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Legislative Assembly

MONDAY, 4 SEPTEMBER 1882

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LEGISLATIVE ASSEMBLY.

Monday, 4 *September*, 1882.

Fire Brigades Act Amendment Bill—second reading.—Liquor Retailers Licensing Bill—second reading.—Bills of Exchange Bill—second reading.—Supply—resumption of committee.—Tramways Bill—committee.—Adjournment.

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

FIRE BRIGADES ACT AMENDMENT BILL—SECOND READING.

The PREMIER (Hon. T. McIlwraith), in moving the second reading of this Bill, said the Fire Brigades Act passed last year had been found in practice to be unworkable, especially in the city of Brisbane. It contained one vital error, and that was that whilst the fire brigades board represented all the different parties who found the funds for the payment of the brigade, at the same time it was left to the men themselves to elect which of them should be paid, and it was clearly laid down that they should elect the superintendent. That was a vicious principle, and it had proved itself to be so in the city of Brisbane. There could not be a question for a moment as to who should have the power. The superintendent had all powers at fires, and there was no question that the board, who had the management of the affairs of the brigade, should have the power to select the men who should be paid. It was necessary to amend the old Act, as there was no power in it by which he could make the boards workable. There was another vicious principle in it—namely, the way in which the insurance offices were assessed. At the present time, under the Act passed last year, the assessment was on the gross amount insured. But that was not an equitable assessment, because one office might insure, say, £1,000 twice in a year, once for that amount in each six months; and another office might insure £1,000 for the twelve months, and in that case the first office would have to pay double the amount. He hoped hon. members would understand the principle of the present assessment upon the gross amount insured. It did not matter how it was insured, as, taking the example he had quoted, a company insuring £1,000 for six months and another £1,000 for six months paid exactly double the amount paid by a company insuring £1,000 for twelve months. Then again, taking the case of a substantial stone building: it was insured at a very low premium, and yet the company insuring might have to pay exactly the same amount for a building of that sort as they would have to pay for a building to which a great deal more risk attached, and which paid a much heavier premium to the insurance office. The right principle upon which they should be assessed was, no doubt, upon the net amount of the premiums they earned; and he believed that all insurance offices were agreeable to that, as being more equitable to them and to the public. The different amendments proposed in the Bill would be found in the 7th, 12th, 13th, and 14th sections.

In clause 3 it was provided that a book with a list of the members of a brigade should be kept by the board; and clause 4 referred to the annual appointment of officers of the brigade. Clause 7, dealing with the amount of contributions to the funds of a brigade by insurance companies, was as follows:—

"Notwithstanding anything to the contrary contained in the principal Act, the amount to be annually contributed by each of the fire insurance companies towards the maintenance and support of the fire brigade in any town shall be proportionate to the amount of premiums received by each of such companies for insurance and reinsurance in such town during the year last past, after deducting therefrom such amounts as have been paid away during the same period for reinsurance within the colony, as shown in the return hereinbefore mentioned."

The schedule of the Bill provided for a return showing the gross amount of the premiums received by insurance companies upon which they were to be assessed. In clause 9 of the Bill power was given to the Governor in Council to disband a fire brigade, and by clause 10 members of disbanded brigades were required to return all property belonging to the boards. Those were the main points in the amending Bill: giving power to the boards to elect the superintendent and also their paid men; and to alter the principle of the assessment paid by insurance offices. There had been some correspondence between the fire brigade, the superintendent here, and the Colonial Secretary, and the subjects of the correspondence embraced the two points referred to. He did not want to say anything personal in the matter, nor did he attach blame to either party; but he simply stated the fact that the Act was found to be unworkable, and for the reasons he had stated. The men elected the superintendent, and they claimed the right to elect the men who were to be paid, and that power the board very properly refused to submit to. There was no question as to who should have the power, but it could not be given under the Bill passed last year. He moved that the Bill be read a second time.

The HON. S. W. GRIFFITH said the Bill appeared at first sight so much like a Bill to abolish the Brisbane Fire Brigade that that might be the short title of it. The present fire brigade had, in his opinion, done good service. He did not know anything of the difference of opinion between the superintendent and the board, and was therefore not in a position to speak on the subject. He did not quite see how the Bill dealt with some of the difficulties referred to by the hon. gentleman; for instance, that connected with the subject of the appointment of paid members of the brigade.

The PREMIER: Clause 13.

Mr. GRIFFITH said the 13th clause provided that nothing contained in the principal Act should be construed to prevent the payment of members; but there was nothing, he believed, in the principal Act to that effect. There was one improvement not dealt with in the Bill which he should like to suggest. It was that the appointment of the superintendent of the fire brigade should be nominally made by the board with the approval of the Governor in Council, instead of being, as now, made by the Governor in Council on the nomination of the board. In substance there was not much difference, but practically there was a good deal. The question might arise whether a member of the House accepting or holding the position of paid superintendent would not have been appointed by the Governor in Council, and it might be suggested that, although he was paid out of a special fund under the administration of a board, he was nevertheless appointed to an office of profit by the Crown. No one desired to prevent a member of Parliament from occupying such a position if he was particularly qualified to perform the duties, and a provision to that effect should be enacted. He did not at present see why clause 15 of the principal Act had been repealed, as clause 15 of the new Bill appeared to be verbatim the same.

The PREMIER: There is a difference.

Mr. GRIFFITH said that another improvement would be to require that the fire brigade board, like other boards operating upon funds partially contributed by the public, should render periodically a statement of their expenditure. He was very sorry that the hon. member for Fortitude Valley, who had taken so much interest in the fire brigade, and who was practically the originator of the present law relating to fire brigades, was unable through illness to attend in his place. He hoped, however, that hon. members would have an opportunity of hearing the views of the hon. member on the subject when the Bill was in committee.

Mr. MCLEAN said he had heard that some little difference had arisen between the board and the fire brigade a short time back, and that they had not been working together very satisfactorily. On the whole, the fire brigade had been a great credit to the town. He could not agree that the appointment of superintendent should rest with the Governor in Council. If there had been difficulties under the present Act, he believed some difficulties would arise under a measure by which the appointment would rest with the fire brigade board. The men who were brought continually into contact with the superintendent had the best opportunity of finding out who was most qualified to fill that position, and they should at least have some voice in the matter. At a fire everything rested with the superintendent, and the men were the best judges as to who was most qualified to have charge at such a time. If the appointment were placed solely in the hands of the board, influence might be brought to bear in favour of an incompetent man. He was confident that, however badly the present Act might have worked, that would be no improvement upon it. The brigade and the board would be continually at loggerheads. No brigade would, he believed, work successfully until the men were allowed a voice in the appointment of officers. He thought it was advisable also that the members should be paid, as they ran considerable risks and lost a good deal of their time. The Government could form an approximate estimate of the amount that would be contributed by the insurance officers and the municipalities, and they might fix upon a certain rate of payment to the members for their services. Some change would, no doubt, have to be made with regard to the annual appointment of officers, but he doubted whether clause 4 of the Bill would remedy the faults in the present Act.

Mr. BAILEY said he regretted that the hon. member for Fortitude Valley was not present, as he should very much like to have heard the opinion of that hon. member on the Bill. The hon. member was, he believed, almost the only practical authority on the question in the colony. He (Mr. Bailey) had always held the opinion that the fire brigade would work as a purely voluntary body far more successfully than it would work as a paid body; but at the same time he was quite willing to allow that it was within the province of the Government or of Parliament to recognise their value by assisting them with grants of money. He did not like the idea of a board coming between a man and his duties; it was too much like a corporation which had neither soul to be saved nor anything else to be kicked. The superintendent of the

brigade had responsible work to do; his duties were defined, and he was liked by his own men, who reposed trust in him. As volunteers they had worked well and nobly in their time; but the Bill would curb their efforts and demoralise them by making them paid officers of the State, subject to boards of individuals who knew very little about the duties that had to be performed. The Bill, he was afraid, would be better in the waste-paper basket; and he was confident that very little of the Bill passed last year deserved a better fate. He supposed the Bill would pass the second reading, but he hoped that in committee the hon. member for Fortitude Valley would be present to criticise the different clauses and explain the reasons why the Bill should not pass the House in its present shape.

Question put and passed.

The PREMIER moved that the committal of the Bill stand an Order of the Day for to-morrow.

Mr. BAILEY said he was afraid the hon. member for Fortitude Valley would not be able to attend to-morrow; and he would ask the hon. gentleman to postpone the committal for a week.

The PREMIER said he should not like the Bill to pass through committee in the absence of the hon. member for Fortitude Valley; and he was not aware of the illness of the hon. member until it was mentioned by the leader of the Opposition. The motion might be carried in order that the committal might appear on the business-paper, but he had no intention of bringing the subject on to-morrow.

Question put and passed.

LIQUOR RETAILERS LICENSING BILL, —SECOND READING.

The PREMIER, in moving the second reading of this Bill, said that as a very similar measure —in fact, he claimed it as being almost the same Bill—passed through the House last year, he did not think that he would be expected to enter so minutely into the details of its provisions as he would were it an entirely new Bill. There were, however, a few additions to the Bill as it passed the House last year to which he would refer in detail. It would be seen at the outset that the Bill aimed at repealing no less than eight different Acts under which matters affecting the publicans of the colony were administered at the present time. That led to a great amount of inconvenience and uncertainty as to the state of the law, and it was therefore necessary that a Bill like the present, which was more a consolidating than a reforming measure, should be passed. It was divided into six different parts. The first provided for the repeal of existing Acts, and interpretation; and the second for the—

"Establishment and constitution of licensing districts and licensing boards; procedure and duties of licensing boards and licensing authorities; officers and duties of officers acting under their direction."

That part of the Bill was entirely the same as when the Bill passed through the House last year, but contained some alterations in the law as it stood at present. In clauses 5 and 6 there was a slight amendment in the present law relating to the constitution of the licensing boards, which had been rendered necessary from the fact that when the Licensing Boards Act was passed the Divisional Boards Act had not come into operation. In fact, his last remark applied to all clauses up to clause 13, which simply repeated the provisions of the Licensing Boards Act and the amending Act, with a few alterations which, he believed, would be found to be improvements. Clauses 15, 16, and 17 defined the duties of clerks of petty sessions in regard to boards. Clause 18 provided for the appointment of inspectors and revenue constables, and he considered it an improvement on the present Act. Revenue constables up to the present time had always been worked from the Treasury, and it was now proposed to work them under the Police Department. It was not necessary that they should be policemen, but were to be worked under the Commissioner of Police. He had refrained from dwelling on that part of the Bill because the law was very little altered from what it was at present, except so far as had been necessitated by the Divisional Boards Act coming into operation. Part III. provided for the granting, renewal, transfer, removal, and transmission of licenses. The whole of the clauses on page 11 were taken very much from the existing Acts. Clauses 30, 31, 32, and 33 provided for a new class of license not in existence at the present time; and he did not know exactly what view the House would take of it, but the matter could be discussed in committee. They provided for a license to sell colonial wines in fruit-shops and such places. It would be noticed that clauses 32 and 33 had been misplaced, as they should be inserted in Part IV. Packet licenses were the same as before, only two justices were required to grant them instead of one, as was the case formerly. Part IV. dealt with the obligations, duties, and liabilities of licensees, and some slight amendments had been made in it from the shape in which the Bill left the House last year. With reference to Part V.—"Sale of liquor by unlicensed persons"—there was nothing worthy of remark in it except clause 93, which seemed to be a clause just and requisite in the interests of licensed retailers. The chief merit of the Bill consisted in the fact that at present the law was administered through eight Acts, which resulted in great difficulty and perplexity to the different Government officials who had to work them, and all that trouble and inconvenience would be done away with by the Bill, which had received a great amount of attention, and might be looked upon as safely consolidating the existing Acts without omitting anything that should not be omitted, while there were some reforms brought in which would be found to work well. The licensing boards had their powers extended. At present they were simply licensing boards, but by the second part of the Bill it would be seen that they were made to have jurisdiction as courts of petty sessions. That, he believed, was admitted by the House last year to be an amendment in the right direction. There was another defect which he saw in the present law and which he desired to see amended, but which he had not yet made provision for. At present anybody might sell wine or beer in quantities not less than two gallons without a license. He was not aware that that was the state of the law until lately, and he intended to amend it in the Bill. As he had said, the principal aim of the Bill was to consolidate the present law and at the same time make what were considered some very useful amendments, but he had no doubt the opportunity would be taken advantage of to endeavour to introduce other reforms that were advocated by members on both sides of the House. But he did not think the Bill was likely to pass through the House if the discussion took such a very wide field as it did last year. No doubt the hon. member for Logan would endeavour to insert his local option principles as he did last year.

