Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY, 3 AUGUST 1881

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LEGISLATIVE ASSEMBLY.

Wednesday, 3 *August*, 1881.

Petition. — Question. — Motion for Adjournment. — Defendants' Evidence Bill—first reading.—Gulland Tramway Bill—first reading.—Pharmacy Bill.—Sale of Food and Drugs Bill—second reading.—Pearl-shell and Bêche-de-mer Fishery Bill—in committee.—Criminals Expulsion Bill—committee.—Adjournment.

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

PETITION.

Mr. GROOM presented a petition from Henry William Coxen, complaining of certain land transactions in the neighbourhood of Dalby, and praying for inquiry and relief.

Petition read and received.

QUESTION.

Mr. McLEAN, pursuant to notice, asked the Secretary for Public Lands—

1. Is it a fact that Mr. O'Shaughnessy selected Portions 14 and 15, Parish of Weribone, County of Elgin, said Selections having since been forfeited?
2. Is it a fact that Sir John O'Shaughnessy has been allowed to Pre-empt on said Selections?

The SECRETARY FOR PUBLIC LANDS (Mr. Perkins):

The answer to the first question is "yes"; and to the second question, "yes."

MOTION FOR ADJOURNMENT.

Mr. ALAND said he rose for the purpose of moving the adjournment of the House in order to call attention to a paragraph which appeared in the *Brisbane Courier* of Tuesday, having reference to the case of one Ralph Stewart, who

was committed for trial by the Brisbane Bench of Magistrates to the Circuit Court. He thought the case was of sufficient importance to warrant his calling the attention of the House to it. It was a matter upon which the House would like to be satisfied, and he was quite sure it was a matter upon which the general public also would like to be satisfied; more especially when they found the leading journal of the colony stating that for purposes not altogether clear this man Stewart had not been brought to trial by the Attorney-General. He did not know whether he was in order in reading a paragraph from a newspaper, but, if not, hon. members would stop him. The paragraph to which he referred was as follows:—

"The long and short of the matter is that friendly intercession was made for the man; his captain wanted to carry him off, and the Crown didn't want to be bothered with him, so he was let go, and when next he is ashore and gets drunk, why shouldn't he try a little more revolver practice? Probably his hand may be steadier."

He was quite sure that the hon. Attorney-General would be only too glad to set the matter right to the House and the country. It appeared to him to be a very strange thing that a sailor should be allowed to go about the streets of Brisbane revolver in hand—that revolver loaded—and be allowed to fire it off at the constable who was trying to apprehend him, and yet he should be allowed to get off scott-free. He moved the adjournment of the House.

The ATTORNEY-GENERAL (Mr. Pope Cooper) said he thought he ought first of all to thank the hon. member for Toowoomba (Mr. Aland) for the courteous way in which he had brought the matter before the House, and he should offer an explanation of the paragraph. It seemed to him that if paragraph writers would take the trouble to ascertain the facts of a case before they put their pens to paper, a great deal of mischief would often be prevented.

An HONOURABLE MEMBER: It would not pay.

The ATTORNEY-GENERAL: The facts of this case were: The man Ralph Stewart, who was carpenter on board a ship, had fired off in a street in Brisbane several shots, and if he (the Attorney-General) had proceeded upon the depositions as he read them he should certainly have found a true bill in the case; but it had been represented to him by the police that they did not believe for a single moment that Ralph Stewart ever intended to hurt anybody or do any harm. That being so, if he had taken the case to a jury he should have been bound in honour to put that fact before the jury; and therefore how could he have proceeded with the case? The whole gravamen of the offence consisted in the intention of the man to commit a crime, to do harm to another, or to "prevent lawful apprehension or detainer." As the police were satisfied that the man had no intention of committing a crime or doing anything wrong, he did not find a true bill. To say that friendly intercession was made on behalf of this man to induce any improper conduct on his part as Attorney-General was to say that which was untrue. The captain did ask to be allowed to take the man away, but he (the Attorney-General) did not find "no true bill" until the morning the ship was going to sail, because, although it was believed that the man had not intended to do any harm, still, if released, he might have repeated the revolver firing, and have thus committed an offence against the Towns Police Act. He therefore did not allow him to be discharged until the morning the ship sailed. The captain then went up to the gaol; the man was handed over to him and taken off to America. He (the Attorney-General) thought that he had done quite right, at all events—in what he did he had the entire approval of his own conscience. If the writer of the paragraph referred to had taken the trouble to ascertain from the Crown Law Offices what the facts of the case were, he would not have raised all this bother about it.

The HON. S. W. GRIFFITH said he had no doubt that the hon. Attorney-General had acted in this matter according to a conscientious view of his duty. It was very hard for anyone who was not possessed of all the facts that came before him, to sit in judgment upon him (the Attorney-General). In fact, it was impossible, unless they had the same material that he had before him, to say whether he was right or wrong—that he erroneously exercised a discretion that was confided to him—and very properly so—by the Constitution. He confessed that, after hearing the explanation that the Attorney-General had given of the case, he should have been inclined to let a jury settle the question whether a man who fired off a revolver in the street at the moment that he was being arrested intended to do harm or not. He should have preferred to let a jury determine that question rather than take the opinion of the police. It was, however, a matter upon which the Attorney-General was the judge as to whether the man should be tried or not. He would take advantage of the motion to call attention to another matter which ought not to pass without some observation: he referred to the statement the Speaker made in the chair last week, as to the course he should adopt in the event of disorderly conduct arising in the House. As he understood, the Speaker intimated that he did not conceive it to be his duty to interpose unless his attention was called by some member to the disorderly words. He wished, for his part, to take this opportunity of expressing his regret that the hon. the Speaker had come to that conclusion, because it seemed to him to be a departure from the previous practice of that and other Legislatures, and, he thought, a departure in the wrong direction. He would refer to what was said by the recognised authorities on the subject, not as desiring to impose his views of the Speaker's duty upon him, but merely to call attention to what appeared to be an innovation in parliamentary practice which it was right to call attention to. In "May," at page 347, edition of 1873, the duties of the Speaker, and the practice of Parliament with respect to the duties of the Speaker, were thus defined:—

"In so large and active an assembly as the House of Commons, it is absolutely necessary that the Speaker should be invested with authority to repress disorder, and to give effect, promptly and decisively, to the rules and orders of the House. The ultimate authority upon all points is the House itself; but the Speaker is the executive officer by whom its rules are generally enforced. In ordinary cases, an infringement of the usage or orders of the House is obvious, and is immediately checked by the Speaker; in other cases, his attention is directed to the point of order, when he at once gives his decision, and calls upon the member who is at fault to conform to the rule as explained from the chair."

That was the rule as defined by "May." As far as he had been able to discover, Mr. Todd said nothing on the subject; but Mr. Cushing, section 291, in enumerating the duties of the presiding officer of a Legislative Assembly, mentioned amongst them these:—

"To restrain the members when engaged in debates within the rules of order.

"To enforce the observance of order and decorum among the members.

"To decide, in the first instance, and subject to the revision of the House, all questions of order that may arise or be submitted for his decision."

Both those authorities contemplated the Speaker acting on his own motion when, to use the words of "May," "an infringement of the usages of orders of the House is obvious." Of course, those of any experience knew that it had been a

common matter for the Speaker at once to call the attention of the hon. member speaking to the fact that he was out of order, and require him to withdraw the expression. In the House of Commons this rule was very rigidly enforced. During the last two years scarcely a week, or even a night, had passed without the Speaker having to interpose to prevent disorder. As he understood, the Speaker said that when his attention was directed to the use of offensive language he would refer the matter to the House. He (Mr. Griffith) respectfully protested against both of the conclusions arrived at as not being, in his opinion, conducive to good order in the proceedings of the House. With respect to calling attention to disorderly language, he thought that, if disorderly language was used, it was more likely to continue to be disorderly if the member against whom it was directed got up and objected to it. If a member called attention to words made use of by another, it was likely to cause greater heat on the part of the member who had offended. The Speaker had also referred, in the statement he made to the House, to the possibility of his being suspected of partiality; but he (Mr. Griffith) did not think any member would suspect such an intention for a moment. He was sure they would all prefer, when excited in the heat of debate, to take the Speaker's impartial ruling, and his idea of what might be orderly or disorderly, than their own. The presiding officer was given this power because it was considered better to have an impartial judge, who would be better able than anybody else to decide what was disorder. That was a reason why he thought it was far better that the old rule should be adhered to, and that the Speaker should interpose. With respect to the other point—that the Speaker should submit the matter to the House—he also considered it a very undesirable course. In doubtful points it was the practice of Parliament to submit the question to the House if the Speaker did not feel able at the moment to decide it; and it was also the practice of Parliament, if the Speaker's ruling was objected to, to move that it be dissented from; but if in every case when attention was called to disorderly words the question was to be submitted to the House whether the explanation was satisfactory or not, the whole thing would resolve itself into a party division. An hon. member made use of language which the Speaker rules out of order, and the member might make a statement such as this: "Well, I will apologise and withdraw the words, but I think they are true." Such an explanation or apology as that was a mere mockery; yet that was the question to be put to the House. Imagine that question before the House in the heat of debate; what would be the result? They would have a party division as to whether the insulting language used by one hon. member to another had been sufficiently apologised for. It was in order to avoid questions of that kind that their ancestors, in their wisdom, had appointed a presiding officer whose duty it should be to prevent occurrences of this nature. He thought it right to call attention to this matter because the innovation was very serious in principle as well as in form, and was of so much importance that he had felt obliged to pass these comments. He expressed only his own individual opinion, and must regret once more that the Speaker, through a fear of suspicion of want of impartiality, should be induced to relax the vigilance which he had been accustomed to use.

