Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 31 JULY 1884

LEGISLATIVE ASSEMBLY.

Thursday, 31 *July*, 1884.

Petitions.—Formal Motion.—Native Labourers Protection Bill—third reading.—Insanity Bill—third reading.—Native Birds Protection Bill—second reading.—Oaths Act Amendment Bill—second reading.—Divisional Boards Agricultural Drainage Bill—second reading.—Jury Act Amendment Bill—second reading.—Informal Petition.—The Rabbit Question.—Bundaberg Gas Company Bill.—Report on the Palmer Gold Field.—Adjournment.

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

PETITIONS.

The HON. R. B. SHERIDAN presented a petition from the committee and members of the Wide Bay Pastoral and Agricultural Association, praying that the House will take action for the extermination of flying-foxes.

Petition read and received.

Mr. FERGUSON presented a petition signed by upwards of 2,000 of the inhabitants of Rockhampton, North Rockhampton, and the surrounding district, praying that a Railway may be constructed between Rockhampton and Emu Park.

Petition read and received.

The HON. B. B. MORETON presented a petition from the trustees of certain land at Maryborough, described in Deed of Grant No. 17,135, praying for leave to introduce a Bill to enable them to mortgage or lease the same, or any portion thereof, and for other purposes. He stated that all the forms required by the House had been duly complied with, and moved that the petition be received.

Mr. NORTON moved that the petition be read.

The HON. B. B. MORETON said he did not know whether he was in order, but he would like to have the Speaker's ruling as to whether it was necessary, in the case of a petition introducing a private Bill, that it should be read. So far as his experience in past Parliaments served him, he thought it was not usual to read petitions for private Bills.

The SPEAKER: It is entirely in the power of the House to have a petition read. If the House wish a petition to be read, it must be read.

Mr. MOREHEAD asked if he was to understand that unless a majority of the House decided that a petition should be read, it need not be read; or if it was only necessary that a single member should wish it?

The SPEAKER: If any member wishes a petition to be read it must be read.

The PREMIER (Hon. S. W. Griffith) said that was a new practice. A petition was ordered to be read by order of the House; but apart from that it was not the practice of that Parliament, any more than that of any other, to require a petition for a private Bill to be read. Except during the present session no petition for the introduction of a private Bill was ever read in that House.

Mr. ARCHER: That is a mistake.

The PREMIER said if such a thing were done it was extremely rare. In any case he held that a petition was not read without an order of the House, and not merely at the request of any one member.

Mr. ARCHER said the hon. gentleman made a mistake. He knew that a great many petitions had been read in previous sessions.

The PREMIER: Not petitions for private Bills.

Mr. ARCHER said one reason for the reading of petitions was that the Clerk, by just glancing over them when they were handed to him, could not say whether they were in conformity with the rules of the House or not. He distinctly remembered one case in which, after a vote had been taken on the question that the petition should be received, the Clerk noticed that it was informal, and could not be received. The petition should be read, if it was only to give the Clerk an opportunity of seeing whether it was in accordance with the rules of the House. One petition, he remembered, was presented, praying that a sum of money should be granted.

The PREMIER: That was not a petition for a private Bill.

The HON. B. B. MORETON said he begged to call the attention of hon. members to the fact that the petition would have to come before a committee of the House, and they would be able to say whether it was in order or not.

Mr. NORTON said that if the House was to receive the petition it ought to know whether it was in order; and that could not be ascertained until it was read.

Mr. MOREHEAD rose to a point of order. He thought the hon. member at the head of the Government was making a mistake in regard to petitions attached to private Bills not being read. If the hon. member would read the 253rd Standing Order, he would see he was quite wrong. That Standing Order commenced—

"Every petition for a private Bill shall commence by setting forth"—

Those words clearly indicated that those petitions had to be in a prescribed form, and they should therefore be read to see that they did not violate the Standing Orders. If they established a precedent that petitions need not be read, they might get all sorts of petitions smuggled in.

Mr. SCOTT said that ever since he had been in the House, whenever any member asked that a petition should be read, it was done without question. The sense of the House had never been taken upon it.

The SPEAKER: The hon. member is perfectly right in stating that when it is desired that a petition should be read, it is read. As has been pointed out, it has happened that petitions have on several occasions been presented to the House, and received without being read, and subsequently they were discovered to be informal—contrary to the Standing Orders; and the order to receive them has had to be withdrawn. If it is the desire of the House, the petition will be read. I shall put the motion.

Question put and passed; and petition read and received.

FORMAL MOTION.

The following motion was agreed to:—

By Mr. BLACK—

That there be laid upon the table of the House, a Return showing Total Rents received and Total Rents in arrear, under the Homestead and Conditional Clauses of the 1876 Land Act, in each of the Land Agents' Districts of the Colony, on 30th June, 1884.

NATIVE LABOURERS PROTECTION BILL—THIRD READING.

On the motion of the PREMIER, this Bill was read a third time, passed, and ordered to be transmitted to the Legislative Council for their concurrence, by message in the usual form.

INSANITY BILL—THIRD READING.

On the motion of the PREMIER, this Bill was read a third time, passed, and ordered to be transmitted to the Legislative Council for their concurrence, by message in the usual form.

NATIVE BIRDS PROTECTION BILL—SECOND READING.

Mr. ARCHER said: I do not think that it will be necessary for me to detain the House long, in moving the second reading of this Bill, because I believe it to be one, the purposes of which have the sympathies of nearly every member of this House. Speaking for myself, I may say that I see with the greatest regret the gradual disappearance of our native birds; and if anything can be done by this House to protect them I am sure it will be willingly done. I fancy that on this question I am somewhat selfish, as far as the pleasures of the eye are concerned; because I have lived in a place where we have a fine sheet of water attached, and which, some twenty odd years ago, was the best place in Australia for studying the habits of our native birds. I myself have, in one day, counted as many as thirty-three different kinds of birds on the water. One-half of those species have disappeared; and the Minister for Lands will bear me out in saying that ninety out of every hundred in number have disappeared. The only way I can see, by which we can protect the native birds, is not by proclaiming close seasons, but by proclaiming reserves, where they can have actual immunity from persons popping at them with shot-guns. As far as I am personally concerned, I have done all I could to preserve the water over which I have control; but a portion of it is open to a piece of Government ground, and on Sundays, I am sorry to say, as well as on holidays, there is a constant bombardment of those poor birds going on—so much so, that, although four-fifths of the water is protected from trespassers in pursuit of them, yet the birds are as wild as if they were not protected at all. That is, of course, only a single instance, and no one in the House knows the facts regarding it better than the Minister for Lands. There must be hundreds of such places in Queensland. Looking at the question from another point of view, sportsmen would have a much better chance of success in their favourite pastime if reserves for the protection of birds were proclaimed all over the country. I do not mean that all the country should be proclaimed, but places here and there where the birds may have rest and quiet, and be able to breed and increase without disturbance of any kind. The disappearance of water-fowl is not altogether due to their being shot at: cattle also have had a disturbing influence upon them. All the waterholes in the country I know of were fringed with rushes, which offered splendid protection to the birds both for breeding and resting; and the cattle have no doubt eaten that down to a considerable extent. As long as people can go and shoot the birds with impunity I am not prepared to go to the expense of fencing in those waterholes for the purpose of giving the birds a resting or breeding place; but if this Bill becomes law, and the Executive deem it advisable to proclaim reserves for the purpose, I will go to the expense of fencing the country off for that purpose, and do all I can to preserve the native wild-fowl of the part of the country over which I have control. The Bill I have introduced is short, and cannot very easily be misunderstood. The 1st clause gives the Governor in Council power to proclaim reserves on Government land—of course, unconditionally; and on other lands with the consent of the owner or occupier thereof. That will give the Government power to proclaim reserves wherever they think it advisable. The 2nd clause imposes a penalty of not less than £1 nor more than £5 for breaches of the Act. The higher penalty I suppose would only be imposed on a second or third conviction. Without a penalty it would be absolutely impossible to prevent persons from shooting on the reserves. The 3rd clause provides that the provisions of section 7 of the Native Birds Protection Act of 1877 shall apply to persons found upon any such reserve, offending against the provisions of the Act. According to that clause, any person found offending against the provisions of the Act shall, under a penalty not exceeding £5, give his name and address, and deliver up any native bird, or any instrument, net, or other means used to kill or destroy any such bird, to any person who may demand the same. If the trespasser refused to do that, he is to be proceeded against before the court of petty sessions, when the penalties would be imposed, and the instruments ordered to be forfeited. I thought it necessary to introduce that clause in order to give the Bill greater effect. The 4th clause provides that in the Bill the term "lands" shall be construed to include any land covered by water, or any waters within the territorial jurisdiction of Queensland. That clause will give the Government power which they may deem it advisable to take advantage of wherever there are favourite breeding-places of water-fowl; and by that means legitimate sportsmen will not be deprived of the sport they now enjoy. The 5th clause gives the Governor in Council power to appoint rangers of reserves. In framing that clause I assumed that anyone who took an interest in the matter, and who was really anxious to preserve our wild-fowl, and to prevent the general destruction of birds that is now going on throughout the country, would, whether occupier or owner, apply to be made ranger of the reserve on his own land, and see that the law is properly carried out. The 6th clause contains the short title of the Bill. In thinking the matter over, I had come to the conclusion that another clause would have to be

introduced, giving power to persons to kill, within the proclaimed reserves, noxious animals or noxious birds, such as magpies, crows, and more especially flying-foxes, that prey upon the fruit in settlers' gardens. I find, however, that this will not be necessary, because it is already provided for in the following clause of the Act assented to on the 1st November, 1877, for the purpose of amending the Act passed earlier in the same session, in connection with which this Bill, should it become law, will be read :—

"Nothing in the said Act shall apply to any person killing native birds upon his own land for the *bonâfide* protection of his own crops, or to any servant killing native birds upon the land of his master, by direction of such master, for the *bonâ fide* protection of such master's crops, or to any aboriginal killing native birds for his own food."

That is the whole of the Bill. In drawing it up I have had the assistance of my hon. friend the member for Bowen, and the Premier has intimated his intention to assist me by making some corrections in it ; so that I do not think it likely the Bill will receive much opposition during its passage through the House. Everyone who has the slightest interest in the preservation of our native fauna must wish to see the Bill become law. I beg to move that the Bill be read a second time.

The MINISTER FOR LANDS (Hon. C. B. Dutton) said : The present Native Birds Protection Act does not offer any reasonable protection to native birds at all. They are left to the sweet will of those who choose to deal with them as their wants or destructive propensities direct. I believe that proclaiming reserves is the only practicable way of giving native birds any chance of increasing ; and the appointment of rangers, as suggested by the hon. member for Blackall—men who would feel an interest in undertaking the duty—would be most effective in attaining the desired object. That the stocking of country has the effect of checking the increase of waterfowl is a fact, but how that is to remedied I do not know, except by fencing the water off. It is well known that in lagoons and swamps wildfowl find their best protection from hawks and other destructive birds ; but it is just as necessary that they should be protected from the inroads of stock. I doubt very much, however, whether private owners of land or leaseholders, where swamps or other bodies of water exist, will go to the expense of fencing for that purpose, though, of course, they will do so if they take sufficient interest in the matter. The want of a Bill of this kind is greatly felt in the country districts—more particularly where the population is thicker. In those places people turn out on Sundays and other days, and the work of destruction goes on. Close seasons do not protect the birds. In and about Rockhampton, birds supposed to be protected can be bought throughout the whole year. Any day you dine at Rockhampton you can see duck on the table, in any season of the year. The present Act is not at all effective. But if reserves are set aside for the protection of birds, and if people will take an interest in looking after the reserves, that will be a most effective way of dealing with the matter. I have much pleasure in supporting the second reading of the Bill.

Mr. JESSOP said he was very glad to see a Bill brought in for the protection of native birds, but he thought it went too far in providing for the proclamation of reserves, unless great care were taken as to how the reserves were proclaimed. If there were three waterholes on a station and two of them were proclaimed, people travelling on the roads might possibly be prevented from having food for a time. Plenty of travellers, as some hon. members knew from experience, relied on getting wild-fowl as they went along, and he looked on the proclamation of reserves as the greatest difficulty in the Bill. No provision was made as to who should recommend reserves, and some amendment to that effect should be made in committee ; otherwise, a squatter might take possession of any water on the roadside, and thus prevent people from getting food. At present the birds had a reserve all over the colony during the close season ; and he was sorry the Act as it now stood was not carried out, and that there was no one to see that the birds were properly protected. The idea of having rangers was a good one. Probably the police sergeants in the different districts would be the best men to appoint for that purpose. The close season, however, should be altered. The same kind of bird bred at different seasons in different parts of the colony ; and at the present time the close season in the southern part of the colony was altogether wrong. He quite agreed with what the Minister for Lands said about birds being obtainable in any hotel in Rockhampton. They could also be had in the South during any portion of the year. He should support the second reading, but hoped to see a few amendments introduced in committee.

Mr. STEVENS said he would point out to the hon. gentleman who just sat down that it was impossible to insert a clause to guide the Governor in Council in making a proclamation ; but if a reserve were proclaimed in an inconvenient place the public might petition in the matter, and he was almost sure any mistake would be rectified. He was glad the hon. member for Blackall had brought in the Bill, for there was no doubt that many of the native birds had disappeared from different parts of the colony. At first sight it might appear that the measure would interfere with the sportsman, but, in his opinion, it would have the contrary effect. If certain places were proclaimed permanent reserves where the birds could always be at rest, in the natural exercise of their wings and their search for food they would fly to swamps at considerable distances, and thus there would be far better shooting for the general sportsman than at present. The hon. gentleman (Mr. Jessop) had brought up the vexed question of altering the dates of close seasons ; and that always would be a vexed question. Not only were there different seasons in different parts of the colony, but a difference of season altered the time of breeding. In wet seasons, birds would breed through the whole of the season ; and that was another reason why the Bill would be a great source of protection. In a favourable season they could breed the whole time without being disturbed, whereas under the present Act people were at liberty to shoot them, even while breeding, so long as it was not in the close season.

Mr. FERGUSON said he was pleased to see the Bill brought forward, and the best guarantee of its success, should it become law, was to be found in the experience of Rockhampton. There was a reserve of 100 acres connected with the Botanic Gardens there, and a by-law was in existence preventing people from shooting within the reserve. The result was that it was covered with birds of all kinds, simply because they knew they were protected there. The birds flocked in from all quarters, thus proving that if reserves were proclaimed by Government the birds, finding themselves protected, would accumulate, breed, and increase. He knew that on Sundays and other days hundreds of young lads and grown-up men went out—whether it was the close season or not—and shot birds of all kinds, in all directions. That practice had, within the last

twenty years, as stated by the hon. gentleman who introduced the Bill, considerably reduced the numbers of different sorts to be found about Rockhampton. At one time every lagoon about the place used to be covered with wild-fowl, but now they were very scarce, and the few that were left were very wild. He should support the Bill, because it would have a very good effect in protecting the native birds.

