Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

MONDAY, 3 OCTOBER 1881

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LEGISLATIVE ASSEMBLY.

Monday, 3 *October*, 1881.

Pharmacy Bill—third reading.—Mines Regulation Bill.—Liquor Retailers Licensing Bill—committee.

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

PHARMACY BILL—THIRD READING.

On the motion of the HON. S. W. GRIFFITH, this Bill was read a third time, passed, and ordered to be transmitted to the Legislative Council with the usual message.

MINES REGULATION BILL.

On the motion of the MINISTER FOR WORKS (Mr. Macrossan), the House went into Committee for the purpose of considering the amendments made by the Legislative Council in this Bill. The various amendments were agreed to. The House resumed, and the Bill was ordered to be returned to the Legislative Council by message in the usual form.

LIQUOR RETAILERS LICENSING BILL —COMMITTEE.

On the motion of the COLONIAL SECRETARY (Sir Arthur Palmer), the House resolved itself into a Committee of the Whole to further consider this Bill.

On clause 59—"Liquor retailer receiving cheque or order for payment prohibited from unreasonable delay in cashing same"—

The COLONIAL SECRETARY said he proposed to substitute a new clause for this, which would be found in the list of his amendments which he intended to substitute for those already issued from the Government Printing Office. The new clause was as follows :—

If any licensee under this Act—

(*a*) Receives from any person a cheque, draft, or order, for any sum exceeding ten pounds, as a deposit by way of payment for accommodation or refreshment to be supplied to such person by such licensee ; or

(*b*) Receives from any person any cheque, draft, or order, for any sum exceeding ten pounds, in payment for accommodation or refreshments supplied to such person (the amount due by such person for the accommodation or refreshments so supplied being at the time less than the amount of the cheque so received) ;

and delays the exchange of such cheque, draft, or order beyond the time necessarily required for procuring such exchange, or fails to hand over to such person immediately on receipt of such exchange the proceeds of such cheque, draft, or order, after deducting therefrom the actual cost of collection and the amount due by such person for his accommodation or refreshment, such licensee shall, upon conviction, be liable to a penalty of not less than ten pounds nor more than twenty pounds, together with costs of conviction.

Provided that such licensee shall not be entitled to charge such person more than the ordinary price for board, lodging, and accommodation, or more for the supply of liquor than five shillings per diem : or to charge any payment whatever for liquor supplied by order of such person or on his account for treating or gift to others, if he be at the time of such order or procuration, or of the consumption of such liquor, in a state of intoxication.

He had had that clause drafted for the purpose of preventing what was colonially termed "lambing down."

Clause 59 put and negatived.

Question—That the new clause, as read, stand part of the Bill—put.

Mr. GRIFFITH said that, by this clause, in order to render a man liable to a penalty under the Act it would be necessary to prove that the exchange of the cheque had not been unreasonably delayed, and also whether the licensee got the proceeds of the cheque. It was hardly possible that all that could be done. The cheque might be drawn on some seaport town, or some far distant place, and the publican might or might not have a banking account ; and how would it be possible for the prosecutor—the police, or whoever undertook the prosecution—to prove when he received the proceeds of the cheque, without incurring very great expense? He did not see how it would be practicable to prove it, nor did he see how the difficulty was to be got over. Everyone who had had any experience of the administration of justice here knew the great difficulty and expense necessary to prove any banking transactions. Of course, since the Banking Books Evidence Act was passed, this was made a little better ; still, it would be exceedingly difficult to prove a charge under this clause of the Bill. He could not suggest how the difficulty was to be met.

The COLONIAL SECRETARY said he was quite aware of all the difficulties, and he might almost say the impossibilities, of the case ; but, like the hon. gentleman opposite, he did not see how the difficulty was to be met in any other way than that proposed by the clause. When a man was kept an unreasonable time waiting for the exchange of his cheque the only remedy he knew was to make it penal on the part of the publican to receive a cheque for a greater amount than the amount of his bill ; but he did not think that that would work. He did not profess for this clause that it would have the desired effect, but he considered it would do some good. It would deter publicans from keeping men for weeks together, in some instances, at their shanties trying to extract the proceeds of their large cheques from them. Hon. members must know that some of these men brought down large cheques with them. Over £100 was by no means uncommon, and he had known instances of cheques amounting to £200, and, in one case in particular, to £300. This clause might have a good effect, and it would be as well to let it pass.

Mr. McLEAN said it would tend considerably to prevent the practice of "lambing down" if the last few lines of the proposed new clause were omitted. The excuse generally given by the publican was that his customer had been "shouting" for everybody who came in. He had been shown a publican's bill by a gentleman from out west, which amounted to something like £22 or £23 for five days ; and since this Bill had been in committee he had received a letter from a gentleman who wrote from somewhere out west, and whose name he did not know, asking if something could not be done to limit the number of bush shanties. That gentleman stated that he had had sixteen years' experience in his present position, and during that time had known of thirty deaths arising out of men going to those shanties with their cheques. The words he proposed to omit were—

"If he be at the time of such order or procuration, or of the consumption of such liquor, in a state of intoxication."

The COLONIAL SECRETARY said he had no objection to the omission of the words.

The PREMIER (Mr. McIlwraith) said he did not see the use of limiting a man's expenditure to 5s. a day. If a man was a drunkard it was better that he should spend his money among his friends than on himself alone.

Mr. McLEAN said they knew the law would be violated as other laws were ; but if a publican knew the law was against him, and refused to allow a customer to treat others whilst he himself was in a state of intoxication, that customer would leave the house sooner than he otherwise would. If a publican was responsible for allowing one man to "shout" for another, "lambing down" would be less frequent.

Mr. LUMLEY HILL said if a person was not to spend more than 5s. a day he would get very little drink in the outside districts, as he himself had paid 5s. a bottle for beer. That was the ordinary price, and he did not see how the clause was going to work at all in the Gregory or Mitchell districts. There were public-houses there—not shanties—hundreds of miles away from any bank, and if a man went to one of them with a cheque, or perhaps an order on Sydney, it was his own fault if he gave it to the publican to wait till it was collected. By the time the money came back there would be a very considerable hole in it. The publican knew most of the residents in the district ; he knew what cheque was good and what bad, and if the cheque was good he would probably cash it on his own responsibility. As to restricting a man to 5s. worth of liquor a day, the thing was absurd.

Mr. DICKSON said the clause would be very well if it applied only to bush public-houses ; but there was nothing to prevent its application to first-class hotels in towns. A man coming to Brisbane from the South might get the landlord of his hotel to negotiate a cheque on account of his bankers being in Sydney or Melbourne, and, while at the hotel, he would be restricted to an outlay of 5s. a day in drink. He quite approved of the Colonial Secretary's intention to prevent men being victimised by bush publicans ; but the

clause went further, and would affect men staying at first-class hotels.

Mr. LOW said the clause might as well stand as it was. He remembered the case of a man who had to pay for 400 glasses in two days, and yet he was sleeping nearly all the time.

The COLONIAL SECRETARY said that in a case like that suggested by the hon. member for Enoggera (Mr. Dickson)—a gentleman coming from the South and making the landlord his banker—5s. a day would be too much. He would be nothing more or less than a lunatic to make a publican his banker when there were plenty of banks in town where he could get the cheque negotiated. He (Sir Arthur Palmer) was aware of all the difficulties connected with the clause; but something ought to be done to check the evil, and the clause would go as far as anything he could draft in that direction. In 99 cases out of 100 a man got rid of his money while in a state of intoxication; and if the publican could not take more than 5s. a day, he would cash the cheque and let the man go on. "Five shillings per diem" would read two ways—either for grog the man drank himself, or in payment for whatever liquor was supplied by order of such person, or on his account for treating or gift to others, if he was at the time of such order or procuration, or of the consumption of such liquor, in a state of intoxication. He had no objection to the amendment of the hon. member for Logan. The hon. member for Mackay had suggested to him that the sum a publican might not receive should not be limited to sums exceeding £10. He would withdraw the clause with the view of proposing it in an amended form.

