Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 29 SEPTEMBER 1881

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LEGISLATIVE ASSEMBLY.

Thursday, 29 *September*, 1881.

Goldfields Act of 1874 Amendment Bill.—Question.—Petition.—Gulland Tramway Bill—second reading.—Mines Regulation Bill.—Pharmacy Bill—committee.—Loan for Dalby Waterworks—report from committee.—Triennial Parliaments Bill—second reading.—Oyster Act Amendment Bill—second reading.

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

GOLDFIELDS ACT OF 1874 AMENDMENT BILL.

On the motion of Mr. HAMILTON, this Bill was read a first time, ordered to be printed, and the second reading made an Order of the Day for Friday, 7th October.

QUESTION.

Mr. BLACK asked the Minister for Lands—

1. What is the approximate acreage of land in the St. Lawrence, Mackay, Bowen, Townsville, Cardwell, Cairns, Port Douglas, and Cooktown Districts, open for Selection on 19th October, at the respective prices of 5s., 10s., 15s., 20s. per acre?

2. Has he any objection to furnish a Return giving the Areas already selected in the districts named?

The MINISTER FOR LANDS (Mr. Perkins) said he held in his hand a paper containing the information sought by the hon. member. The information was rather voluminous to read, and he presumed the hon. member would be satisfied if he laid the document on the table of the House.

PETITION.

Mr. McLEAN presented a petition from the office-bearers of the Wharf-street Baptist Church against the opening of the Museum on Sunday.

Petition read.

The COLONIAL SECRETARY (Sir Arthur Palmer) asked if the petition could be received according to a ruling recently given by the hon. the Speaker, as it referred to a motion before the House?

The SPEAKER said that the petition did not refer to any matter before the House, but merely to the general question of opening the Museum on Sunday.

Petition received.

GULLAND TRAMWAY BILL—SECOND READING.

Mr. FOOTE said that, in rising to propose the second reading of this Bill, it was not necessary to take up the time of the House at very great length. Since the first reading of the Bill the Committee appointed to consider it had met, taken evidence, and brought up their report, and the report had been placed in the hands of hon.

members. It was well known that the gentleman who wished to have the Bill passed in his favour was a person interested considerably in the coal trade, being one of the largest, if not the largest, coal-mine proprietor in the colony of Queensland. He was a large employer of labour, and what was set forth in the preamble of the Bill had been fully proved. He might say that the Committee were unanimous in their report, and that very few amendments of the Bill had been made by them—one simply referred to coal-shoots, and there was another of little importance. The Bill, he believed, was of the usual character of Bills of its sort, and the person concerned took upon himself, if the Bill was passed, to do all that was stated in it; the object of the Bill being to work a tramway partly by horses and partly by wire ropes. The preamble was as follows:—

"Whereas James Gulland, of Ipswich, in the colony of Queensland, coalmaster, has, at great expense, opened and developed coal-mines on lands known as the Tivoli Coal Mine, situated near to Ipswich, in the county of Stanley, and has also, at great expense, constructed and maintained for some time past, a tramway, worked partly by horses and partly by wire ropes, connecting the said coal-mines with the river Bremer, and running partly through lands owned by him in fee, partly along Government roads, and partly through lands held by him under lease from John Eastwood and Robert Archibald respectively, the owners thereof. And whereas the leases held by the said James Gulland, of the lands owned by the said John Eastwood and Robert Archibald respectively, will shortly expire: And whereas the said coal-mines have heretofore proved beneficial, and are likely to continue to be beneficial to the said colony, and the public are concerned in maintaining the facilities that at present exist for the supply of coal for local consumption, steam navigation, export," and so forth.

That, as he had stated, had been fully proved. The coal-mine was one of the first established in the district. It was originally started by a firm in Ipswich, and had since been continued by one proprietor and another for a very considerable period, but none of them ever brought the mine to the state of perfection it had been brought to by the present owner and occupier, Mr. Gulland, who, to meet the keen competition of the coal trade and to facilitate the sale and export of the mineral, found it necessary that a tramway of this description should be laid down. Mr. Gulland was a gentleman of considerable enterprise, and one of those whom that House ought to encourage by passing a Bill of the nature now before it. As the preamble stated, the tramway had already been laid down partly along Government roads and partly through lands leased, and, as the lease would expire in November next, it was necessary that power be given to Mr. Gulland to continue the working of the tramway. Clause 1 was simply the interpretation clause. Clause 2 gave authority to construct the tramway from Tivoli Coal Mine to Bremer River. Clause 3 gave authority to construct wharves, etc. As he had just stated, the tramway had already been constructed, and had been in operation for some years. Mr. Eastwood was one of the parties from whom lands were leased, and he (Mr. Foote) believed, from what he himself knew and from the evidence the Committee gathered, that Mr. Eastwood had no objection to the tramway whilst Mr. Gulland was leasing the land from him, but now that the lease was about to expire there was a probability of an objection being made. He believed that Mr. Gulland was prepared to meet that gentleman in every possible way, as far as the evidence went to show. Of course, evidence of that sort was very conflicting, and any hon. gentleman who had read the evidence would see that the weight of it was on the side of the petitioner. It therefore became necessary to give Mr. Gulland that power under a Bill of this sort, or otherwise he would be put to a very considerable expense. If Mr. Gulland was not given the power to construct a tramway or keep a tramway going, that pit would have to be shut up; and at the present time there were from fifty to sixty men continually employed there who would thus be thrown out of employment. That would be found in the evidence. Clause 4 referred to lands vested in James Gulland, and gave him power to use as much land owned by John Eastwood and Robert Archibald as was necessary for the purposes of the tramway. Although it gave Mr. Gulland a right to the surface of the land, it did not give him any right to the minerals under the surface. Clause 6 stated that the works were for the benefit of the owner, and was a very common clause. No gentleman would come into that House with a Bill unless it was for some specific purpose, and either for the benefit of himself or a company which he might represent. It also compelled James Gulland to erect gates, bridges, fences, drains, and so on. Clause 7 provided that rails were to be on the same level as the road. He might here state that the Committee had received evidence from the divisional board of the district, that no objection had been taken to the tramway running along the road. There was a portion of the road where some objection might possibly be raised, and that would very likely be commented upon. It was a place where an embankment was very high, but it was proposed to get over that difficulty by a slight deviation in a portion of the line where Mr. Gulland promised to make a road. Although at the present time there was no traffic upon the road—the trees were not even cut down—it was passable for horsemen or foot passengers, but not for drays. A provision was made that Mr. Gulland should provide against this difficulty, and that the work should be properly executed. Clause 8 was a compensation clause for land taken or damage done to land, and referred to arbitration and appointment of arbitrators. He might here state that Mr. Gulland did not wish to injure the property of any person in any way without properly compensating him. He did not wish the power of decision to revert to himself, nor did he wish it to be in the hands of any party who might hold extreme views; but he wished to place it under arbitration, so that the thing might be fairly dealt with. The clause provided for every contingency that might possibly arise. He thought himself this was a matter in which he might hope and trust the House would fully concur, because he considered it was very necessary for this young colony to offer every facility to enterprising men who wished to embark capital and spend their money in a manner conducive to the settlement of a district and to increase the value of property. Clause 9 was as follows:—

"If before the matter so referred shall be determined any arbitrator appointed by either party shall die, or become incapable, or refuse, or for fourteen days neglect to act as arbitrator, the party by whom such arbitrator was appointed may nominate and appoint, in writing, some other person to act in his place; and if for the space of seven days after notice in writing from the other party for that purpose he fail to do so, the remaining or other arbitrator may proceed alone; and every arbitrator so to be substituted as aforesaid shall have the same powers and authorities as were vested in the former arbitrator at the time of such his death, refusal, neglect, or disability as aforesaid."

Without that arbitration clause a Bill of this sort would be utterly useless. Although it might be carried through the House, yet, unless there was power to deal with matters that might crop up, it would be utterly useless. Clause 10 referred to the appointment of an umpire, and clause 11 provided that—

"If in either of the cases aforesaid the arbitrators shall refuse, or for seven days after request of either

party to such arbitration neglect to appoint an umpire, it shall be lawful for the Attorney-General, on the application of either party to such arbitration, to appoint an umpire; and the decision of such umpire, on the matters on which the arbitrators shall differ, or which shall be referred to him under this Act, shall be final."

Clause 12 provided that in case of the death of a single arbitrator the matter should begin again *de novo*. He might state that the Committee had given very great attention to the subject-matter of the Bill. Some of them had visited the locality, and they had taken all the evidence that was forthcoming upon both sides, and had offered facilities to all parties to give what evidence they had to give upon the matter. The witnesses who had been examined were Messrs. J. Gulland, R. Archibald, J. C. Moffatt, W. Bryce, R. Henderson, A. Stewart, C. C. Cameron, W. Salkeld, G. Phie, E. Bostock, and J. Eastwood. The Committee considered the Bill in detail, and made provision for the protection of the interests of persons likely to be affected by the privileges sought by Mr. Gulland for the continuance of the tramway through lands of which he was not possessed in fee-simple, and which he now held under lease. They found that whilst private rights were in a slight degree encroached upon, they were not likely to be injured materially as compared with the public interests to be advanced by the Bill becoming law, and that the means of awarding compensation for any loss or variance of such rights was provided. They found that the preamble of the Bill was proved by the evidence adduced, and they had agreed to the clauses of the Bill with the amendments set forth in the proceedings attached thereto. He might also state that the Committee were unanimous in their opinion. He begged to move the second reading of the Bill.

The MINISTER FOR WORKS (Mr. Macrossan) said he was a member of the Committee to which the Bill was referred, and on the part of the Government he had no objection to the Bill going to a second reading. It was one that would confer a public benefit on the district, and he offered no objection to its second reading.

The HON. S. W. GRIFFITH said there was a peculiarity about the Bill to which he thought attention ought to be called. It was not exactly like the case of an ordinary railway Bill, or a Bill authorising the construction of a railway over various pieces of land for general use, but was to enable Mr. Gulland to carry his coal over the land of his neighbours without their consent. At present he had a lease from Mr. Eastwood, but it appeared that they could not agree as to the terms upon which that consent should be renewed upon the expiration of the lease, and Mr. Gulland now appealed to the House to settle those terms for him. It was a very unusual kind of application to make to Parliament. It involved what was called a "way-leave" by miners, or the right of passing with minerals through any man's land. He remembered a similar case that was brought before the House about three years ago. Mr. Thomas, a coal-miner at Ipswich, wanted a road over a piece of land which would save him about a mile of very bad road. The resumption of about a quarter of an acre of this land, which was not of any particular value, would have been of great benefit to him; and the then Government thought it was a case in which they were justified in opening the road. Two roads almost met—just the least little bit of land was between them—and the Government were asked to connect the two, and they took the necessary steps to do so; but the House expressed its opinion that if they authorised Mr. Thomas to take his coal over that land he should pay the owner for it, and that was a case in which the powers of Government should be invoked. In this case Mr. Gulland simply invoked their aid to settle the terms upon which he should take his coal over Mr. Eastwood's land. He called attention to this case because, as far as he could see, it was of a new kind. Precedents were easily made, and they ought not to be made without careful consideration of the circumstances of the case. The aid of Parliament ought not to be invoked simply because two neighbours could not come to terms.

The PREMIER (Mr. McIlwraith) said the hon. gentleman stated that this was an exceptional case altogether, and they were initiating a new principle; but he (the Premier) never heard of a railway Bill introduced before this one that was not brought before Parliament just for the very same reason—namely, that certain persons wanted the Parliament to grant legal right to put a railway through others' land on paying legal compensation. The hon. member said he remembered one case—that of Mr. Thomas, of Ipswich, who wanted to go through a private individual's land—and that it was a case in point. In that case Parliament decided that the terms should be left between the individuals. The cases were entirely different. In Mr. Thomas' case the House was of opinion that, if he wanted access to a road for the purpose of carrying his coal to market, his proper plan was to do exactly what Mr. Gulland was doing now—namely, get an Act of Parliament. But there were two or three ways by which he could get to market, and they refused the Bill simply because the Government of the day assisted him in a way that he should not have been assisted, by putting a road through a political opponent's ground. Mr. Thomas wanted to get, by means of his influence with the Government, authority to go through a private individual's ground, and debar him from claiming any compensation.

Mr. McLEAN said there was no doubt the present case had some very peculiar features, and he would try to explain them by means of the plan before him. So far as he could understand it, Mr. Gulland introduced the Bill to enable him to construct a tramway across the land belonging to Mr. Eastwood. That tramway ran parallel with the main road, and there was a good dray-road within a few chains of Mr. Eastwood's fence. On the opposite side of that road Mr. Eastwood had land, so that, if the Bill passed and Mr. Gulland were allowed to construct the tramway, it would cut Mr. Eastwood off from communication with the road.

The PREMIER: He will be paid compensation.

Mr. McLEAN said Mr. Eastwood could not be compensated for being cut off from all communication with the road and river unless Mr. Gulland was prepared to buy the whole property of Mr. Eastwood on his coal-pit being opened. But if Mr. Eastwood wanted to work his own land, and the proposed tramway were constructed, all communication with the river would be cut off. He understood from the hon. member in charge of the Bill that it was proposed to make a bridge over a Government road, but even then it would put Mr. Eastwood to a considerable expense. Then, again, if the tramway from his pit were brought under the road it would also put him to considerable expense. Mr. Eastwood was prepared to meet Mr. Gulland half-way and let him go down through the corner of his paddock, and he (Mr. McLean) thought Mr. Gulland ought to have adopted that course. If it was settled otherwise it would be a very hard case for Mr. Eastwood; and so long as he wanted to work his own pit the House had no business to prevent him from having communication with the river.

Mr. HAMILTON said the objection urged against the tramway by the hon. member for Logan was that it would interfere with Mr. Eastwood if he wished to work his pit. He (Mr. Hamilton) was a member of the Committee, and could state that the evidence of skilled witnesses was to the effect that the tramway would not interfere with the working of the pit. At first he was prepared to side with Mr. Eastwood, and thought it a pity that any private individual should be allowed to take the land of any other private individual for a commercial speculation only. He consequently was very careful in asking Mr. Eastwood to state his objection to the resumption of his land, and the principal objection that gentleman alleged, and the one he laid most weight upon, was that the construction of this tramway through his land would depreciate the price of coal. He (Mr. Hamilton) therefore considered that the strongest reason in favour of the granting of this tramway.