Mr. McLEAN: I'll try this year too.

The PREMIER: The hon. member must acknowledge that it is a very useful Bill.

Mr. McLEAN: I'm going to try to make it more useful.

The PREMIER said it was acknowledged by both sides of the House, last year, to be a very useful measure, and it had received a great deal of attention. He hoped hon. members would leave the Bill pretty much as it stood. Only a certain amount of time could be devoted to it, and if hon. members tried to introduce discussions on matters which in its present shape were extraneous to it they would very likely block its progress. The Bill had been prepared as nearly as possible on the lines of the measure of last year, and no important alterations had been made in it that did not receive the sanction of the House on that occasion. To those alterations he would draw the attention of hon. members in committee. If any hon. members wished to introduce such reforms as were brought forward last year, he hoped they would take an early division and let the Bill go on. If that was not done a useful measure might be lost simply through want of time. That was all he asked; and, as a similar Bill had already received the sanction of the House, he would now move that it be read a second time.

Mr. McLEAN said he had no intention to discuss the Bill at length; still, he had one or two remarks to make on the subject of it. He had observed, from reports published in a Blue Book, that last year the Imperial Government sent to the Governors of the different colonies asking what reforms had been made in connection with the licensing laws; and every one of them, with the exception of the Governor of Queensland, had something favourable to report regarding reform in the traffic in intoxicating drinks. All that Governor Kennedy had to report was that there was then a Bill before the House which was expected to pass. His Excellency did not even say that it was an improvement on the existing laws, but simply that the Bill was before Parliament. The Premier was mistaken in saying that he (Mr. McLean) had endeavoured to introduce the principle of local option into the Bill of last year. He had repeatedly brought forward his own little Bill on the subject, but it was not comprehensive enough—there was no room in it for hon. members to display their statesmanship; but in the present Bill of 105 clauses there was any amount of room for display in that direction. His Bill was on the business-paper last year, but it did not come to a second reading, and he had no intention to bring it on again during the present session. What he intended to do was to ask the Government to allow him to introduce into the present Bill the local option principle as it was now in force in New South Wales, in Victoria, and in New Zealand—namely, as to whether any new licenses should be granted for three years. That was not the principle of his (Mr. McLean's) Bill, which gave local option to renewals as well as to new licenses. In the colonies he had mentioned power was given to the ratepayers to say whether or not there should be any increase in the number of public-houses. His opinion was well known, that the people were the parties chiefly interested in the question. Hon. members were not so well versed in the matter as he (Mr. McLean) was. Knowing his opinions, people over and over again came to him and asked him to get up petitions to prevent the opening of a public-house in their district or alongside their doors. Those people did not want the public-house, and he held that if the people did not want a public-house no licensing authority that either the House or the Government could constitute ought to have a right to compel it to be planted in their midst. That was his principle, and he should ask to be allowed to introduce it into the Bill so far as regarded the issue of new licenses. They had precedents to go by. In Canada, in 1878, all the principles of his Bill were introduced into what was called the Temperance Act. Within a short time after that Act became law it was brought into operation in several towns. A publican residing at Fredericton raised the question as to whether the Dominion Parliament could legislate with reference to the question, holding that it was a matter that could only be dealt with by the provincial Legislatures. The appeal was taken into the Supreme Court, and from thence to the Privy Council of England, and it had been decided within the last two months that the Dominion Parliament had a perfect right to deal with the question, as it was a national question. He wished the Government to deal with it as a national question. As the principle of divisional boards was now in operation, there could be no difficulty in taking the vote of the ratepayers on that question at the same time as the elections to the board. Some of the objections brought against his own Bill were of a very frivolous nature. One was that, in the event of such elections taking place, disturbances would be raised and the police would have to be called out. All sorts of bugbears were raised in opposition to it. There was now plenty of evidence to show that wherever that provision had been in operation everything had gone off as quietly—and even more quietly—as at a general election. There was another point he should like to have seen touched upon in the Bill, and that was the Sunday-closing question. The Bill ought to provide that public-houses should be closed on the Sabbath day. That principle was in force in New South Wales, Victoria, Ireland, Scotland, Wales, and Canada; and there were now two Bills before the English Parliament—one to bring it into force in the county of Cornwall, and the other into the rest of England. They might well ask the Government to concede that point. The present law permitted public-houses to open between the hours of 1 and 3 in the afternoon of Sunday. But what did they find? They found that, instead of being open for two hours, they were open for the greater portion of the day. There was no doubt that if the existing law was observed it would have a most salutary effect; but it was evident that if they allowed the door to be open an inch the publicans would open it an ell, and would not confine their operations to the two hours prescribed by the Act. He had had letters from gentlemen in the bush—gentlemen whom he had never seen—with reference to licensed public-houses in country districts. That was a matter that was not dealt with in the Bill, and it was one which the Government might well have taken in hand. They well knew what had been the result of the establishment in country districts, not of sly-grog shops, but of what might be called low drinking hovels, licensed by the Government. Was it right for the Government to raise a revenue from the graves of the people? The hon. member for Leichhardt might laugh, but it was perfectly true. Hundreds of instances must be known to all hon. members where poor fellows had come in from the bush with their cheque, knocked it down, and the result was that they had knocked themselves down also. Probably by bringing such an indictment against the Government he might be called a teetotal fanatic. But what did Mr. Gladstone say a few months ago in the British House of Commons? The right hon. gentleman said that the accumulated evils resulting from war, pestilence, and famine were nothing in comparison with the evils that flowed from intemperance.

An HONOURABLE MEMBER: He must have been drunk when he said that.

Mr. McLEAN said Mr. Gladstone was not drunk. Nearly every judge on the bench, from the time of Sir Matthew Hale, in 1670, down to

the present time, had given it as his opinion that nine-tenths of the crime which came before them had its origin, directly or indirectly, in drink. Some time ago Chief Justice Lilley stated on a public platform that nearly all the crime he had had to deal with had originated from the same source. Such being the opinions of persons so well qualified to speak on the subject, it was the duty of the Government to have brought in a restrictive measure, instead of a Bill which had nothing whatever restrictive in it. The hours of opening and closing were the same—namely, from 6 in the morning till 12 at night. There was statistical evidence to prove that the closing of public-houses one single hour earlier had been of immense benefit to the people. Why should they continue the present system of offering so many facilities for the purchase of drink—throwing open the doors of temptation to the weak and frail portion of the community by giving them eighteen hours a day to get drunk in? Shortening the hours had had a most salutary effect wherever it had been tried; and he should ask the Government to amend the clause by the omission of the word "twelve" in order to introduce the word "eleven." He had no intention of taking a large part in committee on the Bill, for he did not pretend to be able to do much in connection with the licensing laws. During the last 300 years the British House of Commons had passed 400 measures dealing with that question, and they had not yet been able to make a solution of it that would be satisfactory to all parties. He did not think that they in Queensland would succeed in solving a difficulty that had been found so insuperable in the United Kingdom. His main object in rising now was to intimate to the Government that when the Bill was going through committee he should ask the House to assent to the local option principle as now in operation in New South Wales and other colonies.

Mr. BAILEY said that, considering the number of temperance meetings that had been held in Brisbane lately—blue-ribbon armies marching, and so on—the hon. member might well have spared them a blue-ribbon speech. Those speeches were very interesting in their proper place—he had the pleasure of hearing some not many evenings ago—but he did not much care about a repetition of them on the floor of the House. The hon. member must allow that it was impossible to make people sober, and keep them so, by Act of Parliament. So long as a majority of the community looked upon intoxicating drinks—if the hon. member pleased to call them so—as a necessity to which they were accustomed, which increased their enjoyment, and added, as they believed, to their health, the hon. member would find it impossible to shut up the places where those drinks were sold. As to closing public-houses on Sunday, there was a great deal of sentimentalism in that. It was no doubt a very nice thing to see them closed in town, but in the country districts there were men working all the week who went on a Sunday ten, fifteen, or twenty miles to see their friends. And if those who went to the nearest township to see their friends were a good, decent, honest sort of people, they would go to church in the morning, and after leaving church they would want something to eat. There was only one place where they could get it—the public-house—and the hon. member would have that closed.

Mr. McLEAN: No!

Mr. BAILEY: And if they possibly could get a meal, the landlord or landlady would be prevented from giving them a glass of beer with their dinner. The thing was too absurd. If there were no buyers there would be no sellers, and if there were no sellers no one could buy. He had been a long time in Brisbane, and out of the many thousands of people it contained he had hardly ever seen a drunken man at any hour of the day or night on a Sunday. Such a thing was a rarity—he had seen, perhaps, one in a month. The temperate way in which the people behaved themselves was remarkable. It was not right to attack moderate drinkers and say they were all drunkards if they drank anything. It was said that if a man sold drink he made his living by digging graves for other people. That was too hard. He liked a glass of grog as well as any man, and as long as he could get it he would do so; and he strongly objected to the hon. member for Logan, who preferred water—perhaps because he had drunk all the whisky he was able to drink, and found himself going to his grave;—he objected to the hon. member condemning him for being of a different opinion. If the hon. member preferred water that was no reason why he (Mr. Bailey) should not get his glass of beer. He hoped the Government would stand by their Bill and not allow those so-called amendments in favour of local option to be introduced.

Mr. MACFARLANE said it was all very well for the hon. member who had just sat down to treat the question lightly, but it was not a question that should be dealt with in a light way. The present Premier, last year, when the same Bill passed through committee, remarked that it was a very important question, and that he did not think two members in the House understood it. He (Mr. Macfarlane) was of that opinion that day. He did not think the Premier understood the question. The hon. gentleman admitted as much last year, and from then till the present time he had made no attempt to improve the Bill, but brought it up again in the way it appeared last session. As to the question being an important one, he agreed with the Premier; and when the hon. member (Mr. Bailey) tried to make light of it he simply showed the House and the country that he did not understand what he was speaking about. They did not—at least he did not—come to the House for the purpose of making teetotal speeches or showing blue ribbons. He did not deny that he was an abstainer. He had always been an abstainer; and it was because he saw the evils flowing from drink that he did what he could, both out of the House and in the House, to stem, if possible, that torrent of evil which was flowing over the land. The hon. member (Mr. Bailey) said they could not make people sober by Act of Parliament; but what had a writer in the Sydney *Telegraph* said?—

> "The beneficial effects of Sunday closing is apparent from the following facts: In February and March, 1881, there were 361 arrests made on Sundays for drunkenness, riotousness, and fighting, while there were only seventy-two arrests for similar offences during all these months of this year. There is no use in saying people cannot be made sober by Act of Parliament after this! If the Licensing Act has kept people from getting drunk, by depriving them of the facilities for getting drunk, is not the community being made sober by Act of Parliament? It is just as well to say that people are not made honest by Act of Parliament, when the whole world knows that but for our laws our lives and properties would not be safe a moment."