Clause, by leave, withdrawn.

The COLONIAL SECRETARY then moved the following new clause to be substituted for clause 59, as printed:—

If any licensee under this Act—

(*a*) Receives from any person a cheque, draft, or order, as a deposit by way of payment for accommodation or refreshment to be supplied to such person by such licensee; or

(*b*) Receives from any person any cheque, draft, or order, in payment for accommodation or refreshments supplied to such person (the amount due by such person for the accommodation or refreshments so supplied being at the time less than the amount of the cheque, draft, or order so received);

and delays the exchange of such cheque, draft, or order beyond the time necessarily required for procuring such exchange, or fails to hand over to such person immediately on receipt of such exchange the proceeds of such cheque, draft, or order, after deducting therefrom the actual cost of collection and the amount due by such person for his accommodation or refreshment, such licensee shall, upon conviction, be liable to a penalty of not less than ten pounds, nor more than twenty pounds, together with costs of conviction.

Provided that such licensee shall not be entitled to charge such person more than the ordinary price for board, lodging, and accommodation, or more for the supply of liquor than five shillings per diem; or to charge any payment whatever for liquor supplied by order of such person or on his account for treating or gift to others, if he be at the time of such order or procuration, or of the consumption of such liquor, in a state of intoxication.

Mr. GRIFFITH said the hon. member for Enoggera (Mr. Rutledge) had given notice of an amendment which he (Mr. Griffith) thought a very good one. Under the clause as it stood there was no redress provided against a publican who had retained more money than he was entitled to, and he proposed the insertion of the following words after the word "conviction":—

And in addition thereto shall be adjudged to pay to any person in respect of whom he shall have so offended such sum as shall appear to the justices to have been retained by him out of the proceeds of such cheque or order for any charges made by him to such person contrary to the provisions of this section.

Question put and passed.

Mr. McLEAN said the clause as it stood would not prevent a man losing his money by shouting for people indiscriminately. To prevent this, he moved the omission of the following words at the end of the clause:—

If he be at the time of such order or procuration, or of the consumption of such liquor, in a state of intoxication.

Question—That the words proposed to be omitted stand part of the clause—put and negatived.

Mr. GRIFFITH pointed out that the provision might be evaded by a publican saying that he would take the cheque of a customer to collect it for him.

Mr. LUMLEY HILL thought it was a pity publicans in the bush were not made to sell better liquor. If a man chose to spend his money in liquor, that was his look-out; but the publican ought to be compelled to give him good liquor, and not stuff that poisoned him.

Question—That the clause, as amended, stand part of the Bill—put and passed.

On clause 60—"Refusal to receive traveller"—

Mr. GRIFFITH pointed out what was an unfortunate feature in the Bill—namely, that the same terms were not always used. For instance, a publican was sometimes called "licensee"; but in other places he was called a "licensed liquor retailer," or "holder of a liquor retailer's license." In order to make the clause more intelligible he moved the insertion of the words "in either case" after the word "traveller," in the 48th line.

Amendment put and passed.

Clause, as amended, agreed to.

On clause 61—"Hours of selling on liquor retailer's premises"—

Mr. KINGSFORD thought that an alteration might be made in this clause with advantage. He referred to the selling of liquor on Sunday. He thought the selling of liquor on Sunday afternoons between the hours of 1 and 3 was not desired either by the public or the licensed victuallers. He, therefore, moved that the words "and of one and three in the afternoon on Sundays" be struck out.

The COLONIAL SECRETARY did not see any necessity for the alteration. Why should the poor man be robbed of his beer on a Sunday? According to this clause, the publicans were allowed to keep open for two hours on Sundays, but they need not do it if they did not like. A great many men wanted beer on Sundays, and it would be a great hardship if they could not get it. Other men were able to keep beer in their houses if they chose, and it would be hard if the working man could not get his grog on Sundays if he wanted it. So far as his personal feelings went, he should not object to see public-houses open all day on Sundays, and he thought the amendment was an attempt at over-legislation.

Mr. KINGSFORD said he had not submitted his amendment from any sectarian or religious considerations whatever. With regard to its being against the interests of the working man to deprive him of his beer—he thought that argument had become stale. The closing of public-houses on Sunday was solely in the interests of the public—the consumers of beer—as well as of the retailers. He maintained that there was no section in the community, and no individual, who could not do without frequenting public-houses for two hours on one day in the week.

As he had said before on another subject, Sunday ought, as far as possible, to be observed as a day of rest; and all trade, whether in liquor or anything else, ought to be stopped.

Mr. McLEAN said that the Colonial Secretary had objected to this amendment because it was against the interests of the poor man; but he would inform the hon. gentleman that when the Sunday Closing—in Ireland—Bill was before the Imperial Parliament, hundreds and thousands of the working classes of Ireland petitioned in favour of the Bill. The battle was fought for three or four years, and was eventually won. A similar Bill with regard to Wales had recently been carried. The same principle had been in operation in Scotland for the last twenty-five years, while in the neighbouring colony of New South Wales a Bill brought in by the Government contained a provision of a similar kind. The Bill which passed two or three years ago providing for Sunday closing in Ireland exempted six of the principal towns from its operation; and, so far as he had been able to ascertain, the measure had proved to be so successful in the interests of the public that when it expired at the end of three years it was intended to renew it, and to include the six towns at present exempted. He had recently been informed by the Secretary of the Licensed Victuallers' Association that some of the publicans were themselves in favour of closing on Sunday. If, however, closing were made optional, some who would wish to close might remain open because others did so. He believed the amendment would be in the interest of the working class—the class that had petitioned the Imperial Parliament on the subject—and he hoped the Colonial Secretary would assent to it.

The COLONIAL SECRETARY said he was quite aware of the effect which had followed the closing of public-houses on Sundays at home. He remembered reading a report of the Inspector of Police in Glasgow, which went to show that there was more drinking there on Sundays than on any other day of the week, the only difference being that the drinkers, instead of going through the front door, got in through the back slums, and that in the drinking houses on Sundays hundreds of young fellows were to be found taking their tot as usual, or perhaps taking more than usual, because it was against the law. In his own case, if he took a pint of claret on week days, he could take a quart on Sunday, because he had more time; and it would be a shame to deprive the poor man of the same privilege. The working man had more time to drink on Sunday than on any other day of the week, and he must be very quick indeed if he could get drunk in the two hours allowed by the Bill.

Mr. McLEAN said he did not wish to contradict the Colonial Secretary, but he would point out that the system in Scotland was entirely different. At one time the back doors of the public-houses were allowed to be open on week days, but not very long ago they had all been built up, and a great decrease in the amount of intemperance had resulted. There were what were called public-houses and what were called hotels. The public-houses had no back doors, and as the fronts were closed there could not have been the drinking alluded to by the Colonial Secretary in them, though there might have been some drinking in the hotels.

