Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY, 30 AUGUST 1882

LEGISLATIVE ASSEMBLY.

Wednesday, 30 *August*, 1882.

Appropriation Bill No. 2.—Question.—Formal Business.—Days of Sitting.—Oyster Bill—second reading.—Jurors Bill—second reading.—Adjournment.

The SPEAKER took the chair at 7 o'clock.

APPROPRIATION BILL No. 2.

The SPEAKER read a message from His Excellency the Governor, conveying his assent to Appropriation Bill No. 2, 1882-83.

QUESTION.

Mr. BAILEY asked the Minister for Works—

1. The name of the Railway Porter at Ipswich who was dismissed on or about 24th August, after six or seven years' service?

2. What was the reason for his dismissal?

3. Has he been informed of such reason?

4. The name of the Porter who was appointed about the same date in his place?

The MINISTER FOR WORKS (Hon. J. M. Macrossan) said that, as that day was a public holiday, and there had been no officers at work in the Railway Department, he would ask the hon. member to ask the question to-morrow.

FORMAL BUSINESS.

On the motion of Mr. GRIMES, it was resolved—

That there be laid upon the table of the House, copies of all Papers and Correspondence relating to the resignation of Robert McDowell, late a porter at the Brisbane Railway Station.

DAYS OF SITTING.

The PREMIER (Hon. T. McIlwraith), in moving—

That, unless otherwise ordered, in addition to the days at present fixed by Sessional Order as days of meeting, the House do meet at 3 p.m. on Monday in

each week; and that, in addition to the days on which precedence is already accorded to Government business, such precedence be also accorded on Mondays—

said that in so doing he was consulting the convenience of members on both sides of the House so far as he could understand the opinion of the House. There was no question that the convenience of country members would be served in carrying the motion. The reason why only two days of the week had been allowed for Government business had been that the reporting and printing staffs were no more than able to carry out the work that had to be done on two Government days; but he did not think that would be a difficulty now. The reporting staff was quite equal to the work, and so was the printing establishment. He moved a similar motion about the same stage of the session last year.

The HON. S. W. GRIFFITH: A little later.

The PREMIER said it was a fortnight later. His opinion went beyond the motion, because he thought it would be a great improvement on their method of conducting business for the future if Monday, Tuesday, and Wednesday were from the commencement of the session given up to Government business. The Government business demanded that that should be done. At present private members had Thursday and Friday, though they had never been in a position to demand Friday. Thursday, however, had been ample to meet their wants. It was quite apparent, from the amount of business to be done, that more time would be required for Government business; and from an examination of the Bills on the paper, together with those the Government had indicated their desire to pass during the session, it would be plain that they were in a position to devote a great deal more time to Government business. Much of the business he had referred to consisted of matters that had already been discussed, and on which they had pretty well made up their minds; and it would be well if both sides of the House were disposed to come to business and get the work done as quickly as possible. He believed if the motion were carried it would considerably expedite the business of the session, and would allow country members to pursue their ordinary avocations. It was a hard tax on country members to come to the House, and it was harder still when their time was unemployed while in town. He believed the House was quite capable of pursuing Government business on three days a week, for the reason he had given—that most of the matters brought before Parliament had been so thoroughly discussed that they were now in a position to come to a conclusion on them.

Mr. GRIFFITH said no doubt the number of country members was much larger now than it was some years ago, and a great deal of consideration was due to them; but at the same time he thought, in conducting parliamentary business, as in other things, the more haste there was the less speed. It was necessary they should have time to digest the matter they had to discuss before they discussed it. He did not dispute for a moment that at some period of the session it might be necessary to devote three days of the week to Government business; but if they went on as fast as they had been doing, going steadily to work at Government business every night for three days of the week, hon. members who knew anything of parliamentary business knew that it would be a very severe strain. The remedy proposed by the hon. gentleman would practically leave only Friday and Saturday evenings for members to prepare for their parliamentary work—he spoke of members who were otherwise engaged—so that it would be a very severe strain on them. If they devoted three nights a week to Government business he hoped they should not be asked to sit very late, because if they devoted themselves seriously to the work it could easily be done without that. Hon. members who seriously attended to their duties had nearly as much to do outside as in the House. In Victoria he thought they never had more than two Government days in the week. In New South Wales they had three, but the practice there had been to talk a great deal more than in that House. He believed that Friday would be better than Monday, because it was practically impossible for members who came from the West to be in town for Monday. It would be a matter of indifference to those members who were in town all the time whether they sat on Monday or on Friday. Hon. members from the country could arrive on Monday or on Tuesday morning and return on Saturday. He did not see his way to oppose the motion, but he hoped the hon. gentleman at the head of the Government would not desire to burn the candle at both ends in the matter. He should not move any amendment. He had given his reason why he thought Friday would be better than Monday—he did not mean Friday morning, but Friday evening. Of course the Government were strong enough to carry Monday if they preferred it; and if the majority of the House were of that opinion, to him it was a matter of indifference.

Mr. ISAMBERT said he thought the action of the Premier was very inconsistent. It would be remembered that he opposed the payment of members, and now he asked the House to sit an additional day out of consideration for country members who wished to get home. But when the question of payment of members was before the House country members were not to be considered; in fact, one member—the junior member for Maryborough—valued his time and labour at almost nothing, and said he should be ashamed to take anything for it. It was well known that members of the House who did not speculate in large operations in land did not find it advisable or advantageous to attend to public business in order to pass such legislation as would specially benefit them. They had to look after their business as well, and look after it carefully, in order to be able to make both ends meet and pay 20s. in the £1. Hon. members opposite could afford to make it their business—and a very profitable business—to attend there, and no doubt they were anxious to get that profitable business done in as little time as possible and go to their homes. If the Premier's motion were passed, some members on the Opposition side of the House would be excluded from the Monday sitting because they could not arrive until very late in the evening. He would not oppose the motion if the Government promised not to bring any ticklish questions before the House on Mondays, such as the Coolie Bill or Transcontinental Railway; but otherwise he would oppose it.

The HON. G. THORN said if the Government had called the House together in proper time there would be no necessity for asking for three nights a week for Government business. He would also point out that not meeting the House until so late in the year was a most dangerous precedent, because when the present Opposition occupied the Government benches they would be able to point to the practice of the present Government in that respect as a justification for doing the same thing. He recollected distinctly that when the present Government were in opposition they were loud in their declamation of the then Government because they met the House late, although they met it in April or the beginning of May; but now the Government did not meet the House until July, the spring of the year. He did not

think they should have Monday as a sitting day. He recollected that last session the Government made it a practice of bringing on very important business on Mondays, when there was a thin House, and that was how they got through the session so quickly. He thought Friday would be much better than Monday, and would support an amendment to that effect.

Mr. JESSOP said that, as an outside country member, he was inclined to support the motion. He could speak more feelingly on the subject than the hon. member for Rosewood, who could come down by the early train.

Mr. ISAMBERT: He does not come down; he lives here.

Mr. JESSOP said, if the hon. member lived in Brisbane, all the more reason why he should not argue against the motion. The hon. members for Toowoomba could also catch the early train and arrive in time for the afternoon sitting, but country members living beyond Toowoomba could not do so; and he for one would be glad to stay over Saturday and Sunday so as to be in attendance on Monday and get on with business. They should also have some consideration for Northern members who had to remain in Brisbane the whole of the session.

Mr. HORWITZ thought it was unfair to press such a motion. Monday was a very awkward day for country members to get to Brisbane, and if the Premier would substitute Friday for Monday he should be only too glad to support it. Country members from a distance could not arrive in time on Monday because, although the train was supposed to arrive at a-quarter past 10, it frequently did not arrive until 11; and who was responsible for that? On Saturday last the Roma train, which should arrive at a-quarter past 10, did not arrive until 12 o'clock. He thought the Premier had no reason to complain of the manner in which business had been conducted this session; and if business had not advanced so quickly as they wished it was entirely the fault of the Government. Parliament might have been called together two months sooner, and a great deal more work might have been done during the first three weeks of the session —when scarcely anything was done, and they adjourned at 5, 6, and sometimes 9 o'clock. It appeared to him that the Premier wished to take advantage of Monday as a sitting day because he knew members would not be able to be present; and that, he thought, was hardly fair, especially when measures were likely to come on that they wished to discuss. At present country members could not possibly be in attendance on Monday; because, although there were Sunday trains from Ipswich and Sandgate, there were none from Warwick or Roma.

Mr. McLEAN said he was rather surprised to hear the hon. members for Northern Downs and Warwick blaming the Government for calling the House together so late as they had done during the last two or three years. It was a well-known fact to every member of that House, and also to the country, that the Government would not call the House together at all if it were not to get Supply in order to carry on public business. Apart from that, however, he thought the Premier would see that Friday would probably suit the Government just as well as Monday. He did not suppose it was any object to members living in Brisbane whether the House met on Monday or Friday, so long as there was an extra day, and business was got through speedily so that they might get away to their homes. But, as the hon. member for Warwick had said, there were no Sunday trains beyond Ipswich, and therefore members living on the Downs and out west could not reach the House until late on Monday evening. As there was no great probability of Friday being required for private business, that day might be devoted to Government business, and that would probably suit every member of the House much better than Monday.

The PREMIER said he had fully considered the objections brought forward by the hon. member for North Brisbane. There was no doubt, as that hon. gentleman had stated, a great strain on members of Parliament who had only Friday and Saturday on which to study Government measures; but, at the same time, the strain was just as great on Ministers as on other hon. members of the House—in fact, a great deal more so, because they had not only to attend to official business outside the House, but also to their own private business. The suggestion that Friday should be made a Government day required a great deal of consideration, and that consideration the Government had given the matter. He had no objection whatever to make Thursday another Government day and devote Friday to private business, and he would be very happy to enter into consultation with the leaders on the other side of the House to bring about that result, which would get over the difficulty mentioned by the hon. member for Warwick. That hon. member must see at once that his argument for a Monday sitting was very unreasonable. He said he could not get down on Monday as there were no Sunday trains, and his argument simply amounted to this: that because he could not get down on Monday, therefore the Government should not consult the convenience of other country members who had not the opportunity of going to their homes once a week. Friday was a day that would not suit the Government, because hon. members would see at once that it would not expedite matters to have the course of Government business interrupted by private business on Thursday. Another objection to it was that the Government would have considerable difficulty in getting members together on Friday when they had Thursday for private business. The best course to adopt was that the motion should be carried for a Monday sitting, and then he would be quite prepared to consult the convenience of all hon. members by coming to an arrangement by which Thursday should be taken for a Government day and Friday for private business. He had always been in favour of that, but had never been able to carry it. One reason why he had not been able to carry it was that, by giving up Thursday to private members and taking Monday for Government business, if the private business on the paper was considerable, private members always had the advantage of the Friday sitting, which they could have whenever they liked to make a quorum, which the Government were always prepared to assist in doing. Of course, if Friday were made a Government day they would be deprived of that advantage. Those were matters that had to be considered, and the Government had considered them and come to the conclusion that they would be consulting the convenience of both sides of the House much better by making Monday a Government day. At the same time he was prepared, as he had stated, to take Thursday as a Government day, so that they would have three consecutive days for Government business.