Mr. NORTON said he was glad to see such a Bill introduced, and he believed it would have a good effect. Although there was no provision for appointing persons to look after reserves, there was no reason why reserves should not be made ; reserves might be secured for the purpose in question, and need not be altered unless for some particular reason. With regard to the objection raised by the hon. member for Dalby, as to the reserves being made along the lines of public roads, where people looked for camping places and sometimes for food, he thought that might be overcome by appointing reserves off main roads. Any man of ordinary judgment, who had to recommend to the Government where sites should be chosen, would take care to select suitable places. He did not think, therefore, there was much danger to be apprehended from what the hon. member for Dalby had spoken about. He did not know how many hon. members were interested in the matter, but he was sure that most of them must have seen parts of the country where population was settled where native birds were disappearing very fast ; in some localities, in fact, they had almost gone. About Brisbane, for instance, where there used to be hundreds, there was hardly one now. He did not think anyone who took any interest in the country at all would like to see birds wiped out in that way ; and he was sure the public generally would be pleased to see that the Bill had been introduced. There might be differences of opinion about the details ; but the hon. member for Blackall might be assured that he would receive every assistance in the passing of the Bill.

Question put and passed ; and the committal of the Bill made an Order of the Day for Thursday next.

OATHS ACT AMENDMENT BILL—SECOND READING.

Mr. CHUBB said : This Bill is introduced for the purpose of obviating a defect known to exist in the Oaths Act Amendment Act of 1876. That Act was passed for, amongst other things, enabling persons who were ignorant of the nature of an oath, or objected to take an oath, or were objected to as incompetent to take an oath—if the presiding judge is satisfied that the taking of an oath would have no binding effect upon his conscience—to make a promise and declaration in the form following, or to the like effect :—

"I solemnly promise and declare that the evidence given by me to the court shall be the truth, the whole truth, and nothing but the truth, and I make this solemn promise and declaration in the full knowledge that if I do not speak the truth, the whole truth, and nothing but the truth, I render myself liable to the penalties of wilful and corrupt perjury.

"And any person who, having made such promise and declaration, shall wilfully and corruptly give false evidence shall be liable to be indicted, tried, and convicted for perjury as if he had taken an oath. Provided that it shall be the duty of the presiding judge, before proceeding to take the evidence of any such person, to satisfy himself that he clearly understands himself the meaning of such promise and declaration."

That Act was intended to be used in the examination of blackfellows in giving evidence ; but I ask any hon. member of this House whether the declaration I have just read is not really as difficult to understand as an oath. It is just as easy to instil into the mind of a blackfellow the meaning of an oath as the meaning of that promise and declaration ; so much so, in fact, that the Act has been found to be unworkable. I believe that, with the exception of one or two instances, it has been found impossible to use the evidence of those witnesses, for the reason that the remedy which is provided by the Act—namely, the promise and declaration to be made—is as difficult to convey to the unsophisticated mind of a blackfellow as an oath.

The PREMIER : That depends very much on the presiding judge.

Mr. CHUBB : Sometimes it does ; but all the judges have spoken against the Act, and it has been found almost impossible to take the evidence of witnesses, owing to the difficulty I have mentioned. The Kidnapping Act—the principle of which I have adopted in this Bill—provides that, if the party is disqualified in the manner mentioned in the Act, the judge may direct the way in which the evidence shall be taken. If evidence is taken, it is given to the jury for what it is worth. I therefore propose simply to abolish the promise and declaration, and to substitute for it the form that is given in the Kidnapping Act, and which is prescribed in the 2nd section of this Bill, namely :—

"It shall be the duty of the judge or person authorised to administer the oath, if satisfied that the taking of an oath would have no binding effect on the conscience of such person, to declare in what manner the evidence of such person shall be taken, and such evidence so taken in such manner as aforesaid shall be valid as if an oath had been administered in the ordinary manner. And if any such person wilfully and corruptly gives false evidence he may be indicted and tried for perjury, and upon conviction thereof shall be liable to the same punishment as if he had taken an oath."

That really is the whole Bill. If it is passed, it will, I believe, be an advantage in the administration of justice. I propose in committee to make the Bill apply to interpreters who are of the same class of persons as the witnesses to be examined. I move the second reading of the Bill.

The PREMIER said : The Bill introduced in 1876 went as far as Parliament would go then. It was admitted to be an imperfect measure, and Parliament was invited to go further, but it was with the greatest reluctance that it went as far as it did. I am very glad to see the proposition now made by the hon. member for Bowen for the substitution of the provisions in the Kidnapping Act for those now in force. It is, I think, the best way of dealing with the matter to let the court determine in what way a person shall give his evidence. The hon. gentleman has spoken of the difficulty often experienced in administering an oath under the present Oaths Act. The difficulty appears in some courts more than in others ; in some courts there is very little difficulty experienced, in others the difficulties are almost insurmountable. I believe that this Bill will remove these difficulties to a very great extent. I do not feel in sympathy with those persons who think it is absolutely necessary that an oath should be administered to a witness in order to induce him to tell the truth. There are many persons upon whose consciences an oath has a very binding effect, and there are a great many others upon whom I do not think it has any effect. I do not mean that they would not tell the truth after taking an oath, but that they would tell the truth just as much without taking an oath as if they had taken it.

Mr. MOREHEAD said : I do not like this consensus of opinion ; it is very ominous. As regards the last remark of the hon. the Premier, respecting the efficacy of an oath, I suppose he

has evolved it from his own inner consciousness. I do not think this Bill is any improvement upon the clause it proposes to repeal. I think both provisions are absurd. I do not see how the difficulty is to be met. I do not think this puts the matter in any better position than it was before :—

"It shall be the duty of the judge or person authorised to administer that oath, if satisfied that the taking of an oath would have no binding effect upon his conscience"—

How, in the name of common sense, can a judge administering the oath tell whether, for the sake of example, in the case of a blackfellow employed by the Minister for Lands or of any other person, an oath would have any binding effect upon his conscience? It would be necessary to prove first the existence of a conscience in the individual. He might have no conscience, or he might have such a conscience as would lead him to believe that lying was right and telling the truth was wrong. There are certain persons who are led into lying by the instinct of self-preservation. If you ask a savage or a child—a savage, at any rate—whether he has done wrong, he will tell you a lie simply by the instinct of self-preservation. He supposes that if he has done wrong he will be punished, and that the easiest way out of the difficulty is to tell a lie. I do not object to the Bill, but, as I have already said, I do not think it helps matters at all. The clause goes on to say—

"It shall be the duty of the judge, or person authorised to administer the oath, if satisfied that the taking of an oath would have no binding effect on the conscience of such person, to declare in what manner the evidence of such person shall be taken, and such evidence so taken in such manner as aforesaid shall be valid as if an oath had been administered in the ordinary manner."

If that evidence afterwards turns out not to be true, then this unfortunate witness is to be prosecuted for perjury. It is clearly provided in the last part of the clause that any witness, upon making a statement not in accordance with fact, shall be subject to the penalties for wilful and corrupt perjury. I do not intend to oppose the second reading of the measure, but I repeat that I really do not think it will advance the matter in any way.

Mr. SCOTT said that it was a lawyer's Bill. He recollected that when the Oaths Act Amendment Act of 1876 was before the House objection was taken to allowing the statement of a blackfellow to be taken against a white man. He had had a good deal of experience of blacks, perhaps as much as any hon. member in that House, and he stated distinctly that they could get nine out of ten—in fact, ninety-nine out of every hundred—blackfellows to say exactly what they wanted them to say and to stick to it. He remembered very well that the hon. the Minister for Works was present at that discussion, and he was sure that the hon. gentleman, who had had a good deal to do with blacks, would endorse what he said as to the possibility of getting a blackfellow to make any statement the questioner wished. If, according to the Bill, the oath of a white man was to be put on the same level as the statement of a blackfellow, courts of justice would be placed in a very peculiar position indeed. He thought that if the simple statement of an aboriginal, who did not know the distinction between truth and falsehood, was to be taken when the life of a white man was at stake, the Bill ought not to be allowed to pass.

Mr. T. CAMPBELL said he thought the Bill introduced by the hon. member for Bowen would cure a very grave defect in the law of evidence as it stood at present. He thought the last speaker misunderstood, to some extent, the tendency of the Bill. Of course he (Mr. Campbell) quite agreed with him, that the word of a blackfellow should not be taken where serious punishment was to be meted out to a white man. But he would point out that if the statement of a blackfellow, given under the Oaths Act Amendment Act, was not considered reliable it was not accepted, neither was it likely to be under the Bill before the House. The provisions of the Oaths Act Amendment Act were passed for the purpose of admitting the evidence of blackfellows in courts of justice, and that provision was only simplified by the present Bill. Any person who had anything to do with the courts would be aware that many serious crimes, committed in the western districts and the interior of the colony, would go unpunished if the evidence of blackfellows was not admitted. The Oaths Act Amendment Act contained a certain affirmation to be administered to a blackfellow if he did not understand the nature of an oath, or if the judge was satisfied that an oath would have no binding effect upon his conscience. Then a declaration could be administered; but, as the learned member for Bowen had pointed out, it was much more difficult for a blackfellow to understand the declaration than it would be to take the oath. Several cases had cropped up lately upon the matter, and he believed that judges in the law courts had not been at one with regard to the administering of that declaration. There was another matter he would point out to the learned member for Bowen, that he considered required an alteration in that direction. He said, "It will be a difficult proceeding for a judge to declare in what manner the evidence of such a person shall be taken." He (Mr. Campbell) confessed that he did not clearly understand that. The judge, or presiding judge, should be bound down to some certain lines, beyond which he could not go—that he, for instance, should question a witness as to whether he had come to tell the truth, and to impress it upon the mind of the witness that if he did not tell the truth he should receive punishment for not doing so. That was a matter of detail that might be amended in committee. He had much pleasure in supporting the second reading of the Bill, with the small amendment he had mentioned.

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

DIVISIONAL BOARDS AGRICULTURAL DRAINAGE BILL—SECOND READING.

Mr. STEVENS said: The Bill now introduced to the House, although simple and plain in its provisions, deals with a most important subject, more particularly to one class in the colony—that is, the farmers. Some months ago when I first thought of introducing a Bill of this description to the House, it was suggested by some of my friends that an elaborate Bill should be drawn up, dealing with the whole question of drainage. I collected all the works dealing with the drainage laws of the colonies and of the mother-country, and considered that, on the whole, such a drainage Act as was enforced in some of the other colonies and in the mother-country would hardly apply in this colony; or, at any rate, that it would be better to introduce a simple and plain Bill at first, and establish the principle, and then, if it was thought proper, amended action could be introduced in a following session. The first reason I had for considering the subject was by noticing the enormous area of magnificent land, in what is generally known as Pimpama Island, covered by water and rendered totally useless to anybody thereby, and, on making inquiry, I learned that the system necessary to carry off the surplus water would require some law to make it applicable. It is supposed by a great

many members, or at least it has been, that the present Divisional Boards Act will supply the want provided for in this Bill, because it refers to borrowing money for drains. I will point out that the clause in the original Bill provides that drains shall be made of certain materials—of "brick, stone, concrete, or iron, or a combination of the whole or any of these materials." The drains that are required in country like that in the Logan district need not necessarily be made of any of those materials. A large portion of them would be open, dug out of the land—in point of fact, trenches. This is one of the chief points of the Bill. To make drains under the old system would cost an enormous sum of money, which the farmers could never afford to borrow even at the lowest rate of interest. It was pointed out to me by a friend that perhaps it would be better, in introducing the Bill, to make it a local one, applicable to the Logan district only; but in conversation with gentlemen from other parts of the colony I found that there was a large quantity of land along the coast, in other districts, which would be equally benefited by the Bill. Therefore I preferred to introduce a general Bill, to a local one. Another reason why a Bill of this sort is required is, that sometimes owners of land who are very much inconvenienced by a surplus of water have neighbours whose land is dry and who prevent them carrying drains through their land. This Bill will compel the owners of the dry land to allow the drains to be carried across it if necessary. Another fact I consider of importance is that there is no application made for a grant of money or a subsidy. The whole of the money that is required for the purposes of drainage is to be paid by the people who derive benefit from the laying out of that money. It is proposed that money may be borrowed under that section of the Local Works Act which provides for money being borrowed for a long term of years, and the debt—principal and interest—being paid off by a special rate assessed on the improved land by the owners. It is only natural, in connection with the subject, that I should speak more of country of which I know something than of the country at large; and I can say, to my certain knowledge, that there are thousands of acres of land on Pimpama Island of most magnificent agricultural description, which at present belongs to the Crown, that could be reclaimed and made of considerable value if this Bill should become law. In fact any person who knows the country there and has sufficient means to carry out the scheme, would willingly undertake to drain the whole island if the Government would give him, as compensation, the land drained. Of course such a proposition as that could not be entertained, but it shows the value of the land in that particular district that might be reclaimed by a proper system of drainage. Clause 4 provides—

> "A majority of voters under the said Acts (hereinafter called the applicants) on any watershed or subdivision within any division, desirous of having a general scheme of drainage adopted by the board of such division, shall address a petition to the chairman of the board praying the board to adopt a general plan or scheme."

And the Bill goes on to provide that the board shall meet the wishes of those persons. Under the Divisional Boards Act, persons are entitled to a certain number of votes in accordance with the value of their property, and the same provision is made in clause 5 of the Bill. Another point in which the measure differs from the Divisional Boards Act—and it is one of the reasons why I think a Bill of this sort is necessary—is that under the Divisional Boards Act the boards have the power of borrowing money to carry out certain works if they choose, but under this Bill a majority of the ratepayers can compel the board to borrow the money, draw up a scheme of drainage, and have the work carried out. For that reason alone I think it very necessary that such a Bill should become law. I do not think I need say any more at present; I think I have said enough to show hon. gentlemen that the subject is worthy of their consideration. Since I handed the Bill to the printer, I see that there are one or two errors in the wording of the clauses that can be easily altered in committee without altering the spirit of the measure. The subject, I am aware, is one of very great importance, and I only hope that the measure will receive the fullest discussion, and that hon. gentlemen will conclude that it is worth while carrying into effect. I beg to move that the Bill be now read a second time.

The MINISTER FOR WORKS (Hon. W. Miles) said: If I understand the hon. gentleman correctly, this Bill is for the purpose of draining swamps and reclaiming land. I was under the impression, when I saw the notice on the business-paper, that it was a Bill for the purpose of subsoil drainage; and I regret that the hon. gentleman has not made the Bill much more comprehensive, and included subsoil drainage. I believe myself that the only real preventive of rust in wheat is subsoil drainage, and for that reason I regret that it is not dealt with by the Bill, which, however, may be of some service in reclaiming land which is now complete swamp. Whether the value of the land will be sufficient to justify the outlay I cannot say. I do not think there can be any objection to the second reading of the Bill, and we may get fuller information upon it by the time it gets into committee.