Mr. MACFARLANE said the Colonial Secretary, in his usual large-hearted way, said he should be glad to see the public-houses open all day on Sundays. The hon. gentleman might do so because they were kept open all day now, though it was against the law; and they were open not only for two hours, but in some cases from 6 in the morning till 11 at night. The law was set at defiance, and no attempt was made to enforce it; the police simply passed by and said nothing and did nothing. If the trade was to be regulated in this respect, the only way would be to close the public-houses entirely on the Sabbath day. There would then be no opportunity for evading the law, because if a house was open at all it must be open illegally. Twenty-five years ago the system of entire closing on Sundays was put into operation in Scotland, and during the first year the consumption of drink was reduced by a seventh part. Three years ago the same system was adopted in Ireland, with the exception of six of the largest towns, and the result had been that in the first year the consumption of drink was reduced by £1,770,566, or more than a seventh part of the total sale, and in the first three months there was a reduction of £200,800. If, therefore, the object in view was to get a large revenue, the best course would be to open the public-houses on Sundays and give every additional facility; but if the House were anxious for the welfare of the people they should take means to diminish the consumption. Wales also had adopted the new system, so that this was no new legislation; and if, as the Colonial Secretary said, it was over-legislation, the House would, at all events, be acting in very good company. Scotland, Ireland, and Wales had adopted the new system, and it would have been adopted in England if the Irish Land Bill had not prevented the passage of such a measure through the House of Commons. The people had been made very much more comfortable, and the amount of crime in the countries where the plan had been tried had been very much reduced. If the plan were adopted here the amount of crime would probably be reduced and a smaller police force might be found sufficient for the colony. Though he saw most of the reports of the Captain of Police in Glasgow, he had certainly not seen the one referred to by the Colonial Secretary; but he knew from the statistics of the Glasgow police that there was more drinking on Sunday than on any other day of the week, and that the amount had been very much reduced by the closing of public-houses on Sundays. The Colonial Secretary said, "Why rob a poor man of his beer?" but he (Mr. Macfarlane) would like to know what there was to prevent a poor man from getting on Saturday his beer for his Sunday dinner; if he had money on Sunday, he must have had it on Saturday, and the public-houses were not shut until 12 o'clock at night. If the Colonial Secretary wanted to make himself a popular man he would assent to the amendment. The hon. gentleman was squeezable last week, and gave in a little to the publicans; and he hoped the hon. gentleman would be so now, and give in a little to the public.

Mr. LUMLEY HILL said the hon. member (Mr. Macfarlane) did not understand that a working man wanted a jug of draft beer for his Sunday dinner, and that, if bought on the previous evening, it would be "stale, flat, and unprofitable."

Mr. MACFARLANE: It does not do so much harm then.

Mr. LUMLEY HILL said a little beer judiciously applied did not do any harm at all, and was a very good thing for a working man or any other man. Whatever law might be passed it would be evaded some way or another, especially among a shifting population where a friend could always be found to procure drink at any time in the day as a *bonâ fide* traveller. In the back country districts especially, the proposed amendment could never be applied. He could not see the slightest objection against a man drinking beer on the Sabbath or any other day;

and the majority of the people of the colony were, he believed, of the same opinion. The hon. member for Ipswich, from his temperance precepts and habits, might imagine that the majority of the people of the colony were with him; but he (Mr. Hill) was perfectly certain that they were not.

Mr. H. PALMER (Maryborough) said he should support the amendment of the hon. member for South Brisbane, but he should also like to see the following words inserted:—"and on Christmas Day and Good Friday only for the sale of liquor to be drunk off the premises between the hours of 2 and 5 in the afternoon." Chrismas Day and Good Friday being recognised as holy days by the State, special regulations should be made with reference to those days. He had not much sympathy with the arguments of the Colonial Secretary with reference to keeping public-houses open on Sundays, and he thought the hon. gentleman had gone a little too far in his expressions, some of which partook of the character of platitudes and might as well have been omitted. He (Mr. Palmer) agreed with the hon. members for Ipswich and South Brisbane that the public-houses should be closed altogether on Sundays, and he thought also that they should only be open on Christmas Day and Good Friday under certain restrictions. They were recognised as holy days——

Mr. LUMLEY HILL: They are not proclaimed holy days.

Mr. PALMER said they were proclaimed holidays, and on account of the sacredness of those days the sale of intoxicating liquors should be restricted. He agreed to a large extent with what had been said by the hon. member for Gregory and other hon. members, that nothing that the Legislature could do would prevent drinking; but at the same time he thought it was the duty of the House to set an example in its legislation.

Mr. LUMLEY HILL said he would recommend the hon. member for Maryborough to include in his amendment a provision for blocking up the back doors, as had been done in Glasgow. Hon. members would very soon want to try that plan here.

The COLONIAL SECRETARY said he was obliged to the hon. member for Maryborough for his lecture on Sabbatarianism. The hon. member was no doubt perfectly correct from his own point of view, and he might have the kindness to allow him (Sir Arthur Palmer) to have his opinion. He looked upon a Sabbatarian as something next door to an extinct animal—a thing of a by-gone generation. There was nothing he had said in this debate which he would not say in any company in the world—what was wrong to be done on Sunday was wrong to be done on any other day in the week. With respect to the remarks of the hon. member for Ipswich, he might say that he had never sought for popularity—that he despised popularity hunting, and was not likely, for the sake of popularity, to accept the hon. member's amendment or any amendment like it. They might get up an argument on Sabbatarianism to last from now till the day of judgment without convincing anyone; but he would ask of what use was this amendment? The latter portion of the clause provided that a lodger, traveller, or person disabled by sickness, might go into a public-house and demand drink, and the clause concluded by stating that any publican might, if he thought fit, close his premises at 10 o'clock at night of any business day, or entirely on any Sunday, Christmas Day, or Good Friday. With such provisions as those already in the Bill, the proposed amendment would be a perfect farce.

Mr. BAILEY said the hon. member for Ipswich and his friends evidently wished to make Sundays and holy days days of mortification. No man was to be permitted to enter into any social enjoyments; if he didn't go to church, he must stop at home and indulge in a fit of "mulligrubs." The hon. member recommended that the working man, who in the country districts was engaged during the working days in the bush, should not be allowed to go into the township on Sundays, attend church, and after dinner take a glass or two with his friends; but should be compelled to buy his bottle of whisky or rum, and take it behind a log and guzzle there in a most melancholy way. That was the scheme which the hon. member for Ipswich proposed for the working man. There were two classes in the community—the class which had liquors at their own home to use as they wished, and the class that could only get their liquor on Saturday afternoon and Sunday. The latter class did not, as a rule, indulge much, and the number of drunkards in that class had been very much exaggerated. There were a great many more in the middle class of society than among the working men of the colony. The working classes, he considered, had been very much belied, and this proposal to impose further restrictions was one hitting straight at them—the least offending of any class. He thought the clause a very hard one, and should certainly not support the amendment.

Mr. MACFARLANE said the hon. member for Wide Bay was evidently not well up in the subject, for the Bill provided that *bonâ fide* travellers should be supplied with drink on Sundays. He was referring to the working men of large towns, amongst whom a large amount of drinking was carried on. His contention was for the working classes, with whom Sunday was an idle day.

The PREMIER: Why should not they enjoy a rest on Sunday, as well as anybody else?

Mr. MACFARLANE said the fact of public-houses being open on that day was a great temptation, and if hon. members were aware of the sufferings that women and children had to endure through the drinking habits of their husbands and fathers, they would not be so much afraid of giving them the privilege now asked for. There were hundreds of women in the large towns of the colony upon whom a greater blessing could not be conferred than the closing of public-houses on the Sabbath day. He had lately seen some statistics prepared by a gentleman in England, showing that nearly three-fourths of all the accidents from machinery, and so forth, that took place at home took place on a Monday—a strange illustration of the effects of Sunday drinking. In some trades it was often Wednesday before the men could be got to their work. As the amendment would tend to the benefit of the working classes, he still maintained that they could not do a better thing than to pass it.

