Queensland

Parliamentary Debates
[Hansard]

Legislative Council

TUESDAY, 30 SEPTEMBER 1884

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LEGISLATIVE COUNCIL.

Tuesday, 30 *September*, 1884.

Bills of Exchange Bill.—Succession Act Declaratory Bill.—Highfields Branch Railway.—Telegrams from Crow's Nest.—Maryborough Racecourse Bill.—Wages Bill—second reading.—Native Labourers Protection Bill—committee.—Gympie Gas Company Bill—second reading.—Maryborough Town Hall Bill—second reading.—Pettigrew Estate Enabling Bill.—Pharmacy Bill—committee.—Adjournment.

The PRESIDENT took the chair at 4 o'clock.

BILLS OF EXCHANGE BILL.

The PRESIDENT read a message from the Governor, conveying His Excellency's assent, on behalf of Her Majesty, to this Bill.

SUCCESSION ACT DECLARATORY BILL.

The PRESIDENT read a message from the Governor, conveying His Excellency's assent, on behalf of Her Majesty, to this Bill.

HIGHFIELDS BRANCH RAILWAY.

The POSTMASTER-GENERAL (Hon. C. S. Mein) moved—

1. That the plan, section, and book of reference of the proposed Extension of the Highfields branch of the Southern and Western Railway from Cabarlah to Crow's Nest township, as received from the Legislative Assembly by message dated 2nd September, be referred to a Select Committee, in pursuance of the 111th Standing Order.

2. That such Committee consist of the following members, namely:—Mr. King, Mr. A. C. Gregory, Mr. MacPherson, Mr. Taylor, Mr. Raff, and the Mover."

Question put and passed.

TELEGRAMS FROM CROW'S NEST.

The HON. W. D. BOX said: I beg to move—

That a Return showing the number of telegrams sent out from the Telegraph Office, at Crow's Nest, during the years ending 30th June, 1882; the 30th June, 1883; and the 30th June, 1884, be laid on the table of the House, distinguishing those sent O.H.M.S., and those on account of the public.

I believe that this return has actually been compiled from documents now in the office, and I trust that the House will agree to the motion. The information when it is given will, I think, show the House what an important place Crow's Nest is, and will help to justify the extension of the railway to that place. I have had the pleasure of seeing Crow's Nest for three years running, but each time I have visited the place it has decreased in size and importance, to my mind. In spite of that, however, the railway towards Crow's Nest has been completed, and is actually running as far as Cabarlah. These matters will, of course, in a few days, come before the Select Committee to whom the plan, section, and book of reference on the proposed extension have been referred; and if the House should consent to my resolution they will see how much business has passed through the office at Crow's Nest in the course of the year. This is one of the oldest country telegraph stations in the colony, and it is a very valuable station, not on account of the Public Service, but, as I have been informed by the officer in charge, and the officer in charge of police, for the purpose of intercepting horse stealers. Now there is a proposal to make a railway from Cabarlah to Crow's Nest, I am trying in my humble way to show the importance of the place, and I trust the House will agree to the resolution.

The HON. W. H. WALSH said: I would suggest, hon. gentlemen, that this return when it is produced be referred to the Select Committee that was moved for a few minutes ago. It is a most valuable piece of information for that committee to have before it, as it will probably

show the great necessity for the extension of the Crow's Nest Railway. That point I think has escaped the observation of the hon. gentleman. It will be a valuable auxiliary to the other information now obtained; and I put it to the Postmaster-General whether he does not see the force of my remarks, and whether he will not promise that the committee shall have the information contained in this return laid before us.

The POSTMASTER-GENERAL said: Hon gentlemen, I have the return referred to in the resolution ready, so that in the event of the resolution being carried, the information will be in the hands of hon. gentlemen this afternoon. At the same time I am not prepared to admit the contention either of the Hon. Mr. Box, or of the Hon. Mr. Walsh, in regard to the returns from telegraph stations touching the question as to the advisability or inadvisability of the construction of the railway to Crow's Nest. I think that if the returns of the work done in telegraph offices from a large number of places through which railways pass were produced, they would not indicate any necessity for the continuance of railway lines. I think the two classes of works stand on a very different footing altogether. However, when the return is laid on the table of the House it will be the property of the House and of every member of the committee. If the committee desire it I shall be glad to produce any information bearing on this particular matter they may wish.

The HON. J. TAYLOR said: I am not aware what the hon. member's reason is for calling for this return, but it is a most extraordinary time to call for it when the railway is within a few miles of Crow's Nest, and a very large goldfield is likely to be opened up, which I have no hesitation in saying will be developed, and will prove very acceptable to the district. Again, if this telegraph return is to do away with the railway going to Crow's Nest, the present portion made will be useless. By going to Crow's Nest, however, a large amount of timber traffic will be secured. Some of the largest mills in the colony are there, and will supply immense traffic for the railway. I cannot tell why the Hon. Mr. Box has called for the return; and I trust the committee appointed to investigate the plans will not be guided by this return in any possible way whatever.

Question put and passed.

MARYBOROUGH RACECOURSE BILL.

The PRESIDENT read a message from the Legislative Assembly forwarding, for the concurrence of the Council, a Bill to enable the trustees of the land described in deed of grant No. 17135, 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.

On the motion of the POSTMASTER-GENERAL, the Bill was read a first time, and the second reading made an Order of the Day for Tuesday next.

WAGES BILL—SECOND READING.

The HON. A. J. THYNNE said: Hon. gentlemen, I beg to move that this Bill be now read a second time. In doing so, I wish to explain to hon. members that it is merely extending to mines and mining the rule which is already in force with regard to both grazing and agriculture and some other occupations under an Act which was passed in the year 1870. That Act has been found defective in so far as giving protection to men employed in mines, similar to those employed in other occupations. What led to the introduction of this measure was, I may state, what took place on one of the northern goldfields, where a large number of men were employed in a mine which was held by one of the banking institutions under mortgage. The claim was worked and a crushing took place. The proceeds of the crushing obtained by the owners of the mine—the mortgagors—were paid away to the credit of their account at the bank, and immediately afterwards the owners of the mine were obliged to suspend further business. The miners, who naturally looked to the produce of the mine for the payment of their labour, found that they could not get it. They sued the unfortunate manager of the mine under the Masters and Servants Act, and got a verdict against him before the Police Court — an order for the payment, and, in default, the imprisonment of the manager. I am not aware whether the sentence of the court as regards imprisonment has been carried out on this unfortunate manager. At any rate the miners have not been paid, and have no means of recovering the payment of their wages. That I think hon. members will all agree is an instance of very great injustice being done; and I think hon. gentlemen will also agree that it is well to extend to miners the same protection which other employés have in other pursuits. Looking back at what was said on the recommendation of the Act in 1870, I find one or two sentences which will perhaps explain the object of the Bill itself in better terms than I can. The then Colonial Secretary, our President, said—

> "He had never been able to see why the holder of a pastoral property should be placed in a different position from a planter or farmer. The Bill before the House was framed so as to protect the labourers without any distinction as to property."

The intention, no doubt, was to extend protection to all labourers. In 1870 we had not the extent of gold-mining or other mining in this colony which we have since developed. In 1868 the Gympie goldfield was discovered, certainly, but the customs and habits and manners of miners and mining were not sufficiently known at that time among the general population to have that industry included in the enactments which were passing through Parliament. It is better, I think, not to have any distinction existing in the law, and I therefore ask hon. gentlemen to agree to this measure. I would like to explain that there is a difference drawn in this Bill between the case of miners and ordinary agricultural or pastoral labourers. The agricultural or pastoral labourer is not paid weekly, or fortnightly, or monthly, the same as miners and other occupations; and the gentleman who had charge of this measure in the Legislative Assembly, and who is well acquainted with the employments of mining men, expresses his opinion that it will be quite sufficient protection to give them security for one month's wages instead of six, as is the case in the squatting and agricultural industries. The Bill, I trust, will commend itself to this Chamber, and I ask hon. gentlemen to agree to the motion for its second reading.

The HON. W. D. BOX said: I should like to hear the hon. gentleman who conducts the Government business in this House give us his opinion on this Bill. It seems to me that it ought to have been introduced by the Government. It is a measure affecting the question of miners' wages: a measure which particularly presses, or otherwise, upon one of our wages industries, and I cannot help thinking that—although the Bill is in very good hands, and although the hon. member who brought it forward has given very good reasons for accepting it and making it one of the laws of the land—the Bill will distinctly affect miners throughout the colony and capitalists who have invested in mining, and therefore we ought to know whether

it has the approval, or otherwise, of the Government of the day. I trust, before the second reading is passed, that we shall have the opinion of the hon. the Postmaster-General, who is not only able to give a valuable opinion on the subject, but is also, as we all know, a lawyer of good standing. I should be very much better satisfied if we had the views of the hon. gentleman on this question.

The POSTMASTER-GENERAL said: I did not address the House, because I thought that the observations of the hon. gentleman who introduced the measure were so clear that the addition of any words of mine would be superfluous. I quite concur in the principle of the Bill. Indeed, the principle is not a new one, and this measure is only the further application of a principle upon which a good deal of our legislation is formed. The principle is that persons who get the benefit of a man's labour should not suddenly deprive him of the emoluments which he has earned in benefiting the property over which they have control. Under the Wages Act of 1870 mortgagees are liable for wages that have been earned in respect to the property, or rather in improving the property of the mortgagees, for a period of six months antecedent to their taking possession; and this provision was made for obvious reasons. A man might borrow a large sum of money on his property, and might have a large number of persons employed in improving that property, and if there were no provision of this sort the unfortunate workmen, not knowing the peculiar position of their master, would be expending their labour without getting their reward. Well, in such a case the mortgagee is made liable for their wages. If he had not this liability he might watch his opportunity and secure the whole benefit of the labourers' work, and then snap his fingers at them. The Wages Act defines the class of properties in respect to which these services are to be performed in order to entitle persons to recover their wages from the mortgagees. Miners do not come within the properties so defined, but this measure proposes that they shall be included in the list; but in their case mortgagees are only to be liable to the extent of one month's wages. This is not extending the same privilege to miners as agriculturists generally and others possess. As a matter of fact, miners are not getting such a valuable and important concession. Agricultural and pastoral labourers can recover six months' wages, while under this Bill it will only be competent for miners to obtain from the mortgagee wages for one month prior to the mortgagee entering into possession. I think the circumstances referred to by the Hon. Mr. Thynne ought to be sufficient to induce hon. gentlemen to assent to the proposition laid down in this Bill.

The HON. W. H. WALSH said: I cannot agree with the reasons advanced in favour of the Bill. In the first place, I understand that this measure has been introduced in consequence of a case which happened in a northern district of the colony. It is an old rule of Parliament that legislation is not carried on to meet particular cases, except in private Bills. If the grievance had been shown to be one that was general in the northern portions of the colony, then we should be justified in stepping in and specially legislating for it. But the hon. gentleman in charge of the Bill merely says that it is brought forward in consequence of something that occurred on one particular claim. I say that is not a sufficient reason. When we consider that the miners are a very peculiar and a very favoured class, who almost make their own laws, and who govern themselves more nearly than any other class in the colony, we should have sufficient reason for legislating in their behalf. The Postmaster-General has pointed out that a distinction has been made between the miner and the servants of pastoral tenants or farmers, the former being only able to recover one month's wages, while the latter are allowed to recover six months' wages from the mortgagee. I contend that if the miner is entitled to anything he is entitled to be placed upon as good a footing as any other person in the colony, and no better. If the employé on a farm or station can recover wages for six months prior to the mortgagee taking possession, the miner should be placed on the same footing. I certainly shall suggest to my hon. friend in charge of the Bill—I shall move it when we go into committee if he does not—that the time be extended from one month to six. I having nothing further to say, except to reiterate my protest, as I always shall, against legislation being carried on to meet particular cases, which the hon. gentleman in charge of this measure informed us this is intended to do.

The HON. A. C. GREGORY said: I have listened to certain objections that have been made to this Bill. The first is that it has not been introduced by the Government. Well, I believe that a good reason for that will be found in the history of the Bill. It emanated from a member of the other House who is not on the Government benches. It was brought forward by a gentleman who is, perhaps, as fully conversant with the working of goldfields as any hon. member in either House. Under these circumstances, I think that the manner in which the Bill has been introduced in this Chamber is sufficiently accounted for. To my mind, it is rather a recommendation than otherwise that it is not merely a Government or party measure, and that at the same time it emanates from a gentleman who is thoroughly acquainted with the necessities out of which it has arisen. The reason why one month only is proposed to be allowed in the case of miners, while six months is allowed to persons employed in agricultural and pastoral pursuits, is easily explained. On the goldfields it is customary for miners to engage for short terms seldom exceeding one month, while on stations engagements are often for twelve months, and rarely less than six, although casual hands may be employed for a shorter time. It is not customary for miners to engage for the lengthened periods which are usual in pastoral pursuits. And, further, the miner has great facilities for knowing what is the financial position of the man for whom he is working; whereas on stations a great distance up the country, or remote farms, employés have considerable difficulty in ascertaining whether their employer is really solvent or not. Under these circumstances, I see no reason why the time for which the miner may recover should be extended beyond one month. I shall support the second reading of the Bill.

The HON. J. TAYLOR said: I shall likewise have very much pleasure in supporting it. I am only surprised that this provision in regard to miners was not made before. From what has been said by one or two members, I think it is quite necessary that the Bill before the House should pass. Whether it is brought in by the Government or a private member does not matter a straw if the measure becomes law. It has been argued that the time for which miners may recover their wages from the mortgagee is too short. But we are told distinctly that they are paid weekly or fortnightly. Pastoralists have no time for paying their employés. The men engaged draw a few pounds when it suits them, and at the end of their term receive the balance. In all my agreements I know there is

no provision made for payments to be made either weekly or fortnightly, or in any other way till the end of the term. I repeat that I have very much pleasure in supporting the Bill. As I said before, it does not matter one straw who introduced it.

Question put and passed.