Mr. ARCHER said that the hon. member for Logan, in what he had said, showed that he hardly understood the case. As far as he (Mr. Archer) was aware, there would have been no difficulty in Mr. Eastwood getting direct communication with his coal-pit and the river if he wished to do so; but if he did so he must cross the Government road by a bridge, or he must come under the Government road, either one way or the other. He could not carry a tramway worked by wire across a Government road—the divisional boards objected to that—but he could carry a tramway worked by horses over it. If he tunnelled under the road he would get under Mr. Gulland's tramway, and if he bridged over the road he would go over Mr. Gulland's tramway. He went and looked over the ground and satisfied himself that Mr. Eastwood would make the greatest mistake if he attempted to bring his coal from his pit to his land by way of the river, because there was an exceedingly deep hollow down which he would have to go and rise up again on the other side; but very easy access might be acquired by going through Mr. Archibald's land. However, he had not to decide a question of that kind, but had simply to decide whether this tramway would be a public convenience. His opinion was that it was a public convenience, if they ever had any hope of competing with the other colonies in the production of coal. Mr. Eastwood had said that this tramway would make coal cheaper, and that was the very strongest argument a man could use in favour of the construction of the line. The arbitrators, when on the ground, could easily settle what was the damage Mr. Eastwood received. Mr. Eastwood had bought a piece of land, and he (Mr. Archer) said no one had a right to resume another man's land without paying for it. If Mr. Gulland's tramway were constructed, Mr. Eastwood might perhaps be put to some small expense in crossing the road, but the compensation for that would easily be settled by the arbitrators. They found that the fact of this tramway being constructed would cheapen considerably the price of coal to the public, and that fact ought to carry some weight. They had it in evidence that Mr. Gulland could have bought the whole pit last October for £900, but he declined to do so. But now that Mr. Gulland wanted to run this line, the valuation varied from £900 to £3,000. Independent arbitrators, unconnected with either party, would be able to settle the amount of injury done; and he believed it would be really to the detriment of the public if the tramway were not to be constructed.

Mr. MACFARLANE said there could be no doubt that Mr. Gulland had been the means of developing the coal industry to a very considerable extent in the West Moreton district, and he would be the very last member of the House to do anything to retard the development of any part of the colony. Mr. Gulland was giving employment to a large number of men, and it would be a very considerable loss to him if the Bill did not pass. In ordinary cases he did not see that the interests of one individual should stand in the way of any industry being developed, but there was something very different in the case before them now, and which no hon. member had taken any notice of. It was the fact that Mr. Eastwood was himself a coal proprietor; so there were two coal proprietors, holding adjoining allotments. If Mr. Eastwood wished to work his pit, the fact of this line running through his property would depreciate it to a considerable degree. He (Mr. Macfarlane) simply looked upon it as a matter of justice between man and man. No doubt it was for the public interest that this tramway should be made, but at the same time the fact of both of those men being coal proprietors placed the matter in a different light. Had Mr. Eastwood simply been holding land for speculative purposes or for agricultural purposes, he should say at once he ought to give way, but himself being a coal-miner altered matters. It had been said by the hon. member for Blackall that he had seen the property, and that it would be very little expense for Mr. Eastwood to go either over or under Mr. Gulland's tramway. No doubt that was correct; but if he went over the line it would make the gradient so steep that it could not be worked, and if he went under it he would have to tunnel, which would put him to considerable expense. The whole frontage of Mr. Eastwood's property would be entirely cut off from the road, and then again the river frontage was entirely cut off. In the one case building sites were cut off, and in the other the whole river frontage. That was the position Mr. Eastwood would be put in. If he wanted to work his pit he would have to come to the House and ask for a Bill enabling him to go through somebody else's land so as to obtain a river frontage, while at the same time another man had taken his own from him. He (Mr. Macfarlane) was glad of the expression of opinion that had taken place, because he looked at it in this light—that, although no doubt the work was for the public good, yet the injury done to Mr. Eastwood was so great that he could not, for one, vote for the second reading of the Bill.

Mr. BLACK said both the hon. members for Ipswich and Logan had based their objections to the Bill on the ground that if it was passed Mr. Eastwood would be cut off from all access to the river if he wished to work his own property. He (Mr. Black) thought if those gentlemen referred to clause 6 of the Bill they would see that—

> "The said James Gulland shall make, and at all times thereafter maintain, the following works for the accommodation of the owners and occupiers of lands adjoining the said tramway (that is to say)—

That necessarily referred to Mr. Eastwood—

> "such, and so many, convenient gates, bridges, arches, culverts, and passages over, under, or by the sides of, or leading to or from, the said tramway as shall be necessary for the purpose of making good any interruptions caused by the said tramway to the use of the lands through which the same shall be made."

Having been a member of the Committee, he had made it his business to become acquainted with the locality and with the people interested in the Bill, and he had come to the conclusion that Mr. Eastwood had ample access to the river frontage. The situation of his mine, however, was such that no man in his senses wishing to obtain access to the river would carry a road from it up a steep hill, just for the sake of going under or over Mr. Gulland's tramway, as had been

suggested. No doubt a small amount of injury would be sustained by Mr. Eastwood, but it would be as nothing compared with the immense advantage accruing to the general public through the reduced price of coal. It was shown in the evidence that the construction of the tramway would lessen the cost of the coal raised to the people of Brisbane to the extent of 2s. 6d. per ton; and as Mr. Gulland's mine yielded about 420 tons per week, that would mean a saving of £50 per week, or £2,500 a year to the coal-consuming public. Assuming that a slight injury would accrue to Mr. Eastwood, that could be arranged by arbitration. He would point out that before that question arose Mr. Eastwood offered the whole of his property on both sides for some £900, but Mr. Gulland—foolishly, in his (Mr. Black's) opinion—declined to buy, and now it was variously valued at from £1,100 to £3,000. The Committee which sat on the subject having all inspected the properties, came to the unanimous conclusion that the tramway was necessary for the general public benefit, and that any possible injury might be met by compensation. According to the evidence, Mr. Gulland had incurred an original expenditure of £1,957 18s. 5d. to put the tramway and all appliances into working order, and had afterwards spent some £600 or £700 in erecting coal-shoots; so that he had spent in all something like £2,700 in very excellent improvements to develop the industry of the district. He could not understand how anyone who had the welfare of the district at heart, or who wished to encourage local industry, could possibly object to this Bill. If the hon. member for Logan would take the trouble to go and see the locality he would find that Mr. Eastwood would not be in any way prevented from working his mine if he chose to do so; and the hon. member would very probably see reason to alter his present views.

Mr. GRIMES thought the House should be exceedingly careful in dealing with a Bill which would enable one individual to obtain privileges over the land of another, because a great injustice might be done. Before Mr. Gulland brought forward his Bill he ought to have exhausted all other means to obtain his object, but it appeared that he had not done so. Mr. Gulland, he understood, had a means of getting access to the river by going through a very small portion of Mr. Eastwood's land; and Mr. Eastwood, he understood, had no objection to concede that privilege. The question, however, was one of expense, and he did not think it was right, for the sake of a saving of a few hundred pounds to Mr. Gulland, that the Legislature should be appealed to. Let Mr. Gulland make the best bargain he could with Mr. Eastwood. He had not seen the ground; but, from the appearance of the plan, it seemed to him that it would be monstrous to pass a Bill to compel Mr. Eastwood to allow Mr. Gulland to remain in possession of a piece of land which he had leased, and to continue to enjoy the use of the line upon it after the lease had expired. Hon. members said the amount of damage could be arranged by arbitration; but everyone did not care about arbitration, and sometimes amongst arbitrators things were not done in such a straightforward way as to suit both parties. Two sessions ago Mr. Gulland brought forward a Bill to enable him to construct a line from a mine to the Southern and Western Railway. Only four portions of land were to be traversed by that line, and two of them were owned by parties connected in some way with the firm, but one portion was held by a working man, who, after he had selected, found indications of coal, and who spent two and a-half years of his life and £400 to £500 in hard cash—in fact, his all—in delving beneath the surface until he succeeded in finding two or three seams. Mr. Gulland sent round his agent to this man, offering him £12 for the right of passing over his land, and intimating at the same time that if the offer was not accepted Mr. Gulland would pass a Bill through Parliament and take the privilege at his own price. The Bill having passed through Parliament, the man sent in a claim for £16, but the reply he got was that the claim was excessive—that £2 was considered to be quite sufficient, and that if he did not accept that he must go to arbitration. The man, finding that it would be exceedingly inconvenient to procure witnesses and get the ground examined before arbitration, had to submit and take £2 for 1½ acres of land, with two or three coal-seams under it. It was shown by the evidence that Mr. Gulland had not met Mr. Eastwood in a fair way, or shown that he could not get to the river by some other means, because, in answer to the question "Can you not take the line to the river except through my land?" Mr. Gulland said, "I have never surveyed any other line, so I cannot say." As Mr. Gulland apparently had not tried to meet Mr. Eastwood, it would be very unfair to pass a Bill to compel Mr. Eastwood to give up this land.

Mr. HORWITZ said from what he could gather it appeared that Mr. Gulland had constructed the line upon land which he had leased from Mr. Eastwood about six years ago, and that, as the lease was about to expire, Mr. Gulland wished to obtain powers from the House to continue in the enjoyment of the line. He also understood that if this right were granted Mr. Eastwood's access to the river frontage would be destroyed and his land made almost useless. Mr. Gulland, he thought, had no right to come to the House and ask it to sanction such a Bill until he had done all he possibly could to come to a fair arrangement with Mr. Eastwood. If this Bill were passed, Mr. Eastwood would only get a small amount of compensation, and his land, which before was worth £1,100, would be hardly worth £200.

Mr. FOOTE: You don't know anything about it.

Mr. FRASER said he had been a member of the Committee, and though he did not attend very regularly he had carefully read the evidence. Whilst agreeing with much that had been said, and thinking that the House should be careful in giving privileges of this kind to the disadvantage of any private holder of property, he thought they should be equally careful not to reject, without due consideration, a Bill which was intended to, and probably would, have the effect of continuing the development of a very important local industry. It should be borne in mind that Mr. Gulland had during the last few years displayed a considerable amount of enterprise in this direction, and that this tramway was already laid, and had been in use for the last five or six years. The hon. member for Ipswich said that the terms of the lease were that at its termination Mr. Gulland should give up peaceable possession. If the Bill did not pass there was not the slightest doubt that Mr. Gulland would do so; but it must be admitted that, having sunk so much capital, Mr. Gulland was perfectly justified in his own interest, and in the interest of the public, in asking the House to secure for him the privileges he now claimed. With reference to the remarks of the Premier, he would point out that the Imperial Parliament was constantly appealed to to grant privileges of this kind, which frequently conflicted with individual private rights. The hon. member for Ipswich insisted that the case would have been different if both the parties had not been coal proprietors, but he (Mr. Fraser) failed to see any force in the argument. It had been shown that Mr. Eastwood could

without any great difficulty obtain access to the river, and the Bill made a provision for compensating him for any loss according to a fair valuation of the property. Objections had been raised against the system of arbitration; but surely, if the arbitrators were competent and trustworthy, there could be no better means of arriving at a fair decision! Numbers of objections might be urged against a Bill of this kind, but the question to be considered was simply whether the object was of sufficient public importance to justify the House in stepping in and conceding to Mr. Gulland the privileges he claimed. He (Mr. Fraser) maintained that it was, and that there was nothing in the evidence to show that Mr. Eastwood would suffer any injury for which he would not receive ample compensation under the provisions of the Bill. He therefore hoped the House would pass the measure.

Mr. DICKSON said that at the commencement of the debate he was inclined to regard the Bill as an ordinary application for legislative powers on an unobjectionable basis; but his opinion had been gradually modified and altered in the course of the discussion. The House, he thought, ought to be exceedingly careful in placing in the hands of one individual a power which might be used as an engine of oppression against another who should be equally an object for the consideration of the House. Mr. Gulland, it appeared, just before the expiration of his lease, was asking the House for power to purchase, at his own price, land which he had leased under special conditions. That was, in his opinion, a very pernicious principle. It was the duty of Mr. Gulland to try all possible means of arranging matters before he asked for authority to compel Mr. Eastwood to sell at such price as he or the arbitrators might determine. He (Mr. Dickson) had very little faith in the system of arbitration in the case of resumptions of land for public purposes. Due attention was too seldom given to the consideration that the owner might not desire to sell, and it would be found in the large majority of cases that the amount given for land resumed by the State, or taken by private persons, did not by any means represent the actual value of the land to be surrendered. This was especially a case in which Mr. Eastwood ought not to be made to suffer. The line being already built, the amount of inconvenience or injury suffered by Mr. Eastwood had been ascertained.

Mr. FOOTE: He has been receiving rent.

Mr. DICKSON said he had not been receiving extra compensation on account of the construction of the tramway. The amount of injury, therefore, being ascertained, and the lease not having yet expired, it was the duty of Mr. Gulland to arrange matters with Mr. Eastwood as between two private individuals before he came to the House asking for such ample powers. He could not believe that Mr. Eastwood was demanding such an extraordinary price as to prevent an amicable and equitable settlement being arrived at without recourse to legislation; and he considered the House would be stepping out of its proper functions in assenting to the Bill. The provision in the Bill with regard to compensation was not, he believed, so ample as that contained in the Railway Act. His present position was this: that, having listened to the arguments of hon. members on both sides of the House, he was inclined to vote against the Bill. He believed it to be premature, and he also considered that it was incumbent upon the petitioner, in the first place, to endeavour to meet Mr. Eastwood and to induce him to sell the land at such a price as the arbitrator might fix. The branch line in question might be for the public convenience, but primarily it was for the private benefit of Mr. Gulland. Where that element stepped in it was Mr. Gulland's duty to endeavour to act equitably with the person with whom he was dealing.

Mr. KATES said that in his opinion the House was called upon to pass an Act of coercion. Mr. Eastwood appeared to be unwilling to part with his rights, and why should they, the representatives of the people, be called upon to compel him to part with those rights against his will? He (Mr. Kates) did not look upon it as a public question at all. If the Government were to resume land for a public purpose—for branch railways—it was for the public good; but he failed to see anything of the sort here. If the land was given up it would be for the benefit of Mr. Gulland and not of the public. The Bill would create a very bad precedent, and he had not the slightest doubt that Mr. Gulland would be able to arrange the affair amicably without calling upon the House to compel Mr. Eastwood to do what he did not care to do. He (Mr. Kates) did not see his way clear to support the Bill.

Mr. FRANCIS said that he intended to vote against this Bill for several reasons. The first was that it came into the House with deception on its face. Mr. Gulland asked the House to give him the power to construct a line which was already constructed, and which had been in use for the last seven years. Mr. Eastwood's objection to Mr. Gulland's retaining the land was that about six months ago Mr. Eastwood's agents went to Mr. Gulland and told him that, as the lease would expire in about six months, he was anxious to come to some arrangement either for leasing the property for a long term or to sell it. A price was stipulated, but they could not agree. When Mr. Eastwood found that the property would be likely to come into his own hands he was anxious to make some improvements. Mr. Gulland never occupied one portion of the land; and Mr. Eastwood made a tunnel 164 feet, and, driving a shaft about 30 feet, found as nice a seam of coal as anyone would wish to see, and he (Mr. Francis) had been to see it. If this Bill passed Mr. Eastwood would be kept off from the river; and, if for no other reason than that, he (Mr. Francis) should oppose the Bill. He thought it quite possible that the parties could arrange the matter between themselves without coming to the House at all. He should therefore vote against the Bill.

Question put; the House divided:—

AYES, 19.

Sir A. Palmer, Messrs. McIlwraith, Macrossan, Scott, Pope Cooper, F. A. Cooper, Hamilton, Stevens, Foote, Lalor, Bailey, H. Wyndham Palmer, H. Palmer, Fraser, De Poix-Tyrel, Archer, Black, Kellett, and Norton.