Mr. KATES said he was very glad the Bill had been introduced. He looked upon it as the forerunner of a measure dealing with much more important questions—namely, irrigation and storage of water; and he was sure that the hon. member for Logan deserved great credit for having brought it before the House at that early period of the session. If they wished the country to prosper, and to raise the agricultural interest in the colony, they must keep three objects in view: first, drainage; second, irrigation; and third, storage of water. Drainage, as had been pointed out by the hon. member for Logan, was for reclaiming marshes, swamps, and lowlands, and making them fertile and productive. Irrigation was for the application of water upon land, in order that it might raise crops with certainty at all seasons; and storage of water in the pastoral districts was for the saving of millions of pounds' worth of stock, which was now lost in dry seasons. If they wished to make the Land Bill, which they would shortly be called upon to discuss, a success—which he believed it would be, by attracting to their shores thousands of people, not only from the United Kingdom but also from the Continent, South Australia, Victoria, and New South Wales—a Bill such as the one now under discussion would be of great advantage. As had been pointed out by the hon. the Minister for Works, drainage was conducive to the prevention of rust in wheat, and, he (Mr. Kates) believed, in cane also. The hon. gentleman who introduced the Bill had pointed out that the country would not be called upon to contribute one shilling of public money in connection with the operation of the Bill. As it was purely a local measure, referring only to districts which required drainage and which would be able to avail themselves of its provisions to improve the country, he thought it might be accepted as a good Bill. He would much rather that a Bill of that kind had been introduced by the Government, and had included irrigation and storage of water

in one comprehensive measure; but it had not been done, although the hon. the Premier promised him last session that he would introduce a Bill dealing with those subjects; and he hoped that hon. gentleman would do so before the session closed. He thought the introduction of the present Bill might be accepted as an instalment towards that. In Victoria, South Australia, and New South Wales, people were moving in that direction, and had introduced drainage Bills and also Bills dealing with irrigation and the storage of water; and he hoped this colony would not be behindhand, and would also before long introduce separate Bills dealing with those three subjects. Drainage had at all times engaged the most serious attention of hydraulic engineers. Going back into history they found that the Egyptians and Assyrians introduced drainage, and executed many very great and very successful drainage works. The Etruscans also, they learnt, drained and fertilised with much success the low-lying land at the feet of the Seven Hills near Rome. At the end of the 16th century the Dutch commenced the work of draining the lakes of North Holland, and with such success that they now constituted the most fertile areas of the provinces of Beemster and Woermer. As late as the beginning of the last century, they found that Elkington turned his attention to the removal of injurious waters; and the art of drainage rapidly assumed, in consequence of his success, the peculiar character which it now bore. Another point connected with the question of drainage was this: It sometimes happened that water collected from springs—causing marshes and bogholes—by being carried in new channels, might be usefully employed in irrigating and fertilising the land, which it rendered barren before; and thus, by a system of drainage, such as proposed by the Bill, irrigation was made easier. In fact, he had come to the conclusion that drainage and irrigation went hand-in-hand. The hon. member for Logan had introduced a Bill dealing with one branch of a very important subject, and he accepted it as an instalment and an earnest of something to follow, in connection with irrigation and storage of water. He would support the second reading of the Bill with the greatest pleasure.

Mr. ARCHER: I should have liked very much to have heard from the hon. gentleman at the head of the Government whether the drafting of this Bill is such as he can approve of. Of course with the principle of the Bill I do not think a single member of this House will disagree. I can assure the hon. member who last addressed us that it did not require a lecture, either upon what has lately been done, or what was done by the ancient Egyptians, to prove the necessity and benefit of drainage. We are all agreed upon that. I look upon this Bill with especial favour, because it is extending the principle of local self-government. It provides for people simply coming to this House and asking for power to do certain things for themselves. So far, however, as I have looked through the Bill, I think it will in some parts require very serious amendment before this House can consent to it; and I had hoped that the hon. gentleman at the head of the Government would have given us his opinion on the matter. With the principle and spirit of the Bill I thoroughly agree, and I hope it will eventuate in an Act applicable to the purpose for which it has been introduced. I would call attention to the 11th clause, which reads as follows:—

"The occupiers of the land shall be the persons to receive notice, and to pay the special rate, as hereafter provided for, but shall be entitled to recover the same from the landlords, where the occupiers thereof are only tenants, at any court of petty sessions within the division."

If the drainage of the land produces any good effect, the tenant will gain the immediate advantage, though he may call upon the landlord to defray the expense of the drainage. Why should a tenant, without the consent of his landlord, be able to enter into the expenditure of having his land drained, even though the landlord has the ultimate advantage when the lease runs out? Tenants will have little hesitation in running their landlords into such expense, if they can get out of paying rent by it. The Government may in many cases be the landlord; and are the tenants to be allowed to drain their lands at the expense of their landlords? The hon. Premier laughs. He may think it foolish, but I am only asking for information. This is one of the parts of the Bill upon which I would like to have some information. I hope the hon. gentleman will revise this Bill and assist to make it effective for the purpose which it is intended to carry out. If that is done I am sure the Bill will prove of immense benefit to the districts which will make use of it. It is founded upon the principle on which such things should be founded—that the people should put their own shoulders to the wheel, and should not call upon the Government to do what they want done. I would like to know about the Government being a landlord, and if there really is anything in that?

The PREMIER: As I understand this Bill, the intention is this: that the owners of land on a particular watershed, in a particular part of a division, may request the board to institute a system of drainage for the watershed or portion of the division. The cost of drainage will be defrayed by money borrowed from the country, to be repaid in instalments under the Public Works Loan Act; the amount of the annual instalments being raised from the owners benefited by the drainage works, in proportion to the benefit received by each. I cannot really say that the Bill is much more than a suggestion of the idea desired to be carried out. It will require very careful provisions to carry it out. The idea, however, is an admirable one, and I will give the hon. gentleman all the assistance in my power to carry it out. I only saw the Bill two or three days ago, and though I have not read it very carefully, I think it requires a good deal of elaboration, as well as a good deal of correction, to make it practicable and workable. Now, in the first place, we must define who shall be entitled to have a voice in the voting. The ratepayers are the occupiers, so that if the ratepayers are the voters the matter will be entirely in the hands of the occupiers. Where the occupiers are the owners, there will be no difficulty; but in a district where the land is let to a great extent, it appears to me that the owners should have a voice rather than the occupiers, seeing that they are the ones who will be most permanently benefited, and also the ones who will be chargeable with the cost. That is a question which deserves a good deal of consideration. Then I do not understand clearly what is the system of drainage intended. As I read the Bill, it merely refers to the drainage of surface waters—not much more than open trenches. I do not understand that it provides for subsoil drainage. Of course that would be a work which could not be undertaken by the local authorities; in fact, unless I am mistaken, where that system of drainage is carried out under legislative authority, provision is always made for advancing to the owner of the land in which subsoil drainage is to be effected, the whole or

some part of the cost of the improvements. The question then arises—How are you going to apportion the cost? That appears to me to be the most difficult part of the whole matter. It is proposed to be done by a valuator, from whose decision there would be a right of appeal to a court. The difficulty is this: It is not simply a question of how much each farmer should pay in the pound upon the value of his farm, but how much each is to pay of a given amount. Say it is estimated that £500 is to be paid, and that that burden is to be divided amongst 200 landowners. One might be charged £10, and object, while another, charged £2, would make no objection. If the first man appeals to the court on the ground that his proportion—one-fiftieth of the whole—is too large, it is not like an appeal against the assessment of a rate; it involves the rearrangement of the whole scheme of assessment. I doubt whether a court of petty sessions could do it; some officer of the Government must be fixed upon to settle the matter. I confess I do not quite see the solution of that question; but it has to be solved to make the Bill practicable. I could not help laughing, when the hon. member called attention to the 11th clause, providing that the occupiers of land who paid any special rate in respect of drainage should be entitled to recover the same from the landlord, and suggested the case of the State being the landlord. It seemed to me rather amusing to think of the State being called upon in a side manner like that to pay the cost of improvements. I think the Bill, as framed at present, does not carry out its author's intentions; and I am disposed to think it would not be a bad idea to take advantage of a form of procedure not very often used, by withdrawing the Bill or having it revised so as to solve these difficulties, and then bring it in afresh. That can be done under our forms of procedure, and it would facilitate the proceedings considerably. I do not think I can assist the House any further; because I have had so short a time to consider the measure. However, hon. members will have more time to consider it before it passes to a further stage, and in the meantime we may perhaps be able to arrive at some way of solving these problems. They must certainly be solved, for I think the House is agreed upon the desirability of introducing some scheme of the kind suggested by the Bill.

Mr. BEATTIE said he should like to see the principle of the Bill carried into effect; but there appeared to be very many practical difficulties in the way. The Bill gave the power of cutting a division into subdivisions for the purpose of drainage; but it was just possible that, in draining a subdivision, the drainage would be carried on to another division. If the drainage could be run into a river where it would not interfere with anybody, the matter was simple enough; but he took it that no one had a right to drain his land in such a way as to injure some other individual.

An HONOURABLE MEMBER: That is provided for in the 14th clause.

Mr. BEATTIE said that only provided for the case of one subdivision emptying its drainage on another subdivision; but one subdivision might empty its drainage on a division altogether distinct from the one cut up into subdivisions. There was the difficulty. He could give a few instances where a town emptied the whole of its drainage into one division. That was not fair. In such a case the town ought to assist that division in getting the accumulation of drainage away into a river or some other receptacle. He saw a very great deal of difficulty in the way; but he would be glad to render any assistance he could in passing the Bill, and hoped that such a Bill would be introduced as would grapple with the difficulties that had to be grappled with. The provisions of the Bill would be of great advantage to certain lands, but they were simply intended to apply to farming districts—to benefit the low-lying land at the expense of the high land. He was afraid that the hon. member would find that in some of the divisions there would be a deal of difficulty in getting the ratepayers to agree to any such system. It would be very unfair that, where there was no drainage from the high land on to the low-lying localities, the former should be taxed for the improvement of the latter, and when the high lands did not contribute towards creating the nuisance. He knew lands within half-an-hour's walk of the House which did not contribute to the increase of swamps lying near them, the water coming from a different source altogether; and considered it would be unjust to tax the people on the higher land.

Mr. CHUBB: Where does the water come from?

Mr. BEATTIE said it came from another division altogether. That was the difficulty they would have to deal with, and he knew of places where it would be impossible to grapple with them under the present Bill.

Mr. SCOTT said there was another little difficulty in the 4th clause, which was as followed:—

> "A majority of voters under the said Acts (hereinafter called the applicants) on any watershed or sub division within any division, desirous of having a general scheme of drainage adopted by the board of such division, shall address a petition to the chairman of the board praying the board to adopt a general plan or scheme."

There were many cases in this country where a swamp was a very valuable possession; and if the majority of the members of a division, in draining their land, drained the swamp when the owner did not wish it to be drained, there would be great difficulty. The man not only would lose his swamp, but would be called upon to pay for the damage done to himself. The Bill, he thought, would require a great deal of revision before it became law.

Mr. PALMER said he did not wish to appear in the least opposed to the Bill, especially as the principle of it seemed to be approved of by the House, but his experience had been derived so much in dry parts of the country that the *modus operandi* of the Bill was to him rather cloudy. Perhaps the hon. member in charge of the Bill would explain what the nature of the works would be, how they would be carried on, and where the drains would be taken to? He saw that clause 13 provided for extending the Bill to other divisions outside the division that was drained, whether the members of the division were willing or unwilling. That amounted to forcing the Bill upon those outside divisions whether they wished it or not, and he did not know that it was quite just. Clause 11 was very rough on the landlords. Would the charges be made out of the rent, or would they bear any proportion to the rent? The best part of the Bill was contained in the provision to raise a special tax, which implied that the people had a certain amount of reliance upon themselves, and were willing to assist themselves. He should like the hon. member for Logan to explain clearly the import of the Bill, because he could bear out what the hon. member, Mr. Scott, said about the possession of a swamp being a great blessing in some cases. The hon. member for Logan must come from a very different part of the country to that which he (Mr. Palmer) came from to make the Bill necessary at all.

Mr. NELSON said he was very much in favour of the object that was sought to be carried out by the Bill, but he did not see very well how it was going to apply in certain cases. He did not think it gave the boards very much more power than they had at present, because they did not require to go in for loans, but could carry out already what the Bill provided for by the last amendment of the Divisional Boards Act. The 17th clause said :—

"For defraying the expenses incurred in the execution of a work for the special benefit of any particular part of the division, the board may—

(*a*) By resolution distinctly define such part; and

(*b*) Make and levy a rate, herein called a 'special rate,' equally upon all ratable property situated within such part.

"The board may also levy special rates for drainage works, or for watering or lighting streets."

Well, that seemed to him to give the boards all the power that they required so long as they did not carry the drains out of their own divisions. As far as subdivisions were concerned, they could be drained; but if the drains went out of one division into another it was quite possible that some further legislation might be required. It appeared that the provision in the present Act restricted the borrowing of money for drainage to drains that were made of brick, stone, concrete, or iron, or a combination of those materials, whereas it was now desired to make that provision apply to open drains. He did not know whether it would be advisable to allow loans to be negotiated and responsibilities incurred for such works, because they could hardly be called permanent works. If the works consisted merely of open drains, he hardly thought the ratepayers would allow the boards to borrow money; but, if necessary, some provision could be made in the new Bill which the Minister for Works had promised them to meet such cases.

Mr. STEVENS said he had stated on introducing the Bill that it was one of vast importance, and that he hoped it would receive the very fullest discussion. He was glad to find that hon. members had been willing to discuss it so fully. However, it had been pointed out by the Premier, and one or two other speakers, that some of the provisions of the Bill were not clear, and that some of the clauses would require considerable alteration; and with the permission of the House, therefore, he would withdraw the motion for the second reading, with the view of bringing in a revised Bill at a future time.

The SPEAKER: The general course adopted in cases of this kind is laid down in "May," as follows :—

"It frequently happens that, before the second reading of a Bill, it becomes necessary to make considerable changes in its provisions, which can only be accomplished at this stage by discharging the order for the second reading, and withdrawing the Bill. The ordinary practice has been to order a Bill to be withdrawn, and to give leave to bring in another Bill. And this course is always necessary if there be any change of title; but where the Bill is withdrawn for the purpose of making numerous amendments, without any change of title, a simple form of proceeding has occasionally been adopted. So soon as the first Bill has been withdrawn, the order of leave for bringing in the Bill is read, and 'leave is given to *present* another Bill instead thereof' upon the same order of leave. This was done in 1814, and the practice has since been revived with much convenience."

Mr. NORTON said he wished to call attention to the fact that the hon. member (Mr. Stevens) had spoken a second time on the motion for the second reading of the Bill. He did not object to the hon. member doing so, at what he presumed to be the wish of the House, but he mentioned the fact in order that it might not be brought forward afterwards as a precedent.

The SPEAKER: The hon. member is quite right; there is no reply allowed on the second reading of a Bill; but I understood the hon. member to ask leave to speak again for the purpose of complying with the suggestion of the Premier, to withdraw the Bill and ask leave to present another.

Mr. MOREHEAD: Do I understand that if this Bill is withdrawn it ceases to exist, and is no longer a record of the House?

The SPEAKER: If the Bill is withdrawn with the view of presenting another, it ceases to exist.

Mr. MOREHEAD: Then I must ask your ruling on another point. Supposing this Bill is withdrawn, and ceases to exist, how is it possible for the House to tell whether any material amendments have been made in the Bill substituted for it? It appears to me that this Bill must remain a record, for the sake of comparison.

The SPEAKER: The Bill to be introduced will be, I understand, the same Bill, only altered to meet the objections pointed out by the Colonial Secretary. The title of the Bill will not be at all altered, but the Bill itself will be amplified in accordance with the suggestions that have been made. The hon. member will simply ask for leave to present another Bill in place of the one which he withdraws.

Mr. MOREHEAD: How can we know the variations, if we do not know the tune? If the text is to be taken away, what about the sermon? If this Bill is not to remain a record of the House, how are we to compare the new Bill with the old one?

The PREMIER: The House has resolved that it is desirable to introduce a Bill to provide for the drainage of land in the colony of Queensland. That Bill, having been introduced and read a first time, cannot be withdrawn from the records of the House. Another Bill which is asked to be substituted for it will also have to be read a first time, and we shall have to start with it *de novo*.