On the motion of the HON. A. J. THYNNE, the committal of the Bill was made an Order of the Day for to-morrow.

NATIVE LABOURERS PROTECTION BILL—COMMITTEE.

Upon the Order of the Day being read, the House went into Committee to further consider this Bill in detail. On clause 7, as follows :—

"Every native labourer employed on board of, or in connection with, a vessel trading in Queensland waters, whether he was engaged before, or is engaged after, the passing of this Act, shall be discharged and receive his wages in the presence of a shipping master.

"If the master or owner of any such vessel, or any other person, discharges a native labourer who has been employed on board of any such vessel, or pays his wages otherwise than as is herein provided, he shall be liable to a penalty not exceeding £50."

The HON. W. H. WALSH said he understood that an amendment had been moved and carried in the clause.

The POSTMASTER-GENERAL said when the House was last in committee on the Bill, an amendment was carried in clause 6, and the clause, as amended, was also carried. He then moved the Chairman out of the chair in order to have time to consider the effect of the amendment and to consult his colleagues respecting it; and last week he intimated that it was his intention to proceed with the Bill, in the hope that further consideration might induce the Committee to alter their decision with regard to clause 6. He therefore proposed to go on with the remainder of the Bill and carry it through, and afterwards, when the adoption of the report was moved, to ask the House to recommit the Bill for the purpose of reconsidering clause 6. It would be necessary, before that could be done, to dispose of the remaining clauses of the Bill.

The HON. T. L. MURRAY-PRIOR said that on looking over the Bill it appeared to him that the gentlemen at present in power, who wished to pass it, had a perfect craze in regard to black labour, or whenever anything with a dark skin came before the Legislature. While it appeared to be a Bill to give protection to native aboriginals, in reality it tended indirectly to abolish black labour altogether. He had not an opportunity of expressing his view of the matter when the 6th clause was moved, and he therefore wished now to place on record his opinion that while he, in common with a great many other hon. gentlemen, would do everything they possibly could to protect aboriginal natives and other black labourers, there appeared to be so many absurdities in the Bill that he failed to see how it could be carried into effect; such as making every native hired on board a vessel where his services might be required be engaged before a shipping master. They might be required to be employed in many places where there was no such officer. The Bill certainly placed the ship-owner or employer of such labour in a very awkward position, as everything might be confiscated in the event of a breach of its provisions; and he was convinced that, notwithstanding what hon. gentlemen now in power might think, they had not the opinion of the country with them.

The HON. W. H. WALSH said it appeared to him that while the Government, in their, no doubt, conscientious endeavour to protect the black people of the colony, thought they were doing what was right in trying to protect them in the very arbitrary and stringent way proposed by the Bill, if it passed with its present algerine tendency towards those who, from kind or necessitous reasons employed those men, very great hardship would be done to the labourers themselves. He maintained that a Bill like this, which might be enforced in the most arbitrary manner, would ultimately almost prohibit the employment of natives on board vessels trading along the coast of the colony. There had been no necessity shown for a Bill of the kind. He knew that there were numbers of natives employed along our coast in a way profitable to themselves and useful to others; and he was perfectly certain that the Bill would absolutely prevent owners or captains of vessels from employing those men, and thereby very great harm would be done to the natives themselves. What he wished to impress upon hon. gentlemen was this, and to illustrate it he would give a case in point. Suppose a Bill of this kind were applied to the employers of black labour on pastoral stations, there would not be a black man in the country who would be able to get a living from a pastoral tenant, a farmer, or anybody else. At present there were many kind, charitable, and good employers of a great many of our aboriginal population, and under such a measure as this they would be absolutely prevented through fear—through fear of informers—of the enforcing of arbitrary powers by the Government—of the liability of the Act being misconstrued by ignorant or prejudiced magistrates, or other officials—they would be absolutely deterred from employing any of those poor creatures. Therefore, he maintained that the Government, in their great anxiety to pose before the country as the black man's friend, were doing positive injury to those very men, as well as injuring a class of persons who found them very useful servants. He knew scores, hundreds, of cases where blacks were kindly, charitably, and affectionately employed and treated by people in the interior of the colony; and what was there to prevent the Bill from being extended to them? If he could speak as he did of the kind treatment of the blacks in the interior, he was satisfied that he would also, if he were conversant with seafaring life, be able to show that the blacks were kindly and usefully employed in our maritime service. What owner, captain, mate, or other officer of a ship would dare, if the Bill became the law of the land, to take an aboriginal on board even to give him shelter; because, if his name did not appear upon the ship's books, he would be liable, under the preceding clause, to a fine of £500 and forfeiture of the ship. And then there was a difficulty in regard to clause 7—a difficulty of construction, that would arrive whenever a contest commenced between the owner or some officer of the vessel and some Government official. He doubted very much whether even the Postmaster-General would be able to construe the clause to the satisfaction of hon. gentlemen. It said :—

"Every native labourer employed on board of, or in connection with, a vessel trading in Queensland waters, whether he was engaged before, or is engaged after, the passing of this Act, shall be discharged and receive his wages in the presence of a shipping-master."

Did that go back ten years, or to what time did it go back? He maintained that it would be impossible to put such a provision into actual practice; and, in any case, it would be subject to the most contrary constructions. He really thought that the Government were going beyond what was absolutely necessary. He believed that their navigation and other marine laws were quite sufficient to protect the aboriginals of the colony as well as white sailors; and that the laws that were good enough for white people

trading along our coast were quite good enough for, and nothing more was required to protect, the aboriginals of the colony.

The HON. P. MACPHERSON said he wished to point out that there was something in the clause that looked very like *ex post facto* legislation. It said—

"Every native labourer employed on board of, or in connection with, a vessel trading in Queensland waters, whether he was engaged before, or is engaged after, the passing of this Act, shall be discharged and receive his wages in the presence of a shipping master."

If a breach of that were made an offence under the Act, he thought it would be making the law too stringent altogether.

The HON. T. L. MURRAY-PRIOR maintained that native labourers were quite as well able to make a bargain with their employers as white men were. They sometimes made very shrewd bargains indeed. He might here mention something that he heard yesterday which would express what he meant with regard to these men. A gentleman with whom he was conversing told him that when he relinquished his business and went in for mining, a blackfellow and his gin, whom he had employed, thinking that he had lost all his money, went out and stripped a lot of bark and brought it in as a gift to their old employer. That would exemplify very forcibly the feeling of gratitude shown by black men towards their white employers, and he really could not see that the Bill was at all necessary.

The POSTMASTER-GENERAL said the hon. gentleman who had just spoken was not present on the last occasion when the Bill was before the Committee, otherwise he would have heard various reasons given, which would probably have satisfied him that there was an urgent necessity for a Bill of this kind. As the real principle of the Bill had been referred to that evening, and, as he had stated, the hon. gentleman was not present when it was discussed in committee, it might be convenient to refer at length to the matters that were then discussed, and to the reasons that were given for asking the Committee not to insist on the amendment that was passed in clause 6, but to adopt the principle of the Bill in its entirety. On the last occasion when the Bill was before the Committee he referred to public documents, which he had now before him, and which hon. gentlemen could refer to in order to satisfy themselves as to the importance of the matter to which he referred. He then stated that two public officials whose integrity was beyond doubt had reported very strongly to the Government as to the necessity of introducing legislation or providing some means for the protection of those aboriginals. They pointed out that malpractices were being carried on on our northern coast by lawless men who got hold of aboriginal natives of both sexes—young girls of tender years—and abused them in a frightful manner; and that there were no means available by which those people could be protected. The necessity for some Bill of this description was also recognised by the last Government. The gentleman who now occupied the position of President of that Chamber, when Colonial Secretary, brought in a Bill dealing with the bêche-de-mer and pearl-shell fisheries, making special provision for the manner in which aboriginals should be engaged for the purpose of that trade. Experience had shown that the provisions of that Act were not stringent enough, and that there were no means by which the abuses that were carried on could be prevented, and hence the Government had introduced this Bill. In 1882 the chief officer of Customs at Cooktown, under whose notice abuses of the kind referred to had come, reported the matter to his immediate superior, the Collector of Customs. It did not appear that his report came under the notice of the late Colonial Secretary; but occasion having arisen for that officer to refer to more recent abuses in connection with another vessel, he, when reporting to the present Colonial Secretary, referred to his previous report of 1882. He (the Postmaster-General) should quote from that report, and when he did so he felt quite confident that hon. gentlemen would get rid of the craze that many of them possessed with regard to black labour, and deal with the question on its merits. He was sure they would then see the necessity for making the law so stringent that there would be no opportunities afforded for their own countrymen to commit abuses of the kind he had referred to. The question was not one of coloured labour at all; that question had nothing whatever to do with the Bill, and he should not refer to it. No Government would be so inhumane as to attempt to interfere with the reasonable employment of these aboriginal natives. Every Government, he believed, had recognised the necessity of the State doing all it could to make the condition of those aboriginals as enjoyable and comfortable as possible, so that their services might be availed of in such a way as to make them beneficial to themselves. They wanted to see the unfortunate aboriginals, whom they were bound to protect, have proper protection. They were persons who required their most careful consideration, and it was with that view only that the Bill was introduced—especially after considering the reports made by impartial public officers. In 1882, the Customs officer at Cooktown sent the following report to the officer in Brisbane :—

"I do myself the honour to report, for the information of the hon. the Colonial Treasurer, an unseemly feature in the mode of recruiting natives to be employed under the Pearl-shell and Bêche-de-mer Fisheries Act of 1881, which came under my personal observation on the afternoon of the 1st instant.

"About the end of January last, two cutters, tenders on the 'Reindeer' and 'Pride of the Logan,' fishing smacks, left this port for Townsville to obtain boys, and returned, one on the 28th ultimo, the other on the 1st instant, with eighteen natives of both sexes, varying in ages from nine to forty years, and procured, I have reason to believe, under very suspicious circumstances, at Hinchinbrook and Dunk Islands and in the vicinity of the Johnstone River.

"Having entered into a compact to recruit in company, upon arrival here they drafted these boys and gins after the manner of sheep, each captain taking nine mixed sexes, and without the least reference to the inclination of feelings induced by the filial or friendly instincts of the parties concerned, some of whom, I know, manifested a strong aversion to being separated.

"Amongst those who fell to the lot of Captain ——, of the 'Pride of the Logan,' was a girl eleven or twelve years old—a mere child, comparatively, who must have received shameful treatment on the voyage between Hinchinbrook and here, as one who belonged to the 'Reindeer' crew proceeded on board the former vessel, took forcible possession of this child, claimed her as his own, and actually dragged her by the wrist along the main thoroughfare of this town, despite my remonstrances, until he secreted her in a public-house—evidently for discreditable purposes. I immediately wrote to the local inspector of police, calling his attention to this shameful exhibition of brutality, who promptly had the girl removed from her hiding den, and by order of the police magistrate kept in his custody until means were available of returning her to her native island.

"On the following day the remaining seventeen were engaged by the master of the 'Reindeer' and 'Pride of the Logan' before me, under the Pearl-shell and Bêche-de-mer Fishery Act of 1881.

"These discreditable circumstances indicate a necessity for vigilant supervision in administering this Act in Northern Queensland, while, at all events, some respect for its regulations is inculcated by meting out an exemplary measure of punishment to those whose illegal practices hastened its enactment, and who appear inclined to ignore every law, civil or moral, to carry out their

ungodly behests. I am aware, however, that the natives along the coast are far better off when, and in most cases are willing to be, usefully employed; but the mode of obtaining their services should, in the interests of common humanity, be more legitimately pursued than by indiscriminately decoying them at every convenient point along the coast, irrespective of age or sex."

No action was taken on that report until May, 1884, when the Acting Immigration Agent wrote to the Colonial Secretary with regard to a bêche-de-mer trader carrying on business in the Louisiade Archipelago, situated at the south-eastern extremity of New Guinea. He said—

"The natives informed the Government agent of the 'Ceara,' just returned from a labour cruise in that region, that he 'ravishes the women and flogs his boys most unmercifully.' He is also said to engage Queensland aboriginals from Cooktown, and treats them worse than the islanders; he even shoots anyone of either race who commits the slightest offence."

The Colonial Secretary immediately took action, and asked Mr. Fahey to report. Mr. Fahey did so, and in his report referred to the report of 1882, which he had just quoted. That was the first intimation the present Colonial Secretary had of the state of affairs referred to in the report of 1882. The Police Magistrate at Cooktown had also made a report, from which he quoted on the last occasion the Bill was before the Committee. He would now only read the introductory remarks—

"In reference to the employment of the natives of the mainland of the Cape York Peninsula by the men engaged in the bêche-de-mer trade, some action is urgently necessary to prevent the forcible abduction that is at present taking place daily on the unprotected northern coast, or rather to place the employment of the said natives under some sort of supervision."

Hon. gentlemen would see that these men went to places where the aboriginals congregated—where there were no white persons—and in 999 cases out of 1,000 those aboriginals would be unable to give testimony in a court of law. Only those persons participating in the illegal action would be able to give evidence against them; whilst there could be no moral doubt in any honest mind that fearful abuses had been committed. And what did the Bill propose? Its provisions were most harmless, and would not act oppressively on any person who wished to act fairly towards the aboriginals. It provided that no aboriginal should be engaged on a vessel trading from Queensland to any port outside the colony, or from one port of Queensland to another, unless engaged in the presence of the shipping master. That was practically the course of proceeding with regard to every white man on board vessels coming to the colony. Every white man protected himself by having his engagement recorded on the articles of the ship, but aboriginals had not sufficient knowledge to protect themselves in that way. They engaged for hire, it was presumed, and what harm was there in asking the captain to go through the same formality as he did with regard to the white men he employed? The Bill provided that the shipping master must satisfy himself that the aboriginals went on board of their own free will. It also provided that when they were discharged they must go before the shipping master, in whose presence their wages must be paid—in fact, the Bill afforded the same protection to aboriginals as was now afforded by the law to white sailors. If a person could not account for having an aboriginal on his vessel, he would be held to have broken the law. The known enormities which had hitherto escaped punishment would go on to the discredit of the colony unless the Bill became law. He was surprised at the Hon. Mr. Macpherson saying that the clause was an attempt at *ex post facto* legislation. Whenever they altered any law they would be attempting *ex post facto* legislation, according to that view. When they restricted the actions of persons they generally altered the law existing previously, and he could not see any hardship in saying that the natives now on board a vessel should go before a shipping master and be discharged in the same way as others, after the passing of the Bill. He hoped for the credit of the colony that hon. gentlemen would let the Bill pass substantially as it was introduced.