He would not read the whole article, but what he had read was sufficient to show to the hon. member that it was perfectly possible to make people sober by Act of Parliament. From the tables in connection with the Financial Statement he found that a considerable amount of money was received in the shape of taxes on intoxicating drinks. He had run up the figures, and he found that the quantity of spirits which passed through the Customs was 300,503 gallons. That quantity, at 40s. per gallon, which was the retail price shown, amounted to £601,006. About 56,000 gallons of imported wine also passed through the Customs; and that quantity,

at 25s. a gallon, came to about £70,000. Then, 232,944 gallons of imported beer in wood at 4s. amounted to £46,588. The quantity of beer in bottle was 287,196 gallons, which, at 10s. a gallon retail, amounted to £143,598. The quantity of colonial beer was about 564,336 gallons, which, at 4s. a gallon, represented the sum of £112,883. Then there was colonial rum—105,296 gallons at 40s. a gallon retail—which amounted to £210,592. The quantity of wine produced in the colony was 85,455 gallons, which, at 20s. a gallon, amounted to £85,455. The total of those amounts, which represented the money spent on drink, reached the enormous sum of £1,270,122; and he wished hon. members to observe that that was the retail price taken before the drink was reduced in strength by the publicans before going into consumption. The tables took no account of spirits made in stills that were not licensed, or of any kind of beer other than that made from malt. He should have mentioned, in giving the quantities of colonial beer, that there was a difficulty in ascertaining the amount. There were about nine brewers in the colony, and two of them refused to give returns. One of those was in Brisbane and the other in Toowoomba. He could not complete his table from that point of view, so he took it from another—that was, from the amount of malt imported, which was 31,352 bushels. One bushel of malt made 18 gallons of beer, consequently 31,352 bushels would make 564,336 gallons. He gave the House those figures to show that spending such an enormous amount of money on intoxicating drinks must produce an enormous amount of crime, pauperism, destitution, insolvency, lunacy, accidents, and prostitution. Those were the natural results of the great amount of money the colony spent in intoxicating drinks. He was not going to say a single word against any man who drank; so far as he was concerned any man could do as he chose, and he would not blame him. He simply called attention to the enormous sum of money spent in drink, and if they reduced that amount by one-half, or even by a quarter, what an enormous amount of mischief they would prevent, and what a great amount of good they would do to the country! Hon. gentlemen were there for the purpose of doing their best for the country from a moral as well as a material point of view. The Premier, for instance, had great notions in reference to the country; his heart was set on making Queensland a great colony—they might not agree with him in the way he went about it, but the fact was there nevertheless. And if the Premier would take as much interest in the moral question of the prevention of crime from drunkenness as he took in some other questions bearing on the material prosperity of the colony, he would do a greater and a nobler work—in fact, the noblest work that had yet been done in the colony. He (Mr. Macfarlane) said that the enormous amount of money spent on drink in the colony produced crime; and what did they find from the report of the Commissioner of Police, issued during the present year? From the criminal statistics return for 1881 they found that the total number of apprehensions for crime was 6,549, of whom 5,577 were males and 972 were females. The commissioner classified the crimes, of which there were 82, under eight heads; and of the 6,549 persons apprehended no less than 2,134 were for drunkenness; 594 for being drunk and disorderly; 101 disorderly prostitutes were apprehended; 229 were for common assaults; 61 for assaults on police; 93 for obstructing police on duty; 397 disorderly characters were apprehended, and 716 for using obscene language. Those figures represented a total of 4,325 persons who were committed, either directly or indirectly, on account of the drink they had consumed. If that statement were true—and he dared say no one would question it, as it was contained in the commissioner's report for 1881, which was laid on the table of the House—then 4,325 out of 6,549 apprehensions, or two-thirds of the amount of crime committed in the colony, was traceable, directly or indirectly, to intoxicating drinks; yet they said nothing about it. A complaint was sometimes made by hon. members that he and other members made temperance speeches in the House; but they did not go there as temperance reformers; they were there as delegates of the people, to do what they could to advance the moral as well as the material interests of the colony. The hon. member for Logan had referred to the fact that the Governor last year, in a report sent to Lord Kimberley, the Secretary of State for the Colonies, mentioned that a Bill of that kind had been introduced too late, but would be again brought forward next session. It might have been expected, after the Premier had made the admission last year that it was a most important measure, that he would now have attempted some reform tending to the restriction of the evil in some way; but nothing had been done. As to the report, what did they find in it? It was a report sent home by the colonial Governors in reference to the state of the liquor laws in the various colonies; and every one of those Governors, with the exception of Queensland, was able to report that Sabbath traffic in intoxicating liquors had been made illegal. New South Wales, Victoria, and Bermudas had such a law; and it was the law in Scotland, Ireland, and Wales. Newfoundland had had it since 1852, and there was a similar law in New Zealand and Western Australia. South Australia had it by local option. If ten ratepayers asked that a poll be taken the request was granted, but three-fourths of the people had to vote in favour of Sunday closing before it was carried out. He was not sure whether it was carried into force or not; but the fact was evident that all the other colonies except Queensland had such a law. Queensland took its name from Her Majesty the Queen; and was it to be behind other colonies in morality? It would be the last to adopt Sunday closing if it were carried this year; but he hoped the hon. member who did his best last year to get a clause inserted in the Bill with that object would make another effort. The Bill was a consolidating Bill—nothing more and nothing less. Was it not strange that, though only twenty years had elapsed, they had already to consolidate so many Bills on that subject? He approved of the Bill so far as consolidation was concerned; but was there not something strange in the fact that although the principal Bill was only passed in 1863, they had now to consolidate no less than eight Bills? Did it not show that there must be something dangerous to the community in the traffic in intoxicating drinks when so many measures were required to regulate it? He was one of those who believed that they would never regulate it. That had been attempted for the last 200 years in Great Britain, where no less than 400 Acts had been passed for that purpose, and it had failed. It was impossible to regulate the traffic. The law demanded that the most honest and the best men were the men to be licensed; and their characters were taken into account before they were licensed—in fact, he might say that everything was taken into account. The law did that for the good of the community, and it was to be commended; yet it had been a failure, and they ought, like wise men, to take a lesson from the failures in England, and try and improve the Act by doing something to reduce the traffic in such a way that by bringing it within a smaller compass it could be worked. He found that

during the present session there were no less than nine more liquor Bills before the Imperial Parliament, showing that while in Great Britain they could not regulate the traffic, they were at least anxious to do so. He hoped, therefore, that as the Bill before them was passing through committee hon. members would try and improve it. He believed that was quite possible, even if local option in the mild form mentioned by the hon. member for Logan—to prevent the increase of public-houses—were adopted, it would be something gained. Some hon. members said that those who advocated a restriction of the liquor traffic were trying to make a great deal out of nothing. Most people he came in contact with had no interest, so far as they themselves were personally concerned, in doing what they could to benefit the people; it did no good to them personally, beyond the satisfaction they had in seeing other people benefited by their efforts. To that extent it pleased them, and they were no doubt doing good to society. Sometimes they had a scare about small-pox. The colony was up in arms lest that disease should spread, and every effort was made to extirpate it. Corporations and individuals did their best by the adoption of sanitary and other measures to prevent the disease taking a lodgment amongst them. All that was to be commended. Then, the other day, there was another scare, that of war; there was danger of being invaded by a foreign enemy. The consequence was that the Premier proposed to get gunboats to protect the colony. But they had an enemy in their midst destroying thousands of people who consumed intoxicating drinks, and yet they did nothing—literally nothing—to expel it. If they were to expel that enemy it would do more towards making the people sober, righteous, and truthful than anything he knew of. There was great fear that unless something was done—and that very soon too—to expel that enemy from their shores it would do far more harm than they could ever imagine. He had spoken about crime, and quoted statistics from the report of the Commissioner of Police, showing that not only drink produced a great amount of crime, but also produced destitution; and on account of that destitution they had every year to set apart a large amount of money for charitable institutions. That destitution was caused through the drunken habits of the people, who, when they became destitute, had to be helped by the State. Then again, let them look at the number of accidents through drunkenness—accidents which called hospitals into requisition. The greater number of cases that were treated in the hospitals were accidents caused by drunkenness. If they could reduce the maximum amount of evil, were they not bound to do so? Were they not bound to endeavour, by legislation, to make it easy to do right and difficult to do wrong? Not only were destitution and accidents caused by drunkenness, but lunacy also. Was it not deplorable to see so many poor creatures who had lost their reason confined in almost a place of punishment;—he did not say they were ill-used; on the contrary rather;—owing to the drunken habits many of them had acquired? Probably one-fourth of those confined in the lunatic asylums had been brought there by using intoxicating liquors; and were they not, in that Legislature, to do what they could to lessen that lunacy by trying to reduce the consumption of those liquors? Then they had that vexed question of prostitution. The Commissioner of Police mentioned it in his report. He advised that nothing be done in regard to it; it could not be regulated by Act of Parliament. Now, he (Mr. Macfarlane) would read to the House a remark made by the Rev. Father Nugent, of Liverpool, with regard to that evil. Referring to the increase of lawless women on the streets of Preston and other towns, he said:—

> "In nine cases out of ten those women were brought to that condition by the drunkenness and the neglect of their parents. The sons of Sodom and Gomorrah brought destruction on that terrible city, but Sodom and Gomorrah was pure in comparison with the terrible vices of some of our cities—vices springing from intemperance."

That was said by the Rev. Father Nugent, a man who had done more good for the people of Liverpool than any other half-dozen men in England—working night and day for the purpose of reforming the poor creatures who were lost to honour and society. Could nothing be done for that class here? Another record he had before him—he had a whole batch of them, but he would not read them then—said that it had been proposed to prevent them going on the streets.

The PREMIER: Where would they go to?

Mr. MACFARLANE said that that was a difficult question; but would it not be possible—not exactly, perhaps, in connection with the Bill—to confine those poor creatures to their houses after 6 o'clock at night? They would not then be a temptation to men going about the streets. At present hon. members' own families—their wives and daughters—could not, for modesty's sake alone, pass down Queen street after dusk. If the women he had spoken of previously were compelled to keep in their own houses after 6 o'clock it would no longer be the case; and he could not see why it should not be done, nor why the House should not do it. All such matters were connected with the Bill, and he thought that hon. members should do their best to reduce to a minimum the facilities for increasing the traffic which existed in their midst. There were many more arguments which he had intended to make use of, but as such ample discussion was bestowed upon the Bill last year he would not now make his remarks upon it any longer.

Mr. KELLETT said that they had listened to the same speech from the hon. gentleman last year, or one as near it as possible; and he supposed they were to have it every year. The hon. gentleman then seemed to think that there were only two persons in the House who were sound upon the subject of liquor traffic—himself and the Premier. Now he said the Premier was not right, and the hon. gentleman was the only man who was in the right in the matter. The hon. gentleman went on to say that all the good people were Good Templars; but he (Mr. Kellett) thought differently, and that stimulants were necessary to people in the climate of Queensland. From his own experience, everywhere—whether in the city or out of it—the man who took a certain quantity of stimulants was the best man. They could not find one Good Templar among every fifty of the best tradesmen of the city. Such men took too much at times, he admitted, but that was no reason for stopping their drink altogether. The hon. gentleman had simply got up to preach them a sermon, and hon. members could see that he thought he was in the pulpit all the time by his manner. Why was the House to be treated in that way simply because he and others differed from the hon. member? The Bill was a very good one. They took a great deal of trouble in trying to pass it last year, and he would be very glad to assist in passing any amendments which would be likely to improve it; but he would not assist in any proposal which would prevent him or any other man in the country from drinking a glass of liquor when he wanted it. As to the Sunday traffic, he agreed that the less they had of it the better, but people going about on that day required food and refreshment, and there

would be very great difficulty in preventing public-houses being open for such purposes on Sundays. Especially was it necessary to have houses open on Sundays in the bush.

Mr. LOW said that whenever, during the last ten or twelve years, he had need to go to a surgeon, the doctor had always put a leading question to him and asked him if he drank at all, and he replied that he did. The doctor said that he was quite right to do so, as it was necessary for his health that he should have three or four glasses of whisky every day.

