Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 24 JULY 1884

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LEGISLATIVE ASSEMBLY.

Thursday, 24 *July*, 1884.

Petitions.—Questions.—Formal Motions.—Bundaberg-Gladstone Railway Survey.—Circular of Acting Agent-General—Drainage of Lands Bill—first reading.—Grants and Leases to Deceased Persons Bill—second reading.—New Guinea and Pacific Jurisdiction Contribution Bill—second reading.—Insanity Bill—committee.—Adjournment.

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

PETITIONS.

Mr. MACDONALD-PATERSON presented a petition from the shareholders of the Bundaberg Gas and Coke Company, Limited, praying for leave to introduce a Bill to enable the company to light the town of Bundaberg and suburbs with gas and for other purposes, and said that the petition was respectfully worded, and the forms required by the House had been complied with.

Petition received.

Mr. BEATTIE presented a petition from Charles Edward Skyring, Thomas Skyring, and Thomas Hill, praying for leave to introduce a Bill to substitute one street for another n portion 59 of the parish of North Brisbane, and said that the petition was respectfully worded, and the forms required by the House had been complied with. He moved that the petition be received.

Question put.

Mr. ARCHER moved that the petition be read, as otherwise they could not know whether the petition was in proper form.

Question put and passed, and petition read and received.

QUESTIONS.

Mr. KATES asked the Colonial Secretary—

Whether it is the intention of the Government to introduce during the present session a Bill to amend the Elections Act of 1874?

The COLONIAL SECRETARY (Hon. S. W. Griffith) replied—

I do not anticipate that there will be sufficient time during the present session to deal with a Bill to amend the Elections Act of 1874; but the Government hope to be able to deal with the whole subject of parliamentary elections during next session.

Mr. ARCHER asked the Colonial Secretary—

If the Government will submit, for the opinion of this House, any resolution they may arrive at with the intention of leasing any lands fronting the river below the south-west end of Alice street, before carrying out such resolution?

The COLONIAL SECRETARY replied—

The Government do not propose so far to depart from the proper principles of constitutional government as to submit the performance of their executive functions for the prior approval of Parliament. But if they should resolve to lease any of the lands referred to (of which they have no present intention), sufficient notice will be given to afford this House an opportunity of expressing an opinion on the subject.

Mr. JESSOP asked the Minister for Works—

Why was the surveyor removed from the work of the survey of the proposed Railway from Dalby to the Bunya Mountains?

The COLONIAL SECRETARY, in the absence of the Minister for Works, replied—

Because it was considered that his services were urgently required elsewhere.

FORMAL MOTIONS.

The following formal motions were agreed to:—

By Mr. ARCHER—

For leave to bring in a Bill to amend the Native Birds Act of 1877.

The Bill was read a first time, and the second reading made an Order of the Day for Thursday next.

By Mr. CHUBB—

For leave to introduce a Bill to amend the laws relating to the Administration of Oaths in Courts of Justice.

The Bill was read a first time, and the second reading made an Order of the Day for Thursday next.

By Mr. SMYTH—

For leave to introduce a Bill to enable the Gympie Gas Company, Limited, incorporated under the provisions of the Companies Act, 1883, to light with gas the Goldfields of Gympie, and for other purposes.

The Bill was presented, and read a first time.

BUNDABERG-GLADSTONE RAILWAY SURVEY.

Mr. NORTON said that in moving the resolution standing in his name he should refrain from offering any remarks upon it until he was informed what objection there was to its not going as a formal motion. He therefore moved—

That, if no report has yet been received from Mr. Amos, the surveyor who is employed upon the Bundaberg-Gladstone Railway Survey, that gentleman be requested to furnish a progress report, stating causes of delay, and date when he expects survey to be completed.

The PREMIER said the hon. gentleman, when he gave notice of the motion, could scarcely expect it to go as formal. Every member, and especially members who had had Ministerial experience, was aware that the House never interfered in minor departmental details, in the manner now asked for. He was quite sure that the hon. gentleman would search in vain for any precedent for a motion of that kind being passed. If the hon. gentleman had put a question on the subject, he (the Premier) would have been prepared to give him all the available information he desired. Mr. Amos was engaged in the survey of the line from Bundaberg to Gladstone, but he was removed for the purpose of making a re-survey of part of the line from Port Douglas to Herberton. That was a work requiring urgent attention, and Mr. Amos was recommended as the most suitable person for it. Mr. Amos was accordingly detached for that work, and was now engaged upon it; and as soon as it was completed he would resume his work on the Bundaberg and Gladstone Railway. No report had been sent in by Mr. Amos which would enable the Government to say what progress had been made with that survey. That was all the information he could give the hon. gentleman,

and he hoped he would be satisfied with it, and not ask the House to interfere in a minor departmental detail.

Mr. NORTON said he supposed he ought to express his thanks to the Premier for having enlightened him as he had done. If the Minister for Works had been as willing to give information as the Premier, he should never have given notice of the motion. On the 10th of July, he asked the Minister for Works the following questions:—

"1. Has the survey of railway line from Gladstone to Bundaberg been completed?

"2. If so, has the Minister any objection to lay report upon the table at an early date."

And to that question the Minister for Works replied—

"The survey of railway line from Gladstone to Bundaberg has not yet been completed, nor has any report as yet been received in regard thereto."

It was in consequence of that unsatisfactory answer that he had put the motion on the paper; but after the remarks of the Premier he did not intend to press it further. He wished to draw attention to the matter, and thought it more advisable to do so in the form of a motion than by moving the adjournment of the House. He might be permitted to point out that Mr. Amos began the survey of that line in April, last year, and had been engaged on it about fifteen months; and he (Mr. Norton) was under the impression that he was working there still. He was aware that a Mr. Amos had been sent to report on the Port Douglas survey; but there was another Mr. Amos who had been engaged in railway surveys, and it was the latter who he supposed had been put on the Port Douglas survey. He (Mr. Norton) knew that, in August last, Mr. Amos expected that the whole of the Bundaberg-Gladstone survey would be completed by last March; and it seemed an extraordinary thing that, after a survey had been going on for more than a year, no information should have been received at the Works Office about it. It was usual in all cases of that kind that some sort of a report should be sent in to enable the department to know what the surveyor was doing, and to give some idea as to when the survey would be completed. It was not fair that Mr. Amos should have been taken off that survey—surely there were others who might have been sent to the Port Douglas line;—and while protesting strongly against it he hoped that Mr. Amos would be sent back to complete his work at as early a date as possible. It was unnecessary to say more on the subject, and after expressing a hope that the Government would obtain some sort of a report as to the work that had been done, and would give him the information as soon as possible, he would, with the permission of the House, withdraw the motion.

Motion withdrawn accordingly.

CIRCULAR OF ACTING AGENT-GENERAL.

Mr. NORTON, in moving—

That there be laid upon the table of the House, copy of circular dated 1, Westminster Chambers, London, S.W., 22nd May, 1884, headed "Colony of Queensland," and signed by William Hemmant, Acting Agent-General for Queensland—

said his reason for bringing forward the motion was, that the document referred to had already been commented upon in the public Press, and, judging by the figures which were given, the report or circular issued by Mr. Hemmant was calculated to mislead those to whom it was sent, as they were not in accordance with the official statements from which they were supposed to be quoted. He might remark, by way of parenthesis, that the report must have been sent round with the object of giving confidence to those who were likely to advance money to Queensland. According to the statements which had been made, that circular, in attempting to show, or rather professing to show, the state of the sugar industry in Queensland, went back to the year 1881. That conveyed no idea of the state of the sugar industry at the present time; if it did, all he could say was that very few members in that House knew anything about it, not even that gentleman who was supposed to have special information on the subject—the hon. member for Mackay. If the statements made in an official circular issued by Mr. Hemmant, as Agent-General, were incorrect, then the credit of the colony was very much at stake. Mr. Hemmant was not justified in giving quotations as to the state of the colony, unless he was absolutely certain that they were correct, as applied to the time at which they were published. He (Mr. Norton), therefore, tabled the motion because he thought it was desirable that the papers should be laid on the table, and that members should have an opportunity of comparing the statements made in them with the official records which they had, to show what Mr. Hemmant professed to give—namely, the position of the colony. He did not think there would be any objection to the motion, and would now formally move it.

The COLONIAL TREASURER (Hon. J. R. Dickson) said: I am glad the hon. gentleman has called for the circular to be produced, and I have taken the opportunity of making the motion not formal, with a double object—first, to give the hon. gentleman an opportunity to explain the reasons why he has specially called for the document, when similar documents have been issued by the late Administration without being adverted to by hon. members; and, secondly, I have deemed it only right that I should make an explanation, seeing that the correctness of the document has been impugned by the Press in an article which I imagine must have been inspired by some gentleman who has lately turned his attention to figures, and who has achieved very imperfect success in that study. I say I deem it my duty to make an explanation, showing that the critic who has directed his attention to the document has done so in a most imperfect manner, and that he himself has introduced figures which are inaccurate. The article I refer to appeared in the columns of the *Courier* of the 17th July. As I have said, the article bears, to my mind, the idea that the writer has derived information from some hon. member in this House, inasmuch as the expressions contained therein have been repeated in this House over and over again in arguments advanced during the present session. I do not intend to read the article *in extenso*, but will deal with such parts as more particularly refer to figures; and I shall fully answer the remarks of the hon. gentleman in reference to the sugar industry. I perfectly agree with the hon. gentleman that, if the criticism of the *Courier* is correct, the document in question would be calculated to mislead the public of England; and I can assure hon. members in this House that such erroneous information would never be supplied from the Treasury, which provided the material for the circular issued by Mr. Hemmant, as the Treasury is fully impressed with the desirability of affording the fullest and most correct and reliable information to the investing public of Great Britain. The first part of the article in the *Courier* is written in a carping spirit. It says:—

"The total previous loans are £16,150,850, and the item 'Railways' is debited with £10,338,575, which it will be observed exceeds the sum mentioned in the Acting Commissioner's late report as having been authorised by Parliament for railway loans, by £630,028."