The HON. T. L. MURRAY-PRIOR said he had listened attentively to the remarks of the Postmaster-General, especially the first portion. He did not know the officer who made the report read by the hon. gentleman, but if the matter was as described he did not think much of an officer who took no action thereon.

The POSTMASTER-GENERAL: He said he took action.

The HON. T. L. MURRAY-PRIOR said he understood that no action was taken—that he actually allowed a man to drag a girl through the streets of the town without punishing the man; and he placed very little reliance on what such a man said. The hon. gentleman said that recruiters went to places were blacks congregated, and that the blacks were perfectly willing to hire. But it was a very great hardship to make anyone who wished to hire those aboriginals go to the men at their own place, and then take them before the nearest shipping master, who might be at a considerable distance—to which the blacks might be unwilling to go—and then bring them back to port and leave them to make their way to their own people as best they could. He entirely differed from the Postmaster-General as to the black labour craze. If such a thing existed it was with the party now in power, and not with him. He had always been of opinion that he could employ a man, no matter what his colour was, under the Masters and Servants Act, and he was still of that opinion. Though he believed that the aboriginals should be protected, he did not see how it was to be done by the Bill. The crimes spoken of were not such as would be done in the light, but in the dark, where the law could not touch the offenders; and the harm that would be caused would be far greater than any benefit that could possibly accrue.

The HON. W. H. WALSH said that the Postmaster-General had spoken of men, women, and children being kidnapped at Hinchinbrook Island and taken to Cooktown, but that was not a matter for which the Bill provided. Those people, he presumed, were simply passengers on board, and could not be affected by a Native Labourers Protection Bill. So far as he could see, it would be impossible, if the Bill passed, for any master of a ship to do an act of humanity to any aboriginal with whom he might meet. It was well known to those who had many years' acquaintance with the ports of the colony that the natives often swam off to vessels, where they were well fed and where they worked while the vessels were in port. He had seen thousands swim off at Wide Bay, and he had seen how useful they had been in assisting to unload; but the employment of those men, as they were now charitably, kindly, and usefully employed, would constitute a very grave crime, punishable in a most excessive manner. That was one objection.

The POSTMASTER-GENERAL: It does not exist.

The HON. W. H. WALSH: The 2nd clause said:—

"No native labourer shall be employed or carried on board of any vessel trading in Queensland waters unless he is carried on the ship's articles in like manner as a seaman forming part of the crew of the vessel, and has been engaged to serve in accordance with the provisions of this Act."

Under the circumstances no captain of a vessel would even dare to shelter any natives he might meet on his entering a port; and it would be dangerous for him to rescue any aboriginals he might find out at sea. The Bill was not required; it would be extremely difficult to work, and excessively irritable to those who were brought under its operations. Another point to be considered was the fact that aboriginals were not always the most faithful or permanent servants. They might allow themselves to be enrolled and start on a voyage, and long before its termination jump overboard and swim to their friends. What was to become of the master of the vessel then? The 8th clause said:—

"If any such vessel arrives in any port in Queensland having a less number of native labourers on board than are carried on the ship's articles, the master and owner shall each be liable to a penalty not exceeding one hundred pounds for every native labourer so deficient in respect of whom such master or owner shall not prove to the satisfaction of the court that he has been prevented by circumstances beyond his control from bringing such native labourer to such port."

What chance had the captain of proving that the natives jumped overboard, ran away, or deserted? Some suspicious officers would say, "We know better than that; you will have to account for them, or we will fine you so much per head."

The HON. SIR A. H. PALMER said that when the Bill was under discussion in committee before he maintained that there was no occasion whatever for it; that it was a piece of over-legislation; that it was truckling to Exeter Hall and nothing else. He had since then looked through the Pearl-shell and Bêche-de-mer Fishery Act, and he found that every possible protection that could be given to native labourers and Polynesians was given under that Act. The 11th clause said:—

"It shall not be lawful for any master or other person to employ any Polynesian or native labourer in the pearl-shell or bêche-de-mer fishery unless under a written agreement recorded in the custom house or shipping office nearest to the place where it is intended to employ such labourer, or under a license issued under the provisions of the Pacific Islanders Protection Act, 1875.

"All engagements of Polynesians or native labourers made out of Queensland shall be strictly in accordance with the shipping laws of the colony or country where made.

"Any master or other person who employs any Polynesian or native labourer in the pearl-shell or bêche-de-mer fishery otherwise than as herein prescribed, or who fails to produce the agreement of any Polynesian or native labourer when required so to do by an officer of customs or member of the police force, shall be liable to a penalty not exceeding ten pounds."

He maintained that that was quite sufficient for their protection, if protection was necessary at all. He had maintained before when the Bill was under discussion that the native labourer was as much protected as any white man. He was a subject of the Queen, and just the same laws applied to him as to any white man in the country. But under the Act from which he had quoted there was no algerine process such as was now proposed to be carried out—the ship was not to be forfeited, nor was the master made liable to a penalty of £500 for a breach of the Act. The Committee had already decided that they would not agree to that, and he hoped they would not alter their minds. He had great hopes, when the Committee affirmed that they would not submit to such a heavy penalty being imposed, that they would have seen no more of it, and he thought it would save a great deal of time if the Postmaster-General would take the sense of the Committee as to the recommittal of clause 6. They were likely to have a great deal of argument over the remainder of the Bill, and it would be better to take the sense of the Committee as he suggested. He sincerely hoped, however, that the Committee would not alter their opinion with regard to the clause. Under the Pearl-shell and Bêche-de-mer Fisheries Act, the master of a vessel was not only liable to a penalty of £10, but also for the expenses of their maintenance if he failed to return his Polynesian or native labourers to the proper place. But this was not the case in this Bill. Again, in clause 13, deaths and desertions had to be reported, under a penalty not exceeding £10 and not less than £5. That, he maintained, was ample protection if any protection was wanted. As to the reports from Government officers with which the hon. Postmaster-General had favoured the Committee, he said when the hon. gentleman read extracts from them before that the officers did not appear to understand their duties, and he (Hon. Sir A. H. Palmer) was glad to find that the Hon. Mr. Prior, who was not present on that occasion, took the same view of the case. If they had only done their duty instead of devoting the time they had employed in pandering to what they thought were the prejudices of the Government, they would have done far more good. It was not the first time that Government officers got an idea of the policy the Government wished to pursue, and then wrote reports to carry it out. He repeated that the present law would amply protect those labourers. Even the gentleman who made the terrible reports which had been referred to admitted that blacks engaged on vessels were far better off than they were when not so employed. It was notorious that blacks along the coast were frequently in a state of starvation. With reference to the little girl who was said to have been treated so infamously, he said that was disgraceful, and that the beast who ill-used her, if he did ill-use her, should be very severely punished. But as to ravishing the woman, anyone who knew anything about the habits of blacks knew that the blacks had no idea of chastity—that a fig of tobacco would purchase any woman. But further, if the provisions he had quoted were not sufficient, the Government had the power under the 18th clause of the Bêche-de-mer and Pearl-shell Fisheries Act to make regulations. The Bill was not wanted. It was a piece of surplus legislation altogether. He thought it was a very great pity that it did not go through committee at once, when it was under consideration before, because they had all to repeat the arguments which had been advanced before, and which had already been repeated *ad nauseam*. He still maintained that the Bill was not necessary, and that the present law was quite sufficient.

The POSTMASTER-GENERAL said the hon. gentleman had said the Government were truckling to Exeter Hall. He had denied that on a former occasion, and he now repeated the denial that the Government were truckling to Exeter Hall. That measure was an attempt to legislate in the interests of humanity. If the Exeter Hall people were also anxious to preserve the human race from oppression and cruelty, he was very glad that the Government were in accord with them on such an important question. The hon gentleman said that the cases which had been alluded to could be dealt with under the existing law. He (the Postmaster-General) had endeavoured to show that they could not, because, although there could be no moral doubt as to the committal of offences, there were no means of obtaining legal proof of them, inasmuch as there were no witnesses available whose evidence could be taken in a court of law. The operation of the existing Act was confined to vessels engaged in the bêche-de-mer and pearl-shell fisheries. Although the Bill before the Committee was not intended to mete out punishment

for kidnapping, it indirectly prevented that offence being committed. That was where they got the remedy. The Bill said that no aboriginal native should be carried between one port and any other port in Queensland unless he had been formally engaged before a shipping master. The labourer had to appear on the ship's articles. He contended that the fact of the master of a vessel having to account in that way for every aboriginal native taken on board his ship rendered the commission of the offence to which he had referred almost impossible, the more so as very severe penalties were imposed for infractions of the provisions of the Bill. As he had pointed out, aboriginals employed in the bêche-de-mer fisheries were protected, and he did not see why natives engaged on other vessels were not entitled to equal protection. The protection that it was said was now afforded had proved insufficient. With reference to the reports which the hon. gentleman said pandered to the prejudices of the Government, the fact of the case was that the reports were sent in to a Ministry that had ceased to exist. He (the Postmaster-General) did not know whether the Collector of Customs pandered to the prejudices of the previous Ministry. Judging by their actions he should not think that they were prejudiced in the direction of that Bill. The hon. gentleman seemed to think that the collector at Cooktown framed his report for the purpose of pandering to the prejudices of the present Government. He did nothing of the sort; if he pandered to the prejudices of anybody it was to the prejudices of the late Government, as his report was made in 1882, some time before the present Government came into power. He (the Postmaster-General) was not going to repeat the arguments he used on former occasions, but he would take that opportunity of referring to one statement he had made previously. He had endeavoured before to show that that Bill would not affect the case of aboriginals employed within the four corners of any harbour in Queensland. It dealt with the removal of natives from one port to another. In the event of the name of any of them being absent from the ship's articles, the captain had, of course, to account for the absence; but he was not liable, if he could show that the absence was occasioned by circumstances beyond his control. There was a special provision in the Bill, enabling persons accused of any offence against its provisions to give evidence in his own behalf. He did not wish to thrust the measure down the throats of hon. members, and was quite willing to take the sense of the Committee. He might, however, say that the measure was unanimously passed by the other House, and in view of that circumstance, he was desirous that the views of the Council might go before the Assembly in order that that Chamber might have an opportunity of considering them.

The HON. SIR A. H. PALMER said the hon. gentleman had said that the Act quoted only referred to the bêche-de-mer fisheries. He would like to know whether the vessels trading along the coast were engaged in anything else than the bêche-de-mer and pearl-shell fisheries. He knew none. If the natives were ill-treated and kidnapped by those vessels, and the Postmaster-General would introduce a Bill to punish kidnapping with the severest penalties he could impose, even to the extent of making it piracy, it would have his strongest support. But a Bill like that, making masters and owners responsible for every little mistake they might make in carrying out the provisions of the measure—mistakes which it was almost impossible to avoid—should not have his support. What the other House did had nothing to do with that Chamber.

The HON. A. C. GREGORY said if the Bill were likely to effect the results which the hon. Postmaster-General contended it would, it would certainly have his support; but when he found that there was nothing in it to justify that conclusion, and that it was simply a restrictive piece of legislation to prevent any aboriginal being employed on board coasting vessels, he would not vote for the measure. It appeared to him that there was ample provision in the existing law for the protection of those natives who were employed in the bêche-de-mer and pearl-shell fisheries. What would be the effect of the Bill if it became law? Why, a master would not be able to get aboriginals to assist in working his vessel from one port to another unless he got them at a place where there was a shipping master or collector of customs. And looking further into the Bill he found that—

"The provisions of this Act shall not apply to any native labourer who is employed as a boatman on board of any boat in any port in Queensland with the sanction in writing of the principal officer of customs of that port."

According to that a blackfellow could not be taken down the river to the Bay on a fishing excursion without first obtaining the permission of the Collector of Customs. And when he examined the measure throughout he could not discover anything which, had it been law, would have prevented the attacks which were reported to have been made on aboriginals in the North. There was nothing in the Bill that would have prevented the alleged seizing of a black gin and dragging her through the streets. He regarded it as a sort of make-believe Bill. If passed, it would really not prove more effectual, simply because it imposed heavier penalties, which might be inflicted on persons who had no money to pay them. They all knew that when excessive penalties were imposed the result was that prosecutions were seldom instituted. When sheep-stealing was punished by hanging there were ten times more sheep stolen than under the milder system. He would vote against the Bill.

The HON. J. TAYLOR said he should most decidedly vote against the Bill. He looked upon it as the most severe and outrageous Bill ever brought before Parliament. Although the present Government and the late Government might have great faith in the Government officers in the North, he did not believe that one quarter of what was stated in their reports was true. Everybody knew perfectly well that officers were inclined to make the most outrageous reports in order to please the head of the Government of the day or the head of their department. He did not believe that the statement that the blacks had been seized was correct. He was of opinion that they went on board willingly. He had had a good deal to do with blacks in his time during the last forty years, and he was satisfied that they were not so easily duped as the Postmaster-General imagined. He regarded the penalties imposed as something outrageous. Clause 6 provided that:—

"If any vessel trading in Queensland waters carries any native labourer with respect to whom the provisions of this Act have not been observed, such vessel and her cargo shall be liable to be forfeited to Her Majesty, and the master and owner shall be jointly and severally liable to a penalty not exceeding five hundred pounds."

