Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 4 SEPTEMBER 1884

LEGISLATIVE ASSEMBLY.

Thursday, 4 *September*, 1884.

Pettigrew Estate Enabling Bill.—Assent to Bills.—Estimates for the Year 1884-5.—Formal Motion.—Wages Bill—third reading.—Auriferous Deposits at Mount Morgan.—Motion for Adjournment.—Gympie Gas Company (Limited) Bill.—Jury Act Amendment Bill.—Health Bill—committee.—Adjournment.

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

PETTIGREW ESTATE ENABLING BILL.

Mr. FOOTE, as Chairman, brought forward the Report of the Select Committee appointed to inquire into this Bill.

The second reading of the Bill was made an Order of the Day for Thursday next.

ASSENT TO BILLS.

The SPEAKER read messages from the Governor, intimating that His Excellency had been pleased to assent to the following Bills:—A Bill to consolidate and amend the laws relating to the Insane; and a Bill to authorise the issue of Deeds of Grant and Leases in the names of deceased persons in certain cases.

ESTIMATES FOR THE YEAR 1884-5.

The SPEAKER also announced that he had received a message from the Governor forwarding the Estimates-in-Chief for the year ending June 30, 1885.

On the motion of the COLONIAL TREASURER (Hon. J. R. Dickson), the Estimates were ordered to be printed and referred to a Committee of Supply.

The COLONIAL TREASURER laid on the table of the House a Schedule of the Estimates-in-Chief for the year 1884-5, showing the total remuneration received during the year 1883-4, by all public officers holding more than one office, or receiving any special allowance, fuel, or light in addition to their fixed annual salaries; and moved that the paper be printed.

Question put and passed.

FORMAL MOTION.

The following formal motion was agreed to:—

By Mr. MACROSSAN—

That there be laid on the table of the House, the Report of the Survey of the Railway from Townsville to Herbert River.

WAGES BILL—THIRD READING.

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

AURIFEROUS DEPOSITS AT MOUNT MORGAN.

Mr. NORTON said: Mr. Speaker,—In moving the notice of motion standing in my name, I hope the Minister for Mines will not think that I wish to interfere in any way with him, or to dictate in any way the course which I think he ought to take with regard to this question. I would point out to the hon. gentleman that the matter is one in which I feel a great deal of interest—not in a pecuniary way, I am sorry to say, but it is a matter in which I am very much interested, because the Mount Morgan mine is situated in my district; and, as the representative of that part of the country, I feel bound to bring the subject before the House. The circumstances connected with that discovery are so peculiar that I think they will justify the action which this motion asks for. I would point out that in the whole of the country from Mount Morgan to the coast about Rockhampton, and from the Fitzroy in a southerly direction, as far as I have been—to the Cania Diggings—there are indications of deposits of minerals of very many kinds. In a great number of places gold has been discovered, though it has not been found under similar conditions to those which exist at Mount Morgan. With regard to Mount Morgan, I have not been there myself, and I do not know enough geology to express an opinion, if I had; but I have been told by persons who have had a great deal to do with gold-mining in Australia and elsewhere, and also by gentlemen who have a considerable knowledge of geology, that, in the whole of Australia, gold has never been found in such circumstances as it has been found at Mount Morgan. The geological combination is different there to what it is in any other portion of Australia, and some persons even go so far as to say that no similar combination is found in any other part of the world. Of course I do not know whether that is correct or not, but I am quite sure that persons who have been much among mines, and who have seen specimens from Mount Morgan, would never for one moment—unless they knew that gold had been found there—think of looking over the country in which that stone exists, with the expectation of finding gold. So far as I have been over the country between Mount Morgan and the Cania Diggings, I know that there are indications of extensive volcanic disturbance, though not the unusual geological combinations in which this gold has been found at Mount Morgan. I think that that fact of itself is sufficient to justify a special examination of the country, with the view of ascertaining as far as can be done whether there is any probability of finding a similar deposit in any other place—not only in the neighbourhood of Mount Morgan, but in any other part of the colony. I noticed in the *Courier* the other day a paragraph referring to specimens which had been brought down from the Mount Morgan mine. It said:—

"Captain Whish, who has recently returned from a visit to the Mount Morgan gold-mine, has brought with him a number of very interesting specimens from that place. Anyone expecting, from accounts of the richness of the discoveries, to be shown pieces of gold-bespangled quartz would be greatly disappointed, for the specimens are quite devoid of all appearance of gold, at least to the unassisted eye. Some are in the form of stalactite of ironstone, and this is the general appearance of stone from the upper cutting; but from the lower cutting specimens are brought bearing a strong resemblance to pumice-stone, being of very much the same colour, and perfectly honeycombed throughout. Another specimen which was picked up by Captain Whish, near to stone of the last-named class, was quite white, like chalk, but lighter, as it will float on water. All these specimens are from gold-bearing stone, though only in a few of them can any trace of the precious metal be detected. Selections are continually being taken up; but all the old indications are at fault, and the only test that can be applied to the stone is to take out a few tons of it and send it down for assay. The general appearance of the stone in the upper cutting is that of slag from a furnace; but the lighter coloured stone already spoken of is also found to be very rich. As has already been pointed out in former articles, this discovery is quite unique in the annals of mining, and it is supposed that the quartz and iron and gold have been in a state of fusion; and that the gold has been made to permeate the whole mass by a jet of steam. It is the only place in which gold has been found without any alloy of silver, and the product is worth something like £4 4s. 8d. per ounce.

Of course, Mr. Speaker, I do not venture to say how far that is a correct description of Mount Morgan and the specimens which have been brought from there.

The PREMIER (Hon. S. W. Griffith): It is quite correct,

Mr. NORTON: I believe it is quite correct. The specimens I have seen are just like pieces of iron, and anyone seeing them lying on the ground would not think that in that country there was the slightest use in looking for gold. Mount Morgan is a considerable distance from Cania, where a similar volcanic upheaval has taken place as at the former place, but whether it has been the same volcanic eruption I cannot tell. There have, however, been volcanic disturbances right through to Cania. The geological combination there is different from other parts of the country I know—the Mountain Rose I think they call it. There is a mixture of sandstone and, I think, ironstone and copper—in fact, all sorts of stones and minerals, which one does not expect to see under ordinary circumstances. Of course I do not expect, if a geologist is sent to Mount Morgan, that he will go all round the district. At the present time I believe that Mr. Rands, who came out to act under Mr. Jack's direction, is in that neighbourhood. Where the geological formation is so entirely different it is very important, not only to the particular localities concerned, but to the whole colony, that the report of a geologist in whom there is every reason to place confidence should be obtained, in order that miners in the rest of the colony may have something to guide them in looking for gold in places where they have not had the expectation to find it before. I know that Mr. Jack's time has been very much engaged lately, but I think the Minister for Mines might possibly make arrangements so that he might be able to spare time, under circumstances such as these, for two or three weeks, or whatever time may be necessary for him to examine the district. I do not suppose it will take more than a month; and the work that he is engaged upon, although important, might with advantage to the colony be postponed for the time Mr. Jack should be required to go down there. I mention Mr. Jack because he is a gentleman whom we all know something about. Reports have been sent down by him at different times from various places, and I think there is a feeling of confidence that he is a gentleman whose report can be depended on entirely. I do not think it is necessary for me to say very much on the subject. I know a great many gentlemen have seen specimens of the stone from Mount Morgan, and I am not sure there are not some about now, but I have none myself or I would have brought them. I hope the Minister for Mines will see the importance of making an effort to get a special report under the peculiar circumstances of the case, in order that the people in the neighbourhood, and the miners throughout the colony generally, may have a better opportunity of gaining knowledge with regard to new discoveries in connection with the deposit, than they have at the present time. I therefore move—

That, taking into consideration the unusual geological formation of the auriferous deposits at Mount Morgan, in the vicinity of Rockhampton, it is desirable that a special report by a competent geologist should be obtained at as early a date as practicable, dealing particularly with the exceptional conditions under which gold has been discovered in that locality.

The MINISTER FOR MINES (Hon. W. Miles) said: Mr. Speaker,—There is not the slightest objection to the motion just moved by the hon. member for Port Curtis, if he will amend it in one particular. He asks for a special report by a competent geologist; and what I understand from the hon. member's speech is, that he would like Mr. Jack brought down to report upon this particular formation. But I think, sir, that the wording of the motion is invidious. It would make it appear that Mr. Rands, the Assistant Geologist, is not competent.

Mr. NORTON: Oh, no!

The MINISTER FOR MINES: If the hon. gentleman will consent to amend his motion to the effect that Mr. Jack be requested to make a survey of this goldfield, there will not be the slightest objection. The hon. gentleman will see that from the way in which the motion is worded, if Mr. Jack is brought down it will appear that Mr. Rands is not competent.

Mr. SMYTH said: Mr. Speaker,—The motion before the House is of more importance to the people of Mount Morgan than to the public generally. If I were a shareholder in the Mount Morgan mine I should not like to have a geologist sent there to make a report unless I knew him to be thoroughly competent. In the early days of Gympie there was a Government geologist asked to make a report, and he very nearly ruined the field. He condemned one mine, stating that the miners would never get through the greenstone, in which he stated they were working, and that they would never get gold below that. The consequence was that had it not been for the energy of Mr. Lord, Mr. Couldery, and others, who would not take the word of that geologist, the greenstone would never have been pierced, and the rich yields of gold since discovered would never have been obtained. If some "greenhorn" of a geologist were sent to report, he might do the mine more harm than good. I know another case, where a celebrated geologist, who came from Victoria with a great reputation, who is now reporting on the silver-mines at Silverton, in New South Wales, near the border of Adelaide: that geologist I know to be a fraud, because I have been down a mine with him and heard him call mundic gold. Therefore I think the shareholders of Mount Morgan mine should be very careful how they let their mine be inspected; and if the Government do send a man out, they should see that he is thoroughly competent.

Mr. FERGUSON said: Mr. Speaker,—I do not think there can be any objection whatever to the motion moved by the hon. member for Port Curtis, which will, no doubt, be of some benefit to the colony. At the same time, I should have much preferred a motion asking the Government to assist in trying to develop other places besides Mount Morgan—in the district of Rockhampton. I see by the papers that the Minister for Mines has promised to give £2 for every £1 subscribed by the people of Maryborough for prospecting purposes in that district. If the Government procure or purchase a diamond drill for the district which the hon. member for Port Curtis has mentioned, to be under the control of some local authority—say the divisional board—if the Government will procure that, and allow the local authority to hire or lend it out to any party prepared to work it at their own expense, it would very likely be the means of developing other mineral deposits besides that of Mount Morgan. I know myself that the formation in the locality of Mount Morgan is of the same character as Mount Morgan itself, though gold may not be found on the surface; but it may be found at a considerable distance beneath; and a diamond drill might lead to discoveries quite as valuable to the colony as Mount Morgan itself. I have been asked by several of my constituents to bring this matter before the House. I do not wish that the Government should pay anything towards the expenses of working the drill. I suggest that they should procure it and appoint a practical man to take charge of it, on the understanding that those who engage it shall pay his

wages together with the other working expenses. I think I need say no more at present. I have no objection to the motion.

Mr. LISSNER said: Mr. Speaker,—I feel it my duty, as the representative of a mining constituency, to speak on this motion. I notice that the Minister for Mines has promised to give £2 for every £1 subscribed for prospecting in the Maryborough district, and I think that the districts all round in the colony should receive the same. We are all inclined to further the development of our mines if we can get the assistance of the Government. If the Government would be good enough to place £10,000 or £20,000 on the Estimates, to be spent all over the colony, I will be one to vote for it. We have stamina enough to find the original capital, and we only want the Government to provide the balance; but to confine the subsidy to Maryborough, or Gympie, or Mount Morgan, would not be fair.

The MINISTER FOR MINES: Or to Charters Towers!

Mr. LISSNER: Certainly. If there is to be such a sum on the Estimates we ought all to be in it. We will find the foundation of the arrangement, and the Government the balance; and if the Government will only grant £20,000 next year as a subsidy we can develop mines in every direction, and to the benefit of the whole colony. When a sum is wanted, of course it will have to be specified what it is required for, and the warden will have to report on the application. As far as diamond drills are concerned, they are very good in their way, but at Charters Towers they have proved a failure. In the granite we have got there we bore a hole, and pay £500 or £600 for the hole; and it always happens that the reef we intend to strike is not exactly where the hole is bored. Diamond drills have proved of great advantage in Victoria, where they knew the strata they had to bore through; but when we get into granite the yare a failure. I am not going to ask the Government to spend money on diamond drills, but to place on the Estimates a sum sufficient to enable them to give £2 to £1 to develop the mining industry all over the colony; and I have no doubt we shall find more wonderful mines even than Mount Morgan. With regard to Mr. Jack, he is quite good enough a geological adviser to give the miners a guide to go by, independent of diamond drills. I have nothing further to say beyond again expressing the hope that the Minister for Works will be good enough to put £20,000 on the Estimates to develop the mines of the colony, and we will find the balance.

Mr. NORTON, in reply, said: I shall be very glad to accept the suggestion of the Minister for Mines, and omit the word "competent" from the motion. With regard to Mr. Rands, I do not think anyone would suppose for a moment that I intended to cast any slight upon him. By a motion I tabled some time ago, and which the then Government accepted, I was the means of getting Mr. Rands brought out to the colony; and I was particularly interested in getting him sent to the district I represent, as soon as he arrived in the colony. Mr. Rands is a new man in the colony, and it is hardly to be expected that we can yet have that confidence in him—knowing nothing of him—that we have in Mr. Jack, from whom we have had so many reports, and whose reports have always been good. I may also state that Mr. Rands is going through the course I marked out for him before the late Government left office. Instructions were left by me, which the present Minister for Mines has seen fit to carry out; although at that time Mount Morgan was unknown, and there is no mention of it in those instructions. I have heard that Mr. Rands is very well qualified to go there and report upon it. With regard to the suggestion of the hon. member for Rockhampton, I should be very glad to see his wishes carried out, but there is such a thing as defeating one's own ends by asking too much. As to the subsidy of £2 to £1, referred to by the hon. member for Kennedy, which has been promised by the Minister for prospecting for gold near Maryborough, it has been the practice for years to give a subsidy of £2 to £1, to parties going out prospecting for gold, all over the colony. There was a sum of £2,000 for that purpose on the Estimates tabled by the late Government, and I believe it was adopted in the Estimates of the incoming Government. As far as the money goes, no doubt the Minister will be glad to help the hon. member or any of his constituents. I propose to amend the motion by omitting the words "a competent," and inserting "the Government."