The HON. G. THORN said that was not the practice in the other colonies. There was always the private members' day between.

The PREMIER said his only object in moving the motion was to study the convenience of the House; and having studied not only the con-

venience of members on that side of the House, but that of hon. members opposite, he desired that the motion should be carried, and he would be prepared to accept suggestions to expedite Government business; and, if satisfied that they should be accepted, he would then bring another motion before the House altering the days in the way he had stated. In the meantime he proposed that the motion should pass as it stood.

Mr. MILES said that as it would be very inconvenient for hon. members for country districts to get to town in time for a Monday's sitting, he would move, as an amendment, that the word "Monday" be omitted from the motion, with the view of inserting the word "Friday." He was quite willing to accept Friday as private members' day instead of Thursday.

The PREMIER said that in that case it would be necessary to rescind the Sessional Order authorising the House to meet on Friday mornings at half-past 10.

Mr. MILES said he would see to that afterwards.

Mr. ALLAN said he had a decided objection to Thursday being made a Government day; at the same time, he had no objection to take Friday as well as Thursday for private business. He should be glad to vote for Monday being made a Government day, and Friday an extra private members' day.

The PREMIER: It is so now.

Mr. ALLAN said it ought to be kept so. If he wanted to go home he had a long distance to travel, and he was quite prepared to sit every day of the week in order that business might be got through as quickly as possible.

Mr. GRIFFITH said that, as he had before remarked, it was a matter of indifference to him whether Monday or Friday was fixed upon; but it would suit a large number of hon. members to meet on Friday rather than on Monday. He was glad to hear the Premier say that he was willing to accept that alteration, and he had suggested to the hon. member (Mr. Miles) to move the amendment, in order that the question might be further discussed from that point of view. During his experience they had seldom used more than one private members' day in a week. He hoped they might rely upon the Government giving their assistance to form a House on Friday for the transaction of private business. If the amendment was carried it would be necessary to move that the Friday morning's sitting be discontinued, and that Government business take precedence on Thursday. That course would be far more convenient to the majority of hon. members. If it was afterwards found necessary to have an extra private members' day, Monday might be fixed for that purpose. It was a matter on which they all ought to agree as far as possible.

Mr. JESSOP said he was still in favour of the original motion, and he would be quite willing to add Friday as well. Such a course would be a great relief to Northern members, who were compelled to spend three or four months in town.

Mr. FRASER said it was evident that no suggestion was likely to meet the convenience of all hon. members, and what they ought to aim at was the course that would meet the convenience of the greater number. The Premier's object was to have an extra day, in order to hasten the business of the session. There was not much private business on the paper at present, nor did it seem likely there would be. The Premier's suggestion was a fair one, and it ought to be met by hon. members on both sides; and he was satisfied that if it was met in the spirit in which it was offered the work of the session would be as much expedited as if the original motion were carried. It was evident that there were several hon. members who could not be present at a Monday's sitting unless they resided continuously in town.

Mr. GROOM said that, speaking as a matter of experience, he had often seen more business done on a Friday morning, when the House met at half-past 10 and adjourned at 1, than had been done on the whole of the previous evening. Very often the whole of the business had been cleared off the paper before half-past 12. Whatever was the cause—whether hon. members were in a more tranquil state of mind, or what—that was the result. As a country member he was quite prepared to assist the Government in making a House on Monday, but as a matter of personal convenience he should much prefer to give up the whole of Friday. Monday was a most inconvenient day for a business man to attend the House. He could fully sympathise with hon. members from the North who had to remain in town throughout the session, for that had been the case with himself and other country members before the period of railways. Taking all things into consideration, it would be better to have Monday as an interregnum, during which members could read the parliamentary papers and think over the Bills. He would vote for Monday if the Premier wished it; at the same time, Friday would be a far preferable day. If necessary, the House might meet at half-past 10 on Friday. There was not much important private business on the paper now, but there was a great deal of important Government business—not only with regard to the Estimates, but to the various Bills; and it would not be fair to country members that those Bills should be hurried through on a day when they could not possibly attend. Under existing train arrangements, it was impossible for a number of hon. members to be in their places in the House before half-past 10 or 11 o'clock on a Monday night. It might be asked, why should they go home? But there were certain hon. members who were bound either to go home at the end of the week or else give up their seats. If the Premier would consent to the amendment, he felt sure that country members would cheerfully assist him in making a House on Friday. For himself, he could not possibly be in town on a Monday. Some little attention ought to be paid to the convenience of country members, and he trusted the Premier would consent to the amendment of the hon. member for Darling Downs.

Mr. NORTON said that, as far as he was personally concerned, it made no difference whether the House sat on Monday or on Friday; and perhaps an arrangement ought to be made to meet the views of the majority of country members. But there was an objection to giving up Thursday to Government business. Friday was a private members' day in addition to Thursday, and in order to get through private business it might be desirable to sit on Friday mornings for that purpose. There were now on the notice-paper twenty-three notices of "not formal" motions given by private members, the discussion of each of which would take up more or less time. If they gave up Thursday and accepted Friday instead, they would have no second private members' day. If once the House consented to give up Thursday as private members' day, they would have no right to any other day whatever except Friday. If private business went on increasing at its present rate, one day in a week would not be enough to get through it.

Mr. ISAMBERT said that the proposed concession, giving an extra day on Thursday to the Government, ought in all fairness to be accepted

by hon. members on both sides of the House ; and hon. members who objected to do so must have some sinister motives. It must be a matter of perfect indifference to hon. members who lived in town whether they met on Monday or on Friday ; but to members who lived at a distance it was a matter of great importance.

The PREMIER said a motion of that kind should be framed to suit the convenience of hon. members generally, and he had therefore given every argument brought forward fair consideration. It was generally supposed that a Government was rather anxious to get as much time as possible for Government business, and to circumscribe as much as possible that devoted to private business ; and the last thing to be expected was that hon. members should thrust upon the Government a proposition to take from hon. members the option they had of an additional private members' sitting on Fridays. So far as the Government were concerned, any three consecutive days would do—personally he should prefer Tuesday, Wednesday, and Thursday—but he had no wish to circumscribe the time of private members by taking Friday from them. He desired that the motion as it stood should be carried, and then if any inconvenience resulted he should be prepared to listen to the suggestions of hon. members who had business on the order-paper. Any wish on the part of the Government to take a private members' day had been always construed as an attempt to block private members' business ; and an alteration of the Standing Orders in that direction would seem a breach of faith towards those hon. members who had private business. The proposed arrangement, though not free from objection, had worked fairly well before, while if Thursday were taken from private members unforeseen difficulties might arise.

Mr. GRIFFITH said that during part of one session the House sat on Fridays—morning and evening—taking private business in the morning and Government business in the evening.

The PREMIER said that was the case once, but he thought it was taxing members of Parliament too much.

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

The House divided :—

AYES, 23.

Messrs. McIlwraith, Pope Cooper, Archer, Macrossan, Perkins, F. A. Cooper, Scott, Low, Black, McWhannell, H. Wyndham Palmer, Kingsford, Stevenson, Sheaffe, Jessop, Feez, Norton, H. Palmer, Ferguson, Allan, Govett, Weld-Blundell, and Hamilton.

NOES, 16.

Messrs. Griffith, Miles, Dickson, McLean, Isambert, Thorn, Brookes, Francis, Macfarlane, De Poix-Tyrel, Grimes, Groom, Horwitz, Bailey, Stubley, and Buckland.

Question resolved in the affirmative.

Original question put and passed.

OYSTER BILL—SECOND READING.

The COLONIAL TREASURER (Hon. A. Archer), in moving the second reading of this Bill, said he felt it his duty to inform hon. members of the reasons why it was thought necessary to make a change in the law regulating oyster fisheries in Moreton Bay, or rather in the colony. Although the Bill was of very little importance compared with some other measures which had been discussed in the House, it was of sufficient importance to claim the attention of hon. members so far as to enable them to see how far the new Bill replaced the old one. The Act of 1874 had been worked quite long enough to enable them to decide in what way it failed in performing what it was intended to accomplish in the way of keeping up a good supply of oysters. In several important respects the Act had proved a failure. One of the most important was that leases were granted for seven years only, while the fact that an oyster was not edible until the fourth year of its existence did not give a sufficient length of time to induce lessees to preserve them and keep up a supply ; nor did it make them very particular as to what became of the beds during the last three years of the lease. That was one fault in the present Act ; and it was now proposed to remedy it by doubling the term of the lease. Another difficulty in the present Act was as to the definition of "oysters for sale." There were certain penalties attached to the fishing for oysters by those who did not hold leases or licenses, but the difficulty of obtaining a conviction was so great that not a single one had been obtained during the whole time the Act had been in operation ; in fact, even when a boat had been followed in the river and actually seized with oysters on board, owing to some technical objections the attempt to convict of an offence against the law had failed. The Act was based to some extent on the lines adopted at home for the encouragement of oyster fisheries ; it was therefore not so much a failure in its entirety as in some of its details, but it was true that unless something was done to remedy its defects the colony would lose a trade which was of greater importance than some hon. members might suppose it to be. If hon. members would turn to the Act they would see that a great many of the clauses in the Bill before them were a repetition of those in the Act ; and where there were alterations he would point them out. The first portion of clause 1 defined the oysters. A "dredge oyster" was defined to be—

"All oysters and all brood ware, half ware, spat, and spawn of oysters lying or found below the level of two feet below low-water mark."

There was a mistake in that clause—a repetition of the last two lines of the 1st subsection—which would have to be remedied in committee. Then a "bank oyster" was also defined. Those definitions were necessary because in other parts of the Bill there was a distinction drawn between "dredge" and "bank" oysters, although the scope of the measure was made as wide as possible so that the same parties should have both kinds of oysters where that could be carried out. "Oysters for sale" were defined to be—

"All oysters obtained or removed either for purposes of sale or cultivation."