Now, the sum of £630,028, the difference between the total amount of our loan indebtedness and the amount which is mentioned as having been expended in railway construction by the Commissioner for Railways, in his late report, is the amount of depreciation on the sale of our loans to the extent of the Railway votes. In the statement we have not understated the amount of our loans, but we have included the depreciation for expenses in floating the loans on the London market; consequently no charge of misleading the public in that case can be laid at the door of the Treasury. Indeed, we have overstated the amount, as there is included in this £16,150,850 the balance of the 1882 loan which was only sold in May. The circular fairly states that the total previous loans issued amount to the sum named. The *Courier* proceeds :—

"The colony of Queensland, the circular goes on to say, 'comprises the north-eastern portion of the continent of Australia, having an area of 678,600 square miles, with a seaboard of 2,250 miles. The most fertile land is situated in the interior of the colony, which, being unprovided with navigable rivers, can only be fully utilised by the construction of railways. To this end three parallel trunk lines, a little more than 200 miles apart, are being carried westward from the eastern coast.'"

And it continues :—

"Exception may be taken to the statement that 'the most fertile land is situated in the interior,' because the word 'fertile,' as there used, is misleading : it is generally understood to imply a kind of productiveness which is more characteristic of our coast lands."

Well, hon. members may differ as to their ideas of the fertility of our western country. For my own part, I believe that the western country comprises very rich lands indeed. If there were proper water conservation and irrigation, the lands in the western interior are capable of producing almost any kind of crop. But this paragraph in reference to the fertile lands was printed and published in connection with the loan offered in 1879. Previous to that there was no reference whatever to the fertile lands in the interior, and I am in a position to state that this very interesting paragraph, which was cavilled at by the *Courier* on the 17th of this month, was penned by the Acting Treasurer of the day, the gentleman who now occupies the position of managing director of the *Courier*. Therefore the *Courier* criticises the figures of its managing director when he was in the capacity of Acting Treasurer for the colony. I do not, sir, cavil at the statement. I think the statement, taken as a whole, is perfectly true, and we have every reason to expect that the investing public of Great Britain will appreciate the immense value of our western country—a value which we ourselves will never fully understand with regard to its fertility until we have devised a comprehensive scheme for irrigation and storage of water. Then the article goes on to say :—

"For every one of these years until 1880, there is an excess of expenditure over revenue, and the marked prosperity, which more than all else shows the advance of the colony, dates from the annual surplus which began to accumulate in 1880—a year after the late Government came into power—and continued through the following year."

We have here an echo of the statement made by the hon. member for Port Curtis the other evening as to the decline of prosperity since the present Government came into power. I do not intend to enter now into a financial statement, but I must give a most unqualified denial to the assertion that the revenue increased in 1880. There was a large deficiency in that year, notwithstanding the withdrawal from the Railway Reserves Fund of about £130,000 to fill up the gap; and even with that neither in 1880 nor in 1881 did a surplus appear in the balance-sheet of the colony. However, at the present time I do not intend to refer particularly to the financial administration of the colony; my argument is especially with regard to the London circular, as criticised in the *Courier*. The article proceeds, quoting first from the circular :—

"'The available lands of the colony are estimated at 300,000,000 acres, of which vast area only about 5,500,000 acres have been alienated.' Here, again, Mr. Hemmant's figures are inaccurate, inasmuch as the available lands are much more extensive, and the areas which have been alienated, and which have passed from the control of the Government without yet being actually alienated, are nearly double the quantity he mentions."

We all know that the colony is represented to contain 678,000 square miles, which on paper represents 434,000,000 acres. We also know that a large portion is represented by the Lands Department as not available; at least 100,000,000 acres is so represented. If, therefore, that quantity be subtracted from the aggregate area, I think there will be no great discrepancy in the statement made by Mr. Hemmant in his circular. The *Courier* proceeds to say :—

"These, however, are matters of not very great moment. It is when we come to the remarks about the sugar industry that we feel bound to enter a protest. 'The cultivation of sugar' (the circular states) 'continues to progress satisfactorily. The returns for the last season, furnished by the Chief Inspector of Distilleries, are as follow :—Land under cultivation, 44,000 acres; sugar crop, 23,000 tons; rum, 150,000 gallons.'"

I may say that these figures were forwarded to the London Office in anticipation of the completion of the returns by Mr. Darvall for the year ending 31st March, 1884. The *Courier* goes on to remark :—

"The position of the sugar industry has not been so promising at any time during the last eighteen months as it was when the 1881 report was made out, and it is merely misleading people to quote from it for the purpose of indicating how we now stand. And even the figures quoted, as from the report of the Chief Inspector of Distilleries, are incorrect. He represents the land under cane as 22,143 acres—only half the area given in the circular; sugar produced, 19,051 tons; and rum, 157,325 gallons. The area under sugar last year is considerably greater than in 1882, but the product is much less, and months ago it was generally known that it would be less. Surely Mr. Hemmant must have heard something of this?"

When I read those figures I was quite at a loss to understand where the information could have been obtained, because I had at that time before me the official returns of the Inspector of Distilleries. His figures are as follow :—Mr. Hemmant states that the amount of land under cultivation for sugar is 44,000 acres. The report of the Chief Inspector of Distilleries, dated 31st March, 1884, states the quantity to be 41,367 acres. I think that is a close approximation. The *Courier* says the Inspector puts the quantity down at 22,143 acres. I think the Inspector himself is a much better authority. Then, as to the sugar crop. The crop is stated by Mr. Hemmant to amount to 23,000 tons. The Inspector says in the report I have referred to that the yield was 36,148 tons. The *Courier* tells us that the crop was 19,051 tons—a very marked difference. As to the quantity of rum, it is stated by Mr. Hemmant to be 150,000 gallons. The Inspector gives the quantity as 144,073 gallons, while the *Courier* says it is 157,325. I was, as I have said, really at a loss to understand where the *Courier's* figures were obtained from; but I found at last that they were quoted from the report of 1881-82 instead of from last year's report. The *Courier* reproved Mr. Hemmant for issuing a circular giving approximate facts—44,000 acres under cultivation, as against 41,367; 23,000 tons of sugar, as against 36,148 tons; and 150,000 gallons of rum, as against 144,073 gallons. They reproved Mr. Hemmant, I say, for quoting these approximate figures, and did it by submitting

the report for 1881-82 as a correct representation of the present position of affairs. The *Courier* has, n fact, used figures carelessly, and a man who does not use figures correctly may be said to belong to that class who "rush in where angels fear to tread." Whoever inspired the article has shown himself to be guilty of gross carelessness in quoting from such an old report, and of quoting it in condemnation of the circular which I shall have the honour to lay on the table of the House. The *Courier's* leader shows that the writer of the article, or whoever inspired the criticism, has been so inaccurate as to entirely mislead the public, because the whole gist of the article is contained in the following paragraph:—

"It is a matter which seriously affects the credit of the colony. Capitalists to whom this circular has been sent will not be ready to accept the official statement of the Agent-General when they find it to be unreliable in its most important particulars, whether that unreliability arises from design or from a careless disregard for accuracy. The least that can be required of one who represents the colony in England is that statistics quoted by him to prove our financial position should be reliable; and this ought to be insisted upon in future."

I do not know whether the hon. gentleman who brought this matter forward had anything to do with inspiring the article; but seeing that he lately indulged in figures in such a manner as to mystify everyone, and even amaze his friends who sit with him, and cause them some disquietude; and seeing that in a recent criticism in this House he was betrayed into an error of £90,000, I conceive that, to a certain extent, he may have had something to do with inspiring it. However, I am glad, seriously, to have this opportunity of vindicating the accuracy of the circular which was issued by Mr. Hemmant. I think I have fully indicated its statistical accuracy. It was framed in its present shape several years ago, and has been periodically revised so as to afford the investing public the latest opportunity of knowing the position of the colony. With the exception of the paragraph referring to the fertile lands in the interior, to which I referred, which was introduced for the first time in 1879, it remains now as it was framed many years ago, and I think it affords the investing public a *précis* of the position of the colony in a most compendious form. I do not intend in any way to oppose the motion, and shall be prepared to lay the circular on the table of the House as soon as the House orders it.

Mr. BLACK said he did not know if he was in order; but he wished to ask the hon. Colonial Treasurer if the report referred to, of Mr. Hemmant, in connection with the sugar industry, was based upon the last report of the Inspector of Distilleries. He noticed that 36,000 tons of sugar were said to have been produced, which was considerably in excess of the quantity mentioned in the *Courier*. He wished to ask whether the circular issued by the Acting Agent-General, Mr. Hemmant, was based on figures taken from the last report of the Inspector of Distilleries.

The COLONIAL TREASURER: The information supplied to Mr. Hemmant was based upon information furnished by the Inspector of Distilleries in anticipation of his annual report. It was an approximate report which has been nearly confirmed by results.

