaker the responsibility which now devolved upon them, and the responsibility for the buildings would be in the hands of those committees who would be very seldom found in the buildings. Honourable gentlemen knew how difficult it was, at any time during the session, to obtain a sufficient number of members of those committees to form a quorum to do business. He was satisfied that there would be even a greater difficulty in getting them together during the recess. He would offer no objection to the motion; because it was one of those things which, like many others, until it was tried, its value cannot be ascertained. If he were to give a decided opinion, it would be that it was better to let matters rest as they had hitherto been; and the President and the Speaker would exercise due control over the Houses of Parliament. Matters could be left with perfect confidence in their hands; because he could hardly believe that two men in their position would be found incapable or without sufficient intelligence to manage so small a department.

HONOURABLE MEMBERS: Hear, hear.

MR. GREGORY said he was very much indebted to the President for the information given to the House by him, and he was quite satisfied now that there should be no change. He spoke in ignorance before; but now it was perfectly clear to him that the resolution was not required,

and that the management of the Parliament Houses should go on as before.

Question put and negatived.

The CHAIRMAN reported to the House that the Committee had come to the resolution "That it is undesirable to make any change in the arrangements."

The report was adopted and a message in accordance therewith was ordered to be sent to the Legislative Assembly.

DIVISIONAL BOARDS BILL.

The following message was received from the Legislative Assembly:—

MR. PRESIDENT—The Legislative Assembly having taken into consideration the message from the Legislative Council, insisting upon the amendments made in clauses 58, 59, and 74 of the Divisional Boards Bill, on the ground that the reasons assigned for the Legislative Assembly's disagreement are untenable, beg now to reaffirm the undoubted right of this Assembly, as the representative branch of the Legislature, to control the taxation of the colony. Without admitting the right of the Legislative Council to require further reasons from the Legislative Assembly than that given above, it is the duty of the Legislative Assembly to insist on disagreeing with the amendments in clauses 58, 59, and 74, because—

In clause 58—

1. The value of minerals beneath the surface is an unknown and unascertainable quantity.

2. The liability of undeveloped mineral properties to capricious taxation would prejudicially affect one of the colony's most valuable industries.

In clause 59—

1. The amendment makes the incidence of local taxation inequitable.

2. The clause, as amended, is ambiguous, the only statutory definition of "country lands" being "all (Crown) lands not being town or suburban lands."

In clause 74—

The amendment makes an undesirable variation in the conditions on which loans are granted to local bodies.

H. E. KING,
Speaker.

Legislative Assembly Chamber,
Brisbane, 25th September, 1879.

The POSTMASTER-GENERAL moved that the message be taken into consideration at a later hour of the evening. Seeing that the Council had scarcely any business before them, and as the question to be considered was a very simple one, he thought they were perfectly prepared to discuss it. The Assembly had been waiting on the Council for days past, and he thought that under the circumstances the House would agree to adopt the course he proposed with regard to the subject of the message.

MR. WALSH said he could not suppose for a moment that the Postmaster-General was sincere in his motion or in his belief that the House were prepared to give due consideration to the amendments in the

Bill described by the message. The message was one of the most extraordinary that was ever sent by one deliberative body to another. There was not an example corresponding to it in all parliamentary history. He could not find one if he went back 250 years to the contests between the two Houses of Parliament of Great Britain. Honourable members wanted time to digest the message and to escape from the amazement into which they were thrown by the reading of its contents. It would be too absurd to take it into consideration at once. To be so hasty or precipitate was not legislation. He did not know the opinions that other honourable members would form, but he did notice that as soon as an honourable member on his side of the House got on his legs and appealed to the reason of the other side, the Postmaster-General moved about the House amongst his usual supporters for the purpose of out-bidding for votes. Honourable members were supposed to be reflecting creatures, and they should not be so influenced by the representative of the Government, whose behaviour under such circumstances was becoming notorious, by his endeavours to divert their attention from the speaker. He did not know what effect would be produced on a stranger coming into the Chamber as to the character of honourable members on the other side.

Mr. SANDEMAN did not see what grounds there were for the honourable Mr. Walsh making such an attack on the Postmaster-General. The honourable gentleman was not in order.

Mr. WALSH asked what was the point of order?

Mr. SANDEMAN: The honourable member was casting an imputation on other honourable members of the House. What evidence had the honourable gentleman for saying what he had just stated?

Mr. MEIN: The evidence of his own senses. Any man of common-sense could see what was referred to.

Mr. SANDEMAN maintained that it was not so.

Mr. MEIN: Then, state the point of order.

The POSTMASTER-GENERAL, in explanation, said he was extremely surprised that there should be any opposition to his motion, and he simply went around to ask honourable members on his side whether they were willing to enter into the consideration of the message, to-day.

The PRESIDENT asked for the point of order to be stated, if there was to be a discussion.

An HONOURABLE MEMBER: Motives were imputed.

Mr. IVORY said the point was clearly laid down. The 22nd Standing Order expressly stated

that all imputations of improper motives and all personal reflections on members shall be considered highly disorderly.

The honourable Mr. Walsh made a personal reflection on the Postmaster-General.

Mr. WALSH said he would do it again; and it was absolutely necessary, without, he maintained, any transgression by him of the Standing Orders.

Mr. IVORY wished to take the President's ruling. The honourable member's language, according to the Standing Order, was highly disorderly.

Mr. MEIN said there was nothing personally offensive in what the honourable Mr. Walsh said, or that came within the 22nd Standing Order. The honourable member did not impute a motive to the Postmaster-General. If he did attribute a motive, it was not an improper one. If the Postmaster-General did go round to honourable members to ask them something, surely he did not admit that that was improper.

The POSTMASTER-GENERAL: No.

Mr. MEIN: The honourable Mr. Walsh simply commented on the action of the Postmaster-General, and expressed his opinion that it was not becoming. That was not a personal reflection at all. Honourable members must all stop their mouths; they would have no right to criticise the conduct of an officer of the House, or an honourable member, if others were entitled to get up and say improper reflections were made or improper motives imputed to them. Honourable members had better master the meaning of the Standing Order. There was nothing in it to prevent an honourable member from commenting on any action of another which he thought unbecoming a member of the Government or of the House. The honourable Mr. Walsh was commenting on an action which was patent to everybody, and which was patent from its occurring nearly every day.

The PRESIDENT said he had no difficulty in deciding on the point of order raised. There were two positions contained in it. The first was the comment of the honourable Mr. Walsh upon the perfect right which the Postmaster-General, or any other member of the House, had to go where he liked; the second was an imputation upon the honourable gentleman's conduct, which was not parliamentary.

Mr. WALSH said he really did not know what the imputation was; and before he stood convicted of an imputation upon anybody, his words should have been taken down, in order that honourable gentlemen might know what the imputation was. He was constantly grieved at the conduct of the Postmaster-General, and he would in the strongest language comment upon it whenever the honourable gentleman—

The PRESIDENT: The honourable gentleman was not in order at the present moment.

Mr. WALSH said he did not question the President's ruling in any way.

The PRESIDENT said the point of order was settled. The question before the House was another one.

Further discussion ensued, which again evoked the interposition of the PRESIDENT.

Mr. MEIN, referring to the 43rd Standing Order, which prevented the Postmaster-General from making his motion without notice, unless it was unopposed, said that personally he would have no objection to going on; but there seemed to be an unnecessary amount of irritation created in the minds of honourable members, and perhaps it would be desirable to have the opportunity of calmly discussing the question brought before them.

The PRESIDENT, in reference to the new point of order, said he thought it would be recollected that the Standing Orders were now suspended.

Mr. MEIN: Only in regard to Bills.

The PRESIDENT: The message had reference to a Bill, and he thought it might be considered as embraced in the suspension of the Standing Orders. Unless he was better informed, he would treat it in that way.

The POSTMASTER-GENERAL commented on the most unreasonable opposition to the consideration of the message, for which the House must be perfectly prepared. It was hard, too, that the session should be protracted and the other House put to inconvenience unnecessarily. If he could see a reasonable cause for the further postponement of the Divisional Boards Bill, he would willingly give way. He wished the House to know that the Government were perfectly prepared to take the decision of the Council at any time as to the fate of the Bill sent up with the message. The Bill had been amply discussed; it had been four months before the Parliament, and before the Council two or three weeks. The Government simply desired the ultimate opinion of the Council. He had moved that the message be taken into consideration at a later hour of the day; and, as the Standing Orders were suspended to enable Bills to pass through all their stages in the same day, he should press his motion.

The question was put and the House divided:—

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The Postmaster-General, Messrs. McDougall, Sandeman, Gregory, Ivory, Dr. Mullen, Dr. Hobbs, Messrs. Box, Cowlshaw, Taylor, Hart, Roberts, and Murray-Prior.

NOT-CONTENTS, 8.

Messrs. Mein, Walsh, Swan, Edmondstone, Foote, Dr. O'Doherty, Messrs. Turner, and Pettigrew.

Resolved in the affirmative.

ORPHANAGES BILL.

On the motion of the POSTMASTER-GENERAL, the House resolved into Committee of the Whole for the consideration of the

Legislative Assembly's message relative to the Legislative Council's amendments in the Orphanages Bill, thus set forth in schedule:—

The Legislative Assembly having had under consideration the Legislative Council's amendments in the Orphanages Bill—

Disagree to the amendments in clause 6, because it is considered that the funds made applicable to the purposes of the Act should not be removed from the control of the Minister.

Disagree to the amendment of clause 7, because the proposed new clause does not sufficiently define an orphan.

Disagree to the amendment in clause 8, because the clause as originally drawn defines the purpose more clearly.

Propose to amend the Council's amendment in clause 12, by inserting after the word "parent" the words "or step-parent named in such order."

Propose to amend new clause 14, by omitting on the first line the word "bond," and inserting in its place the word "undertaking;" by omitting the words "whether voluntary or otherwise" on line 2; by omitting from lines 5 and 6 the words "such sum of money shall be recoverable" in the manner prescribed in the last preceding "section," and inserting in lieu thereof the words "person who shall have entered into any" "such undertaking shall be liable to the provisions of the two last preceding sections in the same manner and to the same extent as if he" "had been ordered by two justices to pay the" "sums mentioned in such undertaking at the" "times and places therein mentioned."

