Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 25 SEPTEMBER 1884

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LEGISLATIVE ASSEMBLY.

Thursday, 25 *September*, 1884.

Questions.—Petition.—Speaker's Ruling.—Question.—Motion for Adjournment.—Jury Bill.—Case of H. M. Clarkson.—Maryborough School of Arts Bill—second reading.—Maryborough Racecourse Bill—committee.—Question of Order.—Petition of Leonidas Koledas and Thomas Fleeton.—Local Option.—Adjournment.

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

QUESTIONS.

Mr. KATES asked the Colonial Secretary—

Whether and when it is the intention of the Government to call for tenders for the erection of the new court-house, Warwick, money for which has been voted by this House?

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

Tenders will be called for the erection of a new court-house at Warwick as soon as the state of business in the Colonial Architect's Office will permit.

Mr. BAILEY asked the Premier—

Will the Government consent to the rescinding of so much of the Timber Regulations as imposes a tax on timber-carriers who remove timber from Crown lands, seeing that under the new Local Authorities Act the divisional boards will have the power to levy a tax on them?

The PREMIER (Hon. S. W. Griffith) replied—

The question of a revision of the Timber Regulations has for some time been under the consideration of the Government. It is intended that under the revised regulations no license fee shall be imposed upon persons who are exclusively employed as carriers.

PETITION.

Mr. GOVETT presented a petition from certain residents of Aramac, against the formation of a township at Barcaldine.

Petition read and received.

SPEAKER'S RULING.

Mr. BAILEY said: Mr. Speaker,—With the permission of the House I wish to move that your ruling of yesterday, on a very important point of order, be disagreed to. I can, of course, only do so with the permission of the House.

The PREMIER: No.

Mr. BAILEY: Do you object?

The PREMIER: Yes.

Mr. BAILEY: Then I beg to give notice that on Tuesday next I will move that the ruling of the Speaker, upon the point of order raised by me on the 24th September, be disagreed to.

QUESTION.

The HON. SIR T. MCILWRAITH asked the Premier—

1. Has he had any communication with W. Sloane and Company as to coolie immigration from India, verbal or in writing, since May, 1884?
2. If so, will he give to the House the nature of such communications?

The PREMIER replied—

I have had no communication at any time, either verbal or in writing, with Messrs. Sloane and Company as to coolie immigration from India. I may add that I have ascertained that no communication on the subject took place between Mr. Jeffray (of Sloane and Company), while in London, and his representatives in Brisbane.

MOTION FOR ADJOURNMENT.

The HON. SIR T. MCILWRAITH said: I rise, sir, to move the adjournment of the House. I think it is the most extraordinary proceeding ever adopted in this House for the hon. gentleman to take advantage of a question I asked him to give an answer to a totally different question. Does he question the accuracy of the statement I made? I did not in any way impugn the Premier's statement yesterday, and the

statement I made then I am prepared to uphold. That statement was that Mr. Jeffray, in London, intimated to me that his firm, which is well known as William Sloane and Company, had communicated with the Premier—naming him as Samuel Walker Griffith—with regard to coolie immigration, and that since the repeal of the Coolie Act there was no possible objection—that there was no legislation to prevent coolies coming down from India. His object, therefore, in communicating with his firm and the Premier was to ascertain whether, in the event of their bringing down coolies under the Masters and Servants Act, there would be any objection on the part of the Government. The reply from the Premier was that there would be no objection; that the Government would not put any obstacle in the way either now or by any future legislation. I was astonished to hear that he had received a communication of that sort, and knowing that Mr. Jeffray was getting up a deputation to the Secretary of State to represent that fact, and would use that argument in order to enforce their views, I told him that he had better be certain of the fact—had better be perfectly satisfied that his firm had actually received from the Government an assurance that they would make no objection. He immediately left to cable to that effect, whether to Brisbane or not I do not know, because his firm has branches in different capitals in the colonies. I do not say it was in Brisbane; but at all events I can say that the gentleman who was mentioned to me as having communicated with the Government was a Brisbane man. Mr. Jeffray left me, I say, to cable. I saw him afterwards and he told me that he had cabled and found it was satisfactory; and that they would act on the information they had got from the present Premier of Queensland, which was, that the Government would put no objection in the way of coolies coming from India. I saw, for the first time in the papers—I think it was published in yesterday's paper—that the deputation had presented the petition, and that they alleged this fact—namely, that the Premier of Queensland would have no objection, or rather that the present Government would have no objection, whatever, to coolies coming under the Masters and Servants Act. Yesterday the Premier seemed to imply that if such a communication ever did take place between William Sloane and Company and the Government, it must have been with the late Government. As a matter of fact, as I stated, Mr. Jeffray mentioned the name of Samuel Walker Griffith repeatedly in the course of the conversation. Besides that, to have gone to the last Government with a communication of that sort would have been absurd, because the only Act under which coolies could possibly have been introduced, unless regulations were made, was actually in force at that time. To have gone to the late Government would have had no meaning whatever; there was the Act staring them in the face. But, as was pointed out in the petition to Lord Derby, the Act having been repealed, there was nothing at all to prevent coolies coming down in the ordinary way, under the Masters and Servants Act, if the present Government were satisfied that they would be treated well, and threw no impediment in the way either by legislation or otherwise. The hon. member, in giving an answer to the question I asked, certainly had no right to almost imply that I was making an assertion which was not true—namely, that William Sloane and Company had that communication. I stated what I knew. I said what the head of the firm told me he did. I stated that he told me he had got the information, but I did not vouch for the truth of it; so that the hon. gentleman, in giving a contradiction, certainly seemed to aim a blow at the veracity of my statement. I accepted the statement as Mr. Jeffray told me—as a statement of a communication from the present Premier—and that statement he has made to Lord Derby.

The PREMIER: I should like to know exactly what the hon. gentleman's statement is? Do I understand that Mr. Jeffray told him that he had a communication from me?

The HON. SIR T. McILWRAITH: No. I think I have stated it over and over again. I say that Mr. Jeffray, in London, came to me and informed me that, since the repeal of the Coolie Act, his firm had communicated with the present Premier of the colony, Mr. Samuel Walker Griffith, and that the present Premier had assured his firm that he would not put any obstruction in the way of coolies coming down if the English Government consented to their coming under regulations; that I doubted very much whether such a communication could have taken place, and intimated my doubt to Mr. Jeffray, and advised him before he took any action to cable to his firm and find out whether it was true. His reply was that he would do so. He came to me afterwards and told me that he had cabled, and that the result was to verify the information he had given to me—namely, that the present Premier of the colony had told his firm that there would be no objection made by his Government to coolies being brought down.

The PREMIER said: Somebody, sir, must be mistaken. The most charitable view is that the hon. gentleman has entirely mistaken his conversation with Mr. Jeffray. I think he must have entirely misunderstood Mr. Jeffray, and for this reason: First of all, no communication on the subject has ever passed between Mr. Jeffray, or any member or agent of the firm of Sloane and Company, and myself, either verbal or in writing, at any time. Nothing of the kind ever took place, at any time or in any manner. That is a fact, Mr. Speaker. Now the hon. gentleman, apparently in order to make more probable the story, intimated yesterday that he advised Mr. Jeffray, in London, to telegraph here and get a confirmation of the supposed approval of the Government. That is what I understood him to say, that he had done so and that he had received a renewed assurance from the present Government.

The HON. SIR T. McILWRAITH: I did not say so; I said that I advised him to telegraph and find out. I never advised him to telegraph to the Government, for I knew that the Government were far too astute to commit themselves to writing on such a question.

The PREMIER: I understood the hon. gentleman to mean this: that he advised him to telegraph; not to ask somebody what they had previously told him, but to ascertain whether those ideas as to the views of the Government were correct, by a renewed communication with the Government. That is what I understood.

The HON. SIR T. McILWRAITH: That is so.

The PREMIER: No communication of that kind was sent by Mr. Jeffray to his representatives here; that I am in a position to say. The only conclusion, therefore, is that the hon. gentleman totally misapprehended Mr. Jeffray. His recollection must be entirely erroneous; I do not for a moment suppose that Mr. Jeffray would have told the hon. gentleman a thing that had never happened, and that particular thing never did happen. So that the hon. gentleman's recollection of the conversation must, I suppose, be erroneous. The hon. gentleman appears to have been labouring under some confusion in the matter, because he endeavours to make out that

a great point in the conversation was the repeal of the Coolie Act, under which coolies are prevented from coming here, as he imagines, except under regulations. That Act has never been repealed, and whatever restrictions there were in it still exist. There are none, it is true; but the Act still remains on the Statute-book, and the hon. gentleman is pleased to consider that it is restrictive. Nothing of the kind took place; it is a mare's nest, and who is responsible for it I do not know. I do not think there is anything more to be said upon the subject. There is a misapprehension somewhere, and I am not responsible for it. Nobody had any communication with me, directly or indirectly, at any time upon the matter.

Mr. BROOKES said: I think there is some little trick knocking about here. I read in yesterday's paper about some extraordinary interview with Lord Derby, and, from one thing and another, I suspected that there was something going on which we did not know about. I need not tell you that I suspect the sugar-growers; but I shall have a few words to say upon that by-and-by. What I have to deal with now is this extraordinary interview with the ex-Prime-Minister of Queensland. Of course we allow for different tastes between one man and another. I would rather pay £1,000 than have my name in connection with such an interview as this. At the same time, as it concerns the hon. leader of the Opposition, I may say that I am extremely glad that the interview has taken place. I feel that at the present time it is particularly opportune, and that the impression made upon Lord Derby and Lord Kimberley and other gentlemen, when they read of that interview with the ex-Prime-Minister of Queensland, will be very favourable and fortunate for the Liberal side of the House. There are some statements here that are perfectly preposterous, such as his telling the *Pall Mall Gazette* interviewer—

"As my party always had to vote 'No,' I transferred sixteen of my followers to the Opposition benches, where I fitted them up comfortably with pillows and blankets, and they slept by the hour together and were duly counted by the Chairman when the House divided."

It would be very good for the editor of *Punch;* but, as being soberly stated by the leader of the Opposition to the interviewer of a London paper, it is nearly past a joke. Still I am very glad it was said, because I have long thought that the leader of the Opposition has been sailing under false colours. The first personal pronoun—a pronoun which it is proper to use in moderation, but if you take too much of it you get intoxicated—and the number of times it appears here, would leave the impression as it did on my mind—a former impression that was deepened, rather than a fresh one—that the hon. leader of the Opposition fancied he was Queensland, and was everybody. He seems to think that he is the whole Legislative Assembly in what he said about the "white man's colony," and the Chinese and Polynesian labour traffic, and coolie labour. He did not seem to have his ideas well developed, for many of his statements are certainly open to contradiction—that, for instance, where he said that white people were unable to work amongst the steaming cane. The leader of the Opposition knows nothing about the "steaming cane." He knows no more about it, practically, than I do, from his own personal experience and physical sensations. The only difference is that he believes in the hon. member for Mackay, and I do not. Then he speaks about the Chinese; his ideas about the Chinese are not so very bad, but I cannot harmonise the various views I find. He speaks as though immigration from England was one great essential to this colony. With that I agree; but how can he reconcile that view with what he says about coolies? To bring these matters to a point, I would like to express my regret that when he had such an opportunity of giving correct views to the *Pall Mall Gazette*, and so to the people of England, he did not point out what a leader of the Opposition should have pointed out. He should have pointed out that the main objection to coloured labour in this colony is that the colony is a democratic colony, and that coloured labour will not have votes, and, consequently, they turn our political institutions upside down. If he had said anything at all approaching that, I would not have blamed him; but there seems to have been no other idea in the mind of the leader of the Opposition than this: that Queensland was to be worked for somebody else's advantage—for the advantage of some half-dozen, for the advantage of some companies; and not the slightest ground was given for believing that in the mind of the leader of the Opposition there was this idea—the welfare of everybody in the colony. I do not begrudge the hon. the leader of the Opposition his position, provided he honourably fills it; but when I find him misleading the interviewer of a London paper, and so everybody else, I do feel it my duty to rise up and protest. I say that my impression, after reading what took place between him and the interviewer, was that the hon. leader of the Opposition was a disgrace to the Legislative Assembly of this colony, for the Legislative Assembly and the whole public opinion of the colony could not have been more seriously caricatured than was done by that hon. gentleman. I have friends in England, and so have many others in the colony, and I regret exceedingly that they should be misled as they would be by reading such an account as this. Well, now, as to this Mr. Jeffray, of the firm of W. Sloane and Company. Who is Mr. Jeffray, I should like to know; and who are Sloane and Company? I believe Sloane and Company own all Mackay—at least what is left does not amount to very much. And who are they when they are at Mackay? They are represented, Mr. Speaker, as far as I can learn, by four or five overseers; in other words, Sloane and Company are an example of the great absentee interest in this colony. I should like to know why this Mr. Jeffray, thi s great leviathan, should receive such consideration. It seems to be of not the slightest use for the Premier time after time to deny, and repeat and reiterate the denial, of what is alleged to have taken place. The leader of the Opposition appears to have an innate disposition to fall down and worship any great firm. To be a member of a great firm is to be a little god in his eyes; there never was a more complete mammon worshipper in the House than the hon. gentleman. All his ideas are directed to the worship of mammon with reference to this great Mr. Jeffray, and this movement to bring coolies into the colony on the sly in direct contradiction to the wishes of the people. Surely the Coolie Act is in existence or it is not! It is in existence, Mr. Speaker, and coolies cannot be brought here until the Government have framed the regulations under which they are to live and move and have their being when they get here. I warn this House and I warn the country against these continued attempts on the part of those who want coloured labour to introduce it into the colony by hook or by crook, whether it be by right means or by wrong means. I remember on one occasion—one Friday morning—irritating the hon. leader of the Opposition, who was then leader of the Government, by asking him a question four or five times about a shipment of Cingalese on the coast. I could get no answer from him; perhaps he did not know anything