Mr. NORTON, in reply, said that he must first take notice of what the hon. the Colonial Treasurer said: that he wondered why the production of the circular had been moved for, when there had been so many other similar documents issued by the late Government that had not been called for. He (Mr. Norton) did not know that any other circulars had been issued; but he knew that the one in question had been commented upon in the Press. The Colonial Treasurer went on to remark that he (Mr. Norton) had made a mistake of £90,000 when referring to the indebtedness of the colony on account of railways, and referred to the mistake as his. But it was not his mistake; he quoted from the railway reports, and the figures were there for the hon. gentleman to look at. He would find that there was a discrepancy of £90,000 in the railway indebtedness of the colony, between the report of 1882-3 and that of 1883-4. The report of 1883-4 said that no indebtedness had been incurred during the year. The mistake was in the report; it was not his, and as soon as he found that out he took the earliest opportunity of explaining to the House where the mistake arose, in order that no blame should be attached to any of the officers of the Railway Department, who might possibly have been blamed until the circumstances were known. Under the circumstances the hon. gentleman could not blame him, because the reports themselves proved that he was accurately quoting them. In the circular it was stated, with regard to sugar, that it continued to progress satisfactorily. The returns of last season, furnished by the Chief Inspector of Distilleries, were as follows:—

"Land under cane, 44,000 acres; sugar crop, 23,000 tons; amount of rum, 150,000 gallons."

The last return furnished by the Inspector of Distilleries was for the year 1882-3, and those were quotations from the last return that was issued. It might have been a quotation from a special report which was furnished for the benefit of the Colonial Treasurer. Whether it was that or not of course he did not pretend to say, but the figures were not in accordance with the returns furnished for the year 1882-3. The figures quoted in the *Courier* were correct, as, in regard to that case, he turned them up and compared the two. Therefore he thought the hon. gentleman, instead of showing that the circular was right in that respect, had shown that it was absolutely wrong. Instead of the return for the last season being quoted, a special return, which nobody but the Colonial Treasurer knew anything about, was referred to. A special return might have been sent in; but nobody but the hon. gentleman knew anything about it. That report was circulated in May. As far as they knew at the time the circular was distributed by Mr. Hemmant, the last returns furnished by the Inspector of Distilleries were to the end of 1882-3.

The COLONIAL TREASURER: That was the time the criticism in the *Courier* was written.

Mr. NORTON said he was not speaking about the time the *Courier* article was written, but about the time the circular was distributed. The last report of the Inspector of Distilleries at that time was the report for 1882-3, and it was that report anyone would take to be referred to from reading the circular. Now, here was an extract from the circular—

"The following extract from the report of the Under Secretary for Lands on the work of the department during the year 1881."

Would the hon. member attempt to show that that was not correct? The statement was correct in the *Courier* that Mr. Hemmant went back for his figures to the report for 1881. Why should he have done that? They knew very well that the state of the colony in 1881 was very different from what it was at the present time. Everybody knew that.

The COLONIAL TREASURER: It is better now.

Mr. NORTON said he was very glad to hear that it was better, but he would like the hon. member to go north and find one sugar-planter in the whole of the Northern district who would

agree with him. He (Mr. Norton) had had letters from sugar-planters there, and had verbal communications from others, and none of them seemed to know it was better; in fact, they all spoke as if they were being ruined.

Mr. MOREHEAD: They are liars, I suppose.

Mr. NORTON: They quoted figures to show that they had actually been selling sugar under the cost of manufacture, and there was not the slightest reason to doubt it. He repeated that the representation of the state of the sugar industry in 1881 was grossly misleading, as applied to the time when the circular was issued.

The COLONIAL TREASURER: We give the facts for that year.

Mr. NORTON: What was the statement made by the hon. member last session? They knew perfectly well that for the whole of that year there had not been a mill put up in the Mackay district. Did not that show that the sugar industry had not been progressing as it should be? In the whole of the North the only additional mills put up lately were those for which orders had been given some two years ago, and yet the hon. member had the face to say in that House that the sugar industry was still advancing in a satisfactory manner. He was very glad he had tabled his motion, because he was quite sure hon. members would be glad to see the paper; and when they had had an opportunity of reading it, and comparing its statements with the actual state of the colony, he could not understand on what grounds they would be satisfied—if they were satisfied—that the state of the colony was not misrepresented by Mr. Hemmant when he issued the circular.

Question put and passed.

DRAINAGE OF LANDS BILL—FIRST READING.

On the motion of Mr. STEVENS, it was affirmed, in Committee of the Whole, that it was desirable to introduce a Bill to provide for the Drainage of Lands within the Colony of Queensland.

The Bill was read a first time, and the second reading made an Order of the Day for Thursday next.

GRANTS AND LEASES TO DECEASED PERSONS BILL—SECOND READING.

The PREMIER: Mr. Speaker,—When we were dealing with the Registrar of Titles Bill the other day, the hon. member for Bowen called attention to the defect which existed in our present law in respect to the issue of deeds of grant in the case of persons who die before their right to a grant has accrued. My attention has been called to this state of the law on previous occasions, and at the time the hon. member mentioned the subject I had a draft Bill in course of preparation, which is the Bill of which I am now moving the second reading. The object of the Bill is explained very clearly in the preamble; but I may explain how the difficulty arose. Under our statutes persons become entitled to land by purchase in many cases upon the fulfilment of certain conditions. Take the case of a selector of a homestead:—A man has taken up a selection, and if he lives long enough he will be entitled to a grant, but before he gets the grant he dies, having previously disposed of his property by will. He leases it to his wife, perhaps, for life, and after her death to their children, when they attain twenty-one years of age. How a grant should be issued in that case, I confess I do not know. We have not adopted in this colony an elaborate form of Crown grant to meet a case of that kind. It might sometimes be possible to issue the grant to an executor, but that would be very inconvenient, and usually, the executors have no right to the land. If a grant could be issued in the name of a deceased person it would be registered under the Real Property Act, and then there would be no difficulty whatever, because the rights of all parties would be protected. That cannot be done at the present time. This has been a difficulty for some time past, and I do not know how it has been got over; but, the inconvenience of the existing law having been called attention to, it is just as well to remedy it. The same difficulty might arise in consequence of the decease of a man entitled to a pastoral lease, and it might be very inconvenient for many reasons to issue a lease to the administrators of the estate or to the Curator of Intestate Estates. The provisions of this Bill deal with cases of that kind, and allow the Government to issue a grant or lease in the name of the deceased person. The grant will not, as now, be void, but will have the same effect between the several persons entitled to the land as if a man lived. It is a matter for the convenience of the public. I beg to move the second reading of the Bill.

Mr. CHUBB said: This question came under my notice some considerable time ago, and during the time I held office as Attorney-General we frequently had cases sent to us for our advice—from the Lands Office more particularly—in regard to selections. It was seen at once that it would be impossible to issue grants to people mentioned in the will, unless the form of Crown grant was altered into a very much more elaborate document than it is at the present time. As another instance of the inconvenience of the present state of the law, I might mention the purchase of land at auction sales. A man purchases a piece of land and pays the necessary deposit, but before the month expires when he is called upon to pay the balance he dies. The grant cannot be issued to him, it must be issued to his heir-at-law. I would like to point out one effect the Bill will have, and that is the reduction of legal expenses, as applied to the people who may be connected with land, and who are subject to the disabilities which this Bill will remedy. I have much pleasure in supporting the second reading.

Mr. SCOTT said he would ask the Premier how the Bill would work in the case of a man who purchased land and disposed of his interest before his death. How was the purchaser to become possessed of that land?

The PREMIER: The representatives of the deceased will convey it to him.

Mr. SCOTT: Suppose he dies intestate?

The PREMIER: The Curator of Intestate Estates is his representative. At the present time I do not know what would be done.

Mr. SCOTT: Suppose the man left a will and it was not administered to?

The PREMIER: The Curator comes in then.

Mr. MOREHEAD: You are getting cheap legal advice.

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

NEW GUINEA AND PACIFIC JURISDICTION CONTRIBUTION BILL—SECOND READING.

The PREMIER said: Mr. Speaker,—This is a Bill to give effect to the promise made, as hon. members are aware, by the Government of this colony to contribute a portion of the £15,000 which Lord Derby has asked may be contributed by the Australian colonies for the establishment

of jurisdiction over the waters of New Guinea and the shores of that island. Hon. members will find the despatch I refer to on the table of the House. It is dated the 9th May last, and after referring to the resolutions passed by the Convention and adopted by this House during last session, Lord Derby mentions the fact that—

"The Legislature of Queensland has recorded its entire concurrence in these resolutions, but no colony has taken measures to provide the requisite funds, as suggested by the Convention."