NOES, 8.

Messrs. Dickson, McLean, Francis, Low, Kates, Grimes, Macfarlane, and Horwitz.

Question resolved in the affirmative.

MINES REGULATION BILL.

The SPEAKER announced that he had received a message from the Legislative Council, announcing that they had agreed to the Mines Regulation Bill with amendments.

On the motion of the MINISTER FOR WORKS, the message was ordered to be taken into consideration on Monday next.

PHARMACY BILL—COMMITTEE.

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

Preamble postponed.

Clauses 1 and 2 passed as printed.

Clause 3—"Definitions."

The COLONIAL SECRETARY said there ought to be some provision in the Bill with regard to homœopathic medicine vendors and patent medicine vendors. Where was the hon. gentleman going to bring it in?

Mr. GRIFFITH said he had introduced the Bill at the request of the Pharmaceutical Society, whose wish it was that homœopathic chemists should be subject to the same supervision as others. He did not see the force of that himself, though he believed some hon. members did. He did not think that any harm was likely to arise from the sale of homœopathic medicines. He never heard of anyone being poisoned by taking them, though it had been suggested to him that there might be unqualified homœopathists going about. They might provide for this matter in two ways—either that the Bill should not apply to homœopathists, or should not apply to those now carrying on business in the colony.

The COLONIAL SECRETARY said there was another thing. In the outside districts—in the bush—every station kept its own stock of medicines, and cases might occur—as a matter of fact, every manager of a station or the owner of it was his own doctor—when the manager or owner would have to prescribe for a man. He (Sir Arthur Palmer) had done so hundreds of times, and it would be very unfair to make such men incur penalties, when there was no possible way of getting medicines except at the station store.

Mr. GRIFFITH thought that would be met by adopting the wording of the English Act, "No person shall keep open shop." No one could say the manager of a station was keeping open shop because he treated his men.

Mr. McLEAN said the Bill should not be made to apply to homœopathic chemists who were at present practising in the colony. There was only one in Brisbane, and he, although having been to some extent educated for the business, was, he understood, not prepared to submit himself for examination as a chemist before the Medical Board. Still, it would be unwise to leave the door open for perfectly untrained men to come into the colony and practise as homœopathic chemists. There were several extremely dangerous homœopathic medicines, and the public ought to be protected against their being dispensed by unqualified men.

Mr. HAMILTON said he did not think it fair that homœopathic chemists should be subjected to the same examination as allopathic chemists. What was the use of examining one as to his proficiency in a subject of which it was unnecessary he should know anything? An allopathic chemist required to have a knowledge of compatibles and incompatibles among medicines, of dispensing prescriptions, of making decoctions and tinctures, and various other things, none of which it was at all necessary that a homœopathic chemist should know, as he merely sold simples; therefore, why disqualify him because he was ignorant of a subject which it was totally unnecessary that he should know anything about?

Mr. McLEAN said the hon. member was mistaken in thinking that homœopathic medicines were all made up ready to sell. The homœopathic chemist in Brisbane, he believed, compounded his own medicine, although he could not pass an examination as chemist and druggist before the Medical Board. There was a large and increasing number of believers in homœopathy, and they ought to be provided with an assurance that all homœopathic chemists were properly qualified men.

Mr. FRASER said that all homœopathic medicines were simples. There was no compounding required at all, and there could, therefore, be no great danger arising from that source; and they might fairly be excepted from the Bill. He looked upon the Bill with some degree of distrust, as a measure which tended to the formation of a monopoly. There was already a Bill in existence providing that drugs should be sold in a pure state, and that might be considered enough. Besides, chemists did not prescribe.

Mr. McLEAN: Yes, they do.

Mr. FRASER said that in England no chemist was allowed to prescribe.

The PREMIER said the character of the Bill was gradually being very much altered, and it would be still more so by the amendment of which the hon. member for North Brisbane had given notice. The principle of the Bill when first introduced was that a society of pharmaceutical chemists should be formed, and all the privilege they asked from Parliament was that people should be prevented from putting up over their doors the word "chemists," when they were not members of the society. No doubt they ought to be allowed that privilege, but the hon. gentleman went far beyond that, and asked Parliament to prohibit all other men from practising as chemists, and that would certainly be a very unjust thing. It would be a great blow to homœopathy, in which however he did not believe a bit; but other people did, and their rights ought to be respected. Under the proposed new clause any bush storekeeper might be pulled up at any time for practising as a chemist. He believed in the Bill as it was when introduced, but if the new clause was carried it would be an approach to the old system of guilds. He did not see that any society should have an exclusive right to practise any particular profession, and was of opinion that there should be something like free-trade both in law and medicine.

Mr. GRIFFITH said he agreed with almost everything the Premier had stated. He had no wish to create a monopoly. He was considering the matter, not from the point of view of the chemist, but from that of the public. He did not care for going further than preventing anyone from using a name to which he was not entitled. The object of the chemists was to provide some better means of securing that only qualified persons should carry on the business.

Clause passed as printed.

On clause 4—"Pharmacy board."

Mr. McLEAN said he did not believe in monopolies. At the present time chemists and druggists prescribed, and they ought to pass an examination to show that they were competent to do so. At Beenleigh, for instance, there had been a chemist for a number of years, and no doctor; and there was no doubt the chemist prescribed for slight illnesses. The same thing, no doubt, prevailed all over the colony.

Mr. HAMILTON said the fact of a man being a thoroughly competent chemist did not qualify him to prescribe, for he was not supposed to know the symptoms that indicated disease, or the medicines required in particular complaints.

Mr. McLEAN said a qualified chemist would know, to a certain extent, the action of particular medicines on the human frame. Besides, it was well known that a number of chemists did prescribe.

Mr. HAMILTON said a chemist might know the action of medicines on the human frame, but he might not know when it was necessary to produce that action. A chemist was not supposed to know what complaint the symptoms of a suffering person indicated, and even if he did he would not know what medicines to prescribe.

Clause passed as printed.

Clauses 5 to 10, inclusive, passed as printed.

On clause 11 — "Power to examine witnesses"—

The COLONIAL SECRETARY said this was rather a curious clause, giving power to examine persons on oath. They had done away with that sort of thing in almost all instances except in cases under judicial inquiry, and it was an extraordinary power to give a board. Then the purpose for which persons attended should be stated. The clause was very vague, and he objected to persons being examined by the board on oath.

Mr. GRIFFITH said that persons were to be examined in order to prove their qualification, as provided in part 3. It would not be sufficient for a man to say he served three years under somebody in America.

The COLONIAL SECRETARY: He must prove it.

Mr. GRIFFITH said that was what the Bill provided. It was one of the great difficulties experienced by the Medical Board, that they could not compel answers to be given on oath. The advantage of the clause was that if a man told a lie he could be punished. A man came before the board to get a certain status, and it was desirable that he should not be able to do so without proving his qualification, and he would have to give evidence on oath before he got that status. It was usual that this should be done in all such cases.

The ATTORNEY-GENERAL (Mr. Pope Cooper) said the clause went either too far or not far enough. If it was intended to meet the case of persons presenting themselves for examination it did not go far enough, and some other means of proof were necessary. Supposing a man presented himself for registration, he ought certainly to give some other evidence of his qualification than simply stating, on oath, that he had served in the case suggested by the leader of the Opposition three years with someone in America. If the clause meant that the board might question any person on any sort of business, then it went a great deal too far. The scope and object of the clause were not sufficiently defined.

Mr. McLEAN said he thought there was something wanting in the clause, and it should be amended by stating that the board might examine any person attending "for the purpose of registration."

The COLONIAL SECRETARY said, as the Bill stood, if a printer went before the board claiming a debt they might put him on his oath at once.

Mr. GRIFFITH said the printer would refuse to answer, and nothing could be done; but if a man came before them for the purposes of the Bill they were entitled to ask questions on oath. The board could do nothing except under the provisions of the Act; they existed to examine and inquire into the qualifications of applicants, and for the purpose of compiling and correcting the register. The clause in the Victorian Act was as follows:—

"The board may question any person who may attend before it, and any person who may be produced before the board to give evidence, and may examine any such person upon oath."

But he thought it sufficient that the board should have power to examine any person who came before them voluntarily.

The COLONIAL SECRETARY proposed the insertion of the following words after the word "it," in line 2:—"For the purpose of examination or registration, or any witness he may call before it to give evidence."

Mr. KINGSFORD said the clause was most arbitrary, and would give the board despotic power in exacting an oath from the witness and the applicant for registration. If in the judgment of the board either of them made a false statement—though it might be only in error—they were to become the accusers of such witness or applicant, and might cause him to be imprisoned. It was worse than the Inquisition, and seemed like going back to past ages. What with the power of the clergy over their souls, and the doctors over their bodies, and the lawyers over their temporal affairs, they would soon be bound hand and foot; and no board should have the power proposed to be vested in them by the clause.

Mr. NORTON said he could not see the necessity for giving the board power to examine witnesses on oath. It appeared to him that the Bill was for the protection of the chemists, and quite overlooked the public. There was no provision in it, so far as he could see, protecting the public against the serving of medicines by boys in chemists' shops. He could tell the Committee a case in point, which occurred the other day. A gentleman sent for some tartaric acid. The acid was put up, labelled "Tartaric Acid," and sent home. It was afterwards used in some kind of cookery, and the family suspected from the peculiarity of the food in which the substance was used that it was not tartaric acid. After examining the paper and satisfying himself that the article was not tartaric acid, he took it back to the place it came from; it had been put up by a boy, and when it was examined by the chemist it was found to be tartar of potash. Instead of that it might have been something else, and the whole family might have been poisoned. There was nothing in the Bill to protect the public against that; but the chemists took great care of themselves.

Mr. GRIFFITH said the Medical Board felt the want of such a clause very much. The only objection they made to this Bill was that chemists under it would have better power to regulate their profession than they themselves had. If a man brought papers before them they had to accept those papers, and could not do anything but take the man's word. They could not examine him, or tell him to bring forward witnesses to identify him; and what was the use of a board without those powers? It had been said that the clause was tyrannical; but there was no tyranny in asking a man questions in order to prove his statements. A man might come before the board and say, "I am John Smith; I have a document, which I produce, showing that I have served three years at Ballarat as apprentice to John Brown." What were the board to do if they had not the power to examine the man? They would have to say, "It's all right; we will register you." But if they had power to examine they could say, "Are you the same John Smith who was convicted of an offence? Are you the person who was struck off the list in Victoria?" The inability to ask those questions would render the board useless; and, considering the danger that might arise from false answers, there must be some such power given to the board, and some inducement held out to the man to tell the truth. If any complaint could be made against the clause, it was that it did not go far enough—they could not compel anyone to come before them and answer questions. At the present time it was a misdemeanour to administer an oath without special authority. It was very necessary that the facts relating to qualification should be ascertained by proper inquiry; and if hon. members would turn to the 19th section they would see what a man was required to prove before he could be registered. The

objection made by the hon. member for Port Curtis did not apply to the Bill before them. His objection was that there was no law in force providing for the qualification of persons who served in chemists' shops. But to remedy that objection it would be necessary to provide that no medicine should be sold except by a person duly qualified, and that would be impracticable. Such an objection should be dealt with in a Bill dealing with the sale of drugs and poison. There was such an Act in force in Victoria, Great Britain, and other countries; but this colony was probably not ripe for it. The Colonial Secretary mentioned the sale of medicine on stations, and in Victoria a man must have a special license for the sale of poison. The Bill before the Committee was simply a Bill amending the law relating to chemists, and such a law had been recognised as a necessity since the beginning of the colony. Striking out the clause would, he was sure, very materially affect the value of the Bill, as it would deprive the board of the only power they had of enabling them to do their duty properly.

Mr. ARCHER said he thought the hon. members for South Brisbane and Port Curtis had made a mistake with regard to the clause. They said that chemists got plenty of protection from the public, but that the public got no protection from the chemists. This clause was really a protection to the public, and whether it was too strong or not it would prevent ignorant men from taking up the position of chemists, as if they were suspected of making a false statement they could be examined by the board. It would be a great pity to strike out the clause.

Mr. GROOM was understood to say that a friend of his, who was a member of the Medical Board some two years ago, had given an instance in which a man who had passed the Medical Board in England came out here, attaching to the end of his name a whole host of initials. The Medical Board asked him by what authority he attached the letters, but received no reply, and the result was this: that the man's name was published in the *Gazette* without the initials; yet that man never complained. He (Mr. Groom) believed that the public ought to be protected, and that when a man put himself forward as a chemist he ought to satisfy the board that he was fully qualified to undertake the duties. He would support the clause, and also the amendment of the hon. the Colonial Secretary, which rendered it clearer.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 12 to 16 put and passed.

On clause 17—"Correct list to be published"—

Mr. GRIFFITH moved the insertion, at the end of the 1st line, of the words—"Cause to be published in the *Gazette*, and also."

Question put and passed.

Clause, as amended, agreed to.

Clause 18—"Printed list or *Gazette* copy of regulations to be evidence"—passed with a verbal amendment.

On clause 19—"Qualifications of pharmaceutical chemists"—

Mr. ARCHER said he thought the clause might be very well amended. Druggists were, of course, protected from competition with those who had entered the ranks by an unusual channel; but there was one branch of the profession, the members of which entered it by less complicated means than those who were brought up as chemists. They had no knowledge of the mixing of drugs, but as the Committee were now making general rules for chemists and druggists he did not see why that branch should be omitted. He might say that, though people generally had little regard for homœopathic medicine, he had greater trust in it than in any other, and he was of course anxious that there should be a good homœopathic chemist in town, if only for his own sake. He would suggest, therefore, that at the end of line 47 there should be inserted the words, "except homœopathic dispensers who are such at the time of passing of this Bill, provided that no homœopathic chemist shall have the right to sell any other than homœopathic drugs." That would enable those who were already practising to be registered, and would prevent them from dispensing any but homœopathic medicines. He did not see why homœopathic medicine dispensers should not have the same qualifications as others; certainly the drugs were not so strong, and would not be so likely to kill people if a mistake were made. He would ask the hon. member in charge of the Bill to adopt this amendment.

Mr. GRIFFITH said homœopathic chemists would not be affected at all by the Bill.

Clause 19 put.

Mr. McLEAN said the age of twenty-one years seemed to be rather high for a person engaged in this profession. There were many clever young men of about eighteen or nineteen quite qualified to be registered as chemists and druggists, who entered the profession when they were fifteen or sixteen, and having to serve only three years under written indentures would not be of age when their term expired. If the term of indenture were five years he would not object, because they would probably have reached the necessary age of twenty-one when their time expired, but by this clause they would have to wait two or three years before being admitted. He thought the age too high.

Mr. GRIFFITH said he knew of no instance in which a person was allowed to enter a profession before he attained the age of twenty-one. He was responsible for none of his debts until that time, and if he did enter the profession before then he did so to the peril of his creditors.

Question put and passed.