Disagree to the amendment in clause 22, because it creates an invidious distinction aimed at a respectable class.

Disagree to the amendment in clause 23, for the same reasons.

And agree to the remaining amendments in other parts of the Bill.

The POSTMASTER-GENERAL moved that the amendments in clause 6 be not insisted upon by the Council. He said considerable discussion took place when the clause was before under consideration in committee. There was no doubt that the Governor in Council would, under the original sub-section of the clause, have the power to refuse to pay any moneys to a particular orphanage; and it was equally certain that there must be Ministerial control over and responsibility for the appropriation of moneys voted by Parliament. If honourable members referred to the Estimates passed this session, for the financial year 1878-79, they would see that the following amounts had been voted by the Legislative Assembly:—£3,000 for the Diamantina Orphanage; £3,500 for St. Vincent's Orphanage; £1,100 for the Rockhampton Orphanage; and £500 for the Townsville Orphanage. There was no doubt at all that, if those amounts were really required by the orphanages, on the scale according to which they were payable, the Government would hand over the money to them as it became due. The Government considered the

clause, in its original form, indispensable to the Bill, and that the amendment made by the Council would remove from the Executive the proper control of the money voted by Parliament, which would be very undesirable. They would rather sacrifice the Bill, though it was one which it was most desirable should become law, than allow the clause to pass as amended by the Council. He hoped that honourable members would not regard his statement in an unfavourable sense. The managers of the orphanages had only to present their credentials, and show periodically what they were entitled to by the number of inmates in the institutions, and the money would be paid over to them. The control to be exercised by the Government over the orphanages was salutary.

Mr. MEIN said the amendment was his. Nothing that the Postmaster-General had said induced him to believe that his objections to the clause in its original shape were not founded upon justice and a reasonable interpretation of its terms. The clause as framed would give the Government power to refuse to any particular institution the specific amount that Parliament had voted for it. However, in view of the threat that the Postmaster-General had made, that if the Council did not give way on the point the Bill would be abandoned, and as the Bill was a good one, having been drawn by the previous Government, he should withdraw his opposition.

HONOURABLE MEMBERS: Hear, hear.

Question put and passed.

On clause 7,

The POSTMASTER-GENERAL said he must admit that he drafted the new clause 7 himself, without sufficient consideration. He drafted it because the Committee did not like the original clause. He was informed that practically the original clause answered every purpose. The difficulty was not how to get children into the orphanages; indeed, there was such a demand for the relief that those institutions afforded that there was danger of their being overcrowded and becoming places of residence for children that were not entitled to be inmates. His own opinion was that the original clause was not in a very desirable form, but still he believed it would attain the objects in view; and, as the House could not now alter it—they must accept or reject it—he moved that the Council do not insist on their amendment.

Mr. MEIN: Doubtless the honourable gentleman's action arose from the feeling that he could do the work better than the gentleman who drafted the Bill originally. He was sorry to find that the Postmaster-General's colleague, the Colonial Secretary, had said that whoever inserted the new clause did not know much about the intention of the Bill. The efforts of the

Postmaster-General to amend the Government Bill were not appreciated by his colleagues. The original clause was clear and explicit; it defined exactly what was wanted; and it was far superior to the new clause 7, which was extracted from the Reformatory Act—a measure with an entirely different object from the Bill under consideration.

The POSTMASTER-GENERAL said he did not draft the new clause because he desired to amend the Bill, but because of the representations made to him by the House that the original clause was not sufficient. There ought to have been a sub-section, that any child without father, or mother, or guardian, and in a state of destitution, should come under the operation of the Bill. If such a definition as that had been inserted by the other House, which it was open for them to do, it would have been an improvement. He did not think the clause was right at present; it might be very good law, but it was very bad English.

Question put and passed.

On the motion of the POSTMASTER-GENERAL, clause 8 was amended by the omission of the words, "or upon the order of the Minister;" the remainder of the Council's amendments being insisted upon.

Mr. WALSH called attention to the wording of the message. The intercourse between the Houses did not seem to be guided by parliamentary practice. Superfluous language was used in the message, and disagreeable terms amounting almost to insult.

The POSTMASTER-GENERAL could discover no intention to insult in the message; there might be a want of perception in the mode of addressing the House.

Clauses 12 and 14 were amended in accordance with the message of the Assembly.

On clause 22,

The POSTMASTER-GENERAL, in moving that the Council do not insist upon their amendment for the reasons given in the message, said, in regard to the alleged invidious distinction made against boarding-house keepers and hotel-keepers—as not being persons to be entrusted with the management of orphans—that it was considered undesirable to lay an embargo on them by statute.

Mr. WALSH trusted that honourable members would put aside all personal or party feeling and consider calmly the intention of the clause as amended by the Council. The State took upon itself the guardianship of the weakest and most forlorn of the population. In their wisdom, the Council had decided that every care possible should be given to the children, and that they should only be hired out to suitable persons who would take care of them. There was an absolute necessity for the Legislature to protect them as far

as possible. He did not wish to imply that there was anything improper in the persons who carried on avocations that the House considered objectionable, so far as committing the care of children to them; but the associations of such places as were kept by the persons whose avocations were objected to were not always such as the children should be brought into contact with. He would certainly insist on the amendment of the clause.

MR. MELN said he hoped that the Committee would insist upon their amendment. He objected to the phraseology of the message of the Legislative Assembly as being rather offensive. The Council had not created any invidious distinction against a class of respectable persons; a person might be respectable, but being the keeper of such an establishment as was mentioned, an orphan should not be in his charge an inmate of it. If the distinction was invidious, it was one that had been made by the Government themselves, who had introduced the Bill, and who, in one of their measures, Licensing Boards Bill, had excluded publicans from the exercise of certain functions under the law. The amendment was a very desirable one, to ensure that helpless children should not be placed in situations where there were facilities for their becoming simply drudges. It was not intended to reflect on any persons or class; but he held that, even in the most respectable boarding-houses, or public houses, orphan children hired out would be liable to become drudges. Such houses were not desirable places for the children to be sent to, however respectable or kind-hearted the keepers might be. The object of the Council was a good one—to protect the children against exposure to the bad example of persons of vicious habits who frequented the places against which the children were to be guarded. The children must not be needlessly exposed to bad example. He insisted upon the amendment.

MR. SANDEMAN thoroughly agreed with both the honourable gentlemen who had preceded him. The message from the Assembly was most injudiciously worded. Looking at the associations that children might be subjected to in either of the places particularised by the clause, however respectable the conductors might be, the Council ought to insist upon their amendment.

MR. GREGORY said he was in perfect accord with the last speaker. He did not think it was at all a matter of course that the amendment of the Council should be regarded as a stigma on individual character. It was most desirable that orphans should be withdrawn from contact with keepers of licensed houses. He hoped the Committee would insist upon their amendment.

Question put and negatived; the Committee insisting upon the amendment of the Council.

On clause 23, which had been amended in the same terms as the preceding one.

The POSTMASTER-GENERAL moved that the amendment of the Council be insisted upon.

MR. WALSH said he was glad of the decision come to; and he asked if the Postmaster-General could give any guarantee that the Bill would be respected? He was not quite sure that even the honourable gentleman's support would save the Council from an insulting, capricious reply in language such as had been bestowed upon them this evening. It would be assuring if the honourable gentleman could give them reason to believe that the present proposal would be acceptable to his colleagues in another place.

The POSTMASTER-GENERAL: It was all right.

MR. WALSH: They had had proof positive that it was all wrong, their amendments had been treated with such contempt and disdain.

The POSTMASTER-GENERAL said he thought he could assure the Committee, that they would get a satisfactory message from the Assembly in regard to the Bill. He did not think there was any need to feel hurt or annoyed that their amendments were not accepted in the way they might wish.

Question put and passed.

The House resumed, and the Chairman reported that the Committee insisted on some of their amendments, and did not insist on others, and agreed to the amendments on their amendments made by the Assembly.

The Bill was ordered to be returned to the Legislative Assembly with the usual message.

DIVISIONAL BOARDS BILL.

The House resolved into Committee of the Whole, pursuant to an order previously made, this day, for the consideration of the message of the Legislative Assembly [p. 392] in reference to the insistence of the Council on their amendments on this Bill.

The POSTMASTER-GENERAL moved that the Council do not insist on their amendments. He pointed out that the Legislative Assembly by their message did exactly what was done on previous occasions. Each House had now affirmed and re-affirmed their opinions on their rights. To assist honourable members in coming to a proper conclusion, he quoted from *Hansard* what occurred in 1876 on the Stamp Duties Bill and the Navigation Bill, which were both laid aside because of the Council's amendments on those measures. The message of the Assembly gave as a reason for disagreeing to the amendment of the Council—

Because the effect of the amendment is to repeal a tax now in force; and this House is of

opinion that, in practice, the power of imposing, varying, or repealing taxes should be maintained as the exclusive privilege of that House which is elected by the people.

That was in reference to the first-mentioned Bill. In their disagreement to the amendments in the last-mentioned Bill, the following reason, amongst others, was given :—

Because the amendment varies a duty which is payable into the Consolidated Revenue.

Subsequently the Council returned a message with the Stamp Duties Bill, insisting

upon their amendment, *because* this House fails to discover in the Act constituting this Legislature any provision giving such exclusive power to the Legislative Assembly.

Three years ago, be it observed, the Legislative Assembly claimed exclusive power to control taxation, in a more decided tone than now, in the present message. They, now, however—

Re-affirm the undoubted right of the Assembly, as the representative branch of the Legislature, to control the taxation of the colony.

That, he believed, was the language of the authorities, the same as was used by the House of Commons on similar occasions. No doubt, the House of Commons' phraseology was right; but whatever might be said as to improper language used by the Legislative Assembly, it must be conceded that in what he read the Assembly only repeated what they said in past years, and left the question precisely as it stood before. The Council insisted on their right to amend Bills relating to taxation; the Assembly insisted on their right to control taxation. They were just as they had been; there was not the slightest difference between their position now and what it was three years ago. What occurred at that time? The Bills were simply laid aside. Now, however, he admitted, the Assembly, while re-affirming what they before stated in a pronounced form, had furnished further reasons why the Council should not insist on their amendments in the Bill. As all the amendments stood very much in the same position, he would say a few words on them. In reference to clause 58, the reasons given were :—

1. The value of minerals beneath the surface is an unknown and unascertainable quantity.

2. The liability of undeveloped mineral properties to capricious taxation would prejudicially affect one of the colony's most valuable industries.