Who in the name of patience ever heard of such a provision as that before? It was heavy enough for almost the greatest offence that mortal man could commit. If a man left port with ten blacks and came back with nine, he would be liable to that penalty. And in clause 7 it was stated that—

"If the master or owner of any such vessel, or any other person, discharges a native labourer who has been employed on board of any such vessel or pays his wages otherwise than as herein provided, he shall be liable to a penalty not exceeding fifty pounds."

That was an enormous penalty. He supposed the Government were short of funds, and that the fines inflicted under the Bill would be placed to the credit of the Consolidated Revenue. Clause 8 stated that :—

"If any such vessel arrives in any port in Queensland having a less number of native labourers on board than are carried on the ship's articles, the master and owner shall each be liable to a penalty not exceeding one hundred pounds for every native labourer so deficient in respect of whom such master or owner shall not prove to the satisfaction of the court that he has been prevented by circumstances beyond his control from bringing such native labourer to such port."

Under that provision, if a vessel sailed out of Cooktown, say, with ten labourers on board, and came back with nine, the master would be liable to be tried before the police magistrate who made one of those reports, and what would be his chance? Why, the man would be fined £100 without the slightest hesitation ! Then in clause 9 it was provided :—

"All offences against either of the two last preceding sections of this Act may be prosecuted in a summary way before any two justices."

They knew what sort of officers they had to administer the Act, and a precious mess they would make of it. He should vote against the Bill, and he hoped that the question whether the Bill would be gone on with would be decided on the 7th clause.

The HON. A. J. THYNNE said a good deal had been said respecting the report quoted by the hon. the Postmaster-General, and, while he could not say anything respecting the Police Magistrate at Cooktown, he could not allow the remarks that had been made by some hon. members reflecting on the Collector of Customs at Cooktown to pass without notice. He believed that every word that gentleman had entered in his report was strictly true. He did not believe he was a man capable of distorting anything in an extravagant way for any dishonest or improper purpose. He quite believed that there had been offences committed in the northern parts of Queensland against the blacks, which ought not to be allowed to continue; but at the same time he must say that the discussion which had taken place appeared to be somewhat beside the real question they had to determine. That question appeared to him to be one as to whether the Committee would give its sanction to the apparently extreme penalties provided by the Bill. It did not appear to be so much a question as to whether penalties should be provided, or whether the offences mentioned should be created, as whether the enormous penalty of forfeiture of a vessel and fines such as £500, £100, and £50, as were mentioned in the different clauses, should be adopted. If that Chamber should now give an expression of opinion that the Bill should not pass in its present shape, he thought it would be doing itself an injustice to some extent, because the conclusion that would be drawn from the vote, unfavourable to the general severity of the Bill, would be that they were not in favour of legislating at all on the subject.

The HON. W. H. WALSH : There is no necessity for it.

The HON. A. J. THYNNE : That possibly might be a second question which would be mixed up in a very awkward way with the question of the severity of the penalties. He merely wished to call attention to the circumstance, which possibly might have escaped the attention of the Postmaster-General, that the Bill might still pass with less severe penalties than had been provided in it, and creating offences which would be punishable by law. He was not in favour of the extremely severe penalties that were imposed, but would be in favour of moderate penalties that would be likely to be carried into effect, and not such as would probably defeat the object of the prosecution. They often saw, in cases where life and death depended on the result of the verdict of the jury, that jurymen would not agree to a verdict of guilty, although they might in other respects be fully convinced of the guilt of the party charged. That was a thing that Crown Prosecutors and the Attorney-General had always to look out for in murder cases—that the extremity of the penalty deterred jurymen from deciding in favour of a conviction ; and under the Bill he said that forfeiture of a vessel, worth perhaps thousands of pounds, and a penalty of £100 or £500, would probably be such as to deter men from coming to a conclusion that an officence had been committed. If the Bill were shaped in some slightly different form a very great improvement might be made in it. Under section 2 no native labourer could be carried on board a vessel unless he was on the ship's articles. The mere act of carrying a native labourer on board a vessel exposed the owner or master to prosecution. He (Hon. Mr. Thynne) was not in favour of having such very stringent laws and severe penalties enacted, which he thought after a time would prevent the Act being enforced at all.

The HON. W. D. BOX said it appeared to him that the discussion which had taken place ought to have taken place on the second reading of the Bill. They had distinctly decided by a vote of the House that the Bill should be read a second time, and he considered that it was now their duty to try and amend it so as to make it as acceptable as possible, and not to act in such a way as to reject it entirely. The Bill was very fairly explained by the hon. gentleman who introduced it, and who gave very good reasons for it. He stated that as the law now stood it was not sufficient to deal with abuses that existed, and it therefore required to be amended. The Bill was read a second time without division, and yet it now seemed as if several hon. members in Committee intended to throw it out altogether. Let them reduce the penalties by all means if the majority thought they should be reduced ; but it appeared to him that if they omitted the clause under discussion it would practically mean shelving the Bill. Up to the present time a very valuable discussion had taken place ; but he could not help thinking that as aboriginals were British subjects they were protected by the existing laws; but the hon. the Postmaster-General had pointed out that those laws were not sufficient, and he therefore asked the House to accept the Bill. He certainly thought they should not attempt to reject it entirely, but to amend it in such a manner as to make it as perfect a measure as possible.

The POSTMASTER-GENERAL said when he expressed his willingness to take a test division on the clause under discussion to decide the fate of the Bill, he did so because every argument that had been adduced was not directed to the clause itself but to the main principle of the Bill. Since he had made that proposition—in fact, while the Hon. Mr. Box was speaking—an idea had occurred to him which he thought would be preferable. That was that he should move that the chairman leave the chair, report no further progress, and ask leave to sit again, say tomorrow; and then those hon. gentlemen who were in favour of shelving the Bill could move an amendment that the Chairman ask leave to sit again that day six months. They would in that way be able to get the opinion of the House upon the principle of the Bill. If there were a majority in favour of going on with

the Bill he should do so, and submit to his fate so far as the penalties were concerned. That appeared to him a reasonable and satisfactory way of getting out of the difficulty. He therefore moved that the Chairman leave the chair, report no further progress, and ask leave to sit again.

The HON. W. H. WALSH said the Hon. Mr. Thynne had referred to the Collector of Customs at Cooktown, and he (Hon. Mr. Walsh) was also anxious to say something in defence of that gentleman. He did not defend the violent letter he had written with respect to the capture of the aboriginals mentioned, but he could safely say of that officer, whom he had known almost since he was a child—at any rate, since he was a boy who had grown up in the service—that there was not a more efficient, honest, or useful officer in the Public Service.

The HON. T. L. MURRAY-PRIOR wished to state that he had no knowledge whatever of the Collector of Customs at Cooktown. He merely took the facts as the hon. the Postmaster-General had given them, and his remarks he still maintained were perfectly correct. With regard to the observations of the Hon. Mr. Box, they appeared to him to go entirely in favour of shelving the Bill. The hon. gentleman said that the natives were under the same laws as the white residents of the colony, and would be protected by those laws, but that the hon. the Postmaster-General had explained to him that those laws were, unfortunately, insufficient to deal with the matter. But in a country like Queensland, where the distance from police protection, in many cases, was so great, the same outrages would occur, which could not be brought under the law; and that would really be the case under the Bill.

Question put and passed; and the House having resumed—

The POSTMASTER-GENERAL moved that the Committee have leave to sit again to-morrow.

The HON. W. H. WALSH, moved, as an amendment, that the word "to-morrow" be omitted with the view of inserting "this day six months."

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

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The Hons. C. S. Mein, A. J. Thynne, K. I. O'Doherty, G. King, W. D. Box, W. G. Power, J. C. Heussler, J. C. Smyth, J. Swan, W. Pettigrew, W. Graham, and A. Raff.

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The Hons. W. H. Walsh, F. H. Hart, P. Macpherson, T. L. Murray-Prior, A. C. Gregory, and J. Taylor.

Resolved in the affirmative.

Question put and passed.

GYMPIE GAS COMPANY BILL—SECOND READING.

The HON. P. MACPHERSON said: Hon. gentlemen,—This is a Bill to enable the Gympie Gas Company (Limited), incorporated under the provisions of the Companies Act, 1883, to light with gas the goldfields of Gympie, and for other purposes therein mentioned. In moving the second reading I may inform the House that the leading provisions are similar to those in the Acts which have been previously passed by this House for the purpose of supplying gas to the principal towns of the colony. It can hardly be doubted that the Bill will be of benefit to the people of Gympie; and the only persons interested—namely, the municipality—have intimated, through their mayor, to the Committee of the other House which passed this Bill, that the operation of the Bill will be beneficial to the municipality. I have said that the provisions of the Bill are to a considerable extent similar to those of other Bills passed for a like purpose. There is, however, one important exception, to which I will draw the attention of the House, as it may be useful when we come to consider the Bill in committee—that is, the provision contained in the 38th section:—

"At any time after the expiration of fourteen years from the passing of this Act, the local authority within whose jurisdiction the company carries on its operations may purchase and take from the company the whole of the lands, buildings, works, mains, pipes, and apparatus of the company on such terms as to ascertainment and payment of the purchase money as may be from time prescribed by Parliament.

"In the event of the company carrying on its operations within the jurisdiction of more than one local authority, such purchase may be made by such one of the local authorities as may be prescribed by Parliament."

I believe that this provision will in every respect meet with the sanction of this House. It is a most excellent provision, and it is a provision, as I have said before, omitted in previous Acts; and I think it goes to a large extent to make this a good Bill. I do not think I need add any more in reference to the Bill at present, and I therefore move the second reading.

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

MARYBOROUGH TOWN HALL BILL—SECOND READING.

The HON. P. MACPHERSON said: Hon. gentlemen,—This is a Bill to enable the council of the municipality of Maryborough to sell or mortgage certain land granted to the said council as a site for the erection of a new town hall on other land granted to the said council as a reserve for a town hall. In moving the second reading of the Bill I have merely to state that its objects are what are stated in the title. In the year 1868 a small piece of land was granted by the Government to the municipality of Maryborough, for the purpose of erecting a town hall. On this allotment of land the council erected a wooden building. The area of the land was so small that it was found not sufficient on which to erect a building suitable to the requirements of the municipality. In consequence of that, the Government granted to the council in 1882 another piece of land, in the vicinity of the former grant, for the purpose of erecting a new town hall. The council now propose to dispose of the land on which the present town hall is erected, together with the building, and to apply the proceeds in and towards the erection upon the second grant of a building in all respects more suitable to the town of Maryborough, considering its position as one of the leading towns of the colony. The evidence was, of course, taken before a committee appointed in another place, and I will read a part of that given by the mayor of the municipality, Mr. Frederick Bryant:—

"You understand the object of this committee is to inquire into the petition of the council of the municipality of Maryborough for leave to sell or mortgage land granted to the corporation as a site for a town hall, and to invest the proceeds in building another town hall on another site granted for the same purpose; and for which a Bill has been introduced in Parliament? Yes.

"This [*producing it*] is the petition of the municipal council of Maryborough? Yes.

"Is that the petition of the whole council: were there any dissentients? No dissentients.

"Have any section of the public protested in any way against this petition? Not the slightest.

"Have you every reason to believe that this petition meets with the approval of the people of Maryborough, as well as the corporation? I have.

"Have there been any objections raised to the proposal of the council from any parties? I have heard of none.

"Will you explain to the committee for what reason it is desirable to have a new town hall? The present area of land is quite insufficient for the accommodation of the council, and the building on it being a wooden structure, it is not at all suitable to the requirements of Maryborough.

"You ask for powers under this Bill, to either sell or mortgage this land? Yes.

"Would the object of the Bill be attained if you only had the power to mortgage? The object of the mortgage clause is, in order that, if we do not like the price obtainable—if we do not make a sale—we should be empowered to hold on longer, to realise the highest price we can get. In the meantime, it would not delay the building if we are able to raise money upon the land."

I will also read part of the evidence of Mr. Annear, who was examined before the committee:—

"You are aware, Mr. Annear, that the object of this committee is to inquire into the petition of the council of the municipality of Maryborough for leave to introduce a Bill to enable them to sell or mortgage certain land, &c.? Yes.

"For which a Bill is introduced into Parliament? Yes.

"You are an old resident of Maryborough? Yes; for seventeen years.

"You were an alderman in the corporation? I have been an alderman for fourteen years; and I am an alderman now.

"Of the municipal council of Maryborough? Yes.

"Will you inform the committee what are the reasons which have induced the municipal council of Maryborough to bring in this Bill and to ask for leave to sell or mortgage this land? At the present time the building used by the council, their property, is a wooden one only. We have another site—a better site; and the proceeds which will arise from the sale of the present town hall and the land on which it stands, should the Bill pass, will be solely devoted to the erection of either a stone or brick building of a permanent character, for the purposes of the town hall of Maryborough, on the new site.

"Was the petition on the part of the council passed unanimously? Yes.

"The public of Maryborough, have they in any way contradicted the action of the council? The public of Maryborough, as far as I know, fully endorse, unanimously, the action of the council."

I do not propose to read any more of the evidence, and I think I have said sufficient to justify me in asking the House to pass the second reading of this Bill.

The HON. W. D. BOX said: I do not offer any objection to the second reading of this Bill. I think it is desirable that the municipality of Maryborough should have power to mortgage the land and apply the proceeds to the erection of a new town hall. I object, however, to power being given them to sell the land. It was granted to the municipality and their heirs for ever. If the council sell the land they will lose the income that they might otherwise derive from it. As I said before, I think they may fairly be entitled to mortgage the land, but not to sell it. If I find any support among hon. members I shall endeavour in committee to alter the Bill to the extent of prohibiting the power of sale. I do not know what views other hon. members may entertain on the question.

The HON. J. TAYLOR said: I quite differ with the last speaker. If I am in the House when this matter comes before the committee, I shall oppose mortgaging in any sense whatever; I shall insist upon the Bill only giving the council power to sell so that they may at once derive the full benefit from the land. I object to the practice of mortgaging public buildings. In this case if the power to mortgage is given, a considerable sum will be required annually to pay the interest on the money borrowed, and that will have to come out of the pockets of the ratepayers. I shall oppose the power to mortgage in every possible way.