I do not see how any colony could have taken measures to provide the requisite funds, because we are only now informed by the Secretary of State what fund is required. This is the first information we have had as to what the Imperial Government would like us to contribute. The fifth paragraph of the despatch is, I think, the only one I need refer to, as it is on the basis of that the Bill is framed. It says :—

"Her Majesty's Government are disposed to think that there should be a High Commissioner, or at least a Deputy Commissioner, with large powers of independent action, stationed on or near the eastern coasts of New Guinea, and that he should be furnished with a steamship, independent of Her Majesty's Naval Squadron, and with a staff sufficient to enable him to exercise protection in the name of the Queen over those shores. The cost of this arrangement cannot be accurately estimated, as I have previously stated; but if one or more colonies will secure to Her Majesty's Government the payment of a sum of, say, £15,000 during the year ending 1st June, 1885, they will be prepared to take immediate steps for establishing the High Commissioner's jurisdiction, and will render to the contributing Governments an account of the expenditure incurred. It would be possible after some months to determine whether this arrangement should be further continued, and to consider fully with the Colonial Governments (or with the Federal Council, if established) what arrangements should be made for the future supervision of the labour trade, if it should be decided that it can continue to be allowed. Her Majesty's Government have come to no conclusions as to the recommendations of the Western Pacific Committee, in regard to which the colonies should first be consulted; but I think it doubtful whether it will be found practicable to place the regulation of the labour traffic under Imperial control.

"I may state, in conclusion, that the annual expenditure of this country in the maintenance of the squadron on the Australian station, including schooners and surveying vessels, is estimated as amounting at present to about £157,000.

As I have already stated, we have intimated to the colony of Victoria, as will be seen in the same paper, our willingness to join any of the other colonies, or Victoria alone, if necessary, in contributing the required amount. I understand, however, that all the colonies, except New Zealand, have now agreed to join in the guarantee. I think hon. members will agree that it is desirable that action should be taken at once. I have therefore had a Bill framed, of which I sent a draft to Mr. Service, who is Chairman of the Permanent Committee, and I presume it has been circulated in the other colonies. Some suggestions have been made by him for its amendment by reciting the third and fourth resolutions agreed to by the Convention in the preamble, and other matters suggested by myself; and I believe we are now agreed as to the text of the Bill. The preamble recites the four resolutions which were adopted by the Convention bearing on the subject :—

"1. That further acquisition of dominion in the Pacific south of the equator by any foreign power would be highly detrimental to the safety and well-being of the British possessions in Australasia, and injurious to the interests of the Empire.

"2. That having regard to the geographical position of the island of New Guinea, the rapid extension of British trade and enterprise in Torres Straits, the certainty that the island will shortly be the resort of many adventurous subjects of Great Britain and other nations, and the absence or inadequacy of any existing laws for regulating their relations with the native tribes, this Convention, while fully recognising that the responsibility of extending the boundaries of the Empire belongs to the Imperial Government, is emphatically of opinion that such steps should be immediately taken as will most conveniently and effectively secure the incorporation with the British Empire of so much of New Guinea and the small islands adjacent thereto as is not claimed by the Government of the Netherlands."

The recital of the two following resolutions is suggested by Victoria :—

"3. That although the understanding arrived at in the year one thousand eight hundred and seventy-eight, between Great Britain and France, recognising the independence of the New Hebrides, appears to preclude this Convention from making any recommendation inconsistent with that understanding, the Convention urges upon Her Majesty's Government that it is extremely desirable that such understanding should give place to some more definite engagement which shall secure those islands from falling under any foreign dominion; at the same time the Convention trusts that Her Majesty's Government will avail itself of any opportunity that may arise for negotiating with the Government of France with the object of obtaining the control of those islands in the interests of Australasia; and

"4. That the Governments represented at this Convention undertake to submit and recommend to their respective Legislature measures of permanent appropriation for defraying in proportion to population such share of the cost incurred in giving effect to the foregoing resolutions as Her Majesty's Government, having regard to the relative importance of Imperial and Australasian interests, may deem fair and reasonable."

The third resolution, with regard to the New Hebrides, is one that Victoria considers of great importance, and although the guarantee proposed does not in any way extend to that, they desire to have it recited, and there is no objection to it. Then the preamble recites that we desire to carry out the pledge we gave—in fact, gave by forwarding those resolutions to Her Majesty's Government. The Bill is very short. The first and principal clause is in the words of Lord Derby's despatch, which speaks of exercising protection, in the name of Her Majesty, over the eastern shores of New Guinea, and it provides that every year, while the Act is in force, there shall be paid to Her Majesty—

"For and towards the expenses incurred in respect of the maintenance of a naval force in the waters of New Guinea, and the exercise of protection in Her Majesty's name over the eastern shores of that island, and over any other island or islands in the Western Pacific Ocean over which Her Majesty may be pleased to exercise protection, a sum bearing the same proportion to the sum of £15,000 as the population of the colony of Queensland bears to the total population of the Australasian colonies which for the time being contribute towards such expenses."

That exactly carries out the undertaking we gave, and the money is to be provided for the express purpose indicated in the despatch. As soon as the colonies pass a measure of this kind, there will be no longer any reason for any delay whatever in taking steps to establish protection over the shores of New Guinea. At present, we do not know to what extent that protection will be carried, but I am satisfied of this : that if Great Britain once exercises protection over the shores of New Guinea, it will not be very long before it is part of the British Empire. I indicated that in a letter to Mr. Service, which will be found in the paper before hon. members. I may conclude by repeating what I wrote to the Premier of Victoria on the subject, and say now as I said then :—

"I think you will agree that the steps proposed to be taken by the Imperial Government will inevitably lead to the results desired by the Convention, even if they do not (as I think they do) involve the immediate annexation of New Guinea and the adjacent islands."

I beg to move that the Bill be now read a second time.

Mr. MOREHEAD : Mr. Speaker,—I quite agree with almost all that has fallen from the hon. Premier. I think in a case of this sort we should act promptly, more especially in view of the letter emanating from the present Secretary

of State for the Colonies. If we do not catch him on the hop he may go back and alter his views. He has done that more than once in connection with proposed annexations by the British Empire. I think both sides of the House should assist the Premier, and Victoria—which appears to be the only other colony at present acting in unison with us—to grasp the opportunity presented to us. I suppose under any circumstances we will only have to pay one-fourth of the whole cost of £15,000 per year, and I say it will be money well spent, not only in the present, but it will bring in an enormous harvest in the future. Even if Victoria alone should act with this colony we should close with the terms at once, and have an adjustment of the payments to be made with the other colonies. I have no wish to offer any objection to the passage of this Bill; on the contrary, I think the sooner it is passed the better, and the sooner the British Government see we are in earnest in our efforts to protect ourselves from invasion by any foreign power, the better. I only hope the colony of Victoria will be as prompt in its action in this respect as the hon. gentleman has been.

Question put and passed; and, on the motion of the PREMIER, the committal of the Bill was made an Order of the Day for to-morrow.

INSANITY BILL—COMMITTEE.

On the motion of the PREMIER, the House resolved itself into a Committee of the Whole to consider this Bill.

Preamble postponed.

Clauses 1 and 2 passed as printed.

On clause 3—"Repeal of existing Acts"—

Mr. ARCHER said he was not going to interrupt the passage of the Bill, but he wished to ask the Premier a question. As his hon. friend the member for Bowen was not present, and he had not himself so carefully perused the Bill as he could wish, he would be glad if the hon. gentleman would call the attention of members of the House to any clause which he thought required amendment.

The PREMIER said he had very carefully indeed revised the Bill, and more than once. He had spent a very considerable time upon it, and he was only aware of two amendments necessary. One of those amendments had been suggested by his hon. friend the member for Bowen yesterday, and the other was in the 168th clause. It was prepared as carefully as he was capable of preparing a Bill under the circumstances.

Clauses 4 to 9, inclusive, passed as read.

On clause 10—"Governor in Council may grant licenses for houses for reception of the insane"—

Mr. ARCHER said he should like to hear the Premier's opinion of private asylums. Had he not noticed that in England, lately, private lunatic asylums were considered—he would not say, a nuisance, but dangerous institutions? There was a risk that by granting licenses in the colony they might have the same abuses in Queensland as, according to a late judgment given in England—which the hon. gentleman had no doubt read—existed in that country. He therefore considered it would be better that all asylums should be Government institutions. Under the other system there was great danger to the liberty of the subject.

The PREMIER said he thought it was desirable that provision should be made for private asylums, because in Government asylums there could be only one uniform treatment. Many insane persons, from their wealth, or from the wealth of their relatives, might reasonably be expected to receive extra comforts, the deprivation of which might prevent or seriously retard their recovery, and those they could receive in private asylums. The safeguards for their entry and discharge were precisely the same as those in respect to patients in public hospitals. The report of Dr. Scholes was favourable to the licensing of private asylums; and on considering the matter he had come to the conclusion that such a provision should be inserted in the Bill. The provisions were analogous to those in force in New South Wales, where they were found to work satisfactorily.

Mr. ARCHER said he was perfectly satisfied with the explanation given, but he thought it would be the duty of the Government to see that the number of houses licensed was limited; that was to say, he hoped they would not become established in Queensland as in England, because it was exceedingly difficult for a Minister to decide whether patients were confined merely because they were eccentric or because they were lunatics.

Mr. NORTON said there was a good deal of risk connected with private asylums, and though they were at present very well managed in New South Wales, he felt sure that it would not always be so.

The PREMIER said it was only recently that there had been any satisfactory law on the subject in that colony.

Mr. NORTON said there were great objections to the system there some time ago, and he believed an inquiry was held on the subject. In no private asylum could the manager have the same experience as those in charge of a public asylum, and, therefore, the treatment in the former could not be as satisfactory as in the latter.

The PREMIER said he might point out that the license would not be for more than three years.

Clause put and passed.

Clauses 11 to 16 passed as printed.

On clause 17—"Notice of revocation of licenses"—

Mr. NORTON said he thought the notice allowed—seven days—was too short. In the event of a license being revoked, seven days would hardly give the licensee sufficient time to complete his arrangements.