The Council might or might not agree to those reasons; but he thought that they would admit they were substantial reasons; and, supposing them to be correct, they were legitimate reasons, and such as the Assembly had a perfect right to assign.

There was no doubt that the mineral interest was in a very depressed condition. A divisional board would find considerable difficulty in setting down the valuation of a mine which might happen to be standing idle: even though there were inexhaustible mineral deposits beneath the surface, the mine might be producing nothing to its proprietors. It would be almost impossible to arrive at any reasonable or satisfactory estimate of the value of a mine. In reference to clause 59, the Assembly said :—

The amendment [of the Council] makes the incidence of local taxation inequitable.

Honourable members would admit that that was a good reason, and one that the other House had a perfect right to assign. The amendment of the Council did vary taxation. With all due deference to the honourable Mr. Mein, who moved the amendment, and to the honourable Mr. Griffith, who moved a similar amendment in the Lower House, he (the Postmaster-General), must insist, as far as his intelligence enabled him to understand the question, that the amendment made the clause not only inequitable in its operation but almost unintelligible. There was no distinction or definition in the Bill of country land. He must therefore fall back upon the definition of country land in the Crown Lands Alienation Act of 1876, where only a definition was to be found. The 9th section ran thus :—

All Crown lands shall for the purposes of this Act be divided as follows :—

Town lands	*	*	*	*	*	*
Suburban lands	*	*	*	*	*	*

Country lands—which shall comprise all lands not being town lands or suburban lands.

Therefore, the exact definition of country lands, according to statutory authority, being such as he read, he asked what country land was liable to taxation? It was certainly unalienated Crown land. The only land, as he could gather, that would be liable to taxation would be land held under pastoral lease. But the improvements on that particular land were exempted by the clause. He was certain that that was not what the honourable gentleman intended by his amendment. His object was not to exempt from taxation land held under pastoral lease—indeed, that would be inadvisable. As further evidence of what country land was, in the language of the statutes, he (the Postmaster-General) referred the House to the Crown Lands Alienation Act of 1875, which was repealed by the Act of 1876; and a clause in that Act gave the following definition :—

Whenever any lessee of any land under the provisions of the said Act [the Alienation Act of 1868] who resides personally and *bonâ fide* thereon or any owner in fee of any land which

if it had not been alienated from the Crown would be country land ;—

and so on. Land that had been alienated was therefore no longer country land. As he read the amended clause, country land liable to taxation would be country land held under lease from the Crown. The peculiarity of it was, that the first amendment increased the taxation of pastoral land.

Mr. MEIN : Not necessarily.

The POSTMASTER-GENERAL : Not necessarily ; but the tendency was in that direction—to increase the valuation of pastoral land. The second amendment was to relieve it from taxation, and to impose on freehold land, which in local language was to be country land, the taxation which it was intended to impose on land held under lease from the Crown. But he should not take up the time of the Committee further. Honourable members would, he hoped, agree with him that the reasons given by the Assembly for their disagreement with the amendments of the Council were substantial and sufficient. He believed that they were prepared, in spite of all that had been said, to enter upon the consideration of the message with that calm and judicial impartiality which became a Chamber to which was committed the function of revising the legislation of the representative House.

Mr. WALSH : And punishing.

The POSTMASTER-GENERAL : He felt that nothing could be more undignified on the part of the Council than any disposition to resent improper language which might have been held towards them elsewhere. He was sure that, in sending up the message, the Assembly intended no insult to the Council. The other House spoke in a decisive style ; but only reiterating what they said three years ago. They merely did what the Council on their side did. He hoped the Council would not continue to insist on their amendments.

Mr. GREGORY : Before the question was finally put, he should like to say a few words. Last night he was one of those who divided the House and went against the Postmaster-General. Some of the arguments of the honourable gentleman why the Council should yield to the wishes of the Assembly were very proper, but he must dissent from the reasons advanced in regard to mines. If the House should go into the question of the basis on which mines should be taxed for rates, as other property was, they should see how mines were dealt with in other countries, where the question had been fully considered and given effect to practically ; and the honourable gentleman, and those who thought as he did, would be proved to be very widely astray. In the Rating Act, 37 and 38 Vic-

toria, on the British statute-book, section 7 provided :—

Where a tin or copper mine is occupied under a lease or leases granted without fine on a reservation wholly or partly of dues or rent the gross value of the mine shall be taken to be the annual amount of the whole of the dues payable in respect thereof during the year ending on the thirty-first day of December preceding the date at which the valuation list is made in addition to the annual amount of any fixed rent reserved for the same which shall not be paid or satisfied by such dues

The rateable annual value of such mines shall be the same as the gross value thereof except that where the person receiving the dues or rent is liable to repairs insurance or other expenses necessary to maintain the mine in a state to command the annual amount of dues or rent the average annual cost of the repairs insurance and other expenses for which he is so liable shall be deducted from the gross value for the purpose of calculating the rateable value.

Now, there it was perfectly clear that the rating could be made on the basis of what the mine would return. The mine would not be handicapped by saying it was worth so much, but it would be valued by what it had produced in the previous year, after having made all allowances. The argument he advanced for valuing mines was endorsed beyond all question ; and on the basis laid down in the Imperial Act the valuation would be right. A mine might be very valuable one year, and the next its proprietors might be left in debt. Each year it would be rated according to the returns of the previous year ; so that for the year that there were no returns there would be nothing to rate. The only risk would be the variable and uncertain results of mining operations. However, for his own part, he did not wish to insist on the amendments of the Council with regard to mines, because the subject was not worth maintaining a contest about. He merely wished to show that they were justified in their desire to include mines amongst rateable property, and to vindicate the Council.

HONOURABLE MEMBERS : Hear, hear.

Mr. GREGORY : To show, further, that there was no mistake about their view, and that they would be justified in insisting upon their view of the subject, he would quote further the precise system of rating laid down in the mother-country :—

In the following cases, namely—

1. Where any such mine is occupied under a lease granted wholly or partly on a fine ; and
 2. Where any such mine is occupied and worked by the owner ; and
 3. In case of any other such mine, which is not excepted from the provisions of this Act, and to which the foregoing provisions to this section do not apply ;
- the gross and rateable annual value of the mine shall be taken to be the annual amount

of the dues or dues and rent at which the mine might be reasonably expected to let without fine on a lease of the ordinary duration, according to the usage of the country, if the tenant undertook to pay all tenants' rates and taxes and tithes rent charge, and also the repairs, insurance, and other expenses necessary to maintain the mine in a state to command such annual amount of dues or dues and rent.

He should not criticise the message of the Assembly, beyond this:—The Assembly stated that they still maintained the position they took up. As far as they were concerned, he had not the slightest objection to their doing so. The Council did not dispute their powers; but they simply asked to maintain their own. Consequently, they had no occasion whatever to interfere with the other House, or to offer suggestions, or to send any message, which in the slightest degree would infringe, or which meditated an infringement, on their privileges; they merely wanted to maintain their own. Therefore, he suggested that in replying to the message of the Legislative Assembly, the Council should reply in something like the following form:—

The Legislative Council having taken into consideration the Legislative Assembly's message, again insisting upon their disagreements with the Legislative Council's amendments made in clauses 58, 59, and 74 of the Divisional Boards Bill, while continuing to maintain their right to deal with all Bills which may be before them, do not insist on their amendments in clauses 58, 59, and 74, for the reasons now given in the Legislative Assembly's message.

He did not feel disposed to drop the matter and accept the Assembly's disagreement in silence. There would not be, however, anything offensive in the tone of the message that the Council would send back. He thought they might let the three amendments go; and, therefore, he should move that the Committee deal with the whole question in the way he indicated.

The POSTMASTER-GENERAL said he was prepared to let the question go to the Committee in that way.

MR. WALSH: That was begging the question.

MR. GREGORY moved the omission of all the words following "That" in the original question, with the view to insert the amendment as he had just read it.

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

MR. WALSH: Let it be understood that the Postmaster-General was going to submit to defeat at the instigation of one of his supporters. It was a curious way of doing business, altogether. The Postmaster-General spoke for over half-an-hour, cleverly and in a tone that did him credit; and he (Mr. Walsh) hoped he should imitate the honourable gentleman—not,

however, in agreeing to the message from the Legislative Assembly. A stranger to the proceedings of the Council would be captivated by the argumentative manner of the honourable gentleman. The honourable member spoke almost patriotically. Having gained a large siding to agree with him, down came one of his supporters with an amendment totally opposite to what the honourable gentleman himself first suggested. What was the use of the honourable gentleman's long oration, if he was going suddenly to abandon his own motion to support an extraordinary amendment by one of his supporters, who jumped up and appeared to think himself the abler manager of the business which he was thus taking out of the hands of his leader? Did honourable gentlemen know what they were doing; did the honourable Mr. Ivory know? However, he did not take that honourable member as an exponent of the Postmaster-General and of the honourable Mr. Gregory; but he told him that in the course of time he would better understand what his friends were up to. The honourable Mr. Ivory was but a neophyte, and he could assuredly never anticipate the answers to any questions that those two honourable gentlemen would give. The Committee could not understand what was meant. If the Postmaster-General's motion was carried, the Committee would give a slap in the face to the honourable Mr. Gregory. But he (Mr. Walsh) should not like to see the Postmaster-General defeated by the amendment moved by one of his own side, because it would indicate that there was a want of wisdom and coherency on that side. However, joking apart, he would endeavour to follow the good example of the Postmaster-General, and control his feelings of exasperation at what the Council were asked to do by the message. Last night the Council solemnly decided that they would not do what they were asked to do now in terms couched in the most unparliamentary language—he did not use the word harshly;—he spoke with a feeling of the responsibility which devolved upon him in the course the Committee were pursuing. That which they had positively refused to do last night they should not do to-day. Honourable members who did not join in defending the rights and privileges of the House might regret that there were certain circumstances which prevented them from doing so; but there were honourable gentlemen who were now ready to vote against their convictions, against what they did before, and against practice and precedent established by the Council. If the House complied with the message last received, they would be going against the practice of Parliament for years gone by, and against the convictions of nine out of ten members present in the Committee, including the Postmaster-Gen-

ral. He exhorted honourable members to put party feeling aside, and to maintain the rights, and privileges, and dignity of the Council, and to do their duty to the country. Let them persevere in the maintenance of those rights which the party in power insisted upon assailing, though, when they were in opposition, they supported the rights of the Council. The quotations which he made in a former debate from *Hansard* for 1876 proved what he stated. Honourable members who were now forcing on the Council what was contrary to the Constitution and to parliamentary practice, formerly voted against the Assembly arrogating to themselves the authority now claimed. He would quote further to show how the arrogant Government of the day attempted to interfere with the Council on the occasions referred to. On the 22nd September, 1876, the Legislative Council being in Committee on the Stamp Duties Bill, the question was raised as to the possibility of exempting a certain crop:—

The Hon. T. L. Murray-Prior, referring to the exemption from stamp duty of "liens on crops," contended that wool was a crop that should be exempt also. When wool was low, every interest in the colony was depressed. He moved, by way of amendment—

That the words "and liens on wool" be added at the end of the schedule.