Clause 2 was the same as clause 2 in the original Bill. Clause 3 contained the chief portion of the Bill. It was very much the same as clause 3 in the present Act, excepting that it extended the term of a lease from seven to fourteen years. That change was made for the purpose of encouraging those who had leases to lay the beds out with the object of improving the quality and quantity instead of sweeping them clean. By that means they would keep up a continuous supply of oysters. It had been considered by those connected with the oyster fisheries that that provision would tend to greatly increase the quantity and improve the quality of the oysters. Clause 2, as in the Act, gave the Governor in Council power to mark and number on the chart of any port in Queensland as many divisions as he thought fit, and to grant leases of the ground within such divisions. Clause 4, which was nearly the same as clause 5 in the present Act, empowered the Governor to subdivide a division when a lease fell in, in cases where it was thought desirable to give a lessee different space to that which he originally had. He might mention before he went further that he should ask the Committee to assent to a slight amendment in the leasing clauses. It would be noticed that people who bought leases at auction had to

pay a proportion of the rent for the year up to the 31st December. On that date they again paid in advance for the incoming year; but during the year they might sweep the beds of all the oysters and sell them to the greatest advantage, not paying the rent for the succeeding year, recouping themselves from the sale of the oysters, and at the same time perhaps destroying the fishing for several years to come. For the purpose of preventing that he intended to propose a clause compelling lessees to give sureties that not only should the rent be paid in advance on the 1st of January, but that if they did not carry out the lease the sureties should be obliged to pay one year's rent. In that way lessees would, at all events, give some guarantee that they paid for the advantages they derived. Of course, if a person was allowed to lease a rich oyster fishery for one year, he might recoup himself by sweeping the ground and selling the whole of the oysters. The greater part of the remaining clauses of the Bill defined the manner in which its provisions were to be carried out. The Act would be administered by the Marine Board, which would have the same power as under the present Act. Then the penalties provided were increased, and thereby made more stringent. The fisheries were exceedingly valuable, and high rents were obtained from them; and it was desirable that as far as possible they should be protected from injury and perhaps destruction. There was a proviso enabling lessees to obtain other portions of the bank and laying them out. Those portions would, of course, be strictly defined, so that parties would not be allowed to remove oysters from different parts of the Bay which might be set apart for other persons for the purpose of cultivating them. There were also provisions relating to the boats to be engaged. Formerly the boats employed in the trade were differently marked; it was now proposed to mark them all in the same way, and no boat would be allowed to engage in the fishery that did not comply with the rules. There was a clause in the present Act providing that all persons engaged in fishing were to have licenses, and now the servants of those so employed were to have licenses whether they were engaged in connection with dredge or bank oysters. Clause 12 provided that every boat employed in the trade should pay an annual fee of £1, and from those licenses there would be a revenue to meet the expenses of carrying out the Act. There had been during the existence of the old system a good many quarrels between those who held leases for dredging and those who held licenses for fishing from the bank. The difficulty had arisen from the fact that they could not tell the exact boundaries at the side of the water—whether certain parts were above or below high-water mark. The present Bill proposed that as much as possible the dredging and bank fishery should be leased to the same person as a greater inducement to breed and lay out oysters in favourable places for the purpose of fattening and preparing them for the market. Clause 14 provided that owners of land should have a preferential claim to licenses over the adjoining bank, with a proviso that where the owner had neglected to obtain such a license the licensee, other than the owner, should not be dispossessed within three years. If a person bought Crown land which abutted on any oyster fishery it was proposed that after a lapse of three years he should have such a claim and right to become a licensee as would give him an interest in looking after the fishery and the way the bed was treated. Clause 15 of the Bill was the same as clause 17 of the present Act, by which any person collecting oysters or carting them away must produce his license when commanded to do so, under a penalty of £5. Clause 16 was a new clause, and by it people were prevented, if they had not a license or lease, from even carrying an oyster dredge in a boat, because it was not likely that anyone would carry such a dredge for any other purpose than to catch oysters. Clause 17 provided that the Governor might close any ports wholly or in part—that was to say, places not under lease or license. Clause 18 was the 19th clause of the old Act, and was intended to prevent people from burning live oysters for lime, under a penalty not exceeding £50; and there was likewise a similar penalty for disturbing oysters and oyster beds unless for the purpose of carrying out improvements to the navigation or other public works duly authorised by the Governor, or for any lawful purpose of navigation or anchorage. Clause 20 was similar to clause 21 of the old Act. Its provisions were now to apply equally to all oyster grounds, and the penalty also was increased for a breach of it. Clause 21 provided how the penalties were to be recovered. Clause 22, which was similar to clause 23 of the old Act, provided that all oysters on a bed should be actually the property of the lessee of it, so that he would have a legal right to protect them against other people. Clause 24 was similar to clause 25 of the old Act, and arranged for the method of fishing where two or more oyster beds belonging to different proprietors were contiguous to each other. It was very desirable in such cases that the people should not infringe upon each other's rights. Clause 25 repealed the Oyster Act of 1874, but of course there was the proviso—

"Provided that such repeal shall not affect anything lawfully done, or authorised or contracted to be done, or any right or title accrued under the said Act."

Clause 26 provided that the Act should be in force—

"Only in such ports and parts of the colony and its dependencies as the Governor in Council shall from time to time by proclamation in the *Gazette* declare to be and to come within the operation thereof."

He had taken some interest in the matter, and, from inquiries which he had made from those engaged in the fishery he believed that the Bill, the second reading of which he now proposed, would be a decided improvement on the old Act. The matter in itself was so small that he did not think it would require any very elaborate discussion. He might say further that it would be necessary to incur some little larger expenditure than had hitherto been required in seeing the Act carried out; but he thought that they would be serving the interests of the public in doing so, and the advantages would far more than cover the expenses. He hoped the House would give its sanction to the measure.

Mr. DICKSON said that he was glad to see the attention of the Government directed to the important question of the oyster fisheries of the colony, which he believed would assume still larger dimensions in the future than they occupied at the present time. There was not much that was new in the Bill, which was chiefly a transcript of the existing Act which was passed in 1874, except the addition of a provision for granting extended leases of oyster banks which had not yet been leased. There were one or two questions which were worth while for hon. members to look at, and he would have been glad if the hon. the Colonial Treasurer had given them some information upon those points. The original leases of the oyster beds of the colony were granted with a view to encourage the cultivation of oysters. They were granted for a term of seven years, and at the end of the fourth year one-half of the original lease was to be put up to auction for a further term of seven years, the object of that complicated action being to induce

the original lessee of the bed to cultivate the whole of it, so that whichever half was taken from him there would still be an inducement to him as well as to others to bid for it. That division of the original leases took place, he believed, in 1879; and he was not quite certain how the original intention of the framers of the Bill answered, or whether it was a success. He would have been glad to have heard whether their anticipations had been fulfilled, because that would guide the House to a certain extent in dealing with the present measure. He feared that the extended leases without the safeguard of the original ones would not be sufficient inducement to make those who embarked in oyster fisheries cultivate the beds as they should do, notwithstanding the bond or guarantee which the hon. the Colonial Treasurer said he was going to exact from the lessees. He did not think that any guarantee would be able to counterbalance the mischief which might be done by the actual clearing away of a rich bank of oysters and the immediate throwing up of a lease during the first year of occupation. A bank of oysters might be so rich that it might be worth while to remove everything from it at once and then throw the leases up. That had been the difficulty with the oyster beds in Moreton Bay. He was not satisfied that their oyster beds had been preserved as well as they might have been if all had been done in that direction that could be done. He believed that a very large number of young oysters had been dredged and exported to the southern colonies. The Treasurer had not told them what more efficient machinery was to be introduced to assist in the cultivation of the oysters. Under the new tenure of lease, if the lessees could only be induced to work and cultivate the leased property then the Bill would be a great advantage. He believed the administration would not be affected by the extended term of fourteen years, and that seemed to him the chief feature of the Bill. They must all admit that it was desirable to conserve their oyster fisheries, and while there was nothing objectionable in the Bill itself he felt it his duty to direct the attention of the Colonial Treasurer to a weak point in the working of the old Act—the inability of the Executive to thoroughly protect the oyster fisheries from being misused by the lessees. He would remind the hon. gentleman that it was really more with a desire to protect the fisheries and to encourage the cultivation of the oyster beds than to derive revenue that the Act of 1874 was introduced. He believed the present Colonial Treasurer had the same object in view, and therefore he reminded him of the original object of the Act of 1874, and he wished to see that intention fully carried out in the present Bill.

Mr. NORTON said that the objection which the hon. member for Enoggera had raised to the Bill was one which was very easily answered. The object of the present Act was to induce people to cultivate the oyster beds, but he thought it stood to reason that if they granted the lease of a certain area for seven years, and that it took four years before they got a crop of oysters off it—under such circumstances, if half was to be taken away at the end of four years, it would not be a very great inducement to cultivate it. It was very much the same as if they leased a piece of land for cultivation, when it would not be much of an inducement to put the whole of it under crop if half of it was to be put up to auction just as the crops was ready to garner. He would ask the hon. gentleman to consider whether any man would be induced by such a provision to cultivate the whole of his land. The position was just the same with regard to the oyster fishery. The Colonial Treasurer had stated that it took four years to mature oysters; and that in consequence, instead of there being any inducement to people to cultivate oysters, under the present Act they were absolutely induced to leave cultivation alone altogether. They knew if they put down a fresh crop of oysters that there would be no return upon their outlay until about the time that the lease of half their area was up. For his own part he thought the Bill was a very good one. One of the points the hon. member for Enoggera had referred to was that lessees should be compelled to go into the cultivation of oysters. One condition of the leases under the Bill was that the lessee should cultivate oysters, and the proof of cultivation lay with him. Anyone could bring a complaint against the lessee if he were not cultivating, and the onus of proof lay with the latter. If he could not show that he was cultivating his lease was forfeited. So far as that matter could be provided for, it had been done, and he (Mr. Norton) did not think any better safeguard than that could be provided. Then, with regard to the extension of the time of lease from seven to fourteen years, it would be admitted that when a man expended a large sum on improvements in his lease it was to be expected that he should have some return for his money. If it took four years before he could bring oysters to such perfection that he could make a profit on beds which he had laid down it would be very little advantage to have a lease for only three years longer. A man should be induced to improve his beds year by year; but if he had a short lease he would lay down all that he could at the first, and would afterwards only take the oysters from the ground; for if he did not lay down oysters to mature just when he leased the bed he would not get any profit. There was one other matter objected to in the Bill when it was before the House last year—which was that private individuals would not be allowed to take oysters for their own use. That was a great mistake. The 14th section of the Bill provided that any owner of land on the seashore should have the first right to license adjacent banks; that a certain proportion should be set apart especially for him, and that he should have the option of taking up a license. If he did not do so, someone else should have the right. Again, it was further specially provided that, if oyster beds were leased up to high-water mark, and if the adjacent lands were Crown lands, in the event of those lands being sold, if the purchaser desired the lease of the beds for himself he should give notice of his wish; and in three years' time the license to the other person should be cancelled, in order that the purchaser of Crown land might have the lease handed over to him. Every security was given to private persons. Except from banks which were under lease, everyone who went out boating might gather oysters if he liked. He must not gather them for sale, but for his own use he could. He (Mr. Norton) did not know whether there was any other objection to the Bill; and he thought there was no reason to anticipate any great opposition to it. It was just possible that some persons having land abutting on the seashore might think they had a right to take oysters without paying for licenses, and that a certain amount of ground below high-water mark should be reserved for their use. If land were set aside entirely for the public, say for half-a-mile from shore, it would soon be stripped; and if everyone could go there it would in a very few years be of no benefit to the public. All round the bays in Sydney harbour there used formerly to be rock oysters growing; he could remember when one could go out and get as many oysters as he liked—and good ones too.

But now one could get nothing worth knocking off the rocks; in fact, the tip of a finger would cover any one of the oysters there now. It would be just the same here if any land was put apart for the public. He did not think anyone should be allowed to have a portion of ground set apart for himself without paying the license fee. If that were done it would be giving a very great privilege to those having land adjacent to the shore; and there was no reason why it should be allowed to those persons more than to any others. He thought every reasonable provision was made for the rights of private individuals who had lands along the coast.