Clauses 20 to 23—providing for certificates of qualification, examination of certificates by board, conditions of registration, and making provision for carrying on business after the death of a chemist—put and passed.

On clause 24—"Penalties for falsification of register or list, or other frauds on the Act"—

Mr. GROOM asked what the position of herbalists who travelled about the country would be under this clause.

Mr. GRIFFITH said the hon. member was referring to clause 25; clause 24 was the one under consideration.

Clause put and passed.

On clause 25—"Unregistered person may not practise as chemist"—

Mr. GRIFFITH said the clause was defective in many points, but he did not notice it until the Bill was printed. There was a difference of opinion as to whether corporations could be considered as chemists. Action was taken some time ago against a Supply Association in London, and the question was tested as to whether they were "persons" within the meaning of the Act. The court before which the action was tried decided that they were not within the meaning of the Act. The Court of Queen's Bench was appealed to, and it decided that they were within the meaning of the Act. The next appeal was to the Court of Appeal, and its decision reversed the judgment of the Court of Queen's Bench again. Finally the House of Lords was appealed to, and the decision of the Court of

Appeal was upheld. He believed that new clause 26 of the amendments placed the matter in a proper light. The clause in the Bill as introduced included homœopathic chemists in the list, but in the proposed new clause he had omitted the word, thus leaving homœopathic chemists at liberty to exhibit that title without prohibition. Some hon. members might be of opinion that such persons should not assume the title unless they were duly qualified, and he should not raise any objection if an amendment to that effect were moved. The new clause, as he proposed it, would read—

From and after the day notified by the Governor in Council by proclamation, as provided by the second section of this Act, it shall not be lawful for any person not duly registered as a pharmaceutical chemist under this Act to assume or use the title of pharmaceutical chemist, pharmaceutist, pharmacist, chemist and druggist, dispensing chemist or dispensing druggist, or other words of similar import, or to use or exhibit any title, term, or sign which may be construed to mean that he is qualified to perform the duties of a pharmaceutical chemist, pharmaceutist, pharmacist, chemist and druggist, dispensing chemist or dispensing druggist.

Any person offending against the provisions of this section shall be liable to a penalty not exceeding twenty pounds; and, in default of payment, shall be liable to be imprisoned for any term not exceeding six months.

Question—That clause 5 stand part of the Bill—put and negatived.

Question—That the proposed new clause be inserted—put.

Mr. ARCHER moved that the words "homœopathic chemist" be inserted after "dispensing chemist." Homœopathic chemists being entrusted with the dispensing of medicines should, he thought, undergo the same training as other chemists. They frequently prepared their own medicines, and it was right that they should pass an examination to show that they had sufficient knowledge of their art to prepare them properly. Why should there be restrictions in one case and not in the other?

Mr. McLEAN said he understood this was to be a protection for the future, and was not to affect existing rights.

Mr. ARCHER said he proposed to move an amendment on the 26th clause, by adding a proviso to the effect that those who had been practising three months before the passing of the Act should not be interfered with.

Mr. GROOM asked what position herbalists would occupy in relation to the Bill. Cases had occurred in Victoria and New South Wales—though, perhaps, not yet in Queensland—where herbalists had administered certain vegetable concoctions which had brought them within the scope of the law. Whilst legislating for the protection of the public against unqualified chemists, means might be taken to prevent these herbalists who were about in the colonies from palming off their decoctions on the public.

Mr. GRIFFITH said the Bill would not have the effect desired by the hon. member. This clause simply prevented people who were not qualified from representing that they were. If people liked to trust a man who was not qualified there was nothing to prevent them from doing so. The law would not interfere unless the unqualified person represented himself as being a duly qualified chemist. That would be a matter to be provided for in a measure of a different kind—a Bill for the sale of drugs and poisons. It was an open question whether such a Bill was required at the present time; he was of opinion that it was not.

The PREMIER said he wanted to hear the opinion of the hon. member (Mr. Griffith) on the amendment just proposed. He thought that the hon. member for Blackall could hardly have used words more calculated to defeat his object. If the hon. member carried his amendment a man would not be able to put "homœopathic chemist" over his door unless he became a member of the Pharmaceutical Society. It was doubtful whether a homœopathic chemist would be allowed to become a member of that society.

Mr. GRIFFITH said he wished to hear the opinion of the Premier on the clause. The effect of the amendment would be to prevent any person who was not registered as a pharmaceutical chemist from putting up the sign "homœopathic chemist." The hon. member proposed also to make an amendment in clause 26, to provide that vested rights should not be interfered with. There was a great deal in the argument of the hon. member for Blackall, that a homœopathic chemist ought to be qualified.

The COLONIAL SECRETARY: He cannot be qualified by this board.

Mr. GRIFFITH said the regulations had to meet the approval of the Governor in Council, and of course they would have to be reasonable. There was not so much objection now to the insertion of the word as there would have been had the clause remained as it was before, prohibiting the persons disqualified from keeping open shop. The other way would be to leave the clause as it stood; if a man simply called himself a homœopathic chemist, it meant that he sold homœopathic medicines.

Mr. McLEAN said he quite agreed with the hon. member for Blackall that there should be some protection to the public, even in connection with homœopathy; but he would point out that if the words "homœopathic chemist" were inserted a man might evade the Act by calling himself a homœopathist.

Mr. DICKSON said, if the amendment was carried, any homœopathist would have to qualify himself as a pharmaceutical chemist before he could be registered, and would have to pass an examination which many might not be qualified to undergo.

The COLONIAL SECRETARY: The board would not be qualified to examine him.

Mr. DICKSON said it would be better to leave the homœopathic chemist to dispense medicine as he had done hitherto.

Mr. McLEAN said the matter should be thoroughly understood before the clause passed. The board would probably have an objection to register a man to sell homœopathic medicines.

The PREMIER said he had not the slightest doubt that the effect of the amendment would be to force the homœopathists to become members of the Pharmaceutical Society, or else to prevent them from practising their business at all. He thought that was not the object of the hon. member for Blackall.

Mr. ARCHER: That is the object of the hon. member.

The PREMIER said he did not agree with the hon. member at all. The homœopathist ought to be left alone. He did not himself believe in homœopathy, but he thought that those who did ought to be able to get their medicines. The object of the Bill was to give to a certain society a right to practise themselves, and to give a guarantee to the world of the qualifications of certain chemists. But if the public chose to take homœopathic medicine, there was no reason why they should not do so.

Mr. ARCHER: Why?

The PREMIER: Simply because they liked it. He did not see why the House should step in and say they should not do so. Why should the House legislate against them?

Mr. ARCHER said the Premier had a right to differ from him in opinion, but he had no right to accuse him of such stupidity as not to be able to understand his own amendment. He thought that homœopathists should be chemists, and that the public should know that all those who dispensed medicine were sufficiently educated and that they should know how to do the work properly. The homœopathist prepared his medicines himself, and if he was an ignorant man he was likely to do it badly. It did not matter whether he was a homœopathist or otherwise—what was bad in one case was bad in the other. If there was any reason for the Bill at all there was a reason to see that chemists of both kinds were sufficiently educated. The man who had studied in an ordinary druggist's shop and passed his examination would be fit to practise as a homœopathist and prepare his drugs. He did not see why the homœopathists should not go under the same rules as the other chemists.

The COLONIAL SECRETARY said that the hon. member wanted the homœopathic chemist to get a degree, but he would have to pass an examination before the Pharmaceutical Society, who would not pass the homœopathic chemist. The pharmaceutical chemist despised the whole thing; he knew nothing about homœopathy.

Mr. ARCHER said the hon. gentleman was making a complete mistake. Any man who had served his time in an ordinary druggist's shop and passed the board would be qualified by his education and chemical knowledge to become a homœopathic chemist. He would import his drugs from England, and all he had to do was to mix them in the same way as any other chemist.

The ATTORNEY-GENERAL said he did not know very much about medicine, but he thought that a man might be a very good homœopathic chemist without knowing very much about chemistry. There were certain books, he believed, written on homœopathy, and anyone could look them up and in a very short time obtain quite enough knowledge to enable him to dispense homœopathic medicines. It would be unnecessary to require him to pass an examination. It was admitted on all hands that the ordinary board would not pass homœopathic chemists; so that, if this passed, all who believed in homœopathy would suffer injustice.

Mr. GRIFFITH did not think this objection was quite in point. He did not see why the board should not examine the homœopath. He took it that for a man to be a good homœopathic chemist he must understand the principles of chemistry. To make the medicines must require very great skill. There was one difficulty, however. He believed the regulations ought to provide for the admission of homœopathic chemists; but, if admitted as they were proposed to be, they would be supposed to be qualified in all branches of chemistry, whereas a man might be qualified to be a homœopathic chemist without a knowledge of all the branches of chemistry.

Mr. NORTON said that the objection he saw to the amendment was on account of the prejudice which existed in the minds of ordinary chemists against the practice of homœopathy.

Mr. GRIFFITH: Why do they sell their medicines?

Mr. NORTON said that, although that was sometimes the case, it did not alter the fact. The hon. member for Blackall wished to insist upon homœopathists showing the same knowledge of chemistry as the ordinary chemists. But the members of the Pharmaceutical Board had a dislike to homœopathists, and there was, therefore, very good reason to believe that in some cases, at any rate, the knowledge that the candidate intended to practise homœopathy after he had passed the examination would prejudice the board against him, and probably he would not be admitted at all.

Question put and negatived.

Clause, as amended, agreed to.

Clause 26—"Corporations must not practise as chemists."

Mr. GRIFFITH moved the omission of the words "to keep open shop for the compounding or dispensing of medicines."

The PREMIER said he was not at all satisfied that this was a proper amendment. He could not see at all why money should not be invested in joint-stock companies formed for the purpose of selling medicines, or any other purpose in the world, provided they had a properly qualified chemist employed, who would be held responsible under the Act. He remembered that in Glasgow one of the largest chemists' businesses there was done by what he believed to be a joint-stock company, and why should they not have been allowed to carry on the business?

Mr. GRIFFITH said the hon. gentleman was making a mistake. The Bill could have nothing in it about selling medicines, but was intended only to prevent unqualified people from representing themselves to be chemists. This clause was intended to prevent an evasion of the law which had been complained of in England. In order to evade the law, a few persons might form themselves into a joint-stock company, and then sell out to one or two of their number. He knew of a company here with only three members. The evasion was a very simple one, and this would prevent it. In the case mentioned by the Premier, if the company had a properly qualified man to represent them they could put up his name as the chemist. Attention having been called to this flaw in the English Act, it seemed right that they should provide against a similar flaw here.

Question put and passed.

Clause, as amended, agreed to.

Clauses 26 and 27 were passed with verbal amendments.

Schedules 1 to 6, inclusive, and preamble passed as printed.

The CHAIRMAN left the chair, and reported the Bill to the House with amendments.

The report was adopted, and the third reading of the Bill made an Order of the Day for Monday next.

LOAN FOR DALBY WATERWORKS—REPORT FROM COMMITTEE.

Mr. NORTON (in the absence of Mr. Simpson, moved that the Report of the Committee be adopted.

Question put and passed.

TRIENNIAL PARLIAMENTS BILL—SECOND READING.

Mr. GRIFFITH said he rose to move the second reading of this Bill. Under their present law Parliaments lasted for five years, unless they were sooner dissolved. In that respect, he thought, they were almost singular in Australia. He was not certain as to all the colonies, but in the neighbouring colonies of New South Wales and Victoria Parliaments had a duration of three years only. Five years was a very long time for any Parliament to last in a new country. At one time it was a matter of great agitation to have annual Parliaments; but that, he thought, would be a mistake. It was necessary that a Parliament should last a sufficient time to enable the Government to get settled in office, and for members to get used to their work; but

it was very undesirable that Parliament should last so long as five years; and the newer a country was, and the more rapid were the changes in its circumstances, the more desirable it was that the period should be shorter. In this colony only one Parliament—the last—existed for its full term of five years. Previous to that no Parliament had lasted over three years; and the example of the last Parliament did not tend to show that it was desirable that three years should be exceeded. The Parliament immediately before the last existed for two years, the one before that one year, and he thought the two before that two years each. The average duration had been very much less than four years. The last Parliament lasted five years, and it became tired, to say the least, before it was finished. It was true the same party was in office all the time; and, looking back upon it, he thought the Parliament had lasted too long. The circumstances of a colony like this changed so rapidly that it was very desirable that the constituencies should have an opportunity, at reasonable intervals, of expressing their opinions of those who represented them in that House. It might be said—and he had no doubt it would be said—that he ought to have proposed a scheme of that kind when he was in office. Whether in office or in opposition, he was satisfied that the duration of Parliaments should be lessened.

Mr. LUMLEY HILL: Why didn't you find it out before?

Mr. GRIFFITH: I was saying that that objection would be made.

The COLONIAL SECRETARY: Of course it would.

Mr. GRIFFITH said he did find it out before. He thought that Parliament had lasted too long, and when in office he often said that every day they remained in power meant two days that they would be out of power afterwards. He did not think it desirable that Governments should last too long; or, at least, the constituents should have an opportunity of expressing an opinion on their continuance in office. Let hon. members consider how rapidly circumstances changed in this country; five years here were equivalent to twenty years almost in Great Britain. In Great Britain Parliaments lasted for seven years, in the United States for four years, and the separate State Legislatures for two years; in fact, three years was an unusual term for a Parliament to exist in a country governed by representative institutions. It was scarcely necessary to refer to what might happen in five years. Members of Parliament might cease to represent their constituents: members returned to support one view of politics might, for reasons best known to themselves, support the other side when they got into the House. Such things had been known in various places, and were, unfortunately, not unknown in this colony. Governments were able, by various inducements, to get members to vote in opposition to the wishes of their constituents; and it was desirable that those constituencies should have an opportunity, at reasonable intervals, of expressing their opinions on the subject. In the course even of three years the whole policy of a country like Queensland might be entirely changed. Subjects exciting attention during an election might drop out of view, and other questions might arise which were not thought of when the Parliament was elected. And thus a proposition might pass, though opposed to the wishes of the country. Everybody admitted that Parliament ought to have a limit: what that limit should be was in every case a matter of discretion. This Bill had been delayed in various ways——

Mr. WELD-BLUNDELL: It was carefully put off.

The COLONIAL SECRETARY: You postponed it yourself.