about it, but my private opinion is that he did know all about it. I am reminded of another thing—that that hon. gentleman, and others on that side of the House, have during the last week or fortnight been posing in the most remarkable way as friends of the working man. The attitudes they take up are so unnatural, that it is quite clear they are only indulging in a kind of political theatrical performance, and I do not believe there is any working man in this country fool enough to believe they are sincere. The working classes of this colony are wise enough in their day and generation, though they could easily be wiser than they are; but they are wiser than to be deceived by the hon. leader of the Opposition and the hon. member for Balonne. It would be far better if we had this question of coloured labour settled. I have almost given up the hope of its being settled in the minds of those who want the labour; but I say this: it is almost time that those who want it used honourable means of getting it. These ways are very dishonourable; and I am sorry to say they have to a large extent the countenance, the approval, and the political support of the hon. leader of the Opposition.

Mr. SCOTT said: There is one thing, Mr. Speaker, which has struck me very forcibly in what fell from the hon. the Premier this afternoon, when he stated that he knew that no communication passed between Mr. Jeffray, in London, and his firm in Brisbane. Now, sir, I should like very much to know how he arrived at that knowledge?

The PREMIER: By making inquiries.

Mr. BLACK: From hearsay.

Mr. SCOTT: If the hon. member got his information from a member of the firm here, I do not see why he should put his knowledge above that of the hon. the leader of the Opposition, who got his information from a member of the firm in London. However, I suppose what is really the case is that he had the telegraph office searched to see what messages passed between Mr. Jeffray and his firm here.

The PREMIER: Nothing of the kind.

Mr. SCOTT: I believe a message did pass; so I have been informed; and it would be well if he would inform the House where he derived this information.

The HON. SIR T. MCILWRAITH said: In an article which appeared yesterday in the *Courier* headed "Application for Indian Coolies," there was the following paragraph:—

> "At the same time it has been ascertained, by inquiry from the proper department in the colony, that if the Indian Government will consent to the engagement of their subjects for private employment in Queensland there is no legislative obstacle in the colony to their coming, and, moreover, that the Colonial Government will not interpose any difficulties."

This paragraph was considered by the hon. member for South Brisbane (Mr. Jordan) of such importance that he moved the adjournment of the House yesterday and made a speech, no doubt with the object of bringing out all the information the Government could give on the subject. Of course the hon. gentleman had not in his mind the slightest intention of doing something that would simply whitewash the Government. He wanted the whole of the facts brought out, and as I had facts in connection with the matter he must have acknowledged my right—not my right, but my duty—to state those facts to the House. The facts that I have stated are consistent with everything that has happened. Mr. Jeffray says that the Colonial Government would not interpose any difficulties. It is absurd to suppose that the solution of that is, that possibly he may have referred to the late Government. With his knowledge of the change of Government and his knowledge of the men in office, he could not possibly have made such a mistake. He referred to nothing that had taken place a long time ago. He intimated, as I have assured the House over and over again, that his firm had received the assurance of the Premier that no difficulties would be put in their way if they could get the Indian Government to allow those coolies to come out. Everything is consistent right through. If the hon. gentleman's intimation that he had ascertained that Messrs. Sloane and Company, here, had received no communication from Mr. Jeffray, in London, on the subject, was meant to be a contradiction to anything I have said, it is no contradiction whatever. I wish the House to understand plainly that I do not question in any way the facts that Mr. Jeffray put before me, nor have I said anything to imply my disbelief in any statement that the hon. gentleman has made to this House; nor have I inferred that I did not believe his statement. I put a plain statement of facts before the House that ought to have elicited the most thorough explanation from the Government. That is all I wanted to do. I have simply stated facts, which I have no doubt will be further elicited by the gentlemen more immediately interested in their veracity being called in question. We shall have more than Mr Jeffray in the matter, and it will not be settled by reference to the firm here whether they heard anything on the subject from Mr. R. J. Jeffray, of London.

Mr. BLACK said: Some hon. members on the other side of the House seem to be under the impression, or suspicion, that there is something behind—something concealed—going on, which I assume they would lead the House to infer is prejudicial to the interests of the colony. I have not the least desire that it should be supposed that the sugar-planters, to whom reference is being now specially made, are attempting anything that is really prejudicial to the prosperity of the colony. It is just as well for the House and the country to understand the exact position of affairs. The sugar-planters—induced by previous legislation, which promised them a certain description of labour which was considered essential to the progress of tropical agriculture—have undoubtedly embarked, as the House very well knows, a very large sum of money in the initiation and successful prosecution of tropical agriculture. By a majority at the late elections—a majority which was to a great extent created by persons working upon the ignorance of a large proportion of the people——

HONOURABLE MEMBERS on the Ministerial side: No, no!

Mr. BLACK: I repeat that I think the people were not correctly informed of what the cry against black labour really meant which was raised at the late elections; and I believe that all sensible people will agree with me in what I say. It was a good election cry to raise—"Is Queensland to be a white man's country, or a black man's country?" And no doubt the unthinking portion of the community would throw their hats up in the air, and say, "It shall be a white man's country!"—little thinking the prejudicial effect that that policy might possibly have on the future prosperity of the colony. The consequence is that we see here a large—I might say an overwhelming—majority of the House, who, not from their own personal conviction in all cases, but in deference to the wishes of the constituencies, are compelled to endorse that so-called cry; and if any motion on the question comes before the House they are obliged to vote as

gentlemen who are opposed to coloured labour in Queensland. The result of this prejudice—for so I call it, though others may consider it an honest conviction—the result of this prejudice is that one of the grandest industries which any colony has got is being gradually strangled. We must take into consideration what are the rights—what is the position—of those who, by previous legislation of this House, were induced to go into this industry. That position is a very serious one indeed. They find themselves gradually cut off from that supply of labour which they consider indispensable, and without which, I have no hesitation in saying, they would never have embarked in the industry. This House has attempted to wipe out the coolie legislation of the years 1862 and 1882. I was wrong yesterday when I said that the Coolie Acts had been wiped off the Statute-book. Nothing of the sort was done; the superior wisdom, I am happy to say, of the Upper House prevented it, and those Acts still remain in force. But practical effect can only be given to them by the consent of both Houses of Parliament; so that, virtually, coolies cannot be introduced into the colony without that consent being obtained—not because of the Coolie Acts of this colony, but because the Indian Government object to the emigration of coolies to any great extent without an agreement from the Government of the colony whither they are to be sent that their subjects will have fair and proper treatment. But there is nothing whatever illegal, unknown, or underhand, and nothing prejudicial to the interests of the colony, in those engaged in this agricultural industry trying to get the most suitable labour they can, so long as they do not in any way evade the laws of the colony. What are the laws of the colony on this subject? I have referred to the Coolie Acts, and we know what the Polynesian laws are. We find that, under the restrictions placed on that trade by the present Government, it is almost impossible to get Polynesians. What are the planters to do? They are simply compelled to go to the different countries of the world and get the next best suitable labour. The present Government have invited them to go to the continent of Europe and bring out the cheapest description of labour which is obtainable there. The planters would willingly accept that description of labour if it was in accord with their views—if they thought it was of a kind suitable to the industry, and if there was any chance of the European labourers fulfilling their agreements. But they believe that it would be an act of injustice—of cruelty—to bring out European labourers to do that which it has been found in all other sugar countries of the world must devolve on an inferior description of labour. The planters do not want to have any so-called "mean whites" working on their estates. They believe that the prosperity of the industry depends upon an adequate supply of coloured labour combined with a proportionate supply of European labour. Now, sir, if these two conditions can be combined without injury to the country—and I think they have proved during the last sixteen years that no injury has resulted to the country by the industry being carried on on those terms—then I maintain that they are perfectly justified in going to any part of the world that is open to them, to get an adequate supply of suitable labour. I am quite prepared to tell hon. members of this House that they are looking all over the world for it; they are looking to Madeira, they are looking to Africa, they are looking to India, to Sweden, to Norway, to Germany. They are at the present time placed in such a position by the action of the Government that they are compelled either to get the most suitable labour they can in order to make the industry a profitable one, or else go to the wall. Hon. members must bear in mind that this is a very much more serious question than many of them seem to think. The hon. junior member for North Brisbane is always posing on this subject. The hon. gentleman lives in Brisbane, and is without any experience—without any knowledge of what this industry actually means; and his whole reputation is built up on the position he has been able to assume before the people of the metropolis, as the advocate of white labour in preference to coloured labour. He dare not go back. But surely this industry is of far more importance than he tries to make out. The question of a supply of labour for the industry is something more than a theoretical one—something far beyond the mere question of coloured labour as opposed to white labour. If it can only be fairly shown to me and the planters of the North that European labour is fit for and can be obtained to do the work done by kanakas, we would at once say, "Let us not have a single kanaka in the colony; we would rather see Europeans employed." But when I see an important industry established by a judicious combination of the two kinds of labour, I contend that it is for the welfare of the colony that that system should be perpetuated until it is shown that some serious evil is going to result from it. That, however, has not been proved. On the contrary, it is seen that every other branch of industry in the colony has been benefited by the sugar industry. The shipping industry, the whole commercial community of Brisbane, the farming classes who have shipped their produce to northern ports, and the working classes, have all been benefited by this industry. But a time of depression has arisen, and it is very hard to say what will be the result in connection with the industry. I am afraid its collapse will be very much more rapid than its growth. I think it is to be regretted that any amiable—well, amiable lunatic—should get up in this House and depreciate an industry which has been of such manifest advantage to the prosperity of Queensland up to the present time.

Question put and negatived.

JURY BILL.

Mr. CHUBB presented a Bill to amend the laws relating to Jurors and to amend the Jury Act of 1867.

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

CASE OF H. M. CLARKSON.

On the motion of Mr. BEATTIE, the Speaker left the chair, and the House resolved itself into a Committee of the Whole to consider an Address to the Governor, praying that His Excellency will be pleased to cause to be placed on the Supplementary Estimates the sum of £300, as compensation to H. M. Clarkson, for loss sustained by him in consequence of title-deeds lodged in the Registrar-General's Office having been improperly delivered.