Mr. KINGSFORD said it appeared to him that the Bill before the House would not meet the wants of the public in the matter. The Bill ought to be for the protection of their oyster fisheries, yet he could see nothing at all in it in the way of an improvement upon the present Act. He could not see how in any possible way the wholesale exportation and destruction, he might say, of the oysters in Moreton Bay and elsewhere along their coast would be diminished by the Bill before the House. He submitted that it should be the intention of the Bill to prevent the extirpation of the oyster from their southern coast. It was a well-known fact that for the last few years there had been a constant drain upon the oyster beds of the southern part of Queensland, and every week, and almost every day, tons of oysters were, without regard to the future—with regard only to the present profit of a limited number of individuals—tons were being shipped to the other colonies irrespective of the interests of Queensland or the liking or relish of Queenslanders for oysters. Since the Bill had been before the House not a few connected with the oyster fisheries had called his attention to that fact. Taken as a whole, the Bill was perfectly useless for the purpose of preventing the wholesale destruction of their oysters. The Bill would, on the contrary, facilitate their destruction and consumption. He could not see what good purpose was to be answered by extending the lease from seven to fourteen years. Both the hon. members who had just spoken and the Colonial Treasurer had stated that it took four years for the oyster to mature sufficiently to be fit for use. A great deal had also been said by the hon. member for Port Curtis about the large extent of bed necessary for the cultivation of the oyster, and that unless a long price was given it was not likely that those engaged in the oyster fisheries would go to any great expense in order to cultivate oysters. It was a well-known fact that there was no fish, animal, or anything in this world so prolific as the oyster, and if the oyster beds were only left alone for a very short time they would very speedily reproduce themselves over and over again. The Government ought to see that the oyster beds were left alone for a time, as that was all they wanted. As for laying out a large sum of money in the cultivation of the oyster, it was not necessary. The man who took up an oyster bed was supposed to attend to the cultivation of the oysters; and although the Bill was intended to compel him to do so, it appeared to him (Mr. Kingsford) that the man himself, according to the last section of the 3rd clause, was to be the judge as to whether he had done so or not. There was no safeguard in the clause at all. He found the annual license fee for oyster beds was to be only £5. But a small fortune had been made from the oyster beds already, and it did not provide an industry for the multitude. Leases were held by a few individuals, and a fine thing they had made of it, as they had jealously guarded their rights—so much so that they had prohibited retailers from selling oysters without their permission. There had been a regular prohibition existing for a long time over the the selling of oysters. They had not been an article of general commerce, but everything had been under the control of the lessees of those beds. Those persons had assumed arbitrary powers which did not belong to them, and they would do so to a much larger extent if the leases were extended to fourteen years. That provision would only magnify the evil, and it would be found after fourteen years that there would be fewer oysters in the Bay than there were now. He had a small frontage to the sea-shore, and he had been ordered and prevented from getting a few oysters for his luncheon. He did not care a pin about that, but it seemed very hard that a person paying a visit to the sea-shore, when they had miles and miles of coast line, should be prevented from getting a few oysters. Then there were to be marks laid down to define the beds. The whole thing was arbitrary and was altogether unnecessary, and would prove useless. As he said before, the one single thing for the Government to do was not to stop the fishery in the first place, but at certain times, when it was found that there was a serious diminution of oysters; and although he was a thorough freetrader, yet he was bound to say that they should prevent the exportation of oysters at such times to the other colonies for the benefit of the few, and put a very heavy tax upon every bag of oysters going away. He thought it ought to be left to the public also to fish for themselves, reserving to the Government the right to impose restrictions for the preservation of oysters. He should certainly vote against the second reading of the Bill.

Question put and passed, and the committal of the Bill made an Order of the Day for Tuesday next.

JURORS BILL—SECOND READING.

The ATTORNEY-GENERAL (Hon. P. A. Cooper) said, in rising to move the second reading of the Bill, he thought it desirable to remind hon. members that the state of the law respecting jurors—that was, persons who were to decide issues of fact in civil and criminal cases—had long been recognised as defective. The first clause of the Bill dealt with certain exceptions which were created by the second section of the Jury Act, which he would read to the House. That section enacted that the following persons should be exempted from serving upon any jury whatever, and they were—

"All Executive Councillors, all members of the Legislature, all judges of courts, whether of record or otherwise; all chairmen of general sessions, all stipendiary magistrates, all official assignees in insolvency, all clergymen in holy orders, all persons who shall teach or preach in any religious congregation and shall follow no secular occupation except that of a schoolmaster; all schoolmasters, all managers, cashiers, accountants, and tellers respectively employed as such in any bank; all barristers-at-law actually practising, all attorneys, solicitors, proctors, and conveyancers duly admitted and actually practising, and all officers and servants of any such courts actually exercising the duties of their respective offices or places; all coroners, gaolers, and keepers of houses of correction; all physicians, surgeons, apothecaries, chemists, and druggists duly qualified and in actual practice; all officers in Her Majesty's navy or army on full pay; every member of any corps of volunteers whom the Governor in Council shall in any year release in this behalf; and all masters of vessels actually trading, and all pilots licensed under any Act now or hereafter to be in force for the regulation of pilots in any port; all officers of customs and police, all sheriffs and bailiffs and their officers or assistants, all constables, all persons holding any office or employment in or under any department of the Public Service; the mayor, aldermen, councillors, town clerk, and other officers and servants of any municipal corporation; all household officers and servants of the Governor, all postmasters and clerks of petty sessions, and all inspectors of schools."

The 1st clause of the Bill before them proposed to qualify and render liable to service on all juries certain persons mentioned in the section he had just read as being exempted from service. Those were, first, "managers, cashiers, accountants, and tellers." He did not think any member of that House could give satisfactory reasons why managers, cashiers, and tellers should be exempted from service on a jury; and as a matter of fact those persons were liable in the neighbouring colony of New South Wales. Next came all "apothecaries, chemists, and druggists." Well, he could hardly understand why those persons should not serve on juries. It might be said that an apothecary was a man whose services might be required at any moment by sick persons; but they knew that those men could take holidays for a day, a week, a month, or six months, and their services did not seem to be very much missed, and if that was so there was no earthly reason why they should not serve their country as jurymen in the same way as the rest of the community were obliged to do. Next, every volunteer would be required to serve. The exemption under the second section he had read was this—"any member of any corps whom the Governor in Council shall in any year release in this behalf." He understood that the Governor in Council was very often called upon to release volunteers from service.

Mr. GRIFFITH: He does not.

The ATTORNEY-GENERAL said in any case the Bill, if passed, would prevent him from doing so. It would render any member of any corps liable to service. If the volunteer was on actual service at the time, and his services were required, the difficulty might easily be met. They knew what happened if a juryman did not appear; but in the case he had mentioned—in time of war, for instance—it would be the simplest thing in the world to remit the fine after it had been imposed. The next class of persons mentioned as being exempt was "all persons holding any office or employment in or under any department of the Public Service." He certainly did not see why they should be exempted. The next class was "the mayor, aldermen, councillors, town clerk, and other officers and servants of any municipal corporation." Could anybody give any intelligible reason why the mayor or aldermen or councillors should be exempt? Well, all those persons under the present Bill would be qualified and liable to serve. The 2nd clause of the Bill related to the jury districts, which, under the present law, included a space of thirty miles in extent from the court-house of all court towns. He thought it a very great hardship indeed to bring country residents a distance of thirty miles to attend on a jury in a place like Brisbane where there were so many men qualified to serve. He therefore proposed to amend the law in this way: That in the case of Brisbane the jury district should include all places within five miles, and in the case of all circuit towns that the jury district should include places within ten miles. In all other cases the law would remain as it was at present. The clause as it at present stood read thus:—

"The jury district for the city of Brisbane shall comprise and include all places within five miles only from the court-house of the said city, and the jury district of all other court towns within which a circuit court shall be held shall comprise and include all places within ten miles only from the court-house of the said towns respectively, anything in the fourth section of the Jury Act of 1867 contained to the contrary notwithstanding."

The 4th section of the Jury Act enacted as follows:—

"For the city of Brisbane, and for every town at which any assizes court or court of general sessions shall hereafter be holden, there shall be a jury district, which shall comprise and include all places within thirty miles from the court-house of such city or town, and the said city of Brisbane, and every other such town as aforesaid, shall for the purposes of this Act be called a 'court town.'"

The 3rd section of the new Bill dealt with a very important matter. It amended the 8th section of the Jury Act, which enacted, shortly, that the justices of the peace within forty miles of any court town should be the persons to revise the jury list. What was done in the case of the revising of the jury list was this: The lists were made out by constables, who went round and collected the names of persons that they thought were qualified to serve on juries; and when those lists were made out they were brought before the justices to be revised, and all the justices within forty miles of the town were entitled to sit on the bench and revise those lists. As a rule, he believed forty or fifty or sixty justices attended; he had never attended one of those revision courts, but he thought that was so. As the names on the list were called out, the bench, who were called to decide whether those names were the names of persons who ought to serve on a special or common jury, passed them by, or, if they put any questions on the matter, some friend of a juryman who wished to have him removed from the common jury list to the special jury list, said, "I know him very well; he is a friend of mine, and is qualified"; or "belongs to a class qualified to serve on a special jury, and wishes his name to be put on the special jury list." He thought it was a very great wrong that a number of persons who were not really qualified to serve on a special jury should be put on the special jury list through the interest of a friend. It was just as great a hardship as that which existed before the days when licensing boards were introduced. Benches of magistrates sat and licensed public-houses which the community knew perfectly well ought not to be licensed, and that led to a reform in the law and the introduction of boards consisting of the police magistrate of the place, the chairman of the divisional board, or mayor in the municipality, and three others appointed by the Governor in Council. Those persons decided all cases, and he thought their decisions gave great public satisfaction. The 3rd clause proposed to take away from the justices the power of revising the jury lists and hand it over to the licensing board in places where licensing boards existed; where they did not exist the power would still remain in the hands of the justices. At one time it seemed to him rather a hard thing to impose upon those boards duties which they were not originally intended to discharge, and that they should be imposed upon the police magistrate alone; but he did not think such an invidious task should be thrown upon one man as to decide who were to be on the special jury and who on the common jury. He thought perhaps hon. members of that House would have a small notion of what difficulties there were in the way of inducing people to act on common juries—or, in fact, on any juries—when he told them that the other day he was stopped in the street by a very well educated and intelligent gentleman, who told him that he was just going to ask what sort of redress he could give him for an indignity that had been thrust upon him. That man said that although he had lived in the colony for some ten or fifteen years—he (Mr. Cooper) forgot which—he had for the first time received a summons to attend as a juror in the district court. He seemed to think it was a terrible hardship that he should serve in the district court, whereas previously he had been only summoned to serve in the Supreme Court. He (Mr. Cooper) supposed that very few members of that House knew that the jury list was

the same in both courts; but that man thought that because he had only been summoned to serve in the district court it was a sort of insult to him and a thing he ought not to be called upon to do. He knew that many people in the country thought that no greater indignity could be offered than to ask them to serve on a common jury—that was to decide between the Queen and a culprit whether he was guilty or not of an offence; whereas they considered it no harm to be called upon to decide between two individuals as to the right to an amount of property that might amount to a few pounds or a few shillings. The 4th clause of the Bill proposed to make all justices of the peace who were not otherwise qualified to serve on special juries liable also to serve on common juries. As the law stood, justices were liable to serve only on special juries, and he could not see why they should not serve on the common jury. The men who were required for special juries were business men who understood the ordinary business affairs of life. Men required to serve on common juries were men who could discriminate between the evidence of various persons, whether they were telling the truth or not. He could see no reason why justices of the peace, merely because they were justices of the peace, should be exempted from service on a common jury; and the 4th clause dealt with that. If any justice of the peace happened to come under the description included in the next clause he would be dealt with otherwise, and placed on the special jury. The 5th clause amended the 11th section of the Jury Act of 1867, which provided that the sheriff or his deputy "shall transcribe into a book, called the Special Jury Book, the names of all persons described as follows:—Esquires, accountants, merchants, brokers, engineers, architects, warehousemen, or commission agents." Clause 5 enacted that—

"The sheriff or his deputy shall cause to be fairly and truly copied into 'the Special Jury Book' the names, together with the respective places of abode and additions of all men who shall be described in such list as squatters, station managers, accountants, merchants, brokers, civil engineers, architects, warehousemen, commission agents, managers, cashiers, accountants, and tellers of any bank, commissioned officers of any corps of volunteers, apothecaries, chemists and druggists, collectors and sub-collectors of customs, or under secretaries in any department of the Public Service, and no person shall be qualified or liable to serve as a special juror by reason only of his addition or description being "esquire" or "engineer," anything in the eleventh section of the Jury Act of 1867 to the contrary notwithstanding."