Mr. LUMLEY HILL said, with reference to the matter introduced by the hon. member for Toowoomba, he (Mr. Aland) was a very junior member of the House, and he (Mr. Hill) did not know whether it was since his election that he had taken to reading the newspapers; but if he had been in the habit of reading them, he must have recognised that all that appeared in those romantic paragraphs was not exactly gospel. He trusted it would be some time before the hon. member took up the time of the House in discussing what appeared in the newspapers. Very extraordinary things appeared in the newspapers, and they had plenty to do in the House without discussing such matters. He was rather amused at the hon. member for North Brisbane saying the case ought to have been sent to a jury. From a lawyer's point of view that was no doubt correct; it brought grist to the mill, at any rate. It would be something for the lawyers to do, and times were rather dull now. With regard to the remarks of the leader of the Opposition on the Speaker's ruling, he need scarcely say that he (Mr. Hill) was not in the least likely to be called to order; and he left it to those who were in danger of being called to order to say something on the subject.

Mr. McLEAN said that with regard to the matter brought forward by the hon. member for Toowoomba, the hon. member for Gregory had said that it was merely taking up the time of the House. Now, he (Mr. McLean) knew that there had been considerable feeling outside the House with reference to this very matter. There had been a feeling in the public mind that it was not safe for anyone to walk the streets if a man was to be allowed to use revolvers at discretion, and if the law did not recognise that there was any punishment for such offenders. He was glad that the hon. member for Toowoomba had brought that matter before the House, and he was glad also to have heard the explanation given by the Attorney-General. Instead of the time of the House being wasted, he was sure it would give great satisfaction out of doors.

Mr. ARCHER said that whether the time of the House was wasted or not, he endorsed some of the remarks which had fallen from the hon. the leader of the Opposition. He (Mr. Archer) was as little likely as the hon. member for Gregory to be called to order; and he was certain of this—that any hon. member might use what words he liked, and he (Mr. Archer) would never call the attention of the Speaker to them. He was one of those who could listen with equanimity to anything that was said. But still it was necessary that words that were used in anger, and such as would not be used in good temper, should be taken down. He thought the hon. member for North Brisbane was correct, because a great many things were said in the House which did not add to the dignity of the House, and someone in whom the House had confidence, and who had little personal interest in the debate, should take notice of what was said. He (Mr. Archer) would be exceedingly glad if the Speaker could feel it consonant with his duties to take notice of words that he thought should not be used in this House. He was quite sure that it would give a better tone to the proceedings if this were done.

The PREMIER (Mr. McIlwraith) said that had he thought that the statement made by the hon. the Speaker was intended to bear the construction put upon it by the leader of the Opposition, he would at the time it was made have given his protest against it. He had read the statement again, and he thought the words of the Speaker bore the construction that in future he would not take notice of any disorderly language unless attention was called to it. He had no doubt that the statement would bear that construction. The House had always looked upon the Speaker as above a suspicion of partiality, and he was sure that every member

would regret if in the future the Speaker did not take notice of any disorderly language, unless his attention was called to it. He (the Premier) expressed his sorrow that the Speaker should have come to such a conclusion as that. He knew the House expected, when any disorder took place in the House, that the Speaker should call attention to it and express his opinion upon it. If that opinion was unsatisfactory to the House, there was a remedy in the Standing Orders.

The MINISTER FOR WORKS said he thought one point had been overlooked by hon. members who had previously spoken, and that was that the Speaker stated that he was not always able to hear every word that was uttered in the House, and that, therefore, if he selected one member for having been guilty of using words which were disorderly, and looked over another member who did the same, his impartiality might be doubted. That was the great point in the Speaker's explanation, and he thought it was a sufficient answer to what had been said about the practice of the Speaker of the House of Commons during the last few years. He (the Minister for Works) hoped the Speaker of this House would not imitate the Speaker of the House of Commons, and become a dictator to the House and the country as well.

Mr. O'SULLIVAN said the last speaker had anticipated what he was going to say. He had never heard any words in this House which required to be taken down. This debate would lead the public outside to believe that the most disorderly conduct took place in the House; but he was not aware that anything disorderly had ever occurred, and he had been a member of the House ever since the Separation. He supposed he was about the most disorderly character in the House as a general rule, and yet he had never been called to order for doing anything very serious. Outside a great deal of prominence had been given to words that a certain member had used here; and he (Mr. O'Sullivan) said at the time that those words were more true than civil: at the same time he did not think they were very much out of order. Let the proceedings of this House be compared with the House of Commons, where members were frequently given in charge or suspended for bad conduct. With regard to the statement made by the hon. member for Toowoomba, he thought the hon. member had done good service in bringing the matter before the House, because there was no doubt that a strong feeling did exist on the subject of this man being allowed to fire a revolver in the streets. It had been said that they should not read paragraphs in newspapers. He read the paragraph referred to, and he did not believe a single word of it; and he thought the explanation of the Attorney-General was a very good one. On the point whether the man ought to have been sent for trial, the leader of the Opposition was better able to give an opinion than he (Mr. O'Sullivan) was; but he thought the public would be satisfied with the explanation given by the Attorney-General. An objection had been raised by the leader of the Opposition to indirect apologies to the House; but in all parliamentary proceedings that he (Mr. O'Sullivan) had ever read indirect apologies were made. No one liked to acknowledge that he was entirely in the wrong. He had read of an apology made by an Irishman, a member of Parliament, who, on being called upon to make an apology, said, "I said it; it was true; I am sorry for it." That was to say, he was sorry it was true. It was a good apology. He (Mr. O'Sullivan) was surprised that the leader of the Opposition should be at all annoyed at such apologies. His reason for rising to speak on this question was that he was afraid the public would think they had been doing some thing wrong in the House, and he felt that they had not been doing anything wrong He had seen the whole of the Parliamentary proceedings from the beginning, and he considered that it was the best conducted Parliament of any in the colonies. He took this opportunity of saying that the first good conduct of the proceedings of Parliament was not in honour of Parliament, but out of respect to the then Speaker, a venerable old gentleman. He (Mr. O'Sullivan) was not so much annoyed at infringing the rules of the House as he was that he had vexed the old gentleman.

Mr. SCOTT was understood to say that he thought the rule laid down by the Speaker was not for general application, but for a particular occasion, and in that way he thought it was a good one.

Mr. HORWITZ said he would take that opportunity to draw attention to a matter connected with the working of the railway department. He complained that he had been overcharged 8s. 6d. on two tons of pressed hay. The hay was conveyed from Warwick to Brisbane, and, according to the amended rates for the conveyance of agricultural produce, the charge ought to be 17s. 6d. per ton; but to his surprise he was charged £2 3s., which was an overcharge of 8s. 6d. He called on the Commissioner of Railways for an explanation, but all he said was that he could not put all the hay into one truck, therefore he had to put two bales in another truck, and charged the extra 8s. 6d. But that was not in accordance with the regulations that were in force, which distinctly laid down that the rate for pressed hay should be 17s. 6d. a ton. He should like to know if the Commissioner for Railways could print and publish regulations and then alter them as he thought proper. The public, and especially the farmers, were interested in this matter, and therefore he thought it was his duty to bring it under the notice of the House. He knew that some time ago he had a grievance with Mr. Herbert about some salt, and he brought the matter before the House. He also called on Mr. Herbert respecting it, but could not get any satisfaction, and therefore he was obliged to take the case before the court at Warwick. The result was that he (Mr. Horwitz) gained the case, and the country was put to the expense of it. Now he had another case; the amount involved was only 8s. 6d.; but, as the Commissioner would not recognise his claim for the overcharge, he (Mr. Horwitz) had no other remedy than to take the case before a court. Mr. Herbert evidently thought he had a right to squander the public money as he thought fit. If Mr. Herbert did not fully carry out the regulations laid down, then he ought to be made to pay all expenses. He (Mr. Horwitz) would like to mention that he knew Mr. Herbert came to Warwick by special train in connection with the salt case, and he would like to know by what authority he travelled in that way. There were regulations laid down, and if Mr. Herbert broke them he ought to be made to pay all expenses, although he (Mr. Horwitz) paid him £5 for expenses to Warwick. What became of that? If he (Mr. Horwitz) lost the case he would have to pay, and he did not see why Mr. Herbert should not be called upon to pay in the same manner.

Mr. O'SULLIVAN rose to a point of order. Mr. Herbert was not in that House. The Minister for Works was his master. Mr. Herbert was only a servant, and ought he to be attacked when the Minister was there, and he was not?

The SPEAKER: There is no point of order that I can see.

Mr. HORWITZ said the Minister for Works was fully acquainted with the case, as he had called on him that morning after he had been to Mr. Herbert, from whom he could get no satisfactory reply. He was at a loss to know how goods were carried—whether it was by measurement or by weight. When he (Mr. Horwitz) saw the Minister for Works, Mr. Herbert came in, and he stated exactly what he had said before—that, as ten bales only went in one truck, they had to put two in another truck, and hence the difference in the charge. But he (Mr. Horwitz) could not see it at all, as the regulations laid down the rate at 17s. 6d. per ton for pressed hay in lots not less than two tons. There was nothing specified in the regulation as to the number of bales. He considered that it was the Commissioner's duty to carry out the printed regulations, and there was no other remedy for him (Mr. Horwitz) but to take the matter into court again. He considered that the Minister for Works should make Mr. Herbert carry out the regulations as laid down.

Mr. DICKSON said that the question raised by the member for Warwick was certainly one of considerable importance to the agricultural classes. He was sorry, however, that the hon. gentleman had introduced it at this stage of the motion for adjournment, inasmuch as the hon. Minister for Works was to a certain extent precluded from answering, though he might possibly be enabled to do so by the indulgence of the House. As he (Mr. Dickson) understood from his hon. friend, what he complained of was this: He had occasion to send a certain quantity of hay from Warwick. This hay, under the Railway tariff, was carried at 17s. 6d. per ton for quantities of not less than two tons. His friend happening to send down two bales more than this quantity, he was charged 17s. 6d. for the two tons, and 25s. for the surplus. This certainly seemed to be a very extraordinary proceeding, as for a larger quantity than the minimum he was charged an advance of 33 per cent. upon the rate fixed for the minimum. On strict commercial principles the larger the quantity carried the smaller should be the charge *pro ratâ*; and it would be interesting to learn how the Commissioner had arrived at this contrary result—that if the weight was only two tons it should be charged at the rate of 17s. 6d. per ton, but if it was fifty cwt. the two tons should be charged at 17s. 6d. per ton, and the surplus ten cwt. at the advanced rate. His friend said that the hay was all carried together, and not in different parcels; and he had therefore a substantial ground of complaint, and an explanation from the Minister for Works would give satisfaction. Public attention had recently been directed to the question of railway rates, and there was a general impression abroad that the rates charged for the conveyance of goods by rail were to a certain extent prohibitive. He was not there to say that such was the case, but still he thought that in this instance there were sufficient grounds to justify his hon. friend in having brought the matter forward. He trusted that the Minister for Works would be enabled to show that the Commissioner for Railways was acting in strict accordance with the regulations, and in the interest of the department.