Mr. KELLETT said the hon. member, in a former Good-Templar sermon, had told them that if there was less drinking there would be less crime. But from what he (Mr. Kellett) knew, there was more crime among Good Templars than among any other class of the community. They did not take drink, but they broke out in other ways. They might not get drunk in public, but he knew they did in private. As to working men, he saw a great deal of them, but there was very little drunkenness among them—indeed, as a whole, they were more sober than most of the classes supposed to be above them; and he did not see why a working man should not drink his beer on a Sunday as well as those who could get it without going to a public-house

Mr. GRIMES said he intended to support the amendment because it would be the means of preventing a great deal of drunkenness. It would also be an immense advantage to large employers of labour, who knew, to their cost, that there were more men absent from work on Mondays than on any other day of the week. The clause provided that drink should only be supplied on Sunday within the hours of 1 and 3 in the afternoon. Why not be consistent, and go a step further, and prohibit their being opened at all? The one thing would be just as easy as the other; besides, they ought not to altogether ignore the expression of public opinion on the subject. Several petitions, numerously signed, had been presented to the Chamber; one from Brisbane, containing upwards of 1,500 names; and one from Ipswich with upwards of 1,700 names; and those, as far as he had seen, were signed by the respectable portion of the community. The Colonial Secretary had shown himself squeezable when the licensed victuallers put the pressure on; and he trusted he would now give way for the benefit of the Good Templars, teetotallers, and a large number of the Christian public.

Mr. FRASER said the hon. member (Mr. Kellett) had made a bold assertion in stating that there was more crime in connection with the Good Templars than with any other section of the community. Though not a Good Templar himself, he would challenge that hon. member to point out a solitary instance within his own cognisance where a Good Templar had been pulled up for anything of the kind before a court. The present question had nothing to do with Sabbath observance. It was a notorious fact that, owing to public-houses being open on Sundays, many working men and others, who were at liberty on that day, were tempted to indulge in drink, and might take the first step in a downward career. As to depriving the working man of his beer, that argument was threadbare, and perfectly beside the mark; and he believed that if the working classes of Queensland were polled to-morrow three-fourths of them would vote for the closing of public-houses on Sunday. Allusion had been made to the largely signed petitions that had been presented to the House. The men who signed those petitions were the real working men of Brisbane, Ipswich, and elsewhere. Such being the case, the pretended sympathy with working men on that subject was beside the mark. Working men were able to take care of themselves, and, as he had said before, he ventured to say that three out of every four would be in favour of closing public-houses on Sundays. As to the desire of publicans to keep their houses closed on Sundays, he might say that within the last few days more than one publican had called upon him and expressed a sincere desire that that should be done; and he (Mr. Fraser) could not see why they should not have their Sunday's rest the same as any other class of tradesmen. Thus, in the interest of the publicans as well as of customers, the Committee would be justified in following the example set with such great advantage by other places, and close public-houses entirely on Sundays, except in cases already provided for.

Mr. LUMLEY HILL said the next clause provided that if a man resided two miles from a public-house he could get a drink on Sundays. If the amendment were carried, therefore, people from North Brisbane would walk over to South Brisbane, and *vice versâ*. The statement that three-fourths of the population, if polled, would vote for the closing of public-houses on Sundays was merely an assertion; and he felt equally justified in saying that the very opposite would be the case, more especially amongst the working classes. As to publicans wishing to close their houses on Sundays, that was impossible, for they were bound to entertain travellers; and a man could not be expected to spend the day in the streets because he happened to arrive by steamer from Sydney or Rockhampton on a Sunday.

Mr. LOW said it was the abuse and not the use of drink which made it injurious. When he was in Scotland, forty years ago, in the country districts there was always an adjournment between sermons, and the people used to go to the public-house for their beer or whisky, and he never saw one of them drunk or anything like it.

Mr. BAILEY said he could not agree with the remarks of the hon. member for Stanley with reference to Good Templars. He had always found them very decent people; but probably his colleague in the representation of Wide Bay, who was a Good Templar of long standing, would be able to give more information about them than he (Mr. Bailey) could.

Mr. KINGSFORD said he had not moved the amendment on either religious or teetotal grounds, but simply because he thought it would be of advantage to the public. He did not believe the Colonial Secretary would court popularity by sacrificing his honest convictions; at the same time, the hon. gentleman's convictions had carried him a long way on the road, and he trusted they would carry him a little further.

Mr. PRICE said he had certainly been a Good Templar, and he wished still to be so. But he did not drink on the sly, as was the case with his hon. colleague. He had often seen that hon. member, in their little city, go into or come out of a public-house on a Sunday by the back door. For his own part he always preferred to go in at the front door. He did not believe in sly drinking habits, and should support the closing of public-houses on Sundays if it would remedy that evil. They would not do so, however, if they took the example of his hon. colleague and went in at the side door. The hon. gentleman might just as well go in at the front door. He (Mr. Price) should certainly support the amendment. He did not believe in the two hours' business. Where the evil arose was that they had to meet the wants of the travelling public that passed along the road. His hon. colleague pretended to go to church, and instead of that he went in at the side door of the public-house. He should support the amendment.

Mr. DE POIX-TYREL said that he should not have spoken on this subject but for the remarks of the last speaker. He was of opinion that the carrying of the amendment would have the effect of inducing people to become informers, who would levy blackmail on the publicans. Who was to define what a traveller was? Some years ago when he was up at the Peak Downs he was in the neighbourhood of two towns that were about two miles from each other—Clermont and Copperfield. The conditions of the Publicans Act were very rigidly enforced, and the result was that the people in Clermont used to go over to Copperfield on Sundays to get their liquor, and the Copperfield people went over to Clermont for the same purpose. That was the only result up there of the restriction.

Mr. NORTON said that he intended to support the amendment, because he thoroughly believed in it, though he did not believe in all the arguments that had been advanced in favour of it. He thought it was quite self-evident that if the bars were thrown open on Sundays there were always a lot of idle people walking backwards and forwards, some of whom would be led into temptation thereby. Even if the amendment were carried he admitted that people might

still go in at the side door, but it did not follow that all would do so. Even if the law was not strictly carried out he believed that it would be partially adhered to, and that it would probably lead to less intemperance than if the houses were to be opened.

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

AYES, 15.

Sir Arthur Palmer, Messrs. McIlwraith, Macrossan, Pope Cooper, Dickson, Low, Black, Kellett, Lumley Hill, Bailey, F. A. Cooper, De Poix-Tyrel, Archer, Hamilton, and H. Wyndham Palmer.

NOES, 10.

Messrs. Griffith, McLean, Price, Kingsford, H. Palmer, Fraser, Francis, Macfarlane, Grimes, and Norton.

Question resolved in the affirmative.

Mr. GRIFFITH objected to the reduction of the penalty for a breach of the law, as proposed in the second part of this clause. A man would be able to keep his house open all night, and only be liable to a penalty of 40s. Such a penalty was ridiculous if the prohibition was intended to be of any avail.

The COLONIAL SECRETARY offered to make the penalty £4.

Mr. GRIFFITH said it ought to be higher. Was it intended to regard the keeping of a house open all night as a serious offence? If so, the penalty was ridiculous. It ought to be £20. There was a great deal more harm in the keeping of a house open late at night than in many other things which were dealt with in the Bill.

The COLONIAL SECRETARY pointed out that the penalty of 40s. was not the only punishment to which the publican was liable. He was liable, also, to have his license refused in the following year. That was a far greater punishment than even a fine of £40.

Mr. GRIFFITH said that the present law was that a man was liable to a fine of 40s. for every glass that he sold after a certain hour; but if this clause passed in its present form he would be able to keep open all night for a single 40s. penalty. He asked why the penalty should be reduced? What was the object of this Bill? Was it to encourage the sale of liquors within prohibited hours, or was it to encourage the sale generally? Why should the penalty be reduced from 40s. a glass to 40s. a day?

The COLONIAL SECRETARY said that the 40s. a glass penalty had never been acted on. There had not been a conviction—nor an attempt at a conviction. He had no objection to making the penalty £5 or £10, though he did not believe that the alteration would lead to any good result. The publican who wanted to keep his house open would do it without regard to the penalty, however high it was. It paid him to do it. He moved that the words "forty shillings" be omitted, with a view of inserting the words "ten pounds."