Mr. NORTON said that, a Bill similar to the present having passed the House last year, he did not think it necessary that the time of the House should be taken up at any very great length on the motion for the second reading, more particularly as nearly all hon. members agreed that such a Bill should be passed. He was not going to forget the reminder that the Premier had given them that the Bill received the sanction of the House last year; but he would remind the hon. member that the same House also gave its sanction to a series of amendments which he introduced last year in committee. Those amendments became part of the Bill, as they were accepted by the hon. member in charge of it. That hon. gentleman, however, after the House adjourned on that night, seemed to get under some influence. He (Mr. Norton) did not know whether it was an evil eye in the gallery that affected him or not, but he knew that he himself was intercepted outside the Chamber and asked to adopt a view of the case the very opposite to that he was advocating. Hon. members were told afterwards by the late Colonial Secretary that he had made a mistake with regard to those amendments; and that the Bill itself, looking at it from a right point of view, would be better without them. The Bill then went through committee and was afterwards recommitted for the purpose of having the clauses cut out of it. When he remembered those circumstances it was not likely that he would go through the same process again, and therefore the hon. Colonial Secretary might make himself perfectly easy on that account. He promised, so far as he was concerned, that the time of the House should not be taken up more than was necessary. One matter he objected to in the Bill, and which was one which he did not sufficiently object to last year, was the provision that public-houses should be obliged to keep an open bar or public drinking place—because the open bars were nothing else. Why every hotel should be compelled to keep one he could not see; and as a matter of fact the bars themselves were not open ones, as the proprietors put a screen across the door, and the drinking might therefore be just as well done in a back room as anywhere else. When the Bill got into committee he intended to propose an amendment with the view of avoiding the necessity of every publican being compelled to keep an open bar whether he required it or not. He did not think the benefits of the Bill would be lessened by such an amendment, and he hoped the hon. member in charge of the measure would consent to it. He did not wish to make any other difference, but only to do away with that as a matter of compulsion.

Mr. McLEAN: Would you make it optional?

Mr. NORTON said he would leave it to the lessee to have a bar if he chose to do so. He did not see that the figures introduced into his speech by the hon. member for Ipswich (Mr. Macfarlane) had very much to do with the question before them, although he agreed with a good deal that had fallen from the hon. member. He agreed with the hon. member that it was desirable that public-houses should be closed on Sundays. As a matter of fact, travellers in the bush would still be able to go to such places of entertainment, and they could not prevent publicans from supplying grog under such circumstances if they wanted to do so. He believed that the closing of public-houses on Sundays had gone far towards diminishing the opportunities on that day of getting liquor, but to say that it had absolutely prohibited the traffic would be absurd. Again, with regard to the 11 o'clock license instead of the 12 o'clock, he believed that very great improvement had been brought about by it in another colony. He had seen statements in the papers over and over again that the amount of police-court work had been considerably reduced since those provisions came into force; and that both the Sunday closing and the 11 o'clock licenses contributed towards the result. If any hon. member, therefore, would introduce an amendment to that effect he would be glad to support him in carrying it through; or he might introduce such an amendment himself in committee; but as such things were not of vital importance he did not think it necessary to enlarge upon them when they were considering the second reading. He was glad that the hon. Premier had brought the Bill forward, because he believed it would be of importance to have one measure rather than the eight or nine Acts they had at present dealing with the liquor traffic. Another matter he wished to refer to was the wine licenses. In his opinion all houses that sold wine ought to be obliged to have some sort of license; and he thought a great improvement might be made with respect to wine-makers who were at present allowed to distil spirits to assist them in wine-making, as well as to sell their wine. He did not care how good or bad the wine might be, if they put spirits into it such as he had tasted at one wine-growing place, all he could say was that he thought it would make the wine very bad indeed. He believed that in some places where wine was made, and which were well off the road, a great deal of drinking went on; and in such a manner as would not be permitted anywhere else. There was no supervision of any kind. He did not say that they sold the spirit they made, but very probably they did so. In one case he had bought some and tasted it, and he felt no inclination to do so again. It was not in this colony but in a neighbouring one; but doubtless they would make it as bad here as anywhere else, and no doubt the wine was very much the same.

Mr. FEEZ said that, so far as he was concerned, he believed the Bill would, if passed, be of great benefit to the colony. With regard to the figures used by the hon. member for Ipswich, by which he made out that enormous sums of money were expended in this colony on the consumption of intoxicating liquors, he would simply say that the hon. gentleman had doubled the amount, and that if he halved it he would be much nearer correctness. The numbers the hon. gentleman stated were so extraordinary that if he took them into careful consideration he would see that not half that money was expended in drink. It seemed that the obstruction some hon. members wished to put on licensing houses here were not placed upon any class of houses in the world. Men would get liquor no matter what legislation was passed. They would drink at home and by themselves, and then they would drink larger quantities than they would do away from their own houses. He thought that in this country, where there was so strong a propensity for drinking and shouting, and where drinking seemed so natural, the open bars in public-houses were a powerful temptation to great drinking. It was a great error to allow open bars, and a regulation should be adopted to make licensed houses keep quiet rooms where drink could be taken under a plea-

sant *conversazione*, less intoxication would be the result. That was his experience on the Continent, where people were by no means abstemious, and where they drank as much as in this colony; but much less drunkenness existed there. He was fully convinced that the regulation, as proposed by the hon. member for Logan, to provide for the stopping or granting of licenses by local option, would be a great hindrance—in outside districts particularly — and would give power to men to obstruct licenses as they pleased in certain cases. It would put a stop to that competition which was the life of trade; and, though he was willing to admit that there were many houses which should not be licensed, still there should be enough to enable persons to get good liquor wherever they went—for he believed that the real cause which produced so much intemperance in the colonies was the infamous manner in which liquor was drugged. He had been in many public-houses, even in Brisbane, and had drunk liquor which he would say was such rank poison that he had been inclined to buy a bottle to have its contents analysed. In reply to those hon. gentlemen who spoke of the immorality and other evil effects of drink on people, he must say that the man who drank was not bound to become a drunkard. He himself had for the last thirty years been in the habit of drinking, and he had never been intoxicated. Men who took a moderate amount of liquor were the best men for work, and those who had done the best work in the colony were the men who took their liquor in moderation. In hot climates, such as in the North, the men who were abstemious, and drank only water, suffered more from fevers and ill-health than the men who drank spirits in moderation. He had seen more sickness there resulting from abstinence from liquor than from the use of it. He, therefore, did not see that interference of any kind with that trade would do any good. With reference to the Sunday traffic, he quite agreed with the provision in the Bill dealing with that question. He had noticed when moving about on a Sunday that the public-houses were mostly closed, and that it was impossible for people to obtain much drink. He thought the restrictions lately put upon the public in New South Wales were perfect tyranny. People there who went out on a hot Sunday could not get a drink, even if their tongues were hanging from their mouths, without the policeman coming down upon them. He thought that if people were so insane that they must be forced into abstemiousness and restricted from getting drink, it should be done; but to attempt it by stopping the licensing of houses in a country like this was merely to obstruct trade without in any way preventing drunkenness. He saw that there was a clause in the Bill for the granting of wine licenses. If that trade was properly controlled a great deal of evil would be done away with. Little good wine had been made in this colony; but if the great duty on imported wine, including the colonial wines as used in New South Wales, Victoria, and South Australia, were reduced to 3s. a gallon, one-half the spirits now consumed would not be drunk. There was a duty of 6s. per gallon on wine which cost only 6s. wholesale. With such a duty—100 per cent.—it was impossible that the introduction of an article like that could ever be encouraged. There was one other matter to which he would draw the attention of the hon. the Premier, and that was the present sale of sherry, port, ale, and porter—in fact, all drinks except brandy, whisky, gin, and rum—by general storekeepers and others without license. For years and years no one had attempted such a thing; it had always been believed that a man not holding a wholesale license was not entitled to sell any liquor. That was, however, now beginning to be done quite commonly, and was an injury to wine and spirit merchants. There ought to be a special license for persons selling those liquors. In Rockhampton he knew one storekeeper who sold sherry, ale, and porter without a license of any kind; and that was a revenue which he considered the Government were justly entitled to claim. He would give the Bill his support.

Mr. BROOKES said that the Premier was very moderate in the manner in which he introduced the Bill, and had made no statements from which any reasonable person would disagree. The hon. gentleman expected, perhaps, that as so much had been said last year on the subject of the Bill—as much as need be said—it would be rather a waste of the time of the House if they now had a discussion at all like that of last year. As, however, he (Mr. Brookes) had not then had the honour of being in the House, he trusted he should be free from any such charge as that. At the same time he saw very little necessity for much discussion on the Bill. It seemed quite as easy to make drinking speeches as temperance speeches. He was not on his feet to make a long speech, but he certainly wished to draw the attention of hon. members on both sides of the House to one matter. He had long been of opinion that the drunkenness of a nation would find its best cure in the public opinion and habits of that nation. That would be a better way of educating and reforming than by a great quantity of legislation. In the country to which the last speaker belonged it was well known that, with every facility for drunkenness, that nation was not a drunken one. They did not seem to have that proclivity for drunkenness that there was in this colony. He would rather rely upon public opinion increasing in intelligence than upon legislation. No hon. member opposite, however, would deny that a very great deal could be done to lessen the temptation to drunkenness by distinct legislation. He wished that a matter of that kind could have been listened to with rather more earnestness than had been shown by members on the opposite side. He considered the question should be listened to in that House with the greatest possible earnestness and attention. He was not going to use uncommon phrases and rhetoric about statesmanship and legislation, but he would suggest to the hon. Colonial Treasurer and to the members of the Government that there was no possible way in which the finances of the colony could be so quickly improved as by reducing the drink bill of the colony. It was a notorious fact that, in reference to the number of lunatics at the lunatic asylums referred to by the hon. member for Ipswich, there were 90 per cent. of them there in consequence of drink. Then there was a vast and extravagantly large expenditure of money for the administration of justice; it was out of all proportion to the number of persons in the colony; and it was an expenditure owing to drink. He noticed that wherever the expenses of law—or the administration of law—and the provisions for security of persons and property were large, it was always found to be owing to the facilities given for drinking. He therefore trusted that the hon. the Premier would be respectful when the members on his (Mr. Brookes') side of the House spoke as they had done. He was sure many hon. members on the other side would try to make the Bill a local option one; and he believed it would be a most important improvement in its provisions. There was another matter in reference to local option to which he would just refer, and which had come under his notice lately. In various suburbs of Brisbane the value of property had been

lowered by the facilities offered for establishing public-houses. It was of no use for gentlemen to build country houses for themselves unless they were secured from the erection at their very gates of public-houses which were not required. He had himself been annoyed, and he had known that others had been annoyed, by the establishment of public-houses that really served no useful purpose whatever, but were simply rendezvous for labouring men on Saturday nights. When they remembered that some labouring men spent half their wages in the public-houses, and that they were in that way robbing their wives and families, it was a subject he thought by no means beneath the notice of hon. members of that House. He did not wish to say anything that could be construed into cant or humbug; but as it was a matter closely connected with public decency and order, they should strive to diminish the drunkenness of the people of the colony, and one of the modes of doing that was to lend assistance to the Government in diminishing the number of licenses. He was very glad to see incorporated in the Bill measures that would provide for the punishment of those who adulterated liquor. While he believed that all liquor was poison, yet at the same time there were degrees of comparison in poison as in everything else, and he was certain that a great deal of the drink sold in the city was so adulterated that it was poisonous. There were many other matters on which there was no necessity to speak, but he might say that he was glad to see the Bill; he was glad to have eight Acts done away with and one substituted for them, and he credited the Government with the very best intentions in introducing the measure. He hoped the Bill would pass through the House, and that he should be able to congratulate the Government still further on having done their best, by listening to suggestions made on both sides of the House, to make the Bill a better one than it was now. Even as it stood it was not bad, and by adopting the suggestion of the hon. member for Logan it could be made still better. As it now stood he would vote for it rather than see it thrown out.

Mr. GRIFFITH said he would suggest that the Act 19 Victoria No. 19 now in force, relating to the adulteration of liquor, should be repealed. As the law stood, a man might be imprisoned for two years for having adulterated liquor on his premises although he had no knowledge of it. The provisions of the Food and Drugs Act and the 4th part of the present Bill were quite sufficient to deal with that offence, which was a very serious one, and should be punished if a man was guilty of it intentionally. The only other observation he wished to make upon the Bill was with respect to wine licenses. He expressed no opinion as to the advisability or not of issuing them, although he confessed he was not very favourably impressed with the idea. But he would point out that in introducing a new kind of license into the Bill it would be necessary to amend the Bill so as to provide for the regulation of the holders of those licenses. There was no provision for objecting to wine licenses. He thought it would be necessary to make the provisions of the Bill relating to the regulation of the holders of liquor retailers' licenses also apply to wine licenses. He had nothing further to say upon the Bill until it got into committee.

