Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 12 OCTOBER 1880

Electronic reproduction of original hardcopy

LEGISLATIVE ASSEMBLY.

Tuesday, 12 *October*, 1880.

Formal Business.—Questions.—Motion for Adjournment.—United Municipalities Bill—second reading.—Supreme Court Act Amendment Bill—second reading.—Licensing Boards Bill—Council's Amendments.—Supply—committee.

The SPEAKER took the chair at 3·30 p.m.

FORMAL BUSINESS.

Mr. NORTON moved that the following message be sent to the Legislative Council, viz. :—

Mr. PRESIDING CHAIRMAN—

The Legislative Assembly having appointed a Select Committee to inquire into the working of the Crown Solicitor's Office, and that Committee being desirous to examine the Honourable D. F. Roberts, Member of the Legislative Council, in reference thereto, request that the Legislative Council will give leave to their said Member to attend accordingly, on such day and days as shall be arranged between him and the said Committee.

Question put and passed.

QUESTIONS.

The HON. J. DOUGLAS asked the Secretary for Public Works—

1. If the Government intend to proceed with the extension of the Western Railway Line, in conformity with the authority of Parliament?
2. If so, when?

The MINISTER FOR WORKS (Mr. Macrossan) said he would be able to answer the member for Maryborough when the decision of the Parliament on the Bill to encourage the making of railways by private enterprise was known.

Mr. PRICE asked the Secretary for Public Works—

1. Is it the intention of the Government to proceed with the construction of the Burrum Railway in the event of Mr. Hurley neglecting to register the proposed company within a reasonable period?
2. If so, when does the Secretary for Public Works intend moving the adoption of the plans?

The MINISTER FOR WORKS said—

1. Yes.
2. As soon as I am satisfied that Mr. Hurley will not make the railway.

MOTION FOR ADJOURNMENT.

The HON. G. THORN said his object in rising was to call attention to something that took place the other day at Dalby. It was a gross case of stuffing the electoral rolls; and he also wished to point out the partiality shown by certain magistrates there with regard to claims sent in for registration. If the session were not so far advanced he should have moved for a committee of inquiry, because he felt certain that, even if the members were appointed from the other side of the House, a report would have been brought up condemnatory of the action of the magistrates in the revision court; but, as it was so late, he would not do that, but would be content with a promise from the Colonial Secretary to make inquiries. He was informed that at a revision court for the Northern Downs at Dalby some forty or fifty names were received illegally after the appointed time. All the applications were in one hand. He also knew of his own knowledge that the claims of a number of persons were refused. They were residents in the Northern Downs who had been residing there for years, and who had sent in their claims for registration to this bench of magistrates, but they were held to be informal because they did not in their papers state the exact spot where they were located. He could inform the House that before some of them sent in their claims they came to him and showed him the papers, which were properly made up, and he told them they were good and that if sent to any bench of magistrates they were bound to accept them. They came to him to make sure they were properly filled up. They were properly filled up and signed by themselves, and yet they were refused. He had no hesitation in saying that the papers would have been received by any other bench of magistrates in the colony. The revision court consisted of three magistrates—Messrs. Landy, Jessop, and Skelton. Mr. Landy objected, so the decision could not be said to be unanimous. Two of the magistrates were mere agents. The claims were handed to the bench by a man named Jeynes, Mr. Jessop's boundary-rider. That man stuffed the roll, and Mr. Jessop went on the bench and allowed the names to stand good. This same man, who, hon. members would remember, was the magistrate's servant, objected to the hon. member for the Darling Downs (Mr. Miles), and probably that gentleman was off the roll in consequence, simply because he could not be in Dalby, although he was as much entitled to vote as anyone. Because, therefore, the servant of one of the magistrates objected to him, his name was expunged from the electoral roll. His (Mr. Thorn's) reason in moving the adjournment of the House was to get an expression of opinion from the Colonial Secretary, and a promise from him to make an inquiry with regard to the majority who sat on the bench. The hon. gentleman would find that the magistrates had acted partially, and that the rolls had been stuffed in the manner he had described. It was not his place to go into details, but when the Colonial Secretary gave the information that would be obtained he might say something more about it. He simply now wished to point out the state of matters existing in the country districts. In the Dalby district an effort was being made to put the representation entirely in the hands of one squattage; and if an election took place at the present time—the rolls having been manipulated as they had been—one station would return the two members who represented the Northern Downs and Dalby, and this would be because in one case the rolls were stuffed, and because the other persons who were known to reside in the district for years had been left off. Such a state of things was not only an anomaly, but it showed that a Redistribution of Seats Bill was needed at once. In connection with this disgraceful state of affairs he might add that one of the magistrates he had referred to was superseded when the present Colonial Secretary came into office.

Mr. SIMPSON said he heard a little about the grievance that had been ventilated by the hon. member, but it was a very little indeed. The hon. gentleman seemed to take a marvellous interest in the doings of the Dalby electors, and it was very well understood up there that the hon. gentleman was aiming, in the event of an election, to be returned himself for Dalby. He (Mr. Simpson) did not think there was any truth, or very little indeed, in the statement made to the House. There might be a few grains of truth—just sufficient to make such a statement more misleading than if it was utterly untrue. With regard to the hon. gentleman's criticisms on the bench of magistrates, he (Mr. Simpson) was quite sure that the gentlemen who sat on that bench would not do anything illegal or dishonest if they knew it; and he dared say they knew the electoral roll law as well as Mr. Thorn himself. The fact of the hon. gentleman advising the men that their papers were correctly filled in was not proof that they were correct. The fact was, as he (Mr. Simpson) had been informed, that the men who had been referred to whose claims were disallowed were working on the Western Railway as navvies, and their papers were filled in—"Western Railway," simply. This would locate the applicants anywhere between Brisbane and Roma, and it was very clear why it was that the address was given as he had stated. The hon. gentleman was no doubt very anxious to have upon the electoral roll a number of navvies working on the Western Railway—in fact, it was one of his well-known little electioneering dodges, and as it had been met halfway the hon. gentleman did not like it. He would be very sorry if there was any truth in the statements that had been made, but he had no doubt an inquiry would show that things were not as they had been represented. He had heard on very good grounds that the hon. member for Northern Downs was struck off. He dared say the hon. member would like to have his name on every roll in the colony two or three times. There was not very much in the complaint. He (Mr. Simpson) could say positively that when the hon. member asserted that Mr. Jeynes was Mr. Jessop's boundary-rider he said what was not a fact and was drawing on his imagination. He (Mr. Simpson) did not believe the man was in the employment of Mr. Jessop at all. He did not think it necessary that the discussion should be prolonged. An explanation from the Colonial Secretary would be quite enough to meet the hon. member's objection.

The COLONIAL SECRETARY (Mr. Palmer) could only say that he had never heard a word about the matter till he heard it from the hon. member for Northern Downs. If the hon. member would put his complaint in writing he would have it inquired into.

Mr. SCOTT said the House was indebted to the member for Northern Downs, if it was only for calling attention to the mysterious way in which these rolls were prepared. His (Mr. Scott's) own name was struck off in his own electorate, and he remembered that the hon. member at the time proved that he knew all about Springsure, leaving him (Mr. Scott) to draw his own conclusions.

Mr. MILES said he happened to know something about the matter. His attention was drawn to it yesterday morning, when he took

the trouble to visit the court-house and inspect the application brought in by the man Jeynes. There were not quite so many as stated by the hon. member, but there were somewhere about a score filled up in this man's handwriting and signed by him. The bench at the time—or at least, Mr. Landy—objected to the applications being received. They all came straight and new from Mr. Jessop's office, and were brought in in a bundle, and the application made there and then. There was not a crease in them, and they had never been enclosed in an envelope. He was not at all surprised, particularly when he considered who the magistrates were. One of the magistrates was left off the commission of the peace by the hon. member for Maryborough for committing an assult for which he was fined. On a subsequent occasion he had taken declarations from children under years, and was again knocked off. How he got on a third time he did not know; but seeing that this magistrate had been guilty of the offences he had mentioned, it was not to be wondered at that the present case should have arisen. He (Mr. Miles) believed he was within the mark in saying that there were fifteen or twenty applications which were not made by electors at all. The applications were all signed by one man. He did not believe the Act was perfectly sound or he should bring the offenders to book for committing illegal acts; and there was not the slightest doubt that this was one of the most barefaced attempts at stuffing electoral rolls. He did not care a single straw about what the hon. member for Dalby said. He (Mr. Miles) was quite capable of looking after his own interests, and would take care that no Jessop knocked his name off the roll without his knowing the reason why.

Mr. SIMPSON, by way of explanation, said that one of the magistrates referred to was a magistrate by virtue of his office.

Mr. THORN, in reply, said he was formerly under the impression that the franchise was easily obtained, but he found now that it was not so, and this was not the only occasion. Three or four times before in revision courts people could not get their names on the Northern Downs and Dalby rolls. He was under the impression, when the present Act was brought in, people would be afforded every facility for getting their names on the roll, but that was not the way the Act was working in the Northern Downs and Dalby electorates, where greater difficulty existed now than before.

Mr. DOUGLAS said he wished to add, in connection with this case, that he understood the police magistrate was not present when the revision court was held—viz., on the 5th; but on the following day, the 6th, when the revision list of the Northern Downs electorate was brought up, he was present and refused the applications. Both these were brought forward by the same man, and the second lot were refused by the police magistrate.

Question of adjournment put and negatived.

UNITED MUNICIPALITIES BILL—SECOND READING.

The PREMIER (Mr. McIlwraith) said that when the Divisional Boards Bill was under consideration last year the Government intimated their intention to proclaim main roads in different parts of the colony. The announcement was made in all good faith, but difficulties afterwards came in the way which made it necessary to introduce the Bill, the second reading of which he was now moving—viz., the United Municipalities Bill. When clause 53 of the Divisional Boards Bill was under discussion, which provided that by proclamation in the *Government Gazette* certain roads might be exempt from the operation of the boards, the following discussion took place :—

"On the motion of the Premier, the words 'by proclamation' were inserted in the proviso that certain works might be removed from the control of the board by the Governor in Council.

"Mr. Griffith asked what the intention of the Government was with respect to this clause? The proviso stated that the Governor in Council might remove from the control of the board a number of works. If all the works enumerated were removed from the control of the board there would be nothing left for them to do. By the corresponding clause in the Local Government Act the main roads only might be excepted.

"The Premier said it was the intention of the Government to except only the main roads the traffic of which was through traffic. That burden should not be thrown on the shoulders of the divisional board.

"Mr. Griffith said that pressure might be brought to bear on the Government to relieve the boards of local concerns, and the principal beneficial effect of the Act would be lost. In times of general election deputations might wait upon Ministers—introduced, perhaps, by the Government candidate—asking that the Government would take over a road, a ferry, a wharf, or a well.

"The Premier said there were many cases in which the Government must, in the interests of the public, insist upon taking charge of roads, wharves or ferries, and the power to do so by proclamation must be left to the Government.

"Mr. Dickson said this was a convenient opportunity to ask the Colonial Treasurer whether he would be prepared to lay before the Committee, when they went into Supply on the Works Estimates, a schedule showing what he considered main roads to be kept under the charge of the Government?

"The Premier said he would not be prepared to lay such a schedule on the table. Hon. members must see that if they passed the Bill they must leave the Government the power of proclaiming what were main roads."

Shortly after that the Act came into operation, and the difficulty which lay before the Government was foreseen and referred to in a small work published by the authority of the Government in explanation of the Divisional Boards Act, which referred to the matter in these terms :—

"On the much-vexed question as to the exemption of main roads from the control of boards and their continued maintenance by the Public Works Department a few words are requisite. No standard by which a main road may be satisfactorily defined has yet been suggested; and it must be obvious that if, for example, the Government are still required to maintain all district thoroughfares on which mails are carried, the new system will afford no relief to the Consolidated Revenue, and will not alleviate the evils which the Divisional Boards Act was expressly designed to remedy. There is much force in the argument that the Government should permanently except no roads from the control of the divisional boards, as in that case imputations of favouritism could not be sustained, and the local representatives of the people would have more direct control over the roads and bridges of the colony than they could exercise were the more important thoroughfares maintained by the Central Government. The question is manifestly a very difficult one, and will require much consideration before a decision is arrived at. It may here be remarked that the Divisional Boards Act, unlike the Local Government Act, recognises no distinction between main roads and local roads. The fifty-third section merely contains the proviso that the board of any division shall not be charged with the control of any road or other public work which the Governor in Council may by proclamation except from its jurisdiction."

From that extract it was plain that the Government had it in contemplation to remove certain main roads of the colony from the operation of the Divisional Boards Act. Immediately after the rising of Parliament the Colonial Secretary took steps to put the Act into operation; and, of course, he was confronted at once with the difficulty as to the proclamation of main roads. The subject occupied the consideration of the Cabinet for a considerable time, and the applications that came in were so numerous that had the principle which underlay them been acceded to, almost all the roads of the colony would have

been exempted from the Divisional Boards Act, which would simply have been made a nullity. For instance, it was contended in some districts that wherever a horse mail travelled that ought to be proclaimed a main road and exempted accordingly. The Minister for Works suggested, during the debate last year, that main roads should be simply roads into the interior from each port in the colony. But that would not operate well, because from four or five of the ports railways had been sent into the interior at the expense of the Government, and the main roads running parallel with them ought not to receive an exceptional amount of aid from the Central Government. The applications that came in to the Government for exemption under clause 53 were mainly from districts where property was to a great extent alienated, and where roads ran through rateable property; and the fewest came from districts where there was least private property, and where land could not be rated to the same extent or on the same principle. Had those demands been acceded to all the roads in the colony would have been exempted. When the character of the roads in the colony was considered, no sound reason could be seen why one class of roads should be entirely at the expense of the colony while others should pay at the rate of one-third. There was no road so entirely belonging to the Central Government that the duty of repairing it could not be included in the work of a municipality or a united municipality. By this Bill they would be able to deal with main roads so as to bring them exactly under the same principle as all other roads and public works—that was, that one-third of the cost should be raised by local taxation and two-thirds given by the Central Government. The Government would thus be relieved from the embarrassment connected with road-making in all parts of the colony, and secure what was the main advantage of the Local Government Act and the Divisional Boards Act—namely, a better expenditure of Government money and an interest in the amount expended in each particular district. The Bill was a very simple one, and most of the clauses had been suggested by what was really the Local Government Act of England—the Imperial Public Health Act of 1875. There were works which were not confined to the locality presided over by one divisional board. It was possible that a road might run through two, three, or four municipalities, and to meet cases of that kind the Bill had been framed. In cases of that nature it would be the duty of those interested to petition the Government that certain municipalities should be united, and it was also provided that counter petitions might be received and acted upon. The Governor in Council having taken those petitions into consideration, he was authorised to—

"1. Constitute any two or more conterminous municipalities a united municipality, and assign a name thereto.

"2. Annex to a united municipality any other conterminous municipality.

"3. Sever from a united municipality any one or more of its component municipalities

"4. Dissolve or abolish any united municipality.

"5. Settle and adjust any rights, liabilities, or matters which in consequence of the exercise of any of the foregoing powers require to be adjusted."

The objects to be attained were described in the same clause as follows:—

"1. For the formation and maintenance of main roads, or roads excepted from the control of any local authority under the laws in force for the time being relating to the government of municipalities.

"2. For the carrying out of any public work, or the making of any by-law, for the common benefit of a united municipality.

"3. For any other purpose not inconsistent with the powers conferred and obligations imposed upon local authorities by the laws in force for the time being."