Amendment agreed to.

Clause, as amended, put and passed.

Clause 62—"Definition of traveller."

Mr. KINGSFORD moved that the word "five" be inserted in place of the word "two," so that no person would be deemed a traveller under the Act unless he resided at least five miles from the premises where he was supplied with liquor, or had travelled that distance on the day he was supplied.

Question put and passed.

Clause, as amended, agreed to.

Clause 63—"Billiard rooms, when closed."

Mr. GRIFFITH said there was nothing in the Act making prohibited hours for the billiard tables.

The COLONIAL SECRETARY: The licenses show the hours.

Mr. GRIFFITH suggested that it ought to be stated in the Act itself, just the same as any other thing, and also the penalty for breaking the law.

The COLONIAL SECRETARY said they were to be open "between ten in the morning and twelve at night." He did not know why it should not be sufficient if the hours were stated in the licenses. He moved the omission of the words "during prohibited hours," with a view of inserting the words "between twelve at night and ten in the forenoon."

Amendment put and passed.

Clause, as amended, agreed to.

On clause 64—"Music, etc., prohibited on licensed premises without permission"—

Mr. GRIFFITH said he observed that the wording of this clause constituted an absolute prohibition of music and dancing in a public-house, or in any part of the premises connected with it. It read:—

"No licensed liquor retailer shall permit music, dancing, or public singing, on any part of his licensed premises which is open to public resort, or shall permit any part of such premises to be used for theatrical representation."

It struck him that the second "shall" ought to be omitted.

The COLONIAL SECRETARY said the clause read further:—

"Without first obtaining in open court the permission in writing of the licensing board, or licensing authority, for the licensing or other district in which such premises are situated."

Mr. GRIFFITH said the licensing board only sat once in three months, and could then only grant permission for two days. There was also another difficulty. The clause stated:—

"But nothing herein shall apply to rooms hired by friendly or other societies, clubs, lodges, or associations, for their exclusive business and use."

That would, in his opinion, allow almost unlimited music and dancing, and afford a means by which the law might be evaded. It would be difficult to define a club, as any persons would be able to call themselves a club and so come under the Act.

The COLONIAL SECRETARY said the clause applied only to rooms hired by friendly or other societies, etc., for their exclusive business and use.

On the motion of the COLONIAL SECRETARY, the word "shall," on the 36th line, was omitted from the clause.

Mr. GRIFFITH asked if it was desirable that the applications for theatrical representations should be transferred from the licensing board to the Colonial Secretary.

The COLONIAL SECRETARY said that, as a matter of practice, the Colonial Secretary would not grant a license of this kind unless it were recommended by the police magistrate of the district.

Mr. GRIFFITH suggested that some alteration should be made in the words "licensing board or licensing authority," on the 40th and 41st lines, because of the meetings of the boards only occurring once in three months. These licenses might be under the same provisions as packet licenses.

The COLONIAL SECRETARY moved the omission of the words "licensing board or licensing authority," with a view of inserting "police magistrate or two licensing justices."

Amendment put and passed.

Mr. GRIFFITH said he thought the words "licensing board or licensing authority," at the 44th line, should also be struck out.

The COLONIAL SECRETARY moved the omission of the words "licensing board or licensing," with a view of inserting the word "said."

Question put and passed.

On the motion of the COLONIAL SECRETARY, the clause was further amended by the omission of the words—

"But nothing herein shall apply to rooms hired by friendly or other societies, clubs, lodges, or associations, for their exclusive business and use"—

and agreed to.

Clause 65—"Gaming prohibited"—27 Vic., No. 16, s. 20—passed as printed.

On clause 66—"Prohibition of gaming and disorderly persons"—

Mr. GRIFFITH pointed out that there was something wrong in the second paragraph. The first part of the clause described the offence:—

"If any licensed liquor retailer, or holder of a billiard or bagatelle license, suffers or permits any person to play any unlawful game or sport, in or upon his licensed premises, or the appurtenances thereto, or suffers or permits prostitutes, thieves, or persons of notoriously bad character, or drunken or disorderly persons, to be in or upon such premises or appurtenances, he shall, for the first offence, be liable on conviction to a penalty of ten pounds"—

and so on. Then the evidence of the offence was—

"The playing of such game or sport, or the presence of reputed prostitutes longer than is necessary for the purpose of obtaining temporary refreshment, or the continuous staying of reputed thieves or persons of notoriously bad character, or of drunken or disorderly persons, upon any such licensed premises or the appurtenances thereto, shall respectively be deemed to be *primâ facie* evidence that such licensed person as aforesaid knowingly permitted such playing, or permitted such reputed and other persons as aforesaid to be present, with the knowledge that they were prostitutes, thieves, or bad characters, or drunken or disorderly persons, as the case may be."

In the one case the offence was suffering or permitting such persons to be on his premises, and in the other their mere presence was to be taken as evidence of knowledge. He suggested that "knowingly" be omitted; also all words from "with the knowledge" to the end of the clause.

Mr. NORTON thought this clause would work very well in some cases, but it would be very hard in others. Supposing a man went into a bush township, got drunk, and carried away with him a bottle of grog which he consumed, and then slept out on perhaps a cold wet night. In the interests of humanity that man ought to be taken in, because if he were turned away he would probably perish in the bush as others had done. But under this clause a publican who permitted a drunken man to stop in any part of his premises was subject to penalties. He did not know how they could give permission in such cases as he had mentioned, but it seemed very hard as it stood.

On the motion of Mr. GRIFFITH, the clause was amended by omitting the word "knowingly," and all the words after "present" in the last line but two, and agreed to.

Clauses 67—"Liquor retailer's premises may be closed in case of riot"; and 68—"Licensee may exclude improper persons from his premises;"—passed as printed.

Clause 69—"Drunken and disorderly persons"—was agreed to with verbal amendment.

Clause 70—"Licensees not to harbour police; penalty"—passed as printed.

Clause 71—"Licensees prohibited from absence without permission; allowing unlicensed person to keep premises or employing person disqualified as licensees"—agreed to with verbal amendment.

On clause 72—"Inspector may search for deleterious ingredients in liquor"—

Mr. GRIFFITH pointed out that the clause as it stood might be made to operate very harshly. It provided that an inspector might, at any time during which any licensed premises were "legally allowed to be open," enter and examine the same; so that a man who was in the habit of closing his house at 10 o'clock at night, or of closing it on Sundays, or holidays, might be roused out of his bed by the inspector at midnight and have his premises searched. He thought the clause should read, "at any time the premises were open."

On the motion of the COLONIAL SECRETARY, the clause was amended by omitting the words "legally allowed to be," so that it should read—at any time the premises were open."

Clause, as amended, put and passed.

Clause 73—"Samples to be subject to analysis; expenses to follow suit"—put and passed.

Clause 74—"Substance or liquor sampled to be kept untouched in safe custody"—put and passed.

On clause 75—"Penalty on licensee found guilty of adulteration"—

Mr. GRIFFITH said that part of the section making the sale of adulterated liquors an offence had been entirely omitted. The offence intended to be created under this section was the selling or keeping exposed for sale adulterated liquors, and it was provided that certain things should be evidence of that, but it was not provided that selling such liquors should be an offence. He moved the insertion of the words "and shall be guilty of an offence against this Act" after the word "premises."

Amendment put and passed.

The COLONIAL SECRETARY said it would be as well to omit the last three lines of the clause. It was a mistake to leave it to the judgment of the Colonial Secretary to say how forfeited liquor should be disposed of. The Government had been found fault with a good deal some time ago for disposing of forfeited liquor as prescribed by the Act. He thought that deleterious mixtures affecting the health of the public should be destroyed, and that there should be no option in the matter.

Mr. GRIFFITH said he did not see why the vessels containing the adulterated liquor should be destroyed; they might be valuable.