The PREMIER said that licenses would only be revoked through the fault of the licensees. It would be rather hard to leave patients a month in a house, in case it should have become unfit, for sanitary reasons, or in case the keeper had become unfit for the position. He did not think the time was too short, under the only circumstances in which the clause would be put in operation.

Clause put and passed.

Clause 18—"Detention of patients, after expiration or revocation of a license, a misdemeanour"—passed as printed.

On clause 19, as follows:—

"Every licensed house containing more than fifty patients shall have at all times a medical practitioner resident therein, whose Christian and surname shall be given in the notice of application for the license, and who, whether he be the licensee or proprietor, or not, shall be the superintendent thereof.

"The licensee of any such house may, with the approval of the Minister, remove such medical practitioner and appoint some other medical practitioner in his stead.

"Every licensed house containing not more than fifty patients shall be visited twice a week, at least, by a medical practitioner.

"In all cases where a medical practitioner is not appointed as superintendent, the licensee shall be the superintendent of the house named in the license.

"When any house is licensed to contain less than ten patients, the Minister may permit such house to be visited by a medical practitioner less frequently than twice a week."

Mr. PALMER said he noticed that every licensed house containing not more than fifty patients should be visited at least twice a week by a medical practitioner, and that a house containing less than ten patients should be visited less frequently; but there was no provision made for the publication of their reports. Was the report to be made irrespective of the superintendent, so that there should be no collusion between him and the medical visitor?

The PREMIER said the 44th clause provided that the reports should be entered every week in the medical journal of each licensed house with respect to every patient.

Mr. PALMER said the report would be almost lost if kept in the journal of the establishment. It should be made direct to the Minister.

The PREMIER said he did not quite follow the hon. member. Reports would have to be made under the 43rd and 44th sections, and if they were unfavourable the license would be revoked.

Mr. PALMER said his only object in rising was to suggest that the reports should be made direct to the Minister.

The PREMIER said there was no provision that a report from licensed houses should be sent in every week, but the entries would be duly made, and could be inspected at any time. Any person who refused to show them to the inspector would be liable to a very heavy punishment.

Mr. NORTON said he thought fifty patients was far too large a number to be lodged in any licensed house; twenty-five would be quite enough.

The PREMIER: I should be disposed to say twenty.

Mr. NORTON said that by the Bill as it stood a licensed house might contain only forty-nine patients, when it would not be compulsory for a medical practitioner to reside therein; or it might be some miles away from a town where a medical practitioner resided, as had been the case, in one instance, in New South Wales. He moved that the word "fifty" be omitted with the view of inserting the word "twenty."

The PREMIER said he thought the number in the Bill was too large. He adopted it from the New South Wales Act, with great misgivings, and intended to call attention to it.

Amendment put and passed, and clause passed with a further consequential amendment.

Clause 20 put and passed as printed.

On clause 21, as follows:—

"If the occupier or inmate of any private house keeps or detains an insane person therein, although he is a relative of such occupier or inmate, beyond the period of a year after the malady has become apparent and confirmed, and such insane person, during any part of such period, has required coercion or restraint, such occupier or inmate, or the medical practitioner attending such insane person, shall notify such detention to the Minister, and shall transmit to the Minister a written certificate signed by a medical practitioner setting forth the condition of the person so detained, and the reasons, if any, which render it desirable that such person should remain under private care.

"The Minister may thereupon, or without such notice, authorise the inspector or a justice, accompanied by two medical practitioners, to visit and make such inquiry respecting the treatment of such person as to the inspector or justice and medical practitioners seems fit.

"And if upon such inquiry it appears that such person is insane, and has been so for a space exceeding a year, and that restraint or coercion of any kind has been resorted to, and that the circumstances are such as to render the removal of such person to an asylum necessary or expedient, the Minister may order the removal of such person accordingly; and the order of the Minister under his hand shall be sufficient authority to the superintendent to receive such insane person accordingly.

"Any person who keeps, harbours, or conceals, or aids in keeping, harbouring, or concealing beyond the period aforesaid, an insane person without such notice thereof to the Minister, and any medical practitioner attending on him beyond such period who wilfully neglects to disclose the condition of such person to the Minister, shall for every such offence be liable to a penalty not exceeding £200, or to imprisonment for any period not exceeding three months."

Mr. MACFARLANE said the last paragraph of the clause provided that any person who kept an insane person in a private house over twelve months, and did not report the case to the Colonial Secretary, should be liable to a penalty of £200, or imprisonment for any period not exceeding three months. He thought that was a little too arbitrary, and interfered too much with the liberty of the subject. He supposed that if a medical man reported that it was safe for such a person to be kept in a private house, the Colonial Secretary could, if he chose, give permission for that person to remain in a private house over twelve months. The clause would, perhaps, operate somewhat harshly. For instance, a man might be required, against his will, to send his wife to an asylum, or a wife send her husband, and that under a penalty of £200.

The PREMIER said the last section certainly required a word or two to make it clearer. The clause was only intended to apply to persons who, during the period mentioned, required coercion or restraint. The meaning was quite clear in the first part of the clause, but in the latter part it was not so clear, and it would be better to repeat the words used at the beginning of the section. He would move an amendment to that effect, and was obliged to the hon. gentleman for calling attention to the matter. First, however, he would move that after the word "person," in the 1st line of the 4th paragraph, there be inserted the words "without notice to the Minister."

Amendment agreed to.

On the motion of the PREMIER, the words "without such notice thereof to the Minister," in the last paragraph, were omitted, and the following substituted: "who has, during such period, been subject to coercion or restraint."

Clause, as amended, put and passed.

On clause 22, as follows:—

"No person (unless he be a person who derives no profit from the charge, or a committee or person appointed by the court or otherwise authorised under this Act) shall receive to board or lodge in any house, or take care of, any insane person, and any person offending against this provision shall be guilty of a misdemeanour"—

Mr. NORTON said it was desirable that the clause should be amended. In some cases of insanity it was absolutely necessary to get the person out of the house, and pay someone to take charge of him. In remote districts, either in the bush or in small townships, it was necessary that a patient should be taken charge of for some days, until some means should be found for sending the unfortunate for treatment. In cases like that an exception should be made in the clause.

The COLONIAL SECRETARY said he thanked the hon. member for the suggestion. He thought it would be better to make an exception in cases of persons received temporarily on their way to treatment. He would, therefore, move the insertion of the following words after the word "person," in the 17th line: "except for the purpose of temporary custody of such person during removal for treatment under this Act."

Mr. MACFARLANE said he thought the clause, as it stood, was better, and that such cases as those alluded to were met by the 21st clause. It seemed very hard that, in a case of temporary insanity—lasting perhaps three or four weeks—a

patient should not be allowed to be removed to another man's house; and that it was a misdemeanour to pay for board and lodging for a relative in that man's house for a week or two. He thought it would be far better to have the clause omitted altogether, as it was covered by the 21st clause. He approved of the idea of persons being allowed a license to keep one single patient, as he would have a far better chance of recovery than by being with others in the same state. So far he approved of the clause; but it was infringing too much upon the liberty of individuals who had insane relatives to make it a misdemeanour if they provided board and lodging for them for two or three months. Why should they be compelled to send them to a public institution at all? Any patient might have a relative who was willing for a small sum to board and lodge him, but they were not allowed to do so. He should like to have an explanation from the Colonial Secretary on the matter, but he should prefer to move the omission of the clause altogether.

The PREMIER said it had been found necessary in England and elsewhere, in consequence of the fearful hardships that patients were sometimes compelled to undergo, to prohibit insane persons from boarding and lodging with people without State supervision. The object of the Bill was to provide supervision. If persons were allowed to take lunatics as lodgers without supervision, there would be cases of terrible hardship heard of.

Question put and passed.

Clauses 23 to 27 passed as printed.

On clause 28, as follows:—

"Any person may be received and detained as a patient in an asylum on the authority of a request under the hand of some person, according to the form in the sixth schedule to this Act; and every such request shall be—

(1) Authenticated by the signature of a justice or a minister of religion registered to celebrate marriages;

(2) Accompanied by a statement in writing containing the particulars specified in the fifth schedule to this Act; and

(3) Supported by two medical certificates containing the particulars prescribed in the third schedule; each of which certificates shall be signed by a medical practitioner who has, not more than fourteen days before the date of admittance, personally and separately examined the person to whom the certificate relates.

"Such request may be signed before or after the date of such medical certificates, or either of them."

Mr. MOREHEAD said he really could not see why a minister of religion should be introduced into the Bill at all. Under their education system they had abolished all religion so far as State schools were concerned.

The PREMIER: A minister of religion registered to celebrate marriages.

Mr. MOREHEAD said: Of course a minister who was registered to celebrate marriages would be an authority on lunatics. The words "minister for religion registered to celebrate marriages" were unnecessary.

The PREMIER: What was wanted was that a man should not be able to make a request unless it was shown that the case was a genuine one, and not an attempt to get a sane man into a lunatic asylum. It was only a safeguard, and as a safeguard was as good as any other.

Mr. MOREHEAD: It is an innovation.

The PREMIER: It is not at all.

Mr. MOREHEAD: Then it is something that ought not to be here; why should a minister of religion have anything to do with it? I move that all the words in the 8th and 9th lines after the word "justice" be omitted.