Hon. members would, then, see the machinery employed for the purpose of working out the objects of the Bill. A board where two local bodies were united would consist of the chairmen of the boards, and a member of each board to be elected by their own bodies. Where there were more than three boards, the board of the united municipalities would consist of the mayors or chairmen of the boards. Those boards were bound to meet annually, and to elect a president, and power was given them to make rules for their own government. The powers of the joint board were described in clause 11 of the Bill, which was pretty much a transcription of a clause in the Imperial Public Health Act of 1875. Those powers were—

"From time to time to exercise or perform any of the powers or duties conferred or imposed upon local authorities, or to assume any of the obligations to which such authorities are made subject by the laws in force for the time being relating to the government of municipalities, and all the powers, duties, or obligations to be so exercised, performed, or assumed shall be severally specified in the notice.

"Whenever the component municipalities in a united municipality have been constituted under the provisions of separate or differing Acts, the Governor in Council shall, in the notice aforesaid, also prescribe the particular Act under which such powers, duties, and obligations respectively shall be so exercised, performed, and assumed. And the joint-board of such united municipality shall, any statute to the contrary notwithstanding, throughout such united municipality exercise or perform such powers or duties, or assume such obligations, under and subject to the provisions of the particular Act so prescribed in the notice.

"From the date of publication of such notice, the local authorities having jurisdiction in the component municipalities within such united municipality shall cease to exercise therein any powers, or to perform any duties, or to be subject to any obligations which the joint-board is so authorised to exercise or perform or is made subject to.

"Nevertheless, the joint-board may delegate to the local authority of any component municipality the exercise of any of its powers or the performance of any of its duties."

It would be seen that the machinery was simple. There were to be officers appointed, and the body simply consisted of the chairmen of the component municipalities, or, if there were less than three, of two members in addition to the chairman to be elected by the local bodies; and they could either tax themselves directly, or, having decided how the money was to be raised, they had power to delegate their duties to either or any of the local bodies. As a rule, the main work of those bodies would be to apportion the amount of the subsidy to be paid for what was a general work by each of the different local bodies. Clause 12 gave power to the Governor in Council to authorise the appointment, if necessary, of engineers, superintendents, or other officers for the united municipality. It was a matter of importance that the Government, who paid two-thirds of the cost, should have the right of nomination. Clause 14 showed how the funds to be expended by a united municipality should be raised. It was also nearly a transcript from the Imperial Act, and ran as follows:—

"Any expenses incurred by a joint-board in pursuance of this Act shall be defrayed out of a common fund to be contributed by the component municipalities in proportion to the rateable value of the property in each such component municipality, such value to be ascertained according to the valuation list in force for the time being."

Clause 15 described the form in which the decision they had come to should be made known. Having come to a decision as to how much each municipality is liable for in the joint expenditure, the board would write out a precept in the form provided in the schedule intimating the amount to be found by each of the component municipalities. Clause 16 prescribed that the amount should be recoverable as

a debt from the local authority, and clause 20 prescribed that the Government might, if necessary, stop the amount named in the precept out of the subsidy due under the Divisional Boards Act or the Local Government Act. Clause 18 provided how the component local authorities were to raise the amount, and it had been so framed that the amount of their contributions would be subsidised to the same extent as those under the Divisional Boards Act or the Local Government Act—namely, that for every £1 they raised the Government would contribute £2. Clause 21 provided for the audit of the books by the Auditor-General; and clause 23 that certain statements of accounts should be published annually in a paper circulating in the district. He wished to draw special attention to clause 13, which was as follows :—

"Whenever any petition is presented to the Governor in Council praying for the severance of any municipality, or for any alteration or amendment of the boundaries of one or more municipalities, or whenever any application is made under the laws in force for the time being for the closure of any public road, the Minister shall transmit by post or otherwise a copy of such petition or application to the joint-board of the united municipality affected thereby for their consideration and report, and at the expiration of three months thereafter the Minister shall make such recommendation to the Governor in Council in respect of such petition as the circumstances of the case appear to demand"

It might seem rather strange that they should provide that united municipalities should have a hearing from the Government on the subject of the closure of roads, when that provision was not made in the Local Government Act or the Divisional Boards Act. He was very sorry the power had not been given under those Acts, because it was a matter in which local bodies were considerably interested. A great deal of harm had been done by the closure of roads in the colony—harm which the Government might well provide against in the future. Years hence it would, no doubt, be found that great mistakes had been made in closing roads that should not have been closed, but the present clause would form a safeguard for the future. Were it not outside the title of the Bill, he would like to see a clause inserted making it necessary for the Government to submit the closure of roads in municipalities, shires, and local districts to the local bodies; but that was impracticable in the Bill now before the House, the object of which, as he had stated, was to get over the difficulties they had encountered in taking charge of main roads. The principles of the Bill were sound and fair, and he believed that it would tend to make the Divisional Boards Act and the Local Government Act work more smoothly. The Bill took up somewhat different ground. Last year it was a sort of understood thing in the House that there were certain roads which it was the duty of the Government to uphold quite irrespective of any local body. But when all the cases were brought before the Government they saw that it was impossible to make any exception—that all the roads in the colony ought to be ranked in one category, and be under the supervision of local bodies subsidised to the same extent by the Central Government. He moved the second reading of the Bill.

The HON. S. W. GRIFFITH said that so far as the machinery of the Bill was concerned for providing for the union of two or more municipalities for the purpose of works carried on for their joint benefit, there was very little to be said. As the Premier had stated, the Bill was adapted from the Imperial Health Act of 1875. But the excellence of a piece of machinery on paper was not all that was required to make a measure work in this country. The Bill might be called a Bill to remove the limit of rating imposed upon local bodies, and to empower the chairmen of municipalities to increase the rates to an indefinite extent. That was the only practical operation of the Bill. There was considerable difficulty in providing for main roads. He had pointed it out when the Local Government Act was being passed; but he thought they might get over that difficulty without providing for the imposition of indefinite additional burdens on the people. That did not seem to him to be the only alternative. He did not know—nor, he believed, did anyone else know—how far the rates raised by the various divisional boards would be sufficient to carry out the work entrusted to them. He said the divisional boards, because, although the Bill dealt with municipalities under the Local Government Act as well as divisional boards, it was among divisional boards that the Bill, if it were passed, would principally operate. It was said that in many divisions the rates raised would be wholly insufficient to keep other roads quite independent of the main roads in repair. How was this difficulty to be got over by beautiful machinery whereby the chairmen of divisional boards might meet and order the expenditure of any sum they might think proper? The machinery of the Bill, in short, was this :—The joint-boards would consist of the chairmen of the component municipalities. These chairmen had the power to authorise the expenditure of any sum—there was no limit; and when they had done that they ordered the other municipalities to contribute in the proportion they might fix. When that order was made it had to be obeyed, and the other municipalities had to raise the money by a rate, however large the sum might be. If the chairmen chose to incur an expenditure which would have the effect of doubling or trebling the rates in some municipalities, those municipalities would have no option but to obey the order. Another difficulty would come in, and it would be appreciated by hon. members who had more experience of the working of the Divisional Boards Act than he had. It was quite clear that this Bill would only operate practically where the areas of divisions were small. It would not come into operation where the divisions were large. The Bill amounted to this—that in the more settled parts of the colony an unlimited amount of direct taxation could be imposed by the chairmen of the boards. He observed that the amount of expenditure incurred by the joint-board was to be apportioned among the component municipalities, according to what the joint-board might deem just and equitable. Where the united body were all divisional boards under the same Act, and where the rating was supposed to be upon the same principle, there was not so much apparent fear of injustice; but they knew very well that in the different boards, even, the rating was not made upon the same principle. He had heard instances of two adjoining divisional boards in which the rateable value as assessed in the one was practically double that of the other. These were just the kind of boards likely to be united under that Bill. The result would be that when expenditure was incurred by the joint-board the people highly rated would be still more highly rated, while those who paid less would in proportion pay still less. But when they came to a joint-board consisting of municipalities and divisional boards the matter was still worse, because the rateable value was estimated upon an entirely different principle. The rateable value of property in municipalities under the Local Government Act was ascertained upon a principle totally different from that adopted under the Divisional Boards Act. The rateable value in the two cases did not mean the same thing, and yet it was to be taken as a common measure for apportioning the expenditure incurred by the joint-board. How would that provision work? Then there was to be an appeal from the joint-board to

justices of the peace with regard to the apportionment, and the appeal was to be made on the ground of incorrectness. The joint-board were to make the apportionment as seemed to them just and equitable. Of what, then, did incorrectness in the apportionment consist? Contribution between the boards in ordinary cases was merely a matter of figures. In cases where the rateable value was £1,000 and £3,000 respectively, the proportion was three to one. The justices, he supposed, would make an arithmetical calculation. There was nothing in that. But as he understood them, the provisions of the Bill did not apply to cases of that description. They applied to expenditure for the benefit of a section of the united municipalities. The apportionment of such expenditure was to be made upon the discretion of the joint-board. How could there be an appeal to justices in such a case? How could they be a competent tribunal? A work was constructed which, in the opinion of the joint-board, would be for the benefit of a portion of two municipalities—say one end of South Brisbane and the neighbouring part of the district of Woolloongabba. There was to be an apportionment of the expenditure: how was it to be apportioned between South Brisbane or Woolloongabba, or within the municipality itself? And, whatever apportionment might be made, how could justices of the peace be a proper tribunal to revise it? They would not know as much about the matter as the parties who made the apportionment. They had power to consider only the incorrectness of the apportionment. How was it to be ascertained? This was only a matter of detail, but the Bill as it stood would give rise to great friction, to say the least of it, and some better provision would have to be devised. It might be better, as in the Local Government Act, to put the matter in the hands of the Governor in Council, that is, practically, the Minister in charge of the department. The main point in the Bill, however, was that it allowed unlimited additional taxation, which might operate very unfairly in the settled districts. The Premier, in moving the second reading of the Bill, did not make it as clear as he could wish what powers it was intended to confer upon the joint boards. Was the regulation of traffic intended to be one of these powers? Under the Divisional Boards Act the powers of the board were exceedingly limited. The board had the power to make by-laws; but it had no power to impose penalties for breaches of them. Practically, therefore, it had no power to make by-laws. Under the Local Government Act municipalities had the power to make by-laws for an immense variety of things—for the regulation of traffic, building, and the line of street—in short, almost every conceivable thing which could be controlled by a local authority in a large city. When the united municipality was constituted, it would be the duty of the Governor in Council to say whether it should exercise the powers conferred by the Local Government Act or those conferred by the Divisional Boards Act. In some cases it might be desirable that the powers of the Local Government Act should be exercised; but the provision had not been fully explained, and it might give rise to a great deal of trouble. The 2nd clause mentioned as one of the purposes for which the united municipalities were to be constituted—

"The formation and maintenance of main roads, or roads excepted from the control of any local authority under the laws in force for the time being relating to the government of municipalities."

Main roads were not yet defined, and he did not see that that provision abolished the difficulty. Then the second purpose was—

"For the carrying out of any public work, or the making of any by-law, for the common benefit of a united municipality."

What kind of public works were supposed to be for the common benefit of municipalities? Were these powers to be specified in the Order in Council constituting the united municipality? That was not clearly provided in the Bill. The third purpose was—

"Any other not inconsistent with the powers conferred and obligations imposed upon local authorities by the laws in force for the time being."

He did not understand that provision. The powers of municipalities were conferred by statute, and beyond these powers they had no other. These, however, were matters of detail which could be better considered in committee. The matter of principle which they now had to consider was whether it was desirable to impose an unlimited power of taxation upon a committee of chairmen—because that was what a united municipality would amount to. For his own part, he thought the power undesirable, and without it there was nothing in the Bill. Meeting and making resolutions amounted to nothing unless the board were provided with money. He did not think the Bill would be of any practical use to the colony.

Mr. McLEAN thought that the Bill, so far from being of any practical use to the colony, sounded the death-knell of the divisional boards. That was an opinion based upon the information he had gained from his own and other districts, where the question of the maintenance of main roads had cropped up. He felt satisfied that the Bill would never work in connection with the divisional boards system. As the leader of the Opposition had pointed out, the Bill was a measure to enable a certain authority to impose unlimited taxation. The joint-board might enter into any work they thought necessary, and by the expenditure of a sum of money which had to be raised by additional taxation. If the whole of the divisional boards of the colony had been made acquainted with the provisions of that Bill, they would have heard something more about it. He had sent a copy of the measure to the chairman of the board in the district he represented, and the result was the petition he had presented on the previous day. The feeling with reference to the maintenance of main roads was so strong in his own district that the board, he believed, had decided to spend no money whatever upon the main roads. That, however, was a foolish arrangement, because residents by the side of the main roads were rated in the same proportion as residents by the side of by-roads, and were quite as much entitled to have money expended upon their roads as others were entitled to have money expended upon by-roads. There was a feeling in some districts that the Government should institute a special subsidy for the maintenance of main roads. The Government would do well to take that proposal into their consideration, and see if they could not make a little extra provision for the assistance of these united municipalities in the principal work they would undertake—namely, the making and maintenance of main roads. The board could not possibly undertake that work with the present system of rating. In a lot of divisions the rates were not sufficient to put the by-roads in a passable state of repair; and some boards had foolishly rated themselves as low as the Act would permit. In his own opinion, the boards should calculate as nearly as possible what their expenditure was likely to be, and upon that calculation raise money as far as the Act would allow them. This Bill would afford no relief whatever to the boards; and instead of enabling them to work more satisfactorily it would have the opposite effect. The provision in reference to the closure of roads was a very wise one. He believed the opening of roads was an open question between the boards and

the Government—that was to say, as to whether the boards or the Government should pay the expense. He believed that the opening of roads was quite as worthy the consideration of the Government as the closure of roads in connection with the 13th clause. He did not believe that the measure, as a whole, would have the effect which the Government intended it should have.

Mr. KELLETT said he had been looking forward anxiously to see this Bill brought forward. He made some inquiries in the early part of the session as to when a Bill was to be brought in dealing with the main roads of the colony, and he was told that this was the one for the purpose; but on looking over this Bill he could not see that it dealt with main roads at all, as far as any benefit or advantage to the local boards was concerned. When the Divisional Boards Bill was brought before the House and passed it was distinctly stated—he understood, both by the Premier and the Colonial Secretary—that the Government would provide for the main roads, and he believed that would appear in both of their speeches in *Hansard*. He (Mr. Kellett) was a member of one of these boards, and he told them from time to time that the question of main roads would be dealt with during this session of Parliament, but he could not find anything in this Bill that was of any benefit at all. In the first place the improvements on some of the main roads which were originally made by the Government were necessary for something like a dozen different divisions, and he did not think they would get those divisions to agree to pay to a joint fund for the purpose of keeping up and improving these roads. He might instance that on the Brisbane River, in the Stanley electorate, there were bridges and other works there that were not made for the convenience of that district, but were intended for the whole of the traffic of the Dawson and Burnett—and, in fact, all the northern traffic. Years ago it was thought advisable to put up these bridges, and two or three of the boards would not be able to keep them in repair or, if they were washed away, to re-construct them; and he did not see how they were to be kept in repair unless the Government set apart certain sums for the maintenance of main roads. It was said the difficulty was to define what were main roads, and he did not know that what he would define as main roads would be agreed to; but he thought some of the main roads must be clearly defined, and unless they were defined and kept in repair by the Government he did not see how they were to be maintained. He was certain that in the settled districts the people had as much as they could possibly do to make the bye-roads without touching the main roads at all; and if, as had been stated, the chairman of these united municipalities had unlimited power of taxing the different boards, the people could not possibly pay it, as they were taxed as much as they could stand at present, and any such plan would not give satisfaction at all. If this Bill was passed he believed it would make the boards that were trying to work quite unworkable; and the end would be that the local boards would have to throw up their work altogether. Then, as to the incorrectness that had to be defined and which had already cropped up in the decisions of the benches, and had not been satisfactorily settled: as far as he could read the Act there was a minimum fixed that they could not go under; and, as far as he understood common-sense, there was a maximum allowed to be fixed by the boards; but some of the benches decided that there could be no more than 5 per cent., and the consequence was that some of the boards had reduced the percentage from 7 and 8 per cent. to 5, which he was perfectly certain in his own district would not be enough for the proper working of the district. Under these circumstances, it would appear that they did not require the boards to levy; the benches could do it, and they could not go above 5 per cent. He was quite satisfied that that decision would preclude the boards from doing half the work that was necessary, because 5 per cent. on some of the land would not be sufficient for the purpose. The people were already heavily taxed, and if on the top of that they were to have this further taxation, he believed the boards would simply give up the work altogether, as they would not be able to carry it out.