The MINISTER FOR WORKS, with the indulgence of the House, said that the question now raised showed what a very short distance there was between the sublime and the ridiculous. Here was a question—a squabble about a few hundred-weight of hay——

Mr. DICKSON: It is the principle involved.

The MINISTER FOR WORKS: And this question was introduced in connection with a motion by which the conduct of the Speaker was called in question. The hon. member for Enoggera had not stated the question at all correctly. The fifty cwt. of hay was not charged in the way the hon. gentleman had said. The question was a very small one. The regulations said that two tons of hay should be charged a certain figure if the hay were pressed in such a way as to go into one truck. Now, if the hay was not pressed properly it would not go into one truck, and therefore the extra rate was charged. The regulations had been forced on the agricultural population for their own benefit, and because if the department had gone on carrying hay as it was formerly baled they would have had to get double the quantity of rolling-stock and charge double prices. The agriculturists were better treated in Queensland than in any other colony in Australia. These regulations had been adopted by them; but the hon. member for Warwick was the last to hold out in rebellion against them. It was a long time before the Government could get the farmers to understand that they could make bush presses sufficiently strong to press the hay properly, but they had found it out now, and it was generally done. The hon. gentleman still stood out, and he had to pay for it. This was the sum and substance of the complaint, which was hardly worth bringing before the House. It was simply a matter of personal grudge borne by the hon. member against the Commissioner for Railways.

Mr. MILES was understood to say that he could not see why the extra charge should have been made in this instance, because the quantity was exceeded.

Mr. O'SULLIVAN: It was put into another truck.

Mr. MILES: They knew that all trucks were not of the same size. The conditions advertised were that the reduced rates were to apply only to down carriage, in quantities of not less than two tons; smaller quantities at the ordinary agricultural rates, until the minimum charge for two tons was reached. In his opinion, therefore, the member for Warwick had a right to complain. The Minister for Works knew very well that the railway trucks were not all the same size. Some carried only four tons, while some carried eight. It was only a quibble, therefore, for the Minister to get up and say that because this hay would not go into one truck the higher rate would have to be paid; and the hon. member for Warwick had a right to complain of such treatment.

Mr. ALAND withdrew his motion for the adjournment of the House.

Motion, by permission, withdrawn.

DEFENDANTS' EVIDENCE BILL—FIRST READING.

Mr. F. A. COOPER moved for leave to introduce a Bill to enable Defendants to give evidence on their own behalf in all cases of Summary Convictions.

Question put and passed.

The Bill was introduced, read a first time, ordered to be printed, and the second reading fixed for to-morrow.

GULLAND TRAMWAY BILL—FIRST READING.

Mr. FOOTE moved for leave to introduce a Bill to enable James Gulland to construct and maintain a Tramway, to be worked partly by horses and partly by wire ropes, from the Tivoli Coal-mine, in the county of Stanley, to the river Bremer.

Question put and passed.

The Bill was introduced, read a first time, and ordered to be printed.

PHARMACY BILL.

Mr. GRIFFITH moved—

That this House will, at its next sitting, resolve itself into a Committee of the Whole, to consider the desirableness of introducing a Bill to establish a Board of Pharmacy in Queensland, and to make better provision for the Registering of Pharmaceutical Chemists, and for other purposes.

Question put and passed.

SALE OF FOOD AND DRUGS BILL—SECOND READING.

The PREMIER, in moving the second reading of a Bill to make provision for the Sale of Food and Drugs in a pure state, expressed his regret that the state of the public business during the last session and the session before had prevented the Government from passing this Bill into law. The subject was one of very considerable importance, and it had now been before the House for two sessions. At the present time the question of the adulteration of food and drugs was dealt with in Queensland by three Acts—an Act to regulate the making and sale of bread, and to prevent the adulteration thereof, and of meal and flour; an Act to prevent the adulteration of malt liquors; and an Act to prevent the adulteration of spirituous liquors. The law had been for many years in a very unsatisfactory condition. The machinery to be put in force made it very difficult and expensive to take action under the Acts quoted; and there was not only this difficulty in connection with the machinery, but there was also difficulty in connection with the question what adulteration was? These difficulties were got over in this new Act. About the year 1874—he thought that was the year—this subject attracted attention in England, and a select committee of the House of Commons brought up a report upon it. In the next session of Parliament—in 1875—an Act was passed, the provisions of which were founded to a great extent on the report of the select committee. The Acts under which adulteration was punished in England previous to 1875 were very like those they had working in Queensland at the present time. The evils which England suffered from before the passing of the new Act were similar to those under which they now laboured in Queensland, and the remedies therefore provided at home by the Act of 1875 would, he believed, be found to be equally applicable here. He had adapted the language of the English Act as nearly as he could to the circumstances of the colony; and the Bill now before them was virtually the same as that which had been in operation in England for the last five years—the working of which had, as he understood, been attended with very good results. The object with which that Act had been passed had been kept in view in the drafting of this Bill. The first division was devoted to a description of the various offences against which the Bill was aimed, and in that way the difficulty of defining adulteration was got over. The 2nd clause provided that no person should mix, colour, stain, or powder, or order, or permit any other person to mix, colour, stain, or powder, any article of food with any ingredient or material so as to render the article injurious to health, with intent that the same might be sold in that state, and no person should sell any article so mixed, coloured, stained, or powdered. The third clause was a similar provision with reference to drugs, and both that and the previous clause provided how the respective offences described should be punished. The fourth clause provided that no person should be liable to be convicted under either of the two last foregoing sections of the Act in respect of the sale of any article of food, or of any drug, if he showed to the satisfaction of the court before whom he was charged that he did not know of the article of food or drug sold by him being so mixed, coloured, stained, or powdered as in either of those sections mentioned, and that he could not with reasonable diligence have obtained that knowledge. That was a natural and fair provision in justice to the *bonâ fide* dealer. The fifth section provided that no person should sell any article of food or any drug which was not of the nature, substance, and quality of the article demanded by such purchaser, under a penalty not exceeding twenty pounds. Several subsections followed, stating the cases in which no such offence should be deemed to have been committed. By means of this clause and the provisos the difficulty of finding a definition of these offences had been got over, and consumers obtained some guarantee that articles sold were as represented. Clause 6 stated the conditions under which articles of food or drugs of a compound nature might be sold, and the next clause provided that no person should be deemed guilty of any offence against the Act if the character of the article was distinctly stated on a label affixed to it. The second division of the Bill—clauses 9 to 18—provided the machinery by means of which the Act would be worked, and some parts of it would no doubt give rise to discussion. Analysts were to be appointed by the local authorities, and if they refused or neglected to make such appointments after being required to do so by the Colonial Secretary, then the appointment might be made by the Governor in Council. The result would possibly be that one analyst would be appointed for the whole of the different sections of the colony whose residence would probably be in Brisbane. No doubt in that case the Government would virtually appoint. The execution of the law was left in the hands of the local authorities themselves or the officers appointed by them. Of course, the objection might be raised that officers appointed by the local authorities would be more likely to be under the influence of local tradesmen than they would be if appointed by the Government, but that objection would be counterbalanced by the advantages of having them under local control, and it was very improbable that the majority in any district would be fraudulently inclined. The remaining clauses of that division provided means for procuring and testing samples. The next part of the Bill referred to proceeding against offenders, and it to a great extent spoke for itself. The 25th clause limited the extent to which spirits might be reduced without infringement of the Act. An important provision was contained in the 27th clause—namely, that the seller of the article could exonerate himself by proving that he bought the article in the same state as sold and with a warranty. The wholesale dealer was in that way made responsible for the quality of articles with regard to which the retailer had no means of ascertaining the quality for himself. This was a protection to which the retailer was fairly entitled, and the officers under the Act would be enabled to apply the necessary remedies against adulteration more effectually by proceeding against the wholesale dealer. Clause 28 provided that the penalties recovered under the Act should be applied towards the expense of executing it; and the remaining clauses of that division contained provisions for the punishment of persons forging certificates or giving false warranties or false labels with goods. The provision of clause 31—that the expenses of executing this Act should be paid out of the corporate funds of the municipalities in which it might be respectively enforced—was one which would admit of some discussion. That was in accordance with the similar provision in the Englsh Act, which also threw the expense of working the Act

upon the corporate bodies in municipalities. In many districts a difficulty might be found in making the necessary provision, and in that case the responsibility would no doubt fall on the Government. The next part of the Bill contained special provisions with regard to tea. In similar legislation in some other countries the practice had been to examine tea when in the hand of the seller, and if it were found to be adulterated to inflict punishment; but this Bill was framed so as to enable the authorised officer to reach the tea before it got out of bond and examine it there. That practice had now been in operation in England for many years, and it had been effectual in preventing to a very great extent the importation of adulterated tea; and as nearly all the adulteration took place at the place of manufacture, the current which had been checked in the direction of England was bound to flow with greater force elsewhere. That would, no doubt, account for the increased importation of spurious teas to the colony, and it was hoped that this legislation would have the effect of stopping it. The last part of the Bill was a provision with regard to milk. The Bill had been framed entirely in the interest of the consumer, while at the same time it did every justice to traders. The machinery was simple, the only doubtful part being that relating to the operation of the Act in districts where the local bodies could not undertake to carry it out, and he believed it would be found to work well. He had said little about the necessity for it, because that had been constantly admitted, and had given rise to frequent demands for legislation for many years past. The Government had been guided by the experience contained in the report of the Select Committee which sat in England, and by the experience of the working of the Act in England since 1875; and the present Bill had been, with a few modifications, drafted according to that Act. He thoroughly believed that it would work well in this colony, and he trusted that hon. members generally would assist the Government in carrying so important a measure this session. He moved that the Bill be read a second time.