He supposed no person in the colony was entitled to be called "esquire" except those who bore Her Majesty's commission, including, of course, justices of the peace. But the 4th clause enacted that justices of the peace should be liable to serve on a common jury; and therefore "esquires, under which name were included justices of the peace, must be taken out of clause 5. For "esquires" were substituted "squatters, station managers," and some others. The change would make very little difference in Brisbane, because he supposed there were not more than ten or a dozen persons other than justices of the peace in that town who came rightly under the denomination of "esquire." But in the country there were many squatters and station managers who were well capable of serving on special juries, but who were really not liable or qualified to serve because they did not happen to come under the designation of "esquire," or any designation under which the old Act required that special jurors should come. Civil engineers had been substituted for engineers, because almost every man who drove a donkey-engine, or any sort of steam-engine, was returned as an engineer, however little he was qualified to serve on the special jury. Architects, warehousemen, and commission agents were included in the old Act. Managers, cashiers, accountants, and tellers of any bank were now included because they were fully capable, and there was no reason why they should not serve on a special jury. Commissioned officers of any corps of volunteers were included for the same reason; and apothecaries, chemists and druggists, collectors and sub-collectors of customs, and under secretaries in any department of the Public Service were included for the same reason also. Then there was the proviso that no person should be qualified or liable to serve as a special juror by reason only of his addition or description being "esquire" or "engineer," anything in the 11th section of the Jury Act of 1867 to the contrary notwithstanding. That section, as he had already said, included "esquires" and "engineers." The 6th clause related to the service of summons. The service of a summons under the present law, in order to be valid, was required to be made six days at least before the time at which the juror was required to attend. Under the Judicature Act a juror might be summoned three days before the trial began; and under those circumstances he had thought it necessary that the law should enact that it should be sufficient if the summons were served three days at least before the juror was required to attend. The 7th clause related to a matter about which jurors were always complaining; it was as follows:—

"Jurors, after having been sworn, may, in the discretion of the presiding judge, be allowed at any time before giving their verdict the use of a fire when out of court, and be allowed reasonable refreshment."

He did not think anybody could give a valid reason why jurymen out of court should not be allowed to use a fire or obtain reasonable provision. He thought they had arrived at a time when it was considered that to lock up jurors in that way was a disgrace to civilisation. To suppose that to lock up gentlemen and deprive them of fire and reasonable refreshment would make them give a true verdict was, he thought, a great mistake. Very often a conscientious man who was holding out was punished for the sake of his conscientiousness, and he (the Attorney-General) did not think that was at all right. Clause 8 also dealt with a great grievance of jurors, and was as follows:—

"In all criminal trials, except for offences punishable with death, it shall be lawful for the presiding judge, in his discretion, either to lock up during any adjournment of the court jurors empanelled to try such case, or to release them during such adjournment."

Under the present law, in every case of felony, when the court adjourned for lunch, or until next morning, the jury must be locked up. They were given in charge of a person sworn to see that they did not separate, and they must be locked up all that time. In the case of misdemeanours they need not be locked up, and during any adjournment for lunch they might go home for their lunch; and whenever the court rose they might go home, being cautioned by the judge not to speak about the case out of court. The distinction between a felony and a misdemeanour in modern days was almost lost. He did not know of any real distinction now, and did not think there ever was any real distinction in the essence of the offences. The distinction merely consisted in the consequence which followed conviction. In the case of felony the consequence was forfeiture of the goods of the person convicted, and in the case of misdemeanour such a consequence did not follow. Perjury was a misdemeanour; and would anyone suppose for one moment that perjury was not as grievous an offence against the community as any felony almost—not quite so serious as murder, but quite as grievous, he thought, as larceny? And

yet where a man was on his trial for perjury, for which he was liable to seven years' penal servitude, the jury might be discharged during any adjournment; whereas if a man were charged with stealing a watch or a shilling out of a man's pocket the jury could not be discharged. He thought there was no reason why the law should be so, and therefore he had introduced the clause to amend the law in that respect. At one time in cases of conviction for any felony the felon was liable to the punishment of death, and therefore he presumed it was supposed that the jury must be locked up because it was thought that the prisoner would do anything in the world to save his neck—that he might resort to bribery of the jury, or use the most pernicious means to regain his liberty. But now that the punishment for felony was not death in all cases he thought there was no sufficient reason for keeping the jury locked up, and therefore he had introduced the clause. If the clause were passed in that form, if a man were being tried for a felony or misdemeanour—perjury, or larceny, or whatever it might be—the judge might allow the jury to go to their own homes for lunch, or when the court rose for the day; but he would, of course, caution them that they were not to talk about the case to anyone. He thought that would be a boon which all gentlemen who were likely to serve as jurymen would very highly appreciate. There was a new clause he proposed to introduce in the Bill, but which he had not inserted because he was not at first sure that that was the right place in which it should appear. He found that in English legislation on the subject it was enacted in the Naturalisation Act, but although he had looked carefully through the New South Wales statutes he could not find it referred to in the jury law there at all. On consideration, however, he thought it might very rightly appear in an Act dealing with juries. He thought they ought to abolish juries *de medietate linguæ*—that was, mixed juries in the case of the trial of foreigners. At present, if any alien was put on his trial in the colony for any felony he might ask to be tried by a jury *de medietate linguæ*, which meant that half the jury must be aliens; but that led to great inconvenience, especially in the outlying districts, where if there were not enough qualified aliens in the place others must be got, and it might be impossible to try the man at all. He therefore proposed to abolish that by inserting the following new clause:—

> From and after the passing of this Act no alien shall be entitled to be tried by a jury *de medietate linguæ*, but shall be tried in all respects as if he were a natural-born subject.

It had been abolished in England for some years, and, he believed, also in New South Wales. He thought the Bill dealt with real grievances. The jury law had long been known to be in a defective state, and he was sure that every man who was liable to serve as a juryman would welcome the proposed change in the law. Being of that opinion, he hoped he should have the cordial co-operation of members on both sides of the House in passing the Bill into law.

Mr. GRIFFITH said he quite concurred with the observation made by the Attorney-General, that the present state of the jury law was unsatisfactory; and he concurred also with the clause which he proposed to insert in the Bill providing for the abolition of mixed juries in the trial of foreigners. With those exceptions, he confessed that he was unable to see any advantage, except in a very minute degree, in any of the proposals made by the Bill; and he sometimes wondered since he had seen the Bill whether the Government ever intended to ask the House to read it a second time, the proposals contained in it being so extraordinary. He thought it was necessary, after what had fallen from the Attorney-General, to make a few general observations—which would be mere platitudes—as to what their system of juries was founded upon. He apprehended that persons were required to serve as jurymen simply in the interests of the public. It was necessary that, in order that justice should be administered, certain persons should put themselves to inconvenience; but if it were found that calling upon any particular persons to devote themselves to that duty would cause more inconvenience to the public than their services would give convenience, then the rule had been to exempt them from service. That had been the principle that had been always followed, and it was the only intelligible principle upon which they could say that one class of men should be liable to serve on juries and that another class should not. Let them apply that to the first proposition contained in the Bill. It appeared from the 1st clause that banking officers, apothecaries, chemists and druggists, members of volunteer corps, custom-house officers, officers in the Public Service, and members and officers of municipal corporations, should be liable to serve on juries, in addition to the persons now liable. He must here utter another truism—Brisbane was not the colony of Queensland; it was only part of it, and limited in area. He would take the case of bank officers first. What reason was there why they should not serve on juries? There was only one, and that was because it would not be convenient to the public that they should do so. It would be inconvenient for many reasons. In the first place, banking officers were very often found to know a great deal too much of the affairs of litigants, and were not free to deal with them impartially. Another reason was that the result of the trial would very likely be very important in the interests of the bank; that was a good reason. He could tell the House that in his experience of the Bar he had often known a special juryman challenged simply because he was a customer of the bank with which one of the parties dealt, because it was said that the bank was so much interested in that man that if he lost they would be losers also, or—that man being a customer of the bank—they would have too much influence over him, and he would not be likely to be thoroughly impartial. Those reasons applied to Brisbane; but when they went into many country towns, if they were to allow bank officers to be summoned as jurors they would simply close the bank.

The ATTORNEY-GENERAL: What harm?

Mr. GRIFFITH said it would be an extremely inconvenient thing to close a bank in a country town when the assizes were going on, because at that time a great deal of business was done, and it must be understood that in cases of that kind jurors were practically compelled to be in continual attendance; the number from whom they could be chosen was very limited,—so much so that he had actually known only two jurors engaged upon a trial in a small town. The whole of the jury panel, practically, would be in attendance during the whole of the court sittings, and that would cause great inconvenience. Those were three very sound reasons why the present law should not be altered in that respect.

The ATTORNEY-GENERAL: You have given the strongest reasons for it.

Mr. GRIFFITH said that if the hon. gentleman thought it right that jurors should not be impartial and indifferent, and that public inconvenience was nothing, it was scarcely possible to carry on an argument with him. He would pass on to apothecaries, chemists, and druggists. The Attorney-General had told them that chemists and druggists closed their shops and went away.

The ATTORNEY-GENERAL: I did not say anything about their closing their shops.