Mr. BEATTIE said, in asking the Committee to assent to the motion, it was perhaps not necessary that he should go over the whole matter, because since the last time it was under consideration in the House hon. members would have had an opportunity of looking over the debate that took place in the House some years ago. He might, however, state, for the information of those hon. members who were not in the House when the matter was first brought forward, the plain facts of the case. Should hon. members desire any further information he should be happy to give them all that lay in his power,

Some years ago, the individual mentioned in the motion—Mr. Clarkson—was possessed of a property of very large extent in Fortitude Valley. The times were not very prosperous about that period, and Mr. Clarkson was compelled to mortgage his property; and mortgaged it to the Mutual Association of New South Wales for the sum of £3,500. Some time afterwards, in the period of commercial depression which was felt all over the colony, Mr. Clarkson suffered with the rest of people, and he then found that he was unable to meet the interest accruing on the mortgage for the money advanced on the property. He made application to a bank for the necessary assistance to pay the interest on the mortgage. The bank wished to have something in the shape of security for the money asked for, and Mr. Clarkson said he would give them the deeds of the property that was mortgaged to the Mutual Life Association. He (Mr. Beattie) might state that there was no clause in the mortgage which gave a right to the mortgagee to hold the deeds of the property; and Mr. Clarkson, having explained that to the bank manager, told him he would get the deeds and hand them as security to the bank. But when he made application to the Registrar-General's Office he found that the deeds had been handed over in error to the solicitors of the mortgagees; but he was told by the Registrar-General, or the officer in charge of the department, that he would apply for the deeds and hand them over to him. Application was made by the Registrar-General to the solicitors of the mortgagee for the deeds, but no answer was given, and they were never handed back to the Registrar-General so as to enable him to hand them to Mr. Clarkson. The consequence was that the bank refused to carry out the arrangement. Mr. Clarkson was in poor circumstances at the time; it was impossible for him to raise the money required unless assisted by some financial institution, and the result was that the mortgagee foreclosed upon the mortgage. It appeared from the evidence that after the mortgagee had foreclosed and the property was advertised to be sold, previous to the day of sale, Mr. Clarkson had got assistance by some means or other, and presented the amount of interest due, with expenses added, to the mortgagee's solicitors; but they refused to accept it unless some further demand in the shape of auctioneer's expenses, which he was totally unable to make up, were paid. Therefore the property was sold at auction. The whole matter was inquired into carefully by a most intelligent committee in 1879, but it struck him, in looking over the evidence, that one point had been overlooked. He did not wish to reflect upon anyone. It was acknowledged at the time, by a gentleman conversant with the whole matter, that an error had been committed by some officer in the Registrar-General's Office in handing over the deeds to the mortgagee's solicitors; but it appeared to him (Mr. Beattie) that there was a greater error, which the Select Committee had not noticed. After application was made for the title-deeds to be handed over to Mr. Clarkson—who ought to have had them, according to the opinion of the Chief Justice, Sir Charles Lilley—when the property was sold and the deeds came back into the Registrar-General's Office to be transferred to the purchaser they ought to have been impounded. Why that was not done he could not understand. Of course he did not profess to have any legal knowledge on the point, but if he had been Registrar-General, and deeds had been handed out of his office in error, when those deeds came back to the office he should certainly have impounded them. He thought that under the circumstances the Registrar-General would have been quite justified in doing so. But leaving that out of the question altogether, it was an unfortunate thing for Mr. Clarkson. He and his family had certainly suffered through the error of handing over the deeds to the wrong person. He thought that the recommendation made by the Select Committee, after having very carefully considered the matter, might very fairly have been complied with; but to strengthen the case he should refer again to the letter written by the gentleman who was Colonial Secretary at that time. That gentleman gave certain advice to Mr. Clarkson, who followed it; and in consequence went through a great deal of mental anxiety and suffered considerable pecuniary loss. The advice was, that if Mr. Clarkson obtained from the Supreme Court an expression of opinion that the Registrar-General's Office had been guilty of an error in handing over the deeds, the Government, through the Colonial Secretary, would be responsible for the expenses he was put to in getting that opinion. That advice was followed, and such an opinion was given by the Chief Justice. But in addition to the evidence already before the Committee, he (Mr. Beattie) had before him a letter which had been placed in his hands that day, and which he had never seen before. This letter, he might state, was signed by a gentleman who had been prominently before the colony for a great many years, and who was at that time Colonial Secretary. It was:—

"Toowong, 20th December, 1880.

"DEAR SIR,—In reply to yours of the 17th instant, I beg to say that the letter of the 2nd November, 1878, was written by my instructions, after consultation with my colleagues, and was worded with a view to recognise the hardship of your case in the event of the Law Courts holding that the Registrar-General should not have parted with certain certificates of title to Messrs. Little and Browne, as acting for the Mutual Life Association of Australia.

"The terms of that letter, taken in connection with the recommendation of the Select Committee which subsequently reported on your case, would, in my opinion, justify the Government in paying your legal expenses.

"I am, etc.,
"JOHN DOUGLAS.

"H. M. Clarkson, Esq."

Of course they all knew that Mr. Douglas was a man of very kindly nature, but having consulted his colleagues previous to writing the first letter, he (Mr. Beattie) thought the country was in honour bound to carry out the deliberate promise made in that letter. He had read over the evidence very carefully, and took it that it was a promise. The last time the matter was before the House there was a long discussion, but although the then Colonial Secretary was in duty bound to protect the interests of the Government, he was not very strong on the point that it was not a promise made by the Government. He had no doubt that the Colonial Secretary at that time was not aware of the facts contained in the letter he had just read, as, if he had been, he believed that he would not for one moment have opposed the granting of the request made by the Select Committee appointed to inquire into the case. He thought that the hon. members of the Committee who were acquainted with the matter must know that the man had lost his property; he did not say that his utter ruin had been brought about by that error of judgment, but it had assisted very greatly in bringing Mr. Clarkson into his present position. He thought when hon. members came to think that this property, which at the present moment was valued, he believed, at about £10,000 or £14,000, was sacrificed and sold in 1880 for something like £3,500 or £3,600—he thought they would agree with him that Mr. Clarkson had suffered an amount of loss, and was fairly entitled to some compensation for the injury done to him by the unfortunate error which occurred in handing over the certificate of titl

without his authority. He moved the resolution standing in his name as follows:—

That an Address be presented to the Governor, praying that His Excellency will be pleased to cause to be placed on the Supplementary Estimates the sum of three hundred pounds (£300), as compensation to H. M. Clarkson for loss sustained by him in consequence of title-deeds, lodged in Registrar-General's Office, having been improperly delivered.

Mr. GROOM said he should not have addressed the Committee on the motion had it not been for the speech delivered last week by the hon. member for South Brisbane. He attached very great weight to what Mr. Jordan said, because that hon. gentleman generally spoke with a considerable amount of intelligence and interest; but on that occasion he lost sight of the main question which was submitted to the House in his desire to defend the Real Property Office. He did not wish by means of the motion to impugn the conduct of the hon. member while he was in charge of the Real Property Office. All officers were liable to make mistakes, and there could be no question whatever that in the Real Property Office, at the time that matter took place, a very serious error was committed by the officer in charge. The hon. member might not have been himself a party to it; they did not believe for a moment that he was, but that a grievous mistake was committed—and which should not have been—was out of the question. He (Mr. Groom) was a member of the Select Committee which was appointed by the House in 1879 to investigate the case, and he could say, on the part of the members of that committee, that no hon. members of the House could have approached the question with a more earnest desire to search the truth and find out if there was a case for the consideration of the House, than the members of that committee. There was one gentleman, now deceased—Mr. Macfarlane, then member for Leichhardt—who took great pains to find out himself at the Real Property Office, and examined witnesses in order to discover, if there was any real ground of complaint. There was no member of the committee more anxious that the committee should bring up a report in favour of the complainant than that deceased gentleman. The member for Dalby at that time, Mr. G. M. Simpson, took a great deal of interest in the case, and went into it with the determination to elicit the truth. When the report was drawn up all the members of the committee were present, and it was agreed to unanimously. Indeed, the hon. member for South Brisbane was, he thought, somewhat unkind towards Mr. Clarkson when he said that he could have taken up the second mortgage, but that he was flying at higher game. But the hon. member must have forgotten that Mr. Clarkson was following out his own advice, when it was discovered, by means of letters that were written, that a grievous mistake had been made by the department. Mr. Jordan addressed the following letter to Mr. Clarkson:—

"H. M. Clarkson, Esq.,
"Financial Agent, Brisbane.
"Real Property Transfer Office,
"Brisbane, 8th Nov., 1878.

"SIR,—I have the honour to acknowledge receipt of your letter of this day's date, and in reply to inform you that the certificates of title mentioned are not at present in my custody, or within my control; in consequence of which I cannot deliver them.

"You are well aware that they were taken out of this office by Messrs. Little and Browne, as solicitors for the mortgagees, and I have written several times for their return, but have not yet received them. It is very well understood, however, that they are neither lost, mislaid, nor destroyed; and under such circumstances I should not be justified in issuing provisional certificate of title.

"If, however, as appears to be the case, the certificates of title (Nos. 30,278 and 30,279) were taken out by some misapprehension of rights by the solicitors for the mortgagees, or owing to some oversight, you should have a remedy against these solicitors as officers of the Supreme Court, and that remedy your legal advisers ought to be able to suggest.

"I have, etc.,
"HENRY JORDAN,
"Registrar-General."

That there was something even more than neglect in connection with those deeds, he thought he would be able to show from the evidence which was adduced before the committee. He found from the evidence of one of the witnesses examined, Mr. Rüthning, that the mortgagees of Mr. Clarkson's property were the Mutual Life Association of Australia, whose resident secretary was Mr. J. C. Remington, residing in Sydney, and who conducted the correspondence in connection with the foreclosure of the mortgage. The mortgage itself was not prepared in this colony, and consequently there was a singular omission in it. It appeared from the evidence that all mortgages under the Real Property Act contained a clause which entitled the mortgagees to the certificate of title, but for some reason or other which did not transpire this clause was not in the original mortgage, and consequently the mortgagees had no right whatever to the title-deeds in this particular instance. It would appear from the evidence of Mr. Rüthning that the solicitors who acted for this association in Sydney did not even ask for the certificates of title in the first instance, and they actually were given them without any special application being made at all, as he would show from the evidence of Mr. Rüthning. He quoted from the "Votes and Proceedings" of 1879, page 1265. This was the evidence:—

"When you received the mortgages for registration did you receive instructions to apply for the certificates of title? I think not.

"Then the actual application for the certificates of title was a spontaneous action on the part of your firm, without instructions from Sydney? We applied for a duplicate of the mortgage; and these documents were handed over at the same time."

Could anything be clearer than that? And further—

"Then in point of fact you did not apply for the certificates of title? I say, no special application was made. It was just in the ordinary way that things are done. The certificates are taken as a matter of course.

"It is important, because it would illustrate very loose dealing on the part of the Real Property Office in connection with the delivery of title-deeds and mortgages? I believe it was an oversight on the part of the Real Property Office."

That was the evidence of the solicitor who applied, not on behalf of Mr. Clarkson, but on behalf of the mortgagees, for the title-deeds. So that it was clear, from the portion he had read, that the fault lay with the Real Property Office. The committee also examined Mr. Edwyn Lilley, who made the application at the Real Property Office; but there was no use in reading his evidence, as it was similar to that of Mr. Rüthning. They also examined Mr. Mylne, who handed over the deeds. He thought he could summarise the evidence of that gentleman, having carefully read it over. It was to the effect that it was customary to look over certificates to see whether the particular clause spoken of was in the mortgage—the clause which entitled the mortgagees to recover the certificate of title. In that particular instance, however, it was not examined; Mr. Mylne taking it, as a matter of course, that the clause was in the mortgage, and handing it over in the ordinary way. It would appear, from the evidence of Messrs. Rüthning and Lilley, that no demand was made for the deed, but that the latter gentleman went to the office to take the necessary legal proceedings relating to the foreclosure. That the original certificates were

handed over by an officer of the department there could not be the slightest doubt. The hon. member for South Brisbane also stated that Mr. Paige would not have given assistance to Mr. Clarkson at that time, even supposing he had the certificates of title. He (Mr. Groom) himself put a question to Mr. Paige on that point. Hon. members who were acquainted with bank managers knew how cautious they were in giving evidence; and he might say that no one could have been more cautious than Mr. Paige in giving his evidence before the Select Committee. After a considerable amount of evidence was taken, he was asked—

"If he had produced the deeds would you have taken the matter into consideration? Yes, I should have taken the matter into consideration.

"And the probability is, that you would have granted the application? It is not unlikely."

The committee were satisfied, on the strength of the evidence, that there was sufficient reason to induce them to arrive at the conclusion that, had the title-deeds not been delivered in the loose and careless way they were delivered—he said "loose and careless," because they were not examined properly, but handed over without even being asked for—Mr. Clarkson would have received substantial assistance from the Commercial Bank. As to the value of the property, there was the evidence of Mr. John Hall, architect, whose opinion was that the property, which was sold for £3,800, was worth £5,000 or £6,000. And at the present moment, only four years afterwards, he (Mr. Groom) believed it was fully worth £20,000; so that hon. members could see at once the loss the man had sustained by the error on the part of the Real Property Office. As he said before, the report of the committee was arrived at after very great care and deliberation. It was not a hasty report; it was given to the members of the committee on one day to read carefully over; and on the following day it was considered and adopted. In justice to the unfortunate man, he would read the conclusion at which the committee had arrived. As was remarked by the Attorney-General when the case was last under discussion, the members of the Select Committee were personally known to hon. members; and, although two of them were no longer alive, in justice to their memory it was only right to say that both Mr. Amhurst and Mr. Macfarlane devoted an amount of care and attention to the case which was worthy of all credit; the one having in his mind some other cases of injustice which urged him to see justice done in that particular case, and the other bringing to bear on the case all the skill and ability of a legal mind. Mr. Amhurst was of great assistance in eliciting evidence from which they might arrive at a correct conclusion. He (Mr. Groom) felt very strongly on the matter. Mr. Clarkson had received such injury through the error made by a clerk in the Real Property Office as to be reduced from being a man of means—which he would have been had he not lost his property—to a ruined wreck. The report, which summarised the whole facts of the case, was as follows:—

"The petitioner was registered proprietor, under the Real Property Act of 1861, of certain property situated in Wickham, Leichhardt, and Alfred streets, Fortitude Valley, and in December, 1877, he effected a mortgage thereon for £3,500 to the Mutual Life Association of Australasia. The mortgage deed, which was prepared by the mortgagees' solicitors in Sydney, did not contain any clause empowering the mortgagees to receive, retain, or in any way deal with the certificates of title; such clause having been advisedly omitted.