Mr. DICKSON said he must confess that he failed to see the importance of this Bill at the present time. It was no doubt desirable in a large manufacturing country such as England was that a measure of this sort should be passed to protect the consumer against the great amount of adulteration which took place there; but it seemed ridiculous for a mere handful of people, no more numerous than the inhabitants of a parish of an English city, to ape legislation which was essential for a population counted by millions. He did not, therefore, see that the Bill was at all required. It would to a great extent embarrass trade, and lead to no end of disputes in business as to the genuineness of the articles vended. Undoubtedly, it was desirable to make provision for the sale of food in a pure state, but it should first be shown that such an alarming amount of adulteration existed in the articles of commerce changing hands here that a measure of this kind was absolutely necessary for the protection of consumers. This was not a large manufacturing country—many years, he regretted to say, would probably elapse before it was so—and in the meantime its supplies were largely derived from the adjoining colonies and from Great Britain. Under such circumstances, he did not see how the shippers of those commodities could be reached, even though the colony should be threatened with an inundation of adulterated articles, which he was by no means prepared to admit. It was acknowledged by all men conversant with business here, that first-class goods and articles of the best brands chiefly entered into consumption in this colony; hence there was less risk of adulteration. To his mind the Bill largely shared the character of some other Bills which the Government appeared especially to favour, in providing largely for patronage and giving the Government an opportunity of establishing offices and sinecures for people who would possibly demand and obtain considerable salaries for very little work. Outside the large towns—say Brisbane, Rockhampton, and Maryborough—the amount of work to be performed would be very moderate; yet, if the Colonial Secretary insisted upon it, the local authorities would have to appoint an analyst, who would no doubt receive a very considerable income. That seemed to be the oppressive feature of the Bill. Under clause 9 a municipality might be required to furnish an officer and provide a salary, while the appointment would rest with the Colonial Secretary. There was really no protection afforded to the people of Queensland by the Bill at all commensurate with the machinery that must be created to carry it out in its integrity. At the present time the Bill could very well be dispensed with; and, if passed, it would only lead to a large amount of litigation and disturbance of business.

The COLONIAL SECRETARY (Sir Arthur Palmer) said the argument of the hon. member (Mr. Dickson) was from beginning to end one of the most extraordinary he had ever heard. The hon. member quite approved of such a measure for a thickly-populated country like Great Britain, but thought it was wrong to introduce such a Bill in a small colony. He (Sir Arthur Palmer) had no hesitation in saying that there were more men and women poisoned in this colony, per cent. of the population, than in the United Kingdom. Only within the last week some grog had been sent down for analysis, which was reported by Mr. Staiger to be about the worst stuff that could possibly be given to anyone to drink. It was impossible to find out what was in the grog, but, according to Mr. Staiger, it would burn a hole through a man's tongue, or his shirt. That was the stuff sold in the colony as good grog. The argument of the hon. member was about the worst he had ever heard, and he was only sorry the hon. member did not enforce it with a little Latin, such as he used last night when he spoke of making the colony a *locus penitentiæ*. The Government were said to be, as usual, trying to make offices and sinecures; but seeing that the appointments were in the hands of the Corporations, he failed to see where the patronage came in. The thing was a mere farce. Then the hon. member said that the Colonial Secretary had the power of requiring that the appointment should be made. As far as he (Sir Arthur Palmer) was concerned, he did not want the power; and, if it pleased the hon. member, he should have no objection to the substitution, in committee, of the Governor in Council. Of course it was well known that the term was only used to signify the head of a particular department, and that one Minister hardly ever acted independently of the Council. If the Government were not to appoint these officers, he should like to know what other power was to do it. He could not see what the Government could gain in any possible way by any power they could possibly get under that Bill. It was absurd. A great deal of care had been taken with the Bill, and certainly if it was wanted in a large country it was wanted in a small one. There was nothing in that argument of the hon. member for Enoggera. He again repeated, and he was sorry to have to repeat it, that from information supplied to him he knew that food was very considerably mixed in this colony, and that injurious ingredients were put into it, grog particularly. A great many other articles of food were also mixed with injurious ingredients; and he said a Bill of

that kind could do no harm to the honest trader, but it would tend to punish the dishonest one and prevent a great deal of loss of life that took place in the colony.

Mr. GROOM said he was very sorry to differ from his hon. friend the member for Enoggera, as he thought this Bill was in some respects much needed; but he thought that if clause 9 had been put in a more amplified form it would have been an improvement. According to that clause, the municipality was to suggest the appointment of an analyst; but he would have preferred the Government to have come down and appointed a special officer, without giving to municipalities the powers which would be conferred by this Bill. He ventured to say that to the adulteration of the various spirits sold in the colony much death and destruction was due. He thought he had reason to believe that within the last sixty hours an unfortunate young man in the colony had died from the deleterious substances which were sown broadcast outside these municipalities, where they had no jurisdiction at all. In bush public-houses the wretched compounds, such as the Colonial Secretary had described that afternoon, which were sold, were such as members of the House could have no conception of. If this clause 9 were altered to such an extent that the officer should be appointed by the Government, so that he could go when and where he pleased, and if he could go into the bush public-houses for the performance of his duty, it would be a boon to the whole colony at large. He only wished such an officer as that were appointed, instead of, as would be the case under this Bill, an officer appointed by the municipalities. If this clause identified itself with the divisional boards instead of the municipalities it might be better, so that the analyst employed might go into the public-houses in the neighbourhood and examine the wretched stuff which was there sold. There was another point to which he desired to call the attention of the hon. member for Enoggera. If this Bill was only passed to prevent the importation into this colony of impure teas, which were just now being largely introduced, he said it would be of service. It was a fact that they did not know in China—or, rather, that they did know—for there were matters connected with the Chinese trade that some of us were unaware of—but the fact that there was no one in Queensland to inspect the teas imported was the very reason why they would send us the most wretched stuff they could find. But if the Bill had no other object than that of preventing the Chinese from sending us that wretched tea, it would do a considerable amount of good. The information which he had had in connection with the adulteration of tea would lead him to give the hon. the Premier his hearty support in passing this Bill. No one could conceive the adulteration carried on at the present time. He thought the Bill was really necessary, but, as he had before said, he thought that, the officers being appointed by the municipal councils, it would be preferable if those connected with the divisional boards were employed, so that the scope of the Bill might be more comprehensive, and catch the people who caused such a great amount of destruction. He approved of the Bill, and should vote for its second reading. If the hon. member would take a suggestion from him, it would be that the 9th clause should be more amplified, so that the officers of the divisional boards might go through the whole colony and find in the bush public-houses liquors which he knew from personal knowledge to be some of the vilest compounds ever submitted to a human being to drink.

Mr. GRIFFITH said that very large powers were given to the analysts—such large powers that the certificates of those officers were to be sufficient to convict a man. He thought there would be a difficulty in finding a sufficient number of analysts to carry out the provisions of the Bill. It would be safer to empower the Governor in Council to appoint certain public analysts, in which case they would be persons in whom the public would have confidence. They knew very well that they could count on their fingers all the men in the colony at the present time who would be suitable for analysts under that Act, and who would not be disqualified under its express provisions, as being engaged in the sale of drugs; so that he thought himself it would be much better to appoint public analysts, and to extend their powers.

Mr. WELD-BLUNDELL thought the Act would be an exceedingly valuable one in every possible respect; but he thought some of its advantages would be lost unless there were definite officers appointed—officers more distinctive than such as were specified in clause 12—"any inspector of nuisances or other officer appointed by the local authority." He thought that in most cases, especially in the back country, the people would be most anxious about the matter. Everyone knew the influence which the public-house keepers had in the various townships; and he thought a certain number of officers ought to be appointed, whose duty it would be solely to go about from place to place—not in the uniform of a policeman, so that everybody would know what he was, and what he was doing—and for the especial purpose of examining into the liquors sold, with the object of preventing all adulteration. Anyone who had been in the Western or Central districts must know of the enormous amount of harm which was done by this adulteration. He believed the vast majority of deaths in those districts were almost entirely the result of the sale of adulterated liquors by the public-houses. He had been assured by a man who had had a great deal of experience in different parts of the colony that it was no uncommon thing for a gallon of rum to be turned into five gallons by means of white spirit, tobacco, and bluestone; and he must add that he had heard one individual say that he knew for certain that this was done under his own nose, and a compound such as he had mentioned turned out.

The MINISTER FOR WORKS said he thought this was a very good Bill, and he hoped it would become law. There might be some little alterations, especially in the direction indicated by the hon. member for Toowoomba—but he thought legislation on the subject was very much needed, and this Bill tended in that direction. Probably it might be better if some power was given to the Government to appoint the divisional boards officers for the purpose of taking action—in the first instance, to enter into public-houses and stores and select samples of liquor, food, and drugs, and send them to an analyst appointed by the Government. He believed that, unless more extended action was given than that contained in clause 9, the Bill would be to a certain extent deprived of its efficacy. If hon. members had any doubt on the subject, he would state that the late Postmaster-General, Mr. Buzacott, when acting as Colonial Treasurer, had a great many articles of food and drugs and liquors analysed—he forgot the names of the different articles and the quantities, but he knew that there was a great variety. They were sent to Mr. Cosmo Newbury, in Melbourne, and every article sent to him was distinctly stated to be adulterated, and some of them highly, with the exception of the whisky, which was found to be good. But every other liquor, drug, and article of food was found to be adulterated so far as to be deleterious

to the human race; so that he thought no legislation could have a better effect on the general health of the people than a Bill of this kind. They knew very well, as a matter of fact, that the morals of the people depended very much on their health, and he believed one-half of the crimes committed in the bush were the result of the maddening character of the drink supplied by the public-houses. He hoped the Bill would pass. He looked upon it as the very best Bill the Government had introduced this session, and of more importance than any two Bills at present before the House.

Question put and carried; the Bill was read a second time, and its committal ordered to stand an Order of the Day for Tuesday next.

PEARL-SHELL AND BECHE-DE-MER FISHERY BILL—IN COMMITTEE.

On the motion of the COLONIAL SECRETARY, the House went into Committee to consider this Bill in detail.

Preamble postponed.