Mr. MELLOR said: One would almost think, from the remarks that have been made, that Mr. Rands is not a capable geologist. It would be a great pity if such were the case. Mr. Rands is now in the Wide Bay district, and it would be a misfortune to that district if he were not a thoroughly competent geologist. With reference to what has fallen from the hon. member for Kennedy, if he wants to get a subsidy for any prospecting party he can easily do so by making the necessary application to the Minister for Mines. But he must understand that the subsidy is not given for developing already known reefs, but to parties sent out to prospect for quite new discoveries. I trust that the suggestion of the hon. member for Rockhampton, with regard to providing diamond drills for mining districts, will be acted upon. I think great service would be done not only for gold-mining but in prospecting for coal. I believe that in the Wide Bay district at the present time there are coal-mines where, if a drill were placed, it would be of great service to the district. At Gympie, too, which is not simply a goldfield, there are strata in which, if slate-beds were discovered, I am satisfied we should get coal. If the diamond drill were to go down, say, 1,000 feet, and find the level of some of the strata, we are confident we should get the same results as in the upper levels.

Motion, as amended, put and passed.

MOTION FOR ADJOURNMENT.

Mr. ISAMBERT said: Mr. Speaker,—I beg to move the adjournment of the House, in consequence of certain remarks made on Tuesday night by the leader of the Opposition. In speaking on the Immigration Bill, the hon. gentleman said—I quote now from *Hansard*:—

> "The Hon. Sir T. McILWRAITH said he would tell the Committee the reason why some Germans voted against him at the late elections. One adviser of the Germans, in a position analogous to that held by the hon. member for Rosewood, went round and told those men—with whom he had always been on good terms, with whom he had been friendly, whose families he had helped, and whose sons and daughters he had employed—told them both verbally and in writing that if McIlwraith was returned the first thing he would do on getting into power would be to call in the title-deeds of their estates, and convey all the land back to the squatters. Men who would listen to advisers such as the hon. member for Rosewood showed that they had not got to that point of perfection in their education as electors which he, at all events, desired to see."

That statement was so astounding that I would not venture that evening to reply to it. I am certain that no man, even during an election time, would make such an election speech; and if he did, it is impossible for the people of the colony to swallow it. No sane man would

venture to make it. I took the trouble of wiring to Bundaberg to the following effect :—

"Mr. McIlwraith stated last night in Parliament that one adviser of Germans in Bundaberg of similar position to myself, told verbally and by writing at last election, if Mr. McIlwraith return to power he would call in the title-deeds of their estates, and convey such land back to squatters. Is that true?

"To John Rowlands, Bundaberg, September 3rd, 1884."

To-day I received the following reply :—

"Give statement most emphatic denial. Challenge production of such absurd writing.—JOHN ROWLANDS."

The hon. gentleman also stated that—

"No doubt the Germans were in many respects good citizens, but they were not going to sacrifice the whole colony for them."

Where is the sacrifice? I believe the sacrifice is at the expense of truth. If the hon. gentleman is so hard up for arguments that he must villify any people to make the colony believe such an absurdity, then he must be very hard up indeed. If all his arguments are based on as much truth as this statement, then I really pity the Opposition.

Mr. CHUBB said: Mr. Speaker,—I take advantage of the motion for the purpose of asking the Premier a question without notice, because it is a matter of some importance. It is, whether his attention has been drawn to the decision of the Supreme Court yesterday, which will affect very materially the by-laws of municipal councils and divisional boards? The decision is to this effect: that divisional boards have no power to make by-laws imposing license fees for the regulation of traffic—a decision which of course applies to municipal councils. Is it the intention of the Premier to take any steps in consequence of that decision?

The PREMIER said: Mr. Speaker,—My attention was called to the matter by the hon. member for Fortitude Valley, who intended mentioning it to the House. The decision of the Supreme Court is one which, I think I may say without presumption, has created a good deal of surprise, especially as last year a decision was given by the Privy Council which, in my humble opinion, involved the principle that under a statute such as ours a corporate body has power to impose license fees. I do not know whether that was brought under the notice of the Supreme Court. But at the present time we have to take the law as it is declared by the Supreme Court here. I propose therefore as early as possible, probably next week, to bring in a Bill to remove all doubts on the subject, and place on a satisfactory footing the power of municipal bodies to impose license fees for this purpose.

Mr. BEATTIE said: Mr. Speaker,—I am glad to hear the Premier say that. I intended to ask a question similar to that put by the hon. member for Bowen, having brought the matter before the Premier; and therefore I am glad to find that it is the intention of the Government to introduce a Bill to remedy the defect. I may mention that it is becoming a most serious question in reference to carrying out properly the Divisional Boards Act, which I believe, when properly worked, has done a great deal of good throughout the colony; but if local bodies are going to be blocked in the way that is being done it will be a serious matter. Whenever the boards find there are breaches of the by-laws for the good government of local bodies, and bring a case before the court, I do not know how it is, but they are "slated." Those by-laws are made after careful revision, in accordance with the Divisional Boards Act; they are, I presume, considered by the Government, and they have been proclaimed by various Governments, both past and present. Yet, whenever someone has committed a breach of those by-laws, and the matter is brought before any of the courts, the local bodies are always "slated"; the presiding judges or the magistrates pronouncing the by-laws *ultra vires*. I think it is time for this to be put a stop to. Let us understand exactly the position of local boards, and if they have no power except simply that of levying rates on the ratepayers, I must say it seems to me to be our duty to remove from their shoulders all responsibility of government in their divisions. I think it would be injurious to ratepayers themselves, because good government by local bodies depends upon the great assistance they receive from the ratepayers throughout the length and breadth of the colony. I am very glad indeed to hear that the Government propose to introduce an amending Act to remedy these shortcomings in the present Divisional Boards Acts.

Mr. LISSNER said: Mr. Speaker,—I am very glad to hear what the Premier has said about the divisional boards. With regard to what the hon. member for Rosewood says about the Germans, as far as I remember the days of the election, I think the Germans had a great say. They had their own way as far as Rosewood was concerned, and I think, while the hon. member for Rosewood runs the "German ticket' in this House, and Mr. Jaeschke grinds the organ, they ought to be quite satisfied with that. I stood for an electorate at the time, and being a German myself I know what it means. I do not think there is any necessity to say any more on the matter; I am satisfied as to the German business.

Question put and negatived.

GYMPIE GAS COMPANY (LIMITED) BILL.

On the motion of Mr. SMYTH, the Order of the Day for the second reading of this Bill was postponed till Thursday next, as the report of the Select Committee had not been circulated amongst hon. members.

JURY ACT AMENDMENT BILL.

On the motion of Mr. CHUBB, it was resolved in Committee—

1. That it is desirable that a Bill be introduced to amend the laws relating to Jurors, and to amend the Jury Act of 1867.

2. That an Address be presented to the Governor, praying that His Excellency will be pleased to recommend to the House the necessary appropriation for defraying the expenses likely to be caused by such Bill.

The House resumed, and the report was adopted.

HEALTH BILL—COMMITTEE.

On the Order of the Day being read, the House resolved itself into Committee of the Whole, to further consider this Bill in detail.

Clause 30 passed as printed.

On clause 31, as follows :—

"The local authority of any district may, by agreement with the local authority of any adjoining district, and with the sanction of the board, cause its sewers to communicate with the sewers of the local authority of such adjoining district, in such manner and on such terms and subject to such conditions, as may be agreed on between the local authorities, or, in case of dispute, may be settled by the board.

"Provided that, so far as practicable, storm-waters shall be prevented from flowing from the sewers of the first-mentioned local authority into the sewers of the last-mentioned local authority, and that the sewage of other districts or places shall not be permitted by the first-mentioned local authority to pass into its sewers so as to be discharged into the sewers of the last-mentioned local authority without the consent of such last-mentioned local authority."

Mr. ARCHER said he would like to ask the Premier whether the clause was a transcript of the English Act. The clause provided that

the storm-waters from the sewers of one local authority should be prevented from flowing into the sewers of another local authority. He fancied it would be one of the most beneficial things which could happen that the storm-waters should flow into and flush them. If there was any reason why that should not be so he would be glad to hear it.

The PREMIER said the clause was a transcript of the English Act. He fancied the hon. member for Fortitude Valley would give a different account from the hon. gentleman as to the advisability of allowing storm-water to run into sewers, as it often resulted in bursting the sewers or overflowing them. Great inconvenience had occurred in that way in the division of Booroodabin. What was meant by "storm-waters" in the clause was a violent or enormous quantity of water such as the sewers would not be able to carry off. Of course ordinary flushing of the sewers would be a very desirable thing.

Mr. ARCHER said the Premier mentioned peculiar cases. The sewers must be made to carry off the water, as there was no other means of carrying it off.

Mr. MOREHEAD said he could conceive that a great many difficulties might arise with regard to the clause. Suppose, for instance, that the local authorities did not agree—and with all due deference to the Minister for Lands, who thought no two gentlemen could disagree, he could quite conceive two local authorities not agreeing. What would happen, supposing the sewer constructed by one division terminated at its entrance into another division? Under the Divisional Boards Act the highest legal authority in the land had said that a divisional board would be justified in building up the end of a sewer coming from one division into another. What would happen if the local authority did not agree to the action of the adjoining local authority? What would happen if the sewage from the drain constructed by one local authority should be distributed over a division where the local authority declined to have anything to do with it? It appeared to him that the clause was not such a simple one as the hon. Premier would lead them to think. Very great difficulties might arise under it.

The PREMIER said the hon. gentleman asked what would happen if the local authorities did not agree as to their action. It was all provided for by the clause. It said :—

"The local authority of any district may, by agreement with the local authority of any adjoining district and with the sanction of the board, cause its sewers to communicate with the sewers of the local authority of such adjoining district, in such a manner, and on such terms and subject to such conditions, as may be agreed on between the local authorities, or, in case of dispute, may be settled by the board."

The board were the arbitrators to settle disputes. If one local authority were to discharge the sewage of their district upon another district, they would be violating the 30th clause by creating a nuisance, and could be restrained by the court. There was no question about that.

Mr. MOREHEAD said he could see where very grave questions might arise in the working of the clause. He could quite conceive a sewer coming from a thickly populated and wealthy division and the sewage matter being precipitated upon a comparatively thinly populated division. According to the dictum of the Premier that would be a matter for the board to decide. The hon. gentleman had said that was the meaning of the clause. The board were absolutely empowered to overrule the action of the divisional board and compel them to construct a sewer to communicate with the sewer of the adjoining local authority, even when the divisional board might not be able to see their way to go into such an expensive work. The hon. gentleman need not look so angry. This was a very important Bill.

The PREMIER : The hon. gentleman does not understand. If he will only read the clause——

Mr. MOREHEAD said he had read the clause and had looked at the Bill, and he had also looked at the hon. gentleman, and he was equally dissatisfied with all three. He maintained that, if the contention of the hon. member was correct, that would be a matter for the Board of Health to settle. It gave a power to that board to overrule divisional boards, or, as they were called in the Bill, "local authorities."

The PREMIER said the clause would not in any way enable the local authority of one district to compel the local authority of another district to do anything except to permit their sewers to communicate with the sewers of the other district, and then only on such terms and under such conditions as might be mutually agreed upon, or, in case of dispute, as might be settled by the board. If a local authority desired to carry its sewage through another district they would be enabled to do so under the 30th section, which enabled them to construct works outside their own district, under conditions set forth in the 34th section.

Mr. MOREHEAD said that was exactly what he had said. If there was a wealthy district in a position to construct sewers contiguous to another district not so populous or so wealthy, they might flood it with sewage matter. The clause said the local authority of one district might cause its sewers to communicate with the sewers in an adjoining district—but suppose there were no sewers in the other district?

The PREMIER : Then the clause would not come into operation.

Mr. MOREHEAD said that was exactly what he wanted to get the hon. gentleman to admit : that the Bill would actually be blocked and have no effect in the event of one local authority refusing to connect with the sewers of another local authority.

The PREMIER : In that case the first local authority, if they wished to do so, could make sewers through the other district to carry their sewage away.

Mr. MOREHEAD said the hon. member would not understand and would get angry, and he was sorry to see it. The hon. gentleman would not understand that there might be a break in the continuity of the line of sewers, by the action of one divisional board, and one district might be flooded with the sewage of another.

The PREMIER said he confessed he could not understand the hon. gentleman. He thought sometimes that he had not read the clause.

Mr. MOREHEAD : Yes, I have, over and over again.

The PREMIER : Certainly there might be a break in the continuity of the sewer, but, if a higher division should want to make a sewer through a lower division, ample power was given for them to do so. They might make their sewer through the lower division to carry their sewage away, or, if there was a sewer already in existence through the lower division, then they might carry their sewer into communication with the sewer in the lower division, and use it as a channel for carrying away surplus water. That was all that was required to be done. In one speech of the hon. member he understood him to say that there should be a power given to allow the sewage of the higher division to run through the lower, and in another speech that there should be no

such power. He did not really understand what the hon. gentleman's contention was. If the higher division wished to carry sewers through a lower division they might do so by constructing works.

Mr. MOREHEAD : Not under the clause.

The PREMIER : Under the 20th and 30th clauses, and subject to the provisions of the 34th, 35th, and 36th clauses. Powers were there given for constructing sewage works outside other districts ; that was to say, for continuing sewers through lands outside any particular district. If there was in the lower district an already existing sewer, the division in the higher level might make their sewer connect with it, provided that storm-waters were not allowed to flow over the lower division.

Mr. MOREHEAD asked if there was a distinct power given to the divisional board or local authority to enter into and construct works, if they so elected, in another division ?

The PREMIER : Yes.

Mr. MOREHEAD : There is that absolute power ?

The PREMIER : Yes.

Mr. MOREHEAD : Then it was a very dangerous power.

The PREMIER : A very necessary one.