The HON. A. C. GREGORY said: As the question of mortgaging or selling has been referred to I may state that, as far as my experience has gone, it is very undesirable to give the power to mortgage, because you cannot get any money advanced upon the property unless the mortgagee has power to sell in default of the interest being paid. If the land were mortgaged it would certainly be sold in the end under conditions which would most likely depreciate the amount received by the municipality. This Bill seems to me to carry out a system somewhat similar to that which was in force many years ago in New South Wales, where persons obtained grants of land without the slightest intention of utilising them; and as soon as the property became valuable they applied to Parliament—or rather the Government in those days—for power to sell, and then obtained another grant, and the same process went on with regard to the second, the third, the fourth, and so on. Our laws have been framed with the view of preventing such a system as far as possible. Another phase of the case is this: that here in Brisbane when the corporation wanted to sell their town hall, they were told that they must buy another site themselves, and they had to pay £5,000 for it. The Maryborough Council had a new site given them, and therefore received a privilege which was refused to Brisbane. I simply mention these two cases as illustrations of what the course proposed may lead to. We know how matters of this kind spread, and there is no telling where they will end. A great mistake was made in the Maryborough case, I think, in making the second grant. The council having got their second grant have now two pieces of land; and under the circumstances it seems to me desirable that they should be allowed to build upon the best of the two sites. I know that the position of the present town hall is not suitable for a rising place like Maryborough. I therefore think it is better to allow the Bill to pass. At the same time we can express our opinion that the system is injudicious, as, if it is allowed, local bodies will not depend on their own resources, and the principle of self-reliance will be almost destroyed. I think it would be a wiser plan not to allow the power of mortgage to the corporation of Maryborough. As has been pointed out, if the land were mortgaged the council would have to pay a large sum of money as interest every year, and, as far as I understand it, they are not forced to sell at once, as the present town hall will be sufficient for a few years. When the Bill gets into committee it may, in my opinion, be reasonably amended in the direction indicated.

The HON. G. KING said: The mayor of Maryborough, when examined before the committee said:—

"If we mortgaged the property, and it increased very considerably, its value might exceed the amount that would be required for the new town hall. But, personally, I should have no objection to that proviso being struck out."

I think that ought to weigh with us very considerably.

The HON. A. J. THYNNE said: I concur with what the Hon. Mr. Gregory has said with respect to the difference between the corporations of Brisbane and Maryborough. When the Bill for the sale of the town hall in Brisbane was before this House, I opposed it in conjunction with the late Mr. Edmondstone, and chiefly on the ground that the corporation having bought as their own property a new site, they had the right, irrespective of parliamentary sanction, of selling it. When the money derived from the sale of the land is applied to the erection of a new town hall, the Government lose all control over it. In the case of Maryborough, in the Bill

before us, it is provided that the money must be applied to building a new town hall, and to no other purpose whatever. Therefore there is not the same reason for opposing this Bill as I had for opposing the Brisbane Town Hall Bill. I do not see any serious objection to this measure. As far as I understand the promoters of it, it is not their intention to go in for a long loan; but it would be very convenient for them to sell the land—possibly upon terms—in order that they might be able to proceed with the new building. They do not desire any long-winded loans, which, would no doubt prove a loss to the council in the end. I take it that if they are in immediate need, it would be a matter of business with them to go to the bank and get a temporary overdraft pending the completion of the sale. We know that if the lands were sold for cash it would be subject to a very large discount on its value.

Question put and passed.

On motion of the HON. P. MACPHERSON, the committal of the Bill was made an Order of the Day for to-morrow.

PETTIGREW ESTATE ENABLING BILL.

The HON. W. H. WALSH said: In moving the second reading of this Bill, I have first to explain that I have been requested to take charge of the measure, and that it originated in another Chamber. It arose out of a petition presented to the Legislative Assembly. That petition was referred to a select committee, the report of which is, I believe, in the hands of hon. members. The petition set out that the trustees of the late Mr. John Pettigrew required Parliamentary assistance to enable them to work the property in their hands to the best advantage. I take it for granted that the matter could not have been decided by the Supreme Court, or it would have been referred to the judges, but the trustees finding themselves in a difficult position, felt called upon to do that which they are not enabled to do by the will itself; and after pointing out the difficulties of the case to the members of the family who are interested, and who acquiesce in the present action, they determined to come to Parliament and ask for such power as by some mistake or other the testator has omitted to give them by his will. The Bill explains itself, and seems to be a recapitulation of what appears in the petition, and also of what was given in evidence before the Select Committee. I feel confident that the trustees are justified in coming before Parliament to get this Bill passed, and therefore I have much pleasure in proposing the second reading. I may state further that, as the evidence shows, every member of this family seems to have been consulted in the steps now taken, and the son, who is the most interested of all, is a party to the Bill, and is anxious that it should be passed by Parliament. He refuses in any way to participate in the opportunities held out to him of becoming a partner in the business. It is provided in the will that when he attains the the age of twenty-one years he is to be offered a partnership in the business, but that he distinctly declines, and is, as I have already said, the most pronounced in his desire that the steps taken by the trustees should be approved of by the House. I do not think it necessary to say anything further on the subject; if any hon. gentleman would like to obtain any more information, I shall be very happy to give it when the Bill is in committee. I think I have said quite enough to induce hon. gentlemen to pass the second reading. I move that the Bill be now read a second time.

The HON. A. J. THYNNE said: I have read through the evidence contained in the report of the Select Committee on the Bill, and have come to the conclusion that it would be an advantage to everybody connected with the estate that the Bill should pass. This case furnishes an example of the way in which a business which is left to trustees or executors to be carried on as it was carried on under the testator may often result. When the head of a business like that conducted by the late Mr. John Pettigrew is removed from it, the vitality of the business disappears also; and it certainly disappears, from the results which have been obtained up to the present by the trustees who manage the estate. The results have not been equal to what the late Mr. John Pettigrew would have realised. He had tried the experiment of leaving his business to be conducted and carried on in a certain way, hoping that it would be as profitable as he found it; but I think that course is one which will not usually commend itself to people having a business of that kind. I agree with the Hon. Mr. Walsh in what he said when he called attention to the salient points on which the Bill has been framed. The consent of everybody who can possibly be affected by the measure seems to have been obtained. If the estate is to be carried on in its present condition it is almost certain to end in serious loss and disaster to the whole estate. I believe the hon. gentleman who introduced the measure was also quite correct in saying that the Supreme Court has not the power to give the remedy asked for in this Bill.

The HON. A. C. GREGORY said: The Bill before us is, I think, an illustration of cases that often happen, in which a man having a business thinks it can be carried on equally well by trustees, and therefore makes a will in which he restricts them to certain conditions which are found not to work satisfactorily. Some people might think that the defect in this case lay with the trustees, but it is a very different thing to carry on a general business where one is the principal and can go into transactions and close bargains forthwith—without referring to anyone or being responsible to anyone, and to be in the position of a trustee who is obliged perhaps to consult his co-trustees, or to carry on in such a formal manner as to be able to show that what he has done was the best to be done at the moment. I do not think that any reflection at all can fall upon the trustees, because they have not been able to make the business as profitable as it was under the deceased principal, because their hands are so absolutely tied that I do not see how they can conduct the business advantageously, and especially a business of the character that this is. I think this is a case that can hardly be remedied by the Supreme Court, and the only relief available seems to be the passing of this Bill. I shall therefore support it.

The POSTMASTER-GENERAL said: I did not intend to address the House upon this matter, but as one or two observations have fallen from hon. members which might lead outsiders who may not have the evidence before them to come to the conclusion that there had been some mismanagement on the part of the trustees, I will detain hon. gentlemen with a few remarks. The necessity for this Bill has arisen from the fact that the testator directed his trustees to carry on his business for a long term of years, and did not clothe them with any discretion as to the disposal of the business before the arrival of his youngest son at the age of twenty-one years; and he added this restriction, that the trustees were not to employ, in carrying on the business, more than a specified sum of money, which turned out to be considerably less than the amount that he himself had employed in successfully carrying it on. It is very clearly shown by the evidence taken

before the Select Committee that the trustees were expected, under the strict letter of the will, to carry on the business with £12,000, while the testator himself had been actually employing £18,000. The result of the anticipations of the testator have not been realised, and it cannot be expected that gentlemen occupying a fiduciary position will be able to conduct a mercantile business in the same manner as a gentleman who had only that business to engross his attention. It is clearly to the interest of all the parties concerned that the discretion which, under ordinary circumstances, a testator reposes in his executors should be conferred upon these executors; and under these circumstances I think the House will be acting wisely if they give the trustees the power of doing what the testator would probably have done had his attention been specifically drawn to it when he drew his will.

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

PHARMACY BILL—COMMITTEE.

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

Clauses 6 to 9, inclusive, passed as printed.

On clause 10, as follows:—

"The members of the board shall elect one of their number as president.

"A quorum of the board shall consist of not less than three members thereof.

"The president when present shall preside at all meetings of the board, and in the event of his absence from any meeting, one of the members present shall be elected chairman of that meeting.

"The board may, from time to time, appoint and remove a registrar and other officers."

The HON. A. J. THYNNE moved that after the word "thereof," in the 4th line, the words "The continuing members may act, notwithstanding any vacancy in their body," be inserted. He said the amendment was intended to meet what might be a possible difficulty in the future.

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

Clauses 11 to 13, inclusive, passed as printed.

On clause 14, as follows:—

"Previously to the registration or examination of any person under this Act the fees set out in the second schedule shall be paid to the registrar of the board for the purposes of this Act."

The HON. W. H. WALSH said he had strong doubt whether they could pass that clause with the 2nd schedule attached to it. It was raising a revenue by levying fees. Possibly they might pass the clause if there were no schedule referred to, or if the schedule were not to describe the money to be raised.

The HON. A. J. THYNNE said the question had been decided in that House long ago, that a Bill such as this was not one which came within the prohibition of the Council under the Constitution Act. It was not a Bill to raise a tax, but merely provided that certain fees should be paid for work to be done. If people did not submit to the examination required they need not pay the fees.

The HON. T. L. MURRAY-PRIOR said if the fees were put in italics or omitted altogether the difficulty might be got over. The Bill would not then come within the scope of a money Bill. It was hardly a money Bill as it stood; but they might make it perfectly safe by leaving out the reference to the fees.

The HON. A. C. GREGORY said it had been pretty clearly laid down by authorities on the subject that a Bill was **not** a money Bill because it included provision for the payment of fees for certain things to be done. The clause did not impose a tax, but simply provided for the payment of a fee upon the actual issue of a certificate; and it would be viewed simply as payment for the cost of doing the work. It had been very clearly laid down in the practice of the Imperial Parliament that that did not constitute a tax.

The POSTMASTER-GENERAL said in his opinion the Bill came within the scope of the powers of that Chamber. As had been mentioned before, they had theoretically the right to amend but not to introduce any Bill which did not directly levy a tax upon the people; but a usage had sprung up between the two branches of Legislature at home, which had been assented to here, with regard to the imposition of fees and taxes; and the Bill clearly did not come within the restriction imposed upon that branch of the Legislature. "May" laid it down very distinctly as follows:—

"So strictly had the right of the Commons been maintained in regard to the imposition of charges upon the people, that they denied to the Lords the power of authorising the taking of fees and imposing pecuniary penalties, or of varying the mode of suing for them, or of applying them when recovered, though such provisions were necessary to give effect to the general enactments of a Bill. A too strict enforcement of this rule in regard to penalties was found to be attended with unnecessary inconvenience, and in 1831 the Commons judiciously relaxed it, and again in 1849 they introduced a further amendment of their rules by the adoption of the following Standing Orders:—

"That with respect to any Bill brought to this House from the House of Lords, or returned by the House of Lords to this House with amendments, whereby any pecuniary penalty, forfeiture, or fee shall be authorised, imposed, appropriated, regulated, varied, or extinguished, this House will not insist on its ancient and undoubted privileges in the following cases:—

"1. When the object of such pecuniary penalty or forfeiture is to secure the execution of the Act, or the punishment or prevention of offences."

That clearly met the case. It referred both to Bills which originated in the House and Bills sent up from the Lower House. And it had been the practice in the colony to introduce Bills in that Chamber authorising the imposition of fees for the purpose of giving effect to the Bills. Such was not regarded as a tax on the general public, but merely a fee imposed on those who chose to avail themselves of the provisions of the Act.

The HON. W. H. WALSH said he did not wish to continue the debate; but he must say that it would be more prudent to leave the schedule blank, and intimate to the gentleman who took charge of the Bill in another place that there was a want to be supplied.

The HON. A. J. THYNNE said the matter was as stated by the Postmaster-General. The Bill provided for the imposition of fees which were necessary for the working of the measure itself. If people did not choose to go up for examination they would not have to pay the fees.

The HON. A. C. GREGORY said it might suit the Hon. Mr. Walsh to adopt the American system. In their Bills they put, say, 25,000, but did not say whether the figures referred to dollars, cents, or grains of corn; and when the Bill went to the other House the deficiency was supplied.

Clause put and passed.

Clause 15—"Board may correct register"—passed as printed.

On clause 16, as follows:—

"Every deputy registrar of deaths in Queensland on registering the death of any pharmaceutical chemist, shall forthwith transmit notice thereof by post to the registrar of the board, and on receipt of such notice the board shall erase the name of such chemist from the register."

The HON. W. D. BOX asked whether the clause was necessary?

The POSTMASTER-GENERAL said the object of the clause was to enable the register to be corrected. If the register were not correct they might find someone trading without a license in another man's name.

The HON. A. J. THYNNE said that in the event of the death of a chemist it was quite possible that another person might apply in his name to the Board for his certificate of registration as had been the case in regard to solicitors in some parts of the world. He might then go to another colony where he was not known and get registered there. The clause was intended to prevent certificates being given to persons who had no right to them.