Question put and passed, and the committal of the Bill made an Order of the Day for to-morrow.

BILLS OF EXCHANGE BILL—SECOND READING.

The PREMIER said he did not intend to move the second reading of the Bill, but before withdrawing it he would like to say a few words respecting it. It had long been admitted by mercantile and banking men that the law with regard to bills of exchange required some alteration. The attention of the Chamber of Commerce in England, the Associated Chambers of Commerce, and the Bankers' Institution of London, had had the matter under consideration for the last two years. They had had the best counsel obtainable at their disposal, and the result was that a Bill dealing with the subject of bills of exchange was introduced into the House of Commons last year by Sir John Lubbock. The Bill before the House was similar to that introduced into the House of Commons last year, with no attempt at alteration in the slightest respect, except so far as changes were necessitated by the different positions of the colony and England. When the Bill was brought forward the House of Commons was not prepared for it, and there was not much chance of passing it until parties had become thoroughly agreed upon the subject. It was taken into consideration again by the bodies he had mentioned, and also by the merchants of London, who held special meetings to consider it, and who had approved of it as originally introduced. His reason for bringing before the House a similar Bill was that he was convinced from the progress it made last year in the House of Commons, and from the way in which it had been spoken of in the different commercial journals of England, that there was every prospect of the House passing the Bill early this year. He thought it would be a misfortune, and very likely it would lead to a fresh Bill being introduced next year, if he attempted to pass the one before hon. members at the present time. He wished the Act as it passed the House of Commons to be the foundation of any future Act that passed here, so that the law on the subject might be assimilated. So far as he knew, the Bill did not attempt to introduce anything new into the laws relating to bills of exchange, but was simply intended to codify the law which was spread over twenty Acts of Parliament and two or three thousand law cases. It was a very difficult thing at the present time to get a decision, as it was a tax not only on the lawyers but on the judges especially to give a decision consistent with previous decisions. He had done as much as he could do this year by having the Bill printed and brought before the country, and he would take means to distribute it among the business men throughout the colony. He hoped the House would be in a position to deal with the subject next year, and also that by that time the English Parliament would have passed their Act. It would certainly not be advisable to precede the House of Commons in legislating on the subject. He moved that the Order of the Day be discharged from the paper.

Mr. GRIFFITH said he would take the opportunity of saying a word or two upon the subject before the Bill was withdrawn. The Bill was, as the hon. gentleman had said, one to consolidate and codify the law relating to bills of exchange, and was similar to one introduced into the House of Commons, which had been brought in with the sanction of some of the most eminent authorities on the subject in England. The English Bill had been prepared printing in the margin the authority for each proposition, and he had himself used it as a very convenient way to discover the law on the subject. He observed one or two alterations in the Bill, making it differ somewhat from the English Bill, and he would take that opportunity of calling attention to them as he had some doubt whether they were desirable. The first was in the 5th section, which substituted the term "Colonial Bill" for "Inland Bill." An inland bill was a bill drawn and payable in the same country. He did

not know why the title of "Colonial Bill" should be substituted for it. He never heard that term in all his experience as a technical term. He should understand a "Colonial Bill" to mean a Bill drawn and payable in the Australian colonies, and not the colony of Queensland in particular. Why the alteration was made he did not know, nor did he think it was an improvement. He observed also that the repealing clause had been left out. The repealing clause in the English Act covered a great many Acts that were in force in Queensland, though it was not the practice to look at them very often. They were not repealed by their Repealing Act of 1867, which repealed some of the Bills of Exchange and Promissory Notes Acts. He hoped the Bill was only the first instalment of the codification of the law which had been talked about for many years, but which seemed yet to be in the far distance. A codification of the criminal law had also been promised for several years, and one Bill was actually prepared by a committee of judges and introduced three or four years ago, but no progress had been made with it. He hoped that some day they would be able to codify their laws, but in the meantime they would do well, as the hon. gentleman at the head of the Government had suggested, to follow in the steps of the English Parliament as far as they could.

Question put and passed.

SUPPLY—RESUMPTION OF COMMITTEE.

On the motion of the PREMIER, this and the following three Orders of the Day were postponed until after the consideration of Order of the Day No. 8.

TRAMWAYS BILL—COMMITTEE.

The House went into a Committee of the Whole for the further consideration of this Bill.

Clause 2—"Interpretation."

In answer to Mr. GRIFFITH,

The MINISTER FOR WORKS (Hon. J. M. Macrossan) said that it was not intended to give the constructing authority power to resume land; that no individual or individuals would be allowed to construct a tramway unless they were a joint-stock company, and he would not insist upon the mortgaging and borrowing powers being granted, as there was no necessity.

Mr. GRIFFITH said he understood the hon. gentleman to say that he did not propose to allow any individual or individuals, unless they were a joint-stock company, to construct a tramway. That might be found very inconvenient, especially in the case of a sale of a tramway or cessation of work in any way, or the winding up of a company; but he was not prepared to move an amendment. The next question that arose was whether it was desirable for municipal councils to construct tramways at all, or whether they should be built entirely by private enterprise. That was a serious question. When the Bill was under discussion before, the objection was raised that it did not apply to divisional boards. It was quite true that its provisions were not conveniently applicable to divisional boards, although they were included in the name "council," and some parts of the Bill allowed them to make tramways; still there was no provision for such boards acquiring land. If the divisional boards were to have the power of making tramways they certainly ought not to be compelled to stick to main roads, because there were many roads where tramways were impossible. The question also arose whether it was desirable that municipalities should be allowed to construct tramways. He was much inclined to think they should be built by private enterprise only, as a council might get its funds into very great confusion in undertaking the construction of a tram way. He had very grave doubts on the subject, and it would require a great deal of consideration, and the present was the proper time to consider it. There was one thing to be considered—namely, whether councils should be allowed to go in for the construction of tramways without the consent of the ratepayers.

Mr. McLEAN said that every individual member of that House could hold his own private opinion with reference to the question, which he hoped would be discussed apart from party considerations altogether. He thought they would be quite justified in allowing a municipal council to construct tramways. There ought to be a special provision in the Bill to meet the case of divisional boards, as in many of the country districts those boards would construct tramways which would act as feeders to the railways that ran through the division, and would in no way interfere with it. There were many districts in the colony where population was pretty dense, where the selections were not large, but where there were a number of small selectors in a certain area, where no doubt a divisional board could construct a tramway that would be of immense benefit to the district and at the same time be a remunerative work to the board. He had a good deal of knowledge of those country districts, and he thought it advisable that some such provision should be inserted in the Bill and incorporated with it to allow it being carried out. Some hon. members thought that private parties should be the constructing authorities, but he thought that if a council could be a constructing authority there would be less probability of clashing in the running of tramways; the probability was that the council and company would get to loggerheads in connection with the matter. Of course the question was open for discussion, and when the Bill was under discussion they should make it as good as possible. He was in favour of the system, and though the time had come when something of the kind should be started in the colony. Tramways had been found to be of great advantage in the colonies where they had been tried. When they were talking about tramways for their large cities they ought not to lose sight of the question of the desirability of their construction in the country districts by divisional boards. Some provision ought to be inserted in the Bill to provide for divisional boards acquiring land for such purposes, as in many cases it was difficult for the tramways to run along the roads. He remembered, during the time the Hon. Mr. Walsh was Minister for Works, having to bring under his notice the manner in which a road had been surveyed in the district which he had the honour to represent, and that hon. gentleman stated that in his experience as Minister for Works he found that if surveyors could run a road over the top of a hill or through a swamp they were sure to do it. In many districts the roads were run over the tops of hills or through swamps; so that the Government would see the absolute necessity of provision being made in the Bill, in the event of its being applicable to divisional boards, that the boards should have the right of acquiring land for the purpose of constructing tramways. He should like to ask the Minister for Works if it was the intention of the Government to avail themselves of the Bill should it become law—as he had no doubt it would—for the construction of a tramway along Ann street, or whether they intended to make a railway there. If it was to be a railway it would impede traffic very much were it carried as surveyed from the Brisbane terminus along Roma street to Ann street, and along Ann street to Petrie's Bight. The money for the work had been voted last year out of Loan to the amount of £11,000, and nothing had yet been done towards

commencing it. He should be glad if the Minister for Works would satisfy the House in connection with those matters.

The MINISTER FOR WORKS said that, in reply to the hon. member for North Brisbane as well as to the hon. gentleman who had just sat down, as to whether they intended divisional boards to construct tramways in their districts, that the Bill was framed as much for divisional boards as for municipalities, and would be quite as applicable in one case as in the other. If hon. members would look to the interpretation clause they would find that the word "council" included divisional boards. That particular part of the clause read :—

"Council.—The municipal council, divisional board, or other authority having for the time being the control or management of a street or streets in which a tramway is laid or proposed to be laid."

Then, as to the authority of the boards or the municipal councils to take land required for the purpose of constructing tramways, he would refer hon. members to one or two clauses in the Bill before the House. For instance, clause 4 said :—

"The provisions of the Public Works Lands Resumption Act of 1878 shall, so far as the same are applicable, and except where expressly varied herein, be incorporated with and form part of this Act."

So that the Bill gave power to constructing authorities to take land when necessary under the provisions of that Act. Besides that, the Divisional Boards Act itself gave power to the boards on that subject. Clause 54 of the Divisional Boards Act said :—

"Every board constituted under the provisions of this Act may take land under and subject to the provisions of the Public Works Lands Resumption Act of 1878."

Mr. GRIFFITH : It does not say for what.

The MINISTER FOR WORKS said it was for public purposes. The Public Works Lands Resumption Act was applicable to public purposes. Then, if hon. gentlemen would refer to clause 89, they would find it said :—

"1. Subject to the provisions of this Act, and notwithstanding any restriction or limitation imposed by any other Act, the council may, for the purchase, construction, or extension of a tramway, borrow moneys from the Colonial Treasurer under the provisions of the Local Works Loan Act of 1880."

So that hon. members ought to be satisfied that the Bill was as applicable to boards as to municipalities. He would be far from limiting its provisions to municipalities, as he knew of at least two boards whose intention it was to make tramways as soon as they possibly could after the Bill was passed ; that was on the Herbert and Johnstone Rivers. As to the other question raised by the hon. member for North Brisbane with regard to the constructing authority being a limited liability company : the hon. gentleman could see no reason for that, because he thought a private individual might have the same privileges. That was a matter of opinion, however. A limited liability company was bound to make its affairs public, so that the council or board of the municipality or division in which a tramway was constructed should know what the company were doing and whether it would pay them to move in the matter of purchasing it or not. Provision had been made in the Bill for limited liability companies, but the case might arise of such a company being wound up and no other similar company or council desiring to take upon themselves the responsibility. In such case it was necessary to provide for the contingency of a single individual becoming the purchaser. Though several tramways had been built in other places the system was not yet tried here, and it was not considered likely that any single individual would venture upon making a tramway. Hon. members could, however, go on with the earlier clauses, and, as the Bill went through committee, amendments could be made where necessary. They might make their minds easy with regard to the extension of the provisions to divisional boards ; it had been the intention of the Government all along that divisional boards should take advantage of the provisions, and many boards were now anxiously waiting for the passing of the Bill. Since the Bill was last in committee he had received one application from the people in a certain locality who wished to take advantage of its provisions.