The MINISTER FOR WORKS said the Treasurer had not denied that he made the promise referred to by the hon. member for Stanley, but he stated that the difficulty the Government found was in defining main roads. The hon. member himself had found that he could not define it, and there was not a single member of the House who could define it. If he (Mr. Macrossan) were called upon to define what was a main road he would simply state as the Premier had stated, that every road leading from a seaport into the interior was a main road, but that would preclude several very important roads. For instance, the main road from Brisbane into the interior was the railway; it was the same at Maryborough, Bundaberg, Rockhampton, and Townsville. It would be utterly impossible to define main roads in any other way than that. If they attempted to define all the main roads they would probably do injustice to some parts of the colony. The hon. member said that this Bill would not satisfy the people; what would satisfy them? Of course they knew that people would not be satisfied to be directly taxed, but where was the Government to get money from? Was it not as well for the people to tax themselves as it was for the Government to tax them?—it came to the same thing at last. The hon. member said that this Bill did not help the local boards, but it gave £2 for every pound raised, and that was in addition to what they got under the present Act.

An HONOURABLE MEMBER: By more taxes.

The MINISTER FOR WORKS said they would have to levy a small tax no doubt. Did the Government get money without taxes—could they coin money? To hear some members speak one would think that the Government were the persons who made money for the colony. The Government must get money from the people, and it was better for the people to find it for themselves by taxing themselves. Of course it was more pleasant for the people to have taxes taken from them without their knowing it, as through the Customs, but it came to the same thing in the end. The arguments of the hon. members for Stanley and Logan could be used against local government of every description. They said that there would be unlimited power of taxation given by which the people would be crushed. That House had power of unlimited taxation, but it did not crush the people; it exercised discretion, and it was only reasonable to suppose that the joint boards would do the same thing. With regard to the provision for appeals, he thought it was a very good principle, because it might happen that in the distribution of the liability by the joint-board portion of the district might be unfairly treated, and it was a saving clause that that unfairness would be provided against by appeal to the justices of the district. He really could not understand the objection to the Bill, because the people would have to be taxed; they must make up their minds to be taxed. The Government could not find money unless by taxation. The hon. member (Mr. Kellett) said there were certain bridges and public works in

the district he represented that would go to decay because the people would not be able to maintain them, or, if they were washed away, to re-construct them. That was admitted, and the Bill would amply provide for anything of that sort. But the hon. gentleman seemed to forget the many large portions of the colony which where not in the same happy position of having had these public works put up for them, and who would have to make them for themselves. There were several portions of the colony where bridges and public works of different descriptions were equally as much required as in the districts in the south, where they had been made by the Government, and the cry against the Government in those districts was—"You have introduced a Bill by which we are to tax ourselves for our public works, while you have made similar works for the people in the southern portion of the colony." The hon. member should not forget that that was a strong argument in the north, west, and central portions of the colony against the introduction of a Local Government Bill at all. He had more faith in the people of this colony than to think they were not able to govern themselves. It would be a disgrace to any English-speaking race to admit that they were not able to govern themselves, and would call upon the Central Government—perhaps a thousand miles away—to do so. English-speaking people all over the world governed themselves and had to find money by means of local taxation, with the exception of New South Wales, and there, during the next session of Parliament, a Bill would be introduced similar to our Divisional Boards Bill; so that there would be no country in the world under the English flag without local government and local taxation. He was sorry that the people of the colony were not more wealthy and better able to bear taxation, and he hoped that this Bill would to some extent alleviate the difficulty of the main-road question. He was quite positive that if any member put his mind to work and tried to define "main road," he would be more puzzled than he (Mr. Macrossan) had been, and he had thought of it night and day for a long time.

Mr. O'SULLIVAN said he was far from being satisfied with the speech just made. The hon. member seemed to be very theoretic, and had not met any of the points raised against the Bill. He (Mr. O'Sullivan) thought it was a paltry excuse for a Government to say that because they could not define what a main road was—because they could not find words enough in the dictionary to describe main roads—they must bring in a Bill to tax the people. He thought the difficulty as to what were main roads might easily be cured by providing that a main road was whatever was defined a main road by resolution of the House. It was also a poor statement to say that that House had unlimited power to tax the people, and the people were not dissatisfied because the House used that power properly. Did it follow from that that this third estate, or whatever they might chose to call it—this intermediate power between the Government and the local boards, that was to come in and retax the country, and was responsible to nobody—would use that power in the same way as that House? The divisional boards were to hand over their powers of taxation to three chairmen from different boards: these local boards were divided into three parts, and in some cases some of these parts would take no advantage whatever of the main road for which they would be taxed under this Bill, while others would have to pay for roads that were for the use of the whole colony. Take the road referred to by his hon. colleague (Mr. Kellett), that went to the Dawson by Esk and Nanango—which was in, fact, a main road for the whole colony—there were low-level bridges there and they did not know the day they might be swept away; and to re-build one bridge would take the whole local revenue of the division. If two or three bridges were swept away by the same flood where was the money to come from?

The MINISTER FOR WORKS: Borrow it.

Mr. O'SULLIVAN said they were to tax themselves first, and then re-tax themselves and borrow money. There seemed to be no limit to this third power that was going to spring up in the State. There was nothing to prevent these three chairmen from taxing the people to the extent of another shilling in the £ if they liked. Where was it to end? Another element introduced by the Minister for Works—one would think with the intention of drawing the attention of the House from what was really before it—was the statement that the people in the South were already very well provided for, and that the people in the North grumbled because bridges and main roads were so well made in the South. He (Mr. O'Sullivan) did not know that that was any argument in favour of the Bill, nor did he know that it was altogether correct. He believed, with regard to sinking money in rivers and bridges and railways, that the North, considering its population, was very well off, and had been so for a good many years; and if it were not he did not see any necessity for drawing that element into this Bill. The Bill, if passed, would certainly cause a great deal of litigation; no two divisions would agree as to what amount each should pay, and each member of the board would fight for his own division. In his opinion, no Bill had been introduced into the House more calculated to lead to litigation than this Bill. In its present form it would effect nothing, and the better plan would be to withdraw it. He could not see how any benefit could result from it. His impression was that the Government should name three, four, or five roads, and submit them to the House to be declared main roads. The list need not be too restricted; no one would dispute that the roads from Brisbane to Toowoomba, to the Burnett, and to Gympie, were main roads. It would be quite as easy for the House to decide which were main roads as it would be for the three gentlemen who formed this third estate to do so. The boards were already established, and they would certainly never submit for a single hour to the decisions of the three chairmen.

Mr. BAILEY said the Minister for Works, when he upbraided the taxpayers with their inability or reluctance to tax and re-tax themselves, seemed to forget that a community of 200,000 persons already contributed more than £1,500,000 a-year. The hon. gentleman should not be surprised if, after contributing such an enormous sum, the people looked to the Government for some slight assistance in the matter of main roads. The hon. gentleman tried to make a distinction between the North and the South, as though all the roads in the South had been well made out of the revenue and the North had been utterly neglected; but hon. members knew for a fact that large sums were now being spent out of revenue for the formation of roads in the North, independent of the action of the boards and in spite of the Act. This was indeed an Act to condone an offence—it was brought in for the special purpose of condoning the broken pledge made by the Government to the House that the burden of maintaining main roads should not rest upon the people. Upon the strength of that promise the Bill was passed, and the Government, having refused to carry out the promise, introduced a special Act of condonation. To speak frankly, the districts under the

Divisional Boards Act were not able to undertake these works. What would be said if the people of a third-rate town in England—say Norwich—were required by the Imperial Government to make all the roads in Great Britain in addition to their own burdens? The people would say they were not able to do so; and in the same way the people of this colony were not able, in addition to the present enormous burdens of taxation, to construct and maintain every road from one end of the colony to another. At the present time, by the money they paid into general revenue, they were contributing very largely towards the construction and maintenance of roads, and they could do no more. The boards under the Divisional Boards Act had been so far mere feeding-grounds for a new class of Civil servants; they had produced a small tribe of billet-hunting Civil servants, far larger in number and more expensive to keep than the servants under the old system who had been dismissed. The same thing would occur under this new Act, the whole gist of which appeared to be in the clause which stated that the joint-board might, at the expense of the common fund, employ such clerical assistance as was necessary for the proper keeping of such books and accounts and the effective audit of the same. Wherever three or four divisions united there would be a fresh set of officers, books, and expenses, but there would be no improvement in the roads. At least 50 to 60 per cent. of the taxes now being raised under the Divisional Boards Act was being frittered away in the payment of salaries and other expenses. The return for which he had moved—though he hardly hoped to get it before next session—would probably give some idea of what the expenses were, and he expected they would be found to be at least 50 per cent. The cutting up of the colony into small parishes had had a most disastrous effect. It had only been successful in one respect—namely, in fomenting quarrels, setting district against district, neighbour against neighbour, and causing animosities and ill-will which were not known to exist before; and the people had been ground down under a system of taxation which they had not previously known and which he hoped they would not experience for long. He looked upon this Bill as the beginning of the end. It was carrying out the Divisional Boards Act to its legitimate conclusion, and the result would be that both would be repealed together and a fairer measure of local taxation adopted by Parliament.

Mr. GARRICK certainly thought that the persons affected by this Bill had great reason to complain that the Government had broken the pledges they made in this matter. It had been asserted by several hon. members without contradiction—and he believed it was true—that when the Divisional Boards Bill was passing through the House Ministers stated that main roads would be exempted from the care of the divisional boards. That meant, he presumed, that the main roads would not have to be constructed and maintained on the same principle as other local works, or, in other words, that they would be constructed and maintained entirely out of Consolidated Revenue. The Minister for Works said there was a difficulty in defining the term "main roads;" but he (Mr. Garrick) agreed with the hon. member (Mr. O'Sullivan) that that was an idle excuse. It was clear, beyond all doubt, that there were lots of main roads which could be easily defined, but it was evident that the Government wanted to hand over the burden of maintaining and constructing main roads to the divisional boards who would have to tax the people for that purpose. The Government might delay for a time, but, however difficult the definition might be, they would ultimately have to define the term; because it would become necessary for them to do so when they handed over to the associated united boards the charge of the roads which were to be maintained under this Bill. The Bill defined one of the objects for which united boards might be constituted, as followed:—"For the formation and maintenance of main roads, or roads excepted from the control of any local authority." The Government would therefore be compelled to come to a decision as to what main roads were, in order that they might except them from the jurisdiction of ordinary boards, and hand them over to the boards constituted under the Bill. The Minister for Works endeavoured to meet the objection that no limit was made to the power of taxation by saying that there was no limit to the power of the House in that respect; but that was idle. It was now proposed to delegate the power of taxation to a subordinate body, and he would challenge the hon. gentleman to name any body upon whom the Government had conferred the power to raise money by taxation without limit. There was no limit under the Bill, and the amount of taxation would have to be in accordance with the magnitude of the works handed over to the united municipalities to be performed by them. Whatever the work might be, these new bodies would have to levy a rate sufficient to perform that work. When the Divisional Boards Bill was passing through the House it was clearly understood that the object of the measure was to alter the incidence of taxation and relieve the general revenue from a large amount of work which in future would be carried out by means of direct taxation; but the opponents of the Bill contended that the principle of the measure should not apply to the construction of the main roads, and that point was conceded by the Government. In that respect he submitted that the Government had not kept faith. The Minister for Works said something about other parts of the colony not having any public works, but, in reply to that, hon. members had pointed out the miles of railways which had been constructed in those parts of the colony. Had those who were specially benefited by those railways been made to pay the interest on construction over and above net receipts, there would have been no necessity for the Government to call upon the settled districts, as they had under the Divisional Boards Act, or to supplement that action by throwing the maintenance of main roads upon the settled districts also. It was not his intention to closely criticise the Bill; it was clearly wanting in many respects. With reference to the question of appeal to the courts of petty sessions, he would point out that the question that would have to be submitted would not be the simple one of the amount of contribution to be made by the component municipalities. That was only a question of one set of figures as compared with another set of figures; and the amount of contribution would be exactly in proportion to the amount of rateable property on the list for each division. The difficult matter which would have to be submitted to the courts of petty session would be the proper apportionment of any special work done within any united municipality. For instance, three municipalities might be united together for the construction of a work the whole of which might be within two of those municipalities; or, three or four chairmen of divisions might consider it desirable that a certain work should be carried out within one municipality, and they might, by their majority, fix upon a reluctant minority a work for which the latter would alone have to pay. The construction of these boards, he might mention, did not rest sufficiently upon the basis of election to make them properly responsible in the exercise of the powers entrusted to them.

A work agreed upon by a united municipality might cost £10,000, to be divided in unequal parts, and any of the separate divisions might contend that the amount they were called upon to contribute was out of proportion to the benefit they derived from the work. It was in such difficult matters as those which he had mentioned that, according to the Bill, appeal would have to be made to the courts of petty session, and he submitted that in such important matters, going as they did to the root of local government, such a tribunal was perfectly incapable and unqualified to give a decision. The other questions were mere matters of figures, to settle which no court of appeal would be required. It would be better, as the leader of the Opposition had suggested, that such disputes should be referred to the Executive Council. He was of opinion that the Bill was a departure from the promise made by the Government at the time when the incidence of taxation was altered by the passing of the Divisional Boards Act, and he held that the provision giving the power of unlimited taxation was not a good one. Altogether, he regarded the Bill, so far as the promises of the Government were concerned, as a disappointing one.

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

SUPREME COURT ACT AMENDMENT BILL—SECOND READING.

The ATTORNEY-GENERAL (Mr. Beor), in moving the second reading of this Bill, said that as it was a very short one, he did not think it would be necessary to detain the House at any very great length. The first clause of the Bill provided for the Act coming into operation on the 12th day of January, 1881. The second clause provided for the repeal of sections 2, 7, 8, and 9 of the Supreme Court Act of 1874. Section 2 of that Act provided that the number of judges of the Supreme Court should be increased to four—the number having been under the Act of 1867 only two. Section 7 of the same Act provided that the Supreme Court should be holden by three judges, except in certain cases, such as the illness of one of the judges, when, with the sanction of the Governor in Council, the court might be composed of two judges. Section 8 provided for decisions in case of difference of opinion when two judges only sat; and section 9 provided that in a case of difference of opinion between two judges sitting as a court of appeal the case might be re-heard before a full court of three judges. In the Bill before hon. members section 3 provided that the judges of the Supreme Court should be three in number, including the northern judge, until further provision be made in that behalf; and that would bring matters back to what they were before the Act of 1874 was passed—leaving, of course, the appointment of a northern judge out of the question, and would provide for there being two Supreme Court judges in Brisbane instead of three. Section 4 provided for the quorum to constitute a court—namely, the Chief Justice and the puisne judge residing in Brisbane. Section 5 provided that in cases where there was a difference of opinion between the two judges who constituted the court, the judgment of the Chief Justice, should he be one of the judges, should prevail; but if there was no Chief Justice present, then the decision of the senior puisne judge present in court during the hearing of the subject should be the judgment. The next section referred to a matter on which some doubt had been recently expressed—namely, to the custody of the seal of the Supreme Court. The Supreme Court Act of 1867 provided that the seal or seals should be in the custody of the Chief Justice, or, in the case of a vacancy of such office, then in the keeping of the senior puisne judge; but some doubt had arisen as to whether that meant the senior puisne judge if he was not in Brisbane. The next section referred to the power to make rules, and provided that—

"Notwithstanding anything in the Acts Shortening Act or the Supreme Court Act of 1867 contained, or any other Act or Statute to the contrary, whenever power or authority is or shall be given to the judges of the Supreme Court collectively, or to a majority of them, of whom the Chief Justice is required to be one, to make or approve of any general rules or orders of the Supreme Court, or of any inferior court, the same shall be made by the said two judges resident in Brisbane; or, in the case of a vacancy in the office of one of such judges, by the judge resident in Brisbane."