Mr. MOREHEAD: Surely, if the Premier's statement is correct, it will lead to a dangerous innovation of the privileges of the House! Supposing the House resolves that it is desirable to introduce a Bill to amend the land laws of the colony, the hon. gentleman brings in one Bill—that does not suit. Perhaps that is what the hon. gentleman wants to get at. Then he withdraws it and introduces another, and that does not suit; and so he might go on introducing half-a-dozen Bills dealing with the same question. There is a Standing Order, that no Bill dealing with the same subject shall be introduced twice during the same session. If the Premier's contention is correct, the same course of action is applicable to any Bill that may be brought into the House. It is quite a new departure in our history. I knew there was something wrong, and when the hon. gentleman lays down such a proposition as he has just done I know he is worth watching. I would ask your ruling, Mr. Speaker, as to whether the interpretation of the hon. gentleman is correct or otherwise. If it is, it certainly overthrows all precedents that have occurred since this House had any existence.

The SPEAKER: The hon. member will observe that, in accordance with a Standing Order, if anything occurs to which our Standing Orders do not apply we are to follow the practice of the House of Commons thereon. I have already read to the House the practice of the House of Commons as laid down by May. If the House gives the hon. member leave to withdraw his Bill, he will then have to move a series of resolutions to comply with the practice

of the House of Commons. One will be, that the motion for the second reading be withdrawn, then that the Order of the Day be discharged, and then that the Bill be withdrawn. The Clerk will then read the order by which the hon. member obtained permission to introduce a Bill for the drainage of land, and then the hon. member will move that leave be given to introduce another Bill instead thereof. The whole proceedings will have to be gone through again as on the first introduction of the Bill, with the exception that the leave of the Committee of the whole House, obtained on the previous occasion, will stand valid. That, as I have shown from "May," was done in 1814; and a number of later cases are given by him, where that practice has been adopted by the House of Commons.

The PREMIER: A case occurred in 1872 in this House.

Mr. MOREHEAD: The hon. member for Logan has already given notice of what he intends to do.

Mr. KATES said he regretted the course taken by the hon. member for Logan. He would rather see the Government take the matter in hand, and bring in a comprehensive measure. The principle of drainage was admitted on both sides, and it would be better that the Government should bring in a Bill to deal with drainage, irrigation, and the storage of water.

Mr. KELLETT said he hoped the hon. member for Logan would not take the advice given by the last speaker. The Government had plenty to do during the present session without bringing in Bills for which they were not prepared; and perhaps the Bill would be better in the hands of a private member. He thought the hon. member for Logan deserved the thanks of the House for bringing forward the measure, which was one that hon. members on both sides had for a long time considered necessary. It was well known that very few private members liked to bring in a Bill, as it took a good deal of trouble to get it through. He had tried one, but it would be a long time before he tried another. He hoped the hon. member would, after withdrawing the Bill before the House, bring in another measure dealing with the subject.

Motion, by leave, withdrawn.

On the motion of Mr. STEVENS, the Order of the Day was discharged, the Bill was withdrawn, and leave was given to introduce another Bill in lieu thereof.

JURY ACT AMENDMENT BILL—SECOND READING.

Mr. CHUBB said: In moving the second reading of this Bill, I may mention that it is a Bill which I had prepared last year, and intended to have introduced then, if time had permitted. However, I have taken the opportunity this session to bring it forward, with a view of endeavouring to pass it into law, if possible. The Bill is introduced for the purpose of remedying some of the defects in the existing law. I do not propose to alter the system now in force, but there are some things which require amendment. I propose to increase the number of persons liable to serve on the jury; also to extend the area of jury districts where necessary; also to reduce the area in cases where the present area is too extensive. Then I propose to abolish juries *de medietate linguæ* and juries *de ventre inspiciendo*. Those are two technical terms for juries which are unnecessary at present, and which have been abolished in England. I also propose to mitigate somewhat the harsh system of locking up juries,—which now occasionally has to be done—without food and without fire. Those are briefly the defects which appear to me to require immediate remedy. The 1st section of this Bill proposes to abrogate a portion of the 2nd section of the Jury Act. By that section, the persons mentioned in the 1st section of the Bill are exempt from serving on any jury at all—namely, managers, cashiers, accountants, or tellers in any bank; or aldermen, councillors, or other officers or servants of any municipal corporation; and I propose to remove that exemption, and make them liable to serve on special juries—that is, civil juries. By the 2nd section I propose to alter the 4th section of the present Jury Act. By the 4th section of that Act, all persons within thirty miles of the city of Brisbane, and within the same distance of the towns mentioned in that Act—where courts of assize and district courts are held—are liable to be summoned to serve on juries. In the case of Brisbane, for instance, thirty miles is a wide circuit within which to bring people in. At the time the Act was passed, seventeen years ago, Brisbane was, of course, a much smaller place than it is now; but now there is no necessity for the radius being thirty miles. So in other large towns, such as Ipswich, Toowoomba, and Rockhampton, there is no reason why jurymen should come thirty miles to attend on a jury. This section gives the Governor in Council power to fix the area for each town, as circumstances may require. I have made the maximum limit fifty miles, simply because there are one or two towns where, if the area of thirty miles were retained, it would be impossible to get a jury. I do not wish to mention the particular towns, for obvious reasons, but I know that in some cases jurymen are now summoned over thirty miles, otherwise a jury could not be got in places where courts are established. In places like Hughenden, St. George, and others, where population is scarce, the area required is fifty miles. This, therefore, I believe to be a good provision. With regard to the 3rd section, I propose by it to make justices of the peace liable to serve on common juries. They are exempt by the 31st section of the Jury Act; but that was taken from the English Act. They are exempted in England, probably for this reason: In every county there is a grand jury composed of the principal men of the county, including a great number of justices of the peace. But there is no reason why they should be exempted here. We have upwards of 2,000 names on the commission, and they form a large and influential class in the community, and would be very useful as jurors. There is another reason why, I think, justices of the peace might serve, and that is, that it would give them an opportunity to learn a little law. If they sat on juries they would hear and see for themselves the manner in which cases are conducted; they would also hear the law laid down, and thus have an opportunity, as I have said, of making themselves acquainted with the law of the land. By the 4th section, I propose to increase the number of persons who are liable to serve on special or civil juries. This section is very much like that in force in New South Wales, and somewhat the same as that in Victoria, though rather more extensive. There are very few persons who are now eligible; but I propose to include a number of others, mentioned in this section. The persons who are eligible to serve at present on special juries are esquires, accountants, merchants, brokers, engineers, architects, warehousemen, and commission agents. Hon. members will see that I have extended the list very considerably. It frequently happens that, in the preparation of jury lists in outside districts, persons are described as auctioneers. Well, an auctioneer at present is a common juror, but if you call him a commission agent he would be a special juror. Then I do

not think it was ever intended that mechanical engineers, in the 11th section of the principal Act, should be eligible to sit on special juries. I understand engineers there meant to be professional men, and for that purpose I have described them as such. I have seen, myself, jury lists prepared in which numbers of persons are described as managers or overseers—a class whom it is very desirable to have as special jurors; but, because they do not come within the definition of the Jury Act, they are common jurors, and have to sit on trials in criminal cases. I have therefore described them by terms sufficiently large to include them. It may be that some objection will be taken to their serving on juries; but the object of the Jury Act is to obtain the best tribunal that we possibly can, and for that purpose you do not want to exclude most eligible persons. I have heard gentlemen object to serve on juries, as if it were a degradation. In one particular case, not long ago, a gentleman thought a slur had been cast upon him because he had been summoned as a common juryman in the district court, though he had no objection to sit in the Supreme Court. Of course that is a foolish notion for a man to have, as regards common and special juries. I think there is a greater responsibility to discharge in sitting on a trial where a man's liberty is at stake than where only property is at issue; but somehow people seem to think it more honourable, and more aristocratic, to be a special juror than a common juror. I have endeavoured, so far as I am able, to overcome that difficulty. I have increased the superior classes on special juries; and I have endeavoured to improve common juries by putting justices of the peace on them; some objectionable persons are no longer on the commission. The 5th and 6th sections deal with matters of a peculiar nature. Trial by jury, *de medietate linguæ*, was abolished in England fourteen years ago. That was a trial in which an alien charged with a criminal offence was entitled to be tried by a jury composed of one-half aliens, not necessarily his own countrymen, but aliens of any nation. It was found that there was no necessity for it, and therefore it was abolished. The 6th clause of the Bill proposes to abolish juries *de ventre inspiciendo*. Anyone who reads the clause will see to what it refers. I have taken this provision from an Act which was passed by the Imperial Parliament some years ago. It has not been introduced into the English law, but it is in force in Ireland, and I believe it is a very good thing. The 7th section provides that—

"No person shall be liable to serve as a juror in more than one court on the same day."

That is not likely to happen here often, but I believe it has occurred once, when a man was summoned to attend both the district court and the Supreme Court on the same day; and some little difficulty arose because the juryman attended the district court.

The PREMIER: Which court is he to attend?

Mr. CHUBB: The clause can be amended in committee. As I have said, the difficulty has arisen, and that is the reason why I have inserted this clause in the Bill. The next section—the 8th—is to meet the case of persons summoned to attend as jurors, who claim to be entitled to be excused attendance. The Jury List is revised every year by the magistrates; and persons who are entitled to be exempted are supposed and expected to claim their exemption there, and it has been found very inconvenient when someone on the jury has claimed his exemption in court. I therefore propose that—

"No person whose name shall be in the jury book as a juror shall be entitled to be excused from attendance and service on the ground of any disqualification or exemption other than illness, not claimed by him at or before the revision of the list by the justices of the peace, and a notice to that effect shall be printed at the bottom of every jury list."

The next section is one which is in force both in England and Ireland, and it is, I think, advisable that it should be so here. It provides that jurymen shall be allowed refreshment, and is as follows:—

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

It is held that in cases of absolute necessity the judge can allow refreshment—not after the jurymen have retired to deliberate upon their verdict, of course. In criminal cases, juries have been kept for over twelve hours, and it is only right that provision should be made for their obtaining reasonable food and refreshment. As the law stands at present, the bailiff who is placed in charge of the jury is sworn to keep them without meat, drink, or fire—candle-light excepted. I do not know what heat or fire you can get out of a candle; but that is a form which it is desirable should be altered in this respect: that the court should be allowed discretionary power to treat jurymen as human beings, and permit them to have something to eat and drink when exhausted nature requires it. The 10th section is entirely new, and perhaps may meet with some exception. It is open to discussion; but it has been spoken well of by judges in England and also by judges in this country. As the law at present stands, in cases of misdemeanour the jury may separate; but in cases of felony they are not allowed to separate, and consequently, at the close of a day's proceedings, if the trial lasts over the day, they are locked up till next morning and until the trial is over. Hon. members may see that in many cases it may be very desirable that the judge should have discretionary power to allow them to separate. For instance, in cases of horse-stealing, cattle-stealing, and thefts, which are felonies, but are sometimes of a very trumpery and very simple nature, the juries must be locked up—they must not separate, no matter how long the case may last. But in the case of perjury, for instance, which is a very serious offence, it is only a misdemeanour, and the jury may separate. The anomaly of the thing is very easy to be seen, from that one illustration. I propose by this section that—

"The court may, in its discretion, permit the jurors empanelled for the trial of any felony, except felonies punishable with death, to separate during any adjournment of the court."

I do not suppose that after the case is closed they will be permitted to separate; of course they must remain till they have given their verdict. The case might last a considerable time. We had an instance in the case of the Tichborne trial, which lasted ten weeks. That was a misdemeanour; and if the jury had been locked up all that time it would have been very inconvenient for them, as they would have no opportunity of seeing to their private business. Therefore, I propose, if the clause meets with the approval of the House, that this power should be given to the judges, to be exercised in their discretion. The 11th section is not original, but is taken from the law as it is at home, which gives the judges power to excuse jurors from serving. It is said to be a matter of doubt whether judges have that power, and it is proposed to remove that doubt by giving them the necessary power. It has happened that a number of persons from one business firm have been summoned on a jury. I have myself seen three persons in one case, who were partners, all on the jury. Of course it would be very inconvenient, obviously,

for those gentlemen to serve, and the clause is framed to meet cases of that kind; and also cases where a juryman, when he appears before the court, is too ill to serve on a jury. That will be found to be a very necessary provision. Those are the provisions of the proposed Bill, and I trust the House will assist me in making it law. I am quite disposed to meet the views of the House in any reasonable amendment that it may be thought necessary to make in the Bill. I do not wish to force it, as it is, upon hon. members, but have introduced it for the purpose of conveniencing those of the public who serve on juries. I beg to move the second reading of the Bill.

The PREMIER said: There is much in the Bill that is good, and there are some things in it that I do not think are good. I will deal with it *seriatim*. The first proposition is to exempt bank officers from serving on juries. From one point of view there may be no objection to bank officers being upon juries, and from another there is a very serious objection. In many country towns bank managers know the affairs of everyone, and know the effect a verdict will have upon a man. It may ruin him, and although they may not consciously be influenced in a case of that sort, I do not think it is desirable that they should be suspected of being actuated by other motives than by the evidence which came forward. For instance, I will take the case of a litigant, who is very heavily indebted to a bank, the manager of which is a juryman in the case, and who knows that a verdict against him would ruin him; although I would be very sorry to suggest that a bank manager might be actuated by improper motives, nevertheless, if the verdict was not given against the man, suspicion would be raised, and people might say, "Oh, the bank manager knew very well that an unfavourable verdict would ruin his client." This is a matter that is always considered in choosing men to serve on a jury. No man who has any interest, direct or indirect, should be allowed to serve.

Mr. ARCHER: He would be challenged.

The PREMIER: The hon. gentleman says he would be challenged, but there is only a limited number of peremptory challenges, and that would not be allowed as a reason for a challenge. In a small town, they might have to submit to one or two officers of a bank, with which one of the litigants had dealings, being on the jury, or else some personal enemy, whom, for strong reasons, a man would object to see on the jury. A Bill not very similar to this, but containing this provision, was introduced by an Attorney-General of the late Government, and I confess I think it is a mistake. The question whether members of municipal corporations should serve, I do not think of so much importance. I notice that the hon. gentleman apparently does not propose to repeal the provisions exempting town clerks. At any rate the clause is rather ambiguous, as to whether they are to be exempted or not. The words of the repealing clause are, "aldermen, councillors, and other officers and servants of any municipal corporation"; and the words in the Act are, "aldermen, councillors, town clerks, and other officers." The clause leaves out "town clerks," as though it was intended that those officers should still be exempt. Then I observe that he does not propose to include apothecaries, who are exempt by the principal Act. It is necessary to repeal that provision in the principal Act, if it is intended to make them liable to serve. As to the distance within which jurymen may be summoned, I admit that thirty miles from Brisbane is too far. It actually conflicts with another town within thirty miles, and how the matter is arranged at present I do not know; perhaps some line is taken halfway between. By clause 3, the hon. gentleman makes provision that justices of the peace shall be liable to serve on common juries, but by the next clause he appears to take them away from serving on common juries, because I think that most justices of the peace will be found amongst the long enumeration of persons who are mentioned as special jurors in clause 4. I observe a new class of persons introduced in that clause —"apothecaries, auctioneers, graziers, managers, accountants, cashiers, or tellers of any bank, squatters, station managers, and surveyors." There is a great deal to be said for and against many of those persons. Anybody can be an auctioneer, I suppose, and I do not see why the fact of his being an auctioneer should entitle him to be exempt from serving on common juries. Then I do not quite see the distinction between graziers and squatters.