The HON. A. C. GREGORY said there was a further reason. Unless some notice of the kind were sent to the registrar the elections of the board could not be properly conducted, because the electors consisted of chemists in all parts of the colony. Their voting must be done by writing, and unless the registrar was aware that the individual purporting to sign was actually in existence he could not carry out the election.

Clause put and passed.

Clauses 17 to 19, inclusive, passed as printed.

On clause 20, as follows :—

"Any person who has attained the age of twenty-one years and—

(1) Is a registered chemist and druggist : or

(2) Holds a certificate or diploma of competency as a pharmaceutical chemist or as a chemist and druggist from the Pharmaceutical Society of Great Britain, or any college or board of pharmacy recognised by the board under the regulations : or

(3) Having served for not less than three years under written indentures as an apprentice to a pharmaceutical chemist in Queensland, or a person qualified under the last preceding definition, has passed the examination prescribed by the regulations ; or

(4) Having for the like period been employed as a dispensing assistant to a chemist and druggist, or pharmaceutical chemist, carrying on business in Queensland, has passed such examination ; or

(5) Having for the like period been employed as a dispensing chemist in a public hospital or charitable institution in Queensland, has passed such examination ; or

(6) Having for periods, amounting in the aggegate to the like period of three years, been employed in any two or more of the occupations mentioned in the two last preceding definitions, has passed such examination :

shall be entitled to be registered as a pharmaceutical chemist under this Act. And no person not qualified as in this section is provided shall be so registered.

"Provided that no person shall be registered by virtue of any of the qualifications in this section, numbered 4, 5, and 6, unless his qualification, other than examination, shall have arisen before the expiration of three years from the passing of this Act, nor unless he shall apply for examination within six months after the expiration of such three years.

The POSTMASTER-GENERAL said he had an amendment to propose—one which he had already foreshadowed, and which was rendered necessary by the amendment inserted in the 5th clause. He proposed to strike out the words "is a registered chemist and druggist or" in the 33rd line. The effect of that would be that no person who was simply a registered chemist and druggist under the Medical Act of 1867 should by virtue of that registration be registered as a pharmaceutical chemist. If they allowed a registered chemist and druggist, without possessing any other qualification, to be registered at once as a pharmaceutical chemist the provisions of the amendment in the law would become inoperative, and unqualified persons after the year 1884 would be allowed to sit on the board and prescribe regulations with regard to the examination of persons to be admitted in future as pharmaceutical chemists. He proposed, if the amendment were carried, not to interfere with the occupation of those persons at present registered. He would allow them still to carry on their business as at present. That could be done by a short amendment in clause 26. It was essentially necessary, however, that the principle they laid down when they amended clause 5 should be maintained ; not only the original members of the Pharmacy Board, but all subsequent members, should be persons who could show their qualifications, having passed the necessary examinations. He could not do better in support of his contention than quote from the preamble of the Pharmacy Act of Great Britain, on which the Bill was founded. The necessity for the measure was set forth thus in the preamble :—

"It is expedient for the safety of the public that persons exercising the business or calling of pharmaceutical chemists in Great Britain should possess a competent practical knowledge of pharmaceutical and general chemistry, and other branches of useful knowledge. And it is expedient to prevent ignorant and incompetent persons from assuming the title of, or pretending to be, pharmaceutical chemists or pharmaceutists in Great Britain, or members of the said Pharmaceutical Society, and to that end it is desirable that all persons assuming such title should be duly examined as to their skill and knowledge by competent persons, and that a register should be kept by some legally authorised officer of all such persons."

That was all he wished to secure in the colony—that no person should have the right to call himself a pharmaceutical chemist unless he proved his competency by examination ; and that no person should be in a position to arrogate to himself the authority to determine the competency of persons to be licensed unless he himself had been proved competent.

The HON. A. J. THYNNE said it was his intention to have alluded to the amendment adopted in clause 5, the effect of which would be greater than hon. members were aware of at the time it was carried. He himself was not fully aware of its effect at the time, because he understood from the Postmaster-General that it was worded in the same manner as subsection 2 of the clause now under discussion :—

"Holds a certificate or diploma of competency as a chemist and druggist from the Pharmaceutical Society of Great Britain."

The matter was to a certain extent a technical one, and therefore not familiar to hon. members generally ; but since the last sitting of the Committee he had made inquiries as to the effect of the amendment. He might say that he opposed it the other day on the ground that two or three analytical chemists would be excluded from the board ; but he found that he did not go far enough, for he was informed on good authority that there was not one of the practising chemists in the whole colony who would be eligible to sit on the board, and not even those who had passed examinations under the Pharmacy Act of England. Under that Act, there were two distinct examinations—the major and the minor. The major examination was one of a very high class indeed—the highest that could be passed in the subject of chemistry in Great Britain, and was passed only by those who intended to go into the highest branches of the profession. The minor examination was one which was always required from those gentlemen who intended to carry on the ordinary business of chemists and druggists. The Postmaster-General had eliminated the words "or as a chemist and druggist," but he was not aware of the fact till he saw it in *Hansard*. The hon. gentleman had absolutely excluded from the board all the chemists in the colony ; so that, practically, it would consist of medical men only. He did not know whether such was the intention of hon. members when the amendment was under discussion, but it was his

intention to ask them to recommit the Bill for the purpose of reconsidering their decision. He would now allude to the Pharmacy Act of England, and give a slight account of its introduction, but would go back a little earlier in the preamble than his hon. friend the Postmaster-General went.

The POSTMASTER-GENERAL: I commenced at the beginning.

The HON. A. J. THYNNE said the hon. gentleman began at the beginning and then skipped eight or ten lines, which he would now read—

"And whereas certain persons desirous of advancing chemistry and pharmacy, and of promoting a uniform system of educating those who should practise the same, formed themselves into a society, called 'The Pharmaceutical Society of Great Britain,' which said society was on the 18th day of February, 1843, incorporated by Royal Charter, whereby it was provided that the said society should consist of members who should be chemists and druggists who were or had been established on their own account at the date of the said charter, or who should have been examined in such manner as the council of the said society should deem proper, or who should have been certified to be duly qualified for admission, or who should be persons elected as superintendents by the council of the said society."

Now he did not think anything could be more distinctly in favour of the position taken up by the chemists than the part of that preamble which the hon. gentleman did not read. And the chemists of Queensland asked for similar powers, so that they might have a better class of education than had obtained in the colony before. They had one qualification more in their favour than those gentlemen had when they asked the British Parliament to pass that Act, because the chemists in this colony had gone through some system of training under the Medical Act of 1867, and they had produced certificates of qualification of some kind, although possibly some of them might not be of very great value. What he asked, and what he had asked all along, was that those chemists who had been practising here, some of them fifteen or twenty years, should be placed on the same footing as those who produced certificates. He was only asking for them the same position as was given to the chemists of Great Britain under section 6 of the Pharmacy Bill, which provided that—

"All such persons as shall at the time of the passing of this Act be members, associates, apprentices, or students of the said Pharmaceutical Society of Great Britain, according to the terms of the said charter of incorporation, shall be registered as pharmaceutical chemists, assistants, and apprentices, or students respectively."

From that it would be seen that persons merely carrying on the business of chemists were put in exactly the same position which the chemists of this colony asked to be placed in under the Bill before the Committee. Now, with regard to the amendment striking out subsection 1, he thought to pass that would be to do a great injustice. Why should the men who had been the means of introducing the Bill not be competent to become registered at pharmaceutical chemists, and occupy a seat on the board? The evidence taken before the Select Committee showed distinctly that for two years the chemists had brought under the notice of the public, in the most prominent manner possible, the necessity for greater care being observed in admitting chemists to practise in this colony, and the medical board had done nothing towards removing the defects that existed. They allowed men to be admitted and registered who he was confident ought not to be admitted, and in more than one instance the lives of people in this colony were the lasting consequences of the extraordinary view which those gentlemen took of their duties, by granting admissions under circumstances which it was their duty to have made public with a view to having the present law amended. But instead of doing so the Medical Board had done nothing; they had simply lain on their oars. He repeated that the position which was proposed to be offered to chemists in this colony was the same as was given to chemists practising in England, before the passing of the Imperial Pharmaceutical Act. The medical men had not the courage to come forward and introduce a measure of a proper kind. They made excuses—very flimsy ones—and endeavoured to get members, in one House or the other, to obstruct or postpone—as was done in that case—the passing of any measure that might be introduced. He thought that, if the amendment were agreed to, the persons now registered as chemists would be branded as men of ignorance and incapacity in not being allowed to be registered and have their votes as chemists under that Bill. They would be branded as men of inferior quality, though perhaps quite equal to those who produced their certificates. In speaking of medical men he must qualify what he had previously said. He had had a great many assurances from medical men that they wished that Bill to be passed into law, and some of those who had been examined before the Select Committee had taken the opportunity of informing him since the Bill had been introduced they had good reason to modify the strong views which some of them expressed before the first committee. Was it reasonable to ask men who had been in business fifteen or twenty years to undergo an examination at that stage of their lives—men who had learned much by practical experience, but had perhaps forgotten a good deal of the cramming which examinations invariably required. Those men who had conducted their business properly for many years were more fitted for conducting the business of the pharmacy board than many men who had certificates of having passed an examination. He thought he had offered sufficient reasons to induce hon. members to vote for the clause as it stood.

The POSTMASTER-GENERAL said his hon. friend admitted that the chemists here were the originators of the measure before the Committee. It had been framed by the chemists themselves in order that they might have an opportunity of dubbing themselves "pharmaceutical chemists," without proving their qualifications to the title. The hon. gentleman had said that, under the existing law, persons had been licensed as chemists and druggists who had been so incompetent that loss of lives had resulted through the way in which they had dispensed prescriptions. If that Bill became law those persons would at once be able to dub themselves "pharmaceutical chemists" and become members of the board, and prescribe the examinations which all future pharmaceutical chemists ought to undergo. That would be a very objectionable state of affairs. The case of Queensland chemists was not analogous to the case of the English pharmaceutical chemists. In the latter case the better class of chemists formed themselves into a society, and prescribed examinations which persons had to undergo before they were admitted as members. After the society had been in existence for nine years, the British Parliament said in effect that the members having shown their sincerity in the matter, and that they were honestly anxious to preserve the safety of the public and prevent incompetent persons dealing with the deleterious articles dispensed, they would now recognise the society and prescribe rules under which all persons to be licensed in future must undergo an examination. In that case the society had previously proved by their own action that

they would not authorise persons to hold a title unless they passed a satisfactory examination, and then the Legislature stepped in and went even further. If it was proposed to license chemists who received the same degree as those in the old country, he did not object, but, as had been pointed out, there were not more than three or four persons here who had undergone the examination there, even of the lesser kind. It was admitted on all sides that a large number of incompetent persons had been dealing in drugs, and if that Bill passed the House it would be really declaring those persons to be competent pharmaceutical chemists. In the two inquiries by a select committee, not a single medical man had spoken in favour of that Bill, although they all agreed that the chemists as a body were an ignorant lot of practitioners—persons who not only dispensed drugs, but took upon themselves to prescribe for people, and even interfered with doctors' prescriptions, and took their patients out of their hands. Hon. gentlemen would see that to pass that clause as it stood would be inconsistent with the principle of the Bill, which provided that if a man assumed a title and did not possess it he was liable to a penalty. He did not see why a person who claimed to practise as a chemist should not prove that he was entitled to that distinction by examination. If he was, let him have it by all means; but if he could not prove it, then he ought not to get the title.

The HON. K. I. O'DOHERTY said that the discussion was a very interesting one; but it seemed to him that they had settled that question satisfactorily by the portion of the Bill already passed. He regretted that he was not present when the discussion took place on clause 5; but he was quite prepared to stand by the decision which had been come to with respect to that section, which dealt, as he understood it, with the constitution of the pharmacy board. It was necessary to assure themselves that the members of the board were fit for their posts, and the terms of clause 5, as amended by the Postmaster-General, provided for that. He believed there was not the slightest doubt that a sufficient number of pharmaceutical chemists, who could show diplomas and give satisfactory evidence of having passed their examinations, could be found to constitute the first pharmacy board. He had not the slightest hesitation in saying that they would have no difficulty in respect to that matter during the first three years of the operation of the Bill. They were now discussing the 20th clause of the Bill, and it seemed to him that another question arose as to the registration of pharmaceutical chemists. They would bear in mind that by clauses 11 and 12 the whole working of the Bill was transferred to the board. The 11th clause provided that—

> "The board may from time to time, with the approval of the Governor in Council, make, alter, or rescind regulations for carrying this Act into effect. Such regulations shall not have any effect if they be repugnant to any law in force in Queensland, nor until they shall have been published in the *Gazette*."

The Governor in Council would be more foolish than he took them to be if they did not find seven men who had studied pharmacy and were competent to be members of the board. He was quite prepared to go with the hon. the Postmaster-General the length of insisting that those constituting the board must be persons who could show that they had passed proper examinations. He did not think that any pharmaceutical chemist he knew was seeking to sit on the first board; but they desired that when the Bill became law they should be allowed to be enrolled on the list of pharmaceutical chemists competent to practise in the colony. That, in his opinion, was a right they ought to give those men, who had been in the practice of their profession for many years past in Queensland. It was a very notable thing within his recollection, that at the University of Aberdeen, during one or two years, a man who had gone through a certain amount of training in other colleges was not required to pass the examination for the degree of M.D., which was insisted upon by that university. A degree could be got for a certain sum of money, and such things he believed had occurred in other colleges in Great Britain. There were men practising as medical doctors at the present moment who had got their degree in that way. He thought, therefore, that when pharmacists were endeavouring to have a Bill passed to render the safety of the public very much more secure than it was under existing circumstances, they might fairly allow them the very small privilege which was asked for—namely, that those who had been practising for the last fifteen or twenty years should be registered as pharmaceutical chemists. It was most important for gentlemen who had been practising here during the last five, ten, or twenty years, and who had not passed an examination at home—although they might have served an apprenticeship for several years in dispensing drugs, in which they were bound to learn a good deal of the details of chemistry—that they should not be excluded from the board. They might not know enough to qualify them for the post of examiners, but still their position ought to be recognised. He thought it would be a very invidious thing indeed that men who had borne the brunt of many years' work and experience, and who had acquired honourable names for themselves, and done their work with credit, should be excluded, because in their early days they had not an opportunity of passing an examination at home. He certainly thought it would be very hard that they should be deprived of having a place on the board because they had not passed that examination.