Mr. GRIFFITH said it was true. He had postponed it last Friday, or the previous Friday. He was not quite so foolish as to bring a Bill of that kind forward in a thin House; and the present was the only opportunity he had of bringing it forward. The Bill would have been brought on long before but for the unexpected adjournment in honour of the visit of the distinguished visitors three or four weeks ago. He was sorry the Bill could not be brought forward earlier in the session, but it was not too late even now, if the House was willing to pass it. Probably hon. members on the other side would oppose it—he was sure a great many of them would—but he thought those hon. members who were not afraid to meet their constituents ought not to object to meet them at reasonable intervals. And what had not been found an unreasonable interval in by far the large majority of civilised countries, where representative institutions existed, should not be found to be too long in this country, which was one of the most rapidly progressive in the world. What would be said in Victoria or New South Wales if five years' Parliaments were proposed? He doubted whether anybody could be got to second such a motion there. In this colony the evil had not been felt much, because the Parliaments had been of short duration, and consequently when members ceased to represent their constituents they had an early opportunity of presenting themselves for re-election, and on every occasion had failed to take their seats again in the House. It should not be in the power of two or three men—it only took that number to make a majority—who might cease to represent or who misrepresented their constituents, to alter the policy of the colony for so long a time as they might do under the present law. The reason why this matter had not been brought forward before was because, until now, no such evil had arisen; but in the present Parliament it was notorious that many members did not represent their constituents, and would not have the remotest chance of being returned—some of them scarcely would be able to save their deposit money if they stood. But that was not the reason for bringing in the Bill; it was merely an illustration of what might happen under a Parliament which lasted five years; and an illustration which had happened was better than any amount of conjectural illustration. He should prefer that the Bill should be carried as it stood; but if hon. members objected to its applying to the present Parliament, he should be contented to let it apply only to future Parliaments. The sooner the evil was remedied the better; and he was satisfied that before many years the Bill would become the law of the land after being carried by a large majority. The title of the Bill was—"A Bill to Amend the Constitution Act of 1867." On a previous day during the session an hon. member suggested that in the Bill should be included a provision with respect to the employment of members of Parliament by the Government. He should be glad to put that provision into the Bill, if it was ruled in committee that it came within its scope. That was certainly a thing that ought to be dealt with by legislation, because it was impossible to deal with it by merely expressing the opinion of the House while the present Government remained in office. He did not think he need take up time in a lengthy speech on the subject; and, therefore, with the few observations he had made, he would move the second reading of the Bill.

The PREMIER said he, for one, never thought the hon. member intended to go to a second

reading. This was the only remnant of the great Liberal Reform League platform which was brought before the House, and the hon. member had been very lukewarm in advocating the cause of that body. The platform was out before the session commenced, and they were expecting bomb-shells to be thrown into their camp from the first. This was the first thrown, and the outcome of it was that on the last—or very nearly the last—private day of the session the hon. member brought this Bill forward, and assured the House that he had used his most strenuous efforts during the whole of the session to bring it forward earlier. The hon. member behind him was quite right in interjecting that he (Mr. Griffith) did not want to bring it forward, because there was no man in the House more ingenious in finding facilities for getting his work forward. Let them look at the Pharmacy Bill, which the hon. member introduced about the same time, and which had gone through committee in spite of some strong opposition; and the Triennial Parliaments Bill would have come on in the same way if the hon. member had tried to bring it forward before. In the first part of the 2nd clause were the words—

"The present Legislative Assembly of the colony of Queensland."

If they struck out those words, and made the Bill applicable only to future Parliaments, it would not receive much support from the other side of the House.

Mr. GRIFFITH: I will go on with the Bill if that is struck out.

The PREMIER said that was the pith of the whole Bill, and the most prominent part in it. The hon. gentleman had given a good many reasons why Parliaments should be confined to a duration of less than five years, but he gave very few from the experience of Queensland. He (the Premier) had been looking up since he spoke the duration of Parliaments since Separation. The first Parliament lasted three years—from May, 1860, to May, 1863; the second Parliament lasted four years, within a few months; the third, one year; the fourth, about three months short of two years; the fifth, one year; the sixth, two years; the seventh, five years; and the eighth—which was the present one—had lasted three years. As an example of the evils that had resulted from the present system they could only get one case—that of the seventh Parliament—and he would refer to that a little by-and-bye. But, altogether, until the end of the last Parliament, they had parliamentary government for eighteen years. Seven Parliaments during that time averaged two years and a-half, and the reduction of the term to triennial Parliaments might reduce the average term to eighteen months. The only practicable way to see the evils that had resulted from the system was to examine its effects. They had only one long Parliament, of which the hon. gentleman was Attorney-General. He admitted at once that that Parliament was a good deal too long. He said so before that Parliament had existed three years, and he tried to get the House to affirm it by a vote of want of confidence, which was very nearly carried, and which would have made most Governments resign, the majority saving this Ministry being so small. It was a majority of three then, and when he tried again it was a majority of one.

Mr. GRIFFITH: That was two years afterwards.

The PREMIER said the process of decay was going on, and the Parliament was a little worse, but not much, than at first. The only argument that could be given in favour of the Bill was that one Parliament had gone on for the full length of time allowed by law—five years—and evil results had followed. But were those evils not to be remedied in another way? He believed that was a good example, but not an example that should induce them to alter the term of Parliament. He would make the country alive to the fact that it ought to be appealed to when it was seen that Parliament did not represent the country. Notoriously, the Government that held office in that Parliament did not represent the country. They had immense power at that time by the amount of money they manipulated in the Works office. The most popular measure brought forward by them was that of local government. They were quite willing to acquiesce in the popular demand and carry that measure; still, they were so determined to hold office that they remained in power, in spite of that measure, by manipulating the Treasury in the old way. Notoriously they kept on in the same way. The present Government had gone a long way to remedy the evils of long Parliaments. There was no doubt about it that if Parliament did not represent the country, the country had a means of speaking out, and it would speak out. The hon. gentleman during this Parliament had done all he could to get the country to speak out against the present representation in the House. He insisted last year that the Government ought to appeal to the country, and he insisted on it the year before. Let them just look at the state of feeling now? He (Mr. McIlwraith) was perfectly satisfied that he would be backed up by the Press of the colony when he said that, on all those questions on which the hon. member said the Government ought to have appealed to the country, he would have been supported by the country. There was not a single point on which the hon. member had appealed to the country on which the country had not turned around and said the Government were right. Now, was that not a very strong reason—not why the time should be shortened, but why the Ministry should get time to see what were the results of their measures? If the hon. member had succeeded, he would have defeated the best measures of the Government. He would have defeated the Divisional Boards Act, and he would have ruined the mail contract; and he (Mr. McIlwraith) could point to several measures, the results of which, if they had had triennial Parliaments, would not have been ascertained. But surely the hon. gentleman must not be unaware of the fact that there was a means of testing the feeling of the country. Let them look at the House as at present constituted, and consider the House that was returned three years ago. He would just run over the list of names. The very first new name on the list was that of Mr. Aland. He was not in the House then, nor Mr. Black, nor Mr. Cooper (the Attorney-General), nor Mr. Beattie—though his was such a familiar face in the House that he thought it must have always been there—Mr. De Satgé, Mr. Feez, Mr. James Foote, Mr. Francis, Mr. H. Palmer, and Mr. Weld-Blundell. They would find, therefore, that up to the end of the third year they had twelve seats out of the fifty-five. Now, that was a fair sample of what took place; at least, he took it as a fair sample of the country expressing its opinion very forcibly on the actions of Parliament. He had spoken of twelve members, but he might have gone on a good deal further, because some of those new members—like Mr. Feez, for instance—replaced men who were not returned originally; that was, that some constituencies had actually within the last three years returned three members—they had had an opportunity of expressing their opinions three different times—but without

counting those they had twelve constituencies having a chance of expressing their opinions, and they had expressed it; and therefore, to that extent, at any rate, Parliament represented the opinion of the country up to the present time. The hon. member said that five years' parliamentary life in this country represented, in his opinion, something like twenty years at home; but he (Mr. McIlwraith) would draw a different conclusion here, where legislation was so much more tentative than at home, and say the argument applied more strongly that they ought to have a chance of consolidating an administration by the Acts which they had been the means of carrying. He believed his Ministry would be strong enough if they had a fair chance of carrying out the Acts which they had been the means of carrying through the House. If the argument of the hon. member applied to England, where legislation was much slower than in Queensland, how much more, therefore, ought it to apply here, where there was so much put on the statute-book every year? Indeed, he believed there was a great deal too much legislation as a rule—too much and too hasty legislation. There was not the slightest doubt in the world that this argument was unanswerable: why did not the hon. gentleman, or the Government which he represented, bring forward a measure of this sort when in office? There was a general election pending, and that was the time to have proposed it; besides, the evils of a long Parliament were so fresh in the minds of everybody that that was the proper time to propose it to the House. If the hon. gentleman had proposed triennial Parliaments three years ago, they were so forcibly convinced that it was an evil that the Government of that time should remain in power for five years that they might have carried the measure then; but now the case was different. He would just ask the hon. member if he had produced a single argument in favour of his Bill, with the exception of the one referred to. The hon. member was committing the fault of the teetotallers. According to the hon. member's argument, a drunkard was not to stop drinking himself but to use all his endeavours to keep everybody else from drinking. The hon. member was the only one who had done this five years' mischief—who had committed the grave error of carrying on the business of the country with an effete Parliament. The Parliament then did not represent the country; the present occupants of the Government benches showed them by the most convincing arguments in the world, which they could not answer, that that was so. But what was the remedy? They said, "We will prevent every other Government in the country from having five years' Parliaments again; we will have triennial Parliaments." That was not an argument. What he (Mr. McIlwraith) said was this: that the only evils that had resulted from Parliaments lasting so long as they did at the present time were exhibited to them by the last Parliament. He did not think that those evils were very likely to be repeated, and, if they were, he thought they would find a different remedy from the one which the hon. member proposed. This was a little Bill, but he was sure it did not stand much chance of going any further, and he was certain, from the very lukewarm way in which the hon. member proposed it, that he did not think so himself. The hon. member had given them no reason for the Bill; he (Mr. McIlwraith) could give a great many reasons against it, but he had not thought for a moment that it was going to be brought forward; but no doubt it had served the hon. member's purpose, and enabled him to keep his word with the Reform League.

Mr. GRIFFITH: I have not communicated with them on the subject before.

The PREMIER: This is all of the platform that is left, and I do not think it will be left much longer.

Mr. DICKSON said the Premier had accused the hon. the leader of the Opposition with having wilfully delayed the introduction of the measure. But if the hon. member would look at the date on which it was first introduced, he would see that there was not any unreasonable delay in bringing it forward to its second reading. That was to have taken place on the 25th August, but, owing to the arrival of the Princes and other circumstances, the 25th of August being a private day, it was brought up for the second reading on the 29th September. That was no unreasonable delay, and more especially if the session had been of the ordinary duration, for it was not unusual for the Bills of private members to come up in the middle of the session. The hon. the Premier had not, to his mind, answered the arguments of the leader of the Opposition in connection with this measure, but seemed chiefly to regard the Bill as inconvenient to the Government at the present time. Two or three years before, when the present Government were in opposition, they would have been very glad for it to have been brought forward; but, being now in power, they thought it might possibly curtail their term of office. But, apart from that altogether, he thought it was a measure that they ought to regard as being most beneficial to the mutual relationship and confidence which ought to exist between constituents and their representatives in that Chamber; and he would be quite content—in fact, he would prefer a measure of that sort not to apply in any way to the present Parliament. He thought it was injudicious to apply it to the present Parliament. It ought to apply only to future Parliaments.

Mr. LUMLEY HILL: Hear, hear!

Mr. DICKSON said that, from what the Premier had stated, he supposed that he would be prepared to express his approval of the measure if it was to apply only to succeeding Parliaments, and he had hoped that the Government saw their way clear to approve of the principle of triennial Parliaments. In future, there would be no opposition on his side of the House to this Bill. He considered that the arguments of the leader of the Opposition were unanswerable in this respect: that, in a new colony like this, a period of three years represented and embraced events both politically and socially which, within that period, had much more immediate and perceptible effect on the life of the colony than twenty years in the mother-country. He was convinced that, in the true interests of the colony, the representatives of the people in Parliament ought to be brought into relationship with those who sent them there. Their power was derived from their constituents, and it was right that in that Chamber they ought to act as the mouthpiece of the people. They ought to act in accordance with the views of their constituents, and not merely in accordance with private feeling which might arise from what he contended to be a secondary consideration when compared with the requirements of their constituents. Therefore, he was of opinion that it was true statesmanship to say that the representatives of the people in that Chamber ought certainly to be accountable or responsible to those who sent them there; and the only way to make the representatives of the people accountable or responsible for their acts was to afford those who delegated their powers to them an opportunity of having an account of their stewardship rendered to them as frequently as possible. He was sure if that were

carried out that there would be much more confidence between the constituents and their representatives than under the present system. They knew that one of the great perfections of parliamentary government in the mother-country arose in the seventeenth century, when triennial Parliaments were introduced; and that, in the period from 1642 to 1666, the representatives of the people in Parliament acted in a manner more conducive to the progress of the nation, and to the representation of the people, than on any previous or succeeding period of the parliamentary history of the nation. They also knew that, after the repeal of the Triennial Parliaments Act in 1866, parliamentary institutions underwent a considerable decadence until a comparatively recent period. He believed that the measure introduced by his hon. friend was one which would effect a very considerable amount of benefit, not only in keeping alive a proper spirit of interest in political progress by the constituencies themselves, but which also would tend largely to maintain the integrity and purity of parliamentary representatives in that Chamber. It was not the intention, evidently, to enter upon a long discussion in connection with this Bill. The Government were all-powerful, and if they chose to repudiate or withhold their support from a measure of this sort it would be impossible for the Opposition to carry it through, but he wished it to be understood that he should have been very glad if the measure contained no reference to the present Parliament. He was of opinion that all changes in the character of the Legislature were better if they simply referred to future assemblies of representatives; and if this Bill passed its second reading, and went into committee, he hoped to see it so altered. He could not conceive why any hon. gentleman who felt himself in accord with his constituents as their representative could withhold his sanction and support to this measure. He believed that there was no honour in having a seat in that Chamber unless a member was in full accord with his constituents and would face them at all times and abide by their verdict on his actions. If he occupied a seat in that Chamber merely through the accident of being returned, and was not in full accord with his constituents, he (Mr. Dickson) considered he should be acting in a most dishonest manner. The power a member derived from his constituents depended upon his relationship with them, and the more intimately that relationship was maintained—the more he felt he was supported by the vote of his constituents—the greater was his influence in the House, and the greater his usefulness in taking part in the legislation of the colony.

Mr. LUMLEY HILL said this measure had been introduced in a very mild way by the leader of the Opposition. It seemed to him (Mr. Hill) too thin altogether. Remorse appeared to have come to the hon. gentleman too late, and he felt now he was not fit for the task of carrying the Bill through. One thing he (Mr. Hill) would undertake to do when the hon. gentleman got into power again, and it was this: if he brought in a similar Bill to the one now before them, he would give the hon. gentleman his unconditional support, if it applied to the then existing Parliament. As had been pointed out by the Premier, there was ample opportunity of appealing to the country without such a Bill as that of the hon. member, as during the three years that Parliament had existed there had been twelve vacancies. There was ample opportunity to put the present Ministry out, if the country did not believe they were a fit and proper Government to carry on the administration of affairs. There was another point that had not been touched upon, and it was this: that if a tolerably good Government were got together, the longer they exercised their power the more practice they had, the better they got and the fewer mistakes they made in the administration of their departments. He had been surprised that so far as the present Government had been concerned so few mistakes had been made, and he had every reason to believe that, with good watching and careful criticism of their proceedings, they were admirably well fitted to carry on and maintain the government and administration of the colony. In regard to this Bill having been deferred until so late in the session, he would ask why the leader of the Opposition did not bring it on on Friday, the 16th September? It was on the top of the paper then—or, rather, there were only two small motions preceding it, by the hon. members for Ipswich and Wide Bay.