"In the beginning of September, 1878, petitioner being pressed financially, applied to the manager of the Commercial Bank, Brisbane, for temporary accommodation, in the form of an overdraft for £130, on the security of this property. The manager of the bank admitted that there was a margin between the value of the property and the amount of the mortgage, but petitioner was told that nothing could be done until he produced his title-deeds.

"Petitioner thereupon applied to the Real Property Office for his certificate of title, and it was found that they had, by an error on the part of an officer of that department, been delivered to Messrs Little and Browne, agents in Brisbane for the solicitors of the mortgagees. Several applications were made by the Registrar-General to Messrs. Little and Browne for the return of said certificates, but without success; and in reply to a similar demand by petitioner's solicitors, the mortgagees distinctly refused to part with them.

"Petitioner being unable to produce his certificates of title, the Commercial Bank declined to grant the accommodation required by him; but, had said certificates been produced, it is probable his application would have been acceded to.

"Petitioner being unable to obtain an advance without production of his certificates of title, and having failed in payment of the interest due under the mortgage, the mortgagees gave notice of foreclosure. Petitioner's solicitors thereupon tendered to Messrs. Little and Browne £130, in payment of the interest due under the notice, together with the costs and charges incurred up to that time. Mr. Browne, however, declined to accept this unless the whole amount of principal, interest, and costs were paid.

"The mortgagees foreclosed, and, in January, 1879, the property was sold by auction, at Mr. Cameron's mart, for £3,800.

"On November 8, 1878, petitioner received a letter from the Registrar-General, suggesting that he had a legal remedy against the Brisbane agents of the solicitors of the mortgagees, as officers of the Supreme Court.

"On the 12th November petitioner wrote to the Colonial Secretary on the subject, and received in reply a letter dated the 29th, to which your committee especially direct attention. Acting principally on the faith of that letter, petitioner's solicitors commenced proceedings on his behalf in the Supreme Court, for the unlawful detention of the certificates of title and damages for that detention.

"Objection was taken by counsel for defendant to certain paragraphs of plaintiff's statement of claim, and the matter coming before Mr. Justice Lilley, in Chambers, His Honour decided that the mortgagor was, under the Real Property Act, entitled to the possession of the certificates of title, but there was nothing to hinder him from effecting a second mortgage under the statute, although he might not be in possession of the certificates of title. Leave was, however, given to the plaintiff to amend, and he was desirous of proceeding with the case to trial, but was unable to do so for want of funds.

"Although under the present law a second mortgage may be registered without the production of the certificates of title, it is the invariable practice of banks and other financial agents to require their production, as security for advances, especially in cases of temporary accommodation.

"Your committee are of opinion—(1) That primarily, through an error in the Real Property Office, the petitioner has been deprived of his property; (2) that the letter of the 29th November, 1878, signed by the Under Colonial Secretary, and endorsed by the letter of April 5th (*vide* question 121), contains a promise that petitioner's expenses in testing the question as to whether he was entitled to the possession of the certificates of title would be reimbursed to him; (3) that the decision of the judge was that the petitioner was entitled to the certificates; and, therefore, he has a claim for the fulfilment of that promise.

"The expense the petitioner has been put to is about £300 (*vide* questions 92 and 129), and in order to recoup him that amount, we recommend that a sum of £300 be paid to the petitioner from the Real Property Assurance Fund."

Now, perhaps he ought to read to the Committee the letter which Mr. Rawlins, the Under Colonial Secretary at the time, wrote to Mr. Clarkson, and which justified the committee in one of the recommendations made. The letter was as follows:—

"Colonial Secretary's Office,
"Brisbane, 29th November, 1878.

"SIR,—I have the honour, by direction, to acknowledge the receipt of your letter of the 12th instant, in which you take exception to the action of the Registrar-General regarding the delivery of certain certificates of title to Messrs. Little and Browne, solicitors, acting for and on behalf of the Mutual Life Association of Australia, and since detained by them as security on a mortgage held by the above association over the properties referred to; and in reply to intimate to you that should it transpire, in the event of your bringing

an action for the recovery of the deeds in question, that the documents should have been delivered to you by the Registrar-General, then the Government will be prepared to consider your claim for any expenses you may have been properly put to in testing your position in the manner suggested.

"I have the honour to be, sir,
"Your most obedient servant,
"FRED. RAWLINS,
"Under Colonial Secretary.
"H. M. Clarkson, Esq., 139, Queen street, Brisbane."

Nothing could be more clear than that, and unquestionably it had been proved that, in the action brought by Mr. Clarkson to recover his title-deeds, the judge held that the plaintiff was entitled to them, and that the Registrar-General should not have delivered them up to the solicitors for the Mutual Life Association. If there was nothing else to show that, the fact that the Registrar-General had written several letters to the solicitors for the association asking for the return of the certificates of title was sufficient proof that they had been wrongly delivered. The facts were so clear that a very grave error had been committed by the Real Property Office that Mr. Clarkson, he maintained, should receive some compensation, more especially as there was a fund in existence for the purpose of meeting and settling cases of hardships such as the present. He could not see that, for the purpose of settling such a claim, a small sum should not be deducted from that fund; and, while mentioning that, he might say that it would be advisable, when the Estimates were being considered, to make inquiries as to how the fund stood, who had charge of it, and how it was capable of being reached. Whether the Government were in a position to reach it or not he did not know, but it would be interesting to find out, because, in the position in which it now stood, he believed it was not possible to affect it by a motion of the House. At all events, a portion of the fund could hardly be misapplied in meeting a case of this sort, and he could not imagine a case of hardship which was more worthy of being dealt with by that means. As he had said before, if that unfortunate man had had his title-deeds given to him, and been able to obtain the necessary accommodation from the Commercial Bank, he would have been able to free himself from embarrassment, and instead of being the miserable wreck he now was he might have been a man of means. Under all the circumstances he thought that, as a select committee of the House, composed of seven members, arrived at a unanimous conclusion, the claim should be dealt with, more especially as three members of the committee were of opinion that the man should receive £500, and that the amount of £300 which had been fixed upon was the result of a compromise. Under all the circumstances Mr. Clarkson was entitled to consideration at the present time. It might be objected that a very long period of time had elapsed since the time of the alleged injury up to the present time, but he was one of those who thought that it was never too late to do an act of justice, and they knew of instances in which the Imperial Parliament had settled claims of twenty, and thirty, and fifty years' standing, where it had been proved that an injustice had been done. The present was a case of real hardship, and one that might occur to any other man to-morrow, and he was sure a discussion upon it would do a great deal of good, not only in the direction of compensating an injured man, but of preventing laches on the part of the Registrar-General's Office in the future.

Mr. JORDAN said he had taken exception the other day simply to the idea that the ruin, as it was called by Mr. Clarkson, was exclusively and entirely chargeable to the fact that certificates of title had been handed over to the mortgagees. He took exception to that broad and very extreme statement of the case as it appeared to him. That was not the view taken by the Colonial Secretary of the day when the report was first brought up. Sir Arthur Palmer's view of the case was not that Mr. Clarkson's ruin had been brought about by that circumstance, and it was that point to which he (Mr. Jordan) directed his remarks. At the same time, he thought the hon. gentleman who had just sat down and the hon. member for Fortitude Valley would do him the justice of saying that when he spoke of the question he distinctly, and plainly, and fully admitted that the error was made. He did not defend the office for one moment, except in so far as this one fact was concerned—that it was most unusual that that clause had been omitted from the mortgage, and that that was the only palliation of the error. Immediately after the mistake was made orders were given by the head of the department that in all such cases the document should be earmarked to prevent the possibility of error. He had said on a former occasion that he did not intend to oppose the grant of £300 to Mr. Clarkson, and he would go a long way to procure it for him, as he was a poor man and he felt deeply for him; but he had simply stated the facts of the case, and he was sure the Committee had no objection to hear them. He took exception to the broad statement that the ruin was brought about by the circumstance he had mentioned, and he maintained that still. The whole thing hung upon this: that Mr. Clarkson stated to the committee that Mr. Paige, the manager of the bank, had promised to give him the amount of money he required if he could produce the certificate of title, but when Mr. Paige came to be examined he said he had made no such statement. Mr. Paige was asked by Mr. Simpson—

"Did you ever make any definite promise to Clarkson, that upon production of the deeds you would give him the £100?"

And the answer was—

"I did not."

That was plain enough.

"You did not distinctly? I did not.
"Because I think Mr. Clarkson said he had a distinct promise from you, that if the deeds were produced he would get the money? I made no such promise."

His contention hinged on that. Mr. Clarkson told the committee that he had a distinct promise from Mr. Paige; and Mr. Paige said he had made no such promise, and repeated that three times over. On being pressed afterwards he said "he might, perhaps," or words to that effect.

Mr. GROOM: He said he would take it into consideration.

Mr. JORDAN said he would read the words used:—

"By Mr. Amhurst: If he had produced the deeds, would you have taken the matter into consideration? Yes; I should have taken the matter into consideration.
"By Mr. Groom: And the probability is that you would have granted the application? It is not unlikely."

It might not have been unlikely, but Mr. Paige distinctly said three times over that he had made no such promise. With reference to the promise made to Mr. Clarkson by the Colonial Secretary of the day, Mr. John Douglas—before Sir Arthur Palmer came into office—no doubt Mr. John Douglas ordered that letter to be written by Mr. Frederick Rawlins—and it amounted to something like a promise, he admitted—that if he prosecuted the case, as he (Mr. Jordan) had advised him to do, and it was found that he ought to receive his certificate of title from the mortgagees, the Government would take his case into consideration. The Government would have considered his claim; and no doubt he had a claim; and no doubt also the Government should have

met that claim; but in the meantime the Government were acquainted with the circumstances of the case, whilst they were not fully acquainted with the circumstances when that letter was written. Mr. Mylne, finding that he had made that error, did what he could and all he could to remedy it. He told Mr. Clarkson that by the 95th clause of the Real Property Act the Registrar-General had power to dispense with those certificates of title, and if he wanted to get a second mortgage he could do so without them. He told him how it could be done, and Mr. Clarkson did not take that course; but knowing that an error had been committed and that the solicitors of the mortgagees would not return the certificate of title though they had been applied to three times to do so, he decided to proceed against them, and alleged damages, he thought, to the amount of £5,000. It was evident from his own evidence that Mr. Clarkson did not tell Mr. Paige, the manager of the Commercial Bank, what Mr. Mylne had advised him to do, and that he could get a second mortgage without the certificates of title. He was simply now endeavouring to justify himself for stating the facts of the case, as he had been attacked as if he was standing in the way of the unfortunate man. He was sure he would go a good deal out of his way to serve him. He had admitted that there was an error, and Mr. Clarkson had suffered no doubt, more or less; and the Government should grant him the £300. Mr. Paige was not made aware that Mr. Clarkson could get a second mortgage without the certificate of title. Mr. Paige was asked—

"Are you aware that the bank could have obtained sufficient security upon the property already mortgaged, by a simple process of registration of the second mortgage? Yes; but you cannot register the second mortgage without you produce the deeds."

He was simply pointing that out in justification of what he said the other day, and he did not think he should be attacked as if he was standing in the man's way, as he said distinctly that an error was committed in the Registrar-General's Office. He thought it likely that Mr. Clarkson had suffered in consequence, but he did not think his ruin was the result of that error. But as the promise was implied, if not distinctly made, that he should be reimbursed his expenses if he took the matter into court, he thought he had a claim upon the consolidated revenue of the colony, and he would do his utmost to have that claim recognised. He could not get it out of the Assurance Fund for this reason: That fund was only available for special purposes and under a particular form. If errors were committed in conveying real property under the Real Property Act, in the office, that Assurance Fund could be got at by a judgment or verdict of the court, failing compensation from the parties who had benefited by the error. If he had a judgment from the court, he would have a claim then upon the mortgagees, and, failing to get compensation after taking the necessary means to get satisfaction from the persons benefiting by the error, he would then have a claim upon the Assurance Fund. In the present case Mr. Clarkson had not obtained a judgment from the court, and for that reason the Assurance Fund could not be got at.