The Supreme Court Act of 1867, in the 52nd section, provided that the rules of the Supreme Court shall be made by a majority of the judges of such court, of which the Chief Justice should be one; and clause 10 of the Acts Shortening Act provided that the rules of the Supreme Court should be made by a majority of the judges, of whom the Chief Justice should be one, or in case of a vacancy of such office, then the senior puisne judge; but in the clause he had just read it was provided that, in the case of a vacancy in the office of the Chief Justice or of another judge, they should be made by the judge resident in Brisbane. That would, as hon. members would see, remove the difficulty of having to bring the two judges together, supposing there was a vacancy, and bringing the northern and southern judges together, before any change in the rules could be made, and would prevent the occasion for the travelling backwards and forwards of the northern judge, which did not seem necessary. The 7th section of the Bill provided that security might be given to any judge, and it was necessary, in consequence of some difficulties which had arisen in connection with clauses 2 and 36 of the Probate Act. The first of those clauses provided that a person taking out letters of administration to the personal estate of a deceased person should furnish a bond to the Chief Justice for the time being, or in the event of there not being one, then to the senior puisne judge of the Supreme Court for the time being. But it did not appear necessary that it should be given to either of those judges, but it might very well be given to any judge of the Supreme Court, and have the same effect, and this clause provided that it should be so. Then, in order to remove any doubt as to the meaning of the words "senior puisne judge," the 8th section of the Bill provided that—

"Wherever in any statute relating to the Supreme Court, or any other jurisdiction or matter, reference is made to the senior puisne judge, the same shall be deemed to have always been and to be the senior puisne judge residing in Brisbane and usually sitting in the Supreme Court holden at Brisbane."

It would thus be seen that the object of the Bill, in the first place, was to provide that the Supreme Court should be reduced to the old number and that there should be only two judges in Brisbane, and he (the Attorney-General) might mention that the Government had proposed that change as a measure of economy. It had been held by the Government that it was not absolutely necessary that there should be three judges sitting in Brisbane, and if it was not absolutely necessary, then the circumstances of the colony rendered it advisable that the fourth judge should be abolished. With that exception, the Bill was merely to remove doubts which existed under the present Act.

Mr. GRIFFITH said he should have presumed under ordinary circumstances that an hon. gentleman, on moving the second reading of a Bill of so much importance as one affecting the constitution of the Supreme Court of this colony,

would have given some reasons to the House for the introduction of such a measure. He did not know what had prevented the hon. gentleman doing so; all the hon. gentleman had done was to read the clauses of the Bill, which hon. members could equally well do themselves. Beyond that, the hon. gentleman did not state his reasons for bringing forward the Bill—on that subject he was silent. He (Mr. Griffith) was extremely anxious to hear what reasons would be given for introducing such a Bill. Perhaps the Government might like to hear his opinion on the matter, but he was not going to fall into the trap of affirming the necessity or otherwise of the Bill until he heard from the Government what their reasons were for introducing it. With respect to the matters of detail in the Bill, some of them were consequent on the reduction of the number of judges in Brisbane from three to two. But there were some provisions in the Bill which in their present form might render it doubtful whether it could be assented to, because they dealt with the claims of a gentleman who had been already appointed. However, leaving that part of the question, he would at once say that he did not believe in an appeal court consisting of only two judges—in fact, an appeal to a court consisting of two judges would in many cases be no appeal at all. The Chief Justice's opinion would prevail, so that the appeal from him would be to himself. The appeal from the puisne judge in Brisbane would be to the Chief Justice. But from the judge living at Bowen there would be an appeal to the Chief Justice and the other judge, so that there would be this curious anomaly that, whilst from Bowen there would be an appeal to two judges, in Brisbane there would be no appeal or an appeal to only one judge. It would, in fact, be a toss-up when a case was tried whether there would be an appeal to two judges or to a single judge or none at all —it would all depend on mere accident. But it was not necessary, in order to avoid that state of things, to keep four judges, as the northern judge might be brought down to a court of appeal twice or oftener a-year, as was the practice with the judges in New Zealand. There was no reason why that could not be done if sufficient reasons were given for reducing the number of the judges from four to three. With regard to the fourth clause of the Bill nothing could be more absurd. However, he was unable to answer any arguments in support of the Bill as none had been advanced, and, in fact, it did not seem as if the Government had any to stand upon—such was his idea, at anyrate. He was anxious to know their reasons for bringing forward the Bill, and he thought the House were entitled to be taken into the confidence of the Government in such a matter.

The MINISTER FOR WORKS said the hon. gentleman had expressed a wish to know the opinion of the Government in regard to this Bill; but the hon. member must know that they had good reasons or they would not have brought it before the House. He, for one, believed in the Bill, as he thought there were too many judges, and that they got on very well indeed when there were fewer judges. He was quite certain that any person who was not connected with the law would say, for the reasons mentioned by the Attorney-General independently of any considerations of economy, that the Bill was one which should be allowed to pass. As pointed out by the leader of the Opposition, in the case of appeals in Brisbane they would be dependent on the Chief Justice; but for years that had been the case, and people got on very well under that state of things, and although, perhaps, it did not meet the views of the hon. gentleman opposite, it satisfied the public. He thought that at present they were paying far too much for the modicum of justice and of law that the people got. There were four judges of the Supreme Court, each drawing £2,000 a-year, and having his associate, &c.; and there were three judges of the District Court, each drawing £1,000 a-year; and he thought they might very well cut down the number and be still served as well as at present. Even if the particular case did arise which the leader of the Opposition had mentioned, it would not be a great hardship to bring down the northern judge when the Supreme Court was sitting in appeal, and then they should have a court of three judges. He hoped the Bill would pass. They were paying far too much money at present for the administration of justice. No doubt if they had plenty of money and could afford to pay half-a-dozen more judges it would be very good for the gentlemen of the long robe, but in their present circumstances they could not afford to have so many judges. They must cut their coat according to their cloth, and he was satisfied that by doing so and paying for what they could afford they would get as good justice as at present.

Mr. MILES said he should support the Bill which he believed was the most sensible measure that the Government had introduced. Considering the population of the colony, it was preposterous that there should be seven judges. No matter what measure was introduced by the Government the leader of the Opposition was always ready to pick holes in it; but he had no doubt that the hon. gentleman could suggest an amendment which would meet the difficulty that he had raised. Why could not the Bill be so altered that the northern judge, who had not much to do, might be brought down when the Supreme Court was sitting as a court of appeal? They should get fair work out of their judges. What, he would ask, had the three judges to do who were now in Brisbane? The proposal to bring down the northern judge to sit in the appeal court could, at any rate, be tried; if it was injurious to the public interest, if it did not give satisfaction, they could easily retrace their steps. He believed the measure could be made a very useful one, and on the grounds of economy he should vote for it.

Mr. DOUGLAS said he should support the Bill. He agreed with the last speaker and the Minister for Works that three competent judges ought to compass the work that had to be done in the Supreme Court. It ought not to overtask the energies of the men they had to undertake the duties which devolved upon them; and for his part he should support the measure, with the saving difference of an improved clause. There was no reason why the northern judge should remain as a northern judge. He believed that he was originally so constituted with a sort of idea that he was to be the symbol of separation. If they were to have separation he had probably better remain in the North; but if they were not, and he believed the agitation for separation had ceased, there was no object in retaining him there. He did not think it would be any hardship to the northern settlement if the northern judge was brought down and made to travel on circuit, and economy would be secured by properly constituting the Supreme Court as a court of appeal. It was a mere figment retaining a northern judge. Bowen retained him as affording some sort of *prestige*, but from all he could learn there was no utility; and if by bringing down the northern judge they could economise, by all means let them do so. He believed three judges were ample to do the whole work, and that, if a difficulty arose from having only two judges as a

court of appeal, as proposed by the Bill, it would be wise to recall Judge Sheppard from Bowen and have the court consist of three judges. If they were to have one colony let the head-quarters of the judges be in one place—in Brisbane or some other town.

Mr. RUTLEDGE said it seemed to him that they should not be elevating the colony in the estimation of the British public if they proclaimed that after a period of six years from the appointment of the fourth judge they found that the legal business of the colony had so dwindled down that four judges were no longer necessary. They had said a great deal in the public Press of the old colony about the prosperity and progress of Queensland; and, now, after six years, they proclaimed to the world that the colony had so far degenerated that they could dispense with one of their judges. It might always be taken as a fair test of the commercial prosperity of the colony when there was sufficient for the law courts to do, for it was a well-known fact that the more money people had to spend the more eager were they to secure and insist upon their rights by appeals to the courts. It was about the best commercial barometer that could be found when the judges of the law courts had enough to do. He could not see where the necessity had arisen for abolishing the fourth judge. A great deal had been said about the undesirability of giving pensions to judges after fifteen years' service, but to adopt a plan like the one proposed by the Bill was the very way to ensure that judges would retire on their pensions after having been fifteen years on the bench. It would result in overwork, which would produce a strain upon their energies, necessitating their retirement after fifteen years' service; whereas, if in the future, as in the past, the work were apportioned among four, the probability would be that the judges would retain such an amount of physical and mental vigour as would warrant them in going on for many years longer. It would be found, as in the case of one or two judges in New South Wales, that they would continue to give the colony the benefit of their valuable services, even after they might have retired. It was overlooked that in New South Wales the insolvency was an entirely separate department, and that as a rule the judges of the Supreme Court were not required to have anything to do with the ordinary insolvency jurisdiction; but in Queensland all the insolvency cases came before the Supreme Court. A great deal of the time of the judges was taken up, and this portion of their duties tended to make their labours a great deal more exhaustive. Besides, he did not see that the object upon which hon. members congratulated themselves would be secured. If the Bill passed it did not follow that the northern judge would be brought down. He would still reside at Bowen, for the Government would hardly dare to incur the indignation which would result if they removed him to Brisbane. The existing state of things, as far as the North was concerned, was likely to be perpetuated, and, therefore, the work would fall upon two judges only if the measure passed. He could not imagine that any great demand had arisen for doing away with the fourth judge. The work at present rested upon three judges, and it was likely to increase if the colony was to progress. If, therefore, the number of judges was reduced, the probable result would be that the strain upon the energies of those who were retained would be such as to require their retirement at the end of fifteen years, when otherwise they would save the colony the amount of their pension, and contribute their valuable assistance towards the settlement of all legal difficulties which might arise in the future. He could not see his way to give his hearty support to the Bill.

Mr. MOREHEAD said he certainly did not see his way to support the second reading of the Bill, holding that the contention of the leader of the Opposition with reference to the powers vested in the Chief Justice was fatal to the measure. If the Chief Justice was to have two votes in the appeal court as against the only other judge, it would be worse than useless.

Mr. GRIFFITH: That can be got over by bringing the northern judge down.

Mr. MOREHEAD said he did not believe in that proposal. The northern judge would have to remain in the North, and should remain there. It was all very well to say he had little work to do, but he believed there was a great deal to do, and that there should be a northern judge. The House had affirmed that there should be, and, in his opinion, it did wisely and well. He would further point out that if the Bill became law—as he believed it would, the Government having a facile majority at their back which would pass the second reading—it would be doing an act of injustice to the Chief Justice and Judge Harding, who certainly, when they accepted their offices, believed there would be three judges, and that they would receive a certain amount of assistance. Now, however, they were to be deprived of one of their number, and an extra amount of work was to be cast upon them. He did not say that point should be a vital objection to the Bill or a strong reason why they should not go to the second reading, but he held that no sufficient cause had been made out for the abolition of the fourth judge, and that the leader of the Opposition had made out a good case why there should be three judges on the court of appeal. He should oppose the second reading, especially on the ground that, if the Bill passed, the whole power of the Supreme court of appeal would be vested in the Chief Justice for the time being.

Mr. FEEZ believed that a good case had been made out in favour of the Bill. The Government had told them that afternoon that there was no money for the roads of the colony, and yet the moment a proposal was brought forward which would have the effect of causing retrenchment, some hon. member from one side or the other opposed it. He did not question that it would perhaps be better to have a third judge in Brisbane, but the expense was considerable. Those who were acquainted with Bowen knew that there must be little work for the northern judge to do, and they also knew that the difficulty about the constitution of the Supreme Court could be overcome by adopting the suggestion of the leader of the Opposition, to have the appeal court sit two or three times a-year, and bring down the northern judge. He did not see that there was any necessity to appeal to the Chief Justice alone, and that what was done in New Zealand, where the different judges from the different counties came together for appeals, could not be done equally as well here. The Government had told them that there was no money for the public roads, which were as necessary for their comfort as the administration of justice. The colony was over-governed; too much money was spent upon administration, which was the reason why there was so much heavy taxation. He thought that, in comparison with the other colonies, three Supreme Court judges for a colony of 200,000 people was amply sufficient, and he should strongly support the Bill if the suggestions of the hon. the leader of the Opposition could be carried into action.

Mr. LOW said that there should be three judges, as otherwise it might happen that a judge would on appeal be called upon to condemn his own decision or opinion. They were

more likely to secure justice by having three judges in Brisbane. He should oppose the second reading.

Mr. SCOTT said he was not going to express an opinion as to whether it was necessary to have four judges for the Supreme Court; but of this he was quite sure, that some years ago, by an express vote, the necessity of such a provision was established, and he had heard no reason why the decision then come to should be altered. It was quite possible that there might not be sufficient work for four judges, but there could be no question that two were not sufficient for the Supreme Court. It seemed to him to be a pure farce that an appeal should be made from a judge to himself. After a judge had heard a case — quietly, dispassionately, and carefully, he would be bound to sustain his own opinion. It was not possible to see how he could alter it, and for this reason he (Mr. Scott) thought there never would be an appeal court properly constituted by two judges, one of whom had tried the case beforehand. With regard to bringing the northern judge to Brisbane, at the time this Act was passed appointing the four judges of the Supreme Court it was determined that one of them should be stationed in the North. That arrangement ought not to be disturbed, and no reason had been shown why the judge should be taken from the North. It would not be treating the people of the North fairly and well to remove their judge in the manner that had been proposed. Another suggestion was, that the judge of the Supreme Court should come down to form a quorum in appeal cases. The only reason urged for doing away with the fourth judge was the question of economy, but he did not see where the economy would be in bringing down a judge from Bowen every month when the appeal court was held in Brisbane. The expenses in the long run would be quite as much as the salary of a judge. From what had transpired on several occasions, he believed that the travelling expenses of the judges were very heavy, so that if there was to be any economy it would not be in the adopting of this suggestion.