There could be no more apposite case quoted than that:—

Question—That the words proposed to be added be so added.

The Postmaster-General said he had great doubts whether an amendment such as that proposed could be made by the committee.

He (Mr. Walsh) wanted honourable members to understand both sides of the question, so that they might see the course pursued by the House. He was sorry to say that at that time his honourable friend, Mr. Mein, was the Postmaster-General. He did not wish to screen him from any mistake made by him then, any more than he wished to screen any other honourable member. The honourable H. G. Simpson spoke at length, and the honourable A. H. Brown; also the honourable F. T. Gregory, who

contended that, however the question was viewed, the powers of the Council under the Constitution Act extended to the House disallowing any Bill or portion of a Bill imposing taxation on the country. If they only had power to reject entirely a money Bill, it would be perfectly clear that they had no control whatever over questions of taxation; because, by "tacking" money Bills, the Government could carry any extreme measures.

The honourable Mr. Murray-Prior spoke also:—

The House could alter and increase figures in a money Bill so long as they put the alteration in italics; if they could do that, they could certainly insert words to exclude taxation. The

Bill was not a Supply Bill; and the argument that the committee could not interfere with it was ridiculous.

The honourable Mr. Heussler spoke:—

The practice of the House of Lords had nothing to do with the case at all; it might be followed as to forms, but not as to rights. The Constitution Act, it struck him very forcibly, gave the Council their rights.

Of course, other honourable members spoke. The chairman refused to give his opinion in favour of the amendment proposed by the Council, and the President was referred to; and, upon the resumption of the House, the President gave his ruling in the following terms:—

I understand that there has arisen in the Committee of the Whole a discussion as to whether this House has power to insert a proviso in the exemption from duty of certain matters which have been laid before it in the Bill to amend the Stamp Duties Act of 1866. In giving a decision on the point, I am bound, of course, by the four corners, as it is sometimes called, of the Constitution Act; and I find by the second section of that Act that full power is given this Council to make laws necessary "for the peace, welfare, and good government of the colony in all cases whatsoever," except as to its powers to "originate" money Bills, or Bills affecting taxation:—

"Provided that all Bills for appropriating any part of the public revenue for imposing any new rate tax or impost subject always to the limitations hereinafter provided shall originate in the Legislative Assembly of the said colony." I presume that this Bill originated in the Legislative Assembly, and that therefore it is before us—before this Council, holding plenary powers, to deal with it as we may deem fit. The limitation provided for the Legislative Assembly is, that all appropriations of money shall originate by message from the Governor;—but to that question we need not further refer. My decision, with reference to the question now put before me, is, that it is quite competent for this Council to enter the exemption which is proposed, if it deems fit to do so.

That was the opinion given by the President of the day. In the face of that ruling, which was adhered to by the House, what were they called upon to sanction now?—

The Legislative Assembly, having taken into consideration the message from the Legislative Council, insisting upon the amendments made in clauses 58, 59, and 74, of the Divisional Boards Bill, on the ground that the reasons assigned for the Legislative Assembly's disagreement are untenable, beg now to re-affirm the undoubted right of this Assembly, as the representative branch of the Legislature, to control the taxation of the colony. Without admitting the right of the Legislative Council to require any reason from the Legislative Assembly, other than that given above, it is the duty of the Legislative Assembly to insist further on disagreeing with the amendments in clauses 58, 59, and 74, &c.

Well, he had shown that the question had been tried before, and that the Council had

decided it in a very satisfactory manner. The Council went into committee again, after the ruling of the President, which he had just quoted, and the honourable Mr. Sandeman said:—

The Postmaster-General had given the committee a reason in favour of the exemption, and had pleaded in favour of a class of struggling men. The honourable gentleman should bear in mind that there was another class in this country comprising a large body of men who were struggling, and who were depending on their crop of wool for their subsistence, the same as those who followed agriculture, and who had the sympathy of the promoters of the Bill. It was known that in many cases liens on wool were taken without reference at all to mortgages on stock; and that the mortgage might be held by one person, and the lien be taken by another. He hoped that the amendment would be carried, for he could go with the honourable Mr. Brown in saying that as otherwise the Bill would be class legislation, he would vote for excising the exemption of liens on crops, rather than vote for one exemption without the other.

That exemption, of course, was exactly opposite to the *dictum* laid down in the measure received from the Legislative Assembly. The honourable Mr. Heussler and the honourable Mr. E. I. C. Browne contended in support of the amendment, the latter one of the best lawyers in the colony. The honourable Mr. Gregory went on the same line. A division was called for, which he (Mr. Walsh) would read, and show who present were amongst the majority for upholding the privileges of the Council, and the right to deal with taxation—all the rights and privileges under the Constitution Act, as upheld by the President's ruling—on that occasion:—The Contents were the honourables E. I. C. Browne, Murray-Prior, MacDougall, Hope, F. T. Gregory, H. G. Simpson, Hart, Heussler, White, Box, Sandeman, and A. H. Brown. The Not-Contents were only four:—The honourables C. S. Mein, T. B. Stephens, Gibbon, and Mullen. After the precedents he had quoted, the Council ought to submit to no shilly-shallying about the question in dispute. He declared that there was not a member of the Council who wished less to embarrass the Government at this moment than he did, or to prevent them from bringing the present session of Parliament to a close; but he could not be as blind a follower of them as other honourable gentlemen were willing to be. If they had mismanaged their proceedings in the other Chamber, that was no reason why they should mismanage them in the Council. Because they had mismanaged elsewhere, the more reason that the Council should act correctly. Of course, he was aware that an opportunity was given apparently to honourable members on the other side of the House, or to some of them, to remark on what they might con-

sider the inconsistency of his honourable friend on his right (Mr. Mein); but he would say that no more consistent defender of the privileges of the Council ever appeared in the Upper Chamber. If honourable gentlemen would follow the proceedings of his honourable friend a little further, they would see that having done all that was possible on the occasion referred to, to get his Bill through the House, and having failed in doing so, he saw, as it were, the error of his ways to a certain extent, and thenceforth he led the House in defending their privileges on the question then under consideration and ever since. He (Mr. Walsh) would rather vote for the motion of the Postmaster-General than for the amendment proposed by the honourable Mr. Gregory—or rather the subterfuge of an amendment. Let honourable gentlemen be manly, at least. If they were not able to stand by their rights, let them submit to defeat at once; let them go to a division, or give in, which he would rather do than send a milk-and-water message down to the other House. What was the good of saying that they maintained their rights, when they abandoned them? That was really the meaning of the amendment, and no other construction could be put upon it. He urged honourable members not to submit to such a proposition as that of the honourable Mr. Gregory. Let them remember that their first duty was to the country, which they represented as a whole; and that the best way to perform their duty was to maintain the rights and privileges which were conferred on the Council by the Constitution under which the Parliament existed. Depend upon it, when they ceased to respect themselves others would fail to respect them; when they ceased to maintain their rights, the other House would not respect them, and the country would not respect them. It was impossible for the Upper House to have a better opportunity for showing that they understood their duty to the country than to resist when they found an encroachment made upon the Constitution; and let them not be led away from their duty by such specious language, or by specious motives, such as dictated the proposition that they should retire from the position they had taken up and that they had a right to occupy. Whatever might be the consequences, he would insist upon the practice of the Chamber heretofore being followed. He could only regret that after the able speech of the Postmaster-General he did not feel it possible to go with him. He had a public duty to perform, and he could not accede to the request made to the Council by the honourable gentleman's motion; but far less could he coincide with the amendment.

MR. GREGORY: The honourable gentleman was not content without piling Pelion

upon Ossa, but he surmounted them with Atlas. Three times the House had heard the same extracts from *Hansard*, until they were stereotyped on the brains of honourable members. Their memories must be very short indeed if they were to have the reports of past debates quoted to them so often. His motion was not put in opposition to the Postmaster-General; but merely to show a way which, to his mind, was open for dealing with the question more in accordance with his own impressions than that which was before pointed out. The House should distinctly re-affirm their position; they should claim their rights and privileges; at the same time, his motion would be perfectly identical in other respects with that of the Postmaster-General. He included the three questions in one. He did so on the ground that they were not worth contesting for or arguing about—that was, some portions of the Council's amendments it was not worth their while to insist on. His motion showed a proper and dignified way of treating the message of the Legislative Assembly.

Mr. MURRAY-PRIOR could not allow the remarks of the honourable Mr. Walsh to pass, though he agreed with him that the honourable Mr. Mein had been consistent in his opinions, and was therefore glad to assist him yesterday in carrying his amendment. In voting as he did he clearly adhered to his principles. The honourable Mr. Walsh read all the arguments which were advanced years ago, identical with what he (Mr. Murray-Prior) used yesterday. The Council had the best part of the arguments, and they had undoubtedly right on their side. In the division yesterday, he expected to see a larger number of honourable members supporting his side. When a question had been carried by a majority of only one, he could not help saying that it would have been best for the House to have taken, yesterday, the course which was now proposed. It would be very different if there were a majority to insist on the Council's amendments. No one could accuse him of inconsistency in the course he now meant to take. His opinion was not altered; and he should be ready at a future time to stand out. But at the fag-end of the session, and under the circumstances of the present occasion, he thought the House would hardly be performing their duty to stand out. The question in dispute had been a vexed question for some years. He believed that honourable members in another place would be more careful in future in their manner of returning the amendments of the Council. In their last message they had shown a desire to be conciliatory. He should vote for the amendment before the Committee.