Mr. CHUBB said he intended to vote for the motion, and for two very good reasons. In the first place, as shown by documents laid on the table of the House, they had the knowledge that there was nearly £20,000 held by the country as an assurance fund. It was true, as the hon. member for South Brisbane said, that that money could not, technically, be touched in this case, but the fact remained that there was £20,000 as an assurance fund, and, at any rate, a little of that might be used in the settlement of the present claim. In the second place, whatever might have been the circumstances of the case, the Registrar-General having committed an error—he did not refer personally to that gentleman himself, but to the office—was a sufficient justification for that House voting the money. But there was another reason. The Registrar-General of the day, when he was applied to by Mr. Clarkson, suggested that he had a very good case against the solicitors for the mortgagees who got possession of the deeds in a wrongful way. In that case a remedy was provided by the Act, and a remedy which the Registrar-General himself should have put into force. It was not the 95th section which was the section pointed out to Mr. Clarkson by Mr. Mylne; but the Registrar-General should have put in force the 130th section the moment he found the solicitors in question had got the deeds out of the Real Property Office. He could have summoned the parties before him, and if they did not attend he could have got a warrant from the Supreme Court, and have had them brought *nolens volens* before him. Sections 130, 131, and 132 of the Real Property Act gave him that power—gave him the power to compel anybody who got wrongful possession of deeds from the office to bring them back again. If that remedy had been put in force—and it should have been enforced at the time—Mr. Clarkson would have got his certificates of title, and would possibly have been able to raise the money he wanted at the time. Great stress had been laid by the hon. gentleman upon the fact that Mr. Paige said he had made no such promise—that was, to lend Mr. Clarkson the money he asked, upon the production of the title-deeds. Almost immediately before that answer was given, Mr. Paige added that he told Mr. Clarkson that he would lend him the money if he only got the title-deeds, clearly showing that there was a conversation. Mr. Paige said there was a conversation about an overdraft. Mr. Clarkson also said that he was at the Bank. It was true that Mr. Paige did not make a distinct promise that he would lend the money if the deeds were obtained; he said he would not lend the money unless they were produced. There was indeed no material contradiction between Mr. Clarkson and Mr. Paige on that matter, which after all was a small one. But, further than that, Mr. Paige said that there ought to have been no difficulty in getting quite sufficient money to have paid the mortgagees at that time. It was a peculiar mortgage. Under it the money was to be repaid by instalments, and in the event of one instalment not being paid the whole of the debt was to become due. The £130 instalment becoming due, and not being paid the society immediately claimed the full amount, and Mr. Clarkson being unable, in the few days at his disposal, to raise the money, they exercised their powers and sold the property. The fact that he was not able to get it at that time in two or three days was sufficient to show that it was through the mistake made by the Registrar-General, in allowing the deeds to go into the hands of the wrong party; and also in not putting into force the effective provisions of the Act, instead of adopting the ingenious device of telling him to go to the Supreme Court with a case against the solicitors. It had been the practice of the Registrar-General's Office from its foundation to put people off when they came with claims against the office. They were never known to admit a claim; they always said somebody else was liable. "You cannot touch us," they said; "you cannot touch the Assurance Fund; you have a very good case against somebody else." But, putting that matter aside, he thought there was a very fair case that the amount asked for should be voted, and therefore he should support it.

The HON. SIR T. McILWRAITH said he thought that everyone who had read the papers in connection with the case would sympathise with Mr. Clarkson and his family in their misfortunes; because he did not want the blame attached to the Registrar-General's Office. But there was one point that had not been brought before the House, which, if fully understood, would, he thought, soon bring the matter to a close. He did not think there would be the slightest hesitation on the part of anyone who had examined the whole case to give the £300, if they were satisfied that the money would go to Mr. Clarkson or his family. He did not exactly know how it had arisen, but there was an impression on his mind that the lawyers would get the bulk of it. While the Committee were no doubt willing to express sympathy with Mr. Clarkson and his family by voting the money, they were not prepared to extend sympathy to the lawyers by paying fees which had probably accumulated for years. If it were possible for Mr. Clarkson or his family to get the money, he believed it would be voted at once; he (Hon. Sir T. McIlwraith) at all events would vote for it. Why then could they not put in a clause to say that the money should be paid to Mrs. Clarkson? She was a respectable woman; and if the money were paid to her it would not go into the hands of those whom they did not want to get it. He would, therefore, move as an amendment that the word "Clarkson" be omitted for the purpose of inserting "Clarkson's family." The money could then be paid to Mrs. Clarkson.

The PREMIER said he could not think the hon. gentleman was serious in proposing such an amendment. Surely if the man had been aggrieved he ought to get the money. He did not know whether Mr. Clarkson had a wife and children. How many children had he got? The proposal was absurd. The man who had been aggrieved should get the money, and not somebody else.

The HON. SIR T. McILWRAITH: How can you secure the object?

The PREMIER: The object was compensation. He did not know what they had to do with the man's use of the money. If the man had been wronged he ought to get compensation. He (the Premier) did not care who eventually got the money. What they had to do was to see whether a wrong had been done, and, if so, to remedy it.

Mr. BAILEY said he would point out that the reason why Mr. Clarkson did not get the money before was that it was feared it would go to the lawyers; he would have got the money long ago but for that. If the money was to be devoted to paying the lawyers, he was quite sure the Committee would refuse it, as it had been refused before.

Mr. BEATTIE said he was glad the amendment had been moved. He knew that Mr. Clarkson had a family; and from information he had elicited—not from Mrs. Clarkson herself, but from those who were intimately acquainted with the circumstances of the case—he believed that Mrs. Clarkson had property of her own, and that in consequence of the error in the Registrar-General's Office it had been sold for the purpose of keeping the family. Anyone who knew her and the family knew that for the last ten or twelve years they had suffered. He thought the amendment would meet with the approval of the Committee. It was very desirable that the family should receive some compensation for the error committed and the injury done to them; and he was sure the Premier did not in his heart oppose the family getting the money, knowing that injury had been done to them.

Mr. MIDGLEY said he did not suppose that members of the Committee would think he was at all partial to lawyers, but he thought the Committee would be going out of its way by so appropriating the money that proper creditors should not get what was owing to them. He should vote for the amendment in preference to the motion; but still he thought that a more preferable plan would be to increase the amount. It seemed a very small amount of money for a man to receive for such an injury as Mr. Clarkson had suffered, and he would far rather that the amount had been increased to allow him to pay his creditors. If the hon. member for Fortitude Valley had asked for £700 or £800, it would have been something to enable him to square up with everybody.

Mr. JORDAN said he hoped that the amendment would be carried, or that they might be sure that Clarkson's family would get the full benefit of the £300 to be paid for the loss which he had undoubtedly sustained. He thought it would be a very great pity to jeopardise the matter by putting it in such a form that hon. gentlemen would not vote the money fearing it should get into the hands of anybody else. Therefore he fully approved of the amendment.

The COLONIAL TREASURER (Hon. J. R. Dickson) said he did not propose to offer any objection to the amount proposed to be voted by the Committee. He had already stated that he thought Mr. Clarkson deserved their consideration on account of an error having been committed by the Real Property Office. No amount of argument would do away with the fact that he did suffer an injury. Having said so much he would like to know what was the meaning of the present amendment; that was to say, how was effect to be given to it by the Treasury? Was it to be placed in trust, and interest to be paid, or what?

The HON. SIR T. McILWRAITH said he intimated that he would move afterwards that the money be paid to Mrs. Clarkson.

The PREMIER said the two amendments would be inconsistent with one another. The Government would not know how to carry them out.

The HON. SIR T. McILWRAITH said they would know. If Mrs. Clarkson got the money there would not be the slightest doubt as to how the money would be used. He would guarantee that she would not pay the lawyers.

The PREMIER said it seemed to be a rough-and-ready way of doing things, and it was not the way they were generally done. He did not care who received the money, but he would point out that Mr. Clarkson might have creditors, and there ought to be nothing done to prevent their being paid. If the hon. gentleman wished to prevent the money from being used for the payment of debts, he should devise some more secure means than those he had suggested.

Mr. KATES said that the amendment of the leader of the Opposition made it look as if Mr. Clarkson was not to be trusted with the money. If he was in debt, as some hon. members said he was, his family ought to be protected. He should vote for the amendment that the wife should have the sole use of the money. He should have liquidated his debts some way or other. There was no doubt that an error had been committed, and Mr. Clarkson was entitled to compensation. Hon. members knew that if they committed errors in private life they had to suffer for them. He himself had made errors, and had paid for them, and he thought that the Government ought to compensate Mr. Clarkson.

Mr. GROOM said he approved of the amendment, because he was on the committee when the present Attorney-General brought up the report and moved its adoption. That report was strongly opposed by the then Colonial Secretary (Sir Arthur Palmer), not on the merits of the case at all, but because the money would go to the lawyers. He thought it was only fair to that hon. gentleman to say that he was as well satisfied as any member of the Committee that Mr. Clarkson had suffered a serious injustice. It was admitted by the mover of the motion for the adoption of the report that, if the £300 were paid, one-half of it would go to the lawyers; and the committee then, by a large majority, decided that they would not vote any money at all. He approved of the amendment which was moved by the leader of the Opposition, that the money should be paid to Mrs. Clarkson, and the Committee would then be satisfied that the family who had sustained such a wrong through the error of a Government official would receive some compensation for it.

The PREMIER said that hon. members seemed to change their ground very much in the matter. The ground upon which the claim was first put forward was that Clarkson was told by the then Colonial Secretary, the Hon. John Douglas, that if he incurred certain expenses in asserting his legal rights those expenses would be reimbursed by the Government. That was the foundation of the claim. Then Clarkson put forward the petition that he had incurred those expenses, and asked to be reimbursed. Now, it was suggested that the Committee should not pay the money, as there was a danger that the money would be applied for the express purpose for which Mr. Douglas said it was to be granted. Therefore it was sought to pay the money in such a way that he should not be able to apply it in that way. He confessed that he had no sympathy whatever with any individuals who desired to assist any man to evade the payment of his just debts; and he regretted very much to have heard on the present occasion, and on a previous occasion, that reason put forward as an argument against granting the money. It was discreditable to any body of men to suggest that it was a laudable object to have in view. He did not know whether Mr. Clarkson had any creditors, and he did not care; but he objected to it being put forward as a reason why he should not get the money, that he might pay creditors with it.

The HON. SIR T. McILWRAITH said the hon. gentleman was quite mistaken in thinking that the claim of Mr. Clarkson was grounded on Mr. Douglas' letter. Mr. Douglas' letter certainly helped them to come to the conclusion that Mr. Clarkson had been a very unfortunate man and had suffered at the hands of the Registrar-General's Department. The claim was not made on the basis of that letter at all, because they were in as good a position as Mr. Douglas was to see through the whole case. There was sympathy for Clarkson on account of the indirect effects that had resulted from the action of the Registrar-General's Office. It was an act of charity to Mr. Clarkson and his family, and in doing that they had not the slightest intention of getting him out of debt. They wanted his family to secure the benefit of the £300. Their sympathy did not extend to the creditors.

Mr. MOREHEAD said he would like to ask the Colonial Secretary if he had ascertained whether what he said the other night was correct about the power that solicitors had to obtain deeds from the Real Property Office? Had he taken steps to stop the practice?

The PREMIER said he had made inquiries, and had received the result of those inquiries to-day; so far as he recollected it, the practice had been to allow solicitors to obtain any deeds on asking for them, which seemed to be an unsatisfactory arrangement. The conclusion he came to was this: that if a well-known solicitor acted as the agent of purchasers or mortgagees in registering those transactions, his employment in that capacity should be sufficient to justify the delivery to him of the deeds when registered; because his authority to receive them was proved by his employment in the transaction itself. In all other cases deeds should not be delivered except to the owner or on his written order. That was the direction he had given.

Mr. MOREHEAD said he hoped the directions given would prevent the delivery of the deeds to any attorney's clerk—they should only be obtainable by the attorney himself in person.

Mr. SCOTT said he should like to know whether, if this money was paid to Mrs. Clarkson, she could make use of it for the benefit of her family and prevent Mr. Clarkson's creditors from seizing it. He believed the creditors could seize it the moment she got it, but if she could get it for the separate use of herself and her family he would have much pleasure in voting it for her. If it were simply to be handed over to Mr. Clarkson's creditors, he did not think it would be well to vote the money at all.

Mr. MOREHEAD said he did not agree with the hon. gentleman at all. He did not see why Mr. Clarkson's creditors, if he had any, should not be paid. The money, if it were justly due to Mr. Clarkson, was portion of his estate. He could not see why they should vote money for charitable purposes; if they opened the door to votes of that kind there would be no end to them. He should certainly vote against the amendment.

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

The House divided:—

AYES, 11.

Messrs. Rutledge, Griffith, Dickson, Dutton, Sheridan, Miles, Brookes, Smyth, Isambert, Morehead, and Archer.

NOES, 28.

Sir Thomas McIlwraith, Messrs. Norton, Chubb, Higson, Beattie, Foxton, Midgley, T. Campbell, Donaldson, Ferguson, Wallace, Bailey, Lissner, Scott, McWhannell, Nelson, Kates, Govett, Annear, Jordan, Lalor, Black, Groom, Macrossan, Aland, Salkeld, Macfarlane, and J. Campbell.

Question resolved in the negative.