Mr. DICKSON said that during the discussion of the Bill he had been speculating as to whether the Government really desired to see it pass. The Attorney-General had not attempted to give the House any arguments that would show that the Government were in earnest. No doubt the Minister for Works, who was generally sufficiently forcible in matters wherein the Government had a deep interest, had attempted to justify the present Bill on the score of retrenchment. There were deeper issues, however, to be considered than mere pounds shillings and pence. Although the colony might be impecunious, and their financial position not so elastic as they could desire it to be, the efficiency and the competency of the Supreme Court should not be set against a saving of £2,000. They wished to preserve the capability and integrity of the Supreme Court in the best manner practicable, so that confidence should be felt in its decisions; retrenchment, however justifiable in itself, should not, therefore, be attempted for the mere sake of retrenchment. In the debate that had taken place on the measure from his side of the House some suggestions had been thrown out, and he must confess that his vote would greatly depend upon the answers or responses which would be given to those suggestions. He desired to learn whether it was intended by the Government, if this Bill passed, that the northern judge should be a component part of the new court of appeal and should be brought down periodically to the metropolis to constitute a court of appeal; otherwise he was not at all inclined to support the formation of a court of appeal, which would simply be an appeal from one of the judges to himself. He should not for a moment allow a question of economy to induce him to vote for a measure which would have a tendency in this direction, and limit thereby the court of appeal, which he considered ought to be entirely independent, having power, if necessary, to reverse decisions. That was a matter which the Government ought to take into account—whether, if the Bill passed, they would be prepared to accept an amendment whereby the northern judge would be authorised to visit Brisbane periodically to constitute a court of appeal with three judges? The second question was this: supposing the Bill did not pass, was it the intention of the Government to perfect the commission under which the present Acting Judge held his appointment? He must say that if the present number were to be retained, he would prefer seeing that commission perfected so as to place him on an equally independent position with his brother judges. This would give more general satisfaction. But before they considered the Bill in all its bearings they should have full information from the Government of their intentions, supposing it did not pass through the House, with regard to the appointment of the gentleman who held the position of Acting Judge. These were two essential questions; and he must say he should have been better pleased to have seen the leading members of the Government give a more hearty support to the measure rather than allow the discussion to fall chiefly upon their supporters. This had raised in his mind the suspicion that the Government themselves were not sufficiently in earnest in the matter, and would not care much if it was rejected. His own vote, however, would depend upon the answers to these questions, which he maintained were quite pertinent to the point at issue.

The PREMIER said that in 1874 the cost of the Supreme Court was not very considerable; for the judges alone there was about £4,250 put upon the Estimates at the present time, and for the last two or three years that amount had been doubled, and not only had the amount for the judges alone been doubled, but a certain amount of additional expense had been incurred in other ways. There was a general opinion, in which he himself shared, that they had too many judges in the colony, and that the expenditure of the Supreme Court was more in proportion to their population, resources, and business done than in any other of the colonies. At the commencement of the session an opportunity for economy was given to the Government through the death of one of the judges, and of this the Government took advantage, their object being to reduce the number of judges in the Supreme Court in the South to two, as was proposed in the Bill. Whatever reasons Parliament might have had in 1874 for appointing a northern judge, those reasons had not been weakened since, nor had it been brought definitely before any Government that the northern judge should be done away with. It was not a part of the plan of the Government that this should happen; and they had no intention whatever of allowing the proposals in the Bill to be turned aside in order to achieve another object—namely, the doing away with the northern judge, and constituting the Supreme Court in Brisbane, where he would sit as one of the judges. The amendments suggested by hon. members opposite would carry out that view. He would answer the hon. member who spoke last. When he asked whether the Government would submit to an amendment to have the northern judge brought down, his answer at once was—they would not submit to any such amendment. That was quite outside the Bill, and it was not one of the objects which the Government had in view. There were difficulties

in the way, of course. They knew well enough that a court of appeal with two judges would not be so good as one with three. But the argument in favour of the Bill was that two judges, except in cases of appeal, would be perfectly sufficient to carry on the business of the colony. If they allowed the northern judge to come to Brisbane in cases of appeal, it virtually did away with the northern court, because, once that judge came to Brisbane there was no doubt that he would not go back again. The Government had no such intention; if they had they would have brought it forward definitely, but under the present circumstances he should oppose any amendment of that kind. There were strong arguments why the court should consist of only two judges; there were strong arguments why there should be three—as a court of appeal no doubt that number would be better. It was, however, for the House to decide on these points. He himself was of opinion that the House should not do away with the northern judge at the present time. The reason given for establishing a court at Bowen might be sufficient at the time or might not, but the court was established, and there was no intention of doing away with it. As to the other question asked by the hon. member—namely, what course the Government intended to pursue were this Bill not to pass—it was infringing too much on the powers of the Executive to answer such a question. All he would say, therefore, was that if this Bill was not passed the Government would take steps to appoint a judge according to law.

Mr. O'SULLIVAN said there was one argument which the Premier had not answered. Did he believe that the public would be satisfied with two judges as a court of appeal? The public were not satisfied with such a court of appeal in 1874, and that was the reason why the Supreme Court Bill was passed. It had been stated, and could not be denied, that two judges in Brisbane, in a court of appeal, would be nothing more or less than a judge appealing against his own decision. That was an argument that had not been met. The Premier had stated very strong arguments in favour of passing the Bill as it stood, but the paltry excuse of economy was no argument at all, because if the colony increased in population it was only natural that the law courts must be increased also. The arguments of the Premier, however, did not satisfy him, and he did not believe they would satisfy the country. The argument that a court of appeal like that proposed by the Bill would not give confidence had not been met, and it was as strong to-day as it was in 1874. He could assure the Premier that if he carried the second reading of the Bill, though he might satisfy himself he would not satisfy the public. Perhaps the Premier would prove to the House that the want of confidence which would exist in the public mind in the decision of two judges (which would be in reality the decision of one judge) would counteract the difference there was in the expenditure. Let the hon. gentleman explain that point before he could expect any sensible man to vote for the Bill.

Mr. SWANWICK said he noticed in the third section of the Bill that the judges of the Supreme Court should be three in number, and by the fifth section it was stated that where there was a difference of opinion between the two judges before whom the case might be argued the opinion of the Chief Justice should be, virtually, paramount. There was nobody in the House, he supposed, who did not know better than he did the exemplary character of the present Chief Justice. But they would not always be in the happy position of having him as Chief Justice, and it might be that in consequence of political influence somebody might be appointed to that high and honourable position who might be quite different in character to that honourable and learned gentleman. They found, even in such a small matter as an ordinary case brought into a police court, that, although the police magistrate, according to one or two Acts, had the right to try cases which otherwise could only be tried by two ordinary magistrates, when the police magistrate was sitting together with others his vote only counted as one. Seeing how very small the matters were which were decided from time to time in the police court, it seemed a monstrous thing that in graver matters, which had a much more practical effect when people could not afford to appeal to the Privy Council at home, matters should be put into the hands, virtually, of one man whoever he might be—in fact, it seemed to him something like an appeal from Philip drunk to Philip sober. He would say, for instance, that A was a suitor who brought his case before the Court, and the Chief Justice for the time being pronounced on it. The suitor did not like the opinions of the bench and brought an appeal. The remarkable thing then was, that the Chief Justice for the time being, together with the ordinary puisne judge who happened to live in Brisbane, would hear the appeal; and it was not at all likely that the Chief Justice would go back from what he had already laid down as his opinion. The result would be that there would be the vote of the judge against the puisne judge, and there would be the vote of the Chief Justice *qua* Chief Justice in addition to the vote he had already given. That, surely, was a sort of thing none of them would like to see. The whole gist of the Bill depended upon the 3rd, 4th, and 5th sections. It was not very long ago since it happened that the judge of the Northern Supreme Court came down to Brisbane—what right he had to come was another matter; but he came down, and the result was that a large amount of dissatisfaction arose in the North, and a good many cases which would have been brought before him if he had not been absent from his duties were stopped. At present there was a court of appeal sitting every month. If this Bill had contained a clause by which it could have been settled that the court of appeal in Brisbane should sit every three months, he would have understood something of the wisdom of the proposed change; but if it was only a matter of a salary of £2,000, he did not see that the change was necessary. They did not allow any magistrate in the lower court to have a vote over and above other magistrates associated with him, and it would be a great mistake to allow the magistrates of the Supreme Courts to have a casting vote; and he believed if the judges themselves were consulted in the matter they would be the last persons to have the onus laid upon them which this Bill would create. He should certainly vote against the Bill, not only because it was bad in every way, but because it placed the Chief Justice for the time being in a most invidious position.

Mr. LUMLEY HILL said he should support the second reading of the Bill on the ground of economy, for one thing. Three Supreme Court judges and four District Court judges were surely enough to supply the requirements of a population of 200,000. They had often been twitted with not beginning retrenchment at the top of the tree. This was a favourable opportunity to do so, and the public, he believed, would be perfectly well satisfied with a reduction in that line. A great deal had been said about the court of appeal: there were very few cases that ever went to a court of appeal. The chief argument used to-night was that if the Bill passed it would be an appeal from a

judge to himself, or, as one speaker had phrased it, from Philip drunk to Philip sober. If the majority of people who went to law were satisfied that the first loss was the best, it would be a very good thing for them; for it generally happened that if a suitor appealed against a judgment it was two to one against him. They had been told a great deal about the enormous tax that would be thrown upon the energies of the judges, and that on account of the overwork they would be compelled to retire after their fifteen years' service. He failed to see how they could be overworked with such a small population. It would be no great injustice to the present Chief Justice that he should be made to incur the responsibility which the Bill placed upon him. For his own part, he should be very glad if there was only one judge of the Supreme Court. That would be quite sufficient. It was all very well to talk about a paltry £2,000 a-year, but there were many incumbrances in addition, such as associates, tipstaffs, and a lot of other things. He should have supported a change of that kind most strenuously if it had been introduced into the Bill. But as it was impossible to have only one judge, two was the next best thing, and he was prepared to support the Bill. At the same time, it seemed perfectly hopeless to go to a division upon it, as the legal element would be strong enough to throw it out.

Mr. SIMPSON said he should support the second reading of the Bill on the score of economy, and for other reasons. Much had been said about a third judge being unnecessary, and he had heard nothing to convince him that such was not the case. If the passing of the Bill would have the effect of bringing down the northern judge, he doubted whether he should support it. He did not see why, because two judges were sufficient for Brisbane, the northern judge should be brought down to form a court of appeal. The present court of appeal was a bad one, and it would be none the worse if the Bill passed. Those who objected to the court of appeal had a very good court of appeal elsewhere, where cases were tried on their merits—whether that was so here or not. On the subject of Supreme Court judges he went even further than the last speaker, for he would be very glad to do without judges at all.

Question put, and the House divided:—

AYES, 18.

Messrs. McIlwraith, Palmer, Perkins, Beor, Macrossan, Fraser, Griffith, Dickson, Archer, H. W. Palmer, Bailey, Grimes, Miles, Douglas, Hill, Lalor, Simpson, and Norton.

NOES, 15.

Messrs. Cooper, Price, Swanwick, Feez, Persse, Beattie, Thompson, Scott, Weld-Blundell, Kellett, Low, Stevens, Morehead, O'Sullivan, and Amhurst.

Question, therefore, resolved in the affirmative, and committal of the Bill made an Order of the Day for to-morrow.

LICENSING BOARDS BILL—COUNCIL'S AMENDMENTS.

On the motion of the COLONIAL SECRETARY, the House went into Committee to consider the Legislative Council's amendments on this Bill.

The COLONIAL SECRETARY moved that the amendments be agreed to.

Mr. MOREHEAD said he was sorry that the hon. member for Logan was not in his place. He did not know whether the hon. member had been ordered to leave the House by the leader of the Opposition.

Mr. GRIFFITH: There is no docile majority on this side of the House.

Mr. MOREHEAD said there were too many leaders to permit of such a thing. He had no doubt that he would be resisted in contending that the Committee should insist upon the retention of the Bill in its original form; but he should give his reasons for so doing. The amendment of the Legislative Council was in the following provision—

"No person who is the holder of a general spirit license, or a publican's license, or the owner or landlord of any house or houses used or licensed for the sale of fermented and spirituous liquors, or who is a brewer or distiller, or who is a member of any society interested in the prevention of the sale of fermented and spirituous liquors, shall be appointed a member of the board; and any member of the board who during his term of office becomes such holder, brewer, distiller, landlord, owner, or paid officer or agent of such society shall immediately cease to be a member thereof."

The word "member" in the 5th line was omitted, and the words "the paid officer or agent" substituted. The hon. member for Logan had contradicted him, a few evenings ago, when he said that Good Templars were bound under oath to do all that they could to prevent the sale of fermented or spirituous liquors. The catechism he produced on the occasion would be green in the memory of hon. members. He then stated that the pledge taken by Good Templars might be considered equivalent to an oath, and he still maintained that that was so. He had obtained further information on the subject, and he found that although the hon. member for Logan was to a certain extent technically right in stating that members of Good Templar societies did not take any oath but merely took a pledge, yet at the same time the hon. member carefully abstained from giving the Committee the information which he was now about to give. He had obtained the information from a source which he believed to be reliable; and, perhaps, if he was in error, the hon. member for Logan, or some other hon. member with equal experience, would correct him. There were three degrees taken in the Good Templar societies—the degrees of Faith, Hope, and Charity. It was a sort of bastard freemasonry—whatever that might be—perhaps the hon. member for Maryborough (Mr. Douglas) would be able to enlighten them on the subject. Those degrees were conferred amid certain solemnities and paraphernalia resembling those used in freemasonry. He was told that each individual passing or taking one of these degrees was sworn on the Bible—took a solemn oath—that he would conform to certain requirements read to him, among which was the requisition that he would do all that lay in his power to prevent the sale of fermented or spirituous liquors. He was told, also, that no member of any lodge, however humble his official position might be, could occupy that position unless he had taken a degree. He was also told that the hon. member for Logan held a high office in a Good Templar society. He maintained that, in the face of these facts, the Committee should not assent to the amendment of the Legislative Council. No person who had taken an oath of the character he had indicated was fit to sit upon a licensing bench. That had been his contention from the outset. Perhaps he had been rather broad in his generalisation; but if some of the lesser lights among the Good Templars had not absolutely taken an oath, they had taken a pledge which was to be supplemented by an oath when they advanced higher in the ranks of their society. He had this information from a gentleman who told him that he had been a Good Templar, and was acquainted with the whole of the forms and ceremonies. This gentleman had taken the trouble to wait upon him and point out that he was perfectly right in his contention;

He had not brought forward his amendment lightly—with the intention of affronting or insulting any particular section of the community. He had introduced it with a view to the constitution of a licensing board which would be above suspicion. He maintained that an individual who had taken an oath that he would do all he could to prevent the sale of spirituous or fermented liquors was not a proper person to be placed upon a board whose duty it was to license houses for the sale of those liquors which he believed to be dangerous to the individual and, therefore, to the State. He had already pointed out that these organisations were by their constitution avowedly political; and no member of an avowedly political association should be allowed to occupy a position such as that held by a member of a licensing board. He maintained that the hon. member for the Logan was notoriously a paid officer or agent of a Good Templar society. It was also notorious that the hon. member had evinced a disregard for the truth of the matter when he (Mr. Morehead) had previously urged this point. The hon. member had suppressed the truth, and had told the Committee what he must have known in his own heart to be absolutely false, when he said that no member of a Good Templar society was sworn in any way whatever. If he were wrong he would be willing to apologise; but he felt certain that he was right. He had taken good care to sift the evidence before taking any action in the matter. The clause had been passed by a considerable majority in that House, and the Committee should not assent to its being mutilated in another place. That was the representative branch of Parliament, and unless some very good cause could be shown the Council ought not to have made such an amendment. He had carefully read what took place in the Council, and he found that no argument whatever was brought forward to support the decision arrived at. The Colonial Secretary having moved that the amendments be agreed to, he supposed that those who thought with him (Mr. Morehead) would be defeated; but some reason ought to be assigned for this change of front. Having pointed out that members of Good Templar lodges were sworn, and that many magistrates of the territory who were Good Templars might possibly be selected to sit upon these licensing benches, he contended that members of these organisations should be prohibited from occupying such a position.