Mr. MOREHEAD said it was a dangerous power, and one which would lead to great complications and trouble. They had had examples of how it would act in regard to some of the divisions around Brisbane, where the flood-waters had come through and swamped low-lying portions of suburban lands.

Mr. SCOTT said the clause was not quite so clear as the Premier would make hon. members believe. As far as he understood it, from reading the clause, and from what had been said, it appeared that no divisional board or constructing authority could commence to make a sewer until it had received the assistance of the other divisional boards in its neighbourhood. Take the cases of interior places, where a division might be some distance from the sea—where there might be two or three municipalities or divisions between it and the sea. If the first division wished to commence a sewer it must get the concurrence of all the other divisions, or else go to the expense of making a sewer right through the other divisions, to the sea. There was no chance of the work of connecting sewers being commenced until the concurrence of the divisions had been secured ; and if that could not be obtained the whole work would fall upon one division.

The PREMIER asked if the hon. gentleman could suggest any other plan. What alternative could there possibly be unless the local authority did the work itself or got others to assist ? He did not see any other alternative.

Mr. SCOTT said a division could not well commence the construction of drainage in its own district until it had got power to construct through others.

Mr. BEATTIE said he did not think the clause was so ambiguous as hon. members thought. He would, however, point out that a division or municipality might commence to make sewers to receive all its storm-water and deliver it at some particular point, and that point might just be on the confines of another division. He would give a case in point, and those conversant with the municipality of Brisbane might know of similar instances. At the present time the whole of the storm-water and drainage from the eastern side of Leichhardt street and from the western side of Kent street were drained to the bottom of Fortitude Valley. There were about from five to six hundred acres of land that drained into the other division, which itself had only about seventy acres to be drained ; and that division had to construct drains to carry off the drainage from the five or six hundred acres in the municipality. The way in which he would get out of the difficulty would be to divide the seventy acres to be drained in the smaller division into the five or six hundred in the municipality, making the small division pay about one-seventh of the cost of drainage, and the municipality the remaining six-sevenths. That would be a mutual arrangement between the two divisions, which would meet any difficulty arising at the present time. Such an arrangement could easily be entered into between two boards. The richer division would have to make application to the contiguous division to have power to construct and drain ; and the division of expenditure could be made according to the area to be drained. He thought the proposed clause would work very amicably, and he saw no difficulty in the way of carrying it out.

The HON. SIR. T. McILWRAITH thought the clause was an admirable one, and provided for the contingency mentioned by the hon. member. A hard-and-fast rule could not be laid down by which a certain proportion of the cost of drainage of the upper part of a watershed was to be borne by the lower part. The carrying off of drainage was an advantage to the lower part ; and the lower locality could not say to the higher locality, "Your drainage belongs to you, and you must get rid of it as best you can." Providence meant that water should get down to the lower level ; and some common-sense provision must be made to meet such cases. The people of Enoggera might as well say that they could charge anything they liked for water to the people of Brisbane because they were on a higher level. The clause provided what was wanted. It left to the board to decide cases of dispute where the lower locality had to provide much larger drains in consequence of the density of the population in the higher locality. As he had said, no hard-and-fast line could be laid down, but power was left to the board to intervene in case of difficulty arising.

Clause put and passed.

On clause 32, as follows :—

"A local authority may deal with any lands held by it for the purpose of receiving, storing, disinfecting, or distributing sewage, in such manner as it deems most profitable, either by leasing the same for a period not exceeding twenty-one years for agricultural purposes, or by contracting with some person to take the whole or a part of the produce of such land, or by farming such land and disposing of the produce thereof, subject to this restriction : that in dealing with land for any of the above purposes provision shall be made for effectually disposing of all the sewage brought to such land without creating a nuisance."

The HON. SIR T. McILWRAITH said he did not see any clause that limited the amount of sewage which might be appropriated, except the proviso in clause 30, which was to the effect that it should not create a nuisance. Perhaps the hon. gentleman was aware that the failure of the utilisation of sewage on farms at home had arisen from the fact that those farms were the biggest nuisance the country could possibly have.

The PREMIER : Look at the concluding words of the section—"subject to this restriction."

The HON. SIR T. McILWRAITH said the restriction ought to be specified, as to the manner in which those farms should be worked. What he wanted to know was whether there was any provision dealing with the subject, beyond that at the end of clause 30, which said that it should not be a nuisance?

The PREMIER said there was not, and he did not see how any other provision could be made. It was one of those things that had not yet been found out very clearly. Various things had been suggested, but still they were not in a position to describe what would be the proper way of doing it.

Mr. ARCHER said that, so far as he could see from reports at home, the nuisance created by sewage farms arose from the fact that they were far too small for the quantity of sewage attempted to be used.

Clause put and passed.

Clauses 33 and 34 passed as printed.

On clause 35, as follows:—

"If any such owner, lessee, or occupier, or any such local authority, or any other owner, lessee, or occupier who would be affected by the intended work, objects to such work, and serves notice in writing of such objection on the local authority at any time within the period of three months, the intended work shall not be commenced without the sanction of the Governor in Council after such inquiry as hereinafter mentioned, unless such objection is withdrawn."

The HON. SIR T. McILWRAITH said he understood the theory or principle of the Bill was to have the board standing between the local authority and the Government. In clause 35 they found the Governor in Council acting directly without the intervention of the board.

The PREMIER said that generally the board was a substitute for the local government board which was a branch of a Government department in England. In some instances it appeared to him that the powers of interference with property in that respect were too serious to be left to a board which was, to a certain extent, irresponsible. The functions of the board, he conceived, would be rather those of a committee of supervision. But in relation to some matters, of which that suggested appeared to be one, it seemed to be better that the Governor in Council should represent the Government department—that was, that the Minister should take the responsibility of representing the Government department rather than a board of experts. It had occurred to him that it would scarcely be safe to allow the board to exercise such powers.

The HON. SIR T. McILWRAITH said he might tell the hon. member that he believed in the clause as it stood; but he wanted to know the principle upon which the boards sometimes acted directly, and sometimes the Government. He understood that it was in cases such as the present that they would actually interfere with the work—that was, where the work was considered technical or professional, such as the quality of nuisances.

The PREMIER said he omitted to point out fully, on the second reading of the Bill, that they substituted for the "local government board" in England the central board, so far as related to matters that might be considered technical; but that, in matters of an executive character, it was proposed that the Governor in Council should perform the duties there intrusted to the local government board.

Clause put and passed.

Clause 36 passed as printed.

On clause 37, as follows—

"It shall not be lawful to erect any house, or to rebuild any house pulled down to or below the ground floor, without providing, in or attached to such house, a sufficient water-closet, earth-closet, or privy, furnished with proper doors and coverings.

"Any person who causes any house to be erected or rebuilt in contravention of this enactment shall be liable to a penalty not exceeding twenty pounds."

Mr. MOREHEAD said the clause was a very important one, of course, and a very unpleasant one. Before they went any further he would like the hon. Premier to say whether the board would be entitled to be called "privy councillors" or "right honourable gentlemen"? He would like further to know what was the hon. Colonial Secretary's definition of the word "privy"—if it meant a cesspit, which he thought it did from the context? It was an important matter; it might be either an earth-closet or a water-closet; there was nothing in the interpretation to say what was the Colonial Secretary's meaning.

The PREMIER: I suppose it means that.

Mr. MOREHEAD: There is no interpretation of the word.

The PREMIER said the meaning of the word could be found in any ordinary dictionary, and he could not give any other definition of a word so commonly used.

Mr. MOREHEAD said that in an important matter of that sort they should not be referred to an ordinary dictionary, when they had the Premier there who certainly should know, both from his university education and his technical legal knowledge, what the meaning of the phrase was. He thought it was hardly fair of the hon. gentleman to refer them for information on such a material point to a dictionary. However, if the hon. gentleman would only wait until he could send for the Imperial Dictionary, he would see.

Mr. MACFARLANE said that, while waiting for the Imperial Dictionary to settle the point that had been raised, he should make a few remarks of his own on the clause. The 37th clause said:—

"It shall not be lawful to erect any house, or to rebuild any house pulled down to or below the ground floor, without providing, in or attached to such house, a sufficient water-closet, earth-closet, or privy, furnished with proper doors and coverings."

That clause, he might mention, still allowed the pit system. He looked upon that as a regular abomination; but even that system could be very much improved if a few words were put into the clause, to ensure ventilation. He had no doubt some hon. members had seen the kind of ventilation attached to earth-closets and also the old pit system, which had the effect of thoroughly purifying the air in such places. He did not know whether any hon. gentleman had seen a patent by a person named Scott—called, he believed, "Scott's patent"; nor did he know whether the patent was in use in Brisbane. He knew that it was in use in Ipswich, and that it had proved thoroughly successful there. From his own experience in using those closets he could say that, if some simple means for providing ventilation were adopted, the pit system or any other system could be carried out satisfactorily, and he would like to see some provision made in the clause for securing that. With reference to earth-closets he might say there was no system that had yet been tried to equal it if carried out properly, but on the other hand if it was neglected no system was more abominable. As he had said, if a few words were added to the clause, as he had suggested, providing that closets should be so constructed as to allow of sufficient ventilation, the nuisance from those closets would be to a great extent obviated.

Mr. MOREHEAD said he agreed with a portion of what had fallen from the hon. member for Ipswich, with regard to the working of the earth-closet system. Of course they all regretted that the Chairman of Committees could take no part in the discussion, as he could assure the hon. gentleman that he was looked upon as an expert in that portion of the business. The 37th clause was really a very important part of the Bill, and he (Mr. Morehead) hoped that the colleague of the Chairman of Committees, so far as that matter was concerned, would give the Committee his experience. It

would be very valuable. He was sure Mr. Fraser would agree that it would be valuable. As to the different means of dealing with fæcal matter, he agreed with the hon. member up to a certain point—that was to say that if the earth-closet system was properly worked it was a successful system; but as it was worked in Brisbane it had simply been the means of spreading disease of the worst nature throughout the length and breadth of the city. There was no doubt about that, and he only regretted that they were not able in that Bill to put a stop to it. With respect to the cess-pit system—or the open-pit system, as the hon. member for Ipswich called it—he believed it was much less likely to lead to the spread of contagion than the system of earth-closets as it was carried out in Brisbane. It was certainly one in which danger could be more easily obviated, because it was only in isolated places that danger to the public health would be caused by it, whereas under the earth-closet system the seeds of disease were spread throughout the length and breadth of the land by those not very ornamental vehicles by which the Chairman of Committees would probably immortalise himself by having his name placed on them. He again asked the hon. the Premier, whether the word "privy" covered the word "open pit" or "cess-pit." It was rather important to know that, because there were very many people in the suburbs and throughout the colony who did use that system; and if they were to be debarred from doing so in future, it was well that they should, at any rate, understand it, and that some reason should be given by the Government for the proposal.

The PREMIER said the only definition of the word in the Imperial Dictionary was, "a necessary house." Of course it included every house of that kind. He would point out, before they went any further with that clause, that there was nothing in the Bill empowering a local authority to prevent the use of any one kind of house of that sort; there was nothing empowering a local authority to prohibit the use of water-closets, or earth-closets, or of cesspools, or cesspits, using the ordinary term for that description of place. All that was provided was, that the local authorities were to see that they were so constructed as not to be a nuisance or injurious to health. Whether it was a desirable change or not was a matter of so much importance that he called attention to it. If it was considered desirable that local authorities should have the power to restrict the use, within their district, to one kind of house of accommodation, then there should be a provision inserted in the Bill giving them that power; but at present there was no such provision in the Bill.

Mr. ARCHER said, while he agreed to a great extent with what had fallen from the hon. member for Balonne, as to the earth-closet having been a great nuisance, he would point out that the Bill provided that if that system was in use the local authorities would have to see that it was properly carried out. He himself had no objection to the earth-closet system if it was carried out properly, but he believed the old open pit was less apt to do injury, from the fact that the air could get to it and carry off the noxious exhalations.

Mr. JORDAN said he could wish that, now they were dealing with the question of the health of the colony in that very comprehensive Bill, power were given to prohibit the use of water-closets, and of any other form of necessary than that which was alluded to the other day —namely, Dr. Bell's system of earth-closets. Perhaps hon. gentlemen did not understand its construction. He had seen it in operation, and must say that it was the most perfect thing of the kind he had ever seen. The principle of it was that the liquid and solid excreta were separated, by which means fermentation was prevented. The solid matter was covered with dry earth, or a small quantity of ashes. He was satisfied that if the Premier had seen that system in operation he would have made provision in the Bill for the exclusive use of that particular kind of earth-closet. As the Bill stood at present, they would have to leave it to the discretion of the local authorities, but he was satisfied that before long the system to which he had referred would be in universal operation.

Mr. MOREHEAD said that, as the Colonial Secretary had not watched the operation of Dr. Bell's system in full swing, they could hardly expect him to take the opinion of the hon. member for South Brisbane, who appeared to be a sort of advertising medium for that particular invention of Dr. Bell's. As it stood, the clause was very arbitrary. Was it proposed that any person intending to build a house should go to the Board of Health, produce his plans, and ask for a license? Or was it to be the province of the board to send an inspector to examine the building, and on his report say that it should not go on unless certain alterations were made? The clause was what an hon. gentleman in another place would call "Algerine," and should not pass without a full explanation of its meaning, because it might be made very harassing to people building.

The PREMIER said the clause provided that it should not be lawful to erect any house, or to rebuild any house, without providing the necessary accommodation. What could be more proper than that? Surely they recognised the necessity for such provision in thickly populated districts such as those to which that part of the Bill was intended to apply. As he said before, the scheme of the Bill was to leave it to the option of individuals to do as they pleased so long as what they did was not a nuisance. Any sort of appliance might be used, provided it was not injurious to the public health; and it was a matter which must be left to the local authorities.

Mr. ARCHER said the clause would do harm or good according to the character of the gentlemen composing the boards. If they were men of common sense they would interfere as little as possible with private individuals; but it would be their duty to prevent any such thing being done as would be of danger to the public health.

Mr. SCOTT said he understood the Colonial Secretary to say that the Bill did not give power to the local authorities to insist on any particular form for those buildings of accommodation. Would it take away the power local authorities now had of insisting on a particular description of closet being used? Perhaps the hon. gentleman was not aware that the Ithaca Divisional Board were insisting on earth-closets being made universal in that division.