Question—That the words proposed to be inserted be so inserted—put and passed.

The HON. SIR T. McILWRAITH moved that the following words be added to the resolution:—

That the money be paid to Mrs. Clarkson for her separate use.

Question put and passed; and resolution, as amended, agreed to.

The CHAIRMAN left the chair, and reported the resolution to the House.

On the motion of Mr. BEATTIE, the report was ordered to be received on Thursday next.

MARYBOROUGH SCHOOL OF ARTS BILL—SECOND READING.

Mr. BAILEY said: In moving the second reading of this Bill, I need only explain to the House the reason why it was found necessary to bring it in. In 1876 the trustees of the Maryborough School of Arts obtained power to sell the whole of their land for the purpose of pur-

chasing other land on which to erect a new school of arts. At that time they were unable to obtain a favourable site for the purpose, and since then they have come to the conclusion that the existing site is not only quite large enough for a school of arts building, but large enough to enable them to sell a portion of it to raise funds for the purpose of erecting a building suitable to the town of Maryborough. The old building was erected in 1861, when the town was in a very primitive state; and although it may have been considered good enough in those days, the people of Maryborough are now anxious to see a building of a better class and more suitable for the purpose erected in its stead, a building that will cost some thousands of pounds. The land on which the present school of arts stands is very valuable for building purposes, and by selling a portion of it the trustees will be able to raise funds enough to erect a structure of the kind they require. At the present time they have power to sell the whole of the land, but by some mistake in the drafting of the original Bill they have not power to sell a portion of it, and it consequently became necessary to bring in the present Bill, which, if passed, will enable them to sell a portion of the land, although they have already power to sell the whole of it.

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

MARYBOROUGH RACECOURSE BILL—COMMITTEE.

On the motion of Mr. BAILEY, the House went into Committee of the Whole to consider this Bill in detail.

Question—That the preamble be postponed—put.

Mr. GROOM said he did not know whether the Committee intended to pass the Bill in its present shape. If they did he should certainly enter his protest against a measure of that kind being made law. He was not aware whether any amendments were to be made in the Bill. He thought they ought to have an opportunity of knowing what shape it was going to take. He had a decided objection to allowing trustees to mortgage racecourses, and had a very good reason for entertaining that objection. It seemed that a portion of the Brisbane Racecourse had been sold at a price which, had the land been kept and sold at the present juncture of affairs, would have entirely relieved the club of their difficulties. In Toowoomba they had another example of the same thing. There half the racecourse had been sold to pay off the debts incurred by the jockey club, not for improvements to the ground, but simply through offering extravagant prizes which they were not able to pay, and then tendering the deeds to the bank. Sydney horses came up and were handicapped at such a ridiculous rate that they ran away with a deal of the money, and the residents became so disgusted that they would not subscribe to the funds of the club. That had been the actual result of allowing trustees to mortgage racecourses; and he warned the members for Maryborough—who had probably more interest in the matter than other hon. members—that if they consented to power being given to the trustees to mortgage the racecourse it would pass out of the hands of the Maryborough people, as sure as two and two made four. He was perfectly convinced of that, and therefore he looked upon the Bill with excessive dread. It was an authority the House should not give unless some very strong reasons were shown why it should be given. He thought the course suggested by the hon. member for Warwick on the second reading of the Bill, and as pursued by the trustees of the racecourse at Warwick, was deserving of every commendation; and it was one that the trustees of the Maryborough Racecourse could very well undertake to carry out. That was, to issue debentures of £50 or £100; let them be taken up by the residents of the district who chose to go in for horse-racing, and in course of time they would be able to pay, not only the interest, but the principal as well, according to the success of their annual meetings. That was what had been done at Warwick, where a magnificent racecourse was now secured to the people, the debt of £700 which was on it having been wiped off. If authority had been given in that case to the trustees to mortgage the course, probably a large portion of it would have been sold to liquidate the debt; but fortunately wiser counsels prevailed. He repeated that it was a dangerous power to give to trustees. It was practically handing the place over to the mortgagee to do what he pleased with it if the trustees failed to pay interest or principal. He should, therefore, like to know whether the hon. member in charge of the Bill intended to improve it. He should be quite prepared to give power to sell the portion of the land not required for racing—the part that was cut off by a road, and was of no use for racing purposes; but as far as the racecourse itself was concerned, the Committee should be very jealous of giving power to mortgage it.

Mr. BAILEY said he could satisfy the hon. member for Toowoomba, and the Committee, with reference to the point that had been raised. It was not his intention to ask the Committee to pass clause 3 in the form in which it now stood, but he should confine the operation of the Bill exactly to the purpose spoken of by the hon. member for Toowoomba; that was, to give the trustees only power to sell the piece of land adjoining the racecourse, which was cut off by a main road, and was therefore merely waste land which could never be used for racing purposes. One witness—he thought, Dr. Power—stated that they expected that piece of land to fetch £400, or £500, in building allotments. The debt of the club was certainly very large—about £1,200—but the stewards were quite prepared to put their hands in their own pockets and pay the remainder themselves. They had certainly been very liberal in racing matters for several years past, and it rather surprised him that they should have come forward so liberally on the present occasion. The only reason there was for asking for power to sell the whole racecourse was that it was not conveniently situated for racing purposes, being about two miles out of Maryborough, away from all railway communication; and the club wanted the power to sell—not at present, but at some future time whenever they could find a suitable piece of land on the railway line—the present course and purchase another one. But, knowing the views of several hon. members on the question, he was quite prepared to alter clause 3 so that the trustees would only have power to sell a small portion of the racecourse to which he had referred.

Question put and passed.

Clause 1—"Interpretation"; and clause 2—"Trusts"—passed as printed.

On clause 3, as follows:—

"It shall be lawful for the trustees to sell or mortgage the whole or any portion or portions of the said lands particularised in the schedule hereto: Provided that no such sale shall be made except with the approval of the Governor in Council, and provided that the purchase money shall be applied towards purchasing other lands to be held under the same trusts, and the erection of buildings on the said land, or otherwise for racing purposes; but the purchaser or purchasers shall not be called upon to see to the application of the purchase moneys."

On the motion of Mr. BAILEY, the clause was amended by the omission of the words "or mortgage" in the 1st line, and "whole or any" and "or portions" in the 2nd line.

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

Mr. ANNEAR said that, from the way in which the hon. gentleman in charge of the Bill was amending the clause, he was of opinion that they need not have gone to the trouble of passing any Bill at all. It was being patched up in such a way that they would find it necessary next session to come to the House again to pass another Bill to carry out what ought to be done at once. Clause 3, as explained by the hon. member for Warrego the other night, was, he contended, the chief feature in the Bill. What the club required was power to purchase at some future time a suitable piece of land for racing purposes. It might be two or three years hence, and he thought that they should look three or four years ahead when they came and asked the House to legislate upon such a matter. As hon. members were aware, the fact of the railway running into the Brisbane Racecourse increased the revenue of the Railway Department very much by the traffic that was created, and he was aware that there were beautiful pieces of land in several places some two or three miles along the Maryborough railway line where it would pay the department very well indeed if a racecourse were formed there. As a member of the Maryborough Racing Club, and as one of the members for Maryborough, he entered his protest against the way in which the clause was being amended. As far as he was concerned, he would rather see the Bill defeated altogether. Why did the hon. member not stand by the measure? What was the use of taking out everything vital in it? He maintained that, as amended, clause 3 did not carry out what the club wanted—in fact, it gave them no power whatever. As the hon. member had stated, the club was indebted to the amount of £1,200, and the remark was made that he considered the people of Maryborough had been very liberally dealt with; but he must tell him, if he did not know already, that they had always been liberal; that the people of Maryborough asked for nothing that any other community did not ask for, and that they asked for nothing less and nothing more. They put their hands into their pockets and complied with every regulation that was in force in the colony. As a member of the Maryborough Racing Club he entered his protest against the amendments, and said that they might as well have no Bill at all. It would upset everything they wanted to do; and if he was in charge of the Bill he should rather let it be defeated than see such a measure passed.

Mr. GROOM said that the hon. member (Mr. Annear) seemed to misunderstand hon. members who looked with some degree of suspicion on the Bill. They knew that already the power of mortgage had been given in other cases, and it certainly had not been wisely exercised. It had resulted in ruin to the parties to whom it had been given. The hon. gentleman must not be surprised that hon. members who knew those effects should warn other hon. members of the probable results likely to follow from passing a Bill like that before them. If it was desired, on the part of those trustees, to sell the racecourse for the purpose of buying another in a more eligible locality, and the proposed site had been chosen, and the matter had been properly arranged between the trustees and the public, then the question would have assumed a different form altogether. But in this particular instance the trustees were given absolute power to mortgage a piece of land that was dedicated to the people as a racecourse, and had been selected after careful choice on the part of the people and the trustees themselves. The Committee were in possession of facts that proved the injurious results which had followed the power given to mortgage racecourse property. Since that power was given to the trustees of the Brisbane racecourse, so valuable had become the land at Eagle Farm that, had not that authority been given, the trustees could now have wiped out the entire debt of the Brisbane club, and they would now be exceedingly prosperous. In Toowoomba, the debt had been accumulating from £450 in 1869, when the authority to mortgage was given, until, in 1880, it had reached the proportion of £1,880—not, as he had said before, in the erection of permanent improvements, but by extravagance on the part of the club in offering extravagant prizes when they had no means at their command to justify them in doing so. It was giving the authority to mortgage—the authority to dispose of lands—which encouraged that kind of thing. He said again, that with the knowledge they possessed of those two instances they should watch with jealous care any attempt on the part of the club to follow the bad examples which the trustees of those racecourses he had mentioned had set. It was with no desire to frustrate the objects of the club—which the hon. member had explained—that opposition was offered, but that care should be taken that the experiences of the trustees of the Brisbane and Toowoomba Racecourses should not occur to Maryborough.

Mr. ISAMBERT said that the Committee would act very wisely in following the advice of the hon. member, Mr. Groom, and he could not agree with the remarks of the junior member for Maryborough. The best service they could do to the Maryborough Racing Club was not to confer on them the power of selling their racecourse. There was a simpler and more effectual way of dealing with the difficulty. It was to get a racecourse more favourably and conveniently situated, or to select a suitable piece of land near the railway, and then apply to the Government for an exchange; and he was certain the Government would do everything to meet the wishes of the racing club of Maryborough.

Mr. ANNEAR said he would like to explain that the position of the Maryborough Racing Club was not in any way to be compared with that of Brisbane, Ipswich, or Toowoomba. The hon. member (Mr. Groom) made the remark that the Maryborough club should issue debentures, and do certain things; but they had done all that already. The club had issued debentures with which they had made improvements to the extent of £600. That showed the *bona fides* of the club, and that they wanted to take no advantage whatever. If there was a debt of £1,200, that £600 worth of debentures was included in it, and it must be plainly seen that the club had no intention of closing the racecourse to the inhabitants of Maryborough; but they had every intention, by the action which they had taken in spending £600 out of their own pockets, not to perpetrate what had been done in Ipswich, Brisbane, and Toowoomba. He believed that he spoke correctly when he said that not one of those clubs had ever issued debentures as the Maryborough club had done. And such being the case, it was in a far different position to any of the clubs he had named.

Question—That the clause as amended stand part of the Bill—put.

Mr. BAILEY moved the omission, from the 5th and 6th lines of the clause, of the words "purchasing other lands to be held under the same trusts."

Question put and passed.

Mr. BAILEY moved the insertion of the words "remainder of the" after the word "the," in the 28th line.

Question put and passed.

Mr. BAILEY moved that the clause be further amended by the substitution of the words "other improvements" for the word "otherwise," in the 29th line. In reply to the hon. member for Maryborough (Mr. Annear), he might say that both the Select Committee and hon. members of that Committee considered the racecourse as a public trust, and not so much as a property entrusted to the racing club. They were not so much considering the interests of the club as those of the people of Maryborough, for whom the reserve of valuable property was made; but they were quite willing to meet the club halfway, and give them the concession of allowing them to sell the land which was useless for racing purposes. The reserve itself, however, was too valuable to be tampered with. If the club or the trustees had power to sell, that power might be abused, as had been the case with other clubs. Before many years were over the people of Maryborough would thank the Committee for the action taken that night.

Amendment put and passed.

Clause amended as follows:—

"It shall be lawful for the trustees to sell the portion of the said lands particularised in the schedule hereto: Provided that no such sale shall be made except with the approval of the Governor in Council; and provided that the purchase money shall be applied towards the erection of buildings on the remainder of the said land, or other improvements for racing purposes; but the purchaser or purchasers shall not be called upon to see to the application of the purchase moneys."

On clause 4, as follows:—

"It shall be lawful for the trustees, subject to the like approval, to sell and convey the whole or any portion or portions of the said lands particularised in the schedule hereto to any person in exchange for any adjoining or other lands, and the lands taken in exchange shall be held by the trustees under the same trusts as the lands given in exchange, and shall be subject to the powers hereinafter contained as if they had been expressly included in this Act."