The POSTMASTER-GENERAL said his objection was to persons being authorised to call themselves pharmaceutical chemists, and to be qualified to hold seats on the board without being qualified. The Hon. Dr. O'Doherty was evidently mistaken, because clause 5 would enable the present chemists to immediately become registered as pharmaceutical chemists, and thereby to be qualified for a seat on the board. His objection to a very large extent would cease if the hon. gentleman in charge of the Bill would consent to clause 5 being further amended by the addition, after the words "pharmaceutical chemists," of the words "who holds any such certificate, or who has passed the examination prescribed by the board." As clause 5 now stood, no person could be on the original board unless he was registered as a chemist and druggist, and held a certificate of competency from some recognised pharmaceutical society. But as soon as the register was established, the fact of his being a registered chemist and druggist under the existing laws would, by the provisions of clause 20, enable him to step into the position of a pharmaceutical chemist, and he would, therefore, immediately on the passing of the Act, become registered and eligible for a seat on the board. What he wished to secure was, that not only the original board, but every other board of pharmacy in the colony, should consist of thoroughly qualified men—men who could show their qualification by having undergone an examination. If the hon. gentleman in charge of the Bill was willing to consent to an amendment such as he had suggested it would save a great deal of time and much discussion, and they would probably get through the Bill very smoothly. Under clause 20 they could enable a

chemist, simply from the fact of his possessing the qualification now existing, to become registered as a pharmaceutical chemist, and unless clause 5 was amended he would be entitled to be on all future boards; and that was what he (the Postmaster-General) wanted to avoid, unless the person was qualified by examination.

The HON. A. J. THYNNE said he would have no objection to recommit clause 5 for the purpose of carrying out the idea of the hon. the Postmaster-General—that the gentlemen who formed the board must have passed some examination; but he would point out that by the amendment which the hon. gentleman had succeeded in making he excluded from the first board all the chemists of the colony. It was not necessary, perhaps, to discuss the question that evening, but still that was the effect of the amendment, and he was prepared to give way to the extent of saying that the gentlemen who comprised the board should be men who had passed an examination—by which he meant men who had passed an examination to get the qualification of chemists and druggists in Great Britain. He thought that was what the Hon. Dr. O'Doherty meant; and he had been assured by Mr. Yeo, the secretary of the Pharmaceutical Society of Queensland, that although he himself held a qualification from the Pharmaceutical Society of Great Britain as a chemist and druggist, he would be excluded from being on the first board because he did not hold what was technically called a certificate or diploma of competency as a "pharmaceutical chemist." He held a certificate as a "chemist and druggist," and had undergone an examination for that purpose, but he did not hold the higher qualification of a "pharmaceutical chemist" as required under the regulations. The matter was, as he had said before, one of technical knowledge which members of the Committee were not expected to be acquainted with, and it was only from information which he had derived from the secretary and members of the committee of the society that he was able to speak on the subject in the way he did. If his information was incorrect, he should be only too happy to ascertain the fact, as it would remove from his mind a very great load of difficulty; and, as he had already said, he was quite prepared to fall in with the view of the hon. Postmaster-General and recommit clause 5, with the view of making provision that the board should consist of members who had passed the examination prescribed by some properly qualified authority.

The HON. K. I. O'DOHERTY said that probably the difficulty referred to had arisen from the fact that Mr. Yeo was one of the class of chemists and druggists, of whom there were a great many in the colony, who had passed through the Apothecaries' Hall of Dublin, or of London, and the members of which had to undergo a strict examination. He was sure that no member of the Committee wished that a chemist holding a diploma from either of those bodies should be rendered ineligible under the clause to have a seat at the board. He took it for granted that if a chemist had passed an examination under either of those bodies, he must be a competent man.

The HON. A. J. THYNNE said he wished to point out that the amendment which had been carried in clause 5 was to the effect that every member of the board must, until a register had been made, be a registered chemist and druggist, who held a certificate of competency as a pharmaceutical chemist from the Pharmaceutical Society of Great Britain, or any college or board of pharmacy recognised by the board under the regulations. First of all, they must have a board before any college or institution of pharmacy could be recognised; there must be a board to make regulations to enable members of the Apothecaries, Societies of Dublin or London to be admitted as members; so that, unless there were some amendment made by which the qualification was extended from the Pharmaceutical Society of Great Britain to persons who had passed in Dublin or London, or Scotland, they would not be eligible. The first board would have to create their own qualifications, defining the institutions from which they would admit candidates; so that until the first board was appointed no one, except a medical man, or a member of the Pharmaceutical Society of Great Britain, could be a member of the board.

The HON. W. H. WALSH said the hon. gentleman in charge of the Bill made use of an expression which he hardly thought described what the hon. the Postmaster-General required. The Hon. Mr. Thynne said the board would create the qualification, and the contention of the Postmaster-General was that the members of the board should possess the qualification he had specified; and hence there was a conflict between the two hon. gentlemen. The Hon. Mr. Thynne was desirous of raising at once men who were probably not qualified to the position of board examiners, while the hon. the Postmaster-General, on the other hand, required that no man should be a member of the board who did not possess a certificate showing that he was a competent man who had undergone an examination. Was not that a fair thing to require on behalf of the public; and were they not legislating more for the public than for a few chemists? He considered that the Postmaster-General's amendment was worthy of very great praise, because he was evidently contending for a principle, and also for the security and safety of the public at large, as against a body of gentlemen who apparently refused to give evidence of their competency to be examiners for chemists of the colony; and yet who demanded to be raised by the Bill into a position which they were not prepared to show they were qualified to fill. It was a very curious thing, and he could not help calling attention to the fact, that the gentleman in charge of the Bill, who was chairman of the select committee appointed to inquire into it, called two medical men to give evidence; he supposed they were selected by the hon. gentleman, who thought they could give very fair evidence; and probably he was inclined to think they would give favourable evidence from his point of view. Chairmen of committees generally did that kind of thing. The idea was this: The chairman had certain knowledge to develop, and he took steps to develop it in the fairest and best way he could. The chairman in the present case summoned two witnesses; but he had not read to the Committee what those witnesses had said with regard to the formation of a pharmaceutical board, such as the one the hon. gentleman seemed to be striving for. The first witness called was Dr. Bancroft; and it struck him, in reading over the evidence, that that gentleman had recanted all he had said before the previous committee on the Pharmacy Bill, and went on exactly opposite lines to what he did before. In question 11, he was asked—

"After further reflection, Doctor, are you of the same opinion now as you were when you gave your evidence before a preceding committee, as to the inadvisability of accepting a measure of the description now before the Legislative Council? Yes, I am."

Hon. members must bear in mind that that was the evidence of a witness selected by the chairman of the committee. Again, in question 17, he was asked—

"Do you think the present chemists and druggists, as a body, are sufficiently competent to be entrusted with

the examination of persons requiring in future to be admitted as pharmaceutical chemists? Well, I do not think they are sufficiently informed to undertake the thing at all."

That was a very significant answer, and those were the gentlemen that the Hon. Mr. Thynne insisted, apparently, should become the examining board in future. Then in question 22 he was asked—

"Without any further inquiry?—then, Doctor? If an apprenticeship paper was correct, formerly the person was registered as a chemist. But, since February, 1883, no chemists have been admitted without examination whether they have apprenticeship papers or not.

"What has been the character of that examination? A series of questions have been written out by the members of the Medical Board, and those have been handed to the secretary of the board, and the candidates have sat in his room and answered the questions in writing.

"In what department of knowledge? In pharmacy and *materia medica*.

"By Mr. Mein: What has been the result of the examinations? Since that date given, twelve chemists were registered. Of this number, eight passed the examinations of the Medical Board, two were members of the Pharmaceutical Society of Great Britain——

"By Mr. Macpherson: I presume they were not examined? They were not examined. One was in possession of the certificate of the Pharmacy Board of Victoria. Five applicants failed to appear when asked to come up for examination, and three were rejected."

Those five applicants, and the three who were rejected, formed eight chemists now in the colony, and yet they would under the Bill become eligible to sit as examining members of the board. He would go on to another witness, the mention of whose name would elicit feelings of esteem—that was John N. Waugh, Esquire. He was asked:—

"Do you think, Dr. Waugh, that the passing of this measure would be an improvement to our law, or otherwise? I have looked carefully over the evidence given in 1882 ——.

"What is your impression—that the Bill would be an improvement? I think it would be a great improvement if the men could be found to work it.

"Do you think that the men could be found to work it? I decline to give any opinion on that. I cannot sit in judgment on men at all, or say anything that will go before the public as an opinion of authority unless I have more knowledge of them than I have.

"But you think that the measure itself is a good one? The intention of it is good, without doubt."

That was all Dr. Waugh said. He held it to be a necessity that the men composing the board should be able men, but he declined to give an opinion judicially — especially as he was a homœopath — whether the dispensers of allopathic medicines were capable or not. He referred to those two witnesses because they were specially selected to assist the passage of the Bill.

The HON. J. TAYLOR said that even if the Bill passed as it was the registered chemists and druggists ought to be thankful to the Hon. Mr. Thynne, who had made four eloquent speeches on their behalf since the Bill came before the Committee. For his own part, he approved of the action taken by the Postmaster-General. If men were allowed to sit on the board without having passed a thorough examination there might be some very incompetent men indeed on the board. There was one omission, however, which he thought should be rectified. The assistant to a chemist should also undergo an examination.

The HON. A. J. THYNNE: Provision is made for the examination of apprentices of all sorts.

The HON. J. TAYLOR said provision might be made in the regulations, but it did not appear in the Bill. It was the assistant generally who mixed the drugs; and, unknown to his master, he might poison people if he were incompetent. He quite agreed with the stand taken by the Postmaster-General in regard to having future boards composed of competent men, for it would be a serious matter if the majority consisted of incompetent men. He could not see why such stress was laid on the registered chemists and druggists at the present time wanting their names to be entered without examination. Was the examination so severe that they were afraid of it? After practising for fifteen, twenty, or twenty-five years, surely to goodness they could answer the questions put to them unless they were very incompetent men indeed! As he said before, whatever took place with regard to the Bill, the chemists and druggists ought to be grateful to the Hon. Mr. Thynne for having fought their battle so well, though he had failed in gaining his end.

The HON. P. MACPHERSON said they might "throw physic to the dogs" for that night, as the discussion had been acting on the whole Committee something like a sleeping draught. He must, however, reply to the remarks of the Hon. Mr. Walsh, more especially in reference to the observations he made on Dr. Bancroft's evidence, and to the action which the Hon. Mr. Thynne was assumed to have taken thereon. Dr. Bancroft's evidence was supposed to be most damaging to the Bill. On the 13th October, 1882, he gave the following evidence:—

"Do you think the chemists of the colony are fit men to examine under the provisions of this Bill? Well, they are, I consider, ill-informed, and ill-able to carry it out. They have very little scientific knowledge of either drugs or chemicals. The majority of them are merely traders."

What could be stronger than that? Yet, on the 28th July, 1884, in answer to the Hon. Mr. Thynne, who thought it desirable to recall Dr. Bancroft, he gave this evidence:—

"I will ask you, doctor—going through the list of the principal chemists in practice in Brisbane, *seriatim*—do you not think there will be a sufficient number of competent men found amongst them to form, with the medical practitioners, a good board? I think the medical men would be able to select a very fair number of pharmacy men, if they had the power, to constitute such a board."

What two answers could show greater variation of opinion? When he sat first as a member of the committee, he formed a strong prejudice against the chemists, but when he considered the evidence, he saw it was simply a matter of dispute between the two branches of the profession —to use a slang expression, they were "poaching upon one another's manors." Dr. Bancroft made a candid admission of that in another part of his evidence—

"That is really the difficulty you have to contend with? Well, you see, the chemists get the prescriptions of medical men, and they then have the patients very often in their hands; and there being no law to prevent chemists acting as doctors, the medical men, by giving prescriptions, are playing into the chemists' hands.

"They simply increase the price of medicine dispensed under the prescriptions; they do not charge for advice to or attendance on the patient? Yes."

He would now take Mr. Yeo's evidence as a sample of that given by the chemists. He was examined as follows:—

"Are you aware that some medical men are in the habit of supplying their own prescriptions here? Oh yes; I know several who dispense their own medicines.

"And sell other things in the way of chemists' trade, besides dispensing medicines? Yes. I am informed of medical men who supply other things.

"What are they? I have heard of them supplying bed-pans, and infants' and invalids' food. I was told of one medical man who would supply a dose of castor-oil to anyone.

"Feeding bottles? Yes; lots of things.

"Swiss milk? Enemas. In fact, many things that are called druggists' sundries."

From what he had read, hon. gentlemen would see that it was merely a question between the two branches of the profession. If the Hon.

Mr. Thynne would take a suggestion from him, considering the lateness of the hour, and the probability of the discussion being prolonged, he would move that the Chairman leave the chair.

The HON. A. J. THYNNE said that if it would facilitate business he should be glad to consent to his hon. friend's suggestion; but after they had disposed of that clause he thought there would be no discussion on the remainder of the Bill.

The HON. J. C. HEUSSLER said he thought it would be better to get through the Bill that night.

The HON. G. KING said it struck him that the whole difficulty would be met by giving in clause 5 an ample definition of the necessary qualifications of the gentlemen forming the board. Then they might leave subsection 1 of clause 20 as it stood.

The HON. W. D. BOX said the effect of the Bill in its present shape would be that all the registered chemists and druggists in the colony could obtain from the board certificates as pharmaceutical chemists, in spite of the fact that it had been shown over and over again that many of them were incompetent. As the Committee had already required that chemists should pass examinations to qualify themselves as members of the board, he trusted they would not consent to allow the Bill to pass in such a shape that any chemist and druggist could demand, without examination, to be made a pharmaceutical chemist.