Mr. GRIFFITH said that supposing, in a country town, the chemist's shop was shut for days and days it would be a great public inconvenience—quite as great as if the doctor was summoned on a jury. In country towns there was the resident chemist and the resident doctor, and the resident chemist was just as important to the public as the resident doctor; and to compel him to serve as a juror would simply be a great public inconvenience. He would pass on to members of any corps of volunteers. At present they were not exempt, unless specially exempted by the Governor, which was never done and would never be done, except in the case of a volunteer being on actual service. There was in that case no practical change in the law. Then they came to officers of Customs. That was too absurd to need any comment. The next class was all persons holding any employment in or under any department of the Public Service. That would include pilots, policemen, gaolers, schoolmasters, warders, officers of the Supreme Court and the district courts—everybody, from the highest to the lowest, who were officers in some department of the Public Service. He was quite aware that the Jury Act used that expression and a number of others; but the present Bill provided that, notwithstanding anything in that Act contained, any person in any department of the Public Service should be liable to serve. The idea of closing schools and interfering with the working of public departments was too preposterous to be entertained for a moment. The pilotage service, even, might perhaps be stopped. The Attorney-General laughed because the idea was ridiculous, but the idea was the hon. gentleman's own, and one that he asked the House seriously to adopt: he was therefore laughing at himself. The hon. gentleman had brought in a Bill, and when its absurdities were pointed out he laughed at them. Public servants might not stand indifferent between the Crown and a prisoner. It was always a valid reason for objecting to any man being on a jury that he was in the service of one of the parties, and he trusted it always would be. Public servants were in the service of the Crown, and were not unlikely to be influenced by the fact that a prosecution was by the Crown, perhaps conducted by the Attorney-General or some other person representing him in court. An hon. member had suggested the Railway Department. What a splendid idea it would be to have railway officials on a jury! He then came to members and officers of municipal corporations. There was less to be said against that, although perhaps the mayor might very properly be exempted; but as to the councillors and officers, no harm would be done, in Brisbane at any rate, if they were not exempt. In some country towns the exclusion of aldermen from the list of jurors had occasionally caused great inconvenience. Here and there there were fragments of something good in the Bill, and he was willing to acknowledge them when he came across them. The jury district, the next point, was in Brisbane to be only five miles. That was as much too small as the present limit of thirty miles was too great. The principle ought to be to bring in a juryman only so far that he would be able to return home at night, for the allowance was not enough to keep a man day and night in a town. Some of the best jurymen—those who were most sought after as being perfectly indifferent and unbiassed—were resident in the country. They were glad to get jurymen from the country because they knew nothing of the merits of the case beforehand, and in many cases that was a great advantage. With respect to country districts, he was inclined to think that ten miles would be too small. It was difficult now to get a jury in country towns, and it would be almost impossible within the narrow limit proposed. Listening to the Attorney-General, with regard to the revising of the jury list, one would suppose that the functions of the revising bench were analogous to those of the licensing bench of the olden time—that the list was at present revised in some curious way by which men were put on special or common jury lists as a matter of favour. That was not the function of the revising bench at all; they had nothing of the kind to do. What they had to do was to ascertain if a man was of the proper age and was properly qualified, and to describe what he was, and make out a list. They did not make out the special jury list. That was done by the sheriff or one of his officers.

The ATTORNEY-GENERAL: The sheriff's office does not make out a jury list at all.

Mr. GRIFFITH said he sheriff, or some clerk in his office, selected from the list the names of certain persons of certain occupations, and they formed the special jury list. He did not see where the favouritism came in, nor did he see why a man, being a justice of the peace, should not be called an esquire, being so called in Her Majesty's Commission published in the *Gazette* at the beginning of the year. If Her Majesty called them by that title, they were perfectly entitled to use it either of themselves or of any other justices of the peace. That provision would have the effect of casting, as to the proposal to appoint the licensing bench to revise the jury list, an additional burden upon a body who already undertook certain duties gratuitously; and he certainly did not see any advantage to result from the change. Although the Jury Act professed to impose a penalty upon justices who failed to attend the special petty sessions, it had been found that there was an impossible condition to be performed before the penalty could be inflicted; and in a case that came before the Supreme Court the penalty was not inflicted for that reason. He did not see why the police magistrate alone should not be competent to see that certain persons were qualified and answered to the description given of them. They would only have to ascertain whether a certain person was a commission agent, squatter, station manager, or freeholder; the rest being a mere matter of routine attended to in the sheriff's office. The next clause, providing that every justice of the peace not eligible for special juries should be liable to serve on common juries, required to be read in connection with clause 5, which provided that only the persons described as—

> "Squatters, station managers, accountants, merchants, brokers, civil engineers, architects, warehousemen, commission agents, managers, cashiers, accountants, and tellers of any bank, commissioned officers of any corps of volunteers, apothecaries, chemists and druggists, collectors, and sub-collectors of customs, or under secretaries in any department of the Public Service"—

should be placed on the special jury list. He should like hon. members to consider how many of the hon. members at present in the House would be qualified under that list. The hon. gentleman at the head of the Treasury benches (Mr. Archer) would be eligible only because he had a share in a station.

The COLONIAL TREASURER: No.

Mr. GRIFFITH: Then the hon. gentleman would not be qualified, and he would be obliged to be on the common jury. The Premier would be eligible—not, however, on account of his position, wealth, and intelligence, but because he was once a civil engineer. The hon. gentleman might

say he was a squatter, but he (Mr. Griffith) was under the impression that the hon. gentleman held his interest in station property in another way. The Minister for Works would not be qualified; the Chairman of Committees (Mr. Scott) would be disqualified; the hon. member for Mackay would be disqualified; the hon. member for Maryborough (Mr. Henry Palmer) would be disqualified, unless he was so as a squatter; the hon. member for Rockhampton (Mr. Ferguson) would be disqualified;—in fact the very best people to have on the special jury list—the men of leisure, intelligence, and wealth—would by that scheme be disqualified unless they were engaged in mercantile business or owned cattle or sheep. Could anything be more absurd! The manager of a flock of 100 sheep or of 100 head of cattle would be qualified; while the owner of a large sugar plantation would not be qualified. All those persons practically were justices of the peace, and being called "esquire" would have been put on as such; but that many men were J.P.'s now who were not fit to be on special juries was no reason why many persons well qualified should be disqualified. The remedy did not suit the disease, and some other scheme would have to be devised. The mere fact that a man was a station manager should not be sufficient to qualify him to be on the special jury list. There were plenty of station managers whom no Government would think of putting on the Commission of the Peace.

The PREMIER: The same could be said of every class.

Mr. GRIFFITH said the proper way was to make a general rule including the class of men desired, and leaving the others out. Auctioneers, he noticed, were not included in the qualified list. Commissioned officers of volunteer corps were qualified, but he did not know exactly on what grounds. Under secretaries were included; but the Chief Engineer of Railways, the chief clerks of all departments, the Engineer of Harbours and Rivers, all the teachers of the large State schools—who were officers of a department of the Public Service now, although they were not when the present Act was passed—would only be eligible to serve on common juries. The 6th clause—"Service of summons"—was not of much consequence, because what it provided had always been the rule of the court. With regard to the provision empowering the judge at his discretion to allow fire and reasonable refreshments to jurors after they had been sworn, there was a great deal to be said on both sides. From one point of view it seemed very ridiculous and barbarous to lock up a jury and tell them they should have nothing to eat until they agreed. That argument sounded very plausible, but anyone who knew anything about trials by jury must know that jurors held out sometimes simply for the purpose of preventing the conviction of the prisoner, and it then became simply a question of endurance. He had himself seen many cases where, if the jurors had been fed, justice would not have been done. It was perhaps true that in some cases men had been acquitted through the fact that the majority of the jury were unable to stand the physical fatigue; but it was not the custom to complain so much of the acquittal of a guilty man as of the conviction of an innocent one. There was so much to be said on both sides of the question that he hardly felt able to express a positive opinion. The subject was a very difficult one, and one that required grave and serious consideration. In his experience he had known cases where a grave failure of justice would have taken place under the proposed system, and he did not know of any case where there had been any real hardship under the present law. As to refreshments, it used to be the practice, he believed, to allow a jury refreshments before they retired. In one case tried before Lord Jeffrey, before the jury retired the judge asked them whether they would like any refreshments, and then wine was brought to them. As to the jury being locked up during a criminal trial, this was really the only argument that the Attorney-General had used: that in cases of misdemeanour juries were let out, and, perjury being a misdemeanour, juries were therefore let out in perjury cases; that perjury was much more serious than some felonies, and that therefore juries should be let out in all cases. But the illustration only proved that it was a ridiculous anomaly in the law that perjury should be only a misdemeanour, and that the law should be altered. In his experience he had seen a guilty person acquitted through the jury being let out. He remembered a case of considerable importance—a misdemeanour—in which the jury were let out. The prisoner was a man of considerable wealth, and mixed with the jury during the two evenings of the trial days. The consequence was that he was acquitted, although the case was very clear against him. It was notorious that in America, where juries were let out, guilty persons frequently got off. The well-known Tweed evaded conviction for years simply because he was able to get at juries. The fact was that jury men were not much better or worse than other men, and they were not less likely than other people to listen to what was said to them outside during the progress of a trial. He was sure that most people listened, not only to what was said at the trial, but to what was said outside in the course of conversation. But it should be remembered that the present system of jurisprudence required that a man should be tried and convicted on the evidence produced, and it took the greatest pains to prevent jurymen being influenced by what was said outside. If jurymen were let out, and listened to conversation and comments outside, it was quite certain that they would be greatly influenced in that way. As to the inconvenience of locking up a jury, he thought the inconvenience to them, considered as members of the public at large, was less than the danger of allowing verdicts to be influenced by outside means—as they certainly would be if juries were let out. He could not see in the Bill anything good of sufficient importance to justify him in giving it his support. There were one or two good things in it, but they were so trifling that he really could not see his way to assist the Attorney-General in getting it passed into law.

The MINISTER FOR WORKS said he differed from the hon. gentleman who had just sat down as to the merits of the Bill, and as to the benefits which the public would derive from it if it were passed. Of course he had expected the hon. gentleman to oppose it, because he was so extremely conservative in his opinions—so conservative, in fact, that he was almost inclined to put up with old abuses rather than see changes.

Mr. GRIFFITH: I have produced more reforms than anybody else in this House.

The MINISTER FOR WORKS said he thought the hon. gentleman was entirely mistaken as to the object for which the jury system was established. He said that jurymen sacrificed themselves for the public convenience; but every reader of history knew that at a time not very far distant, even in free England—and it was the same now in some portions of the British dominions—juries were demanded by the people to preserve themselves against the injustice of the Crown. So far from it being an

nconvenience then, the jury system had been demanded as a right by the people; and the jury system was very different from what had been indicated in the hon. gentleman's speech.

Mr. GRIFFITH: I said nothing about the jury system.

The MINISTER FOR WORKS: The fact was that the jury system, as established in the minds of the people a century or two ago, had almost outlived itself. A very strong opinion prevailed at the present day in Great Britain, and he believed also in Queensland, that the people would obtain better justice if juries were abolished altogether, unless the system was put on a more extended basis. The only way to improve it was by making all classes participate in the rights and duties of jurymen. It was not a sacrifice to be a juryman, but a duty men owed to the State. He thought the exceptions which the hon. member indicated should certainly not be allowed. The hon. gentleman asked why bank managers and accountants should not be exempted from serving, and said that, if they were compelled to serve, a bank in a country town might be shut up. But there was no necessity for a bank in a country town being shut up at all. He (Mr. Macrossan) did not know of one country bank which had not more than one official; sometimes there were three, but there were always two, and he had frequently seen the manager absent.