The PREMIER said that, if the Bill passed, the power would be gone from the local authorities. If it was desired to continue that power it would be necessary to insert a clause to that effect. He was inclined to think the English system was the best; but, whatever was done, care must be taken that it did not interfere with the public health.

Mr. BEATTIE said that, by the repeal of the old Act and the substitution of another, there would be a perfect revolution in the matter, unless the same regulations were issued as were issued formerly. People might go to the expense of an elaborate system, and after procuring all the paraphernalia the authorities might decide to alter the system. Cases of that kind had already occurred, and people did not know what to do. When it was

decided that the earth-closet system only should be sanctioned, people used kerosine tins, barrels, and all sorts of utensils for the purpose. Now, they had to provide a couple of tins with lids, which were rather expensive. The Brisbane Municipality had issued an order that the earth-closet system only was to be in use; and if everyone was at liberty to carry out his own ideas on the subject there would be some extraordinary things done. As was stated by the hon. member for Leichhardt, one of the divisional boards had issued an order—he presumed, by some by-law—that in a certain part of the division the earth-closet system should be adopted. In a district where the allotments were of a respectable size, it ought to be left to the good sense of the people in the locality; but where there were eight, ten, and twelve perch allotments perhaps the local authorities should have some extraordinary power to prevent nuisances from accumulating.

Mr. BLACK said the wording of the clause was such that it would be of considerable hardship to country municipalities, which it was intended to bring under the operation of the Bill. The words he complained of were "in or attached to such house." In Brisbane or any densely populated town it might be necessary to have those buildings in or attached to a house; but in municipalities where space was not of such consideration it was decidedly to the advantage of the public health to continue the present system—that was, having those necessary buildings detached, and not in or attached to the buildings where people lived. It would be a decided improvement to the clause if the words "in or attached to" were omitted. It would be quite sufficient for anyone building or rebuilding a house to provide sufficient and proper accommodation for the purpose contemplated by the clause, without compelling them to have what in tropical climates was certainly a very objectionable appendage, attached to or actually inside it. Nothing was to be gained by insisting on the retention of those words, and he trusted the Premier would see his way to move their omission.

The PREMIER said he did not understand the words in the way they presented themselves to the hon. member. They certainly did not mean attached by contiguity of construction. There was to be one of those places to each house, but surely a garden or paddock might be said to be attached to the house. He had once seen in a township a place of that kind attached to an inn which was across the street and down a gully. What was meant was the very technical expression in the interpretation clause, "within the same curtilage."

Mr. MOREHEAD said that ninety-nine out of every hundred people in the colony would deem that the word "attached" meant attached. The hon. gentleman apparently thought differently. The objection raised by the hon. member for Mackay was a very pertinent one, and it could be very easily met by the omission of those words and the substitution of the word "for." Then, even the hon. gentleman, with his legal mind, when he saw a building on the other side of a road or down a gully, would see that it was covered by the clause—and would be happy. The words, as they stood, might be used by local authorities so as to inflict a great deal of injury on builders of houses. He did not see why the hon. gentleman should object to the amendment.

The PREMIER said he accepted the amendment. He moved that the words "in or attached to" be omitted, with the view of inserting the word "for."

Amendment put and passed.

The HON. SIR T. McILWRAITH said an objection might also be raised against the retention of the words, "furnished with proper doors and coverings." The clause was an old-fashioned one, and not abreast of modern sanitary knowledge. Perfectly efficient closets were now made without coverings, and the use of them ought not to be made compulsory

The PREMIER said it was evident the meaning of the clause was not quite clear enough. The real intention of the words was that provision should be made for privacy, and that the places should have roofs and doors. He moved the omission of the words "furnished with proper doors and coverings," with the view of inserting the words "so constructed as to secure privacy

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

On clause 38—"Power of local authority to enforce provision of privy accommodation for houses"—

On the motion of the PREMIER, a similar amendment to that in the previous clause was made by the insertion of the words "constructed so as to secure privacy," in place of "furnished with proper doors and coverings"; and a verbal amendment was also made.

Clause, as amended, put and passed.

On clause 39, as follows:—

"A local authority may itself undertake, or contract with any person to undertake, to supply dry earth or other deodorising substances to any house within the district for the purpose of any earth-closet.

"The term 'earth-closet' includes any place for the reception and deodorisation of fæcal matter, constructed to the satisfaction of the local authority."

The HON. SIR T. McILWRAITH said that the Premier remarked a little while ago that the power to enforce any particular system of closet in any locality was by this Bill taken away from the local authority. In what way was it taken away?

The PREMIER said the power was assumed by the local by-laws, though he had always had doubts whether they had it. This Bill repealed all by-laws, except such as were authorised by the Bill. Local bodies under the Act would have power to make by-laws according to its provisions only.

Mr. BEATTIE said he thought that certainly some authority ought to be given to local bodies to make some provision for the erection of these buildings; if they had not some power, it would be a serious thing. He knew of one case where the individual went into the building and closed the door, but there was no back to the place; it was all exposed to people going down the street. Unless some authority was given, there would be plenty of cases of that description.

The HON. SIR T. McILWRAITH said he did not understand the Premier's explanation. The local authorities made by-laws prescribing the kind of closet that was to be made, and he did not understand how that power was taken away.

The PREMIER said that the 6th section of the Bill repealed or suspended, during the operation of the Act, the provisions of the Local Government Acts for making by-laws. That took the power away from local bodies, if it existed at all under the by-laws, which was extremely doubtful. He called attention to the matter at an early period, in order that the Committee might say whether it was desirable to give the local bodies power to regulate the matter. If so, it should be given as an addition to the 47th clause.

Mr. CHUBB said he was inclined to think that it would be desirable to give power to the boards to make by-laws with regard to the

position of these places. It seemed to be the fashion with most people to put them in the most prominent parts of their ground, and on looking over the city they presented the appearance of so many thousand sentry-boxes. The local authorities ought to have some power with regard to this aspect of the matter; whether they should be allowed to prescribe the system to be adopted was a more serious question.

Mr. FERGUSON said that, under the by-laws of some of the municipalities at the present time, no closet was allowed to be placed within seven feet of a street or lane, or within three or four feet of a dividing boundary. He thought there should be some power to regulate the position of the closets; but if the local authorities were empowered to lay down the system which was to be adopted it would make them too arbitrary. He knew a case in which the authorities made by-laws changing the system which was in operation, and then after a time found that the new system was not so suitable, and went back to the old one, so that the taxpayers had to go to the expense of constructing earth-closets, and then to the further expense of constructing pit-closets. He thought, to a certain extent, the clause should be left as it was, though the authorities ought to be given power to prescribe the distance of closets from a public street or lane.

Clauses 40 and 41 passed as printed.

On clause 42, as follows:—

"Every local authority shall provide that all drains, water-closets, earth-closets, privies, ashpits, and cesspools, within their district, be constructed and kept so as not to be a nuisance or injurious to health."

The PREMIER proposed, as an amendment, the addition of the following words:—

A local authority may make by-laws for regulating the construction or situation of drains, water-closets, earth-closets, privies, ash-pits, and cesspools, and may by any such by-law prohibit, either absolutely or on such conditions as may be prescribed by the by-law, the use of water-closets, cesspits, or cesspools, within the district or any part thereof.

Mr. FERGUSON asked whether that gave the local authority power to enforce any system?

The PREMIER: That is exactly what it would do.

Mr. FERGUSON said he thought they had dealt with that subject already, and had decided to give the public the option of adopting what system they pleased. If the authorities had power to enforce any particular system, they might change their minds and put the taxpayers to very great expense. The taxpayers or ratepayers were completely at their mercy, and would be very often put to unnecessary expense.

The HON. SIR T. MCILWRAITH said the object of the amendment, as explained by the Premier, was to give power to the local authority to enforce any system upon a district. He thought that would be a dangerous power to give them. Supposing that in England any local authority whatever had the power, which had been exercised in the Ithaca Division, to compel the adoption of the earth-closet system, and work it as badly as it was being worked at the present time, nobody would use it. It was the greatest abomination they could have. Theoretically it might be correct, but practically it had turned out a perfect nuisance; and that not only in the town of Brisbane, but in other places where every expense had been gone to in order to make it work properly. He had himself given the system a fair chance, and it had worked badly. They could not get servants to attend to the work. He had first taken the system of earth-closets, and when it worked badly he had tried Dr. Bell's system, which had been referred to by the hon. member for South Brisbane, and it was a bigger nuisance than the other. Theoretically the system was a good one, but practically it had been found to be a nuisance and an abomination. The only thing they could do in the city of Brisbane was to have the matter drained into the river and taken away by the tide.

The PREMIER said he had moved the amendment in order that the matter might be fairly considered. It was a very important question and might well be discussed on an amendment of that kind. His own inclination was not to give any local authority power to restrict the inhabitants to the use of one system only, but to give them power to regulate and inspect in the matter. That was his own inclination, and although he had made the amendment large, in order that it might be discussed, he should prefer to stop at the first half of it.

Mr. BEATTIE said they should certainly give the local authority some power, after the individual had chosen which system he was going to adopt. They should not make it compulsory upon anyone to carry out the particular "fad" of the board, whatever it might be; though in some localities—although he was not in favour of the earth-closet system as it at present existed—it might be of great advantage to the people if the system were properly carried out. He agreed with the leader of the Opposition that it was a matter of impossibility to get the system properly attended to. They might be able to do it in the case of some public institutions, where they could afford to keep two or three men to look after it; but in private houses and generally throughout the city it was a nuisance.

Mr. SCOTT said the first part of the clause was very good and right. It was necessary that the local authorities should have some power in placing those houses of accommodation, or whatever else they chose to call them. They should be properly looked after; but the local authority should have no right to say what system should be used. In the way it was at present carried out here, the earth-closet system was a most disgusting and horrid system.

The PREMIER said he thought he would be best consulting the opinion of the majority of the Committee if he proposed that the amendment should stop at the first part of the clause, and read:—

"A local authority may make by-laws for regulating the construction or situation of drains, water-closets, earth-closets, privies, ashpits, and cesspools."

Question—That the words proposed to be added, be so added—put and passed; and clause, as amended, put and passed.

On clause 43, as follows:—

"1. On the written complaint of any person to a local authority, stating that any drain, water-closet, earth-closet, privy, ashpit, or cesspool, on or belonging to any premises within the district, is a nuisance or injurious to health (but not otherwise), the local authority may by writing empower its surveyor or inspector of nuisances, after twenty-four hours' written notice to the occupier of the premises, or in case of emergency, without notice, to enter the premises, with or without assistants, and cause the ground to be opened, and examine such drain, water-closet, earth-closet, privy, ashpit, or cesspool.

"2. If the drain, water-closet, earth-closet, privy, ashpit, or cesspool, on examination, is found to be in proper condition, the surveyor or inspector of nuisances shall cause the ground to be closed, and any damage done to be made good as soon as can be, and the expenses of the works shall be defrayed by the local authority.

"3. If the drain, water-closet, earth-closet, privy, ashpit, or cesspool, on examination, appears to be in bad condition, or to require alteration or amendment, the local authority shall forthwith cause notice in writing to be given to the owner or occupier of the premises, requiring him forthwith, or within a reasonable time therein specified, to do the necessary works.

"4. If the notice is not obeyed, the person to whom it is given shall be liable to a penalty not exceeding ten shillings for every day during which he continues to make default, and the local authority may, if it thinks

fit, execute such works, and may recover in a summary manner from the owner the expenses incurred in so doing."

The PREMIER called attention to the fact that, although the clause was drafted from the English Act, he thought the restrictions upon the board in the matter of inspection were too great. As the clause stood, no inspection of a place could be made until somebody had made a written complaint that something was wrong. That might be suitable in England; but here experience had shown that greater powers for inspection were required. He proposed that the words "on the written complaint of any person to a local authority, stating" be omitted, and the words "when the surveyor or inspector of nuisances to a local authority has reason to suspect" be inserted.

Amendment agreed to.

The PREMIER moved that the words "(but not otherwise) the local authority may, by writing, empower its surveyor or inspector of nuisances" be omitted, with a view to inserting the word "may."

Amendment put and passed.

On the motion of the PREMIER, the clause was further amended by the omission of the word "to," in the 26th line.

Clause, as amended, put and passed.

Clauses 44 and 45 passed as printed.

On clause 46 being put—

Mr. ARCHER said that, although clause 45 had been passed, would it not have been better to have said in what way the owner or occupier could recover expenses? The clause did not specify that. It only said there was a remedy if the local authority neglected to do certain things.

The PREMIER: It can be sued for; there is no difficulty about that.

Mr. ARCHER: Is it all right?

The PREMIER: Yes.

Clause put and passed.

On clause 47, as follows:—

"A local authority may, if it thinks fit, provide in proper and convenient situations receptacles for the temporary deposit and collection of dust, ashes, and rubbish; it may also provide fit buildings and places for the deposit of any matters collected by it in pursuance of this part of this Act."

The PREMIER said it would be as well, in order to make the clause more explicit, to add, after the word "places," the words "either within or beyond the district." The question might arise whether they had power to deposit rubbish outside the district.

Amendment agreed to.

Clause, as amended, put and passed.

On clause 48, as follows:—

"Where, on the certificate of the health officer, it appears to a local authority that any house occupied as a dwelling is unfit by reason of its filthy or dilapidated condition to be used as a dwelling, the local authority may give notice in writing to the owner or occupier of such house to purify or repair the same so as to render it fit for human habitation.

"If the person to whom the notice is given fails to comply therewith within the time therein specified, he shall be liable to a penalty of ten shillings per day for every day during which the house is occupied as a dwelling after such default has been made and while it continues; and the local authority may, if it thinks fit, direct the house to be pulled down or destroyed."

The PREMIER said it had been suggested to him by an eminent authority on sanitary matters that a building might be unfit for habitation by reason of its improper structure, as well as by reason of its filthy or dilapidated condition. It might have no ventilation, and the suggestion he had received was that a word or two should be inserted to meet cases of that kind. Some houses built of old packing-cases were just like a box, and had not sufficient ventilation; and it was well known that Chinese quarters in some streets were totally unfit for habitation. He thought the suggestion a very good one, and therefore moved that after the word "condition" in the first part of the clause there be inserted the words "or improper construction."