Mr. GRIFFITH said his object was to ascertain exactly the lines upon which the Government proposed that the Bill should be framed, in order that he might assist them. He saw that the Government had a sufficient majority to carry anything they chose, and he desired that the Bill should be workable. In the first place he would point out that the definition of the word "council" might be restricted to municipal council or divisional board : he knew of no other authority that would have jurisdiction. The last four terms defined "mortgage," "mortgagee," "judge," and "receiver," and were only used in the third part of the Bill, which treated of the borrowing of money. It was desirable, therefore, to know at that point whether the Government intended to insist upon that part. He had on a former occasion given reasons why they should not do so. The power of companies to borrow money was generally regulated by their internal constitutions ; and the law relating to mortgages and debentures in connection with companies—a rather complicated subject, upon which some treatises had been written—could be ascertained by anyone who wanted to know it. But the law as contained in the Bill was not exactly the same, and if the House enacted a law relating to mortgages by tramway companies, which was different from the general law relating to mortgages and debentures, it might give rise to a good deal of litigation and trouble unless the scheme contained in the Bill were accurate and perfect. If they only made a sketchy outline different from the general law there would be continual cases of collision between the general law and the particular law ; and in every question there would be considerable difficulty in discovering how far the general law was modified by the provisions of the Tramway Act. It was very undesirable to attempt to legislate in a partial manner, and he failed to see how those provisions were more necessary in a Tramway Bill than they would be in a Bill relating to gold-mining. The next question that arose was the question of resuming land. He had understood at first that it was not intended to give the constructing authority power to resume land ; but from what the Minister for Works had said since, it appeared that it was the intention that the constructing authority should be allowed to take land for the purpose of making tramways if it was necessary for them to do so. Although the Public Works Lands Resumption Act was mentioned several times in the Bill, it was nowhere expressly stated that the constructing authority should have power to take land under that Act. Before property could be taken from its owner express power to do so must be conferred upon somebody, and he would suggest the necessity of inserting in some part of the Act the usual formula—"Lands required for the purpose of the Act may be taken by the company or council under the provisions of the Public Works Lands Resumption Act." Clause 5, relating to the construction of a tramway by a registered company or local authority, would require some amendment. On a previous occasion it had been pointed out to the hon. gentleman that most of the tramways, or at all events those near the city, would

probably run through other districts than that of which the constructing authority was the council. No provision was made in the clause for that contingency, as the clause only referred to a company, or the council or local authority having control of the streets in which a tramway was laid. It would, therefore, be necessary to make the clause read—"any company, persons, or council, or municipality having control of any part of the streets traversed"; and then, under the 6th clause, notice could be given to the other councils interested. In glancing over the Bill and referring to details, it was difficult to speak otherwise than in a fragmentary manner. He would suggest that the definition of "council" should be altered, seeing that only municipal councils and divisional boards had control over the streets.

The MINISTER FOR WORKS: United municipality boards.

Mr. GRIFFITH said he did not remember at the moment what the provisions of the United Municipalities Act were with regard to streets. Those boards were, he believed, formed for the purpose of maintaining, but he scarcely thought they had the control and management of the streets. However, he thanked the hon. gentleman for reminding him of that. The four last definitions relating to borrowing money would be, he thought, better omitted.

The MINISTER FOR WORKS said that if the Committee agreed to leave out Part III., of course the last four terms defined would have to be omitted, seeing that they related entirely to that part. He had listened with great attention to the hon. gentleman's remarks against the principle of providing for the manner in which the companies should borrow money. He was not particularly wedded to that part of the Bill, but he would rather retain it than leave it out. If, however, the hon. gentleman could show good cause why it should not be retained, its omission would not interfere with the general efficiency of the Bill.

The PREMIER said the question was one more for lawyers than laymen. It occurred to him, however, that under the Companies Act of 1863 powers were given to companies to borrow money on mortgage on the security of their own property, whereas in the present case the property to be mortgaged was property in which some other bodies besides the borrowing company might have joint interests. The point which was doubtful to his hon. colleague (Mr. Macrossan) was whether under the Companies Act of 1863 a company would have power to mortgage their right of running over public streets belonging to the municipality, because that was all the interest the company would have. Seeing that similar provision was made in New Zealand, where the Act of 1863 was in force in almost the same words, and also in England, the Government considered they had a good precedent for embodying those mortgage clauses in the Bill. If a company working under the proposed Bill would have power to borrow money according to the provisions of the Companies Act of 1863, the clause was unnecessary; and he agreed with the hon. member for North Brisbane that it would be a great pity to insert in the Bill mortgage clauses which would clash in any way with those in the Act of 1863. He wished the hon. gentleman would be kind enough to point out whether he was right or not in supposing that a company formed under the measure would not have power to mortgage their right to property where other interests than theirs were involved.

Mr. GRIFFITH said he was scarcely prepared to discuss the Bill that evening, but he thought it might be doubtful whether a company would have power to mortgage their running powers; and it was therefore desirable that there should be some express provision in the Bill to the effect that a company formed to construct tramways should have power to mortgage. It was better to remove any doubt that might exist. But what he objected to were the details of Part III., which appeared to provide a sort of short code defining the form and consequences of mortgaging a tramway undertaking in a way different from the general law. That seemed to him to be objectionable, and he could only illustrate it by going into details. Clause 11 prescribed the form of every mortgage debenture issued by the company, and that form was not a very convenient one, being different from the form in more modern use. Then the clause went so much and so unnecessarily into detail that it was objectionable in that respect. Clause 12 provided that the rate of interest should not exceed 6 per cent. per annum; but why limit it to that amount if the company could not get it without paying a higher rate? Then they were not to borrow at a discount, which might prevent borrowing altogether. Clause 13 provided that mortgage debentures should be transferable by delivery, and that might be a very inconvenient way of dealing with them; it was a matter for the internal regulation of the company. Clause 14 provided that the company might appoint an agent to negotiate a loan. Surely there was no need to put that in an Act of Parliament! Clause 15 provided—

"The principal and interest secured by any mortgage over a tramway shall be a charge not only upon the tramway, but over everything pertaining thereto, or upon such parts thereof as are expressed in the mortgage."

A mortgage debenture was an instrument including all the assets specified in it, and usually the whole assets of the company; and that clause said in effect that the mortgage should bind everything that it purported to bind—that was all; and the second part of the clause was nothing more than general law. Then clause 16:—

"A certificate in the form or to the effect of the third schedule hereto, under the common seal of the company, and purporting to be signed by two of the directors for the time being, stating the amount previously borrowed and then unpaid, shall be conclusive evidence in any court of judicature, as against the company, that no more than the total sum of money mentioned in such certificate had at the date thereof been previously borrowed and then remained unpaid."

What was the object of that? Supposing a company certified that they had only borrowed £10,000 when in reality they had borrowed £20,000, what would be the use of the certificate, or what priority would it give? Then clause 17:—

"A certificate authenticated as aforesaid in the form or to the effect of the fourth schedule hereto, stating that the sums mentioned therein are authorised to be borrowed, shall be conclusive evidence in any court of judicature, as against the company, that the directors are lawfully authorised to borrow the sums of money named in the certificate, and that all conditions have been duly fulfilled."

He did not see the object or effect of that. The Bill provided that the company might borrow money for the construction of tramways, and if the articles of association provided that they should not borrow more than a certain amount, what was the use of authorising the directors to certify that they had power to borrow more? If the company limited the powers of the directors as to the amount they should borrow, it would be a very extraordinary thing that by merely signing a document they could enlarge their powers. The proper way would be to place the matter in the power of the company. Clause 18 only contained a provision in relation to the preceding sections, 16 and 17. Clause 19 provided that when the principal money of any mortgage became due

the company might re-borrow the money and pay off the loan, but that was already within the power of the Bill. Clause 20 and following sections provided for exercising the powers of the court and the rights of mortgagees. The ordinary remedy for the holder of debentures in a railway or other similar company was to bring an action and get a receiver appointed. Those were powers that had been exercised in Great Britain for a great many years, and there was no doubt as to the law on the subject. But the Bill, instead of allowing those powers to be exercised, gave certain special limited powers to the judges. It also made the singular provision that when any part of the property of the company became liable under a mortgage it should cease to be the property of the company and belong to the receiver. The function of a receiver was to take care of the property of someone else, under the direction of the court; and the clause was evidently framed under an erroneous idea of the functions of a receiver or of the powers of the court. Then there was the provision—

"That in the distribution of the assets of the company no mortgage debenture holder shall have any preference over any other debenture holder by reason of any priority of date, by obtaining an order under this part of this Act or otherwise; but all debenture holders shall rank alike, and be entitled to a share of such assets in proportion to the number and value of their shares."

That seemed a very extraordinary provision. The usual way of issuing mortgage debentures was this: The company wanted to borrow, say, £10,000 on debentures; they issued debentures for £10,000, and the lenders of that money acquired a preferent right, being the first mortgagees, over the property of the company. But supposing there was a subsequent desire to raise money in the same way, the second mortgagees, under the Bill, would be in the same position as the first. That was a very extraordinary provision, and the result would be to depreciate the value of the security from the first, because no man would lend £10,000 if he knew that, instead of having a first mortgage over the property of the company for that amount, he might only have a share in a mortgage for £50,000. Then, clause 25 said that the sum of money named in the mortgage and in the coupon should, when the sum became payable, be a debt by the company—which was the same thing as saying that money owing by the company should be a debt of the company. Clause 26 he must confess he did not understand the object of:—

"Nothing herein shall be deemed to authorise the council, on purchasing any tramway under the authority of this Act, to require any person holding a mortgage to receive payment of the principal moneys secured thereby unless the time prescribed in such mortgage for repayment has arrived."

Supposing the whole of the property was sold and went entirely out of the hands of the company, what then was to become of the proceeds? He certainly did not see what the council had got to do with it. Then there was the provision in clause 27—that the mortgagee should not sell, or make application for an order to sell, any portion of the company's property unless he first gave notice in writing to the council of his intention, and unless the council, within three months next after the receipt of such notice, failed to give the mortgagee notice in writing that it was their intention to purchase it. He thought that was a very good provision, which might be retained with the qualification of making it apply to every council having control over the property through which the tramway was running; and clause 28 might be modified in a similar way. He thought the provisions of those two clauses should be altered, so as to entitle the municipal council to notice of any intended sale, and provide what should be done with the proceeds, provided the council bought the property; and that it would be much better to leave out the other parts he had mentioned. He would also suggest that clause 9 should provide, not only for the borrowing of money for the construction of and extension of tramways, but also for the purpose of maintaining them and for the repayment of any previous loan.

The ATTORNEY-GENERAL said he had listened attentively to the argument of the hon. gentleman, and he understood him to say that the provisions contained in Part III., if modified to some extent, would have the same effect as the law at present in force in relation to the powers of companies to borrow money; but he did not understand him to say that there was anything faulty or improper in the provisions contained in those clauses. The hon. gentleman had criticised them, and said that he could not see their use exactly, or the precise bearing of some of them upon the Bill; but those provisions, he (the Attorney-General) understood, had been copied almost verbatim from the New Zealand Railway Act. The law in that colony, so far as mortgages were concerned, was similar to the law in Queensland, and for that reason it was considered expedient to introduce those powers into the Bill. It might, perhaps, be thought that the Bill would be better without giving any special powers to companies to borrow money or to mortgage, but, inasmuch as similar clauses had been introduced into the New Zealand Act, he thought that unless it could be shown that there was something inconvenient or improper, or rendering the probability of companies taking up the work less likely than otherwise, the clauses might very well stand as they were.

The PREMIER said there was one advantage that would be gained by going into the clauses in detail, even if they only succeeded in prescribing a form of debenture that the company should issue. He did not know that any objection had been taken to the form of debenture as shown in the schedule on page 19 of the Bill.

Mr. GRIFFITH: It is as badly framed as any I have seen. I have never seen such a mortgage debenture.