Clauses 1—"Interpretation"; 2—"What ships or boats shall be deemed to be engaged in fishery"; and 3—"Ships or boats employed in fishery to be licensed";—put and passed.

On clause 4—"Principal officer of Customs may grant license"—

Mr. GRIFFITH asked if the hon. the Colonial Secretary could give him any information as to the amount of revenue that would probably be derived from a schooner engaged in this fishery.

The COLONIAL SECRETARY said he was sorry he could not give the hon. member the information he asked for. There were not many large schooners employed in the trade. It was principally carried on by boats. The chief station was on shore, and the boats returned to it almost every night. There was no means of knowing how many vessels were employed in the trade, because they did not require any license; but he could tell the hon. member that a gentleman began with two boats two years ago, and that he now had one of the largest fishing stations. He did not know how many boats he employed.

Clause put and passed.

Clause 5—"Duration of license"—put and passed.

On clause 6—"Penalty for using unlicensed ship or boat"—

Mr. GRIFFITH said he thought the penalty was too severe.

The COLONIAL SECRETARY said it was a severe penalty, but parties engaging in this trade would know what the penalty was, and it would be their own fault if the boat was seized.

Mr. McLEAN said that many persons might not be able to procure licenses within the sixty days allowed. He considered the time too short and the penalty too severe.

The COLONIAL SECRETARY did not think there was very much in the objections of the hon. member. Persons could get these licenses at any of the ports of the colony, and, as the trade was almost entirely confined to Torres Straits and the immediate neighbourhood, no inconvenience could arise.

Mr. BEATTIE thought if these fishing traders went on the grounds without the license they would very properly be liable to be pulled up and fined.

The clause was verbally amended by the substitution of the word "shall" for the word "may."

Clause 7—"Unlicensed ship or boat may be seized"—was verbally amended.

Clauses 8—"License number to be painted on bow in addition to the name"; 9—"Master refusing to produce license"; and 10—"License to occupy Crown lands for fishery purposes";—were passed as printed.

On clause 11—"Polynesian and native labourers to be employed only under written agreement"—being submitted,

The COLONIAL SECRETARY moved the omission of the words "made in the presence of an officer of Customs or shipping master at a Queensland port," for the insertion of "recorded in the custom-house or shipping office nearest to the place where it is intended to employ such labourer."

Mr. GRIFFITH intimated that he thought this clause of the Bill would clash with the provision of an Imperial enactment. In respect to this he would refer to the Kidnapping Act of 1875, in the 3rd clause of which he found—

"The license mentioned in sections 3 and 5 of the principal Act may authorise a British vessel to carry native labourers in such vessel for the purpose of carrying on any fishery, industry, or occupation in connection with the said vessel."

Then, in the same clause, it was provided that—

"If a native labourer carried in pursuance of a license issued under this section is not engaged in like manner as a seaman forming part of the crew of the vessel by an agreement made in accordance with the Merchants Shipping Act of 1854, and the Acts amending the same, the engagement of such labourer shall be recorded in such manner and with such particulars as may be from time to time prescribed by Her Majesty by Order in Council."

It would be seen that any person who got a license under this Act would be entitled to carry native labourers; so that it would be necessary to amend this clause so as not to interfere with the license under the Kidnapping Act, which appeared quite sufficient for the employment of native labourers.

The COLONIAL SECRETARY said he must confess that he did not quite understand the technical objection of the hon. member, nor could he see how this Bill would clash with the Imperial Act referred to.

Mr. GRIFFITH said he pointed out that the Imperial Act authorised the employment of native labourers. If they passed an Act saying it should not be lawful to employ native labourers except under a recorded agreement, the two enactments would clash.

The COLONIAL SECRETARY did not think that the hon. member for North Brisbane had read another part of the clause, which stated—

"All engagements of Polynesians or native labourers made out of Queensland shall be strictly in accordance with the shipping laws of the colony or country where made."

The amendment was agreed to.

Mr. GRIFFITH moved the insertion of the following after the last amendment:—

Or under a license issued under the provisions of the Pacific Islanders Protection Act of 1875.

He said it was doubtful whether Polynesian labourers could be carried in the vessels engaged in the trade except under the Pacific Islanders Protection Act, provided that a license must be obtained from the Governor. He did not know whether the Governor of Queensland had issued such licenses.

The COLONIAL SECRETARY said that since he had been in office no such licenses had been issued by the Governor. The information he had received showed that the Polynesians

engaged in the trade were well able to take care of themselves, so that they should guard against over-legislation. Some of the labourers were in receipt of £200 or £300 a-year. He had received a great deal of information from a gentleman well able to speak on the subject, who had been engaged in commercial pursuits on Thursday Island for two or three years, but who had now no interest in the trade. Amongst other things that gentleman mentioned in connection with the Bill, he said that almost all the Polynesians engaged in the trade were just as well able to take care of themselves as white men. There was great competition for the best of them, and they were treated and petted more like spoiled children than like hon. members' ideas of the Polynesian labour. Some of the masters took them to Sydney when the fishing season was over and gave them grand sprees, taking them to the theatre and petting them in all sorts of ways.

Mr. ARCHER said that although the Polynesian might not be equal to the white man taken all round, he would beat any white man at working in the water. The best divers taken from Sydney to Torres Straits and employed in the fisheries did very well, but the Polynesians beat even them—and very naturally so, because these islanders had been living in water all their lives. At present these men received higher wages than the best white divers from Sydney, and it was rather absurd to legislate for them as if they were children. Most of these pearl-divers came from islands that had been for some time under the care of missionaries, and, strange to say, in signing the agreements more marks were made by white men than by the Polynesians, who signed their own names. The best divers were not the same race as those engaged in sugar-growing, but the same as the New Zealanders, and a very superior race of men, exceedingly well able to take care of themselves. He could vouch for the correctness of what he said, having lived amongst these men for many years.

The amendment was agreed to.

Mr. GRIFFITH pointed out that the penalties did not appear to apply to breaches of the 2nd part of the section, but only to the 1st part.

The ATTORNEY-GENERAL said that the clause as it stood was correct. The 2nd paragraph of the section enacted that "all engagements of Polynesian labourers made out of Queensland shall be strictly in accordance with the shipping laws of the colony where made;" and the 3rd paragraph went on to state that "Any master or other person who employs any Polynesian or native labourer otherwise than as herein prescribed"—that was, otherwise than under written agreement or in accordance with the foreign shipping laws. The observance of the 2nd paragraph was therefore enforced, and there could be no evasion. If a man employed a labourer otherwise than as prescribed in the 1st or 2nd paragraphs, he was liable to a penalty.

Mr. GRIFFITH said that the employer could not be expected to carry the agreements about with him, but would most likely leave them at the depôt. If he were found without an agreement four or five miles from the depôt, was he to be fined £10?

The COLONIAL SECRETARY said if the boat was ten or twenty miles from the depôt, the probabilities were that no policeman would go alongside, but would wait till the boat came to port. No doubt the power might be abused, but it was not in the least likely to be.

Mr. GRIFFITH said the object of legislation used to be to provide against abuse and not to trust to proper administration.

The COLONIAL SECRETARY said there was not an Act ever passed which did not allow administrators some discretion.

The clause, as amended, was put and passed.

On clause 12—"Port of discharge for Polynesians to be proclaimed by Government"—

Mr. GRIFFITH said the object of this clause seemed to be provided for in clause 13.

Clause put and negatived.

Clause 13—"Master liable for expenses incurred in the maintenance of Polynesians and native labourers"—put and passed.

Clause 14 put and negatived.

On clause 15—"Wages to be paid in presence of Customs officer or shipping master"—

Mr. GRIFFITH asked how this clause would apply in the case of engagements made out of the colony. He took it, it only applied to engagements made in the colony.

The COLONIAL SECRETARY said he had already explained that the labourers who were principally engaged in this pursuit were either Polynesians who had been for some years in the Northern territory, or our own natives. The provisions of this Bill were chiefly to protect the native labourers, who were, he knew—though he could not prove it—taken away from their islands actually without knowing where they were going to. The Polynesians engaged in this work were, as far as he knew, very well able to take care of themselves.

Question put and passed.

On clause 16—

The COLONIAL SECRETARY said he proposed this clause *pro formâ*, but he did not want to pass it, as, from late information he had got on the subject, he found that if this clause and clauses 17 and 20 were passed, they might as well shut up the settlement at Somerset. It was now returning a revenue of some £4,000 a year to the Customs, and he was informed on very good authority that if these clauses were passed they would get no revenue at all from that source, because the men would have no money to buy anything, and they would not stop there. These clauses were imported into the Bill from the Polynesian Labourers Act, as applied to the cultivation of sugar. They were very appropriate there, but, from the best information he had got, if they passed these clauses they might just as well shut up Thursday Island altogether. These men, as he understood, earned very high salaries, and they insisted upon spending them when they came into port.

Mr. F. A COOPER said he wished to say a few words in reference to these clauses before they were put. He was requested to do so by a gentleman who was a very large employer of labour in the trade. He suggested that it might be put in this way: Where payments were made in advance by parties engaged in this trade the parties receiving the payments should make an acknowledgment before any collector of customs that they had received such sums; and these sums should then be set off against any claim they might have against their employers. At present, if an employer said, "I gave such a man £5, another £1, another 30s., and so on," it was quite competent for the labourer to turn round and say he had not had the money. There was no way of getting out of the difficulty unless such payments were acknowledged by the labourers before a Customs officer. He thought that would meet the case. If there had been no such acknowledgment the employer would have to pay the sum in full, and where there was an acknowledgment it was only right to the employers that the necessary reductions should be made.

Mr. GRIFFITH thought that if this clause was not passed clause 15 ought not to be passed, as he considered the three clauses went together. This clause only applied to the aboriginal natives of this colony, New Guinea, and the adjacent islands, and did not apply to Polynesians. He did not know exactly what the grievance was it was calculated to remedy. The hon. member for Cook suggested that an acknowledgment would be sufficient, but he did not think that would work. He quite agreed with the principle of the clauses as applied in the Polynesian Labourers Act.

Clauses 16, 17, and 18 were put and negatived.