Mr. MEIN said he hoped that honourable gentlemen would not allow their interests

to outweigh their convictions. He observed that some of them already showed symptoms of wavering, for fear that if they stood to their convictions their interests would be jeopardised or would suffer. Were it not for the amendment in clause 59 nothing would have been heard of their retrogression from the position that was taken up last evening. He objected to the proposition put before the Committee by the honourable Mr. Gregory in substitution of the motion of the Postmaster-General; because, if carried, it would practically admit everything that the Legislative Assembly asserted. He objected to it from the honourable Mr. Gregory's own standpoint. That honourable gentleman argued elaborately that the objection of the Assembly to the Council's amendments in clause 58 were absolutely untenable, and, by his quotations from the English Act of Parliament, he showed that the position taken up by that House was absurd. The amendment to admit of mines being rated was a sound one, and the change made in the Bill by the Council was *bonâ fide*. But in the face of his own convictions, and possibly looking forward to the fate of a subsequent clause, the honourable gentleman wanted the House now to affirm that they were prepared to waive their amendments for the reasons alleged by the Legislative Assembly. That was the most illogical position that was ever taken up by any person. The Council could not get over the fact that if they gave way on the point—unless they were satisfied that there were new arguments which were unassailable—they would surrender all that they contended for yesterday. It was fair for him (Mr. Mein), therefore, to conclude that it was the fear that certain interests were jeopardised which was inducing honourable gentlemen to surrender their convictions. If it were not for the amendments in the 59th clause the House would never have seen the honourable Mr. Murray-Prior get up and say, because it was the fag-end of the session he was ready to give way on the point. He (Mr. Mein) could not restrain his feelings of indignation. He remembered, last week, when, after carrying the amendment by fair reasoning, the honourable gentleman threatened that though the majority were then in favour of it, those who were absent—and he saw they had now religiously come down to give their votes on the present occasion—would be able eventually to make the majority the other way. It was impossible, in view of the honourable gentleman's utterances on that occasion, and the inconsistency of his conduct yesterday and now, not to think that he was influenced by the circumstance that, if the Council stood out on what he believed to be their undoubted right, he and his friends would run the risk of and be liable to taxation by

the amendments that had been made in clause 59. He (Mr. Mein) would not debate the question—it was not denied by the honourable Mr. Murray-Prior or by the Postmaster-General—that the power of the Council to make those amendments was indisputable. The argument of the honourable Mr. Gregory on the amendments in clause 58 were incontrovertible: the Council did not seek to tax mines or their produce as an unascertained quantity. They proposed, and properly, that they should be rateable property; and the honourable Mr. Gregory had pointed out how they could be assessed. For the reason shown, he (Mr. Mein) should vote for the Council insisting upon the amendment. In reference to clause 59, he contended that the amendments of the Council made the incidence of local taxation absolutely fair and equitable. He was surprised as well as amused at the way in which all persons who were directly interested in pastoral pursuits were alarmed at any amendment which affected them. The original clause of the Bill laid down a hard-and-fast rule that the rental of pastoral properties should be the annual value thereof. He pointed out that that was most unfair; and that the value of leaseholds varied with the character of the soil and the nature of the tenure on which the land was held. One man might have a lease for twenty-one years, and another have only a year of his term to run. Both should not be assessed at the same rate. If he (Mr. Mein) had been desirous of imposing an unfair burden on Crown tenants, he might have adopted the suggestion which was made to him while the Bill was passing through committee, and insisted that the valuation should be in no case less than the annual rental of the land; but he saw that would be unjust, especially to those men who were going through the last of the three terms of their leases. He knew that as the pastoral leases drew towards their termination, though the rental was at the highest, the marketable value of the runs was lessened. He therefore proposed, in the interest of pastoral tenants, without giving them any preference over other classes, that their properties should be assessed at an equitable rate, and that the inequitable proposition of the Government should not be adhered to; and the House was with him. No one suggested at the time the question was raised, that it was done with the view of embarrassing the Government, or that the Council were asserting a right to interfere with what the Legislative Assembly considered its sole privilege to control taxation. The objection of the Legislative Assembly was transparently unfair; and it was unfounded. If he had indulged in the ingenious arguments, the sophistry—advanced with some cleverness, he admitted—that

the Postmaster-General resorted to, he would have been met with the retort that he was using a lawyer's arguments to turn black into white. For his own purpose the Postmaster-General had obtained a definition of country land from Acts which had no applicability whatever to the Bill. In the interpretation of Acts of Parliament, unless there was a special definition given to a particular word, men must be governed by the ordinary acceptance of the word in ordinary language. There was a well-known distinction between country land and other land; and there would be no difficulty in any man of common-sense, or any judicial tribunal, determining what the meaning of country land was. It was obviously land not within a town. So that the objection was not tenable at all. If there were anything in the arguments of the Postmaster-General, they went to show that country land had a limited significance and was distinguished from land within a town. The two statutes which the honourable gentleman quoted dealt with the alienation of Crown lands, and necessarily distinguished between the three classes of Crown lands—town, suburban, and country lands. If there was any difficulty in interpreting the words, "country land," by analogy, the inference would be drawn at once. Without going to other Acts of Parliament, a court of law would arrive at the distinction, and at what was meant by the amendment in the Bill. With regard to the amendment in the 74th clause, if the House were inclined to give way, he should be prepared to do so. On principle, however, he would adhere to the amendments in clauses 58 and 59; and he would not be influenced by any fear that the Legislative Assembly would do something dreadful, and that the Bill would be thrown out. He was afraid of no consequences that might ensue. The position taken up by the Council was perfectly unassailable and impregnable. The Legislative Assembly did not controvert the rights of the Council; but in a peculiar and needlessly dogmatic manner asserted rights of their's, and added a word which was not true. Yesterday, the Council disputed the Assembly's pretended right to control taxation. It was, therefore, not true to state that it was "undoubted." The Council's message referred to the Constitution Act of 1867 as the ground on which the House based their rights, but the Assembly quietly ignored that statute; and the Council would not do their duty if they should not maintain their statutory rights by insisting on their amendments. Honourable gentlemen could not get over the fact, that if they should send down a message of the character that the honourable Mr. Gregory proposed—after the rights of the House had been challenged—they need never again attempt

to assert the constitutional position of the Legislative Council.

Mr. MURRAY-PRIOR, to show how far he could be possibly interested in the matter, said he held a lease of a small run which comprised about eight miles of good country, for which he paid £97 per annum. He was sure his taxation on that would not amount to anything likely to influence his action in the House. He also possessed, with his son, an outside run; and if the rent of that run were doubled, and he was assessed at twice as much as he paid, the taxation would amount to £8 16s. a year. He left it to sensible men, whether his motives could be actuated by consideration for his pocket. He was sorry the honourable Mr. Mein had spoken in the way the House had heard; because he had followed the honourable gentleman when he thought his course was the right one.

The PRESIDENT said the debate must have, at all events, one good. The vexed question—which existed not alone in this and the other colonies, but in the mother-country—of the right to control and interfere with taxation and appropriation of revenue was well ventilated. After all the attention given to it, however, where did the Council find themselves? Exactly in the same position and with the same results as similar debates had left similar bodies elsewhere. Many details that had been entered into during the evening were scarcely necessary to the question immediately in hand—the question of the rights of the Council as compared with those of the other Chamber. But, looking at the results, after the discussion of the question over and over again, the House were in the same position as he believed they were all perfectly aware of before the discussion commenced. Each House had their rights, or their supposed rights. The Legislative Assembly, after having sent the Council a message which was not palatable and having received an answer, had sent a second message which, to his mind, was very much the same as the first; and they had not retired one step from their original position as regarded their rights. In their second message they manfully and rightfully declared that they had rights which they were determined to adhere to; and, in doing so, they were acting properly, he considered. The Council had asserted their rights; and properly. Each House knew the other's position exactly. And what was the position? He believed it was an unsatisfactory one.

HONOURABLE MEMBERS: Hear, hear.

The PRESIDENT: It had been acknowledged in other places, in the mother-country and in the colonies, to be a very unsatisfactory position—the most unsatisfactory position. So much so, unhappily, and so difficult was it to meet, that an attempt

only, and nothing more, even in England, had been made to define it. If the House should go on, and, as a co-ordinate branch of the Legislature, assert their rights; and if the Assembly should, in the same way, continue to insist upon what they assumed to be their absolute rights; and if each upheld their position with regard to dealing with taxation and money Bills;—there could be no advance so far as the public business was concerned. They must each to the other submit with that degree of consideration in their mutual action as co-ordinate Houses of Legislature which their acquaintance with their duties and their position must commend. The Council might carry on to the bitter end the subject in hand this evening; they might refuse to relax one jot from the position they took up on the previous night;—but what would be the end? They could do no more than they would do if they accepted the amendment which was proposed by the honourable Mr. Gregory—which was to deliberately and determinately assert their rights and privileges. It followed as a deduction that they intended to adhere to their rights, and that if any more important case arose than the present one, they would be found, he had no doubt, capable of maintaining their rights and privileges. He had considered the question the House had to deal with. He believed it was admitted on all hands—at least, he had not heard any honourable member assert to the contrary—that the Bill with which the message was connected was a valuable one, and one that all desired to see pass into law; in that regard he thought the amendments made were valuable, too; but, looking to the value of the Bill as a whole, and to their amendments as of secondary importance, he thought the question of rights and privileges might on this occasion be met by their doing no more than asserting them—the Assembly could do no more—the two Houses could go on in the same way *ad infinitum*, and occupy their unsatisfactory position—while allowing the Bill to pass. If some of those stout supporters of the rights and privileges of the House were to take upon themselves the very difficult, if not impossible, task of arriving at some satisfactory determination of those rights and privileges, or what they were supposed to be; and if those honourable gentlemen carried their labours successfully to an end; they would create an obligation towards them in the mind of every person in the community, and Queensland would be enabled to present an example to other countries the advantage of which would be everlasting. Much as he desired to stand up for the rights and privileges of the Council, he would not refrain from giving his vote for the proposed amendment; because he thought it answered all

purposes. The Council could do no more with satisfaction to themselves or the country. They might, by adopting a bolder course, have what, to his mind, would be the unhappy satisfaction of throwing out the Bill; but he did not think that that course or that result would be satisfactory to, or advantageous for, the country generally.