The PREMIER said that on one occasion he went to a great deal of trouble to get a debenture form made up according to the Act at present in force, and after it had been framed by some of the best lawyers in Brisbane it was found that they had inserted one important thing, and that was to make the company liable for about £2,000 of stamp duties. His idea of the law was that the company was actually liable; it was really, however, otherwise. That satisfied him that there ought to be a schedule prescribed in the Act, according to which they should borrow. That particular form might be a bad one, but if some form was prescribed in the Act it would give the debentures a great deal of credit in the market. If it was left to be prescribed by the company, any amount of criticism would always be made upon it by the people on the Stock Exchange. It would be a great improvement to have a clause defining the style of debenture. He could not, being a lawyer, speak on the technical points referred to by the hon. and learned gentleman who had last spoken; but there was another point to which the hon. member for North Brisbane objected, and that was that "the interest on every such debenture shall not exceed 6 per cent. on the amount thereof, and shall be payable half-yearly." He (Mr. McIlwraith) thought that a very good provision, for it was evident they ought to limit the amount of interest those companies paid. Municipalities were put down in other parts of the Bill as the

buyers of a tramway should the company not perform their obligations. It was a very great consideration to buy a property with a debt of 6 per cent. or a debt of 10 per cent. upon it. A good work of that kind should be able to command money at 6 per cent., and he did not think it would be a legitimate speculation at all if they went beyond that and tried to get money at 7 or 8 per cent. It was quite possible that debenture holders would be the ultimate holders of all the properties at 6 per cent. Then there was clause 14, which provided that—

"The company may appoint a joint-stock company, or any such company and one or more persons, or two or more persons, within or without the colony, to be agents for negotiating a loan authorised to be raised under this Act."

The hon. gentleman said it seemed absurd to put that into an Act of Parliament. But it was not an absurdity in that place, because it authorised a person as the agent of the company to negotiate those loans. If a company was in need of a loan it acted properly in authorising an agent, and if he was authorised by a clause in an Act of Parliament it gave him a position in the money market which he would not otherwise possess. Under that clause the directors would have to certify that he was their agent according to the Act. If the clause was omitted they would have to give a power of attorney limiting his powers in the most ingenious way. As to clauses 16 and 17, he must confess he could not understand the legal arguments brought against them by the hon. gentleman. The hon. gentleman also objected to clause 26, which provided that—

"Nothing herein shall be deemed to authorise the council, on purchasing any tramway under the authority of this Act, to require any person holding a mortgage to receive payment of the principal moneys secured thereby unless the time prescribed in such mortgage for repayment has arrived."

If the property was sold, and the council bought it, it was only a proper thing that parties who had lent money on it should not be obliged to take money if it was not convenient. He did not think there was anything wrong in that.

Mr. BROOKES said he did not intend to speak to the subject-matter under discussion, seeing that it was one which only lawyers were supposed to understand. It was supposed outside the House that he objected to tramways altogether. He wished it to be understood that he did not object to tramways; on the contrary, he should be very glad to see them established, for he was certain they would be a public benefit. He understood the Minister for Works to say that he had brought in the Bill with a view to saving time by following the practice of the House of Commons. But it did not follow the practice of the House of Commons, for Tramway Bills were being brought before that House in large numbers as private Bills. One could not take up a copy of the *Times* without seeing that a large number of Tramway Bills were brought in and read a first, second, and third time, as private Bills. He would rather that that plan were extended to the construction of tramways in Queensland. With all due respect and deference to the Minister for Works, he must say that the Bill was likely to supersede the proper action of Parliament on tramways—it was imposing upon whoever might be Minister for Works a much larger amount of responsibility than he ought to be asked to undertake; and as that proper amount was exceeded so did it take away from the vigilance which Parliament ought to exercise on every tramway that was to be constructed. He believed it would be for the benefit of all promoters of tramways, and certainly for the security of the public, if every tramway were made the subject of a private Bill, referred to a select committee after having been read a first time, and then for the House to decide whether the tramway should or should not be constructed according to the report of that Select Committee. He conceived it to be a great danger that the supervision of the system of tramways should be removed from the action of Parliament. On a matter of such vast importance the House ought to pause before giving to any Minister such powers as the Bill would place in his hands. He was not in the least influenced by the fact that certain clauses of the Bill were copied from some New Zealand Act. It seemed to him that they were getting in a habit of imitating the Acts of other colonies. That was not very flattering to their own intelligence. Surely they were as able to draft a Bill to meet their own requirements as any of the other colonies were. Although there were doubtless many occasions when imitation was the proper thing, yet he did not like to see slavish mechanical copies of Bills brought into the House. The entire Bill he conceived to be founded on a very dangerous principle, and he felt it his duty, not being able to pass an opinion on the legal clauses of the Bill worth listening to, to say that he considered that the best plan would be to withdraw the Bill altogether. He did not see why the leader of the Opposition, who had neither the responsibility nor the emoluments of the Attorney-General, should be obliged to do the work of the Attorney-General. Every time a Minister got up, whether he was the Attorney-General, or the Premier, or the Minister for Works, he always had one thing to say—and that was that he would be very thankful to accept the suggestions of the leader of the Opposition. That was not the proper way to bring in Bills. The laymen of the House ought to be able to place confidence in Bills introduced by the Government, and not be asked to discuss legal matters on which the majority of hon. members could form no opinion whatever. His desire was to draw attention to the principle on which the Bill was framed, and he was certain that it would be for the advantage of the public and for the better construction of tramways that every proposed tramway should be brought in as a private Bill, so that Parliament should have the opportunity of examining it in detail in exactly the same way as was done with those small railways in the neighbourhood of Ipswich when they were brought before the House. He dreaded that continual devolving upon the hon. Minister for Works and his office of that responsibility which the Bill sought to give him. They were coming to this: that by-and-by Parliament would have very little to do—the office of Works would become one vast bureau, like a French bureau, and a most powerful centre of political influence. Although he wished well to the system of tramways and should like to see them begun speedily, he felt bound to say that the proposed system was a very bad way of dealing with them, and he should be very glad if the Bill could be withdrawn altogether.

Clause put and passed.

Clause 3—"Short title"—put and passed.

On clause 4—

"The provisions of the Public Works Lands Resumption Act of 1878 shall, so far as the same are applicable, and except where expressly varied herein, be incorporated with and form part of this Act."

Mr. GRIFFITH pointed out that the clause meant nothing at all. There was no use incorporating the Lands Resumption Act. What was necessary was to provide that lands required for tramway purposes might be taken under its provision. And that raised a great question. The Minister in charge of the Bill himself seemed to have doubts whether it was desir-

able that land should be taken from private persons; and the observations of his hon. colleague (Mr. Brookes) made him think the question more serious than he thought before. It had not been the practice to allow any private person to take land from another private person; the power had always been delegated to some responsible authority—either the Government or a municipal council. He understood it was proposed to allow any company to take land from private persons, with the sanction of the Minister. That was a new principle, and he doubted whether it was desirable when he considered how carefully the rights of the public respecting railways were guarded both in Great Britain and in the colonies. No doubt compensation was given under the Public Works Lands Resumption Act; but it had been the practice to require that matters of that kind should be carefully considered by some responsible public authority, and not entrusted to a private company with the sanction of a Minister. The plan proposed seemed a very serious innovation, and he was very much inclined to come to the conclusion that it would be safer, if a company or a private person wanted to take property from another private person, to let those wanting the land come to that House and ask for special authority.

The MINISTER FOR WORKS said that practically the power to take land from private persons was given by the Bill—a general power was given. But the hon. gentleman (Mr. Griffith) said that every time a person wanted to take land up for the purpose of making a tramway he should come to the House and go through the delays which must necessarily follow. They had already given a general power to the divisional boards to take lands under the Public Works Lands Resumption Act. The Board nominated an officer—whose appointment must be confirmed by the Governor in Council—who had power under the Act to assist in taking land from private persons. He did not see any danger in the clause, and he did not think the power would ever be exercised to the disadvantage of those who gave up the land. Hon. members might rely on it that the person from whom land was taken would be very well compensated.

HONOURABLE MEMBERS on the Oppositio Benches: No!

The MINISTER FOR WORKS said that in many cases that had come to his knowledge persons had been compensated two or three times beyond the value of the land.

Mr. McLEAN said he thought the difficulty might be overcome by providing that before a tramway could be constructed the plans and books of reference should be laid on the table and receive the approval of the House. That was what was done in the case of railways, and he thought it only just that Parliament should have an opportunity of expressing their opinion in regards to tramways also.

The MINISTER FOR WORKS said there would be unnecessary delays in the plan suggested by the hon. member. If it were adopted there would be as much delay and trouble in passing the plans and sections of a tramway which was considered necessary by a board or a company as there was in passing the plans and sections of a railway. The hon. member for North Brisbane (Mr. Brookes) said that what he proposed was done in the House of Commons; but there twenty different Bills were passed by one Act, and that was done after the tramways had been built under the authority of provisional Orders in Council. It was a strange idea the hon. member seemed to have—that the Government should push their Bills down the throats of hon. members just as they were brought in. Why should they not accept amendments on a measure of that sort, which was not a party question? They were prepared to accept any suggestions which would assist in improving the Bill from the leader of the Opposition or from anyone else. They did not suppose all the wisdom of the country was centred in the heads of the Ministers, and they expected to receive very much assistance from hon. members. As for bringing in a Bill and pushing it down the throats of hon. members without allowing a single amendment—if they did that they could surely be accused of being autocrats. If the hon. member for Logan would think over his proposal he would see that it would lead to the very thing they wished to avoid—unnecessary delay and expense.

Mr. McLEAN said the longer he thought over the matter the more he was convinced that the better plan would be to amend the Bill. Even from the showing of the Minister for Works it was evident that the Imperial authorities took particular care to see that the interests of the public were well looked after, or where would be the necessity for passing Bills through the House of Commons at all?

The MINISTER FOR WORKS: After the tramways are made.

Mr. McLEAN: Not necessarily after the tramways were made. He held that, in the interests of the public, plans and books of reference should be submitted to the House by persons wishing to construct tramways, more especially when a private company was concerned. They knew very well that great injustice had been done in some cases in connection with private companies taking land under the Act referred to. As to the delay mentioned by the Minister for Works, that House was never more than seven or eight months out of session; and the same difficulty would not be experienced in getting plans and books of reference approved by the House as in getting a Bill passed. Probably half-an-hour would be sufficient in the one case; while it might take months to get a Bill through the House. It was not as if Parliament only met once in fifteen or twenty years. Besides, there was no urgent necessity for tramways in the colony; he thought, therefore, they ought to guard the interests of the public, and that could not be done better than by submitting the plans and books of reference for the approval of the House.

Mr. RUTLEDGE said he thought some misapprehension had arisen in the minds of some persons outside as to the feelings entertained by those hon. members on his side of the House who had thought it necessary to express opinions unfriendly to the present Tramways Bill. He had noticed that some persons who had written to the Press on the subject, and also writers connected editorially with the Press, had taken up the ground that members of the Opposition who had spoken on the Bill were opposed to tramways, and the idea was suggested that they were behind the age. But it was nothing of the kind. As far as he was able to gather, those hon. members who spoke the other night were of opinion that tramways were desirable, but they thought that each tramway should be considered on its merits and subjected to the same examination as private Bills were subjected to in that House. The Minister for Works had spoken about the delay that would take place in passing tramway Bills through the House. The answer to that was that no delay prejudicial to the interests of any desirable scheme need be apprehended. During two years that House had passed three private railway Bills; and he did not know that there was anything more important

in connection with a tramway than in connection with a railway. He thought, therefore, that the argument as to unnecessary delay was not a sound one. Supposing that the people were opposed to the construction of a tramway for other reasons than that their property was likely to be affected by the work, he did not see any provision made for their petitioning against it. The only petition provided for was when persons had property likely to be affected by the proposed tramway; but he could conceive of other reasons why persons should desire to postpone the construction of tramways in a particular district. If the Government were determined to push on the measure it would receive no factious opposition from him. He could only express his regret that in a matter of such importance as the construction of tramways in a young colony like this there should be any desire apprehended on the part of that House—which was supposed to be composed of men of ordinary intelligence—to give their opposition to the proposed construction of a line of tramway in any place where it was considered by the inhabitants as a desirable thing. He was convinced that, if everything were fair and square, the passing of a Bill providing for the construction of a tramway would be a mere matter of form.

The PREMIER admitted that there was a defect in the Bill as pointed out by the hon. member for North Brisbane; but he had thought the object was fully secured by the general provision which alienated land under the Public Works Lands Resumption Act of 1878. If they would turn to the 3rd subsection of clause 8 in the present Bill they would find it read thus:—

"The applicants, when so authorised, shall be deemed to be the constructing authority for the purposes of this Act and of the Public Lands Resumption Act of 1878."