Mr. GRIFFITH: A thin house.

Mr. LUMLEY HILL said the House was thin, like the Bill. The hon. member had a whole morning to discuss it, and he could have prolonged the discussion until then. It was a great shame that it came down before the House at the latter end of the session, and the hon. member who brought the measure in knew that he had not the slightest chance of carrying it. The hon. member for Enoggera alluded to hon. members being in constant *rapport* with their constituents, and he (Mr. Lumley Hill), for one, was not afraid, or should ever be afraid, to meet his constituents at any time or in any place. But he must say that when he was elected to represent a constituency in that House he never intended to go against his conscience, and become a mere delegate or mouthpiece. He allowed his constituents to imagine that they had chosen the man who was at the time the most eligible. If they had made a mistake it was their mistake, and they had to suffer for it. If they had suffered at all, they would let him know it next time he went before them; but, at the same time, he never intended to give up his liberty of conscience, and do things he did not believe in, simply because it happened to be the will of the majority of his constituents. He exercised the right of his discretion in every vote and in every sentence that he uttered in that House, and when he ceased to do that he would cease to be a member of the House. The matter was not worth arguing at all. The hon. member knew he had not the least chance of carrying the Bill, or he would not have brought it forward in that slack way at the end of the session. Therefore, he thought it was only wasting the time of the House to debate the Bill.

Mr. DE SATGE said the Bill before the House dealt with a matter of some importance, as it proposed an amendment of the Constitution Act; and he could conceive that it was not of any less importance than another measure—also to amend the Constitution Act—which had been promised by the present Ministry, and that was the amendment of the constitution of the Upper House. He thought they could take them both on the same platform. The Bill before the House was virtually, as far as he could understand from the arguments of the Premier himself, quite as useful as any amendment of the constitution of the Upper House could be. The Premier had read to them a very instructive account of the several Parliaments that had taken place since the colony had been a colony and under a separate Government, and he gathered from that that the average duration of their Parliaments was two and a-half years. It seemed to be proved that no Parliament could last more than two and a-half years; and it seemed as if that period had been decided by the people of Queensland to be the average tenure of office. He should endeavour to point out as briefly

as he could why there was at that juncture more reason for the introduction of an amendment in their Constitution than possibly there ever had been. Let hon. members reflect a little, and say if there had not, during the first three years of this Parliament, been measures upon which the Government should have appealed to the direct representation of the people of the colony. He might mention one, at any rate, that had come before them lately, and that was the transcontinental railway. The last Government went in for a loan of £1,500,000, but that was capped by the present Government borrowing £3,000,000, and it remained to be seen how it was being spent. As far as he could understand —and his opinions were shared by a considerable number in the community—he doubted the judicious expenditure of that £3,000,000. He thought that question in itself was a sufficient argument that they were justified in shortening the period of the duration of their Parliaments. The Colonial Secretary had helped to institute what was called a manhood suffrage, and under that suffrage the people decided that the duration of their Parliaments should be two years and a-half. The existence of the Parliament was virtually limited by public opinion and public suffrage to two years and a-half, which was less than the term proposed by the hon. member for North Brisbane in the Bill. Last session the Government, of which the hon. gentleman (the Premier) was the head, passed the Preliminary Railway Companies Bill, and in doing so opened up the most important question that had ever been placed before the country. The hon. gentleman then went home and succeeded in bringing out a company of capitalists who were now surveying a line of railway, and who, according to assertions made here and in the home country, were proclaiming an entire change in the constitution of this colony. That alone would be sufficient reason for an appeal to the country; and setting aside all rancorous feelings, he said that the colony would ultimately have to decide upon this vast scheme for revolutionising the land laws of the colony. Without any vindictive feelings, he could state that the elections in his own and other electorates during the last few months plainly showed that. Since the hon. gentleman had promulgated his policy all the representatives who had been returned had either been returned as independent members, or had declared themselves as being in direct opposition to the policy of the Government in this respect. He would quote an extract from an English paper to show the complete prostration into which the land laws and our state as colonists had fallen. He had devoted his time for twenty to twenty-five years to pioneering and improving the tracts of country he had taken up, and when he saw that land described as desert and waste, after all the capital that had been spent upon it, he thought a sufficient occasion had arisen to call for a general expression of public feeling throughout the country. He had not had any previous opportunity to call attention to this subject, because he regarded it as of too important a character to be gone into on any trivial motion for adjournment. But, in a discussion on the amendment of the Constitution——

Mr. PERSSE said he thought the hon. member was out of order.

The SPEAKER: The hon. member is proceeding to explain how his remarks apply to the question.

Mr. DE SATGE said he understood that upon such a motion he was justified in referring to the policy of a Government which had been in power longer than the average term in Queensland.

The SPEAKER: I do not think the question before the House will justify arguments with regard to the general policy of the Ministry; but arguments may be adduced to show why, in the opinion of the speaker, the duration of Parliaments should be shortened.

Mr. DE SATGE said it would be generally allowed that he was justified in referring to this great question, and to the measure for the amendment of the Upper House, which the Government had shirked, and the transcontinental railway. At a meeting of the Australian Transcontinental Railway Company, presided over by the Earl of Denbigh, the following remarks, according to the newspaper report, were made:—

"There were millions of acres at present lying waste, adapted not only for the growth of most of the tropical products, but for the cultivation of wheat; and there was reason to believe that when the railway was completed, so as to give access to the seaboard, and afford facilities for the carriage of goods and produce through land now almost untrodden by the foot of man, it would afford prosperous homes for thousands, and increase, even beyond the anticipations of the most sanguine, the extent and wealth of the British dominions."

Mr. PERSSE rose to a point of order.

The SPEAKER: I think the hon. member is travelling from the subject. I do not think the subject of the extract has anything to do with the shortening of Parliaments.

Mr. DE SATGE said, under the countenance of the Premier and the Government, statements were allowed to go unchallenged about the quality and importance of the country——

The COLONIAL SECRETARY: What has that to do with the question?

Mr. DE SATGE said it had very much to do with it, because it showed the desirability of obtaining a general expression of the public feeling. His remarks might fall with no effect upon the ears of those who were determined to carry this scheme through *nolens volens*, but they were well founded upon the policy of the measure under discussion. The reports which were being circulated about the importance and quality of country which he and others had been improving for years were calculated to reduce the value of the securities of the colony, and to give a name to the colony which it did not deserve. If the hon. member would agree to an amendment in the 2nd clause, the Bill would be strictly in accordance with the manhood suffrage which had been accorded to the colony; and if manhood suffrage were given he did not see how the other could be withheld. The great changes in the circumstances of the colony—its successes and reverses—generally occurred in periods of about three years, and there was nothing unreasonable in making that term the length of our Parliaments. There was, at least, as much reason in the proposal as in the projected amendment of the Upper House, which the Government seemed to have abandoned without giving any reason for doing so. Both were constitutional questions, and one was as important as the other. There was nothing to show that the hon. member had taken up the subject for the sake of popularity, or had adopted it as a platform; the measure was perfectly reasonable, and would not lower the status of the Legislature in any way. As to Governments, as a rule, improving after a certain term of office, as the hon. member for Gregory had suggested, it appeared to him that there had been no improvement in the present Government after the first three years, but rather the reverse. He had quoted as an example the scheme now being introduced to revolutionise the whole colony—a scheme with regard to which the

country ought certainly to be appealed to. The Premier had recently alluded to the fact that he was a civil engineer. That fact was quite consistent with the cheapening of and improvements in railway construction in the colony, for which he gave the hon. gentleman, and also the Minister for Works, every credit; but, at the same time, the hon. gentleman should not allow his profession as civil engineer to lead him into extravagant schemes to which the country could see no end. As far as the interests of his constituents were concerned, he wished the hon. gentleman had been an hydraulic engineer, because then, perhaps, he would have carried water into the district——

The SPEAKER said the hon. gentleman was wandering from the question, which was that of Triennial Parliaments.

Mr. DE SATGE said he did not consider he was wandering from the subject; he was stating what were the feelings of his constituents, and was showing that owing to certain proclivities of the Premier, a scheme for a transcontinental railway had been started, which, in the old country, was already regarded as *un fait accompli*.

The SPEAKER said the transcontinental railway had nothing to do with the question before the House.

Mr. DE SATGE said that if the amendment which he had suggested was made in the second reading of the Bill he thought it would make a desirable change, and he would give it his support.

Mr. McLEAN said he was glad to find that at least one hon. member on the Government side was not afraid to meet his constituents.

The COLONIAL SECRETARY: We don't claim him.

Mr. McLEAN said that the Government did not claim him when it did not suit them, but they were glad to have his vote when it suited them. He (Mr. McLean) had been charged with having changed his opinions on this subject; but nearly six years ago, when he first took his seat in Parliament, he advocated the very principles which were contained in the Bill, stating that he considered three years was quite sufficient for the life of any Parliament. If hon. members sent to the House were afraid to face their constituents, the sooner they were out the better it would be for their constituents and for the colony. He would go a step further and suggest that where, in the opinion of the majority of the constituents, a member did not represent their views, they should have the power to call upon him to submit himself for re-election. He would go so far, and he hoped to see it the law yet, that when the majority of a constituency called upon their member to resign he would have to do so, and submit himself for re-election. No doubt such a system might be open to abuse, as cliques might be formed to call upon a member to resign. They knew that no member represented the whole of his constituents, as there were always a few, more or less, who differed from him; but where a majority spoke it should be listened to. His hon. friend, the leader of the Opposition, had been twitted by the Premier and other hon. members with a want of sincerity in introducing this measure. Such an argument did not come with a good grace from the other side of the House. They had simply to go back to the Governor's Speech, which they had heard at the opening of the present session, to discover the sincerity or want of it in connection with the work of the present session. They were promised the measure which the hon. member for Mitchell had referred to, and the Bill to amend the Constitution of the Upper House, and they had seen neither the one nor the other. The Government found it convenient not to bring forward the one, and so they could scarcely, with very good grace, bring forward the other. The hon. member for Gregory had told them that the longer the Government remained in power the more likely the country would be to have good administration. That was not applicable to the present Government. If everything could be revealed in connection with, at least, some of the departments of the present Administration, instead of their discovering good administration, it would be found that they had had the most corrupt administration that ever took place in the affairs of the colony of Queensland. He had no doubt that before very long that would be clearly proved to the satisfaction at least of all who chose to look at it from a disinterested point of view. His hon. friend who had introduced the Bill would show his sincerity when he got into power by the introduction of a similar measure.

The COLONIAL SECRETAY: He won't.

Mr. McLEAN had no doubt that the hon. gentleman would do so, and that he would be backed up by those who now sat on the Government side of the House. If the supporters of the Government were prepared to accept an amendment he would move it. That was to strike out the 1st line of the 2nd clause where the Bill was made applicable to the present Parliament, and make it applicable to future Parliaments only. He would support either the one or the other, and whether it was brought forward by this Government or any other Government; and if the late Government had accepted his advice they would have gone to the country sooner than they did.

The PREMIER: Did you ever give that advice?

Mr. McLEAN said that he did do so, but unfortunately they did not act upon it. He would support the Bill, and he hoped—and he was pretty well sure that he would—that his hon. friend the leader of the Opposition would, when he got into power again—and he believed he would soon do so—introduce that very Bill, or a Bill of a similar nature. With reference to the subject being a last plank of the Liberal League, he did not know that his hon. friend was a member of that league. He knew the hon. gentleman had spoken on the question—if not publicly, at least, privately—for some considerable time, and it was not too late yet for the House to agree to the second reading of the Bill, even if in committee they struck out the 1st line of the 2nd clause, and made it only applicable to future Parliaments.

Mr. RUTLEDGE said that, like the hon. gentleman who had just sat down, he had all along held to the belief that the present duration of Parliaments in this colony was excessive, and he did not see at all why the youngest colony of the entire group, which possessed the advantage of responsible government, should be unwilling to follow in the steps of older Parliaments, which had, after lengthened experience, found out that it was better to have short Parliaments than to trust to accident for their duration. A great deal of what was stated by the Premier in opposition to the Bill was grounded on the fact that the House had undergone very considerable changes in the matter of its *personnel* since it was elected in 1878. The hon. gentleman had given twelve instances of changes, and argued that, inasmuch as during the past three years the constituencies had had so many opportunities of pronouncing on the merits of the Government, it was obviously unnecessary to have a sweeping change of this sort

to give to the constituencies the opportunity of pronouncing on the merits of the Government. There was a fallacy underlying this argument. It was a very well-known fact that these by-elections were not to be taken as indicative of the true feelings of the people. They knew very well that on the eve of the dissolution of the late Parliament in England, when Lord Beaconsfield was in power, there happened to be an election in Liverpool, when the Conservative member was returned by an overwhelming majority. He thought it was in Liverpool.

Mr. GRIFFITH: In Southwark.