Mr. GRIFFITH: They might both be on the jury.

The MINISTER FOR WORKS said that if they were both called to serve that would be a very good reason why the judge should exempt one. Then why should chemists and druggists be exempted any more than butchers and bakers? There would be no greater hardship in shutting up a chemist's shop than a baker's shop; in fact, judging by what had recently occurred in a case known to hon. members, it might be a benefit if some chemists' shops were shut up. The hon. gentlemen had also found fault with the distance prescribed in the Bill—five miles from the court-house in Brisbane—as the limit within which jurymen should be called. He (Mr. Macrossan) quite agreed with the Bill in that respect. That limit brought in a certain number of people. The area was fixed at thirty miles because the population was small, but, now the population was larger, the area could be reduced in consequence. The objections of the hon. gentleman to the special jurors could be very easily met. The hon. gentleman mentioned several other hon. gentlemen who could not be called upon to serve as special jurors on account of their professions. The hon. member for Mackay could not because he was a sugar-planter, and so on. But such cases could be provided for in committee, and so the hon. gentleman's objections were cleared away, and the insertion of such professions as had been suggested would be for the benefit of the country in every way. He agreed to a certain extent with the hon. gentleman's objections to clause 8, as he thought it by no means an unmixed good to allow the jurors to go outside the court, as they were so liable to be got at. He supposed that there was scarcely a member of the House but had heard, either by himself or through his friends, of a case where the jury had been got at through their being allowed out of the court. As to clause 7, he could not give any very decided opinion upon its merits. People who went to serve on juries, determined to record their opinions in a certain manner, would go well prepared. He had heard of such people in Great Britain and Ireland, who went to court with their pockets well filled with ham, biscuits, and cheese.

The PREMIER: And whisky.

The MINISTER FOR WORKS: And perhaps whisky. He supposed that was the case in Scotland. People, therefore, with tender stomachs and tender consciences should in a similar way go to the court well provided for emergencies. The Bill was in his opinion a movement in the right direction. Public opinion in Queensland and elsewhere demanded either that the system should be abolished or that it should be extended to include a large number of people. It was the right of every man in the country to serve on a jury, just as it was his duty to defend it when he was called upon to do so. In countries where men were called upon to serve in the army modern opinion was against exceptions of any kind. So, in his opinion, should every man, unless actually disqualified in some way, be called upon to serve his country as a juror. He should support the Bill, not only because he was a Minister of the Crown, but because he believed in every clause of it except the 8th clause.

Mr. McLEAN said that he had no objection whatever to the persons whose names were mentioned in the 1st clause being called upon to serve in the capacity of jurors, and he thought that the 2nd clause was a considerable improvement on the present law, under which parties living within thirty or forty miles of Brisbane were liable to be called upon to serve on a jury in the city at very great inconvenience to themselves. He spoke specially of the district in which he lived, where persons were brought in to Brisbane from forty miles' distance, and were kept dancing attendance for days and weeks upon the court, and probably their services were not required at all. As the population had increased very considerably, it was a very wise proposition to remedy that in the way proposed. With reference to the appointment of a board to revise the jury list, he thought it was a very wise provision. Last year he received a notice calling upon him as a justice of the peace to attend at the police court in Brisbane on a certain day for the purpose of revising the jury list, under a penalty of £10. He thought that it was strange, and he could not understand why so much activity was observed during the present year. He went to the police court and saw a number of gentlemen there. He also saw a gentleman with a book, and one by one the justices went and nodded their heads to the gentleman with the book. He (Mr. McLean) thought he would nod his head too, and he did so and walked away. The whole thing was a perfect farce, and the sooner some change was made in the present system of revising the jury list the better for everybody. In his own opinion, it was the duty of the Government to appoint a certain number of justices of the peace to revise the roll and not leave it to two or three gentlemen who stayed in Brisbane, although he thought every credit was due to those gentlemen for doing so in the past as they had done. He had no desire to make any remarks on the 5th clause, because the professions that had been spoken about that evening could easily be inserted in committee. He quite agreed with the 7th clause. His hon. friend the leader of the Opposition could not speak feelingly on that subject at all, as he was a barrister, and could leave the court to get refreshment whenever he liked; but if he were ever in the position of a juror he would alter his conviction very much. The first time he (Mr. McLean) acted as a juror he was sent into a room in which there was only a table—there was not even a seat to sit down upon—and he said, "This is coercion with a vengeance: we have to give a verdict as soon as possible for our own convenience." He thought that such should not be the case, and that jurymen

should not be coerced into giving a verdict simply to be relieved from such bad treatment. He thought jurymen should be looked after, and that their wants should be attended to during the time they were engaged in coming to a verdict. He should like to know what the term "refreshment" meant in the Bill; it should be specified therein what was reasonable refreshment—how many glasses of grog or what else. If the judge were a teetotaller, the jurors would probably get only tea. There were certain provisions in the Bill which would be improvements on the old Act; and whatever defects there were in it he hoped would be removed in committee.

Mr. H. PALMER (Maryborough) said that the first clause in the Bill was the only one from which he saw any difficulty arising. He thought it was a very serious thing, as the leader of the Opposition had pointed out, that the managers, cashiers, accountants, and tellers of banks should be liable to serve as jurors. Undoubtedly, if that were carried out it would cause the suspension of banking business for the time being. How were banks to carry on their business if the manager, cashier, or accountant was thus summoned? He would pass over chemists and druggists, as he did not see why they should not serve as jurors; but when he came to custom-house officers he must ask whether that would not lead to the suspension of business in connection with the collection of the revenue. They surely would not be able to go on board vessels to collect the revenue, and consequently it would lead to a suspension of trade for a time in a port. Although it had been said that police and railway officials would not be able to serve, he did not see that they would be exempt, as it was specified in the Bill that "all officers of customs and all persons holding any office or employment in or under any department of the Public Service" would be liable to serve on juries. He thought it would be throwing a very invidious duty upon licensing boards to require them to distinguish who were and who were not the eligible jurors. He himself would find very great difficulty in saying who would or who would not be eligible to serve. He did not object to mayors and aldermen, but he thought town clerks should be omitted from the clause; their absence on juries would lead to the total suspension of municipal business, and it might be a serious matter for a municipality if the town clerk as well as the mayor and aldermen should be called on a jury. He believed that of those persons alone — members of banks, chemists and druggists, and officers in the Public Service—there could, in the town he represented, be empanelled little less than a hundred. He could not see why there should be any necessity, even in the town of Maryborough, to go five miles out of town to select a jury. He knew it was considered a great hardship that jurymen should have to come distances of ten and fifteen—not to say thirty—miles. Most assize towns had populations of seven, eight, or nine thousand persons; and he did not see why they should be considered distinct from the city of Brisbane. Five miles would be a sufficient distance to go outside the town boundaries of Rockhampton, Maryborough, and Toowoomba—he was not sure about Bowen and Townsville—in order to collect jurymen—that was, if all the persons mentioned in the Bill were liable to serve. He approved of the appointment of jurymen by the licensing boards, provided the boards were composed of men of the best stamp to be had in the towns. He had no reason to think they were not so now, but he thought the Government should be very particular as to whom they put on the boards. That method would be a great improvement on the present method of appointment of jurors. As to who should be eligible to serve as special jurymen, so far as the provision went he thought there was no objection to squatters, station managers, and others. Special juries could be obtained easily in most places. There was nothing in the latter part of the Bill which he objected to at all. He would not be prepared to support the 1st clause unless it was remodelled to a certain extent.

Mr. GRIMES said that the Attorney General, in introducing the Bill, had asked what reason could be given why the individuals included in the 1st clause should not be placed on a jury. Instead of asking for a reason why they should not serve on a jury he should have given one why they should serve. When the present Act was passed some years ago there were good and valid reasons given for exempting those persons. The hon. gentleman should have given some reasons for altering the Act in the proposed way, and for including those persons in the class available for juries; but he had not given any reason yet. There was no doubt that there was a good reason why they should not serve. It had already been pointed out that the public convenience required that they should be exempted. There was no doubt it would be a public inconvenience to call apothecaries, chemists, and druggists. It was not so long ago that they had an instance of the serious results that might accrue from a person who was a chemist and druggist leaving his shop in the charge of an assistant: that was the late poisoning case in South Brisbane.

The PREMIER: That man might be put on the jury under this Bill.

Mr. GRIMES said if the individual licensed as a chemist were called to serve upon a jury for two or three days, he was bound in some cases to leave the business to persons who were not competent to undertake his duties. That was one result they might expect from including apothecaries and chemists in the clause. Mention had been made of mayors, aldermen, councillors, and town clerks being liable to serve, but he thought there was a very good reason why they should not serve. They devoted a large portion of their time to the public business, and were not remunerated for it in any way; and he thought that not only should they exempt the mayor and councillors of a municipality, but that the members of divisional boards had also a claim to be exempt from service as jurors. Their duties required a great deal of their time, as they had not only to attend the monthly meetings of the board but had also to attend sub-committee meetings, and in many cases were called upon to go out and inspect the roads in their divisions. Under those circumstances he did not think additional duties should be thrown upon those individuals. The hon. gentleman proposed to call upon all Civil servants to serve upon juries. That, as had already been pointed out, would call upon the teachers in their primary schools to serve. He could not understand why they should be called upon to serve upon juries. It was not very long ago since a circular was sent to all primary school teachers, that they were in no case to leave their schools, even to poll their votes at an election; and yet the Attorney-General proposed to bring them away from their duties for three or four days, or even a fortnight, to attend a criminal court case as jurors, and leave their schools entirely.

The ATTORNEY-GENERAL: I think I pointed out that they are specially exempted under the old Act, and this Act does not interfere with that.

Mr. GRIMES said the hon. gentleman had given them no reason for calling upon those individuals, but had given them very good reasons why they should not be called upon. He had told them that there were plenty of persons to

serve on juries, without going thirty miles away, or even five miles away. If that were the case, why should they call upon those persons he had mentioned to leave their business? The hon. gentleman had himself furnished a very good reason why they should not pass that clause. Why should they impose another duty upon those who already bore their fair share of the public business? He was quite sure, however, that there was some alteration necessary in the Jury Act to make matters more convenient for the jurors. The duties of the position were onerous and were poorly paid for. Jurors got but 5s. a day, and in a great many cases they had to pay double that sum to find a person to take their places. With reference to clause 5, he found that under that clause squatters and station managers were to be included among the list of special jurors. He should like to have heard from the hon. gentleman a definition of the word "squatter." The general idea was that he was a sheep farmer. Was he to be a sheep farmer who owned a dozen sheep or a dozen thousand? The hon. gentleman did not tell them what a squatter was, and there would be a difficulty in that respect when the justices or the bench came to revise the jury list. If a person owned five sheep he might be liable to serve upon a special jury. A station manager might also be called upon to serve on a special jury because he had the management of numbers of sheep; but there might be others who spent ten times as much upon property, and in a way that required greater intelligence and more brains than the squatter or station manager, and yet they were not qualified to take the position of special jurors. He could not understand those distinctions. As had already been asked, why should not his hon. friend, the hon. member for Mackay, be allowed to attend as a special juror? Both those clauses to which he had referred would require some amendment before the Bill passed into law.