On clause 19—"Deaths and deserters to be reported"—

Mr. H. PALMER (Maryborough) said he understood the Colonial Secretary to say that vessels might be employed many miles away from a port, and, if so, he could not understand how they could give immediate notice of deaths or desertions, supposing either did take place. They might be delayed by contrary winds for a considerable time, which would prevent them getting into port, and yet they would be liable to a penalty of £10. He thought that some definite time ought to be inserted instead of "immediate." It was evident that many things might happen to interfere with vessels getting to port to give notice in cases of desertions or deaths.

Mr. MESTON suggested that the difficulty could be remedied by the omission of the word "immediate" and substituting "within twenty days."

The COLONIAL SECRETARY thought the amendment suggested by the hon. member for Rosewood was worse than the clause as it stood, because it fixed a certain time to make that report, and if they did not make that report certainly no magistrate would save them; they must be fined. As he understood the word "immediate" it signified without any unnecessary delay—that was, that it should be reported on the return of the vessel to port.

Mr. GRIFFITH said there was one word that meant all that—the word "forthwith"—which meant with all convenient speed.

After the substitution of the word "forthwith" for "immediately," in the second line—clause put and passed.

Clause 20—"Penalty for supplying Polynesian or native labourer with intoxicating liquors"—

The COLONIAL SECRETARY said he proposed to omit this clause. From latest information he had these men would not work without spirits, and, consequently, it must be given to them. They insisted upon having it.

Clause put and negatived.

Clause 21—"Jurisdiction of justices"—put and passed.

On the suggestion of Mr. GRIFFITH, clause 22 was amended by omitting the words "Supreme Court or," and also providing that no appeal should be entertained unless notice in writing thereof, stating the nature and grounds of the appeal, should be given to the party against whom the appeal was brought within four weeks next after the making of such determination or adjudication—and passed.

Clauses 23 and 24 were agreed to with verbal amendments.

Clause 25—"Power to make regulations"; clause 26—"Commencement and short title"; the "schedule," and the "preamble";—put and passed.

The Bill was reported to the House with amendments.

The COLONIAL SECRETARY moved that the Speaker leave the chair, and the House resolve itself into a Committee of the Whole to reconsider clause 15.

Question put and passed.

The COLONIAL SECRETARY moved that clause 15—"Wages to be paid in presence of Customs officer or shipping master"—stand part of the Bill.

Question put and negatived.

The COLONIAL SECRETARY moved that the Bill be reported with further amendments.

Mr. DICKSON pointed out that the Bill had been entirely altered since it came into the House. According to the Colonial Secretary, the Bill was to protect Polynesian labourers. Now, all the clauses for that purpose had been struck out; and he regretted that the protection which was to be afforded these labourers had been withdrawn.

Question put and passed; Bill reported with further amendments, the report adopted, and the third reading made an Order of the Day for Tuesday next.

CRIMINALS EXPULSION BILL—COMMITTEE.

The COLONIAL SECRETARY moved that the Speaker leave the chair, and the House resolve itself into a Committee of the Whole to consider this Bill.

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

The COLONIAL SECRETARY moved that the preamble be postponed.

Mr. DICKSON said that when the Bill was being discussed on the second reading a very strong opinion was expressed in the House, and was held by a majority of the members, that the Bill should be directed to prevent the influx of criminals from New Caledonia, and that was very strongly impressed upon the Colonial Secretary. He (Mr. Dickson) would like to know whether the hon. gentleman intended to confine it to those criminals, or to carry it through in its present shape, because there was a strong opinion that the Bill should affect those persons only. He hoped the Bill would be confined to the prevention of the influx of criminals from New Caledonia; it would then receive the hearty support of the House.

The COLONIAL SECRETARY said that if in committee that part of the Bill to prevent criminals coming from New Caledonia was carried out he should be satisfied; but he believed the Bill in its present shape was a very proper one. He supposed the hon. member for North Brisbane knew that the Governor could not assent to the Bill even if carried in its present shape: it would have to go home, because it dealt with the foreign relations of Great Britain. He believed that it was absolutely necessary that there should be legislation of this kind, and the only doubt likely to arise at home would be from the fact that it dealt with the foreign relations of Great Britain. He thought that if subsection D was carried out it would tend very much to support the British Government in approving of the Bill; it would show that the colony was not making "fish of one and flesh of another," and that it wanted to keep out convicted criminals. He thought it was very necessary that they should do that.

Mr. NORTON pointed out that whenever there was a great event in any colony there was an influx of the criminal class from other colonies. That was the case in connection with the Sydney Exhibition; and he thought it was very desirable

that people of that kind should be confined to the colonies where they were well known to the police.

Mr. KING said that it had been stated that people of the criminal class were brought out as Government immigrants, and under this Bill they would be liable to be arrested. It was not at all desirable that such people should be brought here. He thought also there ought to be a check put upon the importation of the criminal class from other colonies, because, as the last speaker had said, whenever there was any great event there was a rush of the criminal class to the place. This was the case when the Gympie rush broke out. Information was received from New South Wales that 135 bushrangers, burglars, and others of that class had started for Gympie; but the authorities had no power to prevent them landing. There were, as he had said at that time, 135 of the very worst of the criminal class of New South Wales and Victoria at Gympie, and there was, of course, a considerable amount of crime —sticking-up, etc.—some of which only was found out. A great number of men disappeared altogether and were never heard of again. Again, at the Palmer—he had no official information about it, but he had no doubt whatever from what he saw there that there were a great number of the criminal class up there and a great deal of crime, of very much of which, probably, neither the police nor anybody else heard anything. Men were put out of the way in the bush and were heard of no more. It was extremely desirable that they should have such a Bill as would enable them to deal with criminals of that kind when they came up to Queensland from the other colonies. The Colonial Secretary had, he believed, mentioned how the sheriff in Sydney had actually paid for the passage from the colony of a man the authorities had wanted to get rid of, and although they had promised not to do it again, it was extremely likely that they would not discourage the exodus of troublesome characters from New South Wales to Queensland. He thought they had quite enough to do, with their scattered population in Queensland, to maintain law amongst their own people with proper security to life and property, without encouraging the introduction of bad characters from the other colonies.

Mr. GRIFFITH said that he was sorry if the impression produced by his speech on the second reading of the Bill was that he wished its provisions limited to escapees from New Caledonia. All he had meant was that the Bill should be limited to a reasonable extent. One way he thought they might take would be to limit it to serious offences. No one could fairly complain, if they did that, of their not allowing such criminals to come to the colony. With respect to people coming from the other colonies, he thought they might limit the provisions of the Bill by defining the nature of the crime for which they would exclude them. A rough-and-ready method which suggested itself to him was that they should gauge the crime by the length of the term of imprisonment suffered for it. If a boy had stolen an apple and had been fined a shilling, with the alternative of imprisonment for forty-eight hours, that was no reason for excluding him. The boy had, as a matter of law, committed a felony, but no one would wish to extend the penalties under the Bill to a case of that nature. By the wording of subsection A, persons only who had been convicted of felony were to be excluded. But there was another crime—perjury —for which a man should be excluded, but which, by a strange anomaly of the law, though penal servitude for seven years might be inflicted for it, was only classed as a misdemeanour. Perjury was a great deal more heinous offence than some felonies, and he thought it was desirable that they should meet such cases. They might either meet his views by enumerating the crimes which should warrant exclusion—such as murder, manslaughter, burglary, housebreaking, perjury, or any other offence punishable by seven years' penal servitude—or they might define the crime by the sentence of imprisonment which had been inflicted.

The COLONIAL SECRETARY did not see how they were to find out what crime the man had committed.

Mr. GRIFFITH: How do you know he has been convicted at all?

The COLONIAL SECRETARY said that it would be taken as presumptive evidence, when men arrived in an open boat, as they had done hitherto, that they had been convicted of crimes —and most likely of crimes of a very heinous description.

Mr. GRIFFITH said he did not propose to alter that part of the clause, but only subsections C and D.

The COLONIAL SECRETARY would rather take the opinion of the Committee on the subject. He thought they should make the Bill stringent enough to keep all these convicts out. Some would, no doubt, come in in spite of the Bill being stringent. If the hon. member pressed his amendment, he (the Colonial Secretary) would feel it his duty to divide the Committee upon the question. It was of very great consequence that the colony should keep as clear of these fellows as they could.

Question—That the preamble be postponed—put and passed.

Clause 1—"Offenders illegally at large."

Mr. GRIFFITH asked if there was any objection to the insertion of the words "or perjury" after the word "felony," in the second line.

The COLONIAL SECRETARY accepted the amendment.

Question put and passed.

Mr. GRIFFITH said he would like to amend subsection C by the insertion of the following words after the words "foreign state"—"for any offence for which that foreign state may request the extradition of an offender." He was addressing himself particularly to the point raised by the Colonial Secretary, that the Bill would have to be placed before the Imperial authorities, and there could be no objection made on the part of foreign States to a provision of that kind. It might be a very trivial offence for which a man had been imprisoned. In France a very slight cause was sufficient, and he thought they ought to limit the Bill to some offence for which extradition might be requested. He believed that all extradition treaties were nearly the same. Until the difficulty arose with New Caledonia they were very different, but since then a new treaty had been made which comprised nearly all serious crimes, and he thought it was well to put the words he had suggested in. The question had been put—how were they to find out what a man had been convicted of? In the case of a man who had escaped in a boat there would be no necessity to find it out—that in itself would be quite sufficient to send him back; and if a man had been out of prison for some time, having served his sentence, if they knew that he had been convicted at all, they could soon get to know what he had been convicted of. There would be on difficulty at all.

The COLONIAL SECRETARY said that the hon. member for North Brisbane was as well

aware as he was that there were several foreign States with which England had no extradition treaty at all. For instance, Peru was a place where they were very likely to have bad characters from, and only the other day they had got one from a very small State indeed—Roumania.

Mr. GRIFFITH suggested the amendment should read—"any foreign State."

Question put and passed.

Mr. GRIFFITH said he thought the term "imprisonment" in subsection D was too vague, because it might mean an imprisonment of a day only, or a week. The clause would be made less vague by either defining the crime or stating the length of sentence; and he was inclined to prefer the latter method. The length of imprisonment would convey some idea of the character of the offence. He would, therefore, move the omission of the words "served a sentence of imprisonment," with a view to inserting the words "been sentenced to a term of imprisonment or penal servitude for one year and upwards."