Mr. MEIN said he was sorry to differ from the honourable gentleman who last addressed the House. The assertion of a right was nothing if the House could not maintain it. The Council had the best possible chance now of maintaining their rights;—for the reason put by the President, that the Bill was one which both branches of the Legislature were anxious should become law. If they asserted their rights simply they gained nothing. Was it likely that the Assembly would forego the Bill because the responsibility of throwing it out rested with them? Was it likely that, for a mere matter of sentiment, they would throw out the Bill which they considered so necessary for the country; and when they could not deny that the Council possessed the right under the Constitution to make the amendments in it which had been made? It was a perfect farce to talk about the Council asserting their rights by merely putting it on record on a piece of paper that they did so. To act in that manner would be simply to make themselves the laughing-stock of the country; and all their discussions during two evenings would be simply so much empty breath. Let the Council maintain their rights as well. If they did not maintain their rights, not alone assert them, he would never stand forward again to support the rights of the Council. If they abandoned their undoubted constitutional rights they would be guilty of moral cowardice, and guilty of treachery to themselves. It would be a farce to talk of maintaining what they had surrendered. If they gave way to-night, they gave way in perpetuity.

The PRESIDENT: To use the word cowardice in such a Chamber as the Legislative Council was surely out of place. How the honourable Mr. Mein could assume the position of being less cowardly than anyone else in the Chamber he could not conceive. What had he done, what had any member of the Council done, that such an epithet should be thrown at them? Cowardice! What was there to be afraid of? He wanted to know why the honourable member used such an expression? Gentlemen would not, should not, put up with it. He did not understand it. He did not think that such expressions as he had just heard should be thrown broadcast in a deliberative assembly. The Council could have only one object in view, which was to do the best that in their opinion they could do for the country.

Their action was of importance to the country. Some honourable members might not agree that it was, at present, in regard to the Bill before them. If the honourable Mr. Mein had been in the House when he (the President) spoke to the question of what the Council could, and what they could not do, he would have heard his statement that they were only now in the position that Legislative Councils and the House of Peers in England had been in over and over again;—that they might assert their rights, they might know they were justified in so doing, they might insist on them; they might go on for a time, doing so; but they could do no more than that;—they could do no more than the Legislative Assembly could do; they could assert their rights. Were honourable members children, that they could not understand their position? Did they not know what they owed to the country as well as to themselves? In their position, were they to be led away by a few heated words—by an address flavoured by, or wound up with, such a term as cowardice? If he could understand such a thing, or that the Chamber would be affected in their conduct by such words, they would be incapable of their position as legislators. He held that honourable gentlemen completely fulfilled their position as a Legislative Council if they informed the Legislative Assembly that they still insisted upon and asserted their rights. The honourable Mr. Mein had told them they might do more. He (the President) asked:—“What is more? What can the Assembly do more?” The Council might send the Bill back to the Assembly, and the Assembly might throw it out. Would their rights be the greater for that? Were they greater, because the honourable Mr. Mein got up and told the House that they must vindicate them in some other way? As reasonable men let them act. They had an opportunity to-night of acting in a rational manner. If, on the contrary, they were to be actuated by party feeling, for the purpose of throwing out a measure of great importance to the country, they would be acting in another manner, that was not rational, to say the least of it. He said, in conclusion, that the proposal contained in the amendment of the honourable Mr. Gregory was one that if affirmed would add to the dignity of the Council.

HONOURABLE MEMBERS: Hear, hear.

Dr. O'DOHERTY said he could not avoid rising, also, to express his conviction that such words as those used by the honourable Mr. Mein were entirely misplaced in the House. He, for one, felt acutely that he had a very high responsibility in the action he took on this occasion. He was disposed to regard the opinion expressed by the leader of one side of the House—his hon-

ourable friend, Mr. Mein—with more consideration, probably, than he would show to the opinion of almost any other honourable member; and therefore it was with very great regret that he had heard the language used by him this evening, especially as that language had reference decidedly and clearly to the action which he felt it his duty to take on the present question. By that language he was stigmatised as a moral coward. He utterly denied that it was in any way applicable to his action on the present question. When the subject was under discussion on a previous occasion he felt it his duty to differ from the honourable Mr. Mein. He did so now. He differed from him with regret on any important political question, but he utterly denied that the honourable gentleman was justified in stigmatising his conduct as affected by the smallest shade of moral cowardice. He said, with the President, what on earth had he to be afraid of? If he acted according to his instincts, as he was a hot-headed Irishman, he might enjoy a bit of a row as well as anybody else. Not the slightest hesitation did he feel in expressing his opinion; and he would not yield to any honourable member who thought differently from him. He did not yield to either the honourable Mr. Walsh or the leader of the Opposition in his respect and anxiety for the privileges of the Council; but he had the highest respect for the President; and he was disposed to thank the present Government for the great privilege conferred on the Legislative Council by their sending him to the House to guide their counsels and give them all the benefit of his long experience and parliamentary knowledge.

HONOURABLE MEMBERS: Hear, hear.

Dr. O'DOHERTY: It was with the greatest possible regret and the greatest diffidence that he found himself opposed to the two honourable gentlemen who sat near him in his interpretation of the important constitutional question that had arisen. But, notwithstanding, he would insist upon exercising the same independence in this House that was always permitted to him in the other branch of the Legislature. Honourable members were not to be controlled in their actions in the House by any one member, which would be a great deal worse than being controlled by the other House of Parliament. It was perfectly clear from what they had heard from the President that the present question between the two Houses of Parliament was unsettled in every part of the world where there was Constitutional Government. The same differences existed, the same difficulties remained to be solved, as were found in Queensland. He agreed that a gentleman who had attained such a position in the political world as the honourable Mr. Mein would do a great service if he would try to solve the diffi-

culties which had so long remained unsolved, and it would be better for him to endeavour to accomplish that task than to stigmatise honourable members in any way for not following the course that he might think proper to point out. The Bill before the House he (Dr. O'Doherty) regarded as the backbone of the policy of the Government. Moreover, honourable members ought to recollect that in this session the present Government made their first appearance before the country. The Bill was an important part of the policy which they had presented to the country. He perfectly well recollected that in the lower House there was always a great deal of consideration shown—and deservedly shown—to a new Ministry. The Council ought to extend the same consideration to the present Ministry; and, when the Government policy involved an important change in the administration of public affairs, it ought to be received with the greatest consideration, if not with favour. Mainly because of that feeling, he urged upon the Council to forego, in the sense they were called upon by the President, the assertion of their undoubted rights—that they might yield those rights for the time being with a view to the passing of the very important Bill which was now before them.

Mr. WALSH contended that great consideration had been shown to the Government by the Council, who evinced a desire to expedite business, and to assist the Administration in every way, and that they deserved something more than abuse for the part they had taken in the legislation of the session. He did not know that any member had given greater assistance to the Postmaster-General than his honourable friend, Mr. Mein. He would ask the Postmaster-General if he would not assent to that—that he had derived from the honourable Mr. Mein more assistance in the passage of Bills through the Chamber this session than from any other member of the Council? Therefore, he (Mr. Walsh) was justified in claiming great consideration for the views of his honourable friend. He regarded him as an exemplar, and he did not hesitate to say he considered that the honourable gentleman had been justified in the remarks he made to the House, because he believed that a certain fear existed in the minds of certain other honourable members with regard to the amendments in the Bill and the position the House had taken up. The amendments were trifling in comparison with the rumpus that they had occasioned in another place. For himself, he regarded one amendment as a particularly judicious one—that the tenants of the Crown should be fairly taxed, and should pay a more equitable proportion of taxation than they would be called upon to do under the original form of the Bill. The difference

involved by the assessment would probably not amount to an increase of £1,000 coming from the whole of the pastoral tenants. The Committee knew that from the evidence which the honourable Mr. Murray-Prior had afforded. However, he was in favour of upholding the rights of this House by insisting upon their amendments, as he was in favour of upholding the rights of the people by contending for every class of the community paying its fair share of taxation under the system to be initiated by the Divisional Boards Bill. It ought to be borne in mind that some of the amendments actually emanated from the Postmaster-General himself. If the Council insisted on their amendments, the Government would not abandon the Bill. They could not do so. The threat to do so amounted to nothing. The Postmaster-General had made several *ad captandum* appeals to the House about their imperilling the interests of the people. Well, the House knew how to value what he said. If the Bill should be abandoned by the Government, the dissatisfaction that would, as stated, prevail throughout the length and breadth of the country would not be directed against the Council, but would be directed against the other Chamber, and especially against the Government, for allowing their Bill to drop. Was the honourable Mr. Murray-Prior one of those who were bolder in a battalion than when he found himself forming only a majority of one?

Mr. MURRAY-PRIOR: The honourable gentleman knew how to twist words.

Mr. WALSH did not wish to twist any words of the honourable member. He respected him too much; but he referred only to the honourable member's own excuse for abandoning the position which he had taken up at first in reference to the amendments of the Council in the Divisional Boards Bill. The honourable Mr. Gregory had shown the House clearly that on the question of mines there was no real difficulty, and that the mining interest could be as reasonably assessed for taxation as the farming interest. He (Mr. Walsh) regretted exceedingly that there should be any wavering on the subject before the House. Of course, he had listened with the greatest pleasure to, and derived much information from, the advice tendered to the House by the President; and if he could possibly see that he would be fulfilling his duty to the House and to the country, on an occasion like the present, he would be only too glad to follow the honourable gentleman. He paid the greatest respect to the arguments that had been brought forward by him, but he was convinced that the Council would be doing an injury to the country if they acted in any other way than to insist upon the amendments which they

previously made in the Bill. They must insist, and by so doing repel the treatment they had received from the other Chamber, and vindicate their right to deal with the matters in dispute.