Question—That the words "as well as the vessels," proposed to be omitted, stand part of the clause—put and negatived.

Question—That the words "as may be directed by the board or licensing authority having jurisdiction in the case, or in accordance with regulations framed by the Colonial Secretary under this Act," stand part of the clause—put and negatived.

Clause, as amended, put and passed.

Clause 76—"Where liquor retailer proves *bonâ fide* purchase of adulterated liquors"—passed, after being amended by the omission of the words "or otherwise disposed of."

Clause 77—"Liquors impounded to be returned on acquittal"—passed as printed.

On clause 78—"Responsibility of licensed liquor retailer for goods, etc., of lodgers, 28 Vic. No. 4"—

Mr. GRIFFITH said that the clause as it stood appeared to him to be a change in the law. There was a reference to 28 Vic. No. 4, which was an Imperial law, and not on their statute-book. That Imperial Act also provided that notices should be posted up in conspicuous places, stating that the hotel-keeper was not liable except under certain circumstances. He had seen that done in various places—in Great Britain and also in Victoria—but there was no provision of the sort in the clause before the Committee. He thought the best thing would be to provide that a copy of this section should be kept in some conspicuous part of the hotel, and he would move that the following proviso be added at the end of the section:—

Provided that such liquor retailer shall keep a copy of this section always posted on his licensed premises on some conspicuous place near the principal entrance thereof.

Question—That the words proposed to be added be so added—put and passed.

Clause, as amended, agreed to.

On clause 79—"Disposal of property left by lodgers on liquor retailer's premises"—

Mr. GRIFFITH said it might be very well in some parts of the country to have the property disposed of at the nearest auctioneer's premises, but it would be better to leave out the word "nearest."

The ATTORNEY-GENERAL said it had been suggested to him that it would be better to omit the words "applying for the same and," in the 49th line. If a man applied for his goods without paying the retailer what was due, the latter would have no right to dispose of the property. The clause would cover all that was necessary without the words he had mentioned; and he therefore moved that they be omitted.

Mr. GRIFFITH said the meaning was ambiguous, and it was better that the words should be omitted.

Question—That the words proposed to be omitted stand part of the clause—put and negatived.

The COLONIAL SECRETARY moved the omission of the words "removed to the nearest auctioneer's premises, and there," in the 56th and 57th lines.

Question—That the words proposed to be omitted stand part of the clause—put and negatived.

Clause, as amended, put and passed.

Clause 80—"Indemnity from distress for rent, etc., of stranger's property"—passed as printed.

Clause 81—"Licensed premises may be entered by police in case of disturbance"—passed as printed.

On clause 82—"Entrance by day or night on licensed premises may be demanded in certain cases"—

Mr. GRIFFITH said the delay might be unintentional; and if wilful, the police had power to break in. The sentence should read—"And if admittance be refused or wilfully delayed, the offender shall forfeit and pay any sum not exceeding £10."

On the motion of the COLONIAL SECRETARY, the clause was amended by the insertion of the words "refused or wilfully," after the word "be," in the 41st line; and the omission of the words "for such time as that it may be reasonably inferred that wilful delay was intended," in the 41st and 42nd lines.

Clause, as amended, put and passed.

On clause 83—"Police to have access to licensed premises at all times"—

Mr. GRIFFITH said that the clause, like clause 82, went too far. It was sufficient that the police should have access during the time the premises were open.

On the motion of the COLONIAL SECRETARY, the words "lawfully allowed to be," in the 48th and 49th lines, were omitted.

Clause, as amended, put and passed.

Clause 84—"Production of license"—passed as printed.

Clause 85—"Proof of license"—passed as printed.

On clause 86—"Abandonment of licensed premises to forfeit license"—

Mr. BAILEY said it would be better to amend the clause so as to read thus:—"If any holder of a liquor retailer's license under this Act abandons his licensed premises, etc." He had known publicans to abandon their houses for two or three months without being convicted.

Mr. GRIFFITH said that if a man shut up his house for a week and stayed in it he would not be guilty of abandoning it; and he did not know whether that man's license should be forfeited. But from one point of view it should be forfeited, because he was supposed to keep his house open to the public. A man might get drunk and keep his house closed for a week or a month, but if he continued to live on the premises he could not be said to have abandoned the house. There was really no provision in the Bill to compel a man to keep his house open.

The COLONIAL SECRETARY moved the insertion of the following words:—

Or neglects to keep his licensed house open for public convenience during legal hours.

Mr. GRIFFITH pointed out that some of the hours were optional. A man was not bound to open his house at five in the morning. The expression "reasonable hours" would be better.

Mr. MACFARLANE asked how this would affect those publicans who chose to shut up on Sunday?

The COLONIAL SECRETARY said the Bill made it legal for them to close during those hours.

Question put and passed; and clause 86, as amended, agreed to.

On clause 87—"Forfeiture of license and causes"—

The COLONIAL SECRETARY said he had an amendment to propose, substituting words for figures in citing various sections of the Act.

Mr. NORTON said some alteration would have to be made in the subsections as, in their present form, two convictions within six months under one section was made equal to three convictions under the same section and within the same period.

Mr. GRIFFITH said he thought the expression should be "under any of the provisions of" certain sections of the Act. The division of the offences seemed to be a purely arbitrary one, and it was difficult to follow the meaning of the section. Of course, there were a

great variety of offences, and some were more grave than others; but, according to the Bill as it stood, three convictions within six months appeared to be held equivalent to four convictions of the same nature within two years; and two convictions within six months to three within two years.

The clause was amended by the omission of the numbers of the sections under which the convictions are to take place, and the substitution of the words "any of the provisions of this Act," and passed as amended.

Clause 88—"Certain charges may be heard by justices not having licensing jurisdiction"—was passed, after being amended by the omission of the sections printed, and the insertion of the words "of which the maximum penalty does not exceed £5."

On clause 89—

"Where any tenant of any licensed premises is convicted of an offence against this Act, and such offence is one the repetition of which may render the premises liable to be disqualified from receiving a license for any period, it shall be the duty of the clerk of petty sessions, at the court where the conviction is made, to serve notice of such conviction on the owner of the premises"—

Mr. GRIFFITH pointed out that there was now no provision in the Act for disqualification of premises. Only persons were to be disqualified. What was proposed was, as it were, complementary to what they had done in clause 87. They now made forfeiture of a license to apply to every offence under the Act. Every offence was now liable to cause the withdrawal of a license. He moved that the following words be struck out:—

"And such offence is one the repetition of which may render the premises liable to be disqualified from receiving a license for any period."

Question—That the words proposed to be omitted stand part of the Bill—put and negatived.

Clause, as amended, agreed to.

On clause 90—"Notice to be given to owner of disqualification of premises"—

The COLONIAL SECRETARY said this clause was now unnecessary, for the same reason as the former one, as they had struck out the disqualification of premises. He moved that it be struck out.

Clause put and negatived.

On the motion of the COLONIAL SECRETARY, clauses 91—"Service of notices may be by post"—and 92—"Licensees disqualified from being jurors"—were struck out.

Clause 93 passed as printed.

Clause 94—"Employment of unlicensed person to sell liquor prohibited to liquor retailer except on licensed premises"—passed with a verbal amendment.

Clause 95—"Purchaser liable to penalty."

The COLONIAL SECRETARY said that he must confess that after putting this clause in the Bill he had now considerable doubts as to how it would act. He did not see how they were to get information if they fined the purchasers £20.

Mr. NORTON: Strike it out.

Clause put and negatived.

Clause 96—"Warrant, and seizure of liquors kept in unlicensed place or for illegal sale."