Mr. BROOKES said he was in favour of retaining the words "minister of religion." A minister of religion was often a very fit and proper person to authenticate the documents required by the clause. He had nothing to say against justices of the peace, but still a minister of religion would occupy a position of intimacy and sympathy with the parties concerned; he might be more available than a justice of the peace; he might possess a very intimate knowledge of all the circumstances of the case; and he thought it would be an act of consideration to the unfortunate persons who came under the operation of the Bill, and also to their friends, to leave the clause as it stood.

Mr. ARCHER said that on consideration he was of the same opinion as his hon. friend, who had suggested that ministers authorised to celebrate marriages were the best qualified as judges of who were mad and who were not.

Mr. MOREHEAD said that was the only reason he could see why a minister registered to celebrate marriages should be selected, and one not so registered be excluded, that perhaps the latter would not have so much knowledge of the subject of insanity. However, he did not want to push the amendment. He moved the amendment with the intention of showing that he thought it undesirable that ministers of religion should be introduced into any measure brought before the House. He thought they were just as well without them, as far as Acts of Parliament were concerned, and the Premier had admitted that the practice was an innovation.

The PREMIER: The whole Bill was an innovation.

Mr. MOREHEAD said the whole Bill was not an innovation. It was simply a consolidation of existing statutes with amendments, and it could therefore hardly be called an innovation. He thought the hon. gentleman would admit that his phraseology was wrong on this occasion.

The PREMIER: Most of the provisions are innovations.

Mr. MOREHEAD said the hon. gentleman always qualified his statements. He thought it would be better to leave out all mention of ministers of religion. However, he did not want in any way to impede or hamper the passing of the measure, and if the majority of the Committee thought it a good thing that the words he had drawn attention to should remain in the Bill he would withdraw his amendment.

Amendment, by leave, withdrawn.

Mr. NORTON said that in some cases it might not be possible to obtain the signature of a justice of the peace, whilst a minister of religion might easily be found.

Clause put and passed.

On clause 29—"Power of justices to direct detention in reception house"—

Mr. PALMER said the clause gave power to justices to direct the detention in a reception house of any patient for whose reception into an asylum the necessary order or request certificates and statement had been signed and remained in force. Of course there were plenty of cases where two certificates of medical men could not be obtained, and in far away outside places perhaps the one medical man who gave a certificate might himself be a fit subject for detention. Was a magistrate safe in committing a person to the reception house, on his own authority, or what steps would it be necessary for him to take if only one certificate could be obtained? Or none?

The PREMIER said provision was made in the 40th section that where it was impracticable to get two certificates one would be sufficient for

the purpose of admission to a reception house. As to committing a man without any medical certificate, he did not think that it was practicable to make any formal provision for such a contingency.

Clause put and passed.

Clause 30 passed as printed.

On clause 31—"Medical certificates to specify facts upon which opinion of insanity has been formed"—

Mr. MOREHEAD said that clause appeared to him to be very hard upon the medical man who had to give an opinion as to the cause of insanity. It would be very awkward for the medical man also, as he was inclined to think that doctors more often than not jumped at an opinion upon these cases. He was very glad to see the clause in the Bill, but he fancied it would lead to an immense amount of lying.

Clause put and passed.

Clauses 32, 33, and 34 passed as printed.

On clause 35—"Patient not to be detained in ception house for more than one month"—

Mr. MOREHEAD said the clause wanted looking into. It said:—

"No patient shall be detained in a reception house for a longer period than thirty days, unless the medical officer certifies in writing that he is not in a fit state to be removed therefrom, or that he would be benefited by remaining therein."

It had been pointed out on the second reading of the Bill that a patient might be detained at pleasure by a medical man. Although probably the clause would not work in that manner, he thought too much power was being placed in the hands of the medical men.

The PREMIER said there was no part of the Bill that had given so much trouble in preparation as the clauses relating to that matter, and no part had been more carefully considered. He had considered it very carefully himself in conjunction with Dr. Scholes, and the changes made were upon that gentleman's suggestion. He was quite aware of the danger that had been pointed out, but he could not see any more satisfactory way of dealing with it than by the provisions of the clause. A medical man might give a wrong certificate; on the other hand, it would be very hard if a man was very nearly well at the end of thirty days, and in a few days more would be cured, that he should be removed from the reception house and conveyed perhaps a great distance to the asylum. There must be discretionary power given to someone, and he thought the balance of convenience was in favour of the clause as it stood. The object was that nobody should be detained in an asylum unless he was really insane. The reception house was merely a stage on the road to the asylum, and if by a short detention at that stage a man might be cured, of course it was far better that he should be kept there.

Mr. MOREHEAD thought the difficulty might be got over by making the clause read—

"Unless the medical officer, after consultation with another duly qualified medical man, certifies that he is not in a fit state to be removed."

The PREMIER: There may not be another medical man in the place. That is often the case.

Mr. MOREHEAD said he admitted that in many cases there was not; but still they had passed clause 29, under which somewhat rough justice would have to be done, because in some of the outside townships, where there was no medical man, it would be almost impossible to deal with insane persons, unless the police took the matter in their own hands and put them into the lockup. He thought it better that some provision such as he had suggested should be inserted, even if it became a dead-letter under certain circumstances. Of course it would be a dead-letter where there was only one medical man; but in places where there were two, or in large centres of population, where there were always a great many more than two, there would be the security of more than one opinion with regard to the unfortunate individual who might be locked up.

The PREMIER said there was this safeguard: the medical officer, as an officer of the Government, would be responsible for any mistakes he made, and being the officer in charge of the reception house he would be more likely to be familiar with that class of disease than other practitioners. The clause differed very little from the Bill as passed in the Legislative Council on a previous occasion. Then there was the further safeguard that two justices would have to be satisfied on the point; that was to say that the opinion of two justices, or probably the police magistrate, would be added to the opinion of the medical officer.

Clause put and passed.

Clauses 36 to 41 put and passed.

On clause 42, as follows:—

"Every person lawfully received into an asylum or reception house shall be detained therein until he is removed or discharged in the manner authorised by this Act, and in case of escape therefrom may be retaken at any time after his escape by the superintendent of such asylum or reception house, or by any other officer or any servant belonging thereto, or by any constable, or by any other person authorised in that behalf by such superintendent, and may be conveyed to and again received and detained in such asylum or reception house."

The PREMIER said that he had thought it might be advisable to fix the time within which an escaped lunatic might be retaken, as had been proposed in previous Bills, but on further consideration he did not see how it was practicable to fix a limit.

Mr. MOREHEAD thought it much better that no time should be mentioned. If a man was insane whenever he was recaptured, it was absurd that he should be released. If he was sane when recaptured of course he would be set free.

Clause put and passed.

On clause 43, as follows:—

"On the admission of any person as a patient into an asylum or reception house, an entry with respect to such patient shall be made in a book kept for that purpose, called the Register of Patients, according to the form and containing the particulars specified in the eighth schedule to this Act, or such other form, and containing such other particulars, as the Minister directs.

"Such entry shall be made immediately on the admission of the patient, except so much as relates to the form of disorder, the entry as to which shall be made by the superintendent within one month after the admission of the patient, and except so much as relates to the discharge, removal, or death of the patient, the entry as to which shall be made when the same happens.

"After the second and before the end of the seventh clear day from the day of admission of the patient, a notice of such admission shall be transmitted to the Minister in the form of the ninth schedule to this Act, together with a statement, made and signed by the superintendent not sooner than two clear days after such admission, according to the form in that schedule."

Mr. NORTON said he was not quite certain about the 2nd paragraph of the clause, which said: "Such entry shall be made immediately on the admission of the patient, except so much as relates to the form of the disorder." He thought some entry ought to be made at once with regard to the form of the disorder, and it might be corrected afterwards, if necessary.

The PREMIER: You can only tell that the man is insane. You cannot tell what the form of the disorder is.

Mr. NORTON: I am not quite sure about that.

Clause put and passed.

On clause 48, as follows :—

"If a person indicted for an offence is found to be insane by a jury lawfully impanelled for that purpose, so that he cannot be tried upon such indictment, or if upon the trial of a person so indicted such person is found by the jury to be insane, the court before which he is brought to be tried shall direct such finding to be recorded, and may thereupon order him to be kept in strict custody, in such place and in such manner as to the court seems fit, until he is dealt with as next hereinafter provided.

"In any such case, and whenever any person committed to take his trial for an offence is certified by two medical practitioners to be insane, the Minister may, by order under his hand in the form of the fourteenth schedule hereto, direct that such person be removed to and detained in an asylum until he is duly certified to be of sound mind; whereupon the Minister may order the removal of the patient to the custody of the governor of the gaol from whence he came, in order to his being tried for such offence.

"Such detention for any period shall not operate as a bar to his subsequent indictment and trial for such offence."

Mr. MOREHEAD said that was a very serious section of the Bill, dealing with the criminal insane, and he wished to ask the Premier whether such a case as this case was provided for. Supposing it was proved, for instance, that a man while in a state of insanity committed a murder, and remained insane for a considerable time and then became sane, did the Bill provide that he should be discharged?

The PREMIER said the law in that respect was not proposed to be altered by the Bill. The provision for the case mentioned by the hon. gentleman was contained in the 49th section, which was a re-enactment of the present law, with some verbal alterations. The 49th section provided that such persons should be kept in strict custody until Her Majesty's pleasure was known. He might be kept in custody for life, or he might be discharged.

Clause 49 and 50 passed as printed.