Mr. NORTON: A farmer may be a grazier.

The PREMIER: The term "grazier" would, I assume, include both. With respect to the 5th section, I cordially approve of it. I think a mixed jury of aliens and native-born persons is a mistake, and ought to have been abolished long ago. As to clause 7:—

> "No person shall be liable to serve as a juror in more than one court on the same day."

I do not see how it is to be carried into effect. Suppose a man were summoned to attend two courts on the same day, is it to be optional with him which he will attend, or how it is to be arranged? With regard to the 8th clause, I think the provision that a person shall not be exempt, unless he claims his exemption, is a mistake. If the statute says he shall be absolutely exempt I can see no reason why the court should not give effect to that provision. And why should he be called upon to claim his exemption? He has a right according to law to be exempted, and why should he be required to take the trouble to attend the court to claim that he should not be put upon the list? It seems to me an absurdity, in the administration of the law, that a person who is exempt by law should be required to send a notice to the revision court or to appear before it to say he is exempt. It is sufficient that the law says so. It amounts to this: that if a man is sixty years of age he must watch the revision of the Jury List every year and send in his claim for exemption. The remedy for that is that the court should administer the law as it stands. I do not quite see the necessity of the provision in the 8th clause, "that a notice to that effect shall be printed at the bottom of every jury list." The Jury List is never seen by anyone except the bench and the sheriff.

Mr. CHUBB: It should be, "at the bottom of the summons."

The PREMIER: As to the provision for allowing refreshments to jurymen, I see no objection to it; but I see very strong objection to allowing jurymen to separate in cases of felony. I have known instances where, in cases of misdemeanour, great miscarriage of justice has happened, owing to allowing jurors to separate before the conclusion of the trial; and I think it would be a great mistake to introduce that system. I do not quite see the necessity for the provision in clause 11—that the judge may excuse the attendance of a juryman from serving; I do not quite understand the object of it. It has always been the practice in the courts here, that if a man is ill to say, "You are excused"; I have never heard any other course adopted in such cases. Perhaps the hon. gentleman will explain that matter further on. The fact of the matter is, the whole of our jury law wants revision. The Act now in force is a most cumbrous one. It is scarcely understandable in many parts, and I hope,

before very long, it will be replaced by another which will be more easily understood, and will make more amendments than appear in this Bill.

Mr. MOREHEAD: Mr. Speaker,--While I do not intend to oppose the second reading of the Bill, I think it will require a considerable amount of amendment in committee. With reference to the 1st clause, I do not hold altogether with the remarks of the Premier, that one reason why bank managers, cashiers, accountants, tellers, and so forth should not be required to serve on juries, is that they, or the bank in which they may be employés, might be very much interested pecuniarily in the verdict which it might be their duty to give. That may be so; but the same remark would apply to merchants or any other creditor who might be called upon to serve on a jury.

The PREMIER: Certainly.

Mr. MOREHEAD: Therefore that contention, I hold, goes for very little. But I see very great objection to repealing that portion of the Act which exempts bank officials from serving on a jury, especially in country towns. The staff in those places is generally very small, perhaps not more than two persons—a manager and accountant, and possibly a boy—and in the event of even one of those two men being taken away it would seriously cripple the business of the institution, and might lead to frauds being committed, from the want of special knowledge on the part of the officer who might be left in charge—his superior having been taken away. It might lead to all sorts of trouble and discomfort to the bank customers. I quite agree with the Premier, and also with the introducer of the Bill, that aldermen, councillors, and other officers and servants of municipal corporations should not be exempt from serving on juries, except at the time when the corporation might be actually sitting. If, when they were summoned as jurymen, their duty as councillors intervened, I think they should be exempt; but where they are not compelled to be acting as councillors they should be required to act as jurymen, as well as any other members of the community. With regard to the 2nd clause, I think if men are to be brought a distance of thirty miles to serve as jurymen, they should receive some mileage.

The PREMIER: So they do.

Mr. MOREHEAD: That is exactly what I want to get at. This Bill then imposes extra taxation on the State, and therefore it ought to have been introduced in committee.

The PREMIER: So it should.

Mr. MOREHEAD: That is exactly what I wanted to know. Then the Bill has been wrongly introduced. It has been improperly introduced, I hold, as it should have been introduced in committee. I would ask your ruling on that point, Mr. Speaker, before I go further.

The PREMIER: The Act of 1877 provides for a fee of 8d. a mile for every mile beyond five miles, and 1s. a mile to jurors attending under a special jury precept.

Mr. MOREHEAD: Yes; it is an increase in the taxation of the people, and I would ask the Speaker's ruling as to whether it ought not to have been introduced in committee.

The SPEAKER: If, as the hon. member contends, the Bill proposes a tax upon the people, it is unquestionably out of order, and should have been introduced in Committee of the Whole House.

Mr. CHUBB: I may be allowed to submit that the Bill does not propose an increase in the taxation of the people. The fees to be paid to jurors for attendance under this Bill are fixed under the Act of 1877; and this Bill imposes no greater burdens than may be imposed under the existing Jurors Act.

Mr. MOREHEAD: It is perfectly clear that by this clause power is given to increase the taxation of the colony; and, even if this clause does not give such a power, the 9th clause certainly does.

The SPEAKER: To which clause does the hon. member specially refer?

Mr. MOREHEAD: The 2nd clause, in the meantime.

The SPEAKER: The 2nd section undoubtedly does give power to increase the cost upon the community. It refers to and includes places "within such distance, not exceeding fifty miles"; and the original Act, which this Bill is intended to amend, describes the fees to be paid to jurors attending court within such distance. The Bill is, therefore, unquestionably a money Bill, and as such should have been introduced in a Committee of the Whole House.

On the motion of Mr. CHUBB, motion was withdrawn; the Order of the Day for the second reading of the Bill was discharged from the paper; and the Bill was withdrawn.

INFORMAL PETITION.

The SPEAKER said: I have to call the attention of the House to the petition presented today by the hon. member for Burnett, Mr. Moreton. That petition is signed by "J. E. Brown, for self and co-petitioners." The co-petitioners are John Brown, John Eaton, and the Hon. Berkeley Basil Moreton. It is contrary to the Standing Orders for an hon. member to present a petition from himself, and the petition presented by the hon. member to-day was informally received.

The HON. B. B. MORETON asked if he was to understand that the petition could not be received because his name appeared as one of the trustees?

The SPEAKER: I simply say that it is contrary to the Standing Orders for an hon. member to present a petition from himself.

The PREMIER moved, without notice, that the order for the reception of the petition be rescinded.

Mr. MOREHEAD: I assume there is a precedent for such a motion?

The PREMIER: Yes.

The SPEAKER: I wish the House to understand what is the practice in the House of Commons. If any irregularity is detected after the presentation of a petition, no entry of its presentation appears in the "Votes and Proceedings."

The PREMIER said the practice here had been to rescind an order informally made; and he presumed that would be carried into effect in the present case, by not making any entry of either the reception of the petition or the motion rescinding it.

Question—That the order for the reception of the petition be rescinded—put and passed.

THE RABBIT QUESTION.

Mr. STEVENSON, in moving—

That there be laid on the table of the House, copies of all Correspondence in possession of the Lands Department relating to the Rabbit question—

said that when the hon. member for Logan moved the adjournment of the House a few days ago to call attention to this question, he was not present, for which he was very sorry, as the hon. member had previously told him that he intended to move the adjournment of the House to call attention to that question, and had

asked him to be present when he did so. The hon. member had intended to bring his motion forward on another day, and he (Mr. Stevenson) had promised to be present; and he intended to have supported the hon. member, and agitate, as far as he was able, that something should be done in connection with the question. The hon. member had altered the day on which he intended to refer to the matter, and consequently he (Mr. Stevenson) was away from the House when it came on. He did not care so much about the Rabbit question as the hon. member did, but it was a question in which he took great interest, as he knew something about the ravages of the marsupials in this colony; and believed the injury done by the rabbits in the colony of Victoria was more than tenfold the injury done by marsupials in Queensland. He had read the debate which had taken place on the hon. member's motion, and he noticed that the Minister for Lands, in reply to the hon. member, stated that he was willing to adopt any practical means which might be suggested by any hon. member to stop the ravages of those pests; and that he could assure hon. members and the hon. member for Logan that the Government had taken the matter into their serious consideration and were obtaining every information they could get on the subject. If hon. members were to be in a position to give any practical suggestions to the Minister for Lands, it would be better that they should be supplied with whatever information the hon. gentleman had taken pains to obtain. If they had that information they would be in a better position to suggest to the Minister for Lands the best means to adopt to deal with the matter. He should have thought that the Minister for Lands would have been willing to give him all the information he had on the subject. He had hoped that the Minister would help them to treat this question in a proper manner, and not offer any objection to producing the correspondence.

The MINISTER FOR LANDS said that, in answer to a question on the subject asked on the previous day by the hon. leader of the Opposition, he had stated that there was no official correspondence in reference to this subject. When, in answer to the hon. member for the Logan the other day, he said that he had been gathering as much information as he could on the question, he referred to some private correspondence he had with people he knew in New South Wales, who were living in the rabbit-infested district. That was the only information he had yet been able to obtain; but it would be valuable in framing or suggesting something to deal with the matter, when the Government were in a position to do so. Measures had been taken to obtain still further information; but he did not know that it would be necessary, even if he had official correspondence, to lay it on the table of the House in the present condition of things. When the Government had prepared a measure to deal with the subject it would be submitted to the criticism of the House. If there were any good reason for it, he might have laid even his private correspondence before the House, but he did not see that there would be any use in doing so. He was doing what he could in the interests of the country, to enable the Government to come to some determination in the matter; and he hoped they would have a measure prepared before the session closed.

Mr. MOREHEAD said he presumed the motion had been made by the hon. member for Normanby in consequence of what fell from the hon. the Minister for Lands on a previous occasion, when he distinctly stated—

"He would assure hon. members that the Government had taken the matter into their serious consideration, and were obtaining all the information they possibly could, as to the best means which they could put into operation, at the earliest possible date, for preventing the danger with which the colony was threatened."

Now, the hon. gentleman told them that the Government had no official correspondence on the subject; that there were only some private letters from friends of his in New South Wales. If the Minister were really in earnest in the matter—if he had not entirely overlooked the representations made by the hon. member for Logan last session—he would most certainly have felt it his duty to communicate with the Government, not only of New South Wales, but also of Victoria, where the pest had been dealt with, and dealt with to a certain extent effectually. The hon. gentleman must be aware that there had been special legislation with regard to the matter in those colonies; and he should have communicated with the Governments, and found out from them the best way of dealing with the threatened pest. He himself had certainly concluded from the Minister's words that he had been in communication with those Governments, more particularly the Government of Victoria, and it was a disappointment to learn that nothing had been done in the matter. It was now clear that though the hon. gentleman made promises last session, and had stated that he recognised the matter as of pressing importance, he had simply let the matter drift, and had done nothing towards getting any official communications from the other colonies as to the best means of preventing this colony from being invaded by rabbits. He might just as well have at once confessed that the matter had slipped his memory; that would have been fairer than to attempt to get out of the difficulty by the lame excuses he had given them.

The MINISTER FOR WORKS said the hon. member was hardly justified in accusing the Minister for Lands of doing nothing, and letting the matter slide. He knew for a fact that the Minister for Lands had been occupied for a considerable time in endeavouring to collect information from residents of those localities which were infested with rabbits. He could assure the hon. member that the Minister for Lands was paying every attention to the subject.

Mr. MOREHEAD: Yes—now!

The MINISTER FOR WORKS: It was not only now. The Government were perfectly aware of the danger of rabbits getting into Queensland, and they intended to come to some arrangement with the Government of New South Wales with a view to destroying them. It was better not to wait till they reached the border, but to take action with as little delay as possible, and endeavour to put a stop to their encroachments. He could assure hon. members there would be no delay about it. It was a serious matter, and the Government were fully alive to it; and the Minister for Lands was doing all he could to get the necessary information before making a suggestion to the Government of New South Wales.

Mr. STEVENSON said he hoped that, if the hon. member for Logan had been under the impression that any steps were being taken with regard to this Rabbit question, the scales had now fallen from his eyes. He could clearly see that nothing whatever had been done, up to the time the hon. member for Logan brought the matter before the House; and the hon. the Minister for Lands had seriously misled the House on the matter. The Minister for Lands, in his private capacity, was not the Government; and his entering into correspondence with some of his friends, was not the Government taking the matter into serious consideration and obtaining information, as he had told the House they were,

He was sure that every hon. member was under the impression that some steps had been taken, and that means were being adopted and information obtained so that the Legislature might deal with the subject. They now knew that nothing whatever had been done. The Minister for Lands said that there was no correspondence, and that up to the present moment he had written to none of the southern colonies to obtain information. The Minister for Works said that the Minister for Lands had taken a great deal of trouble over the matter, but the House had nothing to do with the Minister for Lands in his private capacity. The hon. gentleman had given the House to understand that the Government had taken the matter in hand, and that they had correspondence upon the subject. They did not want to know what the Minister for Lands had written privately, but they wanted the question taken up by the Government, and treated as a serious question, as he was sure the hon. member for Logan intended it ought to be treated. As that hon. member had said the other night, the rabbits were perhaps within a hundred miles of the border of this colony, and it was time that something was done, and done at once. The Minister for Lands ought not to mislead the House in regard to any matter brought before it, but try and curb his imagination. The sooner the question was taken up seriously by the Government the better it would be for the colony, because, if no action were taken, the rabbit pest would be at the border before many months were over. Finding that nothing had been done by the Minister for Lands; that no trouble had been taken either by that hon. gentleman or the Government; that there was really no correspondence to lay on the table of the House, he would withdraw his motion; but he considered the Minister for Lands was very much to blame for the way in which he had acted.

Mr. KELLETT said there seemed to be a great row in the teapot that night, and the hon. member for Normanby seemed very anxious because the hon. member for Logan was not satisfied with the action of the Minister for Lands. He (Mr. Kellett) thought the member for Logan was quite able to take care of himself.

Mr. STEVENSON: I do not care about the member for Logan.

Mr. KELLETT said said if the hon. member would be quiet and not interrupt others he would be allowed to say what he wanted to say when his turn came. The hon. member tried to draw the member for Logan, and get him to say he was not satisfied; but evidently that hon. member was quite satisfied with the explanation of the Minister for Lands, that he had corresponded privately. He (Mr. Kellett) had not the slightest doubt that the Minister would get more information privately than if he applied to all the different Governments of the different colonies. He had told the House that he was doing all he could to get information that would lead him to some conclusion, and enable him to bring forward some proposition to deal with the rabbit pest. Night after night the member for Normanby got up in his place and could talk of nothing but the Minister for Lands; but the House was getting very tired of that sort of thing, and the hon. member should try and give them something fresh, or get at some other member. The hon. member, after making a tirade against the Minister for Lands, tried to draw the member for Logan, and when he could not succeed in that he got angry and renewed his abuse of the Minister for Lands. The hon. member should give the Minister for Lands a little credit for something, and if a statement was made that information was being obtained, that statement should be accepted.