Mr. RUTLEDGE said that the Conservative candidate was returned by an overwhelming majority over the Liberal candidate, and there was accordingly great jubilation in the ranks of the Conservatives, who believed from it that the country was in their favour. Deluded by this specious appearance, Lord Beaconsfield dissolved Parliament—unwisely, as was afterwards proved, for never was any man more mistaken in endeavouring to gauge public opinion. Now, it was also a very well-known fact that, in the case of an election for a single constituency—such as the election for Toowoomba, or Maryborough, or any other place—the Government of the day had it in its power to bring an immense amount of influence to bear, and had, therefore, a far better chance of succeeding, not on its merits, but by manœuvring. It was impossible to do the same thing in dealing with the entire constituencies throughout the length and breadth of the colony. The changes of the last few years were, therefore, not to be relied upon, so far as the proportions of the House for or against the Government were concerned. There was no reason why, if the Government now appealed to the constituencies, the unanimous voice of the country should not be against the present corrupt Administration. The Premier took up this attitude. He said that one reason why there was an advantage in the continuance of Parliament for five years was this: that the people had an opportunity of being brought round to the Government way of thinking in regard to great public measures. He took it that the Premier assumed that Parliament owed a paternal duty to the people, and that it was the duty of Parliament to educate the people up to its way of thinking; and, inasmuch as five years gave that power, it was therefore better, and a decidedly good thing, that Parliament should be extended to that period. He (Mr. Rutledge) had never heard such a thing propounded. He had always understood, so far as his reading had enabled him to form conclusions, that the Government of a country—in any British-speaking community, at all events—was really vested in the people themselves. The people occupied a paternal relation to the Parliament, or, more properly, the relation was not quite such a dignified one. It was the relation of master and servant rather than that of parent and child. They were not the parents of the people, but the servants of the people, and it was the duty of the people to tell members of Parliament what they should do in regard to great public questions. It was not the duty of members to invent something by which they were to educate the people into adopting their views. They had heard something about not being delegates, and some hon. gentlemen seemed to think that it was their duty on every available occasion to inform their constituents that they were not delegates. He agreed that they were not there as delegates—that they were not there to run and ask their constituents always what they should do—but they knew very well that their constituents returned them to the House for the purpose of carrying out certain general principles, and it was their duty at all times to be in accord with them. If they were elected to carry out those principles, they had no right to usurp the functions of their constituents, and say that, instead of the constituents being allowed to think for themselves, they should be allowed to think for them. The Premier had stated also that, inasmuch as the constituencies of this colony had had an opportunity of coming round to say that the Government was right in its views on certain public questions, the present Parliament was quite in accord with public sentiment. The Premier admitted that the constituencies were not in accord with him at one time, but said that now they had come round to see that the Government was right, and he went as far as to intimate that at the present time the country had given the Government its full confidence, and that the Government possessed the fullest confidence of the people. He (Mr. Rutledge) thought that argument was of such a character as to show the utter want of sincerity in using it as an argument in opposition to the Bill now before the House. If the Premier believed that the Government was in harmony with the sentiments of the constituencies, what was the reason he should fear to meet them? If the Premier could obtain an endorsement of the action of the Government on those questions, why delay the appeal to the constituencies? Did it not follow that he would be strengthened in his position? That he would shatter the Opposition to the winds if he obtained such an expression of opinion from the country? Instead of that, the hon. member knew very well that the country was not in accord with the policy of the Government, and the consequence was that he was afraid to venture on the experiment of an appeal to the constituencies. The hon. gentleman was not so wanting in shrewdness as not to be aware that there was very little dependence indeed to be placed on the small victories obtained in by-elections. He felt certain that the main reason why the Premier regarded the Bill with an unfriendly eye was because he knew very well there was a deep seething in the heart of the community—a determination to hurl the present Government from power on the very first occasion when they were privileged to pronounce an opinion on its merits. The Premier knew very well that nothing conduced to the practice of corruption amongst Governments more than the lengthened duration of Parliaments. That was found to be the fact in the period referred to by his hon. colleague, in the 17th century, when England was so groaning under the abomination and curse of those long Parliaments that when William III. came to the throne a Bill was introduced and carried through the House of Lords limiting the duration of Parliaments to three years. He was sorry to say that that monarch was so short-sighted as to withhold his assent from the Bill. If hon. members wished to read about the agitation that shook the public mind of England at that period, he would recommend them to read Macaulay over again. The prevailing feeling was that Parliaments ought not to exist longer than three years, and it was that corrupt statesman, Sir Robert Walpole, who carried a measure fixing the duration of Parliaments at seven years. They all knew the use Walpole made of the power which he possessed; and if it were not for the restrictions which in various ways were brought to bear on the actions of Governments, by means of a free Press and other things, they would not be wanting for Walpoles even in Queensland at the present time. Talk about long Parliaments not being conducive to corruption! They all knew that long Parliaments like the present had opportunities of

defying public opinion and purchasing support; and if anything had been proved conclusively with regard to the present Parliament it was that the Government had not been above stooping to the mode of securing themselves in power at which he had already hinted. The Premier had said that the last Government ought to have brought in a Bill of this kind, and reproved the leader of the Opposition for insincerity for not having done so while in office. It must be remembered that that hon. gentleman was not the Premier; although a very considerable power in the Government, he would have been exceeding the duties entrusted to him if he had brought in a Bill of that kind rather than the Premier, upon whom the responsibility rested. But two blacks did not make one white, and the fact that the hon. gentleman did not introduce such a Bill when in office was no reason why the present Government should not do so. The Premier had shown most conclusively that the late Government, through its long tenure of office, had become utterly effete and wanting in ability to command the confidence of the people. It was an undisputed fact that the last Government was an effete Government long before it was displaced by a general election. While individually the members of that Government were very estimable men, yet, as a Government, it was a very rotten concern, and had alienated the sympathies of its friends by its shilly-shallying and vacillation. That Government was an example of the abuse which long Parliaments were liable to; and there was no reason to believe that the Premier and his colleagues—who were certainly not paragons of all excellencies—would be any better at the end of five years than their predecessors were. Taking them man for man, the last Government were individually quite as good a set of men as the present, and if they were liable to become effete and an incubus on the country, the present Government could not claim any more exemption from that fate. The Premier said the late Government stooped to a little corruption through the Works Office. Whether that was so or not, it was clear that it would not have attempted anything of the sort if its tenure of office had been three years instead of five. The example having been furnished, opportunity was now given to correct the abuse. He did not wish to use any laboured arguments in support of the measure. Last session he gave notice of and obtained leave to bring in a Bill to amend the Constitution Act. The scheme he had sketched ot was, that on any occasion when a majority of the electors should sign a petition calling upon their representative to resign it should be the duty of the Speaker to declare the seat of that man vacant. The measure now before the House was in many respects preferable. They could not let too much fresh air into the House. They wanted the doors of the Parliament thrown open, and a free current of public opinion to go sweeping through it. When it did come it would come with a pretty strong breeze, and would clear out some of those elements which certainly were not conducive to the public health or the public good.

The MINISTER FOR WORKS said he thought that, as far as the mover of the Bill was concerned, it was the case of—

"When the devil was sick the devil a saint would be."

The mover of the Bill was at present in opposition, and he wished to be a saint. When he was well and in power he was not a saint; and he (Mr. Macrossan) believed that when he became well and got into power again the devil a saint would he be. The question of the duration of Parliaments was merely a matter of opinion, and there was no necessity for the hon. member who last spoke getting into his high stirrups, and giving them what he said he would not give them—namely, laboured arguments in favour of the Bill. A great many laboured arguments had been brought forward that evening, and some very ridiculous and selfish ones also. The gist of the argument of the mover of Bill was that the present Government did not represent the people, and that if there was a general election they would go out of office and the Opposition would come in. That was the sum and substance of his argument. He (Mr. Macrossan) did not believe any such thing.

Mr. GRIFFITH: You're afraid to try it.

The MINISTER FOR WORKS said that, as far as he was concerned, he was willing to try it now. He did not believe that the present Government would go out of office even if there was a general election to-morrow. His firm opinion was that they were a stronger Government at the present moment than the day they took office—stronger in the hearts of the people, and stronger in the public approval of their measures. As for the Opposition being scattered, he thought they never saw an Opposition in this colony so much disorganised—so feeble and so powerless—as the present, after they had had three years of opposition. As far as their arguments were concerned as to the present Government going out of office and they coming in, those arguments were utterly worthless. Some men believed that there should be annual Parliaments; others, as in Great Britain, septennial Parliaments; and others again held various opinions between one year and seven years. It had yet to be proved which particular number was superior—whether one year, or seven years, or any number of years between. Examples of each of those conditions existed in various parts of the world where representative government existed; and he did not think any difference could be shown in the administration as to which had the decided preponderance of good. They had heard some very extraordinary arguments that night—especially the historical arguments of the hon. gentleman who had last spoken, and his colleague (Mr. Dickson). The hon. member (Mr. Dickson) had told them that the most glorious period in English history was between 1640 and 1666, when they had short Parliaments. The hon. gentleman's history was certainly rather out of joint: for that, according to his recollection, was the period of the Long Parliament. The period which succeeded that, on the other hand, was the most corrupt period of English history up to the time of Walpole. The hon. gentleman evidently knew very little of the period of which he was speaking, and he had better make no interjections. There was no doubt that the action of Walpole in establishing septennial as against triennial Parliaments was wrong—at least in the way in which it was done. Why had not the successors of Walpole returned to the system of triennial Parliaments? They had not all been Walpoles. There had been a great many eminent and utterly incorruptible Premiers since Walpole's time, and they had never returned to triennial Parliaments. The whole argument was simply an argument of expediency. At the fag-end of the session hon. members could scarcely find time to go into the arguments for and against any particular duration of Parliaments; but it was within the province of any hon. member who thought he did not represent his constituents to resign and go before them for re-election. If there were one or two on either side of the House who did not represent their constituents, was that any reason

why they should go in for triennial Parliaments, or put members and the country to the expense of a general election, and the still greater expense of the enormous promises which would be made to get into power by hon. gentlemen opposite?

Mr. GRIFFITH: By the present Government to retain power.

The MINISTER FOR WORKS said he even believed that when the incomparable junior member for Enoggera went before his constituents for re-election he would make more promises of railways and to return to the ante-divisional board system than any other member of the House. The promises which were usually made at elections cost the country far too much for the experiment to be tried very often. One hon. member advanced as an argument that because the average duration of Parliaments hitherto had been two years and a-half, therefore they ought to fix the end of their life and commit suicide. But if they lived until the end of the term allowed, the average duration would be extended only one year longer. But the argument cut another way. If under the quinquennial period the average had been two and a-half years, under the triennial system it would be one and a-half years; so that the argument was worthless. He believed this was just a matter of expediency. It was no use discussing the question whether the hon. member could have brought it forward earlier or not. The real question was—Was it a matter of expediency that they should adopt the triennial or should they stick to the present? If it should be decided that the duration should be shortened, the proposition should not come from a private member. An alteration in the Constitution should not be accepted by any Government from a private member of the Opposition; and he thought that, if the hon. member was inclined to support constitutional government, he would withdraw the Bill, and bring it forward when he had the chance of carrying it as the Premier of a strong and powerful party.

Mr. BAILEY said he did not intend to speak on the subject-matter of the Bill, but to refer to a remark made by the Premier, who stated that he would have no objection to such a measure if brought forward when he was in opposition. The reason the hon. member gave why, at the present time, they should not agree to the Bill was, that since the present Parliament had been elected thirteen vacancies had occurred; and therefore the people had had ample opportunity of expressing their opinions as to their feeling towards the party in power. He (Mr. Bailey) could not find more than twelve vacancies, unless they counted that which took place the other day. The first vacancy—taking them in alphabetical order—was that of Drayton and Toowoomba; and the people there had expressed their opinions pretty plainly. The late representative was an independent supporter of the Government, and the present representative sat on the Opposition side. The next on the list was Fortitude Valley. They knew very well that the Government attempted to put in their Attorney-General; and in spite of promises made and bribes offered, that constituency expressed their opinion against the party in power. The next was the electorate of Mackay, where the Government obtained a supporter, but at what cost they hardly knew. They had heard rumours about large sums of money to be spent at Flat-top, for which the inhabitants were to be personally responsible. Next they found the Attorney-General elected for Bowen, where a promise was made that, if he was elected, a railway should be made to Haughton Gap immediately.

The ATTORNEY-GENERAL: Nothing of the sort.

Mr. BAILEY said the Attorney-General was very much belied by the newspapers. Next came the electorate of Mitchell. They knew very well that the hon. member who now represented that constituency was not returned in the interests of the present Government—though, perhaps, not in the interests of the Opposition either. Following him, he found the Leichhardt, which was peculiar in that it did send in a supporter of the present Government. Next came Bundanba, which returned a member who was not a supporter of the Government. Ipswich was the next, and that electorate returned a member who was not a Government supporter. South Brisbane, in returning Mr. Fraser, did not send in a supporter of the present Government. Maryborough did not send in a supporter of the present Government, but an independent member to sit on the cross-benches and support the Government when their measures were good, and oppose them when he thought fit to do so. Northern Downs did not send in a Government supporter. Clermont might have had peculiar influences at work, and that district did return a Government supporter. Out of twelve vacancies which had occurred in the present Parliament, only two—possibly three—had been filled by supporters of the policy of the Government; and if those were to be the test of public feeling, he must say the Opposition had the best of it so far. Therefore they were justified in asking that the duration of Parliament should not be longer than three years, and that every electorate should have the opportunity those twelve or thirteen had. One electorate had yet to express its opinion; and he did not think any sane man could doubt what that opinion would be. That it would return a supporter of the Government was certainly very doubtful.

Mr. O'SULLIVAN said the hon. gentleman stated that of the twelve vacancies which had occurred nine had been filled up by Opposition members. But where were they? He could not see them. He entirely went with the mover of the Bill, because he hated long Parliaments, though the only experience of them that he had was the last. No hon. member who had yet spoken had shown that Parliaments had existed longer than three years on the average. The whole debate from the beginning had strayed from the question. The simple question was that of triennial Parliaments; and that was a matter the country did not care one jot about. But there was a reformation that could be made in the present Constitution as regarded the mode of sending members to Parliament, which no hon. member had mentioned—namely, representation of minorities. Nothing was so much required in the colony. Why did not the hon. member, who was well able to do it, take up such a question as that? He (Mr. O'Sullivan) would be glad to support him if that were done. There were many propositions and ideas relating to parliamentary representation put forward that night which he never heard before, particularly by the hon. member for Enoggera (Mr. Rutledge). He thought that hon. member came into the House, after his day's work was done, to pass the time away and air his eloquence. One of that hon. gentleman's ideas was that if a member's constituents called upon him to resign the Speaker should declare his seat vacant. The Speaker would thus be the returning-officer of all the electorates in the colony, and he did not see how that would work. The hon. gentleman also said it was the duty of a member of Parliament to agree with whatever his constituents wished him to do. That was not the idea of the great Burke, who considered that members had an inheritance of their own; and if a member turned with every wind that brought constituents

together he would not be worthy of being in the House. The most crude and dangerous ideas he had ever heard were those put forward by the hon. member for Enoggera that evening. If he would take his (Mr. O'Sullivan's) advice, he would tell him where he might learn something about constituencies and representatives. The hon. member should read Burke's "Bristol Speeches," where he would find that the sentiments he had given utterance to that night were entirely opposed to parliamentary government. He should read them calmly and quietly, and give more of his attention to the work of the House, instead of going in for periodical speeches for insertion in *Hansard*. He was quite sure the hon. member would not make such a dash with his everlasting sound and fury, signifying nothing—but for *Hansard*. Instead of that he would be at home sleeping. He should vote against the measure; but if the hon. member thought proper to bring forward a Bill dealing with the representation of minorities he would give it his support. He was almost afraid the hon. member could give a very good reason for not bringing forward such a measure.

Mr. FRASER said he did not expect to throw much new light on the subject. He thought it was a matter which ought to be discussed apart from the merits of the policy of any Government. As the Minister for Works had pointed out, it was a question of expediency—whether it was wise and prudent that they, in this colony, should adopt triennial Parliaments instead of the present system. His opinion was decided that the day was not far distant when they would pass a Bill of this kind. It could not be disputed that circumstances changed at such a rate in a young community that three years altered the political aspect completely, and he would say his opinion was that there was not a single man of that House more decidedly in favour of such a measure than the Minister for Works; and he would say that, if that hon. member were in opposition, they would hear from him one of the most eloquent and convincing arguments ever heard in the House. He was certain that his sympathies were in favour of a Bill of this kind, but it did not answer his purpose at the present time; they could see that from the very lukewarm manner in which he dealt with the question. The Premier said Governments ought to be given time to test the success and soundness of their policy; but he (Mr. Fraser) thought there was very little in that, because if their policy were sound, and for the advantage and interest of the country, it would be natural to suppose that if they went to their constituents at the end of three years they would be sent back stronger than ever, so that that argument fell entirely to the ground. The Premier also made a point of the fact of so many elections during the three years not having altered the position of the Government in the House, but when this matter was analysed it was clear that there had been a gain of four to the Opposition side of the House.