Amendment agreed to.

Mr. FERGUSON said the clause only related to dwellings. He thought it was just as necessary that some business houses should be dealt with in the same manner. It often happened that business places—butchers' shops, for instance—were a far greater danger to people than dwelling-houses. Some people lived half their time in them. In some cases old wooden places erected twenty-five years ago were still occupied and were in a filthy state: the old floors were rotten, and the matter from the shop remained beneath them. Places like those should not be allowed to be occupied in any shape or form. He thought the clause should be amended by the addition of some such words as "business house or any other house."

Mr. GROOM said he could support the hon. gentleman who had just sat down. He knew that in the town where he lived there were some wretched Chinese shops which the municipal council had no power to interfere with or pull down. They were a perfect disgrace to the town, and the stench from them was enough to knock one down. The municipal council were perfectly powerless to interfere; nor would they have any power under that Bill. So that he entirely agreed with the hon. member for Rockhampton that it was exceedingly advisable to give the local authority power to deal with such cases. There were a number of Chinese opium-dens in some places, and the proprietors generally kept a fruit-shop as a kind of excuse for a gambling depôt. He thought they should give the local authority full power to enter those places, and have them taken down if necessary.

The PREMIER said the amendment suggested should have been made in the line before that which had just been amended. It might, however, be made after the word "dwelling" by inserting the words "or occupied by any person." If it was considered desirable he would recommit the Bill for the purpose of having the amendment made in the previous part of the clause. Did the hon. member propose the amendment? If he did, it should now be inserted after the word "dwelling."

Mr. FERGUSON said he should be glad to propose the amendment.

The HON. SIR T. MCILWRAITH said the clause had better be passed as it was, and the Bill be recommitted, when the clause could be made to apply to dwellings and all buildings, whether occupied or unoccupied. He did not see why they should wait till a building was occupied before the local authority could pull it down. It might be a public nuisance, and still not be occupied in any way. The Committee had better pass the clause now as it stood. The hon. the Premier's attention had been attracted to it, and the Bill could be recommitted. They had gone past the place where the clause could be amended.

The PREMIER: Very well, we can recommit the Bill.

Clause, as amended, put and passed.

On clause 49, as follows:—

"Where, on the certificate of the health officer or of any two medical practitioners, it appears to a local authority that any house or part thereof is in such a filthy or unwholesome condition that the health of any

person is affected or endangered thereby, or that the whitewashing, cleansing, or purifying of any house or part thereof would tend to prevent or check infectious disease, the local authority shall give notice in writing to the owner or occupier of such house or part thereof to whitewash, cleanse, or purify the same, as the case may require.

"If the person to whom notice is so given fails to comply therewith within the time therein specified, he shall be liable to a penalty not exceeding ten shillings for every day during which he continues to make default; and the local authority may, if it thinks fit, cause such house or part thereof to be whitewashed, cleansed, or purified, and may recover in a summary manner the expenses incurred by them in so doing from the person in default."

The PREMIER said the same gentleman who had suggested the amendment in the previous clause—Dr. Bancroft—had also suggested that the clause now before the Committee should be amended so as to compel a house to be vacated while it was being made fit for habitation. He (the Premier) thought it was a good suggestion, and would move that after the word "purified," in the last part of the clause, there be inserted the words, "and in the meantime be vacated."

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

On clause 50, as follows:—

"Any person who—

(1) Keeps any swine or pigstye in any dwelling-house, or in any place forbidden by any by-law of the local authority, or keeps any swine or pigstye in any place so as to be a nuisance to any person; or

(2) Suffers any waste or stagnant water to remain in any cellar or place within any dwelling-house for twenty-four hours after written notice to him from the local authority to remove the same; or

(3) Allows the contents of any water-closet, privy, or cesspool, to overflow or soak therefrom;

shall, for every such offence, be liable to a penalty not exceeding forty shillings, and to a further penalty not exceeding five shillings for every day during which the offence is continued; and the local authority shall abate or cause to be abated every such nuisance, and may recover, in a summary manner, the expenses incurred in so doing from the occupier of the premises on which the nuisance exists."

Mr. PALMER said that before they passed all the "nuisance" clauses intended to purify the foul places of Brisbane, he would ask whether the clause would include livery stables in towns and cities. There were certain places in Brisbane, behind the building of the Telegraph Department for instance, which were specially offensive in summer time; and he believed they were Government stables. Would the clause also include Chinese gardens outside the towns, which were at times particularly odorous?

The PREMIER said those matters were dealt with by Part V., section 72. The part now before the Committee dealt with the particular kind of nuisance of which they had heard so much that afternoon.

Mr. BEATTIE said the clause contained some very necessary provisions; but though subsection 2 provided that stagnant water should not be allowed to remain within a dwelling-house, no provision was made against allowing it to remain outside a dwelling-house. A great many complaints were made in thickly populated localities of low-lying lands being made the receptacle for refuse of different descriptions, which caused a nuisance, and he did not know whether there was a clause in the Bill that would meet the difficulty.

The PREMIER said there was not; and he thought it would be better to make the subsection general. Of course, the local authorities would not order the removal of stagnant water where it did no harm. He therefore moved that the word "place" be substituted for the words "cellar or place within any dwelling-house."

Amendment agreed to.

Mr. FERGUSON said that provision was made against allowing "the contents of any water-closet, privy, or cesspool to overflow or soak therefrom"; but one of the greatest troubles in Rockhampton was the overflow from business places, such as butchers' shops, the drainage from which ran out to the gutters and channels of the streets and lay exposed to the sun perhaps a month or two before it got to the sewer. That nuisance should be particularly specified in the clause.

The PREMIER said Rockhampton was, he believed, the only town in the colony where that occurred, but it would be as well to provide for the difficulty. An hon. member had suggested to him that the waste from private places also created abominable smells; and in order to meet that case also he would move that after the word "therefrom" the following words be inserted:—"4. Or allows any waste water to run from any premises so as to cause an offensive smell."

Amendment agreed to.

Mr. MELLOR said the amendment would press very hardly where there was not a good supply of water, for they could not prevent the refuse waters from accumulating in the streets.

Mr. ALAND said there were other towns in the colony besides Rockhampton where refuse water from butchers' shops and private houses accumulated in the streets. At Toowoomba they were subjected to the same nuisance. Even in Ruthven street—the main street—were to be seen accumulations of soap-suddy water and refuse from back yards. The corporation there had often tried to prevent it, but they had always been met by the proprietors of the houses saying, "We must send our dirty water somewhere; where are we to send it?" It was quite evident that all the municipalities in the colony — certainly not Toowoomba—could not afford a system of sewerage by which that water could be taken away. He hardly knew where they could take it to, except over the Main Range or into Gowrie Creek; and if the latter, the Gowrie Divisional Board would soon raise an outcry against the pollution of that creek. The worst nuisance of the kind was that of soap-suds. If soap-suds were emptied into the back yards they created a nuisance, and if emptied into the drain they ran into the street and remained there. He did not see how the amendment would get over the difficulty.

The HON. SIR T. MCILWRAITH said that perhaps it would not get over the difficulty, but it was too late to speak against it now, for it had already been put and carried.

Clause, as amended, put and passed.

On clause 51, as follows:—

"Where any watercourse or open ditch, lying near to or forming the boundary between the district of a local authority and any adjoining district, is foul and offensive, so as injuriously to affect the district of such local authority, any justice having jurisdiction in such adjoining district may, on the application of such local authority, summon the local authority of such adjoining district, whether this part of this Act is in force in that district or not, to appear before a court of summary jurisdiction to show cause why an order should not be made by such court for cleansing such watercourse or open ditch, and for executing such permanent or other structural works as may appear to such court to be necessary."

Mr. FERGUSON said he saw nothing in the clause to compel local authorities to abate any nuisance of that kind which occurred in any other part of their division than the boundary. Those bodies were sometimes very neglectful in keeping clean their drains and open channels, and there should be some power to compel such

bodies to keep them in order. What was applicable to boundaries should be made applicable to the entire division.

The PREMIER said that that power was given elsewhere, and if local bodies did not perform that duty they would be compelled to do it.

Clause passed as printed.

On clause 52, as follows :—

"Where in any municipal district it appears to the inspector of nuisances that any accumulation of manure, dung, soil, or filth, or other offensive or noxious matter, ought to be removed, he shall give notice to the person to whom the same belongs, or to the occupier of the premises whereon it exists, to remove the same.

"If such notice is not complied with within twenty-four hours from the service thereof, the manure, dung, soil, filth, or matter referred to shall be vested in and be sold or disposed of by the local authority, and the proceeds thereof shall be applied in payment of the expenses incurred in the execution of the provisions of this section, and the surplus (if any) shall be paid on demand to the owner of the matter removed.

"The expenses of removal by the local authority of any such accumulation, if and so far as they are not covered by the sale thereof, may be recovered by the local authority in a summary manner from the person to whom the accumulation belongs, or from the occupier of the premises, or (where there is no occupier) from the owner."

The PREMIER moved that the word "removed" be inserted between the words "be" and "sold," in the 2nd paragraph.

Amendment put and passed.

Mr. GROOM said he had no doubt the clause in itself was a good one, but he could state from experience how difficult it would be to carry it into effect. With respect to the 1st paragraph, the question arose, where was the stuff to be removed to? At that very moment the municipality of Toowoomba was in a most deplorable state in consequence of the difficulty of disposing of it, and they did not know what to do. It was not only with regard to what were called "middenheaps" at back doors—which had been in times past perfect hotbeds of disease, and had spread abroad as much typhoid fever as could arise from any other possible source—but to nightsoil as well. At the present time the municipality of Toowoomba was in an extreme difficulty as to how to dispose of the filth. They had advocated one particular place, but it had become such a serious annoyance to the residents in the immediate neighbourhood that they petitioned the council half-a-dozen times to remove it; but the council did not know where to take it. The only alternative was to have a sort of manure depôt on the Main Range, but that was situated within the Gowrie Division. The question was, where was the filth which accumulated to be taken? That had been the difficulty in Toowoomba, with which place he was intimately acquainted, having resided there for many years; but there might be other places in the same position. What were they to do with the accumulation of filth? How was it to be disposed of in such a way as not to be injurious to any other district? If they were to make a Bill providing for the public health effective—if they were to assist the local authorities in carrying it out in anything like an effective way—then he certainly thought they ought to have a manure depôt. Either let the Government have a place fixed outside the boundaries, or do something by which the filth could be disposed of. It had been suggested that it might be destroyed by fire in furnaces. At all events, he thought that, if the Bill was to be made effective as applied to a municipal district like Toowoomba, there ought to be some provision in it for manure depôts to which the filth could be taken and destroyed.

The PREMIER: That is provided for in the 47th section.

Mr. GROOM said he did not think that met the difficulty at all, because in every municipality the whole of the land was private property; and they could not erect buildings and provide receptacles for the accumulation of dirt and filth there. In Toowoomba they had tried to get rid of such rubbish, and utilise it by burying it three feet under ground and setting a crop on the top; but, owing to the position in which the land was situated, medical men gave it as their opinion that in time of heavy rain the soakage would be so great as to injuriously affect the watercourses, and spread disease in every direction. The municipal council were therefore compelled, at the present time, to seriously take into consideration how they were to dispose of the filth. The Bill did not give the necessary power; and he again said that, as a Health Bill was being passed for the benefit of large and populous towns, some provision ought to be made by the Government to provide places for the filthy accumulations outside municipal boundaries. Local bodies had as much as they could do with their money to repair the streets; and unless they imposed a special rate, which would be very objectionable, they had no money with which to carry out the provisions of the Bill, which were exceedingly stringent, and would involve heavy expenditure.

Mr. MACFARLANE said the hon. member for Toowoomba seemed to think that something ought to be done to burn manure, but he (Mr. Macfarlane) thought that the same amount of labour would make manure by deodorising the filth with a little earth. The nuisance would then be removed and the manure would be left. If that were done in every case, it would take away all evil consequences. It was well known that deodorising would make filth innocuous to persons passing by. It was a very simple matter indeed, to cover it with a little earth, and a municipality could easily deal with it themselves.

The HON. SIR T. MCILWRAITH said the Bill gave every power to a local body to provide receptacles for filth. It was quite impossible to provide suitable places of that kind for municipalities in adjoining localities.

Clause put and passed.

Clause 53—"Periodical removal of manure from mews and other premises"—put and passed.

On clause 54, as follows :—

"It shall not be lawful to let or occupy or suffer to be occupied as a dwelling any cellar (including, for the purposes of this Act, in that expression any vault or underground room).

"Any cellar in which any person passes the night shall be deemed to be occupied as a dwelling within the meaning of this Act."

Mr. ARCHER said he thought the clause should be amended so as to make it read, "any cellars partly or wholly underground." He knew cellars that were partly underground, and also cellars that were above ground, and which were perfectly wholesome. He did not think it would injure the clause if it were made to refer only to cellars that were partly or wholly underground. The fact of a place being a cellar did not make it unwholesome; it was the fact of its being under ground

The PREMIER said that he fancied most of the cellars in Queen street and the other streets in the city were above ground; they were below the level of the street, but they were above the natural surface of the ground. Those were the ones they were striking at; they were, in many cases, very hotbeds of filth. A cellar was not built to live in; it had not the necessary ventilation; in fact, if it had it would not be called a cellar. The term was a well-known one, and a cellar was not a proper place to live in.

Mr. ARCHER said that what he referred to was the case in which the house was built so high that there was space for a room underneath. It might be properly boarded in, but still it was called a cellar, as it was under the house.

The PREMIER: That would not be a cellar.

Mr. ARCHER said that, if that were understood, he had not the slightest objection to the clause.

Mr. ANNEAR said he should like to see some provision with regard to cellars in which persons worked in the daytime. There were two places in Maryborough where there were cellars under the footpath, only lighted through a grating. Dozens of young girls worked every day in one of these cellars, the sole means of ingress and egress to which was supplied by stairs let down through a hole cut in the floor. The clause in his opinion did not meet that case; and it ought to be framed so as to prevent any man of business in a country like this from allowing young girls to work in such a place. Another case in the town of Maryborough was that of a draper who had a cellar, which was somewhat better than the first one, as there was a back entrance; but it was constructed over an open sewer. The matter had been talked about many times, and he would like to see such things prohibited.