Motion, by leave, withdrawn.'

BUNDABERG GAS COMPANY BILL.

Mr. MACDONALD-PATERSON, in moving—

1. That the Bundaberg Gas and Coke Company (Limited) Bill be referred for the consideration and report of a Select Committee.

2. That such Committee have power to send for persons and papers, and leave to sit during any adjournment of the House, and that it consist of the following members, namely:—Messrs. W. G. Bailey, John Donaldson, John Ferguson, M. Mellor, A. Norton, and the Mover.

—said he would ask the permission of the House to be allowed to amend his motion by omitting the name of the hon. member, Mr. Bailey.

Question, as amended, put and pasesd.

REPORT ON THE PALMER GOLD FIELD.

Mr. BROOKES moved—

1. That a Select Committee be appointed, with power to send for persons and papers, and leave to sit during any adjournment of the House, to inquire into and report upon the circumstances attending the making of a report, purporting to be a report of the Palmer Gold Field, made by Mr. Warden Hodgkinson on the 7th October, 1883.

2. That such Committee consist of Mr. Donaldson, Mr. Foxton, Mr. Jessop, Mr. Smyth, and the Mover.

Mr. HAMILTON said he should oppose the motion, and he believed the reasons he should give for doing so would commend themselves to every man who possessed that feeling which they all plumed themselves was an attribute of their race—namely, a love of British fair play. On what grounds did the junior member for North Brisbane base his motion for a select committee? Simply on the strength of a statement said to have been made by the Minister for Works to some private gentlemen—a statement which, when challenged to repeat in the House, he had not dared to do. He would give the history of the case. About nine months ago Warden Hodgkinson sent to the Mines Department an official report on the Palmer Gold Field, and about two weeks since the Minister for Works stated to some private gentlemen that that report was a false one; that it had been written by Warden Hodgkinson for pay, and that it was written for the purpose of swindling the public. The hon. gentleman said he alluded to two reefs which were mentioned in that report. Now, it must be recollected that that report was on the table of the House at the commencement of last session—that the Minister for Mines was conversant with the contents of that report for many months; and yet he had not suspended that officer, he had not dismissed him, nor even asked him for an explanation. In fact, he never gave the slightest hint that he had anything to be dissatisfied with. The man who would believe, as the Minister for Works assumed to believe, that an official of his would be guilty of such conduct and yet take no steps in the matter, was not worthy of his position. According to the hon. gentleman's own statement, while believing that an official of his had made use of his position to defraud the public, he had allowed that official to retain his position and had thereby connived at a fraud. It was always considered the duty of a Minister to investigate any charges of misconduct that might be made against any officer in his department, and any Minister failing to do so showed his own incapacity. The present motion had been simply got up to take the onus off the Minister for Works. Not only had that Minister failed to take any action in the matter, but subsequently, when Warden Hodgkinson wrote to the Colonial Secretary demanding an inquiry, information of it was withheld from the House, and the Warden's demand was treated with contemptuous silence. His (Mr. Hamilton's) first objection was to the wording of the motion. The motion simply stated that an inquiry should be made into a report purporting to have been written

by Warden Hodgkinson; but the charge was that Warden Hodgkinson had accepted a bribe, and entered into a conspiracy to defraud the public. That was the charge to be investigated. Possibly the report referred to might not be strictly correct, but yet Warden Hodgkinson might not be guilty of the serious charge that had been made against him. He (Mr. Hamilton) recollected that during the previous Parliament one prominent member on the other side made vile charges against a member on the then Government side, and when brought to book shifted his ground, just as it was being shifted in the present instance. The question to be inquired into was—Were those charges which had been made against Warden Hodgkinson true or false? and on that ground he objected to the wording of the motion. He next objected to the *personnel* of the committee. The hon. member for Carnarvon (Mr. Foxton)—whom he personally esteemed—was a lawyer, and, in consequence, would instinctively take one side of the case. Unknown to himself, he would not seek for the truth so much as he would seek to prove that the side on which he sat was right. As to the junior member for North Brisbane (Mr. Brookes), they all knew what a strong partisan he was; and a strong partisan, as they all knew from experience, was very unlikely to give an unbiassed judgment on a question in which one of his own leaders was concerned. Possibly, as someone had just interjected, he himself (Mr. Hamilton) might also be biassed in the matter, but, in his opinion, there was hardly a stronger partisan in the House than the junior member for North Brisbane; and although that hon. member might have the greatest desire to act fairly, he would be unable on that account to do so. With regard to the hon. member for Gympie (Mr. Smyth), he would ask any hon. member, honestly, whether he would like to have that member to sit in judgment upon him. Then, he objected that a matter concerning the honour of a man who had nothing to do with politics should be decided by a political committee. It must also be borne in mind that if Warden Hodgkinson was proved to be innocent the Minister for Works would be proved unworthy of his position; and was it likely that a committee, the majority of which consisted of that hon. gentleman's supporters, would bring in a verdict against him? It was absurd to think so. It was only fair that the judges, in a case of that kind, should be impartial. On that committee, the majority of the judges would be partial; and they could not be otherwise. Only a few days ago, when the Triennial Parliaments Bill was under discussion, the Colonial Treasurer, in objecting to the application of that principle to the present Parliament, said he did so on the ground that it was not right to shorten their own term of office—that they could not be expected to injure their own body. If one of the most moderate members on that side argued in that way, what could they expect from members who were far less moderate? Would they cut off one of their own political heads? It was absurd to expect it. In the warden's report referred to, there were certain specific statements, and the truth or falsehood of those statements could be easily ascertained by reference to papers in the Mines Office. In that office there were official records of the crushings from the various reefs alluded to, and within an hour those records could be compared with the report, and the truth or falsehood of the statements set at rest. The charges against Warden Hodgkinson had been made, not only in Queensland, but throughout the whole of Australia. The charge that Warden Hodgkinson had betrayed his official position and had acted as a scoundrel had appeared in the Press in all the other colonies; and only the other day a gentleman told him that the first intimation he had of it he got from one of the papers in New South Wales. Notwithstanding that wide publicity, Warden Hodgkinson had never yet had the slightest intimation from his official superior that anything was wrong. Only that day, he (Mr. Hamilton) had received an urgent telegram from Warden Hodgkinson, telling him that he had demanded an inquiry from the Colonial Secretary; that his demand had been treated with contempt, and that he had never had the slightest intimation given him by his chief that anything wrong had occurred. No matter how clearly it might be proved subsequently that Warden Hodgkinson was guiltless, they all knew that the stain would remain; thousands who had heard the charge would never hear the disproof. He therefore considered that Warden Hodgkinson was entitled to what he demanded, and to which Civil servants were always entitled—namely, an inquiry before a commission of heads of departments. It was quite true that the Minister for Works stated the other day that he did not believe justice would be done by such a body, and although that was a slur on gentlemen in the Civil Service, he (Mr. Hamilton) believed they were far more likely to do justice than a select committee of that House. When he remembered the proceedings of the late Elections and Qualifications Committee, they might imagine what kind of impartial justice Warden Hodgkinson would get from the committee that had now been asked for. Warden Hodgkinson was entitled to get what he demanded—namely, an impartial inquiry.

Mr. T. CAMPBELL said he might claim to approach the matter in an unbiassed spirit, as he did not know Warden Hodgkinson. He believed that gentleman occupied a public position in the electorate he had the honour of representing; and it would, perhaps, be as well if he offered his opinion on the subject, and at the same time put his hon. colleague right in a few statements made by him. He did not think any member in the House, however slightly conversant with the practices on the goldfields, was ignorant of the fact that the public were often swindled, and swindled to a very serious degree, by the misrepresentations made. Only a short time since, the warden of the premier goldfield of the colony — and when he said the premier goldfield of the colony he meant Gympie — brought to light what most people, on reflection, would consider to be a systematic course of swindling; and, in bringing that to light, he was doing a great good to the community by putting the public on their guard against unscrupulous persons. In saying that, he did not mean to say that Warden Hodgkinson had been guilty of what had been attributed to him; but he might say that he had full confidence in the Minister for Works, and believed that he would make no statement of the kind unless he had evidence to sustain the charge. When the matter was investigated—as he hoped it would be—no person would be more glad than himself if Mr. Hodgkinson came out of the ordeal with a clear sheet. His hon. colleague (Mr. Hamilton) said the committee was formed for the purpose of shifting the onus from the shoulders of the Minister for Works; but that was the best course that could possibly be adopted. Surely the hon. member did not mean to say that five hon. members sitting on a committee, and taking an oath to do justice between the parties, would perjure themselves?

Mr. MOREHEAD: As a matter of fact, they do not take any oath.

Mr. T. CAMPBELL: At any rate gentlemen accepting that position were expected to see justice done. He denied that it was a political

matter at all; and he felt confident that any five hon. gentlemen, no matter from what side of the House they were taken—even if the whole five were taken from one side—if they were to deliberate on the matter, would come to a just and right conclusion. He was perfectly certain that if Warden Hodgkinson could show a clear sheet in the matter those five gentlemen would completely exonerate him; and, if the Minister for Works had been wrong, they would find fault with him, as they ought to do. The *personnel* of the committee was a matter he did not know much about. His hon. colleague (Mr. Hamilton) mentioned the names of Mr. Foxton and Mr. Smyth. It seemed a very strange argument to employ, that because Mr. Foxton was a lawyer, therefore he must assume the *rôle* of a partisan. There was no better refutation of that than the hon. member's own argument, for he showed not only an ordinary partisan spirit, but an extreme partisan spirit throughout the whole of his speech. With regard to Mr. Smyth, there was no doubt that he was a most suitable man, because he was conversant with mining, and would, for that reason, be able to detect anything wrong in the report; in fact, he might be looked on in the light of an expert, and no hon. member could fill the position as well. It was not a political question at all, but simply a question of dismissing a public servant guilty of a flagrant dereliction of duty, or of reinstating him if he was found blameless in the matter. As he said before, he had every confidence in the five gentlemen composing the committee, and had no doubt that they would come to a conclusion satisfactory to the House and to the country.

Mr. MOREHEAD said he did not think it necessary to reply very much to the arguments—if there had been arguments used—of the hon. member who had just sat down. He was not aware that they were discussing Warden Lukin's report, which the hon. member brought forward, and which he said was a very proper one. Outside, however, there was a great difference of opinion on that point. With regard to the motion of the hon. member for North Brisbane (Mr. Brookes), he would point out that the resolution, as it stood, implied that a direct charge had been substantiated against Mr. Hodgkinson. The words were, "to sit during any adjournment of the House; to inquire into and report upon the circumstances attending the making of a report, purporting to be a report of the Palmer Gold Field." He did not know what right the hon. gentleman had to say that the report "purported" to be a report. So far as they could see at present it was a report, and the hon. gentleman by using those words in the resolution was prejudging the case. He was asserting that the report was not an honest report, and a gentleman who moved a resolution couched in that language was a gentleman who had already considered and prejudged the case, and, therefore, unfit to sit as a juryman on the trial. A little further on the resolution said, "made by Mr. Warden Hodgkinson." And when was it made? Did hon. gentlemen know when? On the 7th October, 1883. That report had been in the possession of the Minister for Works up till the other day—up till now—and it was only in consequence of some ill-considered remarks made use of by the hon. gentleman that attention was called to the matter in that House. The hon. gentleman must have read it, and known all about it; but it was only the other day that, in a fit of bile or indigestion, he chose to use language which he had made no attempt to substantiate, in reference to the report. He had not in his place in the House attempted to show the slightest justification for what he said; but when he noticed that the Press took up the matter—and very properly—when the Press said that his character was at stake as much as that of the Government official he attacked, what did he do? Knowing that he was going to be attacked, he got the hon. member for North Brisbane to move for a select committee to be appointed to inquire into the matter. That motion would never have been made had the Minister for Works not known that he could not defend his action. The hon. gentleman tried to shelter himself behind a select committee—like the ostrich sticking its head into the sand, and thinking both its head and body were hidden—but probably both head and body would be exposed before the business was over.

The MINISTER FOR WORKS: You know where the sore lies.

Mr. MOREHEAD said he did not know where the sore lay; he knew nothing about the matter; but he maintained that before the hon. gentleman came down to the House, and took shelter under the motion for a select committee, he should have had a departmental inquiry, more especially as all the facts must have been known to him from the first moment he assumed his present office. But the hon. gentleman had made no departmental inquiry so far as the House knew; at any rate, he had not told the House. He had not even suspended Warden Hodgkinson; he had only given him leave of absence. If the hon. gentleman thought the statements he made were true, Warden Hodgkinson had no right to be left one moment in charge of the goldfield. So soon as the hon. gentleman believed;—as he (Mr. Morehead) supposed he did; the hon. gentleman said so, and they were bound to believe his assertion;—that Warden Hodgkinson was a man such as he described him, he should have suspended him by the quickest telegram that could have been sent. There could not be two opinions about that. With reference to the *personnel* of the committee, the hon. member for Cook (Mr. Campbell)—with an affectation of knowledge which he did not possess regarding the members of the House—said that he would be perfectly willing to consent to a committee composed of any five members. Would he have five members on the Opposition side?

Mr. CAMPBELL: Yes.

Mr. MOREHEAD: The hon. gentleman was evidently not speaking on the authority of his chief; he was perfectly certain the hon. gentleman's chief would not consent to that.

The PREMIER: Not with my knowledge of that side of the House.

Mr. MOREHEAD: With the Opposition's knowledge of the other side, they objected to the *personnel* of the committee. They were not going to have a hanging committee. They were not going to have the mover on the committee either, because the way in which he had prepared the motion showed that he had prejudged the case, and that he had already made up his mind that the man was to be hanged. He had described the report as "purporting to be a report;" and he (Mr. Morehead) left it to any hon. member, or to any of the outside public, to say if they could ever expect to get anything like fair play, or an honest, unbiassed decision, from that hon. member. The hon. member had shown that he was not only a partisan, but a partisan of the deepest dye, and that he could only give a prejudiced, jaundiced opinion, no matter how much he desired to do otherwise. He (Mr. Morehead) would like to know on whose authority the hon. member for North Brisbane had put on the committee the names of two gentlemen who sat on the Opposition side. To his (Mr. Morehead's) knowledge, it was done without the

knowledge of either of those two hon. members, Mr. Donaldson and Mr. Jessop. Neither of them was consulted by the hon. member, and he (Mr. Morehead) had reason to believe that neither would sit on the committee. As the other side had made a great point of having Mr. Smyth — he should call the hon. member for Gympie "Smith" until he put an "e" to his name — on the committee because he was a great authority on mining, he (Mr. Morehead) would point out that there was an hon. gentleman on the Opposition side who had probably had as much experience in mining as Mr. Smyth; and he certainly occupied a higher position than Mr. Smyth had done up to the present time. That was the hon. member for Townsville (Mr. Macrossan). He (Mr. Morehead) certainly thought that hon. gentleman should be put on the committee. Then they had another hon. member on the Opposition side who did not, on many points, agree with the mover of the motion, and that was the hon. member for Mackay, who was well acquainted with gold-mining. He (Mr. Morehead) would suggest the names of Mr. Macrossan and Mr. Black, in place of the two gentlemen who had not been consulted, and who were not willing to serve on the committee. It was certainly a most unusual thing to put the names of any gentlemen on a committee without their consent being first obtained. He had little more to say except to summarise the matter in this way: that the Minister for Works was in a most unenviable position. That position he had landed himself in by his unfortunate tongue. He had not done as some men of his character had done, and probably would do in the future. Having done an injury, he was so obstinate and pig-headed that he would not rectify it, as any honourable man would do, by withdrawing the charge; but he had taken a shelter under an inquiry which would put it into such political lines as would lead to material damage being done to a perfectly innocent individual.