Mr. NORTON said he did not see why the person in possession of liquor should be called upon to show how, and for what purpose, he became possessed of any that might be found on his premises. Suppose a grocer had liquor in his store. Why should he be called upon to prove that it was not there for unlicensed sale? They knew that grocers had been in the habit of selling single bottles; but they had refused to license grocers, although it had not been shown that any harm had been done by them in the past. But, though the license was refused, it was now proposed to make them prove that the liquor was not there for sale. He thought it was a hard case, and that the clause would operate very severely on the grocer. He suggested that the words, "and to show how and for what purpose he became possessed of such liquor," should be struck out.

The COLONIAL SECRETARY said it had not been shown that no harm had been done by a grocer selling single bottles. Was it not known to the hon. member that under the Act they were liable to a penalty for it, and was it no harm to break the law? If grocers or anybody else kept quantities of liquor on their premises he felt simply bound to say that he thought it was a very fair thing to ask them to show for what purpose they became possessed of them. The presumption was that they kept them for sale; but as for there being no harm in grocers selling single bottles, he denied it. There was a great deal of harm in it in every possible way.

Mr. NORTON said the harm was done to the Treasury, which did not receive as much as it might do. That was the only harm, and none had been shown to have been done in any other way. If it did any harm now it would do the same amount of harm if the single bottles were bought from the publican. The grocer came forward and said he was bound to sell single bottles, and wished to pay for a license for selling them, and yet it was said that he should not have a license although he was willing to pay for it. He thought it was very hard if a grocer was forced to prove that the liquor was on his premises for sale.

The COLONIAL SECRETARY said the clause was just put in to catch the grocers and people who kept grog for sale without a license. That was the intent and purport of the clause. He still maintained that for grocers to sell single bottles did a very great deal of harm, and, therefore, they were refused a license. This clause was put in for the purpose of catching those people and also lodging-house keepers who sold without a license.

Mr. FOOTE said he thought the argument of the hon. member for Port Curtis was very forcible. The grocers were not allowed to sell grog, and though they might wish to take out a license they were prevented from doing so. He took it that this clause appled to general storekeepers also, and he knew that many of them sold grog. It was decided that the grocer should not sell less than two gallons, but how would it operate in regard to private persons? A gentleman—he might be a storekeeper or anything else—might choose to keep grog in the house for his own family purposes, but he would not be allowed to buy a moderate quantity—he must buy two gallons. If he required to keep more than one kind of liquor—brandy, gin, etc.—he must have two gallons of each sort. Was it intended by this clause to compel that person to state what he kept that liquor in his house for? Was the onus of proof of what he kept it for, and where he got it, to be thrown upon him? If that was so, a person might be subjected to very considerable annoyance. If it were known that he had grog on his premises he might be called before the court and compelled to account for all of it, and his explanation might or might not be received. Therefore, it would be very unpleasant to throw the onus of proving those matters upon the person keeping

the grog, and he agreed with the hon. member for Port Curtis that the onus should not be thrown upon him.

The COLONIAL SECRETARY said the hon. member did not seem to know that an information on oath must be made before a justice before proceedings could be taken against any person, and he (Sir Arthur Palmer) did not suppose anyone would give information on oath unless he had good reasons to believe that the liquor was kept for sale. The clause was just to catch the grocers, and, in fact, any persons not licensed who kept liquor for sale—ironmongers, or even tailors, for the matter of that; but before proceedings could be taken there must be an information on oath.

Clause put and passed.

On clause 97—"Seizure of liquors suspected to be carried for illegal sale"—

The COLONIAL SECRETARY moved the omission of the words in the 55th and 56th lines, "exercising licensing authority under this Act."

Question put and passed.

The COLONIAL SECRETARY moved the omission at the end of the 4th line of the words "or in the quantities seized."

Question put and passed.

The COLONIAL SECRETARY moved the omission of the 3rd paragraph, with a view of inserting the following in lieu thereof:—

> And on satisfactory proof being given that any person carried about for sale or delivery, or exposed for sale in any street, road, footpath, booth, tent, store, shed, boat, or vessel, or in any place whatsoever, any liquor without having a license to sell or expose the same for sale, the person so offending shall be liable to a penalty not exceeding fifty pounds nor less than ten pounds, and failing such payment, together with the full costs of such seizure, hearing, and conviction, to imprisonment for any period not exceeding six months.

Question put and passed.

Clause, as amended, put and passed.

On clause 98—"Vessels containing liquor to be labelled on sale and delivery; vendors of liquors infringing this section to be subject to penalties in 93rd clause"—

Mr. GRIFFITH directed attention to this clause, in connection with clause 53, which was almost the same, so far as liquor retailers were concerned, but did not impose any penalty for fixing false labels as this clause did. In fact, this clause appeared to deal with the spirit trade generally—with wholesale spirit dealers; but there was nothing in the Bill relating to those persons. The whole purport of the Bill related to liquor retailers. He thought it would be as well to insert a clause to the effect that if any licensed liquor retailer affixed a false label he should be liable to punishment.

Clause put and negatived.

Clause 99—"Purchaser of liquor illegally sold liable to penalty"—put and negatived.

On clause 100—"Boarding-house keepers and grocers found having more than reasonable quantity of liquor subject to penalties"—

The COLONIAL SECRETARY said he did not think they required this clause, as it was practically a repetition. Clause 96 required that the information should be upon oath, and this clause was unnecessary. He therefore proposed to negative it.

Clause put and negatived.

On clause 101—"What shall be deemed retailing"—

Mr. GRIFFITH said this clause was not at all clear; there were three sentences all mixed up together. The first part was intended to catch people who made a pretence of giving bottles of grog as presents to persons who bought from them, so that if a person purchased tea he would be given a bottle of grog. The next part was intended to deal with persons who sold more than two gallons on the understanding that part of it was to be returned—whether they were grocers or not. These were different things altogether. The third part provided that such person should be deemed a retailer of the liquor so given away, sold, or delivered, and should be liable as for selling the same by retail without a license. That was if he was unlicensed, of course. As the clause stood it would only catch grocers.

Clause amended by inserting the words "if any person" after "or" in the 4th line.

Mr. NORTON said he should very much like to see this clause left out altogether. It was very much like the other clauses he objected to; but he did not move an amendment because, with about a dozen members in the House, he would not have much chance of carrying it. It was evident that there was no very great interest taken in the matter. His objection to these clauses was that an offence was made by this law. If a grocer sold a bottle of grog now he did not commit a moral offence. It was simply a legal offence made by this law or the existing law; and when he said that he was willing to pay a license to the Treasury for selling single bottles he (Mr. Norton) thought he ought to be allowed to do so.

Mr. GRIFFITH said the clause as it stood did not meet the cases it was intended to meet. Too many things were mixed up together in one sentence, and it would be very difficult to convict.

Clause, as amended, put and passed.

On clause 102—"Licensing boards, etc., to determine fact of retailing in each case; delivery *primâ facie* evidence of sale; two convictions of unlawful sale to imply connivance of owner at subsequent offence"—

Mr. GRIFFITH said the last paragraph of the section made the difficulty of conviction almost impossible. At present when liquor was sold in a man's house it was supposed to be sold with his authority, but here was a proviso to the effect that until a man had been convicted twice he could not be convicted under this clause. That was certainly increasing the difficulty of conviction very much.

The COLONIAL SECRETARY said he proposed to omit the last provision of this clause, which was as follows:—

> "Provided that where two convictions for breaches of this part of this Act, or any section of this part of this Act, or of any of the Acts hereby repealed, have been made, on account of the unlawful sale or delivery of liquors on or from any premises while in the occupancy of the same person, any subsequent unlawful sale or delivery of liquors on or from such or any other premises while he occupies or has control over the same, shall be deemed to have been made with his cognisance and sanction, and as if he had himself sold or delivered such liquors."

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

Clause, as amended, put and passed.

Clause 103—"Drinking in any unlicensed house"—put and passed.