On clause 51, as follows :—

"Any person committed to take his trial for having attempted to commit suicide, who is certified by two medical practitioners, in the form of the third schedule to this Act, to be insane, shall forthwith be sent to an asylum or reception house; and such person, when certified by the superintendent and inspector, or the superintendent and an official visitor, or, in the case of a person sent to a reception house, by the medical officer, to be of sound mind, shall be discharged from such asylum or reception house, and shall not be put upon his trial, or be liable to any charge or indictment for having attempted such act of suicide."

Mr. MOREHEAD said the clause appeared to him to be inconsistent with clause 49. An individual afflicted with a homicidal mania might be tempted to take his own life or the life of someone else. It did not follow that an insane person who attempted to destroy his life would not also attempt to take the life of someone else. If, after being taken into custody for an attempt upon his own life, an insane person were to become sane and be discharged he might become again afflicted with homicidal mania and attempt the life of someone other than himself. In the case of a man or woman imprisoned under the 49th section, they were kept in custody during Her Majesty's pleasure, and it seemed inconsistent that the same should not be the case under the clause they were now discussing. Most medical gentlemen would tell the hon. gentleman that persons afflicted with homicidal mania might as soon attempt the life of other persons as their own, and he certainly thought the clauses he mentioned were inconsistent. He did not, of course, intend to oppose the clause. He assumed the hon. Premier had arrived at the conclusion that there was a difference in the cases, and had probably arrived at that conclusion for some good reason.

The PREMIER said he thought the clause a very good and necessary one. Persons who attempted to commit suicide generally repented of their action, and it would be absurd to say that they should be kept in custody during the Governor's pleasure. Why should a man who attempted to commit suicide—probably in some freak of melancholy or distress of mind—be kept perpetually in custody, even though he should become quite sane after his attempt on his life?

Clause put and passed.

Clauses 52 to 54, inclusive, passed as printed.

On clause 55, as follows :—

"If it is made to appear to the Minister that there is good reason to believe that any prisoner in confinement under sentence of death is then insane, the Minister may appoint two or more medical practitioners to inquire into the insanity of such prisoner; and if on inquiry such prisoner is found to be then insane, the fact shall be certified in writing by such practitioners to the Minister.

"On receipt of such certificate the Minister may, by order under his hand, direct that such prisoner be removed to, and kept in, an asylum until it be duly certified by the medical superintendent thereof and by the inspector, or by the said superintendent and two official visitors, that such person has become of sound mind.

"The Minister shall thereupon issue his order that such prisoner be removed to any gaol or penal establishment to undergo his sentence of death, or to be dealt with according to law as if no such order for his remova to an asylum had been issued."

Mr. NORTON said that if it became known to persons concerned that they would not undergo sentence of death so long as they were insane, they might feign insanity after becoming sane.

Mr. MOREHEAD said that if it was proved to the satisfaction of a jury that an individual who committed a capital offence was sane at the time, and if the man chose to go mad afterwards, that should make no difference; he should be hanged all the same. As was said by the hon. member for Port Curtis, if the clause became known to a prisoner it might lead to his affecting insanity; and many criminals were capable of deluding even the best doctors in that way.

Mr. ARCHER said there was a difficulty in regard to the clause, but he did not see what else could be done. He felt sure that most sane people would rather be hanged than spend their lives in a lunatic asylum.

Clause put and passed.

Clause 56 passed as printed.

On clause 57, as follows :—

"The inspector shall visit every asylum and reception house at least once in every six months, with or without previous notice, and at such hour of the day or night as he thinks fit or the Minister directs. He shall, so far as practicable—

(1) Inspect every part of the asylum or reception house, every outhouse and building communicating therewith or detached therefrom, and every part of the grounds or appurtenances held or occupied therewith;
(2) See every patient then confined therein;
(3) Make such inquiries, examinations, and inspections as are required by this Act; and
(4) Enter in the inspector's book hereinafter mentioned a minute of the then condition of the asylum or reception house, and of the patients therein, and such other remarks as he deems proper."

Mr. NORTON said it would be better that the inspector should pay his visits without notice. The objection he took to the clause as it stood was not with regard to the inspector. But there was no doubt that those in charge of the institutions would like to have them looking as well as possible whenever an inspection took place, whatever state they might be in at any other time; and he considered that they should have no chance of disguising the manner in which they were kept. He therefore moved the omission of the words "with or," in the 2nd line of the clause.

Mr. MOREHEAD said it would be rather invidious to strike out the words proposed to be omitted, because it would be casting suspicion on those who were under the medical officers. He thought it would be better to strike out all the words from "months" to "as." The clause would then read—

"The inspector shall visit every asylum and reception house at least once in every six months, as he thinks fit or the Minister directs."

It was mere surplusage to include the words "with or without previous notice, at such hour of the day or night."

The PREMIER said the words were inserted to indicate more clearly the functions of the inspector. The words were not necessary to give the power to visit without previous notice, or at any hour of the day or night, but merely emphasised the power to do so.

Mr. NORTON said he objected to the manager of any public institution receiving notice beforehand of an inspector's visit, but he would not press the amendment.

Amendment withdrawn, and clause passed as printed.

Clause 58—"Inspector to visit gaols, etc."—assed as printed.

On clause 59, as follows :—

"The inspector, on his several visits to every asylum, reception house, ward, or cell, shall inquire—

(1) As to the care, treatment, and mental and bodily health of the patients therein;
(2) As to the arrangements for their maintenance and comfort;
(3) As to whether any patient is under restraint, or in seclusion, and why;
(4) Whether, and at what times, and to what number of patients, Divine service is performed;
(5) What occupations or amusements are provided for the patients;
(6) As to the classification and dietary of the patients, and the number of attendants and nurses; and
(7) As to the money, if any, paid for the maintenance of any patient;—

and make such further inquiries as to the inspector seems fit.

"And the inspector shall examine the several books by this Act required to be kept, and sign the said books as having been produced to him, and shall inspect the orders, requests, and certificates for the reception of every patient received into such asylum or other place since his last visit thereto."

Mr. MOREHEAD said he should like to have some information with regard to subsection 4. They had no religious instruction in their State schools, and yet they were to supply it to their lunatics. People who were mad would probably not appreciate Divine service. At the same time, if they were likely to derive any benefit from it, he would be the last to object to it. Religious mania, as those who had lived much in the bush knew, was a very common form of insanity, and showed itself in different directions. He assumed that Divine service would only be performed in the presence of those patients who showed no objection to it, or to those who showed a desire to attend to a matter that was of supreme importance to many of them.

The PREMIER said it was possible that many patients might derive great consolation from Divine service, and it was desirable that provision should be made to secure it for them as far as practicable. It might be advisable to amend the subsection, and he would move that the word "to" be omitted, with the view of inserting the words "in the presence of."

Mr. JORDAN said he was strongly of opinion that Divine service should be held in lunatic asylums, and he hoped the subsection would be retained, so that the service might be performed in the presence of those who wished to join in it. It was a pity they could not make provision for Divine service in the gaols of the colony; however, that question was not now before the Committee.

Mr. MOREHEAD said that, so far as he had read the Bill, no provision was made for classifying the patients according to their religious beliefs. Was it intended that a common Divine service was to be served out to all without distinction, or would clergymen of different denominations be allowed access to those inmates of their own particular creed? He should like some information on that point. As the clause stood, he failed to see how it would work, unless ministers of each religious denomination were allowed to hold Divine service in the presence of those who shared their own religious convictions. No common Divine service, suitable to the requirements of all, had yet, he believed, been invented.

Mr. JORDAN said the clause simply recognised the propriety of holding Divine service in lunatic asylums, if it should prove convenient or possible; and it would be open to the superintendent, he apprehended, to allow priests and clergymen of different denominations to hold Divine service before those patients who were likely to derive benefit from it.

Mr. NORTON said the clause did not recognise any such propriety. It merely provided that the inspector should make a record how often, and before how many patients, Divine service had been held.

Mr. ARCHER said he thought the hon. the Premier might inform the Committee whether he had thought out any plan for carrying out that clause, and whether there was to be access to all denominations which had patients in an asylum.

The PREMIER said there was nothing in the Bill dealing with the internal management of asylums; that was entirely a matter of administration. All that was provided was that the inspector should carry out certain duties, and make an annual report to the Minister which would be submitted to Parliament. The Bill did not provide for holding religious service in an asylum, which was a matter that would be dealt with by a Minister acting on the advice of the superintendent.

Mr. MOREHEAD asked if he was to understand from the Premier that he would allow free access to ministers of all denominations, and allow them to hold Divine service for the members of their several denominations? He would be perfectly satisfied with an answer to that question.

The PREMIER said he would, subject to the advice of the superintendent as to it being desirable or otherwise for the patients. He did not know what was the practice at the present time.

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

Clauses 60 to 62, inclusive, passed as printed.

On clause 63—"Governor in Council to appoint official visitors"—

Mr. MIDGLEY said there was room in that clause for explanation or amendment. It seemed to him that clause 63 was almost a repetition of the 56th clause and subsequent ones, and he failed to see the difference between the inspector and official visitors. The duties of the two officials appeared to be almost identical. He gathered that from the conclusion of clause 63, which said, "and every official visitor shall be authorised and empowered to make such and the same inspections as are authorised and required to be made by the inspector under the provisions

of this part of this Act." Personally, he did not see the necessity for the two classes of officials, and, if there was no necessity, he thought the clause might be amended. He noticed also, that official visitors were to be limited to a certain class—there might be two or more of such visitors, and one of them was to be a medical practitioner, and the others barristers-at-law, solicitors, or police magistrates. There might be some good reason for mentioning gentlemen engaged in those particular pursuits, but failing a satisfactory explanation he would move the omission of the words "barristers-at-law, solicitors, or police magistrates," and the substitution therefor of the words "and any other suitable person."