Mr. DICKSON said it appeared to him that the Government thought the Attorney General had had too easy a time of it hitherto, and that therefore they insisted upon his trying his hand upon legislation to dispose of some of the Bills they threatened the House with during the session. He did not think the hon. gentleman was to be congratulated upon his attempt to reform the jury list, because if they looked at the full meaning of the Bill they would see that it was quite possible that the Premier, the Minister for Lands, the Minister for Works, Colonial Treasurer, and Postmaster-General might all be withdrawn from their respective departments to discharge the duties of jurors.

The MINISTER FOR WORKS: That would be a national calamity.

Mr. DICKSON said that hon. members from his side of the House might be inclined to regard it more as a national advantage, even if it were of a temporary nature. He would, however, hold a more charitable view of the matter, and say he thought it inconsistent with the position held by the members of the Government that they should be amenable to the provisions of a clause of that sort. Other members of Parliament were exempted, and remained exempted from serving as jurors, unless they came under the vocations mentioned in the clause, whilst the members of the Executive holding office under or in any department of the Public Service might be called upon to serve. He thought the clause very hastily drafted. Whilst there might be a necessity to enlarge the basis of the jury list, as had been stated by the Minister for Works, still it might have been enlarged without creating—as he was sure the Bill would do—a large amount of public inconvenience, should it pass in its present shape. In a comparatively large city like Brisbane, should the manager and cashier of a bank be taken away from their vocations, circumstances might occur where a constituent of a bank might require an immediate interview with those officers; and, should he be unable to see them, possibly commercial ruin would ensue. It was all very well for hon. gentlemen to laugh at that matter, but he could quite understand crises occurring which would require an immediate interview between the bank manager and his constituents. He was convinced it was fraught with great disadvantage to the general community. A banking institution partook of the character of a public institution, and the manager and cashier and all in authority required to be permanently in their respective positions so that they might be accessible to the public at all times. Then, again, "all persons holding any office of employment in or under any department of the Public Service" were to be exempt. That was such a large question that it would take a much longer time to discuss than he could devote to the matter. He would take some of the officers of the Customs as instances. The landing-waiters collected a revenue of no less than a quarter of a million sterling annually. Those men had been for years and years in office, and their duties could not be immediately discharged by a substitute. Theirs was a speciality, and their duties could not be grasped by anyone who might be put as a *locum tenens* for a time. The loss that might possibly accrue to the public Treasury through their absence would far outbalance the possible benefit derived in the interests of justice. Then again, sufficient stress had not been laid on the fact of mayors and town clerks being included. At first sight it would seem that the mayor and town clerk, being what he might call permanent officials, ought to be exempted only; but he contended that the councillors ought to share in that exemption. The deliberations of a council might come on at a time when an assize was sitting, and their interests might be equally urgent to those pertaining to an assize court. He thought that altogether the clause betrayed evidences of very hasty framing. They ought to be careful in disturbing the vocations of a large number of the public, and the Attorney-General had not shown them that the present jury list was so narrow or limited that there had been any miscarriage of justice or delay in their judicial courts. The 5th clause, which had been referred to by the hon. leader of the Opposition, had been passed over with the remark that it could easily be amended in committee by the insertion of the names of other trades or vocations. That might be so, but in dealing with matters of that sort it was easy to say that the clause could be amended, while it was another thing to amend it. He dared say the Bill would pass its second reading, and possibly in committee they would be able to put it in such a form as to make it productive of benefit; but he considered the Bill had better be lost altogether than pass in the shape in which the 1st clause was presented. In every respect he maintained it was highly objectionable, and from the very crude shape in which the Bill had been presented to the House he hardly imagined that the Government had devoted that care and attention and consideration to the measure which was its due. He trusted that the Attorney-General would not insist upon the 1st clause being carried as it stood. If he did he would find a large amount of opposition offered to the Bill in its passage through that House.

Mr. BLACK said he differed somewhat from the opinions he had heard expressed on the merits of the Bill before the House. He considered that a Bill aiming at the reconstruction of the jury list of the country was very necessary; but he objected to the 1st clause on the ground that it allowed any exemptions at all. He con-

sidered that the public had a right to demand the most intelligent jury in all cases that the country could possibly provide, and he had seen or heard no reason advanced which altered that opinion. He did not see why that class whom they might reasonably expect to be the most intelligent portion of the community should be struck off the jury list. He thought in cases that undoubtedly might occur—such, for instance, as had been referred to by several hon. members, where the district or town might suffer severe inconvenience by certain gentlemen being called upon to serve on juries—that it might very well be left to the discretion of the judge to exempt those gentlemen on application being made. He should, however, like to see the 1st clause entirely omitted, and a clause inserted allowing the judge in his discretion to exempt jurymen in such cases as he might consider necessary for the welfare of the district. He had understood the leader of the Opposition, in referring to clause 5, to complain that the leisure, intelligence, and wealth of the districts was not represented, whereas he objected to the 1st clause because they were represented. He (Mr. Black) considered that somewhat inconsistent. The same objection that he (Mr. Black) had to clause 1 also referred to clause 5. Undoubtedly, according to the 5th clause, the sugar-planters, who were well known to be the most intelligent portion of any community, would be exempted. He had no wish to claim that exemption for the sugar-planters, nor did he see why the arrowroot men should be exempted. Both the 1st and 5th clauses of the Bill were somewhat loosely worded, but, if the passing of the Bill would have the effect of making the constitution of juries in the colony more intelligent than they at present were, one very good object would have been attained. He believed that was the intention of the Government in bringing in the measure, and he should decidedly support it.

Mr. BROOKES said in his humble opinion nothing had been said in answer to the speech against the Bill made by the leader of the Opposition. What was said by the hon. member who had just sat down amounted to destroying the Bill by leaving out the 1st and 5th clauses. He thought the hon. Minister for Works had dealt with the matter with too great levity. The Bill was a very important one, brought in by a very serious person—the hon. the Attorney-General—and he (Mr. Brookes) did not think it was a joking matter at all. He considered that the Attorney-General did not understand the Bill. There was no way of getting over that 1st clause; they knew that the administration of justice was supposed to take precedence of everything, but not to run against public convenience. He did not think that better evidence could be brought forward of the loose way in which the Bill had been compiled than the fact that it allowed managers, cashiers, accountants, and tellers of banks to be taken away from their duties to serve on juries. That was a point on which he had a little experience. He remembered when he was an accountant in a bank, and there was only the manager there besides: what could they have done had they both been summoned on a jury? It was true that that was a thing not likely to occur again in Brisbane, but it might happen in country districts. There were many country banks where, if it should so happen that the manager and teller and accountant—for the duties of teller and accountant were often discharged by one person—were both summoned on a jury, that bank would have to shut up—a circumstance which might give rise to very serious public inconvenience. Hon. members might say that it was only necessary to mention the facts to the judge and he would exempt one of them; but he did not think he would, as since he had been in business both himself and his partner had been summoned on a jury, and they tried to get one of them exempted, but the judge would not listen to them, and they were both obliged to serve and put up with the inconvenience. Great inconvenience might arise from the officers of a bank all being away. Negotiations would have to be delayed or perhaps not be entered into; and how would it be with reference to the payment of promissory notes? Very serious inconvenience might arise from there being no one to say whether such and such a bill should be paid or not. That was only a very small part of the evidence that could be produced against the Bill. He objected to it *in toto*. It had evidently been hastily compiled, and if it was passed into law it would cause a great public disturbance. With reference to chemists, apothecaries, and druggists, that was one of the matters on which the Minister for Works was jocose—at least, as far as he could be. They had heard only last week of the bad result of a chemist leaving his work in the hands of an assistant; and if chemists were not to be exempted many would have to stop their business. That was not a matter that could be laughed away by saying that if there were half the number of chemists' shops in town that there were, perhaps the public health would be better. They all knew that the dispensing of drugs was a very responsible duty for anyone. He did not see any reason why there should be any public risk incurred through the shop being deprived of its responsible head—at all events, for such a reason as the chemist being liable to serve on a jury. The hon. Attorney-General seemed to have lost sight of the old constitution of juries. He (Mr. Brookes) had always understood that a common jury was composed of persons who should be somewhat in the same rank of life as the accused. It was an old idea that a person in the lower ranks of life stood a better chance of obtaining justice from a jury who were in the same rank of life as himself; so that it appeared to him that that extra amount of intelligence proposed by the Bill might not tend to the furtherance of justice. Of course, with regard to custom-house officers and Civil servants, that was too comprehensive a matter altogether; for instance, were engine-drivers on the railways to be summoned? It had already been pointed out what inconvenience might arise from persons in charge of vessels discharging cargo being summoned. All he had heard proved to him that the Bill was a raw and ill-digested piece of legislation which the House would do well to reject without sending it into committee at all. Of course he did not object to those "esquires" being knocked off, because they all knew it had been a term of ridicule for years; and they knew very well that persons had been put on the Commission of the Peace who ought not to have been. He was not at all sorry to see them placed in a more proper position. He had some doubts about clause 8, which provided that in all criminal trials the judge might lock up or release the jury during any adjournment of the court; and his objection to the clause was in addition to those already raised. He did not like that discretion to be left to the judge. He believed the discretion of a judge to be sometimes of a very unreliable quality. They had instances in the colony to show that one judge had more discretion sometimes than at others, and that there was a good deal of difference between the discretion the judges respectively possessed. He could give a striking instance of the inequality of sentences pronounced by the different judges of Queensland, but would not do so now because it did not touch the Bill before the House. As for locking up a jury during an

adjournment, he thought some modification of the system was necessary; and he agreed that depriving jurymen of food and quarters in certain cases was a relic of barbarism. But he would ask that it should not be left to the discretion of the judge. He would repeat his deliberate conviction that the Bill was unworthy of the hon. Attorney-General, and he hoped that it would not be allowed to pass its second reading.

Mr. LOW said the hon. gentleman who had just sat down had not edified the House very much. The hon. member said that a manager of a bank should never be out of the bank; but they knew very well that managers of banks, when it suited their convenience, often took a holiday, and he did not see why they should not devote a holiday to sitting as jurors on important questions. The hon. member also told them that chemists should never be from behind the counter; but he (Mr. Low) often saw chemists from 11 or 12 o'clock up to 1 o'clock having their nobblers, and spending an hour with their friends very comfortably. Then the hon. member told the House that, in certain cases, a more correct decision would be given by a lower class than by a higher; but he (Mr. Low) had known jurors engaged on a case say they would sit for a "blue moon" till such a man was acquitted, when it was very well known that he was guilty of cattle-stealing.

Mr. BROOKES said the hon. gentleman scarcely represented him fairly.

The PREMIER: The hon. member has spoken.

The SPEAKER: The hon. member has spoken, and can only make a personal explanation by consent of the House.

Mr. BROOKES: After all, what I was going to say is not very important.

Question put and passed.

Committal of the Bill made an Order of the Day for Tuesday next.

ADJOURNMENT.

The House adjourned at five minutes to 11 o'clock.