On clause 104—"Proceedings not to be quashed for informality; Time for complaint to be within three months of offence; Parties to cases witnesses"—

Mr. GRIFFITH said this clause provided for the defendant in a case being a competent witness, and he considered that it ought also to pro-

vide for the defendant's wife being a competent witness. He moved that the following words be inserted after the word "defendant" in the 49th line—"or the wife of every such defendant."

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

Clause, as amended, put and passed.

Clauses 105 to 108—providing for penalties and costs being recovered by distress, for the appropriation of penalties, and for amends against preferring groundless charges—put and passed.

On clause 109—"Appeals to district court"—

The COLONIAL SECRETARY expressed his intention of negativing this clause.

Question—That clause 109, as read, stand part of the Bill—put and negatived.

Clause 110—"Action against officers; Limitation of time; Notices; Procedure"—passed with a verbal amendment.

On clause 111—"Railway refreshment rooms"—

Mr. NORTON moved the omission of the words "five nor more than ten pounds," with a view of inserting the word "thirty." It was all very well now when the traffic was small; but in course of time traffic on the railways would increase, and the refreshment rooms would be open all day long, and at night too. He did not see, therefore, why the license should not be the same as that for an ordinary public-house.

Amendment put and passed; and clause, as amended, agreed to.

Clause 112—"Workmen's wages not to be paid on licensed premises"—put and passed.

On clause 113—"Colonial Secretary may make regulations"—

Mr. GRIFFITH moved the omission of the words "as well as any of those contained in schedule B to part two of this Act," on the 5th and 6th lines of the clause. The clause would then read:—

> The Colonial Secretary may, subject to this Act, and the approval of the Governor, make such regulations as may be necessary for more effectually carrying out the provisions of this Act. He may from time to time, subject to the like approval, amend, vary, or rescind any, or all, of such regulations; and all such regulations, when so approved, shall be published in the *Gazette*, and thereafter have the force of law.

On clause 2—"Division into parts"—

The COLONIAL SECRETARY moved the following amendments, which were agreed to:—In part III., omit 47, and insert 44; in part IV., omit 48 to 92, and insert 45 to 89; in part V., omit 93 to 103, and insert 90 to 100; in part VI., omit all the words after "provisions."

Clause, as amended, put and passed.

Preamble put and passed.

On the motion of the COLONIAL SECRETARY, the Chairman left the chair, and reported the Bill with amendments.

On the motion of the COLONIAL SECRETARY, the Speaker left the chair, and the House resolved itself into a Committee of the Whole to reconsider the Bill.

Preamble postponed.

Clauses 1 to 3, inclusive, passed as printed.

On clause 4—"Interpretation clause"—

The COLONIAL SECRETARY moved the omission, in the 44th and 45th lines, of the words "established under the laws in force for the time being relating to local government"; and, in their place, the insertion of the words "as defined by the Local Government Act of 1878, or by any Act hereafter in force amending or in substitution for that Act."

Amendment agreed to.

Clause, as amended, put and passed.

Clause 5—"Establishment and constitution of licensing districts and licensing boards"—passed as printed.

On clause 6—"Appointment and constitution of licensing boards"—

Mr. MACFARLANE moved the omission of the words, "or who is a member of" in subsection D, lines 28 and 29. He hoped the Colonial Secretary would agree to the amendment. He did not think either the present or any other Colonial Secretary would appoint to a board a member of a temperance society, or that such member would care to be appointed; but it was the principle he contended for. He did not want to divide the Committee, but would leave it to the good sense and fair play of hon. members to decide whether the amendment should be carried. It would not affect the Bill in any way.

The COLONIAL SECRETARY said he should oppose the amendment. It had been negatived in a full House, and it was unfair of the hon. member to bring it up again in a thin House. If he wanted to block the Bill he should say so.

Mr. FOOTE said that if the amendment were not allowed it would be just as well to omit the clause.

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

Clause, as printed, put and passed.

Clauses 7 to 13, inclusive, passed as printed.

On clause 13—"Procedure of boards"—

The COLONIAL SECRETARY moved the omission, in the 56th and 57th lines, of the words "licensing matters upon which they are authorised by this Act to adjudicate," and, in their place, the insertion of the words "applications for licenses or certificates, or the renewal, transfer, or removal of licenses, under this Act."

Amendment agreed to.

Clause 13, as amended, agreed to.

On clause 14—"Quorum"—

The COLONIAL SECRETARY moved the insertion, after the word "board," of the words "having jurisdiction upon any matter which may be brought before the board."

Question put and passed; and clause, as amended, agreed to.

Clauses 15 to 18, inclusive, passed as printed.

On clause 19—"Duties of inspector"—

The COLONIAL SECRETARY moved an amendment to strike out the word "three" and substitute the word "seven," so that the latter portion of subsection D, relating to report on notices of objection, would read:—

> And every such report shall be made to such clerk at least seven clear days before the day appointed for the hearing of any application to which objection may have been made.

Mr. GRIFFITH said the original term of notice was the right one. Under the 37th clause objections might be made to the clerk of petty sessions seven days before the application. It would be quite impossible that the complaint should be made to the clerk of petty sessions, and by him to the inspector, and be reported upon by the inspector, all in the same day. Four days were clearly intended to be allowed for that process; and the word "three" was therefore right.

The COLONIAL SECRETARY said he had been assured that seven days was the right time.

Question put and passed; and clause, as amended, agreed to.

Clause 20 passed as printed.

On schedule B—"General regulations for conducting the business of licensing boards and licensing authorities"—

On the motion of the COLONIAL SECRETARY, the words "except by notice of appeal," and the whole of the 10th subsection—relating to costs occasioned by frivolous objections—were omitted.

Schedule B, as amended, agreed to.

Schedule C passed as printed.

On clause 21—"Licenses that may be granted"—

On the motion of the COLONIAL SECRETARY, the clause was amended by the omission of subsections 2 and 4, as follow :—

"2. A private hotel license, which shall be as near as may be in the form numbered two of the said schedule.

"4. A grocer's license, which shall be as near as may be in the form numbered four to the said schedule."

And also by the omission from subsection E of the following words :—"Except as hereinafter provided in the case of a grocer's license."

Clause, with these and other verbal amendments, agreed to.

Clauses 22 to 24, inclusive, passed as printed.

Clause 25—"Accommodation required in private hotels"—put and negatived.

Clauses 26 to 30, inclusive, were amended, on the motion of the COLONIAL SECRETARY, by the omission of the words "or private hotel" from each clause.

Clause 31—"Private hotel licenses"—negatived.

Clause 32—"Packet licenses"—amended by the insertion of the words, "or within half-an-hour of the time of departure."

Clauses 33 to 41, inclusive, passed as printed.

Clauses 42 and 43 passed with verbal amendments.

Clauses 44, 45, and 46 passed as printed.

Schedules D and E verbally amended.

Form No. 8 of schedule F—"Permission certificate on lunacy of licensee"—negatived, and a new orm inserted in its place.

Schedule G verbally amended.

Clause 49—"Penalty for keeping billiard or bagatelle table without a license."

The COLONIAL SECRETARY moved the omission of the word "unlicensed" in the second part of the clause.

Mr. GRIFFITH pointed out that then the two first parts would read the same—"Any person" in the second part including within it the words "Any liquor retailer" of the first part. It would be better to strike out the first part altogether, as well as to pass the amendment of the Colonial Secretary.

Amendments agreed to.

Clause, as amended, agreed to.

Clauses 50 to 113 agreed to.

Schedule H passed as printed.

Clause 2—"Division into parts"—amended by striking out the enumeration of the sections and schedules in each part of the clause.

Clause, as amended, put and passed.

Preamble agreed to.

The Bill was reported to the House with further amendments; the report was adopted; and the third reading made an Order of the Day for to-morrow.

The House adjourned at a quarter past 10 o'clock.