Mr. SIMPSON thought it did not matter whether the amendments were agreed or disagreed with, because all Good Templars were sworn agents in the true sense of the term, and as the clause was then worded would be unable to sit upon a licensing bench.

Mr. KELLETT thought that the arguments used against the holder of a spirit license sitting upon the bench applied with equal force to the Good Templars. The Committee should insist upon the clause in its original form. The clause had been carefully considered in that House, and had been passed by a large majority. The Council had seen fit to make an amendment without advancing any argument in its favour; and, under those circumstances, he should certainly vote against the motion of the Colonial Secretary.

Mr. FRASER said if the original amendment of the hon. member for Mitchell were restricted to members of societies specially constituted with a view to preventing the sale of liquors, there might not have been so much objection to it; but instead of that it took a very wide sweep. It did not apply simply to pledged abstainers or members of Good Templar lodges, but extended to every association having for its object social and moral reform; in fact, it would necessarily embrace members connected with any association whatever, not specially pledged to the entire prevention of the sale of liquors, but who were interested in any way in restricting the sale of liquors. He did not think that was fair, because it was punishing a man for his opinion. He thought the hon. member for Mitchell would agree with him that his amendment was rather wide in its scope, and if it were narrowed down as he (Mr. Fraser) had indicated, he did not think there would be any objection to it.

Mr. NORTON thought any member of a Good Templar society might be regarded as the agent of that society. He did not think the amendment would carry out the object intended, because it said "paid officer or agent," and he was of opinion that in point of law any member of the society would come within those terms, and be excluded.

Mr. LUMLEY HILL was decidedly of opinion that this was not at all an acceptable amendment that had come from the Legislative Council. That House appeared to have recognised the principle of the Bill as amended by the hon. member for Mitchell, that it was wrong that the paid officer or agent of any society interested in the prevention of the sale of fermented or spirituous liquors should be appointed; and, having recognised that principle, he (Mr. Lumley Hill) agreed with the hon. member (Mr. Norton) that, according to the Good Templars' catechism they heard the other night, every member of that society was an agent for restricting and preventing the sale of liquors. He (Mr. Lumley Hill) contended that the Bill cast no slur or stigma upon a member of that society, any more than it was a slur upon wholesale spirit merchants or distillers to be debarred from sitting on licensing boards. It relieved them from the invidious position of having to act between their duty and their inclination. Good Templars sitting upon the bench must occupy a very invidious position, because their inclination would lead them to put a stop to all licenses, and their duty as administrators of the laws of the land was to give licenses wherever it was shown that they were wanted. They were not singled out as an isolated class, but were put into very good company. He should support the Bill as it stood originally.

Mr. BAILEY failed to see the reasonableness of the Legislative Council's amendment, because if it was wrong for an agent to do anything, it was equally wrong for the members of a society who delegated him to do it. He could not distinguish between a wrong act done by an agent and done by oneself. If the House affirmed the principle that a person directly interested in the sale of liquors on one side, or the prevention of the sale of liquors on the other, should be debarred from sitting on the licensing bench, he could not see why the agent should be debarred if the members were not, because he only acted on the part of the members. One was only the agent of the other, and what a man did by his agent he did by himself.

Mr. O'SULLIVAN thought the only way to get rid of the matter would be to throw out subsection E altogether.

Mr. GRIMES said the argument of the hon. member for Gregory seemed a very strange one: he argued that a brewer or landlord of a licensed house was much in the same position as a member of the Good Templars, but he (Mr. Grimes) wished to point out that such was not the case. A landlord or brewer was interested in a pecuniary way, but a Good Templar was not benefited in any way in his pocket. He (Mr. Grimes) took it that the reason why brewers and land-

lords of public-houses were prevented from sitting on the bench was that they should not adopt a kind of log-rolling business and help each other to get licenses for the houses they owned, and thereby overrule those on the bench who were determined to administer justice and decide each license upon its merits. He did not see that Good Templars stood at all on the same footing, or what objection there could be to members of that or other temperance societies sitting on the bench, any more than a man who was a total abstainer but yet an unpledged one. There were numbers of total abstainers who had not joined any of these societies; they no doubt did not believe in the advantage of public-houses, and very possibly in sitting on the bench would vote against an increase of licenses; and he did not see why, because a man happened to join a society, or number of individuals who held the same opinion, he should be prohibited from sitting on the bench, any more than before when, without joining, he held the same convictions.

Mr. LUMLEY HILL said the hon. member denied the comparison he had drawn between a Good Templar and a brewer or landlord of a licensed house; but what he (Mr. Lumley Hill) pointed out was that each had a direct object in view—the one a pecuniary one, and the other a conscientious one in carrying out his oath.

Mr. GRIFFITH would like to know the opinion of the Government on this matter? The House was entitled to know whether the Government accepted the amendment, and if they did what were their reasons for accepting it.

The COLONIAL SECRETARY thought when he moved that the amendment of the other House be accepted that was sufficient to show the intention of the Government. He did not see a bit of difference between a "paid officer or agent" and "member" of a society. He believed there was no amendment at all, and that the Bill had come back pretty much in the same state as it went away; and as it was important that the Bill should be passed, he had no hesitation in accepting the amendment. He believed, with the hon. member for Mitchell, that every member of a Good Templars' society was an agent of that society—he would not say the paid agent, as he believed the hon. member for Logan was.

Mr. GRIFFITH said the hon. member was mistaken if he supposed these words excluded all members of the society whether they were paid agents or not. "Paid officer or agent," he (Mr. Griffith) understood to mean paid officer or paid agent. He did not wish that there should be any ambiguity, and this was the proper place to point it out. With regard to the remarks of the hon. member for Gregory, he thought there was a great difference between a man who sold spirits and a member of a Good Templars' society, or any society of that kind. If there was a society for the promotion of drunkenness the comparison between them and the Good Templars would be better, but he had never heard of such a society.

Question put and the Committee divided:—

AYES, 18.

Messrs. Palmer, McIlwraith, Beor, Simpson, Norton, Weld-Blundell, Garrick, Douglas, Fraser, Feez, Dickson, Griffith, Archer, Price, Thompson, Beattie, Grimes, and Miles.

NOES, 13.

Messrs. Lumley Hill, Hamilton, Cooper, Bailey, Persse, Stevens, O'Sullivan, Lalor, Kellett, H. W. Palmer, Low, Morehead, and Amhurst.

Question, therefore, resolved in the affirmative.

On the motion of the COLONIAL SECRETARY, the Chairman reported to the House that the Committee had agreed to the amendment.

The resolution was adopted, and the Bill was ordered to be returned to the Legislative Council with message in the usual form.

SUPPLY—COMMITTEE.

On the motion of the PREMIER, Committee of Supply was resumed.

The MINISTER FOR LANDS moved that £2,015 be granted for Botanical Gardens. The only alteration in the Estimates from last year was the omission of £50 for formation of botanical library.

Mr. GRIFFITH asked why that item was omitted?

The MINISTER FOR LANDS said he had been given to understand by the Under Secretary that no progress had been made with the collection of books, and that there was no accommodation for a library.

Mr. DICKSON asked how the money voted in former years had been expended?

The MINISTER FOR LANDS said he believed the money had been expended in the purchase of books, but the books so purchased had not been at all suitable. He had never seen the library himself, but he understood it was not going on very satisfactorily.

Mr. MOREHEAD said he should have thought, after the debates which had taken place yearly over this vote, the present Government would have taken some steps to reduce the expense of supervision. They were now paying a man a salary of £475 with residence to superintend the expenditure of about £1,500 beyond his own salary. It was absurd, and worse than absurd, to do so. A good ordinary gardener at a salary of £150 would do all the work, and probably do it better than the man now in charge, and it was monstrous to ask the Committee year after year to vote a salary of £475 with residence. Any intelligent man who looked over the Gardens would admit that £200 or £300 of the vote might be better applied by obtaining a competent man at a lower salary and spending the balance in improving the Gardens. At the present time the colony did not get its money's worth. They had got now a lovely fountain, a triumph of art over Nature. The pretty slope from Parliament House to the bamboos and the lake had been broken up into a series of terraces ornamented with a miserable-looking work of art. This state of things all resulted from the fact that the Gardens were not vested in trustees having the power to appoint a competent head gardener to look after the Gardens. There was no comparison between these gardens and those of the Acclimatisation Society in respect to management and usefulness; and the marked difference in the Gardens was, in his opinion, entirely due to the fact that in the case of the Acclimatisation Society's Gardens, the gardens were managed by very excellent trustees—or rather by one energetic gentleman acting for them—who carefully supervised the work done. The Botanical Gardens, on the other hand, were placed under the control of a man who appeared to act quite independently, instead of being vested in trustees who would keep Mr. Hill in proper check and see that he did the work, which he (Mr. Morehead) was perfectly convinced was now neglected.

Mr. FEEZ said there was a sum put down altogether for gardens and parks in Queensland of £5,815, of which sum Brisbane received £3,415, leaving £2,400 only for the rest of the colony. He thought that, although it was necessary to assist people in Brisbane by giving them the means of increasing their knowledge of plants, it was just as necessary that such assistance should be given in other places, and

it was high time that the Government should consider the wants of other centres of population in such matters. There was more liberality in the way of contributions shown here than in smaller places in the outside districts where the people could only get these things by paying for them themselves. There must be some expense incurred in instructing young people as to plants, &c., for which he presumed the Botanical Gardens were intended; and he did not wish to oppose any particular vote, but he would suggest to the Government that in next year's vote some consideration should be shown to outside places.

Mr. NORTON thought the hon. member for the Mitchell (Mr. Morehead) had made a very valuable suggestion—namely, that the Botanical Gardens should be handed over to a board of trustees, who should have the management of them. He considered that that was the best suggestion that had been made respecting those Gardens since he (Mr. Norton) had been in the House. With regard to Mr. Hill, the Curator of the Gardens, it must be remembered that he had been sent about to different parts of the colony to make collections of plants and of the various woods of the colony for different exhibitions; in fact, as many as six or eight collections of colonial woods had been made, and it was probable that when the Curator of the Gardens was away from them the work of the Gardens may not have been carried on as it should be. There was one little thing he would mention in connection with the Gardens—namely, that whilst there was a notice put up at the gates that no dogs would be admitted, there were always dogs to be found in the Gardens. He (Mr. Norton) did not know to whom they belonged, but he had observed men who were followed by two or three, and he was quite sure that to have dogs walking about in the Gardens was not a proper thing. He believed in some respects the management of the Gardens was lax, and he had called attention to that as an instance. There was one item—£300 for the Queen's Park—to which he must take exception. That park did not belong to the Gardens at all, but it was simply a recreation-ground for the citizens of Brisbane. He did not see why £300 of the public money should be given for that purpose in the case of Brisbane, whilst there were many small communities to whom reserves had been given for the improvement of which not one penny was voted. He thought the Queen's Park should be in the care of the municipality, as it was really the people of Brisbane who derived the whole of the advantages from it. Last year he objected to the item, and had he seen any chance of hon. members supporting him he would have called for a division on the question; but then it was mentioned that the improvements—he presumed he must call them that, although he would far rather have seen the green slope there then was to the stiff embankments there were now—were being carried out, and that the money had been voted for them. Now, however, it was different, as the improvements had been completed, and the citizens of Brisbane were using one portion of the park as a cricket and football ground, and the other as bowling-greens and lawn-tennis grounds. He did not think the Committee were justified in voting money for those things, and he would therefore move that the sum of £300 for the Queen's Park be omitted.

Mr. MOREHEAD said he should like to know from the Minister in charge of the estimate what the £300 was to be expended on; and, further, why the £50 for the Botanical Library, which might be of some value in the future, was knocked off? He would ask why £300 should be spent on the Queen's Park, which appeared to be only a recreation ground for the people of Brisbane, most of those frequenting it being well able to pay for the ground themselves, as might be seen by looking out from the library window any afternoon.

The MINISTER FOR LANDS presumed that at one period of the year or other a great many persons frequented the Gardens other than the citizens of Brisbane. A sum of money had been voted for improving the park, in making a cricket-ground, bowling-greens, and lawn-tennis grounds; and that money had been well expended, and there was not enough left to lay on water to the cricket-ground. There might be some reason in saying that if £300 was voted for a recreation-ground in Brisbane other places should be treated in the same way; but it should be remembered that Brisbane was the capital of the colony, and must have some advantage that other places could not enjoy. With regard to other matters which had been referred to, he might mention that an Executive minute had been drawn up, placing the Botanical Gardens under a board of control. He had not been to the Gardens very often himself, but he had been informed on good authority that matters were not so satisfactory there as they should be; however, as he had said, a board of control would be appointed.

Mr. NORTON said the hon. gentleman told them that this recreation-ground was not only for the people of Brisbane but for anyone who chose to go there; but he (Mr. Norton) would point out that that would apply equally to recreation-grounds elsewhere, and he did not see why the reserves around Brisbane should be kept up at the public expense whilst others in outside places were maintained by the inhabitants. The Queen's Park should be kept up by the municipality, and if necessary a fence should be erected separating it from the Botanical Gardens.

Mr. MOREHEAD said the item of £300 should have been in the Education vote if the State was going to provide places for amusement. If they provided lawn-tennis grounds and bowling-greens, they might consider those persons who had a taste for the more plebeian game of skittles and provide a skittle-alley, or they might go further and provide public billiard-rooms. He did not see why if the State did one thing they should not do the other. He for one objected to subscribe his share of the £300 for amusements in the Queen's Park, and if they were going to reduce the public expenditure it should be in the direction of luxuries such as this. He should support the amendment.

Mr. WELD-BLUNDELL pointed out that many of the games, such as cricket and football, were not solely the amusement of those who took part in them, as anyone visiting the Gardens on a Saturday afternoon would see that three-fourths of the people there were standing round and watching the games that were going on, whether they were football, cricket, or lawn-tennis or bowling; therefore, he did not think that the argument held good that the Gardens were only for the benefit of those who took part in the games. At the same time, he agreed with the argument of the hon. member for Port Curtis, that the Brisbane municipality or some other body should pay for the maintenance of the Queen's Park instead of the Government, as it was more for the use of the Brisbane people than of anybody else. It must be remembered that the next vote was for six or seven Queen's parks, and therefore it could not be said that they were providing merely for Brisbane. He must admit that the principle was a bad one, because he did not see why the

people should not provide these parks themselves —why, as was done in other colonies, the more wealthy did not make donations towards their maintenance.

Mr. NORTON said the hon. member's argument was a poor one. His complaint was that large towns, which could afford to keep the parks themselves, got the grants. If the grant were given at all it should be to places which were not in a position to maintain recreation grounds. He admitted that people took an interest in the games which were played in the Gardens, and that it was a proper thing to have a suitable place for the games; but the Corporation of Brisbane should maintain the grounds. And he did not see why the same principle as was recognised in Sydney, for example, should not obtain here.

Mr. BAILEY said the people of a country place that he knew would be glad to get a small piece of land granted by the Minister for Lands as a recreation ground, and would be willing to go to an expense of £150 in fencing it and levelling a portion for cricket. These were poor country people who had lately been called upon to suffer extra taxation to make every little road in the district. When he found that in Brisbane year after year large sums were voted, not only for the formation of a cricket-ground but for keeping it in order, and that at the end a beautiful ground was formed for lawn-tennis, he thought it was going too far. The ladies and gentlemen who played tennis ought to pay for the formation of their own ground. The State having formed the ground, he should certainly vote for the reduction of the item.