Question—That the words proposed to be omitted stand part of the question—put; and the Committee divided:—

CONTENTS, 7.

Messrs. Walsh, Pettigrew, Swan, Turner, Cowlshaw, Edmondstone, and Mein.

NOT-CONTENTS, 13.

The Postmaster-General, Messrs. Taylor, Ivory, Hart, Box, Sandeman, Bell, McDougall, Murray-Prior, Gregory, Drs. Mullen, Hobbs, and O'Doherty.

Resolved in the negative.

Question—That the words proposed to be inserted be so inserted—put.

Mr. WALSH said that the House had witnessed the most extraordinary display of voting that he ever saw. The Postmaster-General defeated the Government. It was a significant circumstance, and unexampled in the history of parliamentary proceedings. It would be used as an argument against the existence of a second Chamber, to point to the proceedings of this evening.

Mr. IVORY said he was delighted to find the honourable Mr. Walsh a warm supporter of the present Government; only if the honourable member had not said so, he should have failed to discover it for himself. No doubt, the honourable gentleman had just now occupied the Government benches, where most people would suppose he ought to be found usually, from the circumstance of his having joined the House at the instance of the present Government.

Mr. WALSH said he consulted the dignity of the House by voting on the opposite side to the honourable member.

Mr. IVORY: The honourable gentleman was welcome to do that as often as he pleased; for he (Mr. Ivory) did not think, judging by his action since he came to the Chamber, that they two could very often be found alongside of one another. His whole desire seemed to be to get up difficulties in place of maintaining the dignity of the House; and to regard the Chamber as a place for performing the little sleight of hand on parliamentary practice at which he was such an adept.

Mr. WALSH: Perhaps the honourable gentleman would explain the mode in which he performed sleight of hand? He did not know whether the honourable gentleman was sent up to the Council on a special mission to perform such varied feats for the Government. The honourable member evidently knew something about them, and might know what was meant. It was the first time that he (Mr. Walsh) ever heard such an undignified expression uttered in the House.

The Committee divided :—

CONTENTS, 12.

The President, the Postmaster-General, Messrs. McDougall, Murray-Prior, Gregory, Taylor, Drs. O'Doherty, Hobbs, Mullen, Messrs. Hart, Sandeman, and Ivory.

NOT-CONTENTS, 7.

Messrs. Walsh, Pettigrew, Edmondstone, Swan, Cowlshaw, Turner, and Mein.

Resolved in the affirmative.

The CHAIRMAN reported to the House that the Committee had come to a resolution. The report was adopted, and a message in the terms of the resolution was ordered to be sent to the Assembly returning the Bill.

Mr. WALSH: An unusual message to go down!

ORPHANAGES BILL.

A message in reference to this Bill was received from the Legislative Assembly, intimating that that House did not insist upon their disagreement to that part of the Council's amendment in clause 8 which proposed to omit the words "or upon the order of the Minister"; nor to the Council's amendments in clauses 22 and 23.

LICENSING BOARDS BILL.

A message from the Legislative Assembly was received in reference to this Bill, intimating that that House did not insist on their disagreement to the amendments insisted on by the Council, or on their proposed amendment of the Council's amendment in sub-section 1 of clause 2.

APPROPRIATION BILL No. 2.

A message was received from the Legislative Assembly, transmitting, for the concurrence of the Council, "a Bill to authorise the Appropriation out of the Consolidated Revenue Fund of certain Sums to make good the Supplies granted for the years ending on the last day of June, 1880, 1878, and 1879."

At an early stage, it was read a first time, and ordered to be printed. Towards the close of the sitting, on the motion of the POSTMASTER-GENERAL, under the suspension of the Standing Orders, the Bill was advanced through all its remaining stages, and passed, and ordered to be returned to the Legislative Assembly forthwith.

HANSARD.

The PRESIDENT read the following message from the Legislative Assembly :—

Mr. PRESIDENT—The Legislative Assembly having considered the message of the Legislative Council relative to the Report of the *Hansard* Committee, expresses its regret that the late period of the session at which the message was received has prevented the Legislative Assembly from giving it more mature consideration. The Legislative Assembly recommends that the President of the Legislative

Council, the Speaker of the Legislative Assembly, and some Member of the Government be authorised to confer together with the object of recommending some feasible scheme for the issue of a daily *Hansard* for the Council.

H. E. KING,
Speaker.

Legislative Assembly Chamber,
Brisbane, 25th September, 1879.

The consideration of the message was made an order for a later hour of the sitting.

During an interval, between the stages of the Appropriation Bill,

Mr. WALSH raised the question of the consideration of the message, in connection with necessary provision to meet the requirements of the Council.

The PRESIDENT: The honourable gentleman was not in order in anticipating a debate on a question that was further down on the paper;—it was to be called on as the next Order of the Day.

When the Order for the consideration of the Order was called on,

Mr. WALSH declined to proceed with it; and

The matter dropped.

HEALTH ACT AMENDMENT BILL.

Dr. O'DOHERTY said, in rising to move the second reading of "a Bill to amend the Health Act of 1872," at this late hour of the session, he intended, in as few words as possible, to explain the scope and nature of the measure and the reasons for which it had been brought forward; and he should do so mainly in the hope that honourable members would be induced early next session to pay attention to the subject of it. He might be permitted, in the first instance, to explain how he came to have charge of the Bill at all, and also the reason why, having charge of it, he was only able to present it to the House at the last moment. He regarded it as a very important Government measure; and honourable members might reasonably be surprised how it came into his charge. It arose in this way :—The Colonial Secretary, as Chairman of the Central Board of Health, on a recent occasion, when considerable difference of opinion arose between the sanitary authorities, the Municipal Council and the Local and Central Boards of Health, threw out a hint to the Central Board of Health to take the present Health Act in hand and to endeavour to frame an amending Bill upon it which would meet the difficulties that were encountered in the working of the existing sanitary law. The Central Board of Health, in accordance with the wish of the honourable gentleman, met on many occasions, conferred together, and the Bill now presented to the House was the result of their conferences. As the

author of the first Bill, he (Dr. O'Doherty) held aloof from the consultations of the board, feeling that they should not be influenced by any delicacy towards him; but he stated to the board that he should be very happy to aid in any way the passing of any amended Bill, or in directing it through Parliament. He believed it was at the suggestion of the Colonial Secretary that he was taken at his word; and in that way the Bill had been placed in his charge. The responsibility of a charge of the kind was great, because he considered that there could not by any possibility be brought before the House a more important measure than one to deal with sanitary law. It was to a great extent an experimental measure. He might say so with considerable authority, because, having been instrumental in passing the first sanitary statute through the Parliament, seven years ago, and taking as warm an interest as it was possible for him to take in the working of that statute, ever since, he had some warrant for stating, as a simple matter of course, because of the difference of the climate of Queensland from that of most other climates under the British Crown where representative Government existed, and from the sparsely-inhabited nature of this colony, to endeavour to establish anything in the shape of a sanitary law was necessarily much more difficult than in the more thickly populated and cooler climates of the older world. The board had found that out necessarily in their efforts to administer the Health Act of 1872. He would explain that by giving an account of what had been done up to the present time under the sanitary law passed seven years ago. That law had been selected by himself as the one most likely to be easily adapted to the circumstances of this colony. It had been adapted from a similar law in existence in Canada, where it worked extremely well; and for the simple reason that it was found to be the most economical form that could be adopted by way of trial, and being equally effective in its machinery with the more complicated sanitary laws obtaining in other parts of the British Empire. He thought he might claim, in point of economy, that it was about as economical a law as was ever passed by a Parliament. Although it had on many occasions proved extremely valuable in protecting the colony from the invasion of infectious and dangerous diseases, and although it had also succeeded in accomplishing a very large amount of sanitary reform in and around the capital city of Brisbane, as well as in some other cities in which it had been proclaimed, yet it had cost almost next to nothing—as honourable members would perceive by the Estimates, not more than £500 or £600 a-year. Now, that was a feature of the Health Act for which he might claim great

credit, because all efforts in the colony for sanitary reform up to this time were simply experimental. In reference to the machinery of the Act, he would give some information, as possibly all honourable members might not be quite familiar with it. A central sanitary authority was established in the first instance, called the Central Board of Health. They were appointed by the Government, and were gentlemen supposed to be best adapted to fill the position that the Government desired as sanitary advisers. The smaller portion of the board consisted of medical men of repute, the larger portion of citizens chosen because of their general intelligence and presumed ability to assist the Government in sanitary matters. The board, immediately after the passing of the Act, were authorised to arrange a species of sanitary code for the guidance not merely of the Government, but of any district that might be proclaimed under the operation of the Act; and were he disposed, now, to go very deeply into the subject he should lay before the House the code which was drawn up by the Central Board. That code had proved in many respects a valuable one. On the only occasion that there was real danger of an invasion by a formidable contagious disease, the board were enabled to establish as it were complete protective arrangements right along the coast. A report that some honourable members might recollect was issued by the Central Board of Health, a year and a-half ago, giving an account of what was done by Government, under the board's direction, when the colony was threatened with the invasion of small-pox. When the Chinese were coming here in great numbers, and disease was spread in the north-eastern countries, the Government, under the direction of the Central Board of Health, proclaimed all the seaports of Queensland, from Brisbane as far as Cooktown, under the operation of the Health Act. There were local boards appointed in each port and town, and those boards were absolutely prepared, in the event of an outbreak of disease, to take possession at once of any case, and, as had been frequently done in the neighbouring colonies, to attack and to destroy the infection before it had time to take root in the community. Anyone who was aware or had the least conception of the fearful danger that this young colony, especially those towns situated along the coast, might incur from the possible invasion of such diseases as small-pox, typhus fever, and diseases of that malignant kind, could realise—only those who were aware of the fearful ravages they entailed could realise fully—the benefit of the preparations of the sanitary authorities on that occasion. He had no hesitation in saying that the Act