Mr. SIMPSON said the clause would even then be too severe, and he should like to see it further amended, though he was not himself prepared with an amendment. After a man had served his sentence his crime might be considered to be wiped out, and it would be fair to receive him as a fellow-colonist.

Mr. ALAND said that he, like the hon. member for Dalby, was not prepared with an amendment, but he should like to see the subsection amended or else struck out altogether. He had no sympathy with crime or with criminals, but he thought it hard that a man who had paid the penalty of his crime should not have a chance of starting afresh in a new place where he would have the advantage of being removed from old associations. Queensland had not hitherto been a receptacle for the rogues, thieves, and vagabonds from other parts of the world; perhaps this colony had contributed quite as many criminals to the populations of other colonies as other colonies had to the population of this.

Mr. BLACK said he was inclined to think the subsection should be omitted altogether. After a man had served his sentence he should be allowed a chance of reformation, and not be placed under a ban for three years. He quite agreed that the other criminals referred to should be excluded, especially those from New Caledonia, and escapees from that or any other country; but it was unnecessary severity to prevent those who had expiated their crimes from turning over a new leaf and becoming respectable members of society. He moved that subsection D be omitted.

Mr. KING said the Bill, as he understood it, was intended to operate in the interest of the colonists of Queensland, and not of the inhabitants of other places. He would just mention one fact to the point. Hon. members might recollect the instance, a few years ago, of the notorious murderer, Sullivan, who, after having committed some most atrocious crimes in New Zealand, secured his acquittal by turning Queen's evidence against his companions. The revelations made during his trial were simply horrifying, and when he subsequently came over to Victoria he had to be hunted out, because, no matter what disguises he assumed, they were always penetrated, and he was compelled to fly from one place to another to escape the vengeance of the people. It would be more satisfactory to have the power to imprison a criminal of that class or send him out of the colony instead of allowing him to be at large. The hon. members who had argued that criminals should, after liberation, go at large would hardly approve of having a man of that kind prowling about the district or town in which they resided; and it was decidedly undesirable that the people—especially the youth—of the colony should be exposed to the contaminating result of the importation of such criminals.

Mr. SIMPSON said it was not fair to impute to members who objected to the clauses a desire to have men like Sullivan in the colony. If the Bill were passed as it now stood it would not keep out that man, because he did not undergo any term of imprisonment.

The COLONIAL SECRETARY said he would give an instance. Within the last few months the executioner of the law from New South Wales had arrived here—sent away from that colony, he believed, at the public expense, to get rid of him—and the people of Queensland had been at the expense of supporting him for several months at St. Helena. He had also heard that the man was so bad that no one there would associate with him, and he had to be kept by himself. That was a sample of men of that class from New South Wales.

Mr. RUTLEDGE said he agreed with those hon. members who were in favour of eliminating the subsection altogether. It was very well known that the worst criminals were not always those who were caught and punished for their crimes. There were plenty of vagabonds going about the country holding their heads up as somebodies, who, if the law could execute just vengeance, would not be able to parade themselves about as they did. The weak and defenceless were often pounced upon and punished, and it did not follow because a man was so unfortunate as not to be able to fee counsel to get him out of a scrape, and was consequently sentenced to imprisonment, that he should be made the victim of this provision. Hon. members could suppose plenty of cases of respectable young men in England, or in the other colonies, who might under temptation have committed forgery in an unguarded moment, and thereby brought themselves under the penalties prescribed by law. Such a man—perhaps a married man with two or three little children—might be assisted by his friends to go to one of the Australian Colonies there to make a fresh start in life; and it would be very hard that in such a case a constable should have power to haunt his footsteps, drag him up before a court of justice, and perhaps break his wife's heart and place a ban upon his children for evermore. That was carrying a desire to protect the colony to too great an extent. All hon. members desired that the colony should be protected from ruffians of the Sullivan type, but to pass such a clause for that purpose was to perpetrate a greater injury to avoid a lesser; it was escaping Scylla to fall into Charybdis. He should vote for the entire elimination of the subsection.

Mr. GRIFFITH said he would suggest that the hon. member (Mr. Black) should move the omission of the word " or ' at the commencement of the subsection, as the division on that amendment would test the opinion of the Committee.

The COLONIAL SECRETARY said, if such an amendment were carried, its effect would be to hold out an invitation to all the scoundrels in the other colonies to come here. Hon. members had better stare that in the face, and see what it meant. It was holding out a premium to criminals. The Bill proposed to keep them out, and if the amendment were carried it would show that the majority of the Committee would rather that they should come. As to the pseudo-philanthropy of the hon. member for Enoggera, it was hardly worth talking about. Who wanted forgers to come to the colony? Did any hon. member know a single case in which a man, who

in an unguarded moment had committed forgery, ever afterwards made a good colonist?

Mr. RUTLEDGE: Yes.

The COLONIAL SECRETARY said he should very much like to know where they were.

The MINISTER FOR LANDS: They always commence again—as a rule.

The COLONIAL SECRETARY said his experience of these nice young men was that when they commenced crime they hardly ever stopped. The annals of the Police Office and Supreme Court would show that men who had begun forgery would hardly ever stop it. They went on from conviction to conviction, and if Queensland was held out as a fine place for them to come to they would take advantage of it. He for one would do all he could to prevent it.

Mr. NORTON said, before they proceeded with the amendment he wished to point out that if they omitted this last subsection they were giving permission to the professional thieves of all the other colonies to come here; and few hon. members in that House wished for that.

Mr. SIMPSON would like to know whether these criminals had come hitherto to the colony. There had been nothing to prevent them. He was unaware that Queensland was worse than other colonies in having a greater proportion of crime; but, although he would not like to see the clause passed, he objected very much to the imputation that he was going to encourage criminals to come here. He did not think that was a fair way of putting it.

Mr. DICKSON said, if the arrival of these criminals was so much to be dreaded, why were they not kept out of the colony altogether? He could not see what magic there was in the term "three years," nor could he understand why, until the expiration of that time, men who had expiated their offences should be subject to tyrannical and arbitrary proceedings under this Bill. He would heartily vote for the omission of this subsection.

The ATTORNEY-GENERAL said he thought the reason why "three years" had been introduced into the subsection was a very valid one. If a man had been convicted of any crime, and had spent three years afterwards without having acted criminally, it showed that he was on the road to reformation, and it gave some guarantee to society that he intended to reform.

Mr. RUTLEDGE said he had heard the Colonial Secretary talk about the "pseudo-philanthropy" spouted out by the hon. member for Enoggera, but it was nothing compared with the genuine dogmatism which had been spouted out by the Colonial Secretary. There was not the slightest doubt that the argument of the hon. the Attorney-General fell to the ground when it was considered that the man who stayed in the place where he was convicted, and brazened it out, was just the man who was hardened enough to pursue his old tactics when he went to a new place; but a man who felt his conviction keenly and was alive to his wrong-doing was just the man who would get away as quickly as possible from the place which was associated in his mind with so much evil and misfortune. The man who was likely to reform was the man who would go away and blot out the recollections of the past, while the other would blazon himself about everywhere, and put on a bold front even in the very place where he was disgraced.

Mr. McLEAN said he had no desire to encourage crime or the introduction of criminals into this colony, but he thought this subsection was altogether too severe. The hon. the Colonial Secretary told them that when a man had once put his pen to paper in that way he would go on and continue in the same course.

The COLONIAL SECRETARY: I beg the hon. member's pardon. I never made such an assertion.

Mr. McLEAN said the hon. member need not be so fiery, and should allow gentlemen to explain. The hon. member said that when men once put their hands to paper with the intention of committing forgery they continued in the same course. That was the only side of the question that the hon. member knew. He could not tell them of the number who had committed a crime, perhaps, but never did it again. They had the records, too, of those who repeated the crime; but there was no record of those who were not found doing it a second time, and who had reformed after one sentence. Now, he knew of a case in Brisbane in which he was asked to assist a young man who was guilty of that crime. In a moment of weakness he put his hands to a forgery, and his friends wanted him to reform. He (Mr. McLean) went to him in the gaol and gave him good advice. This young man went up the country, and had never committed any crime since. He (Mr. McLean) had also known of a man in New South Wales who had been in prison for nine years, when he came to Queensland with an intense desire for reform. But if this clause were passed all chance of reformation was shut out. He thought three years was too long a term. If it had been one year he probably would have supported the Bill, but to place such a restriction upon persons who had committed one crime and been sentenced to two, three, or six months' imprisonment for it, seemed too severe. They knew perfectly well that many persons had been sentenced to punishment for crimes they were perfectly innocent of, and they had known men whose innocence had been discovered afterwards, and who had been dismissed from imprisonment. Such people would come under this clause. He would certainly support the amendment of the hon. member for Mackay.

Mr. MESTON said the Colonial Secretary had said that some hon. members wished to transform Queensland into a reformatory for criminals from other colonies, but if this subsection were not passed it would render this clause perfectly valueless. It was just as necessary to protect ourselves from the influx of criminals from other colonies as from New Caledonia, and he hoped hon. members would not allow themselves to be influenced by feelings of spurious sentimentalism or false humanitarianism, but vote for this amendment. He took it that they were not legislating for isolated cases, but for general scoundrels, and for all the floating scoundrelism of the other colonies; and unless they accepted this as a proper principle to guide them in passing a measure of that kind, so as to make it effective, they would allow it to lapse entirely.

Mr. SIMPSON would like to know how many more "isms" there were. In his opinion there were very few "isms" in the case at all. If hon. members would look at the Bill they would find that under it a constable or magistrate might arrest a person without a warrant anywhere and at any time. That, of course, could be amended, but if they commenced by passing this clause it was not likely that it would be amended. He thought it was best to take the opinion of the Committee upon it before they went any further. They had been told by the hon. the Colonial Secretary that these criminals never reformed, and the hon. the Attorney-General said the reason why three years was put as the period was because they had most likely reformed in those three years.

He thought it would be much better if some period of imprisonment in the other colonies could be fixed.