Mr. FEEZ said that Rockhampton had a population of 8,000 people, and a most energetic lot of cricketers whom he would not be afraid to pit against Brisbane. They could not obtain a suitable ground in Rockhampton proper, so they went two or three times a-week to play on a piece of ground on the other side of the river, which they had levelled and improved. Not only had they done this at their own expense, but they formed a revenue for the Corporation by using the punt to cross the river. If this vote was given at all, outside places with less means should have a claim for similar support. He held, however, that Brisbane had no right to ask the State to support grounds which were used principally for amusement by its inhabitants.

Mr. GRIMES said hon. members seemed to look upon the vote as solely for the benefit of Brisbane, but it was not so. He would call attention to the fact that a considerable portion of the time of the botanist and director of the Gardens was taken up in collecting woods and other interesting exhibits for the public shows, and that part of the vote was for the collection of plants which were distributed throughout the colony. If the amendment was carried, the whole of the next vote must in common fairness be cut away. He would further point out that the vote also covered the keeping of a portion of ground at Oxley, where the Curator had some thousands of cedar trees which he was rearing for distribution all over the colony.

Mr. NORTON said the hon. member seemed to misunderstand him. He was contending against the Queen's Park, not the Botanical Gardens.

Mr. KELLETT said he could not see that the carrying of the amendment had anything to do with the next vote. Brisbane would still have the Botanical Gardens maintained by the State. In reference to the remarks of the member for Clermont, he would state that the objection was that a select few of the so-called upper-ten played lawn-tennis upon the grounds to the exclusion of all other classes—that other people could only look on. He believed that these gentlemen could make tennis-courts and cricket-grounds for themselves, and, in his opinion, it did not look well that they should ask the State to do it for them. If the vote were for a recreation-ground for the poorer classes he should not object to it.

Mr. STEVENS said that in point of fact the Queen's Park was really part of the Botanical Gardens, and it was money well spent to improve it. If the money asked for could be spent in improving that part of the gardens, he should certainly vote for it.

Mr. HILL said he could assure the junior member for Stanley that at any time there was plenty of room for all to play lawn-tennis in the park. There was always vacant ground; it was merely a matter of "first come first serve." As long as the ground existed in the shape and form that it did, it was better to turn it to practical use in that way than leave it idle. If they took a thoroughly practical view, they would do away with the Gardens and make wharves and streets there; but they were not looking at the matter from a pound-shillings-and-pence view. For a large town like Brisbane there must be a recreation-ground. He was sure it was very necessary, and that the people would be very sorry to see the Gardens done away. He should consider it a crime to do so, and held that the more attractive the Gardens could be made, either to the people who took part in the games or the people who looked on, the better. It would be a great pity to see them going to wreck and ruin for the sake of an expenditure of £300. He admitted that there was something in the argument that the municipality ought to maintain the ground, but there was a similar allowance for the larger towns. There were few people in the small towns, and there were few days on which they would get up a game.

Mr. MOREHEAD said they had no right to take any part of the Gardens for a Queen's Park. He recollected when cricket was started in the Domain, Sydney, the outcry that was raised against any portion being taken for private enjoyment. In the same way the Gardens in Brisbane should not be given for recreation, but applied to the purpose for which they were originally dedicated—for the enjoyment of the many, and not for cricket, lawn-tennis, and bowls. The Gardens were intended more for nursery-maids and children than for these players. He denied the right of anyone to take away the ground, and held that anyone might walk there and do just as he chose so long as he acted within the law. The Park would be much better laid out with flowers and walks than handed over to the use of any body of men. As the hon. member for Stanley had pointed out, the recreation-ground was left to the use of a very few, as anyone could see by going there. The lawn-tennis ground was of no benefit to the public generally, and the work was a waste of money. He protested, in the interests of the inhabitants of Brisbane, against the land being taken from its original purpose and devoted to cricketing and other games. Many people might enjoy watching cricket matches, but cricketers could get grounds for themselves, and the limited area that existed in the Gardens should be devoted to the purpose for which it was originally intended. He should support the amendment.

Mr. FEEZ said that altogether £1,525 were down for the Botanical Gardens, Brisbane, exclusive of contingencies amounting to £490—in all, £2,015, and, comparing that with the sums down for the rest of the colony, it would be quite sufficient to maintain the whole of the

Gardens, even if the £300 for Queen's Park, which is part of the Gardens, was struck out. As to outlying places, they got very little support from the Government. Last year the Exhibition committee in Rockhampton made application to the Government for a small sum of money to enable them to send some articles to the Exhibition. The Government refused any support, and the corporation advanced £100 to the mayor to enable him to make selections of timber and other things which were sent to the Sydney Exhibition, where they had a good show, without receiving one farthing's assistance from the Government. He found the sum of £300 down for the Botanic Gardens in Rockhampton, out of which sum he could only allow a first-rate gardener the sum of £150, leaving only £350 for all other expenses.

The CHAIRMAN said the hon. member must confine himself to the item under discussion.

Mr. FEEZ said he thought the £300 could be very well spared out of the vote. The money that would remain would be quite sufficient to maintain the Queen's Park, which was after all a part of the Botanic Gardens.

Mr. SIMPSON said that, although when the items were under discussion last year he thought the sum too high, yet he thought it would be well for the Committee to accept what the Minister for Lands had told them—namely, that it was the intention of the Government in a short time to have the whole of the Gardens put under a different management, and he had no doubt that when the guardians or trustees took charge of the Gardens a great many things would be altered.

Mr. NORTON noticed that everyone who had opposed the amendment had mixed up the Botanical Gardens with the Queen's Park. He had nothing to say against the vote for the Botanical Gardens: it was against the Queen's Park and that alone that he directed the remarks he had made. An hon. member had said that the money was well expended in recreation grounds. If that was the case, why should they not improve the racecourse, which was also a place of recreation? He did not care whether the Municipal Council or any other body took charge of the Gardens; the Park ought to be kept apart from the Gardens.

Mr. GRIMES called attention to the item for preparation of exhibits which were entirely botanical exhibits.

The CHAIRMAN called the hon. member to order, and said he must keep to the point before the Committee.

Mr. GRIFFITH said if that was the rule the whole discussion on an estimate could be stopped by an amendment on the last item.

Mr. GARRICK said it was very hard to say what was the Queen's Park and what was the Botanical Gardens. It was a mere accident that it was used by players for certain games.

The CHAIRMAN, in reference to a previous point of order, read Standing Order No. 278, which said that when a motion was made in Committee of Supply to omit or reduce any vote, members should speak to that question only until it was disposed of.

Mr. DOUGLAS said that the Park was not part of the Botanical Gardens once. It was not cultivated, and it was only after it was enclosed by the present railing that it came to be designated the Queen's Park, and a separate vote was taken for it. Hon. members seemed to be a little stingy in the matter. They ought to take a pride in having the accessories of Government House and Parliament House as presentable as possible. In the neighbouring colonies the people were very proud indeed of their public gardens. In Sydney they spent something like £7,000 a-year, and in Adelaide £5,000. Strangers coming to Brisbane were always struck with the Gardens; it was one of the features of the capital, and one in which they might well take a pride. There must be some distinction, in matters of that kind, between the capital and provincial towns, which were not illiberally treated. Money spent in that way was well spent, and thoroughly appreciated by the people, who would support their representatives in voting the money. He hoped the votes would be maintained. As to the games, the whole population joined in them in some form or other. Lawn-tennis might be a little more aristocratic than cricket, but he could remember when cricket was not half so popular as it is now, and when it was limited to a few, and it might be the same eventually with lawn-tennis. It was most desirable that those healthy sports should be cultivated.

Mr. NORTON said the hon. member was throwing dust in the eyes of the Committee. They did not object to the grounds being properly kept up, or to any expenditure that might be necessary—but to the money of the State being spent solely for the benefit of a few. He had been told what he never knew before, that Queen's Park was a part of the Botanical Gardens. If that were so, the land should not be diverted to any other purpose. If it was simply a recreation-ground it should be placed in the hands of somebody who, by making a small charge, could raise sufficient revenue to keep it in order. Those clubs who used it would not object to pay for it.

Mr. LUMLEY HILL said he hoped the hon. member did not mean that the ground should be handed over to some club or company who would make a charge for admission and keep the public out? At present the public could go there whenever they pleased and take part in any game they chose. He should not begrudge contributing something towards keeping the ground in order, if he could see any possible way in which that could be done. The land belonged to the people, and should not be monopolised by any club or company.

Mr. DICKSON said that, with every respect for the Chairman's ruling, he would point out what inconveniences might result from it. The item under discussion came under the head of "Contingencies (subdivision)," and under the Audit Act any one item might be supplemented if necessary from other items in the same subdivision. The hon. member for Oxley was not out of order in referring to any item under the heading of "Subdivision," because it might possibly be shewn that the item he referred to might justify the retention or abandonment of that for the Queen's Park.

Mr. NORTON rose to a point of order. The Chairman had decided some time ago that the hon. member for Oxley was out of order, and therefore the point could not be discussed over again.

Mr. DICKSON said he was simply representing the inconveniences that might arise from the ruling. As to Queen's Park, he should be sorry to see it handed over to trustees or to the municipality. As long as the Houses of Parliament were maintained, the grounds in front of them and which adorn them should belong to the Government. He could say without any hesitation that the citizens of Brisbane used the Gardens far less than strangers. Many never visited the Gardens at all, and others who did merely passed through the Queen's Park to get to them. Nothing had been urged to show that

the park would be better managed by trustees than under the present system. The direct responsibility ought to be taken by the Government—at all events, until the time came when, through the extension of business settlement, the land would have to be sold.

Mr. ARCHER said he agreed with the hon. member for Maryborough, that in matters of that kind the capital ought to be treated more liberally than other places. He himself took a great deal of pleasure in the Gardens. A site more adapted to the purpose could not have been chosen, surrounded as it is by one of the finest reaches in the river, with fairly good soil, and with places where a really fine view of the opposite bank of the river could be obtained. The garden was most lovely, but enough was not made of it—the money had not been well expended. The Gardens did not present that appearance they ought to do, seeing they had three times the subsidy of any other gardens in the colony. It would be unwise to separate the two items. No one could tell when he was walking out of Queen's Park into the Botanical Gardens; there was only an imaginary distinction between them. He was not going to try to cut down the vote, but he should like to see it expended in a better manner.

Mr. MOREHEAD said he wished to correct the hon. member for Maryborough in his assertion that the expenditure on the Sydney Gardens was £7,000. He had since looked up the figures, and found that the amount was a little over £5,000, while the area of the gardens was certainly four times larger than that of the Brisbane Gardens, which cost £2,015. The Sydney Gardens were managed by one of the best men in the colonies—a man who had grown grey in the service, and who was paid a salary of £450, with £100 travelling expenses, £50 for forage, and a residence. They were paying £475 in actual salary to a man who, as a botanist or manager of gardens, was no more to be compared with Mr. Moore, the Director of the Sydney Botanical Gardens, than night was to be compared to day. It was time the estimate was cut down with regard to the salary of Mr. Hill himself. In the New South Wales estimate there were included a large number of things which were not included in the vote here. There was provision, for instance, for an aviary and monkey-house.

Mr. GRIMES rose to a point of order. The hon. member was not discussing the item to which objection had been taken. He had been called to order by the Chairman when discussing the item of £50 for preparation of exhibits.

Mr. MOREHEAD maintained that he was quite in order in contrasting the cost of the Sydney Botanical Gardens with the cost of the Botanical Gardens in Brisbane.

The CHAIRMAN said he had already ruled that when an item was objected to the discussion must be confined to that item.

Mr. MOREHEAD moved that the Chairman leave the chair, report progress, and ask leave to sit again.

Mr. DOUGLAS thought that if the hon. member objected to the Chairman's ruling, his better course would be to refer it to Mr. Speaker.

Mr. MOREHEAD said the Chairman had not given any ruling in regard to himself. He had referred to a ruling given earlier in the evening, but he contended that that ruling did not apply to him.

The CHAIRMAN: The hon. member is out of order in discussing any other item beside that under discussion.

Mr. MOREHEAD said the hon. member for Maryborough had been allowed to make a certain statement relative to the cost of maintaining the Sydney Botanical Gardens. The Chairman had allowed that statement to pass unnoticed, and he surely did not intend to call him (Mr. Morehead) to order when he rose to correct that statement? The hon. member for Oxley became irritated when he referred to the monkey-house, but he would assure the hon. member that he did not intend to be personal. Another £500 out of the total vote of £5,230 in New South Wales was an exceptional expenditure upon trenching, &c., in connection with some improvements. The vote might fairly be cut down to £4,700 as against an expenditure of £2,000 in this colony. He maintained, therefore, that the Sydney Gardens, in comparison with theirs, were less costly and more efficiently managed.

Mr. DOUGLAS said a few years ago, when Minister for Lands, he made some inquiries relative to the comparative cost of the Botanical Gardens in the different Australian colonies. To the best of his recollection the sum given him in respect to the Sydney Gardens was that which he had already named—£7,000—including the whole of the expenditure under Mr. Moore. Of course, the amount might have been altered since he made these inquiries.

Motion—That the Chairman leave the chair—by leave, withdrawn.

Mr. MILES said, according to the Chairman's ruling it was only necessary for a member to move an amendment on the last item in a vote in order to preclude criticism on all previous items. He hoped the Chairman would reconsider that decision, because if it were insisted upon the consequence would be that some member would move that the items be taken *seriatim*, which would occupy more time.

The CHAIRMAN said he had no wish to stop discussion in any way; his only object was that the discussion should be conducted in conformity with their Standing Orders. He would point out that his ruling would not have the effect the hon. member supposed it would, because an amendment referring to the last item in a vote would be intercepted by any other member moving a motion in reference to a former item.

Mr. MILES said every year for the last sixteen or seventeen years this item for the Botanical Gardens had been discussed, and Mr. Hill got a round of abuse, and was condemned for incompetence. If he was incompetent, why not dismiss him? He (Mr. Miles) thought, considering the small sum expended on the Gardens, they were kept admirably. With reference to the Queen's Park, he would point out that people visiting the capital were privileged to use both it and the Gardens, and he hoped the Government would never think for one moment of handing it over to a board so that a charge might be made for admission.

The COLONIAL SECRETARY: Whoever dreamt of it?

Mr. MILES said he had visited similar places in the other colonies without fee, and he hoped they would attempt nothing so miserable as to charge a fee here.

Mr. GRIMES said as the expense of the Gardens had been referred to, it was only just to the Curator to mention that one of the great difficulties he had to contend with was, that the place was completely overrun with nut-grass. This was perhaps not known by all hon. members, and would account for the expense of keeping the Gardens in order, as it required men to be almost continually hoeing the ground. The hon. member for Ipswich said it was the Curator's own fault that this grass existed, but it was not: it was there long before he had anything to do with the Gardens.

Mr. FRASER said the vote did not appear to be objected to so much on account of the amount as on account of the position in which it stood; and he would suggest to the hon. member for Port Curtis to withdraw his amendment in its present form and let the Queen's Park and Botanical Gardens be treated as one. He should regret exceedingly if the Government placed the Gardens and Queen's Park in the hands of a board; and, knowing the Colonial Secretary's insuperable objection to irresponsible boards, he doubted that it would be done. He thought all hon. members, from whatever part of the colony they came, would admit that they should take a little pride in the capital, which was the first place strangers generally came to; and so far as the people round about Brisbane were concerned, many of them derived no more benefit from the Gardens or the Queen's Park than the residents of Rockhampton or Townsville.