Mr. BLACK asked whether it was intended to give the trustees power to sell without applying to Parliament?

Mr. BAILEY: Only the portion to be described in the schedule.

Clause put and passed.

Clauses 5 to 8, inclusive, put and negatived.

Clause 9—"Short title"—put and passed.

Mr. BAILEY moved that the following schedule be the schedule of the Bill:—

All that piece or parcel of land situated in the county of March, parish of Maryborough, commencing at a point bearing 120 degrees 12 minutes, and distant one chain from the east corner of allotment 6 of section 191A, and bounded thence by a road one chain wide bearing 210 degrees 16 minutes twenty-two chains and eighty-five links; thence by a road one chain wide, bearing 120 degrees 13 minutes, thirteen chains and thirty-two links; thence by the Saltwater Creek road bearing north twenty-six chains and forty-three links to the point of commencement.

Mr. KATES asked if the hon. member in charge of the Bill could give the Committee any idea as to the area of the land proposed to be sold.

Mr. BAILEY said he believed the area was about fifteen acres.

Mr. ALAND said, as the Bill depended a great deal upon the correctness of the schedule, the hon. member ought to give the Committee an assurance that it was correct.

Mr. BAILEY said he could give this assurance—that he had obtained the information from the Lands Office, and had carefully drawn up the schedule from that information.

Mr. ANNEAR said the area was about fourteen acres.

Mr. BAILEY said he thought the area must be about fifteen acres, because the value of the land was about £30 an acre, and the trustees expected to realise between £400 and £500, which would go a considerable way towards paying some of the expenses that had been incurred in improving the course.

Question put and passed.

On the motion of Mr. BAILEY, the title of the Bill was amended to read as follows:—

A Bill to enable the trustees of the land described in deed of grant number 17,135, being the Racecourse Reserve, being the whole of the land described in the said deed, and situated in the parish of Maryborough and county of March, to sell certain portions thereof.

Preamble put and passed.

On the motion of Mr. BAILEY, the House resumed; the CHAIRMAN reported the Bill with amendments, and with an amended title. The report was adopted, and the third reading made an Order of the Day for Tuesday next.

QUESTION OF ORDER.

The SPEAKER: I consider it is my duty to take the earliest opportunity of informing the House that I think the motion which the hon. member for Wide Bay, Mr. Bailey, has given notice of to-day, is one which cannot appear upon the records of the House. The hon. member has given notice that, on Tuesday next, he will move that the Speaker's ruling in reference to the Local Authorities By-laws Bill, given yesterday, be disagreed to. I have looked over May's "Parliamentary Practice," over Hatsell's "Precedents," over the decisions of Mr. Speaker Brand and of Mr. Speaker Lefevre, and I cannot find any case whatever where a similar motion has been given, either in the British House of Commons or in any dependency of Great Britain possessing representative government. The rule invariably observed has been that where the Speaker has been asked to give a ruling upon a point of order, and after he has given it and the House has acquiesced in it, it then becomes, not the decision of the Speaker, but the decision of the House, and no further action can be taken in the matter. I hope I shall satisfy the House on the matter when I say that I have looked over the only authority which deals with the question in anything like a tangible form, and it supports the ruling which I have now made. I think I can satisfy the House that the conclusion upon which I rely is correct. I find that "Cushing on Legislative Assemblies," edition of 1866, at page 569, says:—

"When the presiding officer of an Assembly is called upon by any individual member to give his opinion as to a matter of order arising, or which the member supposes to have arisen, as well as in those cases in which the presiding officer volunteers his opinion, he gives it at once, either with or without reasons, as he thinks proper, and proceeds to direct the Assembly accordingly. * * * * If the opinion is acquiesced in, it stands as the judgment of the Assembly, and is to be enforced or executed accordingly; but any member who obtains the floor for that purpose may appeal from it, and if the appeal is seconded, as it must generally be, and allowed, it then entirely abrogates the decision of the presiding officer, and refers the point of order to the decision of the Assembly itself, whose decision thereof furnishes the rule to be pursued afterwards. The opinion of the presiding officer on a point of order is considered as acquiesced in, and an appeal therefrom not seasonably taken, when any parliamentary proceeding is allowed to take place afterwards."

Also on page 677 he further says:—

"When the Speaker's opinion is thus pronounced, it is deemed to be acquiesced in, and to make an end of the question, as a matter of course, unless something is done to overrule it. The Speaker cannot be called upon to revise it, nor can it be called in question by any member, nor is any member at liberty to argue against it; but if any member doubts its

authority or correctness, his only course is to take the sense of the House upon it by a question. This is a most uncommon proceeding, of which there are but few examples in all the recorded experience of Parliament."

And on page 678 he further says :—

"If the opinion of the Speaker is acquiesced in, it then becomes an order of the House, to be enforced in the same manner as the other orders."

It is therefore clear, I think, from the authority which I have read, that since the ruling I gave, it is not competent for the hon. member now to question the ruling of the Speaker. He has lost his opportunity by allowing parliamentary proceedings to intervene. If there is any doubt upon the matter, I have here a decision of the present Speaker of the House of Commons, Mr. Arthur Peel, given on the 27th June, 1884, and in which he says, speaking to an almost analogous question—it was upon a decision which he had given on the previous day, and which was called in question by Sir Stafford Northcote :—

"I should like to correct a misapprehension that appears to be in the minds of some hon. gentlemen. The term 'the decision of the Speaker' has been made use of more than once. It is not the decision of the Speaker, but the decision of the House."

I therefore now inform the House that the motion of which the hon. member for Wide Bay has given notice, is quite out of order, and cannot appear upon the "Votes and Proceedings" of this House.

PETITION OF LEONIDAS KOLEDAS AND THOMAS FLEETON.

On the Order of the Day—Resumption of adjourned debate on Mr. Isambert's motion—

1. That a Select Committee be appointed, with power to send for persons and papers, and leave to sit during any adjournment of the House, to inquire into and report upon the petition of Leonidas Koledas and Thomas Fleeton, presented to this House on the 19th of August last.

2. That such Committee consist of Mr. Smyth, Mr. T. Campbell, Mr. Ferguson, Mr. Stevens, and the Mover.

—being read—

Mr. ISAMBERT said that the papers had only been laid on the table that afternoon, and as they had not yet been printed, and were, therefore, not in the hands of hon. members, he would move that the Order of the Day stand an Order of the Day for that day week.

The HON. SIR T. MCILWRAITH said the papers might not be printed by that time. He hoped it would be understood that they would not resume the debate before they had an opportunity of seeing the papers.

Mr. ISAMBERT said that if the papers were not printed by next Thursday he would move the further adjournment of the debate.

Question put and passed.

LOCAL OPTION.

Mr. MACFARLANE, in moving—

That, in the opinion of the House, no Bill introduced by the Government to amend the licensing laws of the colony will be satisfactory that does not contain the principle of local option—

said : Mr. Speaker,—The primary object I have at present is to get an expression of opinion from this House with reference to local option. As is known to many hon. members, local option is applied in various ways. For instance, in Canada there is entire prohibition by the will of the people. In New Zealand local option has a more limited application, and refers more to the regulation of public-houses than to their entire prohibition. It may be asked, what is local option? As applied to public-houses—which is the view I intend to take of it now—it is no new thing. In this colony local option is applied in municipalities. When they want to borrow money for the purpose of carrying out public works, the will of the people is consulted; and if they, by a majority, decide against borrowing, then the money is not borrowed. That is simply the will of the people, or, in other words, local option. It may be asked, why do we want to see that principle embodied in any Bill? In reply to that, I say, because the licensing system has been a failure.

An HONOURABLE MEMBER : No.

Mr. MACFARLANE : It is well known by those connected with such matters that no less than 400 different Acts of Parliament have been passed in England for the purpose of regulating the liquor traffic, and yet no remedy has been found for the difficulties that have to be contended with. They have not been able by legislation to mitigate the amount of drunkenness or crime that is produced by the licensing system. My object, therefore, is this : to give to the people themselves the right to say whether there shall be public-houses. It is well known that public-houses are licensed for the accommodation of the people. That being so, if the will of the people in any district, or place, or ward, or town, or city, is that they do not want that accommodation, why should not that will be carried out? We all know that licensing by magistrates has failed in its effect. In this colony, we were so well aware of this that we improved on it by appointing licensing boards instead. But although the boards have been an improvement, it is only in respect to the disputes and quarrels that used to take place before the magistrates, owing to the influence of friends. Under the present system that is done away with, and so far, I repeat, the boards are an improvement. But so far as limiting the number of public-houses, the boards are no better than the licensing magistrates. Although the Act clearly says that if two persons in a neighbourhood object to a license being granted, we know that the licensing boards pay no attention whatever to that. I am glad to say that in Brisbane the licensing board has worked better than in any other places in the colony, and I give the members all credit for it; but in other parts no attention is paid to the wishes of the people. They may petition as much as they like. They may get a whole neighbourhood to petition, yet the board pays no heed to them whatever. Public-houses being licensed, if the people do not want them in their immediate neighbourhood why should they be forced upon them? For instance, I know that in the neighbourhood of Brisbane some beautiful villa residences have been erected near main roads leading out of the city; and no sooner are they put there than some publican gets a license for a public-house, which is erected opposite or alongside those residences. What is the consequence? That the people who erected those beautiful villas at once desire to remove from the neighbourhood. The public-house deteriorates the value of the property. A man could not sell a house for as much, with a public-house in the immediate neighbourhood, as if there were no public-house there. That has been found out over and over again. It is because the licensing system has been a failure that I should like to see embodied in an Act of Parliament the principle of local option. We do not expect this year that the Government will bring in a law to amend the licensing system; but it is just possible, although I have no authority for saying so, that next session there may be a Bill of that kind brought into the House. I simply want an expression of opinion in the meantime as to the feeling of members of the House, so that it may be a guide to the Ministry in future, when they bring in their amending Bill. I do not want to allude to the general question of local option, and I do not want to say too little on the subject; I want to say