That placed the applicants for the construction of a line in the position of the constructing authority under the Public Lands Resumption Act of 1878. But when they turned to that Act there was, he thought, a weakness there, because it did not give power to acquire any land whatever for that particular object. That defect, however, could be met by inserting in clause 5, after the words, "and may enter upon, purchase, take, and use any land required for this purpose," the words "as constructing authority under the provisions of the Public Works Lands Resumption Act of 1878." That amendment would, he thought, meet the hon. member's objection.

Mr. GRIFFITH said he had previously stated that he thought clause 5 was the proper place for an amendment of that kind; but on looking into it further he believed it would be better to insert it at the end of clause 8, because until then the matters were all preliminary. The application was to be submitted to the Governor in Council, who was to make an Order in Council approving of the plans; then a subsection at the end of clause 8 might read:—"Applicants so authorised may take under the provisions of the said Act any land required for such purposes." Something to that effect might be inserted. He thought that the clause before them ought to be negatived.

Clause put and passed.

Clause 5—"Registered company or local authority may construct tramway"—

"1. Subject to the provisions of this Act—

(*a.*) A company of persons registered under the Companies Act of 1863, or

(*b.*) The council of a municipality, or any other local authority having control for the time being, of the streets in which a tramway is laid or intended to be laid—

may construct, maintain, and work a tramway upon and through any street with all proper rails, plates, works, sidings, junctions, stations, approaches, and conveniences connected therewith; and may enter upon, purchase, take, and use any lands required for those purposes.

"2. Every such company, council, or other local authority as aforesaid shall be deemed to be the constructing authority of the tramway for the purposes of this Act."

Mr. GRIFFITH said he would suggest an alteration in subsection B. In places where two or more councils were concerned either of them should be allowed to apply. He suggested the insertion of the words "any part of" before "the streets." Further, a tramway passing through a man's private land without statutory authority might be held a nuisance. He suggested that the words "or any other place" be inserted in the 46th line to make provision for remedying that.

Amendments put and passed.

Mr. GRIFFITH pointed out that the words "constructing authority" were used only in the 6th clause, where they related merely to the preliminary matters. He suggested that the 2nd subsection should be struck out, and in the other places the word "company" be used instead. They would thus avoid all repetition and would make the Bill altogether more readable.

The PREMIER said the objection to that would be the severance of the connection between the Act now before them and the Public Works Lands Resumption Act of 1878, for the last subsection of section 8 was the only place where the Act was mentioned.

Mr. GRIFFITH said the Public Works Lands Resumption Act provided that any persons authorised to take land should take their authority from the Act. There was a good deal of confusion in the Bill as it stood now.

Clause, as amended, put and passed.

On clause 6—"Plans, etc., to be deposited with Minister, and at office of council"—

Mr. DICKSON pointed out that in the 3rd subsection it was provided that the company should deposit with their plans "a certified copy of the memorandum of association; the full name and place of residence of every shareholder, and the number of shares held by him; and the amount of capital paid up to date." By that they were required to deposit the names and the capital themselves.

The MINISTER FOR WORKS moved the insertion, after the word "memorandum," in the 13th line, of the words "and articles."

Amendment agreed to.

The PREMIER said, with reference to the criticism of the hon. member (Mr. Dickson), that of course the shareholders were not expected to deposit their shares on a table, but a statement was to be furnished which would give the full name and residence of every shareholder, and a statement of the number of shares held by him.

The MINISTER FOR WORKS moved the insertion, at the beginning of the 14th line, of the words "A statement showing," and the omission of the word "full;" also, at the beginning of the 16th line, the insertion of the words "A statement of."

Amendments agreed to.

Mr. GRIFFITH said the effect of the clause, as amended, would be that in the case of a number of gentlemen wishing to form an association or company to construct a tramway, they would have to form it first and get it registered, to subscribe a good deal of capital, and then to apply to Government for leave to form the tramway. That showed the disadvantage of proceeding differently from the practice in England, where

promoters of a company got permission and provisional authority from the Board of Trade under certain conditions. But under the Bill the company had to be formed, and a great deal of expense incurred by the promoters before authority could be obtained.

The COLONIAL TREASURER said that if the hon. member had been over the Public Works Department he would have seen that it would not answer to do the work in that way at all. It was always a contest to see whether the Government or a company would first commit themselves. The working of the clause, according to the hon. member's description of the English Act, would be this: that the Minister would have a dozen promoters of companies constantly waiting on him trying to get his sanction to a particular scheme. He would be pestered all day long with those applications. There was no doubt at all that the men who were going to make tramways would have found out sufficient from the Minister for Works beforehand to justify them in forming a company. The Minister would let them know whether he would sanction the plans, and would indicate what plans he was likely to accept. They were between two difficulties, and the hon. gentleman's proposition would lead to the gravest abuses.

Clause 6 put and passed.

Clause 7—"Petition against the tramway and signatures to be verified"—put and passed.

Clause 8—"Minister may submit application to Governor in Council, and Governor in Council may authorise construction of tramway"—put.

The MINISTER FOR WORKS moved the insertion of the following words after the word "or" in subsection A, section 2, of clause 8—"may enter upon, take, and use any land required for the purposes of this Act in the manner prescribed in the Public Works Lands Resumption Act of 1878;" and subsection 2 would then read—

"2. The Governor in Council may thereupon make an Order in Council—

(*a.*) Approving of the plans and authorising the applicants, subject to the provisions of this Act, to construct the tramway within such time, and with such modifications, if any, as appear to him expedient, or may enter upon, take, or use any land required for the purposes of this Act in the manner prescribed in the Public Works Lands Resumption Act of 1878; and

(*b.*) Disapproving of the plans and refusing the applicants permission to construct the tramway."

Mr. GRIFFITH said he would suggest that the amendment should be worded in accordance with the Public Works Lands Resumption Act. He proposed that the following words be added in place of those previously proposed—"may take, under the provisions of the Public Works Lands Resumption Act of 1878, any land required for the purposes of this Act."

Amendment agreed to.

Mr. McLEAN said he thought there ought to be an addition to the following effect—"Provided that no tramway shall be constructed until the plans, sections, and books of reference shall have been placed before Parliament." He thought that was a safeguard, and he did not think it would affect the operation of the Bill. It was a safeguard the public ought to have, because when they considered that a private company would have all the powers of a municipal council or divisional board, such a safeguard would be necessary; there ought to be some such protection for the public. The 2nd subsection of the 8th clause provided that—

"The Governor in Council may thereupon make an Order in Council approving of the plans and authorising the applicants, subject to the provisions of this Act, to construct the tramway within such time."

The MINISTER FOR WORKS said such an amendment would alter the principle of the Bill entirely, and he could not accept it, as then it would be no use proceeding with the Bill. As far as protection to the public was concerned, he thought clause 6 provided for that very well. He need not remind the hon. gentleman that the Public Works Lands Resumption Act provided for the mode in which land was to be taken up.

Mr. McLEAN said he did not see that such an amendment would destroy the principle of the Bill. It would only put Parliament in the place of the Government, and he thought the people had more confidence in a Parliament than in any Government, whether from his side of the House or the other. He held that it was only a safeguard that they ought to incorporate in the Bill. There was no use in moving it as an amendment on an occasion of that kind, because there were very few private members present. It was an important principle in connection with the Bill, whether the whole power should rest with the Government in authorising parties to construct tramways, or whether the consent of Parliament should be necessary. The same principles that were applicable to railways were applicable to tramways, and he did not see why the Minister for Works should separate the two. He knew that if he proposed the amendment the Government were strong enough to defeat him, but he maintained that the Government themselves ought to incorporate that provision in the Bill. It was the duty of the Government to remove responsibility from their own shoulders and throw it upon Parliament.

The MINISTER FOR WORKS said that clause 6 which they had passed stated that the plans, specifications, and books of reference would have to be deposited with the Minister, and also at the office of the council. A notice of the deposit of the plans was to be published in one of the local newspapers, in the *Government Gazette*, and in one of the Brisbane daily papers; so that every person interested was called upon to examine the plans for himself. Clause 7 provided for a petition being sent to the Minister if any objection was taken to the plans, and he thought it scarcely likely that any Minister would approve of plans objected to by the people. He thought every precaution had been taken to protect the interests of the public. The only thing the hon. member wanted was that the precautions should be accompanied with the unnecessary delay which would be caused by having the plans, etc., laid on the table of the House.

Mr. McLEAN said they would not have to go very far back to find an instance in connection with their railways when the Minister for Works had gone right in the teeth of the people. They might have the same thing occurring in connection with their tramways notwithstanding the precautions taken in clauses 6 and 7. If the Government approved of the construction of a tramway it would be constructed in spite of the people. That was a power which the Parliament should hold, and not the Government or the Minister of the day. He did not care how pure a Minister might be, he might at times carry out his own ideas in spite of the will of the public; and there was no doubt that the Government and Minister for Works did actions which were not at all times of the very best character. He placed more confidence in the Parliament than in the Minister for Works or the Government, or any Government that might be in power. He did not bring that matter up as against the present Government, but he said it was a power which should be kept in the hands of the Parliament and be exercised by Parliament. He considered the safeguard provided by the Bill was not sufficient.

Mr. RUTLEDGE said one thing was very clear—that the Bill would cause a great accumulation of work in the Works Department, and they could not hope that any man who could not afford to devote from 9 o'clock to 4 o'clock every day in the work of the department would be able to take the office of Minister for Works. Still he thought, as they had already given the Minister such powers as were contained in the previous clauses, they might as well go the whole hog and leave the rest to his management. If the construction of tramways were to be left to such an extent as they had already agreed to in the hands of the Minister for Works, he did not think they could do better than let him go the whole hog and have the approving of the plans, etc. He could not see why they should allow the bulk of the work to be done by the Minister, and leave the formalities to be dealt with by Parliament. But it would not take the House much longer to pass a Bill authorising the construction of each particular tramway than it would to approve of the plans, specifications, and books of reference of each.

Mr. BROOKES said that, so far as the power of the Minister for Works was concerned, a case in point came under his notice lately with reference to a level crossing on the Brisbane and Sandgate line. The people living in the vicinity of it objected to the level crossing being made a closure of the road, and a deputation waited upon the Minister to state the objection. The Minister told the deputation in effect that he had been to see the place himself, and that nothing on earth should induce him to alter it. The consequence was that as matters stood now it appeared to him that they were ruled by the single will of the Minister, without any opportunity of appeal. The hon. member (Mr. McLean) had opened up a very important subject for consideration in connection with the construction of tramways in the colony, and it appeared all parties were to be subject to the Minister. He dreaded that subjection to the will of the Minister, which was fraught with great danger to the liberties of the people.

Mr. McLEAN regretted that it was not within his province at that stage of the proceedings to move the omission of subsection 2 of the 8th clause, with a view of inserting the amendment he had read, as that was the proper place for it to come in. However, he had read over the amendment he proposed, and he considered it was just what ought to be inserted in the place of the 2nd subsection referred to.

Mr. FRASER was quite sure hon. members recognised the importance of the principle involved in the matter. They knew very well that the Minister could not be everywhere, and was consequently very much dependent upon the officials of his department. They must all see that that was really a very dangerous power to place in the hands of any official. They knew also that there were officials who paid comparatively little regard to the opinions of the public, and sometimes gloried in showing their brief authority, and acting contrary to public opinion in carrying out their own crotchets.

Question—That clause 8, as amended, stand part of the Bill—put and passed.

The MINISTER FOR WORKS said, as there was a very thin House and very fair progress had been made with the Bill, he would now move that the Chairman leave the Chair, report progress, and ask leave to sit again.

Question put and passed.

The CHAIRMAN reported progress and obtained leave to sit again to-morrow.

ADJOURNMENT.

The PREMIER, in moving the adjournment of the House, said the order of business to-morrow, if it could be so arranged, would be Settled Districts Pastoral Leases Act of 1876 Amendment Bill, Pastoral Leases Bill, and Tramways Bill.

Question put and passed.

The House adjourned at twelve minutes past 9 o'clock.