The PREMIER said that, when moving the second reading of the Bill, he explained the reason why it was desirable that those official visitors should be barristers, solicitors, or police magistrates.

Mr. MIDGLEY : I was not here.

The PREMIER said official visitors would have to hear complaints by patients, and ascertain, if possible, whether they were unjustly detained; and it was desirable that persons accustomed to eliciting the truth by examination—such as barristers, solicitors, and magistrates—should conduct such investigations. In New South Wales, solicitors were omitted, but he thought it desirable to extend the provision to them. The inspector would probably be a medical man, and he would have a general supervision of everything. The official visitors would have to go round, not once in six months only, but at least once in every month, so that every patient would have ample opportunity of making a complaint and having it investigated.

Mr. NORTON said he was glad to hear the explanation given by the Premier, because when he read the clause he was very much struck, as the hon. member for Fassifern had been, with that portion which stated who were eligible as official visitors. At the same time he thought that, if police magistrates were competent to fill that position, justices of the peace ought to be also, though he did not say they all were competent.

Clause put and passed.

Clauses 64 and 65 passed as printed.

Clause 66—"Insane persons may be taken out of Queensland by order of the Supreme Court" —was passed with some verbal amendments.

Clause 67 passed as printed.

Clause 68—"Order for conveyance of patients" —passed, with a verbal amendment.

Clauses 69 to 71 passed as printed.

Clause 72—"Allowance to be made to friends for maintenance of patients"—passed, with a verbal amendment.

On clause 73—"If not properly cared for, practitioner to report to inspector"—

Mr. MOREHEAD said he did not think the clause was a good one. It appeared to give to the practitioner the power of relegating to an asylum an unfortunate person who had been discharged. The clause said :—

"If it appears that the patient so discharged is not properly cared for by his friends, or that his mental state is such as to render it advisable that he should be no longer entrusted to their care, the medical practitioner shall report the same to the inspector, who may thereupon direct that the patient be returned to the asylum from which he was discharged, without any further certificate or statement, and he shall be returned thereto and received therein accordingly."

Surely that was against the spirit of the whole Bill! A medical practitioner, if he had any quarrel or difficulty with the caretakers of the person who had been allowed to leave the asylum, had simply to go to the inspector and say, "This man is not being properly cared for"; and the inspector, without any further inquiry at all, might say, "Send him back to the asylum." That was what the clause meant as it stood, and it gave too much power to one medical practitioner.

The PREMIER said the clause dealt with persons who were patients in the asylum; but who, for convenience, were allowed to live outside of it. They were discharged from custody, temporarily; but were still patients of the asylum, and so long as a relative or friend took care of them, or the insanity did not become worse, there was no reason why they should not remain there. But if the patient was not taken proper care of, or the insanity became worse, he should go back to the asylum. It was analogous to the case of the orphanages, where orphans were sent to board with some person, and if they were not properly taken care of they might be taken back again. They were still *quasi* inmates of the orphanage, and that was the case with insane patients; they still belonged to the asylum. There were sufficient safeguards, because the matter had to be reported by the medical practitioner who attended the patient; and there must be some practitioner attending him, or otherwise the friend would not get any allowance for maintenance. Then, on the medical practitioner certifying that he was not being taken care of, or was becoming worse, it was to be referred to the inspector, whose duty it would be to inquire into the matter, and, if he thought proper, to take steps for terminating the patient's temporary residence outside the asylum.

Mr. MOREHEAD : The inspector should be compelled to make some inquiries.

The PREMIER : I will insert an amendment to that effect.

Mr. MOREHEAD : That is all I want.

On the motion of the PREMIER, the following words were inserted after the word "who," in the 4th line of the clause : "shall make inquiry into the case and."

Clause, with some other verbal amendments, put and passed.

Clauses 74 and 75 passed as printed.

On clause 76—"Application to Supreme Court in lieu of commission *de lunatico inquirendo*"—

The PREMIER said the following sections related entirely to legal proceedings, and there remained, as far as he could see, nothing but possible verbal alterations to be made in the rest of the Bill. The Bill, from Part VI. to the end, was precisely the same as when originally introduced, and under the circumstances he thought they might take it on trust. He should be glad to give an assurance of recommittal, if necessary, if hon. members would pass the remaining clauses. His hon. friend the member for Bowen had been twice through the Bill himself, and he had had the Bill before him that afternoon and had not suggested any alterations. He therefore thought hon. members opposite might lend him their assistance towards passing the remaining clauses before adjourning.

Mr. MOREHEAD said a very fair evening's work had been done, in a very thin house, with a very important measure before it. Private members had given up a great deal of their time to the consideration of the measure, and having made so much progress he thought it was time to adjourn. The hon. the Premier had stated that the member for Bowen, whom he was sorry not to see in his place, had assented to the remaining portions of the Bill, but he (Mr. Morehead) had not the least doubt that that hon. gentleman would have many

things to say upon the Bill, and that if he had imagined it would be gone on with that evening he would have been present. They had had a very pleasant evening, and done a great deal of useful work; and he thought that, it being a private members' night, they were fairly entitled now to ask the Premier to move the Chairman out of the chair, and report progress. He did not think that much progress would be made if that was not done, because he for one was not prepared to go on any further with the Bill. If he had had any idea that the Government intended to rush this measure through the Committee, he should have taken care to have had a fuller attendance. He could assure the Premier that he intended to go no further with the Bill that night.

The PREMIER said he was surprised at the tone of the hon. gentleman. He had certainly understood that the Committee were to go through the Bill that evening. The hon. member for Bowen had asked him what his intentions were, and he had told him that he hoped to get through. He had not the slightest idea that the Bill would be obstructed at the present stage, and he thought the offer he had made of recommitting any clause for reconsideration ought to satisfy hon. members. They were there and why not utilise the time? Matters of the kind remaining to be passed might be taken almost *pro formâ*, and what he had suggested was certainly in accordance with precedent.

Mr. MOREHEAD said it was quite on the cards that there might have been no House after tea. Many members on his side went away under the impression that only a small amount of business would be done during the evening. They had gone through most of the debatable clauses, and his opinion was that they should have a full discussion of the very important clauses which commenced with the 7th section of the Bill. Nothing could be more important than the provisions dealing with the management of the estates of insane persons; and although the Premier might tell the Committee that he had had the assurance of the hon. member for Bowen that he agreed with the remaining clauses of the Bill, yet he (Mr. Morehead) should like that hon. gentleman to be in his place to hear and be able to answer the arguments from the other side. Matters would not be advanced by continuing discussion on the Bill any further that night, and he had no doubt there were very many objections which might be taken to the remaining clauses. He did not wish in any way to hamper or jeopardise the passing of the measure, but he would point out that, as there was hardly any private business on the paper for next Thursday, the Premier might very well get the Bill through on that occasion. He for one was not going to be driven too far by the hon. gentleman. They had done very good work, and had helped the Government in many ways. There was no intention to obstruct the measure, but he was not going to be forced into work by the hon. the Premier. They had done good work for one night and they should stop where they were. He, for one, was tired, and had done a very good week's work, and wanted to get away home. The Ipwich members, he saw, had gone to their homes. Why should other hon. members not go to theirs? And he would repeat that the Premier would do no good by forcing the consideration of the Bill any further that night.

The PREMIER said it was rather surprising to him that the only portion of the Bill which the hon. member objected to going on with consisted of a series of clauses which were identical with those he himself had introduced and asssisted to pass in another place. It was certainly very remarkable, and not what he had expected. However, he was not going to try the tempers of hon. members on the Government side, because the hon. gentleman's temper was irritated. He could only say that he was extremely sorry that the usefulness of the rest of the evening would be prevented, as of course it would be if hon. members on the other side wished. He hoped to have obtained more assistance than he had received under the circumstances. He would on the present occasion defer to the hon. member's objection, having stated the reasons why he was so much surprised at it; at the same time he would express a hope that they would be able to pass the Bill through during the present session. He begged to move that the Chairman leave the chair, report progress, and ask leave to sit again.

Mr. ARCHER said the hon. gentleman could scarcely expect to get through the Bill in one night. He must admit that he (Mr. Archer) was rather tired, after the work done that week, and would be glad to get home early. He could assure the hon. gentleman that there would be no objection to the Bill, the only desire of hon. members on his side being to improve it as far as possible; and he should certainly like that the only gentleman on that side who had legal attainments—the hon. member for Bowen—should be present when they were going through the next clauses, which were really clauses which it took a lawyer to understand.

Question put and passed.

The House resumed, the CHAIRMAN reported progress, and obtained leave to sit again tomorrow.

ADJOURNMENT.

The PREMIER said, with the permission of hon. members, he would, without notice, move that the House do now adjourn until Tuesday next. In doing so, he wished to say that the order of business on that day would be:—Consideration in committee of the two short Bills the second reading of which had been passed that afternoon; the Native Labourers Protection Bill; the Triennial Parliaments Bill, in committee; and the Insanity Bill would stand next on the paper.

Question put and passed.

The House adjourned at five minutes to 9 o'clock until the usual hour on Tuesday next.