Mr. ARCHER said he was not going to vote for the amendment of the hon. member for Mackay, as the reasons given by the hon. member went against administering the law altogether. It was to the effect that because innocent men had been imprisoned it was a good reason why people should not be imprisoned, because they might imprison an innocent man. He could not see that; but, at the same time, he thought the subsection too severe.

Mr. FRASER said they had heard a great deal about humanitarianism. The argument given to hon. members was that a man once a criminal was always a criminal; but it was not by such treatment that they would encourage them to reform and become useful members of society. He quite agreed with hon. members who said this clause would be a gross injustice to a great many criminals sincerely desirous of reforming if they had an opportunity of doing so. He thought they ought to hold out to all criminals who were desirous of reforming every inducement to that end. He remembered in the old country that one of the greatest difficulties that these persons had to contend against was their being continually watched and hunted from place to place by the police in the districts where they were, however desirous they might be of abandoning their former course of life.

Mr. KING said he could not agree with the argument of the hon. member, for, if he understood him, it was not only the duty of Queensland to reform its own criminals, but to reform those of all other parts of the world—that they should take upon their shoulders the burden of felony of the whole world and endeavour to reform it. It was well known that there was nothing more objectionable than to expose the young to the presence of criminals, and yet, according to the hon. member's remarks, they should not keep the colony free from the criminals of other places.

Mr. REA said that one of the illustrations in favour of the clause was to prevent card-sharpers who regularly arrived here to assemble on the racecourse; it would seem by this that the Ministry wanted a monopoly of that calling, but he could not understand why the Ministry should blow hot and cold in the same breath—why they now asked the House to pass an Algerine law to prevent the introduction of forgers and other criminals, while the other day, when they had a man in charge who made three attempts to commit murder, they patted the prisoner on the back and let him go. This seemed to him so monstrous that he certainly thought the Government would have allowed a session to go by before introducing this Bill, or at least, until hat event had been forgotten.

Mr. KATES said that three-fourths of the criminals from New Caledonia were political offenders.

The COLONIAL SECRETARY: They are the worst class of criminals that come here—murderers, thieves, and burglars, and even worse.

Mr. KATES thought they were political offenders, who were sent to New Caledonia for agitating against the Government of their country.

Mr. PALMER (Maryborough) said he had listened attentively to the arguments for and against the subsection of the 1st clause, and his own impression was that the balance of the argument was in favour of the amendment proposed. If it were shown that crime had greatly increased n the colony from the evils complained of there would be some good reason for enacting the provisions, but such was not the case; though he was one who believed that crime in this colony would increase under the present system of education. That it was so had already been shown. He thought it was their duty to give criminals some opportunity of reforming; that it would be a great injustice to exclude them altogether; and that they should rather allow them to come into the colony than pass their subsection. Therefore he should support the amendment.

Mr. GRIFFITH, by permission of the House, withdrew his amendment.

Mr. BLACK moved the omission of the following words:—

"Or any person who, having served a sentence of imprisonment under conviction of a felony in any British possession, other than Queensland, comes into Queensland within three years after the expiration of his sentence."

Mr. GRIFFITH pointed out that it would be quite sufficient to move the omission of the word "or," which would be a test of the feeling of the House. If the omission of the whole of the subsection was negatived, there would be no opportunity of further amendment.

Mr. BLACK moved the omission of the word "or."

The COLONIAL SECRETARY hoped hon. members would consider what they were doing by this amendment. He did not know that the Bill would work well without the retention of that part of the clause. He would not take the responsibility that it would. If they carried the amendment they might as well impress the Imperial Government with the idea that they should send convicts out to Queensland, so that they might reform by living in a young country. He certainly hoped it would not go abroad that the majority of this Assembly wished to have Queensland turned into a reformatory for the criminals of the United Kingdom.

Mr. GRIFFITH said the argument of the hon. member sounded very well, and there would be a great deal of force in it if any such proposition had been made. Those who had spoken against the clause, said let things go on as they were, and as they had been going on for many years. Had they heard of any terrible grievance during the last few years arising from criminals coming here from places other than New Caledonia? They were troubled with burglars sometimes, but their operations had been greatly restricted by the police. He did not think they were likely to make Queensland more a reformatory than it was now. What they said was simply that there was no sufficient grievance under the present law to induce the House to alter it.

Mr. NORTON thought the criminals who were really desirous of reforming were not likely to come to the colony, but those who found it too warm elsewhere. It was those who were accustomed to go to the large public gatherings of the colonies that he wanted to keep away from Queensland. It was quite possible for those who had been convicted to come here and pass unnoticed, but the presence of professional offenders was what they should do all they could to prevent. It was important that they should possess and exercise this power. Criminals who wanted to reform could do so in other places—Fiji or Hongkong, for the matter of that.

Mr. RUTLEDGE said the hon. gentleman termed those who had never got into the clutches of the law professional offenders; but he thought if the matter could be investigated it would be

found that it was the old offenders—professional or otherwise—who managed by their sharpness to elude the vigilance of the police.

Mr. REA could see no objection to the insertion of a clause giving power to arrest men stated by the police of neighbouring colonies to be professional criminals.

Mr. KING objected to the speech of the hon. member for Enoggera (Mr. Rutledge), who said that professional thieves were the only criminals who did not get into gaol. If that were the case he was afraid the Colony of Queensland was in a very bad state, because it would appear that a man who did not get into gaol had nothing to show that he was not a professional thief. Seriously speaking, he thought that, with a small population of 200,000 people, the Government would have considerable difficulty if large numbers of these dangerous classes were introduced. Life and property would be insecure, and they ought to be exceedingly cautious how they encouraged—or, rather, failed to discourage—the influx of these undesirable classes. There were, no doubt, hon. members in the House who knew that on the Northern goldfields—indeed, on all goldfields—at the time of a large rush numerous disappearances of men took place. At the moment he was speaking, a gentleman on the Northern goldfields was missing. He left the Palmer with a considerable sum of money to go to the Herbert. His horses were found, and it was supposed that the blacks had killed him, but there were no traces to be found. On every large rush cases like that occurred; nobody knew anything about them, and men were put out of the way by professional bushrangers and highwaymen. When there was such a difficulty in detecting crime, it was obligatory on the Government to do its utmost to keep those dangerous classes out of the colony. Any man who had a knowledge of the vast area of this colony, and the facilities men had for escaping detection in the bush—where both they and the men they attacked might be miles away from any other human being—would be convinced of the necessity for the most stringent measures to prevent the concentration of criminal population in the colony.

Mr. SIMPSON did not absolutely wish the clause to be struck out, but no one had suggested an amendment he could vote for. He could not vote for the clause in its present form, but should like some hon. member to amend it so as to make it less stringent.

Mr. KING would remind the hon. member for Dalby that an amendment was proposed by the hon. member for North Brisbane which would have met his views. The amendment was to the effect that persons who had served sentences of imprisonment might come to the colony twelve months after the sentences expired.

Mr. SIMPSON said that amendment had not been put, but had been withdrawn.

Mr. GRIFFITH said the principle underlying the question was whether it was desirable to lay down a rule that they would investigate the character of the people who came to this country. It amounted to something like passports, not dealing with foreigners, but with their own countrymen. His opinion had fluctuated very much during the discussion, but his conclusion was that the principle was altogether erroneous. They had done very well without such a principle for the last twenty years; they had done without it in New South Wales, New Zealand, and the other Australian Colonies, and in all British possessions except Victoria.

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

The Committee divided:—

AYES, 15.

Sir Arthur Palmer, and Messrs. Pope Cooper, King, McIlwraith, Macrossan, Sheaffe, Stevenson, Hamilton, Weld-Blundell, Perkins, Lumley Hill, Meston, Norton, H. W. Palmer, and Low.

NOES, 21.

Messrs. Griffith, Dickson, Thorn, McLean, Rea, Black, F. A. Cooper, Rutledge, Simpson, Grimes, Beattie, Palmer (Maryborough), Fraser, Bailey, Feez, Foote, Aland, Groom, Horwitz, Price, and Kates.

Question, therefore, resolved in the negative.

The COLONIAL SECRETARY said that after the division which had just taken place he should take time to consider whether he would go on with the Bill or not. He would move that the Chairman leave the chair, report progress, and ask leave to sit again.

Mr. DICKSON would point out that when the House went into Committee before the preamble was postponed he directed the attention of the Colonial Secretary to the expression of opinion given at the second reading, and pressed him to state whether he intended to narrow the Bill down so as to deal solely with French criminals or press it on the Committee in its wider shape. He understood the hon. gentleman to say that he would abide by the decision of the Committee, and, therefore, he ought not now to refrain from proceeding with the Bill simply because the Committee, after very full deliberation, decided to narrow it down to its proper compass.

Mr. LUMLEY HILL said the division which had just taken place appeared to have taken the vitals out of the Bill. He did not know whether a large majority of hon. members were under the impression that the Bill might be retrospective, or not—whether they had any idea that there was any danger, if passed, of its applying to themselves. However, the Bill without that clause would be utterly useless, and the Colonial Secretary was quite right in deciding to take time to consider the course he should take.

Mr. SIMPSON said he certainly understood the Colonial Secretary at an earlier hour of the evening to say that he would not object to amendments so long as they did not refer to the New Caledonians.

Mr. THORN said that, as a vital principle of the Bill had been affected, the policy of the Government had been affected, and the Government ought to adjourn the House at once, and let them know on Tuesday whether they intended to resign or not.

The COLONIAL SECRETARY said he once knew a calf, and the only remarkable thing about him was that the older he grew the bigger calf he got. He was obliged to the hon. gentleman for pointing out the course the Government ought to take, and particularly obliged to the hon. member for Enoggera (Mr. Dickson). That hon. gentleman ought to know him (Sir Arthur Palmer) well enough by this time to know that he was not the least likely to follow his advice. He had determined to take time to consider whether he would withdraw the Bill or not, and he meant to do so.

Question put and passed.

The House having resumed, the CHAIRMAN reported progress, and obtained leave to sit again on Tuesday next.

ADJOURNMENT.

On the motion of the PREMIER, the House adjourned at 9 o'clock till the usual hour on Tuesday next.