Mr. MIDGLEY said he thought there was an element of something oppressive, not only to the proprietors, but also to the tenants of such dwelling places as were mentioned in this clause. He knew that it was frequently almost a matter of impossibility for new chums to obtain dwelling places at all; and while he was altogether in favour of anything calculated to protect the health of the people, still they had to remember the varying circumstances and means of the persons who would be affected. Very many new arrivals came to him and complained bitterly of the difficulty of obtaining any place to live in at a rate within their means, and until they obtained employment the cost of the rental was often very distressing to them. He thought this clause and the next one were a little too stringent. No doubt it was a difficult matter to provide for proper ventilation in a cellar; but when it was done, he did not think the mere fact of its being somewhat below ground should be sufficient entirely to condemn it. He had often thought that it might be advisable for the Government, in face of the difficulties experienced by new chums with the little money they had, to provide some place of temporary habitation for them. If a place were clean and wholesome, and properly ventilated, even if it were a cellar, or partially underground, he did not see that it should not be used as, at any rate, a temporary residence.

The HON. SIR T. MCILWRAITH said he looked upon this as a thoroughly un-English clause. It did not follow that because a room was below the surface of the ground it was, therefore, unfit to live in. He could quite fancy houses built in the London style here, and very comfortable houses too, with underground accommodation, which would be quite unobjectionable. In very many English houses the kitchen and servants' quarters were below ground.

The PREMIER said that the English Act allowed the occupation of cellars under certain conditions, but it was chiefly in deference, he thought, to vested rights. Out here there were very few such places, and those that did exist were totally unfit for human habitation. It would be far better to stop the practice in its inception and say that it would not be allowed. In England they permitted existing places to be used under certain conditions, but no new ones were allowed to be made. The 71st section of the English Act was—

"It shall not be lawful to let or occupy, or suffer to be occupied, separately as a dwelling, any cellar (including for the purpose of this Act, in that expression, any vault or underground room), built or rebuilt after the passing of this Act, or which is not lawfully so let or occupied at the time of the passing of this Act."

That was a concession to existing vested interests. He did not think there was any necessity to adopt a similar course here.

The HON. SIR T. MCILWRAITH said that there was hardly a house in West End which was not partly underground.

The PREMIER said that was, no doubt, the case with the servants' quarters, but it would be most objectionable to adopt such a system in this country.

The HON. SIR T. MCILWRAITH said that in his reference to the English Act the hon. member had not touched the real point. The next clause of this Bill was to prevent the use of cellars as dwelling-houses. The English Act made no provision of that kind.

The PREMIER said clause 73 in the English Act was—

"Any person who lets, occupies, or knowingly suffers to be occupied for hire or rent, any cellar contrary to the provisions of this Act shall be liable for every such offence to a penalty not exceeding twenty shillings for every day during which the same continues to be so let or occupied, after notice in writing from the local authority in this behalf."

He had left out the words "for hire or rent." He was quite aware that in London nearly all the houses had cellars which were occupied as bedrooms; but that would be a very objectionable thing in this country.

The HON. SIR T. MCILWRAITH said he quite agreed with the 54th section as it stood, but he thought the 55th section should be left as in the English Act, and that they should simply prevent them being used as lodging-houses.

Mr. FERGUSON said he quite approved of the clause, and considered it a very important clause in the Bill. In a climate such as they had in Queensland it was very objectionable to allow tenants to live underground in cellars. In reference to the remarks made by the hon. member for Fassifern concerning new chums, he thought it would be far better that they should live out in the air in a tent on some vacant allotment than to live in a cellar.

Mr. MIDGLEY said he did not quite understand the clause as yet, as he did not catch what the Premier had said. He did not know whether it was intended that a dwelling or room partly underground should come under the operation of the clause. He knew in the case of one of the hotels in the colony—a splendid new hotel—there was splendid underground accommodation. The back part was under ground, but the rooms were thoroughly well ventilated; and, as he understood it, the clause provided that the hotel proprietor should not be allowed to have his domestics living there.

The PREMIER said it would be much better if the proprietor would keep his wines and spirits there, and use the place as a storeroom. He did not believe in putting domestics underground. It was a cruel thing to do in this country, though it might do very well in other countries.

Clause passed as printed.

On clause 55, as follows:—

"Any person who lets, occupies, or knowingly suffers to be occupied as a dwelling any cellar, shall be liable for every such offence to a penalty not exceeding twenty shillings for every day during which the cellar continues to be so let or occupied after notice in writing from the local authority to discontinue such letting or occupation."

Mr. ARCHER said he would like to ask the Premier if he would not be prepared to insert the words "for rent or hire" in the clause?

The PREMIER said if they did so it would take away the effect of the preceding clause.

The HON. SIR T. MCILWRAITH said that, while he approved of the clause and did not think it would inflict much hardship, at the same time, if proper dwellings of the kind spoken of by the hon. member for Fassifern had been put up, they ought to be respected; and there ought to be a proviso to that effect. He had not at all the same objection to underground accommodation as the hon. gentleman had, as he was perfectly sure that in this climate, as well as in any other, if the cellars were properly drained and well ventilated, they were as good as any other accommodation. He agreed with the hon. member for Fassifern that where persons had built such places their rights should be respected.

Mr. MIDGLEY said that, as he read the clause in the case he had mentioned, however good the underground accommodation might be, the proprietor of the hotel must use it as a wine or spirit vault, or something of that kind.

The HON. SIR T. MCILWRAITH: Nobody can sleep there.

Mr. MIDGLEY: Nobody could sleep there or dwell there. In the case he alluded to it would be a serious matter, he should imagine, to the gentleman who owned the hotel. It was a new building, and the accommodation was splendid in every department.

Mr. BEATTIE said the hon. member for Fassifern had not given them sufficient information upon the particular case he mentioned. If he had done so, he believed it would be found that it would not come under the operation of the Bill at all. The probability was that, in the case the hon. gentleman mentioned, the back portion of the land upon which the building was constructed was a great deal lower than the front, and an excavation had simply been made into the front towards the street; but the kitchen and back portion of the hotel were on a level with the surface of the earth, and there was really no cellar at all. It was simply an excavation to make the ground level. As he understood it, a cellar would be a place completely underground, and closed in.

Clause passed as printed.

On clause 56, as follows:—

"Where two convictions against the provisions of this Act relating to the occupation of a cellar as a dwelling have taken place within three months (whether the person so convicted were or were not the same), a court of summary jurisdiction may direct the closing of the cellar so occupied, for such time as it may deem necessary; or may empower the local authority permanently to close the same, and to defray any expenses incurred by it in so doing."

Mr. FERGUSON said that as they were discussing the cellar question he might mention another matter in connection with it. By clause 56, power was given to close any cellar used as a dwelling. There were, however, cellars which it was quite as necessary should be closed, and which were not used as dwellings at all. He did not know that there were any such in Brisbane, because Brisbane was built on an elevation, and the cellars were dry; but in Rockhampton, which was built on a level flat, there had been cellars built for storing purposes, and they had in many cases become full of water, and were not used now at all. Those cellars were under business houses, and some of them were full of water all the year round. He held that the owners should be compelled to close them, and fill them up to prevent their becoming a nuisance or a danger in the town.

The PREMIER said that that difficulty was dealt with in subsection 2 of clause 50, and also by section 48, as they proposed to amend it on the recommittal of the Bill, as suggested by the hon. gentleman himself. Either of these clauses dealt with the matter.

Clause passed as printed.

On clause 57, as follows:—

"Every local authority shall keep a register in which shall be entered the names and residences of the keepers of all common lodging-houses within the district of such local authority, and the situation of every such house, and the number of lodgers authorised under this Act by the local authority to be received therein.

"A copy of an entry in the register, certified by the clerk of the local authority to be a true copy, shall be received as evidence in all courts, and shall be sufficient proof of the matter registered, without production of the register or any document or thing on which the entry is founded; and a certified copy of any such entry shall be supplied gratis by the clerk of the local authority to any person applying at a reasonable time for the same."

Mr. GROOM said he would like to ask the Colonial Secretary, as they were now entering on the question of common lodging-houses, whether there was anything in the clause which met the case of the Chinese quarters in our towns—whether they were to be considered as lodging-houses? He could speak of cases within his own knowledge. In the town where he lived there were Chinese shops, presumably for the sale of fruit and a few groceries; behind them were sleeping habitations, and probably in a very small space there were eighteen or twenty Chinamen accommodated, sleeping in bunks one over the other. They spent their nights in opium-smoking and gambling, and were a perfect source of nuisance and annoyance to the people in the vicinity. He would like to know if there was any power under the Bill to call those places "common lodging-houses," and to limit the number that could be accommodated in them. Of course he was not speaking of such places as Cooktown, where there were 1,000 or 1,500 Chinamen, and where the sleeping habitations were almost curiosities in their way. Some forty or fifty would be accomodated in one house, and sleep in bunks day and night arranged tier over tier. He was speaking more particularly of the inland towns, where the Chinamen were becoming a source of annoyance to the other portions of the population; and he wished to know whether there was any way by which those habitations could be regulated, and whether they could be brought under the operation of the Bill as common lodging-houses.

The PREMIER said the only definition of a common lodging-house that he knew of was given by his hon. friend the member for Bowen, the other day, and that was—

"That class of lodging-house in which persons of the poorer class are received for short periods, and though strangers to one another (*i.e.*, lodgers promiscuously brought together), are allowed to inhabit one common room."

That was the definition which had been used since 1853 in England. It was more than thirty years since that term had been first used, and it was a very well-known term. He had no doubt that the habitations mentioned by the hon. member for Toowoomba would be "common lodging-houses"; but if there was any doubt, he would point out that the 61st section empowered the local authority to fix the number of lodgers any one house might receive, and the 70th section enabled the Governor in Council to empower the local authority to make by-laws for dealing with the number of persons of more than one family who could reside in any one house. Those sections would cover almost every possible case, and

provision was made, in addition to fixing the number, for the registration of these houses. If there was any overcrowding, that was also dealt with by the 72nd section in a similar manner. He did not think there was any provision on the Statute-books of any of the colonies for dealing with Chinamen and their lodging-houses; but it was certainly necessary to deal with Chinese habitations, and, unfortunately, European houses also.

The HON. SIR T. MCILWRAITH said he fully concurred in what had been mentioned by the hon. member for Toowoomba, but he could not help thinking that the term "common lodging-house" was a great deal too wide. If it applied to hotels and all places where lodgers were taken in for the night, it was too comprehensive.

The PREMIER: It does not.

The HON. SIR T. MCILWRAITH said that was what he wanted to understand, and it only showed how necessary it was to say what a common lodging-house was.

The PREMIER said his hon. and learned friend the member for Bowen, as he had already said, gave the only definition of a common lodging-house that he was aware of. The English Act contained no definition of what a common lodging-house was, but in a foot-note to "Chitty's Statutes," 1880, it was said:—

"The Act contains no definition of common lodging-houses, but in 1853 the law officers of the Crown advised that the term as used in the Common Lodging-Houses Act of 1851, consolidated by this Act, had reference to that class of lodging-house in which persons of the poorer class are received for short periods, and though strangers to one another (*i.e.*, lodgers promiscuously brought together) are allowed to inhabit one common room."

That was how the term was understood in 1853, at which time a provision was in force—an Act called the Common Lodging-Houses Act of 1851—which adopted the same language. That Act had been amended, and was in force in England up to 1875, when the Act now upon the Statute-book was passed. The same term was still used, and when they found that for a long period of years a certain term was used it might safely be assumed that the term was understood. His hon. friend, the member for Fortitude Valley, who had had large seafaring experience, would tell the House that there was not the least doubt, amongst the people who used those places, what the meaning of the term was. Of course the disadvantage of a definition in an Act of Parliament was this: that if a particular definition was put in, when a prosecution was instituted, the case had to be brought exactly within it, and unless the prosecution was brought within the words of the definition it broke down. It was therefore undesirable to insert a definition of a thing which was thoroughly understood by the persons who were the frequenters of the place. That was why, in England, no definition had been used. It occurred to him, when revising the Bill, to try his hand at defining a common lodging-house, but after consideration he gave it up. His hon. and learned friend the member for Bowen, in discovering the only known definition the other day, had shown probably why no definition had been adopted by the Imperial Parliament.

The HON. SIR T. MCILWRAITH said the hon. gentleman had not cleared away the difficulty. Owners of common lodging-houses had certain duties to perform under the Bill, and the definition which had been given defined a common lodging-house as a place devoted to the use of poor people. How could a man be punished if he did not know whether his house was a common lodging-house or not? There were places in Edward street which it would be hard to say whether they were common lodging-houses, and there was nothing to distinguish them from the houses a little higher up the street than by the class of people who frequented them. He thought there ought to be some definition, and that there was material for a definition to be made out of.

The PREMIER said he should like to hear what the hon. member for Fortitude Valley had to say on the subject. He had had some experience in these matters, and he understood the hon. member was going to say something upon the subject.

Mr. BEATTIE said the term "common lodging-house" was well known at home, where they were registered. Certainly there was a difference between a "common lodging-house" and a house let for lodging; because an owner might let a portion of his house to be devoted to the use of one man, but in the ordinary common lodging-house that was not done—at least, not in the case of those houses which were registered. When a house was registered the police had more supervision over it, because they had the power to enter, as in the case of public-houses here. The only definition he could see which was suitable for a common lodging-house was the one he had mentioned the other night, and that was that every house that was whitewashed should be a lodging-house.

The HON. SIR T. MCILWRAITH said he did not know where the line should be drawn. He did not see how, if the clause passed, the proprietor of "Longreach," for instance, could be exempted from having to supply a list of the persons who had been lodging there each night. He thought the matter must be defined to make the provision workable at all. It would simply be tyranny if they insisted upon the name, "A registered common lodging-house," being put up on a boarding-house, without such places being defined.

Mr. CHUBB said the only definition of a common lodging-house, except that which was given by the English Crown Law Officers, seemed to be that a common lodging-house was a place where a number of people slept in the same room; where people of the lower classes assembled, where no questions were asked, where they paid their shilling, and slept there the night and went away in the morning. Perhaps the difficulty might be got over by defining a common lodging-house as a place where more than a certain number of people occupied the same room.