sufficient to bring the question of licensing before the minds of hon. members and before the taxpayers, in a way that will show them there is something in local option that will be beneficial. I am not looking at it from a teetotal point of view, but simply for the good of the people. It is well known that, the greater the number of public-houses in a locality, the greater will be the amount of crime in that locality, and the greater the amount of drunkenness, because most crime proceeds from drunkenness. I could give many statistics to prove this statement, although I know many people hold a different opinion. They maintain that the number of public-houses has nothing to do with the amount of drunkenness in the neighbourhood. I maintain the opposite opinion. I say, in all cases, that the greater the number of public-houses in a district or in a town, the greater the amount of drunkenness, and consequently, the greater amount of crime. I will just refer to what is called in Scotland the Forbes-McKenzie Act, or the Sunday-closing Act. We find that during the three years after the passing of that Act the consumption of liquor had decreased one-seventh as compared with what it was during three years before the passing of that Act. Before that Act came into force there were so many millions' worth of liquor consumed in a year, and by closing the public-houses on the Sabbath day there was, as near as possible, one-seventh of that amount saved to the country. I will bring figures to show that the same thing took place in Ireland. We will take ten years—five years before the passing of the Sunday-closing Act there and five years afterwards. I have the figures for each year, but I will not trouble the House with them; I will just give the totals for each five years, and they are these: From 1874 to 1878, inclusive—that was before the passing of the Act—there was consumed in Ireland £66,723,902 worth of liquor; for the five years after the passing of the Act — from 1879 to 1883, inclusive—the value of intoxicating liquor consumed amounted to £61,152,942, or a reduction of £5,580,960 in favour of the Sunday-closing period. That shows that more than five millions of money was saved to the people of Ireland in five years succeeding the passing of that Act. Some people may think that is a very small matter; but still look at another set of tables with regard to crime. In Ireland, for the same ten years, the total number of criminals for the five years previous to the Sunday-closing Act coming into force was 518,609, and for the five years afterwards 442,665, showing a reduction in favour of the Sunday-closing term of 75,944 cases of crime, which is supposed to be created by drunkenness. Those figures are very clear indeed, showing that, the greater the facilities given to the public to indulge in intoxicating liquors, the greater will be the amount of drunkenness, and consequently the greater the amount of crime. We will go now to America. I know that there are a great number of men who do not believe in statistics from America; but these figures cannot be gainsaid, as they are compiled by the Government of the State of Maine in 1879, and give the amount of crime in eight States. Those States are—Alabama, California, Connecticut, Maine, Massachusetts, New Hampshire, New York, and Vermont. In California, where the law was general freetrade, the amount of criminals was 1 in 600. In Alabama the number of criminals was 1 in 1,400; in New York, 1 in 1,400; in Vermont, 1 in 1,800; in New Hampshire, 1 in 1,900; in Connecticut, 1 in 2,100; in Massachusetts, 1 in 2,200; and in Maine, 1 in 3,200. You see from these figures that Maine enjoys an advantage in the smaller proportion of criminals. I shall refer hon. gentlemen—and I suppose the Hon. Sir T. McIlwraith will know the facts of the case—I shall refer hon. gentlemen to a district outside of Liverpool, one of the proprietors of which is a Mr. Roberts. There are only two in the concern. I do not know the name of the other. Mr. Roberts has a seat in the English Parliament; and he has put in force, by his own will, without local option, a rule prohibiting entirely any public-house in the district. The property of the firm of which Mr. Roberts is a member covers 300 acres, and the houses built there number 7,500, and the population affected by it is 40,000. That is just outside Liverpool, the most drunken place in the whole of England. There is not a public-house in the whole of it, and there is not a single house to let. The demand for houses in that district is so great that if by any means one becomes vacant it is let next day. It would be the same here or anywhere else if the liquor traffic were abolished. I may tell the House here, that I have no desire at all to see embodied in the law any principle in advance of public opinion. I do not think that we in Queensland are at the present time far enough advanced to have entire prohibition by law. I do not care to contend for that principle, but I contend for this—that the will of the people ought to be respected. When a license is applied for, if the people by a majority say, "In this place—in this district—in this ward—in this town—in this village—we do not want an additional public-house," then I say there should be no new license granted. I go a little further, and say that the people ought to have the option of determining the hours at which public-houses should open and close. We know that the last two hours of the day are about the very worst for producing crime. A great proportion of the crimes are committed by people who indulge rather freely between the hours of 10 and 12 in the evening. Most people want to get to bed before that—except members of Parliament, who generally keep very unreasonable hours—and if they are living in the neighbourhood of public-houses it is only fair that their convenience should be respected, and that they should have the right of saying whether those public-houses should shut at 10, 11, or 12. Surely if the people in the neighbourhood do not want the public-houses open after 10, it is reasonable and just that they should not be allowed to keep open. I would give the people the power to regulate the hours at which public-houses should open in the morning and at which they should close at night. Some towns might choose from 6 in the morning till 12 at night; others from 6 till 10; others again from 7 till 11 or 10; others who were very much advanced might say the public-houses should not open till 8. I admit there ought to be a limit to this power of restriction; if the publican pays for a license, he has rights which ought to be respected. But I think the power of the people ought to go a little further, and apply to Sunday closing. I believe Sir William Harcourt, the Home Secretary of England, said to a deputation who waited upon him at his office, that what he would like to see would be the will of the people carried out in such a way that they should not only regulate the number of public-houses and the hours of opening and closing, but that they should do without them altogether if they liked. He went further, and said that if the people wanted an increase of public-houses he was in favour of local option to that extent; and I would not object to that. Let the people exercise their right even to increase the public-houses. Now, Mr. Speaker, it is well known that a great deal of pauperism, a great deal of crime, and a great deal of lunacy result from the drinking habits of society. I believe the three departments of pauperism,

lunacy, and crime are under the charge of the Colonial Secretary. He has a great deal to do, but I think he might do a little more. I admire the way in which he carries out, or orders to be carried out, the regulations in reference to the kanaka labour trade, so that that trade is now regulated in accordance with the intentions of Parliament. He also does what he can in connection with the quarantine regulations, so that the spread of such diseases as smallpox is prevented; and yet the regulations respecting Sunday traffic are left entirely in abeyance: though, in that respect, the Colonial Secretary is no worse than those who preceded him. And yet the suffering and danger proceeding from smallpox and the labour traffic is not the one-hundredth part as great as that resulting from the sale of intoxicating liquors on the Sabbath day. The law distinctly says that no licensed house shall be opened on the Sabbath day for purposes of consumption on the premises, though they may be opened for two hours for the sale of liquor to be carried away; and yet I suppose there is not a public-house in the colony which does not violate the regulations, and keep its doors wide open Sabbath after Sabbath, without any attempt being made to put a stop to it. I am sure a great number of people have no idea that the law prohibits the sale of liquor to be consumed on the premises on the Sabbath day. Many a man, and many a child, suffers on Monday through the drinking that takes place on the Sunday. Why should it not be regulated as the black traffic is regulated? Are not white men to be as much respected as black men? Now sir, I wish to say a word or two to the Colonial Treasurer about the excise duty on rum. I cannot, for the life of me understand how a Christian statesman can throw facilities in the way of pushing a trade which s known by him and the whole House to demoralise and degrade the people. He actually goes out of his way for the purpose of facilitating the manufacture and sale of intoxicating liquor. It cannot be for the purpose of revenue, because it will reduce the revenue, although, of course, he will say it increases the revenue by increasing the amount of the article manufactured, and of the tax levied on it. He is a very poor political economist, after all. If he wants revenue, I can point out a way to him whereby he can increase his revenue without doing an injustice to the people, and at the same time let the excise duty alone. It would have been better if he could have let well alone. One of the best things the late Government did was to equalise the duty on rum. Hon. members must remember that we used to hear of great numbers of people dying from sunstroke through imbibing bad rum. Just before the rum duties were equalised, I remember, five shepherds started from—I think—Burenda, to some other place——

The HON. SIR T. MCILWRAITH: Ellangowan.

Mr. MACFARLANE: I am not quite certain as to the name of the place, but those five men started with a bellyful of rum, and several bottles of it with them as well, and three of them never found their way home again in consequence of that rum. What is the value of a man? Will the Colonial Treasurer answer that question? Is he not of more value than all the rum produced in Queensland? And how many men shall we have to destroy in a year to neutralise all the money we shall receive from giving more facilities for manufacturing bad rum in the colony? I have read somewhere that the value of a man coming out to this colony is equal to £300. If that is so, we shall not require to lose very many men before rum that may be consumed. However, I shall have more to say on that subject when this precious morsel of financing comes before the House in the shape of a Bill. From a political point of view, I maintain that to increase our revenue from intoxicating drinks is not to increase the wealth of the nation. I will give the Colonial Treasurer a nut to crack, and perhaps before he brings on his Bill to reduce the rum duty he will think over it. We will take 200 working men in Queensland, and divide them into two equal parts of 100 men each. We will suppose that 100 men spend each 10s. a week on intoxicating drinks, and I do not think that is an extravagant amount, because I know men who spend a great deal more. That is £26 a year each, or £2,600 for the whole of the 100 men; and at the end of the year those men are poorer by that amount. We will suppose that the other 100 men have also determined to spend 10s. a week, but they put it into a building club, and at the end of the first year they have £2,600. With that money they build thirteen cottages, value £200 each. In eight years each of those 100 men will have a cottage worth £200, representing a sum of £20,000 saved to them and added to the wealth of the State. The other 100 men are poorer by the same amount, and they have added nothing to the wealth of the State. Those 100 men who have built homes have employed a large number of labourers. How many men did the other 100 employ? Very few, and they have nothing to show for their money; and their £20,000 is as much lost to them as if it had been thrown into the sea. From a political point of view, the Colonial Treasurer, I say, ought to do all he can to limit the consumption of intoxicating drinks in the colony. I could not help comparing our Colonial Treasurer, when he made his Budget statement, with the Treasurer of England. I have noticed for two or three years the Chancellor of the Exchequer, Mr. Childers, has congratulated the House and the country on the continual diminution of intoxicating drinks consumed by the people. Instead of our Treasurer offering congratulations of that kind to the House and to the people, he actually intends to give additional facilities to overrun this colony with bad rum, and destroy the people. I do not think that is very wise financing. The present Premier of England, William Ewart Gladstone, said in the House of Commons, that the evils flowing from the drink traffic are greater than those resulting from the three frightful scourges—war, pestilence, and famine. We also find that the late Premier of England, Mr. Disraeli, used this expression, speaking on the Local Option Bill, "Local self-government is the characteristic of a free nation.

The HON. SIR T. MCILWRAITH: Hear, hear!

Mr. MACFARLANE: I am glad to hear the hon. gentleman say "Hear, hear." He has always maintained the principle of local option, and no further ago than last night, he wanted to apply local self-government to the proposed land boards—so much is he imbued with the principle of local option. If it be true that "local self-government is the characteristic of a free nation," I hope that this principle will be approved of by the House—that it will be shortly embodied in our licensing laws—and that the colony will benefit by its adoption. I do not want to weary the House, and I thank hon. members very much for the patient attention they have given me. It is not often I make a speech, and when I do I generally make it very short. On the present occasion I thought I had something to say, and I have said it in the best

the House I shall be glad, and if they decide against me I must try again some other day. In the meantime I shall leave the matter in their hands by moving the motion standing in my name.

The PREMIER said: Mr. Speaker,—The hon. gentleman in making this motion has not—and I think very wisely—defined or attempted to indicate any particular manner in which the principle of local option should be carried out. As I understand his argument, it is that there are many matters in connection with the liquor traffic of the colony which might very properly be left to be determined by the inhabitants of the districts in which that traffic is carried on; but he does not express any opinion as to the precise points upon which they should be allowed to give their decision. The hon. gentleman referred to the present law in respect to the Sunday traffic, and said that as far as he knew it was not observed. I confess that I have not an intimate knowledge of the subject, but I know that instructions have been given to the police to the effect that the existing law must be observed, and I shall be very glad to be informed of any failure on the part of the police to perform their duties in this respect. Where my attention has been called to any failure, I have immediately given instructions on the matter. With respect to the licensing laws, there is no doubt that they are not in a satisfactory state. That was admitted by the late Government when they introduced a Bill which passed this House and went to the Legislative Council—a Bill which I think was a great improvement on the existing law, though it was by no means a perfect measure. There is no doubt that the matter must attract the attention of the Government at a very early date—I hope, next session. The motion, as I understand it, is that in the opinion of the House—which will probably be called upon soon to deal with the licensing laws of the colony—any measure introduced should embody in some form the principle of local option. The question of local option has been brought before this Parliament on several occasions during the past ten years, and whenever it has been brought forward I have always assented to the principle. I believe in the principle of local self-government in all matters that can properly be left to local authorities to determine, and I say at once that I think this is one of the matters that may be left to them. At the same time I think the means by which effect should be given to that principle will require very careful consideration. The hon. gentleman did not attempt to dogmatise on this subject, and I am not prepared at this moment to lay down any plan for carrying out the principle, nor to define the particular points upon which the local authorities or the inhabitants should express an opinion. For instance, as to Sunday closing, or the hours for keeping open public-houses, I am not prepared at a moment's notice to say whether either matter should be determined by a general law or by the opinion of the local inhabitants, or by a combination of both. But that the local authority should have something to say on the subject I am disposed to think is a sound contention. With respect to the multiplication of establishments for the sale of liquors, I am of opinion that the local inhabitants should have something to say on the matter. I think the hon. member has introduced his motion in a very moderate speech. I am quite prepared to accept the principle which it contains, and if the Government introduce a Bill next session—as I hope they will be able to do—dealing with the licensing laws, I shall certainly endeavour to make it a part of that measure to embody a scheme giving to the inhabitants of a district, either directly, or indirectly through their representatives, a choice in many matters respecting intoxicating liquors. I do not think it is necessary to say anything further on the subject.

The HON. SIR T. McILWRAITH said: I must congratulate the hon. member who brought forward this motion upon having brought it forward in a far different way from the manner in which it has been presented on former occasions in this House. It was a very different way indeed. Previously, when the hon. member sat on this side, it was always being brought forward in a fiercely aggressive system. The proposal then submitted struck at the rights of private property. It put before the people of the colony that the men who wanted to enforce the principle of local option were not content with advocating that, but were also determined to force their principles on other people. That was a prominent feature when the matter was introduced from this side of the House. The late Government were prevented from doing a great deal of good in this matter, in consequence of the aggressive and very pronounced way in which the hon. gentleman brought the subject before the House. But this is changed now, and the hon. member has to-night introduced a general motion which no man of common sense could do anything but accept. Why should the people not have local option? We want local option in everything. The motion embodies a principle I have always advocated. I believe in local option, but I do not believe in forcing people to adopt any particular views. I have not found the means of moderating myself yet, and I do not see why I should adopt means to force upon other people an undue amount of moderation. When I find the means of controlling myself I may vote for a measure controlling other people. I will go to the extreme length of allowing the different local bodies in the colony to regulate their own affairs. I do not think we can entrust them with too much power in that direction. Local option I agree with, not in a technical sense, but in its general meaning, and am prepared to give the greatest amount of latitude to people in all parts of the colony to manage their affairs not only in the liquor traffic, but in all other matters. To that extent I go, and always have gone.

Question put and passed.

ADJOURNMENT.

The PREMIER said: With the permission of the House, I move that this House do now adjourn until Tuesday next, when we will proceed with the Land Bill.

Question put and passed.

The House adjourned at ten minutes to 9 o'clock.