The PREMIER said he declined at present to discuss the merits of the case, when there was to be a committee of inquiry. As to the terms of the motion of his colleague in proposing an inquiry into the making of that report——

Mr. MOREHEAD: "Purporting to be a report."

The PREMIER said he thought the words were very right. It was a very remarkable report. It purported to be a report of the Palmer Gold Field; but it was really a report on a particular mine with diagrams of the underground workings and the surface operations of that mine—an entirely unusual and unprecedented thing in an official report of a goldfield. That was a singular circumstance; the report was really on one mine, and it was sent to the Minister for Works as a report of the goldfield. As to the circumstances attending it, he declined to express any opinion whatever. Those were matters they could not discuss; the committee would collect the facts for them. If the Minister for Works had made a mistake he would no doubt take the consequences; but that was no reason why the matter should not be inquired into. It was far more satisfactory that the matter should be inquired into. The committee would have all the facts before them, and the evidence would probably be documentary. It was a very easy thing to discover all about the mine, and all about the circumstances attending the making of the report. In the meantime, he declined to express any opinion whatever. As to Mr. Hodgkinson, he had received leave of absence. His suspension would to a certain extent have been prejudging the case; but he (the Premier) would have more to say on that when the facts were ascertained. There might be reasons why giving leave of absence was a more proper course than suspension, and there were reasons which suggested that course rather than the other. No committee could be nominated that would give satisfaction to hon. members on the other side of the House. What the committee had to do was to get at the facts; and if they brought up a report that was not justified by the facts, it would be valueless.

Mr. NORTON said he must express his dissent from the remark made by the hon. the Premier, that no committee that could be nominated would satisfy that side of the House. But he thought it was a mistake to appoint a committee at all. He also entirely differed from the Premier, when the hon. gentleman said that to suspend Warden Hodgkinson would be to a certain extent to prejudge the case; and he would ask whether there was ever any case where a serious charge had been made against a public officer by a gentleman holding a high position, in which it was not considered advisable to suspend that officer? The suspension was not a prejudging of the matter; it did not amount to a condemnation of the officer. The suspension was only a matter of form, and it was usual, when a serious charge was made against a public servant, to suspend him until the charge was properly inquired into, and if the case was not proved then the officer was reinstated. For his own part, he thought a mistake had been made by the Minister for Works in the first instance, and that they were taking a wrong course now, as he did not think they would get to the bottom of the matter by a select committee. He did not think it was desirable, so far as the Minister for Works was concerned, or so far as Mr. Hodgkinson was concerned, to appoint a select committee. If a committee were appointed at all, in his opinion, it should be at some future time, but there should first be a departmental inquiry, and then, after that, if it was found necessary to go any further, let there be an inquiry by a committee of that House. He did not wish to say anything about the case, because he really knew nothing about it, having only looked at the report to see what it was. He intended, however, to move an amendment on the motion, which he hoped would meet with the approval of hon. members opposite. There were means by which they could obtain the fullest and most satisfactory information in regard to the claims referred to in the report of Mr. Hodgkinson. The Government Geologist in the North (Mr. Jack), who, he thought, was not very far distant from the Palmer Gold Field, might be instructed to inspect and report upon the claims in question. His report would give them something to go upon, and, in the meantime, he would suggest that the Minister for Works should hold a departmental inquiry. He made the suggestion in a friendly way, believing that that course would be the most satisfactory to everyone. He believed, however, that the Minister for Works knew perfectly well that he had made a mistake. He (Mr. Norton) now proposed, by way of amendment, that all the words between "that" in the 1st line, and the words "a report" in the 4th line, be omitted, with the view of inserting the words, "it is desirable that Mr. Jack, Government Geologist, be instructed to inspect and report upon the claims referred to in"; and that the 2nd paragraph be omitted, so that the motion would then read as follows:—

"That it is desirable that Mr. Jack, Government Geologist, be instructed to inspect and report upon the claims referred to in a report of the Palmer Gold Fields, made by Mr. Warden Hodgkinson on the 7th October, 1883."

That, he thought, would commend itself to hon. members. He was not going to cast aspersions on any of the members of the proposed committee. The House ought to find some way out of the difficulty, and he could conceive of no better way than the one he had suggested, but, at the same time, if any other hon. member saw a better one, he would be quite ready to withdraw his amendment.

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

Mr. BROOKES said he only rose for the purpose of saying, in reference to the amendment, that he really could not see any connection whatever between it and the object he had in view. If he saw the slightest logical connection between the two—that the amendment would in any way effect the object he had in view—he would accept it.

Mr. NORTON: It is intended to postpone your motion.

Mr. BROOKES said it was intended to burk it, he supposed. Failing to see that the amendment was a natural outcome of his motion he could not accept it.

Mr. ARCHER said the hon. the junior member for North Brisbane had stated that the amendment was intended to burk the question. No one on that side of the House intended to burk the question, having not the slightest doubt that Mr. Hodgkinson had been falsely accused. It was not the warden who was on his trial; it was the Minister for Mines. Hon. members on that side wanted to prove what they believed—namely, that the Minister for Mines had made a statement, which he had no ground for making. They were not certain whether the Minister had anything to go on; at any rate there was nothing before that House. They knew that the hon. gentleman had made a tremendous mistake in the words he had uttered in attacking a gentleman who held a responsible position in the Public Service, when a deputation waited upon him (Mr. Miles); and pronouncing Warden Hodgkinson to be not only an unfit man to be a warden, but unfit to hold any position at all under the Government, because after what the Minister had stated, that was the only conclusion they could come to. They wanted to arrive at the truth of the matter, and they held the belief that the gentleman mentioned by his hon. friend the member for Port Curtis—namely, Mr. Jack—was a man who could ascertain the facts of the case. If he received orders to go to the Palmer goldfield, and discover, by evidence taken and personal observation, whether Warden Hodgkinson's report was true or false, he would do so, and be able to give them all necessary information. But what were a select committee of that House to do? Were they to march up to the Palmer Gold Field to examine the witnesses, and examine the place, and then give a report to the House? They could not do it. It was not that the Opposition wished to burk the report; they simply wanted to bring out the truth; and believing most sincerely as they did that Mr Hodgkinson was utterly innocent of the charge brought against him, they wanted to bring home to the Minister for Mines that that little tongue of his was a very dangerous member and ought to be controlled—that in fact, by that blunt manner of his, as it was called, he might do an immense deal of mischief; and unless he could prove what he had stated, he was simply utterly unfit for the office he held. The truth could not be got out by a committee of that House, but it might be got out by a gentleman who had special qualifications for ascertaining the truth—who might be able to go and examine witnesses; and who would take his instructions from the Minister for Mines as to what he had to examine. If the amendment of the hon. member for Port Curtis was carried, it would fall to the lot of the Minister for Mines to give instructions to the gentleman in question. There could be no question that the thing was perfectly fair, or that there was a better means of getting the truth than that proposed by the junior member for North Brisbane; and there could be no doubt that if the Government wished to ascertain the truth, an investigation on the spot by a qualified scientific man was by far the best means of arriving at it. Therefore the Government would make a very great mistake indeed if they did not insist upon the amendment being carried, knowing, as they must, that if they opposed it, they would show their desire not to have an intelligent investigation that would show what were the facts of the case.

Mr. MOREHEAD said the hon. junior member for North Brisbane had not formulated any charges against Mr. Hodgkinson, which he wished a committee of that House to investigate. What was the charge—it was not contained in the resolution? The hon. gentleman had not told them what he wished to ascertain. If he wanted to ascertain the truthfulness or otherwise of the report, let him accept the amendment of the hon. member for Port Curtis. Men might differ as to the goodness or badness of the prospects of the mine; but the hon. member had not shown—nor had the remarks of any gentleman opposite shown, that there was any cause for the inquiry. The hon. gentleman had not read the report or given any extracts from it to show the necessity for a committee being appointed. In no way whatever had he shown that necessity. The first duty of the hon. member, in moving for an inquiry of the sort proposed, was to show that an injury had been done to the State by a State official; and it was necessary that that power should be set in force to inquire into the matter, and punish the delinquent, whoever it might be. The hon. member had not shown that in any way whatever. He had simply brought forward a resolution, which he had been assisted in framing by his senior colleague. There had been no attempt made to show that Mr. Hodgkinson had done anything wrong, or anything that demanded such a serious inquiry as that proposed by the motion. The Minister for Works had been dumb during the motion—dumb, he presumed, from shame; it was a pity he had not been dumb before. He was certain the hon. gentleman's own colleagues shared that opinion; and if they did not deny that, he would assume that they agreed with him. It was assumed that Mr. Hodgkinson was guilty before he had been tried, and searching inquiries should have been made in his own department before the matter was brought before the House. The appeal to the House should be the last appeal, not the first; the hon. gentleman did not seem to recognise that. If justice could not be obtained by an individual outside, the last appeal should be to that House; but the hon. Minister for Mines seemed to shrink from a departmental inquiry, by his not accepting the proposition made by the hon. member for Port Curtis, to let Mr. Jack go there and inquire into the truth, or otherwise, so far as his lights went, of the report of Mr. Hodgkinson. He did not suppose any hon. member in the House doubted that; and that, being so, why did not the Minister for Mines take that course first, unless he wanted to crush Mr. Hodgkinson, and he (Mr. Morehead) could hardly believe that to be possible. Surely a Civil servant should have an opportunity of clearing himself of any charge brought against him. It was not necessary to bring down the steam-hammer of that House to crush Mr. Hodgkinson. If he was wrong, a much

milder mode than putting him under such stampers could be found. He hoped the hon. Minister for Works would accept the amendment of the hon. member for Port Curtis, more especially as it had been clearly put forth by him that it was in no way a party question, so far as party politics went. Mr. Hodgkinson, when he was a member, always sat with the hon. gentlemen opposite; but he knew very little about that. He took it that, as the guardians of the Civil Service, it was their duty to see that they were not persecuted by any Minister or any individual. The Minister for Works had always an immense amount of power in his hands—an amount which was quite sufficient, or would be so in the hands of most men in his position, to check any wrongdoing on the part of his subordinates without having to appeal to that House to punish them. But what had the hon. gentleman done in the present case? He had allowed the junior member for North Brisbane to take the power out of his hands, and ask the House to assist him in so doing. They had always believed that the Minister for Works was a firm man and a strong man who would see that his own department was properly managed, whatever other departments might be. He had had full power to have dealt with Mr. Hodgkinson if he had been wrong, and he had neglected to do so, or had taken no steps to show that he believed he had done wrong. He had left it to the junior member for North Brisbane to inquire into the matter, and the grounds had not yet been stated. If wrong had been done, and the hon. member for North Brisbane had become seized of that knowledge, he had only to report it to the Minister for Works, and that hon. gentleman, if he had any doubt, had his colleagues to consult. If he considered it necessary to make it a Cabinet question he should have done so, and the Cabinet could have acted. There was no excuse for the hon. gentleman asking for an inquiry now. Let him first exhaust every means within himself and within the Cabinet, and if they were not sufficient, then let him come to the House and ask for an inquiry. The course proposed was a manifestation of weakness on the part of the hon. gentleman that he (Mr. Morehead) did not expect; and, even at the present stage, if the Government accepted the amendment of the hon. member for Port Curtis they would be doing a wise thing.

The MINISTER FOR WORKS said the hon. member for Balonne seemed to have got up for the purpose of drawing him out. All he had to say was that if he had made a mistake he would not come down to the House cringing and crying to get out of the consequences. If he had done wrong—if the committee that investigated the case said he had done wrong—he supposed the only thing he could do was to retire from the Government: but he would not cringe or beg, or be a sycophant to anyone. He had learned something within the last day or two, and he was going to keep it until the proper time came.

Mr. KELLETT said he had been hoping that the Minister for Works would not have got on his legs to speak at all, and he was glad that although he had got up he said nothing. The whole of the proceedings put him in mind of a badger fight. He did not know whether many hon. members had seen a badger fight, but he had seen a badger in a hole, and all the dogs in the country could not draw him; and it was evident that the hon. the Minister for Works was not going to be drawn by any dog—that it would take a lot of barking and biting and puppy-yelping to draw him or make him say what he did not want to say. With regard to the remarks of the leader of the Opposition, he did not think that even the hon. gentleman's best friends would give him credit for being a good leader, after his conduct that evening. He went back first on his own side and thought himself very clever by finding fault with a Bill introduced by the late Attorney-General and getting it stopped. Then he twitted the hon. member for Logan, because he could not do exactly as he wished; and having badgered his own side he commenced badgering the other, and took exception to the hon. junior member for North Brisbane (Mr. Brookes) bringing forward the motion before the House. He (Mr. Kellett) took it that the hon. junior member for North Brisbane had heard some rumours which he thought justified him in moving for a select committee to inquire into them, and, whether the Minister for Works had said something or not, he was perfectly justified in moving the motion. Whether it would be carried or not would easily be seen when they came to a division. The hon. the leader of the Opposition said the mover of the motion was not a fit and proper person to be a member of the committee—that he was not looked upon, either inside or outside the House, as an unprejudiced person; but he (Mr. Kellett) was perfectly convinced that a majority of the House, and a majority of the constituents of Queensland, were thoroughly satisfied that the hon. junior member for North Brisbane was a much more unprejudiced individual than ever the present leader of the Opposition was.

Mr. MOREHEAD: Not when you sat on the same side with him.

Mr. KELLETT: It did not matter on what side of the House he sat. He was only stating what was the opinion of the country and of all intelligent men. If there was one individual in that House more prejudiced than another, it was the leader of the Opposition. That had been proved by the debates throughout the session, for, unfortunately, the late leader of the Opposition, for whom he had great respect on account of his intelligence and his brains, was away. That hon. gentleman knew how to lead a party, and it had been suggested—he hoped it was not true—that the present leader of the Opposition was placed in that position by the late Premier because he knew the hon. member would make such a mess of it that he would be welcomed back with flying colours when he came back. That was the general opinion outside, but he (Mr. Kellett) gave Sir Thomas McIlwraith credit for something better than that. He did not believe he did it for that reason, but that was the opinion of the country. He certainly maintained that it was *infra dig.* for the leader of the Opposition, for the time being, to conduct himself in the way he had been doing. He should consider himself honoured by having been elected by the members of the Opposition as their leader. He should be proud of that position, and not go on twitting and taunting hon. members, and bringing charges against them for which there was no reason whatever, and for which he could bring no proof. He (Mr. Kellett) considered the motion a very proper one to be brought forward, and he was sure that the House was of the same opinion.

Mr. HAMILTON said he did not think the Minister for Works could feel very complimented by the term applied to him by the hon. gentleman who had just sat down, when he likened him to a badger—an animal which was considered only fit to be worried by dogs. With regard to that gentleman's remarks concerning the leader of the Opposition, that gentleman, at any rate, could say he had never deserted his colours. The wording of the motion was, in his opinion——

The MINISTER FOR WORKS: What do we care about your opinion?

Mr. STEVENSON: Speak for yourself.