The PREMIER said he fancied that was about the nearest definition they could get. The character of a lodging-house might be proved in a general way by the inspectors who visited it. He would suggest the following as an amendment, which would come in about ten clauses further on, where there was an attempt at a definition:—"A common lodging-house was a place in which persons were promiscuously received, or in which several lodgers were allowed to inhabit or sleep in one common room." That was about as near as they could possibly define the term. Supposing a man was brought up on a charge of offending against the provisions of the Act, the inspector of the local authority would know the house; he would have visited it, and could say what sort of a place it was, and whether it came within the definition of the Act. As the Bill stood, it would be a common lodging-house if persons came and went; stayed there for the night; if there were plenty of beds in a room; and was not a place where persons lodged permanently. In such a case the bench would undoubtedly find it a common lodging-house, and no court would disturb their finding. If it was desirable to put in a

definition he would suggest that which he had mentioned, which would come in in the 69th clause.

Clause put and passed.

Clauses 58 to 61, inclusive, passed as printed.

On clause 62, as follows :—

"Where it appears to a local authority that a common lodging-house is without a proper supply of water for the use of the lodgers, and that such a supply can be furnished thereto at a reasonable rate, the local authority may, by notice in writing, require the owner or keeper of such house, within a time specified therein, to obtain such supply and to do all works necessary for that purpose; and if the notice is not complied with accordingly the local authority may remove such house from the register until it is complied with."

Mr. FERGUSON said he quite agreed with the clause as it stood. It enforced every common lodging-house keeper to provide a supply of water. But if he could provide water, in addition to that, he should be compelled to provide baths, which he considered were very much wanted.

The PREMIER: Did the hon. gentleman think they would use them? That could hardly be provided. They did not know what they would have to pay for baths.

Clause put and passed.

On clause 63, as follows :—

"The keeper of a common lodging-house shall, from time to time, when required by the local authority, limewash the walls and ceilings thereof, and shall, if he fails to do so, be liable to a penalty not exceeding forty shillings for every day during which he so fails."

The HON. SIR T. MCILWRAITH said there was no doubt that the hon. Premier must devise some means of getting over the difficulty connected with the definition of a common lodging-house; otherwise he did not see how the clauses were going to be worked. As pointed out by the hon. member for Fortitude Valley, clause 63 was the only one that gave them the slightest inkling of what a common lodging-house was, and that was—that it was a lodging-house that would be improved by limewashing the walls. That was the only thing that gave the slightest indication of what sort of houses were referred to. They were intended for the poorer classes, where the people had not habits of cleanliness; where those habits had to be forced upon them. If so, let that be perfectly understood, and let a means be devised by which the better classes would be prevented from being harassed by the Bill. The clause evidently contemplated houses that would be improved by limewashing; and there were not many that would be improved by that process, as it was only a means of hiding filth, so far as he could understand, though it might be very good to look at. According to the definition suggested by the Premier, a common lodging-house was a house in which persons were promiscuously received as lodgers. That applied to "Longreach." People were there promiscuously received as lodgers. Of course, if they had not a good coat on their back they would be refused admission, for the same reason that a person who had a good coat on would not be received in Edward street. The clause either included all lodging-houses or none. Unless they had some further information on the subject he did not see how it was to work. He could quite understand common lodging-houses in England, as there the term was perfectly well known.

The PREMIER said the term was well known in Sydney and Melbourne. They were commonly talked about. As far as he knew, no attempt had ever been made to define the term; but, as he had said, it was commonly used in Sydney. He had never seen the name "common lodging-house" on a building; but there were such places there, and he had often seen descriptions of visits to them by the police and members of the Press. No doubt the term had not been defined in England, because they did not see how to do it. How did they define "a common carrier"? He was a man who, from the way in which he carried on business, showed that he was a person who carried goods for anybody for hire. A common lodging-house was a lodging-house which took any person who came. Most of the lodging-houses here would not take any person who went to them; and many people would not go to common lodging-houses, just as many people would not go to a particular kind of inn. He doubted very much whether it was possible to define the term. It was well understood. There were many things perfectly well understood of which it would be impossible to give a scientific definition. If there was to be a definition of common lodging-houses, he did not see any better one than the one he had just suggested. Of course if they adopted a definition they would lose the advantage of the cases decided in England, as to what was the meaning of the expression in the analogous provisions.

Mr. NORTON said he thought that in Sydney common lodging-houses were defined as houses which received lodgers, but did not provide them with meals; the lodgers simply got beds.

The PREMIER: I was not aware of that.

Mr. NORTON said he had a report in connection with common lodging-houses in Sydney, which he would lend to the hon. gentleman, if he cared for it.

The PREMIER: That does not define common lodging-houses.

Mr. NORTON said it did not; but he could promise the hon. gentleman that if he read the report he would not have an appetite for a week.

Mr. MIDGLEY said he thought the clauses limited the local authorities too narrowly as to the mode of purifying an objectionable, or supposed to be objectionable, dwelling. He could imagine a man conducting a very cheap house, and yet having a house well built and well fitted. On the principle that the amount of trade he did—the number of lodgers he received—would pay, he might only make a small charge, and yet have a very good establishment or a very good building. From the clause under discussion it appeared that the local authority might require him to do nothing less than whitewash it.

The PREMIER: Oh, yes! many other things.

Mr. MIDGLEY said he would suggest that there should also be some other mode of cleansing specified in the clause. A man might have his rooms painted or plastered or papered; and to whitewash them would be an act of vandalism.

The PREMIER said the whole scheme of the Bill was to entrust local authorities with the power of carrying out the provisions necessary to preserve the public health. Because they had the power to compel a man to pull down his house, it did not follow that they would require every man to do that. They would only require a man to limewash his house when it was in a condition dangerous to health if that was not done. The whole principle of the Bill was that local authorities might fairly be entrusted with those powers, and that they had sufficient discretion not to exercise them when it was not necessary.

Clause put and passed.

On clause 64, as follows :—

"The keeper of a common lodging-house shall, every day, if required in writing by the local authority so to do, report to the local authority, or to such person as the local authority directs, every person who resorted to

such house during the preceding day or night; and for that purpose schedules shall be furnished by the local authority to the person so required to report, and he shall fill up such schedules with the information required, and transmit them to the local authority."

The PREMIER said the clause in the English Act related only to houses receiving beggars or vagrants. He did not know that it was necessary, and did not care very much about it. If there was any serious objection to the clause, he would not press it. He did not know that there were any thieves' houses here yet.

Clause put and negatived.

Clauses 65 and 66 passed as printed.

On clause 67, as follows :—

"Any keeper of a common lodging-house who—

1. Receives any lodger in such house while the same is not registered under this Act; or
2. Fails to make a report, after he has been furnished with schedules for the purpose, in pursuance of this Act, of the persons resorting to such house on the preceding day or night; or
3. Fails to give the notices required by this Act when any person in such house is ill of fever or other infectious disease :

shall be liable to a penalty not exceeding five pounds; and in the case of a continuing offence to a further penalty not exceeding forty shillings, for every day during which the offence continues."

The PREMIER moved the omission of the 2nd paragraph of the clause.

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

Clause 68—"Conviction for third offence to disqualify persons from keeping common lodging-house"—passed as printed.

On clause 69, as follows :—

"For the purposes of this Act the expression 'common lodging-house' includes, in any case in which only part of a house is used as a common lodging-house, the part of such house so used."

The PREMIER said he proposed to amend the clause by inserting a definition of the term "common lodging-house." They would have an opportunity afterwards of altering the definition if necessary, but he thought it could hardly be improved. He moved the insertion after the word "lodging-house," in the 2nd line of the clause, the words "means lodging-houses to which persons promiscuously resort as lodgers, or in which persons, strangers to one another, are allowed to inhabit or sleep in one common room and."

Mr. CHUBB said he thought the proper place for the definition would be in the definition clause.

The PREMIER said he thought it just as well to leave it where it was.

The HON. SIR T. MCILWRAITH said the term would still include all the lodging-houses in town, and all the hotels too, for there was not one of them in which people were not promiscuously brought together as lodgers, and very few in which two people had not occasionally to sleep in the same room.

The PREMIER said that, in lodging-houses of the superior class, lodgers did not commonly sleep more than one in the same room. They might in some instances.

The HON. SIR T. MCILWRAITH: I have had to do it before now.

The PREMIER said it might happen under exceptional circumstances. He was sure, however, that no one could misunderstand the definition; but he was still of opinion that the Bill would be better without one.

Mr. MIDGLEY said he thought the Premier did not know as much about hotels as he did. It had been his misfortune to have to walk about the streets of Brisbane at midnight through not being able to get a bed at an hotel. In most of the hotels in towns about half the rooms were furnished with two beds, and when extra accommodation was required it was difficult for people to get separate rooms.

The PREMIER: The definition does not relate to hotels at all.

Mr. ARCHER said he should prefer to see no definition included. The term "common lodging-house," though not in use at present, would be used when the Bill was put in force, and everyone would understand its meaning to be places where persons resorted for the purpose of sleeping, and not getting their meals at all. There were plenty of places of that kind in England, and they existed also in Sydney. They would spring up in Queensland also, and the best thing they could do would be to have no definition.

Mr. NORTON said it would be better not to attempt to define the term. There were numbers of houses which regularly had two beds in a room, and people going there often stipulated that they should have a room to themselves.

Amendment put and negatived, and clause passed as printed.

Clause 70—"Governor in Council may empower local authority to make by-laws as to lodging-houses"—passed as printed.

Clause 71—"Evidence as to family in proceedings"—passed as printed.

On clause 72—"Definition of nuisances"—

The PREMIER said he would accept the suggestion thrown out by the leader of the Opposition, with regard to furnaces consuming their own smoke. It was as yet somewhat premature to make any regulation of that kind. He moved that the following subsection of the clause be omitted :—

"Any fireplace or furnace which does not, so far as practicable, consume the smoke arising from the combustible used therein, and which is used for working engines by steam, or in any mill, factory, dye-house, brewery, bakehouse, or gaswork, or in any manufacturing or trade process whatsoever."

Amendment put and passed.

On the motion of Mr. CHUBB, the word "black" was omitted from the following subsection :—

"Any chimney (not being the chimney of a private dwelling-house) sending forth black smoke in such a quantity as to be a nuisance."

Mr. MIDGLEY said that the first proviso to the clause seemed to make it allowable for a man to engage in an objectionable manufacture if he considered he had done his best to make it inoffensive. That was hardly right, unless the question was dealt with elsewhere in the Bill.

The PREMIER said that if a business became a nuisance, the provisions of clause 93 would apply to it. A business might not of itself be a nuisance, although it might become occasionally unpleasant for a quarter or half-an-hour. But as long as the unpleasantness was made to pass away as quickly as possible, there could be no objection to it. They must allow business of that kind to be carried on in some way, so long as it did not interfere with the public health.

On the motion of the PREMIER, the second proviso to the clause, which had reference to furnaces consuming their own smoke, was struck out.

Clause, as amended, passed.

Clause 73—"Duty of local authority to inspect district for detection of nuisances"—passed as printed.

Clause 74—"Information of nuisances to local authority"—passed as printed.

On clause 75—"Local authority to serve notice requiring abatement of nuisance"—

Mr. NORTON asked for an explanation of the words "structural convenience" in the following proviso:—

"When the nuisance arises from the want or defective construction of any structural convenience or where there is no occupier of the premises, notice under this section shall be served on the owner."

The PREMIER said the words referred to any want of convenience to let water off, any want of a window, or of places for ventilation, and so on. If the defect was in the construction of the building notice was to be given to the owner. Perhaps it would be better to alter the language of the clause.

Clause agreed to with verbal amendments.

Clause 76—"On non-compliance with notice, complaint to be made to justice"—passed as printed.

On clause 77—"Power of court to make order dealing with nuisance"—

Mr. CHUBB asked what would be the consequence of a recurrence of a nuisance after a prohibition had been issued?

The PREMIER: Turn to section 85.

Clause passed as printed; also clauses 79 and 80.

On clause 81, as follows:—

"Any matter or thing removed by a local authority in abating any nuisance under this Act may be sold by public auction, and the money arising from the sale may be retained by the local authority and applied in payment of the expenses incurred by it with reference to such nuisance, and the surplus, if any, shall be paid on demand to the owner of such matter or thing."

Mr. NORTON said he thought the clause ought to be amended. Something else might be removed besides manure, and it was giving a power the local body had no right to have.

Mr. BEATTIE said he thought there was something wanting in the clause. It said that the matter was to be sold when removed, and if there was any surplus it would go to the owner of the property; but then there would be some expenses to be met. There were two or three clauses in which the court had power to compel the local authority to pay. He doubted very much whether there was any likelihood of their having to pay any of the ratepayers' money.

The PREMIER said that clause 84 provided for the payment of expenses. He thought perhaps it would be better to use the words "offensive matter" instead of "matter or thing."

Clause passed as printed.

On clause 82, as follows:—

"1. The local authority, or any of their officers, shall be admitted into any premises for the purpose of examining as to the existence of any nuisance thereon, or of enforcing the provisions of this Act, at any time between the hours of nine in the forenoon and six in the afternoon, or in the case of a nuisance arising in respect of any business, then at any hour when such business is in progress or is usually carried on.

"2. Where a nuisance under this Act has been ascertained to exist, or an order of abatement or prohibition has been made, the local authority, or any of the officers of the local authority shall be admitted from time to time into the premises between the hours aforesaid, until the nuisance is abated, or the works ordered to be done are completed, as the case may be.

"3. Where an order of abatement or prohibition has not been obeyed, the local authority, or any of the officers of the local authority, shall be admitted from time to time at all reasonable hours, or at all hours during which business is in progress or is usually carried on, into the premises where the nuisance exists, in order to abate the same.

"4. If admission to premises for any of the purposes of this section is refused, any justice, on complaint thereof on oath by any officer of the local authority made after reasonable notice in writing of the intention to make it has been given to the person having custody of the premises), may, by order under his hand, require the person having custody of the premises to admit the local authority, or any officer of the local authority, into the premises during the hours aforesaid; and if no person having the custody of the premises can be found, the justice may, on oath made before him of that fact, by order under his hand authorise the local authority or any officer of the local authority to enter such premises during the hours aforesaid.