The HON. A. C. GREGORY said it would be a great mistake to pass any Bill which would disrate the chemists and druggists in actual practice. It would be unfair by a mere technicality to destroy the business of those who might be well qualified to carry on that business. At the same time he thought by amending clause 5 they could do all that was necessary. They might then leave clause 20 as it stood. There were many chemists who did not possess the technical qualifications of pharmaceutical chemists, but who would really make better members of the board than some medical men who, having turned their attention to a higher branch of the science, had to a great extent left behind or forgotten the details of the subordinate branch.

The HON. K. I. O'DOHERTY said he had a word to say as to the rather disparaging remarks of the Hon. Mr. Thynne on the action of the Medical Board. The hon. gentleman seemed to think that the Medical Board were worthy of condemnation because they would not take active steps to remedy the matter. They had taken what steps they could in providing for the examination of chemists who could not show that they were sufficiently qualified. He wished to remark that it was not the province of the Medical Board to institute any examination. Their province was simply to register, and the Act under which they were constituted gave them no further privilege. They were to examine the qualifications under which chemists sought to be admitted, and to register those chemists in accordance with the Act. If the claims put forward were not sufficient the board refused to register the applicant.

The HON. A. J. THYNNE said he would ask the House to pass that clause as it stood, on the understanding that clause 5 would be recommitted for the purpose of making the necessary amendments to provide that the board should consist of persons who had passed satisfactory examinations.

The POSTMASTER-GENERAL said that on that understanding he would withdraw his amendment.

Amendment withdrawn accordingly, and clause passed as printed.

Clauses 20 to 26, inclusive, passed as printed.

On clause 28, as follows:—

"The provisions of the two last preceding sections shall not apply to—

(1) Any representation, made by any person or corporation carrying on the business of wholesale dealers in drugs in the ordinary course of wholesale dealing only, to the effect that he or they is or are such wholesale dealer or dealers; or

(2) Any person or corporation taking possession of the stock-in-trade of a pharmaceutical chemist under a *bonâ fide* mortgage, and carrying on his business for a period not exceeding three months for the purpose of selling the same as a going concern, provided that such business is carried on under the actual personal supervision and management of a pharmaceutical chemist; or

(3) Any legally qualified medical practitioner; or

(4) Any person representing himself to be a homœopathic chemist only."

The HON. A. J. THYNNE moved the omission of the word "or" in subsection 3, and of the whole of subsection 4. He said he did so in accordance with the recommendation of the Select Committee. Dr. Waugh in his evidence had stated that homœopathic chemists ought to have the same qualifications as others.

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

Clause 29—"Chemists not entitled to charge for medical services"—passed as printed.

On clause 30, as follows:—

"Any person who has kept open shop as a chemist and druggist in the colony of Queensland for the term of five years previous to the passing of this Act shall be entitled, at any time within twelve months after the passing of this Act, to submit himself for examination, and, on passing such examination, shall be entitled to be registered as a pharmaceutical chemist."

The HON. P. MACPHERSON said he would like to have some explanation of that clause.

The HON. A. J. THYNNE said that the clause was introduced in order to meet the case of goldfields and extreme parts of the colony where there had been no registered chemists and druggists, and where men had been obliged, by force of circumstances, to carry on the business with such qualifications as they possessed. He might say that many of them were very shrewd men; and he thought that any person who had carried on business for five years might be admitted and registered as a pharmaceutical chemist on passing the prescribed examination.

Clause passed as printed.

Clause 31—"Penalties how recovered"—passed as printed.

Schedule 1—"Fees payable under the Pharmacy Act of 1884"—passed as printed.

On schedule 2—"Certificate of qualification, etc."—

The HON. T. L. MURRAY-PRIOR said he agreed with what the Postmaster-General had said about that being a money Bill, and would suggest that it was desirable to have the parts relating to money printed in italics. That had been their usual practice and it could do no harm.

The POSTMASTER-GENERAL said, when he occupied the position he now held in the Government some time ago, he stood up for the rights and privileges of that Chamber. On a subsequent occasion when he was not leading the Government he was unsupported in his endeavours to uphold the rights and privileges; and he then intimated that he would bow to the decision that the other branch of the Legislature had supreme authority with regard to the imposition of taxes. So that his sympathies were in the direction indicated by the Hon. Mr.

Murray-Prior. If they adopted his suggestion, it would be a very plain intimation of their position to the Legislative Assembly. He would point out that there was an inaccuracy in the 3rd line of schedule 1.

The HON. A. J. THYNNE said it could be amended when the Bill was recommitted.

Schedule put and passed.

Schedules 3 to 6 passed as printed.

On the question that the preamble stand part of the Bill—

The CHAIRMAN said the rule had been to read the preamble.

The POSTMASTER-GENERAL said that question had been discussed on a previous occasion, and the Committee had deliberately decided that the preamble should not be read. It was sufficient to read the marginal note, as was done with the clauses.

The CHAIRMAN said it did not matter to him which was done.

Question put and passed.

On the motion of the HON. A. J. THYNNE, the CHAIRMAN left the chair, and reported the Bill with amendments.

The HON. A. J. THYNNE moved that the report be adopted.

The POSTMASTER-GENERAL moved, as an amendment, that all the words after "that" be omitted, with the view of inserting the following :—"The President leave the chair, and the House resolve itself into a Committee of the Whole to reconsider clause 5 and schedule 2.

Motion, as amended, put and passed.

The President left the chair, and the House went into Committee.

On clause 5, as amended :—

"Every member of the board must, until a register has been made, and that fact has been certified to the Governor under the provisions of this Act, be a registered chemist and druggist who holds a certificate of competency as a pharmaceutical chemist from the Pharmaceutical Society of Great Britain or any college or board of pharmacy recognised by the board under the regulations, or legally made, and the fact so certified, must be a pharmaceutical chemist or legally qualified medical practitioner."

The POSTMASTER-GENERAL moved that after the words "Great Britain" in the clause as amended, the words "or the Apothecaries' Hall of London or Dublin" be inserted. He said that his hon. and learned friend Mr. Thynne was desirous that persons registered as chemists and druggists by the Pharmaceutical Society of Great Britain should be entitled to be registered as pharmaceutical chemists here. He himself thought they should not be. In fact, there was no provision in the Pharmacy Act of Great Britain to enable the board constituted by that authority to register any person other than as pharmaceutical chemists. He understood they had framed regulations by which they had two classes of examinations—an inferior examination of persons entitled to use the term "chemist and druggist," and a superior examination of those who were called "pharmaceutical chemists" proper, and that persons whom they licensed as "chemists and druggists" were not entitled to call themselves pharmaceutists at all. However, he was not very much wedded to his amendment, because he believed that the examination for chemists and druggists in Great Britain was probably as stiff as the earlier examinations that would be required in the colony.

The HON. K. I. O'DOHERTY said he would suggest as an alteration which would probably simplify matters, and accomplish what the Postmaster-General wished, that they should insert a proviso in connection with chemists and druggists, to the effect that only those would be admitted as members of the board who could show qualifications from one of the recognised colleges of pharmacy in the United Kingdom, and that they had obtained that qualification by examination.

The POSTMASTER-GENERAL said he had used the words "Apothecaries' Hall of London or Dublin" out of deference to the Hon. Dr. O'Doherty, because he said there were chemists in the colony who possessed qualifications from those societies. He (the Postmaster-General) was under the impression that all those persons who held licenses from the Apothecaries' Hall were really medical practitioners entitled to be registered as such under the Medical Act, and not merely chemists and druggists. If they were so, and they could be registered as medical practitioners under the Act, they would be entitled to become members of the board at once. The hon. gentleman's suggestion was altogether too indefinite. He used the words "recognised by one of the colleges of pharmacy of Great Britain." By whom were they to be recognised? They knew very well that the Pharmaceutical Society of Great Britain was a recognised institution, because it was recognised by statute; and other bodies might be self-constituted.

The HON. P. MACPHERSON suggested that the Committee should adjourn, so that they might have time to consider the point that had been raised. It was too important to be hurried through.

The HON. J. C. HEUSSLER said the Committee had been occupied some time with the clause, and probably they would settle the matter in half-an-hour. He therefore objected to the adjournment.

The HON. A. J. THYNNE said he would move that the Chairman leave the chair, report progress, and ask leave to sit again to-morrow. His reason for doing so was that a confusion of terms had arisen, and he thought it as well that they should have an opportunity of clearing the way, in order that they might not have the Bill sent back again to correct a blunder which had been made in ignorance. It would not take many minutes to-morrow to settle the point, as they were pretty well agreed what the effect should be.

The POSTMASTER-GENERAL said he objected to the adjournment, as they had been a long time over the clause, and his experience of adjournments was that when they met again the same arguments were repeated. Let them pass the clause with the amendment, and then, if they found that a mistake had been made, they could easily rectify it on the third reading by recommitting the Bill. He did not admit that there was any confusion in the terms. There was really only one recognised pharmaceutical society, and he wanted to avoid anything like ambiguity. The wording suggested by his hon. friend would not be capable of interpretation, because they must state who the recognised authorities were. He thought that the clause with the amendment would be sufficiently clear. As a matter of fact, it would only affect the first appointment of the board, because when the board was established they would pass regulations defining what colleges or boards of pharmacy should be recognised by them as capable of giving certificates of qualification. In addition to that, the appointment of the first board was vested in the Governor in Council, whom they might fairly assume would appoint none but competent men. It was really a question in the public interest that the first board should be thoroughly qualified.

The HON. W. H. WALSH said they were getting into a very curious position, such as he had never heard of before—that when a Bill had been returned to the Committee, simply for the purpose of making an alteration in one clause and a schedule, it should not be returned to the House from whence it came, at once. He had never heard of an adjournment under such circumstances, and he doubted whether it was practicable to do it. The Bill had been recommitted for certain purposes, and they were bound to carry it through before they did anything else—or he was strongly of opinion that their labours would lapse. He had read somewhere of a committee refusing to reconsider a Bill, but he was not sure as to what the consequences were that followed. However, he thought the Committee should pause before they got themselves into a difficult position of that kind.

The HON. T. L. MURRAY-PRIOR said the suggestion of the Postmaster-General was perfectly good, because whatever they did would be for the best, and if it were found to be wrong it could be remedied on the third reading of the Bill.

The HON. J. C. HEUSSLER said the hon. the Postmaster-General had suggested that it would be better to have only medical men on the board, but he differed entirely from that idea. He thought it would be far better that the board should consist as nearly as possible of qualified medical men and chemists in equal numbers.

The HON. A. J. THYNNE said he trusted the Postmaster-General would not object to the postponement of the clause.

The POSTMASTER-GENERAL: I will object.

The HON. A. J. THYNNE said he trusted that the hon. the Postmaster-General would not persist in the course he had adopted; and he would briefly point out — he should not trouble the House on the matter again—that if the amendment which the hon. gentleman proposed was passed, the board could not have upon it a single chemist of the colony at the present time. If hon. gentlemen wished it to be so, he had nothing further to say on the subject; but he thought it very unfair and very wrong that the whole body of chemists of the colony should be excluded from becoming members of the first board. That would be the practical effect of the amendment; and he maintained that a man who had got a certificate of qualification from the Pharmaceutical Society of Great Britain, Dublin or London, should be qualified to hold a seat on the board. He would move that the words "as a chemist or druggist" be inserted after the words "pharmaceutical chemist" in the amendment introduced on clause 5. The hon. the Postmaster-General might not realise the effect of the amendment, but it would enable gentlemen here who had passed examinations in the old country, although they might be of a minor degree, to be elected as members of the board. Of course, if hon. gentlemen objected, he did not wish to press the matter further.

The HON. G. KING said he certainly understood when they agreed to the recommittal of the Bill for the purpose of reconsidering clause 5, that the highest qualification in chemists and druggists should be insisted upon in the members of the board. He understood that the lower qualification, if agreed to, would give chemists the right to be registered, but not to be examiners.

The POSTMASTER-GENERAL said that pharmaceutical chemists were the only persons recognised under the Imperial statute. If they enabled chemists and druggists to become pharmaceutical chemists, they would be defeating his object in proposing his amendment.

The HON. A. J. THYNNE said it would be rather presumptuous for the Committee, practically, to say that the Pharmaceutical Society of Great Britain had no right to give two degrees, a higher and a lower. He had put the matter as plainly as he could, and did not think it necessary now take up more time.

The HON. J. C. HEUSSLER said that as far as he knew, the Pharmaceutical Society was a self-constituted authority, the members of which agreed to consider those people who had passed their examination as competent.

The HON. A. C. GREGORY said the question was whether they should pass a Bill which would preclude every one of the chemists and druggists of the colony from being on the board. He thought it desirable that some of them should sit on the board, for it was very undesirable that the board should consist entirely of medical practitioners. It would, therefore, be better to adopt the Hon. Mr. Thynne's amendment.

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

The Committee divided:—

CONTENTS, 7.

The Hons. Sir A. H. Palmer, A. J. Thynne, A. C. Gregory, P. Macpherson, W. Pettigrew, K. I. O'Doherty, and T. L. Murray-Prior.

NON-CONTENTS, 4.

The Hons. C. S. Mein, G. King, A. Raff, and W. H. Walsh.

Question resolved in the affirmative.

The POSTMASTER-GENERAL moved the insertion of the following words after the word "chemist," in line 25—"who holds any such certificate or has passed the examination prescribed by the regulations."

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

The 2nd schedule was passed with a verbal amendment.

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

The report was adopted, and the third reading of the Bill made an Order of the Day for to-morrow.

ADJOURNMENT.

The POSTMASTER-GENERAL said: I do not suppose hon. gentlemen feel inclined to proceed further with business to-night. I therefore move that this House do now adjourn.

Question put and passed.

The House adjourned at fifteen minutes past 10 o'clock.