was as perfect a protection against that danger as could possibly be desired. The peculiarly fit nature of the Health Act was proved in that case, because the proclamation of the Government which constituted all the local boards was in force only so long as the danger lasted. When the danger ceased all those local boards ceased to exist; and at the present time, except in the town of Maryborough, the Health Act was not in operation. He might mention those facts as showing that in the case of a possible invasion of any formidable disease, the Government were already in a position, by the operation of the Act, at any time to protect any portion of the colony against it. So far, he considered the Health Act was very satisfactory; but the main purpose of a sanitary law of the kind that should exist in the colony was not merely to be prepared in every way to meet the invasion of a formidable disease, but it should be efficient in all the means that obtained for preventing the outbreak of many dreadful diseases amongst us, and not merely those coming from outside the colony. This really was the most important feature of such a law, and by many degrees the most difficult to give form and effect to in the working of a sanitary law. As regarded the Health Act of 1872, its entire operation, so far as Brisbane was concerned, was to put the city in such a state of cleanliness and healthiness as to render it to a great extent, in the case of sickness breaking out, perfectly secure. The efforts of the board had been directed to the organisation of preventive measures and to ensure domestic as well as public cleanliness. It was on this point he was anxious to say something to show the urgent necessity of the Bill before the House being studied by every honourable member, as well as by the Government, in order that such measures as should be taken might be consistent with public safety and in accordance with modern science. It was quite possible, he said deliberately, that under present circumstances, owing to the great uncertainty prevailing in every part of the world, even in England, upon some of the most important questions of sanitary law, the authorities might be endeavouring to carry out a system that was utterly inconsistent with public safety. It was in that view he urged honourable members to take the Bill home with them and to study it closely. He wished them to examine into the working of the sanitary law at present in force in Brisbane and to be prepared at the opening of the next session to take an intelligent and earnest course with regard to the system which Parliament in its wisdom might choose for general application by reforming or amending the existing Health Act. He was of opinion that the Act did require amendment; but to amend

it properly would demand an amount of intelligence which he could not lay claim to. No human being could, under the present circumstances, frame a sanitary law that would not require amendment in a few years. He would explain to honourable members how perfectly palpable it was that amendment would be needed, and why the utmost possible care on the part of the House and the Government was necessary in framing a new law. One of the first difficulties the Central Board of Health had to contend with in endeavouring to establish a sanitary system in Brisbane was, that every species of abomination prevailed in the city from the absence of sewerage. He would particularly remind honourable members who were older residents than he that the very centre of the city, "Frog Hollow," had become synonymous with every description of filth and abomination. There was no attempt, not even of the most primitive kind, at drainage. He would not enter into particulars, but state that the first undertaking of the Board of Health was to cleanse that Augean stable, as it might fairly be called. The Local Board of Health established by the Municipal Council of Brisbane endeavoured to overcome the then existing state of filthiness by giving effect to the code of regulations drawn up by the Central Board. Great efforts were made to remedy the defects of the city in regard to drainage, and compel the carrying out of systematic sewerage in some shape or other, so as to ensure under the code the adoption of preventive as well as protective sanitary measures. Continuous efforts had been made by the Local Board of Health in those directions, and one of the chief weapons, as it were, used by them for the purpose of effecting a complete change was an order that all cess-pits should cease to exist in a portion of the city: the chief portion of Brisbane was marked off within which the order was to be strictly carried out. The Central Board of Health were not by their regulations attempting anything like a revolution. They laid it down, in the first instance, as had been done in other colonies under similar circumstances, that any of three forms of closet should be allowed. There might be cess-pits, provided they were made perfectly watertight; there might be water-closets, provided that they, too, were in a perfectly workable condition; or there might be earth-closets. The regulations laid it down distinctly that, whatever form was used, they should be used in such a manner that they should not be a nuisance or endanger the general health. Many circumstances perfectly justifiable to his mind led the Local Board of Health to determine that, so far as the especially worst portion of the city was concerned, it would be a wise thing to attempt the establishment of the earth-closet system, and to

adhere to that system alone. They had done so—established it;—and ever since they maintained continuous efforts to extend it all over the city. He did not intend to bring forward his own opinion prominently; but he had watched the system very closely, and it was looked upon with great interest, not only in the colony, but by persons at a distance. At this moment, the board had inquiries from New South Wales and from cities in the north as to what was the result of their experience in regard to the system. It was extremely important that no mistake should be made; if the city was to be subjected wholly to the earth-closet system, that system should be carried out completely, in a scientific manner, and not in the experimental and incomplete manner in which it was at present applied. There was no doubt that any system carried out on a large scale, involving the sewerage of a city as large as Brisbane, must be made under the absolute direction of the Legislature or the Government. No local body, not even the Municipal Council, had a right to establish on an extensive scale, involving the health of thirty or forty thousand people, or may be a larger number, any system, after it had passed the experimental state—it was necessarily experimental so far;—they should not be charged with the duty of making it permanent. Things had reached that state at the present time in Brisbane that either the earth-closet system would remain and continue, possibly, to be a greater nuisance than the old closet system, because of the incomplete manner in which it was carried out; or, if it were determined upon that the system tried should be extended over the whole city, and made permanent, it should be established by the Legislature. The sanitary system should be gone into and made a complete one, and be carried out in as perfect a way as in the cities of England. It was not sufficient for the Local Board of Health under the Municipal Council to send a few carts here and there through the city; nor that in three-fourths or four-fifths of the city there was no application of the system. At present no body was absolutely compelled to have recourse to it. He might have his residence subjected to the cleansing system: his neighbour next door might be permitted to do as he liked. So long as every house was not subjected to one and the same sanitary rules, there was great danger in experimenting in such a manner as he described; so far from the partial application of the earth-closet system being a benefit, it might be a curse. It was because he thought the responsibility so very great that he urged the House and the Government in the strongest possible manner to take this matter in hand, although it was not by any means a very nice subject to

deal with, especially coming after the exciting and interesting debates which had so recently taken place;—but there was no more important subject to which the attention of honourable gentlemen could be directed. Probably, in all the world there was no city better adapted than Brisbane was for the scientific carrying out of the earth-closet system as the most perfect cleansing system that could be adopted. There was every possible requisite at hand. But to be so carried out, it must be enforced as the law. A rate must be levied for the whole city; the city must be divided into districts; contractors must be appointed; every house must be subjected to the law. It was because of his belief in the urgent necessity for the only proper course being taken, that he urged upon honourable members that when the question should come up next session they ought to be prepared to deal with it, and not leave it to the Central Board of Health, or the Local Board and the Municipal Council, to determine. He had lately a conversation with the Colonial Secretary, who gave him a half promise that the Government themselves would take up the question. He thought it was of the utmost importance that the Government should take it up, even by the appointment of a royal commission, who might include within the scope of their inquiry the proper drainage of the city, and the disposal of the sewage. Those latter, also, were questions that urgently required the supervision of the Government, who alone were competent, in his mind, to take them up in a comprehensive manner, and to deal judiciously with them. Otherwise, he suggested to the House that at the commencement of the next session a select committee should be appointed to inquire into and report upon the whole subject before an Act should be passed, even before his Bill should be considered by the House. He wished honourable members to have the opportunity of availing themselves of all the evidence obtainable. For the reasons given, he had ventured to lay the subject before them. He should not detain them further. Of course, it was perfectly useless to think of advancing the Bill, though he believed if it had been brought forward earlier in the session it would have passed readily, being merely an amendment of many details of the existing Act; but it did not touch upon the important points which he had urged upon the House as most worthy of their consideration with a view to legislation next session. He did not know whether he ought really to move the second reading of the Bill, as beyond that stage it could not be advanced.

The POSTMASTER-GENERAL said he was sorry that the exigencies of public business this session had not permitted the House to go into the subject. He agreed with the

honourable Dr. O'Doherty that it was a very important one, indeed; and he assured him that the consideration of the Government would be given to it during the recess.

HONOURABLE MEMBERS: Hear, hear.

Question put and passed.

CLOSE OF SESSION.

The POSTMASTER-GENERAL said he had now to congratulate the House on the conclusion of the business of the session; and in so doing he had to express his heartfelt obligations to honourable members for the consideration which he had received at their hands. Coming to the Council almost a perfect stranger, and quite unacquainted with the forms and usages of the House; and also being quite a novice at the work of leadership, in the conduct of public business; he knew he must on many occasions have sorely tried the patience of honourable members. He had, however, to thank them that they had overlooked all his deficiencies, and had cordially co-operated with him—members on both sides of the House; and he particularly included the honourable Mr. Mein, who had assisted him in every way in his endeavour to carry on the business of the session. He thought that whatever differences of opinion had occurred, it must be acknowledged that the Council had made some valuable amendments on measures that came up from the other Chamber; and that the last act that they consummated, to-night, really did the House much credit. Even acknowledging that they were in the right and the other Chamber utterly wrong, he maintained that they had shown true political wisdom, the truest statesmanship, in making a concession, knowing what very serious consequences might have ensued had they insisted upon their strict rights. He had no more to say, further than again to offer his thanks to all honourable members for the treatment he had received. He had to move

That this House do now adjourn.

He begged to mention that, in all probability, by Tuesday next, the prorogation of Parliament would take place.

Question put and passed.

The House adjourned at 10:50 p.m.

PROROGATION OF PARLIAMENT.

Parliament was Prorogued by the following Proclamation in the Government Gazette Extraordinary, issued on Tuesday, September 30:—

	PROCLAMATION by His Excellency Sir ARTHUR EDWARD KENNEDY, Knight
[L.S.]	Commander of the Most Distinguished Order of St.
A. E. KENNEDY,	Michael and St. George,
Governor.	Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief of the Colony of Queensland and its Dependencies.

WHEREAS the Parliament of Queensland now stands Adjourned to Tuesday, the thirtieth day of September, 1879, and it is expedient to Prorogue the same: Now, therefore, I, Sir ARTHUR EDWARD KENNEDY, in pursuance of the power and authority in me vested as Governor of the said Colony, do hereby Prorogue the said Parliament to Tuesday, the eleventh day of November, 1879.

Given under my Hand and Seal, at Government House, Brisbane, this twentieth day of September, in the year of our Lord one thousand eight hundred and seventy-nine, and in the forty-third year of Her Majesty's reign.

By Command,

A. H. PALMER.

GOD SAVE THE QUEEN!