Mr. HAMILTON said he considered that the good opinion of the member who had interrupted him would be about the greatest disgrace he could suffer from. The wording of the motion was, in itself, sufficient to show that it should not be carried, because it said:—

"To inquire into and report upon the circumstances attending the making of a Report, purporting to be a Report of the Palmer Gold Field, made by Mr. Warden Hodgkinson on the 7th October, 1883."

Now, even if that report proved to be incorrect, it might not justify the statements which had been made by the Minister for Works. It might be proved that the report was incorrect, but that would not prove that Warden Hodgkinson had been guilty of bribery and falsehood, and had been concerned in a conspiracy to defraud the public. Those were the serious charges made against that officer, and those were the charges, the truth or falsehood of which should be investigated by the committee. He thought any impartial person would admit the desirability of consenting to the amendment proposed by the hon. member for Port Curtis, because anyone who had read the report in question would at once see that the only subjects which could possibly be taken exception to in it were the amount of gold which the reefs referred to had produced from the quartz crushed during the last two years; further on, the dip or underlie, and the character of the rock, and the condition of those reefs as compared with other reefs in the same district. The amount of gold which those reefs had produced could be easily ascertained by reference to certain papers in the office of the Minister for Mines. He knew that in that office, in Brisbane, there were papers copied from the reports of the various machines on the Palmer Gold Field, stating the number of tons of quartz crushed by the various mills, and the number of ounces per ton crushed. With regard to the dip and direction of the reefs, and the character of the rock, how could gentlemen down here ascertain that? Was not the Government Geologist, whose profession it was to decide such matters, more capable of decidjng upon such matters? He was there, and could possibly decide already; but would it not be absurd to send the member for Carnarvon and the member for North Brisbane up to ascertain those particulars? Fancy the hon. member for North Brisbane going up there and taking the direction and dip of the reefs, and the direction of the underlie, and the character of the rock! Such a thing was an utter absurdity. Every principle of fair play was in support of the amendment of the hon. member for Port Curtis. Let the Government Geologist be instructed to report, so that his report might be compared with that of Warden Hodgkinson.

Mr. BAILEY said he had no doubt if Warden Hodgkinson was there that night he would say, "Save me from my friends." Some of them remembered him as a genial good-hearted member of that House at one time. Whatever had taken place lately in relation to his duties as a goldfields' warden, he was sure his conduct would bear the fullest inquiry. That was what was asked for by that resolution. He was sure Warden Hodgkinson, unless he had very much changed, would be the very last man to burk inquiry in any way.

Mr. HAMILTON: He demanded an official inquiry and got no answer.

Mr. BAILEY said he was not aware of that. He was sure that an inquiry such as that asked for by the resolution would be the best for him, and those who suggested any outside action or any arrangement to burk the fullest inquiry were no real friends of the Mr. Hodgkinson he used to know. He hoped the resolution would pass as it stood without amendment. The gentlemen whom it was proposed should form the committee were free entirely from political prejudice, and were neither friends nor enemies of Mr. Hodgkinson. He did not believe one of them knew him, and a better committee for Mr. Hodgkinson could not be found in that House.

Mr. HAMILTON said he would like to say one word in explanation. He did not think the gentlemen appointed from the Opposition side would have time to act on the committee.

The PREMIER: Spoken.

The SPEAKER: The hon. gentleman has spoken.

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

AYES, 22.

Messrs. Griffith, Rutledge, Dickson, Dutton, Sheridan, T. Campbell, Buckland, Horwitz, Macdonald-Paterson, Higson, Bailey, Kellett, White, Kates, J. Campbell, Fraser, Jordan, Isambert, Mellor, Aland, Brookes, and Foxton.

NOES, 7.

Messrs. Norton, Archer, Morehead, Stevenson, Nelson, Hamilton, and Palmer.

Mr. ARCHER said that, in dividing the House, he, and those who voted with him, simply wished to record their votes to show that they were anxious to sift the matter to the bottom, and not to have a sham kind of trial. They wished that the most efficient man in Queensland for arriving at the truth of the matter should have been empowered to hold an inquiry on the spot; and, though they knew perfectly well that several gentlemen on the opposite side did not know what the amendment was that they were voting against, they were, at all events, determined to record their votes in what they considered a proper manner. They, of course, knew that they would be defeated, and now they could do no more; but he would call attention to one thing which probably—now that the matter was sure to go before a select committee—would prejudice the members against giving what might be a correct decision. He did not mean to accuse any of them of being so base as to vote against their convictions, but they knew that all men were influenced to some extent by their interests, even though unconsciously; and they had heard the Minister for Mines announce that if the committee found he was wrong he would retire. He was sure many of the Minister for Mines' colleagues believed the words he had used with regard to Mr. Hodgkinson were utterly unfit to be used by a Minister; and, in any case, they should never have been used by any Minister who had kept the person referred to employed for months after the supposed crime had been committed. The hon. the Premier had tried to defend his colleague the other day, by saying he should advise that Mr. Hodgkinson should be suspended. He knew quite well that no man in his department who, he believed, had made a false return, would remain for one minute in office without an inquiry being held; and he knew quite well that the House knew it. He wished to call attention to one or two words that fell from the Minister for Mines when the hon. member for Cook (Mr. Hamilton) was speaking. He (the Minister for Mines) called out that he cared nothing for the opinion of the hon. member for Cook. Well, the time was when he (Mr. Archer) cared something for the opinion of the Minister for Mines, but since he had uttered those statements against Mr. Hodgkinson he did not care if the Minister were to proclaim him a murderer

all through the length and breadth of Queensland, as his opinion now was utterly worthless. He had not only accused a man of a most infamous crime, but had actually prevented an attempt to get at the root of the matter. Hon. gentlemen on the other side of the House must be aware that the Select Committee could not get at the root of the matter—that could only be done by an inquiry on the ground; and the amendment of the hon. member for Port Curtis, proposing that the Government Geologist should hold that inquiry, was about the very best suggestion that could be made. He would like to refer to a remark made by the hon. member for Wide Bay—that, if Mr. Hodgkinson was the gentleman he once knew him to be, he would demand an inquiry. He (Mr. Archer) was perfectly certain he would. He had known Mr. Hodgkinson since, he thought, 1862, when he returned with Mr. Mackinlay from the Gulf trip. Mr. Hodgkinson would be the very last man to try to burk inquiry. The members who voted for the amendment did not want to burk inquiry; they wanted to have an inquiry that would thoroughly establish the truth.

The PREMIER: And find out nothing.

Mr. ARCHER: How is this Select Committee to find out anything?

The PREMIER: They will find out nothing up there.

Mr. ARCHER: We want the most competent man in Queensland to investigate the matter.

The PREMIER: The mines are full of water.

Mr. ARCHER said they wanted evidence taken on the spot. It would save a tremendous lot of time, it could be done more thoroughly, and at infinitely less expense. If witnesses were to be brought face to face with the committee—and in no other way could the evidence be properly taken—the inquiry would be much more expensive to the country and much less effectual than if it were conducted on the spot. It was a matter in which he had no personal feeling at all, in fact; as was stated by one of the previous speakers, the gentleman whose honour was called in question was not, so far as he knew, an admirer of the politics of the party to which he (Mr. Archer) belonged, but was rather an adherent of the other side. He had simply known him as an acquaintance, and, of all the Civil servants that ever lived in Queensland, Mr. Hodgkinson had been worse treated by his superior officer, and was now to be worse treated by the House, than any man he had ever known. At all events, if the man was tried on the spot he would have a fairer trial. He might call evidence there to show that he had done no wrong; but now they were going to waste time, bring witnesses down here, and do everything in their power, probably to make the House adjourn before any committee could bring up a report, and while this gentleman walked about with leave of absence and a grave accusation hanging over his head. He believed that in the vote that had been given there had been a grave miscarriage of justice, and he regretted it. He was glad that he had voted with the minority, and was certain that if that minority had been a majority they would know much more about the case, would better obtain a report much sooner, and would be able to deal with it in the House in a proper way.

Mr. STEVENSON said he thought, with hon. members on his side of the House, that the inquiry would be a perfectly useless one; that it would be simply labour lost, and that the time of hon. gentlemen would be taken up in investigating a sham. Hon. members on the Government side, as well as hon. members on the Opposition side, of the House, knew as well as the Minister for Mines knew, that he had simply made a mistake. In a rash moment, the hon. gentleman had used words which he ought not to have used, and which he (Mr. Stevenson) was certain the hon. gentleman was sorry for now; and, perhaps, if he had his own way, he would very likely withdraw his words and put himself and Mr. Hodgkinson in a right position. However, it had been determined by the Government that the Minister for Mines was to be sheltered behind a sham committee; and there was not the slightest doubt about it—as was pointed out very forcibly by the hon. member for Townsville the other night—that the inquiry would be worth nothing whatever, because it was impossible for any committee of that House to make any satisfactory inquiry into a subject of this kind. That hon. gentleman pointed out that for the purposes of a useful inquiry experts would have to visit the mines to make a satisfactory report, or to show that Mr. Hodgkinson's report was either one thing or the other. He (Mr. Stevenson) was satisfied that no good would be done by the committee. Some good might have been done, if, in the first instance, as was proposed by the member for Port Curtis, they had first had a good and faithful report from a man like Mr. Jack, who could inspect the mines and find out whether Mr. Hodgkinson had made a right or a wrong report. What could they possibly expect from a committee appointed as first proposed by the hon. the junior member for North Brisbane? It consisted of three members of the other side of the House—each and every one of them strong partisans—and two members from the Opposition side. The Minister for Works held out the threat that if the verdict was against him he would resign? Now he (Mr. Stevenson) would like to ask hon. gentlemen if it was likely, after a threat of that kind, that a report would be brought up, simply asking the Minister for Mines to resign, as it would do in effect if it was in favour of Mr. Hodgkinson. He would put it to hon members, if three members coming from the other side of the House would be at all likely to bring up a report which would cause the Minister to resign. He said the thing was absurd, and that those three members would, without doubt, perform the whitewashing process for the Minister for Mines. And what would be the result of that? It would be doing the very greatest wrong to an innocent man. That was a very serious thing. He thought that hon. members ought not to look upon it as a party question, because a man's character was at stake, and that man held his character as dear as any member of that House.

Mr. BROOKES: Hear, hear!

Mr. STEVENSON: The hon. member said "Hear, hear," and he (Mr. Stevenson) said that, if that was his opinion, he should not have given his vote for the appointment of the committee. It was utterly impossible that that committee would bring up any other verdict than one which would exonerate the Minister for Mines. He was not going to take notice of any of the speeches that had been made. He had simply given his opinion on the question, and given his reasons for voting as he had done, and he would now conclude by moving an amendment. He moved that the names of Messrs. Macrossan and Black be substituted for those of Messrs. Donaldson and Jessop, as he understood the two latter gentlemen would not act.

Mr. BROOKES said, wishing only that the truth should be got at, he gladly accepted the two new names.

Mr. MOREHEAD said perhaps the hon. gentleman would tell the House why he put the other two names on the committee without the consent of the hon. members?

Mr. BROOKES said he was not to be drawn by the hon. gentleman.

The House consenting to the proposed amendment, the motion, as amended, was put and carried.

Mr. HAMILTON, in moving—

That there be laid upon the table of the House, all communications received by any of the Ministers from Warden Hodgkinson since the 17th July last—

said he could not imagine why the motion had been made "not formal," because he had imagined that Ministers would have been only too glad to give the House any information with regard to those serious charges that had been made against Warden Hodgkinson. The Government, by making the motion "not formal," had practically refused to do so, and he was anxious to hear the Premier's reason for making the motion "not formal."

The PREMIER said he had ascertained that the only Minister who had received any communication from Warden Hodgkinson was himself. The motion was not given notice of until after the one which had just been passed. He still thought, as had already been said, that Mr. Hodgkinson might well say, "Save me from my friends." He (the Premier) wished it to be distinctly understood that, so long as he was at the head of the Government, if any Civil servant made communications to him, and then asked a member of the House to move for their production, he should consider it a very grave breach of official discipline. Such a thing was not to be tolerated. He did not suppose for a moment that they were written for that purpose; therefore Mr. Hodgkinson might well say, "Save me from my friends." One of the communications he had received from Mr. Hodgkinson was a telegram, purporting to be a copy of a letter—perhaps an abbreviated copy—at least he presumed it was—written by him to the Minister for Mines. That letter had not yet reached the Minister for Mines. The other was a telegram which he (the Premier) understood to be in the nature of a private telegram to himself. He declined to produce either of them. The letter to the Minister for Mines would, no doubt, be received in due course, and it might then be produced; but he declined to produce the telegram purporting to be a copy of it, or the telegram to himself, which he assumed to be of a private nature; and he should ask the House to divide on the motion, and to refuse to order the production of papers received, under those circumstances. The motion was made for the purpose of attacking a Minister. He declined to believe it had been made at the instance of Mr. Hodgkinson, whom he had known for many years, and for whom he had for a long time entertained a great respect. He should decline to assent to the motion.

Mr. HAMILTON, in reply, said that the telegram to which the Premier had alluded was not a private telegram. He had information from Mr. Hodgkinson himself, that it was simply a telegram asking for an inquiry into the charges made against him. The Premier's sole reason for declining to assent to the motion was, that he was willing to do injustice to a man because he could not otherwise shield his colleague. It was not true that Mr. Hodgkinson had asked him to bring the motion before the House. Mr. Hodgkinson did nothing of the kind.

The PREMIER: I said I did not believe he had.

Mr. HAMILTON said that was the impression the Premier had left on the minds of hon. members; and not only had he left that impresssion, but he had made a threat against Warden Hodgkinson for having done so, stating that Mr. Hodgkinson might well say, "Save me from my friends," and adding that he had been guilty of a gross breach of official discipline. When Warden Hodgkinson received no reply to his demand for an inquiry he wired to him (Mr. Hamilton) as his friend, asking what course he should take. Any honourable man who had been slandered would do as Mr. Hodgkinson had done. The Premier was evidently afraid to produce the telegram, because he knew well that it would recoil upon him if it appeared in *Hansard* that Warden Hodgkinson had asked for, and had been refused, that justice to which every man was entitled. With the permission of the House he would withdraw the motion.

Motion withdrawn accordingly.

ADJOURNMENT.

The PREMIER, in moving that the House do now adjourn, said he hoped there would be a sitting to-morrow morning, and if so, he intended to proceed in committee with the Patents, Designs, and Trade Marks Bill, on which there was not likely to be much difference of opinion.

Mr. MOREHEAD said that, personally, he was not prepared to attend to-morrow morning. Friday morning was a most inconvenient time for members who had business to attend to, and they might just as well adjourn till Tuesday.

Mr. ARCHER said that he also had made other arrangements for to-morrow morning and could not possibly attend. If notice had been given earlier, he would have made an effort to attend.

The PREMIER said that probably to no one would the inconvenience of meeting on Friday morning be greater than to himself, but the Government must really have more than two evenings a week. They had very serious work to do, and there was a lot of non-contentious work which could often be got through in three hours on a day. But the difficulty was to find the three hours. Under the circumstances, he would, with permission, amend the motion by moving that the House do now adjourn till Tuesday.

The HON. B. B. MORETON said that many country members came long distances to attend to their parliamentary duties, and they wished to get through the work as soon as possible, consistent with due consideration. He hoped there would be no more adjournments till Tuesday.

Question, as amended, put and passed.

The House adjourned at twenty minutes to 10 o'clock till Tuesday next.