"5. Any order made by a justice for admission of the local authority, or any officer of the local authority, into any premises shall continue in force until the nuisance has been abated, or the work for which the entrance was necessary has been done."

Mr. FERGUSON said he could not see the reason for this clause. It would be very unwise to give the officers of the corporation the right to walk into anyone's private house. They should be required to give notice of the intended inspection before entering upon anybody's premises.

The PREMIER said that the owner of the premises might refuse to allow the officer to enter until he obtained an order, and the order could not be obtained until after reasonable notice in writing had been given. There could be no compulsory inspection without reasonable notice.

Mr. CHUBB said there ought to be some provision that where a person refused to allow inspection he should be subject to an additional penalty for allowing the nuisance to continue longer.

Clause put and passed.

Clauses 83 to 90 inclusive, passed as printed.

On clause 91, as follows:—

"Any person who, after the passing of this Act, establishes within a municipal district, without the consent in writing of the municipal authority, any of the following trades, that is to say, the trade of blood-boiler, bone-boiler, fellmonger, soap-boiler, tallow-melter, tripe-boiler, or any other noxious or offensive trade, business, or manufacture, shall be liable to a penalty not exceeding fifty pounds in respect of the establishment thereof; and any person carrying on a business so established shall be liable to a penalty not exceeding forty shillings for every day on which the offence is continued, whether there has or has not been any conviction in respect of the establishment thereof."

Mr. NORTON said the clause might be understood to apply to existing rights, and to guard against that he proposed to amend it by inserting after the word "established" the words "after the passing of this Act."

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

Clause 92—"By-laws as to offensive trades"—passed as printed.

On clause 93, as follows:—

"1. Where any candle-house, melting-house, melting-place, or soap-house, or any slaughter-house, or any building or place for boiling offal or blood, or for boiling, burning, or crushing bones; or any manufactory, building, or place used for any trade, business, process, or manufacture causing effluvia, is certified to a municipal authority by its health officer, or by any two legally qualified medical practitioners, or by any ten inhabitants of the district, to be a nuisance, or injurious to the health of any of the inhabitants of the district, such municipal authority shall direct complaint to be made before a justice, who may summon the person by or on whose behalf the trade so complained of is carried on, to appear before a court of summary jurisdiction.

"2. The court shall inquire into the complaint, and if it appears to the court that the business carried on by the person complained of is a nuisance, or causes any effluvia which is a nuisance or injurious to the health of any of the inhabitants of the district, and unless it be shown that such person has used the best practicable means for abating such nuisance, or preventing or counteracting such effluvia, the person so offending (being the owner or occupier of the premises, or being a foreman or other person employed by such owner or occupier) shall be liable to a penalty not exceeding five pounds nor less than forty shillings, and on a second and any subsequent conviction, to a penalty double the amount of the penalty imposed for the last preceding conviction: but the highest amount of such penalty shall not in any case exceed the sum of two hundred pounds.

"3. Provided that the court may suspend its final determination on condition that the person complained of undertakes to adopt within a reasonable time such means as the court may deem to be practicable, and order to be carried into effect, for abating such nuisance or instigating or preventing the injurious effects of such effluvia.

"4. A municipal authority may, if it thinks fit, on such certificate as in this section mentioned, cause to be taken any proceedings in the Supreme Court against any person in respect of the matters alleged in such certificate."

Mr. GROOM said there was one part of the clause he did not like. Subsection 2 said:—

"The court shall inquire into the complaint, and if it appears to the court that the business carried on by the person complained of is a nuisance, or causes an effluvia which is a nuisance, or injurious to the health of any of the inhabitants of the district, and unless it be shown that such person has used the best practicable means for abating such nuisance, or preventing or counteracting such effluvia, the person so offending," etc.

He did not think those words ought to be allowed to remain in the clause. He would mention a case in point. There was a business of that kind carried on in the municipality with which he was connected: A person received by drays or by train sometimes as many as 100 hides, and he had them taken into some sort of hide-house and had them cured. In warm weather the effluvia arising from the curing of those hides was a terrible nuisance, and they frequently had petitions sent in to the Municipal Council about it. In the winter, the person referred to was able to apply such remedies as entirely removed the smell, and the premises were in no way offensive; but immediately the hot weather set in the nuisance arose. The nuisance should be put a stop to altogether, but no action could be taken under the clause if a man proved that he had taken the best practicable means for abating the nuisance, even though it should still exist and be a nuisance and injurious to health, in the opinion of a medical man. Such cases might arise elsewhere; and he thought it would be better to leave out the words he had referred to.

On the motion of the PREMIER, the words, "and unless it be shown that such person has used the best practicable means for abating such nuisance, or preventing or counteracting such effluvia" in the 2nd subsection, and the words "or instigating" at the end of the 3rd subsection, were omitted.

Clause, as amended, put and passed.

Clause 94—"Power to proceed where nuisance arises from offensive trade carried on beyond district"—passed as printed.

On clause 95, as follows:—

"1. Any health officer or inspector of nuisances may at all reasonable times inspect and examine any animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, or milk, exposed for sale, or deposited in any place for the purpose of sale or preparation for sale, and intended for the food of man.

"2. If any such animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, or milk, appears to such health officer or inspector to be diseased, or unsound, or unwholesome, or unfit for the food of man, he may seize and carry away the same himself or by an assistant, in order to have the same dealt with by two justices.

"3. The proof that any substance so exposed was not exposed or deposited for any such purpose, or was not intended for the food of man, shall rest with the party charged."

Mr. NORTON said he noticed that, under the clause, the health officer or inspector might examine and inspect any animal, carcase, etc. As animals were mentioned, he would direct the attention of the Premier to the case referred to in the papers recently of a cow which had been wandering about in the Valley recently, and which was suffering from a disease from which an unpleasant effluvia arose. As the clause spoke of animals, he wished to know whether it would cover cases of that kind?

Mr. MIDGLEY said, as charity should begin at home, he thought sanitary precautions should also begin at home; and he thought the clause was a suitable one in which to provide "that no jugged hare shall be served in the Parliamentary Refreshment Rooms if there is reason to believe that the animal has been dead more than three months." He thought hon. members who had a partiality for jugged hare would be glad to see such a provision inserted.

The PREMIER said he thought the case referred to by the hon. member for Port Curtis was scarcely of sufficient importance to refer to specially. The local authority undoubtedly could deal with such a case as a nuisance, though he did not think any of those clauses referred to it.

Clause passed as printed.

Clause 96 passed as printed.

Clauses 97 to 107 passed as printed.

On clause 108, as follows:—

"Any person letting for hire, or showing for the purpose of letting for hire, any house or part of a house, who, on being questioned by any person negotiating for the hire of such house or part of a house, as to the fact of there being, or within six weeks previously having been therein any person suffering from any dangerous infectious disorder, knowingly makes a false answer to such question, shall be liable at the discretion of the court to a penalty not exceeding twenty pounds, or to imprisonment with or without hard labour for a period not exceeding one month."

Mr. NORTON said he thought anyone letting a house in which infected persons had been living ought to be compelled to inform the person applying for it that it had been infected.

The PREMIER moved the omission from the clause of the words "who on being questioned by any person negotiating for the hire of such house or part of a house, as to the fact of there being," with a view of inserting the words "in which there is."

Amendment put and passed.

The PREMIER moved the further amendment of the clause by the omission of the words "having been therein," with a view of inserting the words "have been."

Amendment put and passed.

The PREMIER moved that the words "knowingly makes a false answer to such question" be omitted, with a view of inserting the words "shall inform any person negotiating for the hire of such house, or part of a house, of the fact of a person so suffering, being or having been therein, and if he wilfully fails to do so, he."

Amendment put and passed.

Mr. BLACK said he thought the clause would have a very serious effect on all the hotels in town. It was, no doubt, very necessary that proper precautions should be taken to prevent lodgers——

The PREMIER: This clause does not apply to any hotels.

Mr. BLACK said the previous clause said—

"For the purposes of this section the keeper of an inn shall be," etc.

The PREMIER: This section does not apply to them.

Mr. BLACK said he would like it to be understood that the clause did refer to hotels. When a lodger went to an hotel and took a bedroom, that was "letting for hire any house, or part of a house." What he wished to point out was, that six weeks was perhaps an excessive time; it meant that if any infectious disease broke out in the hotel, that that house would be quarantined for six weeks, although every precaution might have been taken in the way of fumigating.

Mr. GROOM: It is so in Sydney now.

Mr. BLACK said that under the clause any hotel-keeper who might be unfortunate enough to have small-pox or any infectious disease introduced into his house, would have, virtually, to shut up that house for six weeks. He did not suppose that anyone would take a room in that house if he was plainly told that the house was considered by the Act to be unhealthy. He did not know what medical men thought on the subject; but he thought that the clause would ruin almost any hotel-keeper in the city.

Mr. NORTON said he did not know why the clause should be altered. He did not see why any hotel-keeper should be allowed to spread a disease. The only question was whether the time was not too long.

Clause, as amended, put and passed.

Clauses 109 to 121, inclusive, passed as printed.

On clause 122, as follows :—

"1. For the purpose of defraying any expenses chargeable on the municipal or divisional fund which that fund is insufficient to meet, the local authority shall from time to time, as occasion may require, make and levy in addition to any other rate leviable by them under any Act, a rate or rates to be called 'General Health Rates.'

"2. Any such rate may be made and levied, either prospectively in order to raise money for the payment of future charges and expenses, or retrospectively in order to raise money for the payment of charges and expenses incurred at any time within six months before the making of the rate.

"3. The provisions of the Local Government Act of 1878, and of the Divisional Boards Act of 1879, respectively, and of the several Acts amending the same, relating to the making and levying of rates, shall apply to the making and levying of rates under this Act.

"4. The general health rate shall be made and levied upon all ratable property situated in the district.

"5. The same endowment shall be payable and shall be paid to the local authority in respect of moneys raised by general health rates as is payable in respect of moneys raised by general rates under the said Acts respectively."

Mr. GROOM said no mention was made in the clause with regard to the amount of the rate that the municipal council might levy. Municipalities were very heavily taxed as it was just now; what with the general rates, water rates, lighting rates, and loan rates, they were very heavily taxed indeed. That clause would place a very great power in the hands of local authorities.

The PREMIER said a small rate would be sufficient with the endowment.

Clause put and passed.

Clause 123—"Further provisions for the recovery of expenses"—passed as printed.

On clause 124, as follows :—

"1. The board may, from time to time, certify the amount of expenses that have been incurred, or an estimate of the expenses about to be incurred, by any person appointed by the board under this Act to perform the duty of a defaulting local authority; and also the amount of any loan required to be raised for the purpose of defraying any expenses that have been so incurred, or are estimated as about to be incurred; and the certificate of the board shall be conclusive as to all matters to which it relates.

"2. Whenever the board so certifies a loan to be required, the Colonial Treasurer may advance to the board, or to any person appointed as aforesaid, the amount of the loan so certified to be required; and the board may, by any instrument duly executed, charge the municipal or divisional fund, and any endowment payable to the local authority with the repayment of the principal and interest due in respect of such loan, in accordance with the provisions of the Local Works Loans Act of 1880, and every such charge shall have the same effect as if the defaulting local authority had itself raised such loan, and had duly executed an instrument charging the same on such fund and endowment.

"3. The surplus (if any) of any such loan, after payment of the aforesaid, shall, on the amount thereof being certified by the board, be repaid to the Colonial Treasurer.

"4. The term 'expenses,' for the purposes of the provisions of this part of this Act, shall include all sums payable under those provisions by or by the order of the board or a person appointed by the board."

Mr. BLACK said he noticed that the clause provided that when the board required a loan they should get it from the Colonial Treasurer, under the Local Works Loan Act of 1880. He would like to know what class their loans would come under?

The PREMIER said that was fixed by the Governor in Council under the Act. It depended on various things. If the loan was for a stone drain it would come under works of that kind, but if it was for the work of scavenging it would come under a different class, and the board would probably have to repay the loan in a shorter time.

Clause put and passed.

Clauses 125 to 134, inclusive, passed as printed.

On clause 135, as follows :—

"In any proceeding instituted by or against a local authority under this Act it shall not be necessary for the plaintiff to prove the corporate name of the local authority or the constitution or limits of its district. But this section shall not prejudice the right of any defendant to prove such constitution or limits."

The PREMIER moved that the clause be amended in the 4th line so as to read, "its constitution or the limits."

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

Clauses 136 to 147, inclusive, passed as printed.

Clause 148—"Compensation in case of damage by local authority"—was amended on the motion of the PREMIER, by substituting the word "determined" for the word "ascertained," and inserting the words "the compensation" before the word "recovered."

Clause 149 and Schedule passed as printed.

The CHAIRMAN left the chair, and reported the Bill to the House with amendments.

On the motion of the PREMIER, the Bill was recommitted for further consideration of clauses 28 and 48.

Clause 28 was amended by the omission of the word "newly" in the phrase "any house so newly erected or rebuilt," and the word "covered" in the phrase "until a covered drain or drains is or are constructed."

Clause 48 was amended, to read as follows :—

Where, on the certificate of the health officer, it appears to a local authority that any house is unfit by reason of its filthy or dilapidated condition to be used as a dwelling, or otherwise occupied, the local authority may give notice in writing to the owner or occupier of such house to purify or repair or alter the same so as to render it fit for human habitation or occupation.

If the person to whom the notice is given fails to comply therewith within the time therein specified, he shall be liable to a penalty of ten shillings per day for every day during which such default continues; and the local authority may, if it thinks fit, direct the house to be pulled down or destroyed.

The House resumed, and the CHAIRMAN reported the Bill with further amendments.

The report was adopted, and the third reading made an Order of the Day for Tuesday next.

ADJOURNMENT.

The PREMIER, in moving the adjournment of the House till Tuesday next, said that the business it was proposed to take first on that day was the Immigration Act Amendment Bill; and he hoped there would be time, after its disposal, to make some progress in the Defence Bill. It was not proposed to take the Land Bill on Tuesday. He might say that, unless otherwise indicated, the Colonial Treasurer would make his Financial Statement on Wednesday next.

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