Mr. BAILEY said they had already spent some thousands of pounds in forming a beautiful cricket-ground and nice lawn-tennis ground, and he thought the people who used those places for those sports should now take care of them.

Mr. GARRICK hoped the hon. member for Port Curtis would withdraw his amendment. It was evident that the £300 was wanted to keep the grounds in order; and if the amendment were carried all the other similar votes would be opposed. It was admitted that this recreation-ground was national rather than local in its character, and hon. members would see that in proportion to population the amount voted for this purpose for Brisbane was smaller than were the amounts to be voted for other parts of the colony. The amounts voted for parks in Brisbane last year was £650, whereas only £350 was asked for this year, showing a reduction of £300, and making the vote smaller in proportion to population than those of other places.

Mr. ARCHER said he had intended to vote for the item, but after having heard the speech of the hon. member (Mr. Garrick) he should certainly vote against it; and he would warn that hon. member that if he succeeded in cutting off the votes for other parts of the colony, he would not get a penny for his own Gardens next year. The hon. member argued that because a small part of the vote for the Gardens of Brisbane was rejected, therefore the Committee would be justified in striking out the amounts for other parts of the colony. Other hon. members could play at that game, however, and it would be found that Brisbane had not a majority in the House if it came to a battle to decide whether Brisbane should dictate what the rest of the colony should get. He never heard such an argument before: hon. members had a right to criticise any item, and vote according to their own ideas.

Mr. GARRICK said the hon. member was making a great fuss about nothing. He had merely stated that if this vote were rejected, other votes for parks must be rejected on the same principle. The votes rested upon common ground, and the principle that applied to one was applicable to all. There was no reason for the hon. member to get indignant.

Mr. ARCHER said he understood the hon. member to say that because some hon. members objected to a small portion of this vote, therefore all other votes must be treated in the same way, however much they might be wanted. This was a matter of principle and not a party question.

Mr. GARRICK said the hon. member might persist in drawing an inference, though it was not usual to do so after an explanation had been made. All he had stated was that if the amount for a park in one part of the colony were eliminated, he did not see why sums for other parks should not be treated on the same principle. He had no desire to introduce party feeling into the discussion, but simply wished to point out that if the Committee assented to a certain proposition in one case it must assent to the same proposition in another and similar case.

Mr. AMHURST said the impression made on his mind by the remarks of the hon. member accorded with the hon. gentleman's explanation. As a matter of principle, the Committee could not make fish of one and fowl of another, and if they were justified in voting against one they were justified in voting against all the others.

Mr. SIMPSON agreed with the hon. member, with this difference: that whereas this vote was for a small portion only of the Botanical Gardens, the votes for other places included amounts for the maintenance of botanical gardens.

Question—That the item be omitted—put and negatived.

Mr. GRIFFITH asked whether the Government intended to place the Gardens in the charge of trustees; and, also, what benefit was expected to result from such a change? They were a national institution, and he did not see why they, any more than the Parliament grounds, should be placed in charge of trustees. If the Government took such a step what position would the colonial botanist and director hold—his present position would be quite inconsistent with serving under a board of trustees? Did the Government intend to appoint a board of trustees to rival the board who superintended the Acclimatisation Society's Grounds? If so, he thought the Government would be making a great mistake. The hon. member (Mr. Feez) had spoken about those gardens; but did that hon. gentleman think that a proposal to place the national gardens on the same footing as recreation-grounds in provincial towns would be received with satisfaction in any of the capitals of the countries in Europe with which the hon. member was acquainted? The proposition might have sounded very well when the hon. member for Mitchell suggested it, but the principle was one from which he (Mr. Griffith) entirely dissented.

Mr. O'SULLIVAN said, according to Act of Parliament the Gardens should be handed over to the municipality.

Mr. GRIFFITH said he had asked the Minister for Lands for certain information, and it was usual in such cases for the Minister to give an answer.

The MINISTER FOR LANDS said he had told the Committee some time ago that this was all but done five or six weeks ago. It was a spontaneous act on the part of the Government, not suggested by the hon. member for Mitchell or any other hon. member. Complaints had been received from time to time, and the Government thought it desirable to appoint a board to advise, supervise, and exercise control, in all matters connected with the Gardens.

Mr. GRIFFITH said he had asked what advantage was to be gained by handing over a national institution to the care of trustees, and also what were to be the functions of the board? Would they control the colonial botanist and the director of the Gardens, or regulate the admission to the Queen's Park, or what?

The MINISTER FOR LANDS said they would look after the management of the Gardens and see that the colony got more for its money than was the case at the present time.

Mr. GRIFFITH said he wanted to know whether the colonial botanist would cease to be an officer of the State and become a servant of the Trustees; and whether the money now asked to be voted would be handed over to the Trustees, and the future expenditure be uncontrolled by the Government?

The MINISTER FOR LANDS said those were matters of detail, with regard to which no conclusion had yet been arrived at. The desirability of appointing a board had been decided upon, but no instructions had been drawn up.

Mr. GRIFFITH said he would in that case take this opportunity of asking the Government to very seriously consider the matter before taking any definite action. The Botanical Gardens in the capital of the country had always been recognised as a national institution, and as such they should remain in the hands of the Government. He considered it would be a great mistake to put them on the same footing as an ordinary reserve.

Mr. PERSSE said he agreed with the hon. member for North Brisbane in that respect, and considered it would be a great pity if the Botanical Gardens were handed over to a board of trustees; and if the Curator of the Gardens should be placed under a board of trustees. There might be faults found with that gentleman, but he was a very old servant of the Government, and had done a great deal of good for the colony. He had travelled about the colony, and had gone into scrubs and discovered new plants, and was altogether a credit to the colony.

Mr. LOW said there was no other public officer who had been so badly used as the Curator of the Botanical Gardens, considering the good he had done in distributing useful plants all over the country.

Question put and passed.

On the Question—That the sum of £3,800 be granted for "Reserves"—

The MINISTER FOR LANDS said that representations had been made to him from which he had come to the conclusion that £150 would not be sufficient for the reserves at Wickham Terrace and Countess street, and therefore he should be prepared to put an extra amount on to the Supplementary Estimates.

Mr. PRICE asked if it was intended to put down a sum of money for the Botanical Gardens at Maryborough?

The MINISTER FOR LANDS said that there was £350 put down for the Queen's Park at Maryborough.

Mr. NORTON said he did not wish to cause a long discussion, but he would ask how the sum of £250, put down for the Government Domain, was to be expended? He should like to see something like a park instead of the present paddock.

The MINISTER FOR LANDS said the money was expended in keeping up the road and the flower-garden, for which purpose two or three men, and also carts and horses, were employed. £250 was found to be barely sufficient to keep the grounds in order.

Mr. SIMPSON said there was one item to which he wished to draw attention. Last year there was a sum of £500 put down for reserves for aborigines, whilst this year it was only £250. He was not very often an advocate for increases but generally went in for reductions; however, he did not think they should reduce the sum for reserves for aborigines if the money could be usefully spent.

The MINISTER FOR LANDS said the principal reserves for aborigines were at Mackay and Durundur; and from inquiries he had made he believed they were being worked admirably and very economically. At Mackay most of the aboriginals were profitably employed, and the protector saw that they were paid their wages regularly. At Durundur they were also profitably employed, and were earning wages, and that was why it was not necessary to make the vote so large as it was last year.

Mr. PERSSE asked in what way the money was expended last year?

Mr. SIMPSON said that when he drew attention to the matter he was not aware that there was a motion on the notice paper dealing with the whole subject. That being the case he would not make any further remarks at present.

Mr. DOUGLAS said he understood that the reserve at Mackay had been abandoned, and that it had either been sold or was about to be.

The MINISTER FOR LANDS said that speaking from memory there was a reserve of 1,000 acres odd for the aborigines at Mackay; but there was another very large one about twelve or fifteen miles from Mackay. What he wished the Committee to understand was that most of the aboriginals on the Mackay reserve were earning wages.

Mr. DOUGLAS said that no doubt they were; but they had been put in the way of earning wages by the maintenance of an establishment there for some little time, and his fear was that by the withdrawal of that establishment the aboriginals would soon fall into their old habits. He understood that the school there had been abandoned. Altogether, he thought this paltry dole was a disgrace to the colony.

Mr. DICKSON, referring to the reduction of the vote for the reserve at Bowen, was understood to ask whether the £250 voted last year had all been expended? He thought reports should be received from trustees of reserves before the vote for them was reduced; as in the case of Bowen, for instance, it might be rather hard to reduce the annual support from £250 to £100. He trusted, therefore, that if proper representations were made to the Minister for Lands, that in the past the money was judiciously expended, the hon. gentleman would be prepared to favourably consider a further application.

The PREMIER said the amount spent last year was £225.

Mr. AMHURST was understood to say that if his memory served him right the member for Maryborough when in office proclaimed a large reserve at Mackay. Only a portion of it had been sold, but the best part was still kept for the use of the blacks.

Mr. DICKSON said the Colonial Treasurer had stated that £225 had been spent upon the Bowen reserve last year. He confessed that he could not see what justification that could be for reducing the vote to £100 this year. However, he had merely discharged the duty which he had been called upon to perform in drawing attention to the reduction. He trusted that the Colonial Treasurer would not shut his ears to an application for a larger amount, as he understood that the labours of the trustees would otherwise have to be abandoned.

The MINISTER FOR LANDS said his colleagues had informed him that the amount put down was insufficient. An additional amount would be placed on the Supplementary Estimates.

Mr. GRIMES asked whether a portion of the £250 voted for the Domain was spent on experiments with artifical grasses?

The MINISTER FOR LANDS said that beyond the explanation he had given he was not aware how the money was expended. He could not say whether experiments were being made with plants or grasses, but the £250 was available for the purpose.

Mr. GARRICK said with reference to the blacks' reserve, he noticed that Captain Goodall, acting land commissioner at Mackay, reported that there was practically no land of any value whatever open for selection within fifteen miles of the town, except a very small quantity on the recently resumed blacks' reserve on Sandy Creek. Whenever a small selection, he added, became open for re-selection, however poor it might be, there were numerous inquiries for it, and he thought it very desirable that the reserve for aboriginals at Cape Hillsborough should be thrown open as recommended by him on former occasions. It was never used by the blacks, who were now almost universally employed on the plantations and farms in the district, and a considerable portion, he was informed, was of excellent quality for cultivation. He (Mr. Garrick) knew that the member for Maryborough had great sympathy with the aboriginals, but he also knew that it was a question of doubt whether reserves were always put to the use for which they were asked. From the report it would appear that this was the case with the Cape Hillsborough reserve. Had the Minister for Lands read the report?

The MINISTER FOR LANDS said he had read the report, and, notwithstanding Captain Goodall's recommendation, their choice and opinion had been fortified. The reserve at Sandy Creek was thrown open and taken up in one day.

Mr. AMHURST said that a certain portion of the good land of the Sandy Creek reserve—1,240 acres—had been retained. The remainder was thrown open, and he believed a great portion was selected and was now being fenced in.

Mr. GARRICK said it seemed to him that Captain Goodall's report was confirmed. He stated that land was wanted, that none was open for selection, and that suitable land was on the Cape Hillsborough reserve, which was not required, it never being used by the blacks. If the Sandy Creek reserve was taken up instantly on being thrown open, it was a strong argument in favour of Captain Goodall's recommendation with reference to the Cape Hillsborough reserve.

Mr. AMHURST said that one place was distant seventy miles from the other, and that no one had applied that the Cape Hillsborough reserve should be thrown open.

Mr. GARRICK said he had drawn the attention of the Minister for Lands to the reports of this officer, and his reports must be of some value.

Mr. DOUGLAS said his hon. friend near him owed him a slight grudge for having secured a reserve of about 1,000 or 2,000 acres at Durundur; but he (Mr. Douglas) was proud of having done so for the benefit of the poor remnant of a degraded race. That reserve was certainly put to a good purpose. It was fenced in, and was now as good land as could be. The aborigines there had their cows and their heifers; and they had two paddocks—one for their own stock and the other was let, and the proceeds devoted to their benefit. The land there was certainly good, but he thought that, considering the white man had taken possession of the whole country, it was a small thing to make such provision for the blacks.

Mr. GRIFFITH said with reference to the £250 for the Government Domain, he did not know how it was expended. But he thought that the men might spend part of their time planting trees and form it into a park.

Question put and passed.

The MINISTER FOR LANDS moved that £6,975 be granted for Miscellaneous Services.

Mr. GRIFFITH asked the reason for the largely increased amount for survey of runs, and whether the Government proposed to make any change in the present system? He observed, secondly, a sum on the Estimates for inquiry into diseases of animals and plants, about which he should like some information. Then the item for the destruction of Bathurst burr was omitted. Did the Government not intend to destroy Bathurst burr on Crown lands?

The MINISTER FOR LANDS said with regard to the survey of runs the increased cost was rendered necessary by the numerous applications that were received from leaseholders to have their runs surveyed. Of course that money would be only advanced or lent by the Government for a certain period; and when the surveys were completed and checked the lessees would have to pay for the surveys. The amount for inquiry into diseases of animals and plants was controlled by Dr. Bancroft and some other gentlemen engaged in making experiments at Eagle Farm; and it was considered that their efforts were being attended with success. He had consented to the amount being placed on the Estimates, so that they might prosecute their experiments for another year. As to the Bathurst burr, it now devolved upon the local bodies, the divisional boards, municipal councils, and others, to take the expense of its eradication.

Mr. NORTON said he understood the Minister for Lands to say that the lessees would pay for the survey of their runs?

The MINISTER FOR LANDS: Yes.

Mr. NORTON said he was very glad to hear it.

Mr. DOUGLAS said he had one word to say with regard to the photographic printing apparatus in the Lands Department. He understood that it was a complete failure. If so, was it necessary to vote the amount? Did the hon. gentleman anticipate that he would be able to get it into working order?

The MINISTER FOR LANDS said when he was in Melbourne, in February last, he drew Mr. Tully's attention to what was going on there; and the consequence was that a gentleman had been secured who he believed would come up to their expectations in every way. Mr. Tully informed him that this gentleman had discovered the defects of the department, and was now engaged in removing them.

Mr. NORTON wished to call attention to one other item—namely, the formation of a herbarium. The gentleman engaged in the collection of plants was, he believed, a first-rate botanist, but was wretchedly paid. It would be well to consider whether it would not be possible to keep him in something like a respectable position. It was too poor a sum to offer any man of ability. He was carrying out very valuable work, and he (Mr. Norton) believed in the course of time its value would be realised far and wide. He hoped the Government would see their way to put that officer in a better position.

Mr. DICKSON said, with regard to the photographic printing, he was glad to learn that it was likely to be successful. He hoped the Minister for Lands would have printed another

supply of eight-chains-to-the-inch maps of different portions of the colony. They were continuously required by the public, and he was sure any charge made by the Government would be paid. He trusted that the Minister for Lands would see that the old maps of the areas of the colony where Crown lands had been alienated for some time would be reprinted and ready for distribution. Strangers had been to the Lands Office, and were unable to obtain such and such a map. He hoped this would not be the case in future.

Mr. PERSSE said, with reference to the item for survey of runs, he trusted that the Minister for Lands would see that the runs were surveyed in a more satisfactory manner than had been the case in the outside districts. At present the survey was completed by running down along one side of a creek, while both sides had to be paid for.

Question put and passed.

On the motion of the PREMIER, the Chairman left the chair, reported progress, and obtained leave to sit again to-morrow.

The House adjourned at thirty-one minutes ast 10 o'clock.