HONOURABLE MEMBERS on the Government Benches: No, no!

Mr. FRASER said he would satisfy hon. members of that. He was not speaking at random, but would give them the facts. Mr. Aland was a gain, most decidedly; then there was Mr. Beattie, he was a gain——

HONOURABLE MEMBERS on the Government Benches: No, no!

Mr. FRASER said the Attorney-General of the Government was defeated at Fortitude Valley. Then there was the Hon. George Thorn; and Mr. Francis, who was also a gain against Mr. Thompson——

HONOURABLE MEMBERS on the Government Benches: No, no!

Mr. FRASER said he repeated it. Mr. Thompson thought proper to leave the Government side of the House. He was returned by Ipswich as a supporter of the Government. Further, there was Mr. Cooper, the Attorney-General—that remained as it was; and there was Mr. Black, and that seat also remained as it was. Mr. De Satgé—that was partially as it was. Well, to a certain extent he was not a gain to the Opposition, but he was no great gain to the Government. Mr. Foote left the Opposition as it was; Mr. Weld-Blundell left the Opposition as it was, and the only clear gain to the Government through the whole of the elections was the hon. member for Maryborough, so that there was not so much to boast of from that point of view, after all. On the question itself he had no hesitation in saying that the day was not far distant when the proposed system would be adopted by the House. The fact of the leader of the Opposition not having brought it forward when in office, and the fact of his bringing it forward now, were convincing proofs that the hon. gentleman, when he was in office, saw the evil of the system, and was now taking the very first opportunity of correcting it; and the very fact of the Premier stating that, should the leader of the Opposition get into office and bring forward a measure of this sort, he would support it, was proof sufficient that the hon. gentleman was defending the present state of things not on principle, but just because it suited the Government of which he was a member at the present time.

Mr. HAMILTON said it was evidently not the principle of triennial Parliaments that the hon. member for North Brisbane believed in, but the desirability that existed of shortening the reign of the present Ministry. He said he considered there was no necessity for such a measure before the present Parliament existed.

Mr. GRIFFITH: I did not say that.

Mr. HAMILTON said he was so accustomed to hear the hon. gentleman denying the utterances he made in the House that he took the precaution to note down the words when they were used, as during the last Ministry, when the hon. member was in power, he saw no necessity for such a measure; and as its desirability only struck him when he sat on the Opposition benches, it was evident that this was only another of the many methods he had used to displace the present Government from their position, and he ventured to say that this attempt would be as great a fiasco as the others. The reason given by Mr. Griffith, that this measure was desirable because many members of the Government side did not represent their constituents, was not correct; it was merely a reckless statement of which there was no proof—indeed, there was proof that it was untrue, for of the fourteen elections that had taken place since the commencement of this Parliament, nine of the members returned were supporters of the Government. The statement of the hon. member for Enoggera (Mr. Dickson)—that he could not conceive that anyone who was in accord with his constituents could object to this Bill—was a poor argument in its favour, for if one was not in accord with his constituents it would not be desirable that he should even represent them three years, and there would be no such necessity for the proposal of the member for Enoggera (Mr. Rutledge) that a clause should be introduced compelling a member to resign if the majority of his constituents wished him to—that was, if the Opposition followed the example set them by the Government side of the House. He (Mr. Hamilton) had done what he did not believe any Opposition member had done since his election—he had on two occasions called his constituents together and, at meetings consisting of seven or eight hundred, he

had offered to resign if the majority wished him to do so. He had stated that he would not go over to the Opposition because he did not believe in them, but that if his constituents disapproved of his conduct he would resign and let them put someone else in his place, but on neither occasion was it ever proposed that his offer should be accepted; and this was the action of a constituency which it was stated last session by the leader of the Opposition did not approve of their representative supporting the Government. He believed that even the supporters of the hon. member (Mr. Griffith) would not vote for the measure if they thought that such a vote would carry it; but, knowing the Government side of the House would vote against it, they voted for it in order to have the credit of supporting a measure which very few of them believed in; because, although they would like to see the Government go out, they would not like to go out of Parliament themselves, and they knew that would be their fate if a new election took place. Of course, the leader of the Opposition would like a dissolution, because among his present supporters he did not see material with which to form a Ministry. He would have plenty of candidates, however. He would have three applicants for the office of Attorney-General; then the member for Logan, on account of having been Minister for Lands for half-an-hour or three-quarters—he forgot which—imagined he had pre-eminent claims for that position; but he would have then a few more rivals for the office. And so it would be for every seat in the Cabinet, and the result would be that the leader (Mr. Griffith) would make enemies of the members he would have to reject, who would in consequence consider he had shown great want of discrimination, and, consequently, was unworthy of their further confidence. He had not heard a single reason worth replying to against the present system, and until he did he would not support any measure introduced to overthrow it.

Mr. KATES said three years ago, when he addressed his constituents, the cry was triennial Parliaments, and he promised to support a measure, if brought in, that would have that effect. He intended to do so now. In a young colony like this, where there was great difficulty in obtaining good and trustworthy members, constituents were sometimes compelled to send in inferior representatives, and they ought to have an opportunity oftener than they now had to amend their mistakes. They knew that there were five or six members sitting in that House in defiance of the wishes of their constituents. Those five or six members were supporting the Government, and the Government supported them in return, and gave them their bread and meat and pocket-money. He should certainly support the Bill, in order that the constituencies might have a better choice of representatives.

The COLONIAL SECRETARY said he only wished to say a word on the subject of the number of members that had been returned to the House since the general election. He found that every one of the statements that had been made that night on that point were utterly incorrect. Nineteen members had been elected since the general election, including, of course, Ministers re-elected. That was more than one-third of the whole House.

Mr. LOW said he belonged to a constituency in which there were three important towns—Goondiwindi, St. George, and Surat—and he held in his hand a bundle of letters, expressing the approval of the people there of the manner in which the Premier had studied their requirements.

Mr. MACDONALD-PATERSON said the last speech was the most emphatic one of all. He thought, after that speech, no members on the Government benches would have any further doubt as to which way they should vote.

Mr. DE POIX-TYREL said his intention was to vote for the second reading of the Bill, but when it went into committee he hoped to see the 1st line of the 2nd clause entirely omitted. He was in favour of triennial Parliaments, but did not think the Bill should apply to the present Parliament.

Mr. PRICE said he was in favour of triennial Parliaments, and should vote for the second reading of the Bill. He thought three years was quite long enough for any man to have a seat in that House. He, for one, was tired of it. He believed, with all due deference to the leader of the Radical Liberal Association of Queensland, that if they appealed to the country to-morrow the same Parliament would be returned.

Question put, and the House divided :—

AYES, 17.

Messrs. Griffith, Dickson, McLean, Price, Foote, Kates, Horwitz, Rutledge, Aland, Macdonald-Paterson, Francis, Fraser, De Poix-Tyrel, De Satgé, Bailey, Grimes, and Groom.

NOES, 22.

Sir Arthur Palmer, Messrs. McIlwraith, Pope Cooper, Macrossan, Perkins, F. A. Cooper, Persse, Weld-Blundell, Stevens, O'Sullivan, Low, Stevenson, Lalor, H. Palmer (Maryborough), Kellett, H. Wyndham Palmer, Kingsford, Black, Scott, Hamilton, Norton, and Archer.

Question resolved in the negative.

Mr. BAILEY called attention to the circumstance that the hon. member for Moreton had paired off with the hon. member for Gregory.

The SPEAKER said that no pairs could be taken notice of unless they were sent in in writing to the Clerk.

OYSTER ACT AMENDMENT BILL—SECOND READING.

Mr. NORTON said that, at this late hour in the evening, he should be as brief as possible in his remarks. The Bill was introduced this session in consequence of the fact that the present leases would expire at the end of the current year; and the changes proposed to be made by the Bill in the present law were made partly for the purpose of altering the boundaries of the leases under the present Act, and partly in order to extend the term of the lease from seven years, as at present, to fourteen years. Objections had been urged against the term of seven years, on the ground that the oysters required three years to mature after they were laid down, and that under such a short tenure there was a difficulty in inducing the lessees to spend the necessary amount of money to work the beds. The present Act distinguished between "dredge oysters" and "bank oysters," and it had been necessary to lay down the boundaries in such a way as to divide one kind of oysters from the other. Great difficulties had occurred in working the Act, because unscrupulous men having leases for bank oyster beds had been in the habit of pilfering dredge oysters from the adjacent beds. This Bill would give the Government power to alter the boundaries, and he understood that the intention was to alter them in such a way that each lease would include both kinds of oysters, thus reducing the temptation to pilfer. The second clause made "oysters for sale" to include all oysters, so that it would not be necessary to prove whether certain oysters were for sale or otherwise. Power was given to leaseholders to take oysters from unleased land to lay down on leased land; and such power was taken from all others.

By clause 3, the 4th, 6th, 7th, 16th, and 21st sections of the principal Act were repealed—some for the purpose of removing the distinction between the two kinds of oysters, and some for the purpose of re-introducing them in a different form. Clause 4 gave the Governor in Council authority to include in a lease any land below high-water mark, which was an extension of the power conferred under the old Act. Clause 5 extended the term of leases from seven to fourteen years. At the end of the seven years they would be put up to competition as before. The 6th clause was substituted for the 5th of the present Act, and the 7th was much the same as the 6th of the present Act, providing that persons might not take oysters for sale from unleased ground. In the 8th clause, which was substituted for the 7th and the 16th sections of the present Act, a difference was made in the present law. Hitherto, the two kinds of boats to be employed had to be distinguished by separate brands; but in future all boats employed in the trade were to be marked in the same way. Clause 9 abolished the difference between bank and dredge oysters; and clause 10 extended the 8th, 9th, 12th, 13th, 17th, and 18th sections of the present Act to all descriptions of oysters. Clause 11, for the purpose of preventing unlicensed persons from collecting oysters, provided a penalty and forfeiture for such offence. The 12th clause referred to the regulations, and the only difference between it and the clause in the present Act was that all descriptions of oysters were referred to in this clause. There was no other principle in the Bill that he need refer to. He was not personally interested in the subject, but he had been requested to take charge of the Bill, and, under the circumstances, could not well refuse to do so. The present Act provided that, in the fourth year of the lease, the Governor in Council might subdivide the lease and sell half by auction. This was enacted under the supposition that the beds might become much more valuable, but such had not been the case, and it was now proposed to do away with that provision as unnecessary and unworkable. As he did not anticipate that any objections would be raised, it would not be necessary for him to say more. He moved the second reading.

Mr. KINGSFORD said he should oppose the second reading of this Bill, because it would give a monopoly to certain individuals who might claim leases of oyster beds—and not only of oyster beds, but of all other grounds. The measure would prohibit the owners of property on the shores of the Bay from taking oysters for their private use. The Bill, he thought, was unnecessarily severe. It proposed to extend the term of the lease from seven to fourteen years, but it would be better if those leases were discontinued for three or five years—for if the present destruction was continued there would be in a short time no oysters at all.

Mr. DICKSON said he observed that one clause repealed five sections of the present Act, and another clause extended the operation of another six sections of that Act. He thought it would have been better had the hon. member totally repealed the whole Act and introduced a fresh measure. This Bill was very cumbersome, and it was difficult to make out what remained of the old Act. The whole principle of the Bill lay in the provision for extending the leases from seven years, and apparently without competition.

Mr. NORTON: No.

Mr. DICKSON said he saw no machinery by which the leases when they fell in could be put up to auction. There was a very important provision in the Act of 1874 that lessees were bound to cultivate the whole of the beds, and the 4th clause also provided that—

> "It shall nevertheless be lawful for the Governor in Council, during the fourth of the said seven years of any such lease, to divide the land comprised in such lease into two equal parts, and to put the lease of one-half up to auction in manner hereinbefore provided; and the lease of such half shall be granted for seven years, dating from the 1st day of January after the auction, and shall be held upon the same terms as the original lease, except that it shall not be competent to the Governor in Council to divide the land therein comprised."

That clause was to be repealed, but it must be remembered that it was introduced in the Act of 1874, after very grave deliberation, and was introduced for this purpose: that the beds should not be exhausted, and that the lessees should cultivate them so that no portion should suffer by exhaustion at the expense of others. If this Bill passed it would simply give the present lessees an extended lease without competition, and without providing safeguards for the preservation of the beds, which existed under the present Act. The hon. gentleman must bear in mind that it was exceedingly difficult to establish leases so as to offer sufficient inducement to the lessee not to exhaust them; and unless the hon. gentleman could show the House a good reason for eliminating this clause, by which the lessees were bound to cultivate beds—unless, also, the hon. gentleman could show that the Treasury would receive an increase of revenue from the leases not being put up to competition—he should oppose the Bill.

Mr. NORTON said that they must be put up to competition by the present Act as soon as the lease was out.

Mr. GRIFFITH: They would not be put up to competition at the end of the year if this Bill passes.

Mr. SCOTT said that, with regard to the remarks of the last speaker, clause 5 would show that there was no change in the method of competition for the leases, but only a change in the extension of time. Leases were put up to competition under the old Act, and must be put up to competition under this one also.

Mr. GRIFFITH said that he should like to know what the Government thought of the Bill. It was partly a revenue question, and something more even than a revenue question, as the question of oyster cultivation was one of very great importance in this colony. He thought that the House was entitled to an expression of opinion from the Government. The House should consider the Bill carefully, and not in a perfunctory manner, and say whether it was desirable to have any alteration. They had to consider that it would prevent the revenue being increased for fourteen years. He himself thought fourteen years was too long. He believed that large profits had been made under the present Act.

Mr. LOW said that he had heard that the proposed extension of the leases was because the present leases had proved to be very profitable, and so it was wanted to double them. He had also heard that, on a late occasion, a gentleman who owned land close to the water's edge was prevented from getting oysters on his own ground. He (Mr. Low) thought that when the lessees got as sharp as that they should be sharply looked after.

The COLONIAL SECRETARY thought that this Bill might be allowed to pass its second reading. There could be no doubt that the Oyster Act wanted amendment. Whether this Bill would suit the purpose or not he was not prepared to say. He could see to that when dealing with it in committee. He knew it

would have to be altered a good deal. The old Act was about expiring in a very few months.

Mr. GRIFFITH: The leases expire; not the Act.

The COLONIAL SECRETARY said that he was quite satisfied that the leases were at present too short, and the lessees would not go to the trouble and expense of cultivating the beds properly unless they had a longer tenure. So far, he approved of the Bill of the hon. member.

Question put, and the House divided:—

AYES, 16.

Sir Arthur Palmer, Messrs. McIlwraith, Perkins, Macrossan, Pope Cooper, Norton, Persse, Scott, Black, Stevens, Kellett, O'Sullivan, H. Palmer, H. Wyndham Palmer, Hamilton, and Price.

NOES, 12.

Messrs. Griffith, Dickson, McLean, Fraser, Bailey, Grimes, Groom, Kates, Low, Kingsford, De Poix-Tyrel, and Aland.

Question resolved in the affirmative.

On the motion of the PREMIER, the House adjourned at eighteen minutes to 11 o'clock.