Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 2 OCTOBER 1884

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LEGISLATIVE ASSEMBLY.

Thursday, 2 *October*, 1884.

Motion for Adjournment.—Questions.—Maryborough and Urangan Railway Bill.—Formal Motions.—Procedure on Contested Third Readings of Bills.—Jury Bill—second reading.—Case of H. M. Clarkson—report from committee.—Maryborough School of Arts Bill—committee.—Petition of Leonidas Koledas and Thomas Fleeton.—Townsville Gas Company Bill second reading.—Adjournment.

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

MOTION FOR ADJOURNMENT.

Mr. CHUBB said: Mr. Speaker,—I rise to move the adjournment of the House for the purpose of saying a word to the Minister for Public Instruction, who, I see, is in his place, with reference to a proclamation in last Saturday's *Gazette*. I had intended at first to see the Minister in his office on the subject; then I thought it might be as well if I gave notice of a motion for discussion on the subject; but after consideration I thought that perhaps this was the best way of dealing with it, in order that any hon. member who may feel inclined to do so may say anything he may have to say on the subject. The subject is one to which I referred last session, and upon which I spoke to my former colleague, the hon. member for Blackall, when he was in charge of the department. The question has reference to the children attending private schools being allowed to compete for grammar school scholarships.

Mr. ARCHER: Not being allowed.

Mr. CHUBB: The question is the advisability of their being allowed to do so. At the present time they are not allowed to do so.

The MINISTER FOR PUBLIC INSTRUCTION (Hon. S. W. Griffith): No; they never have been.

Mr. CHUBB: I know that. The notice issued from the Department of Public Instruction, providing for an examination to be held in December next for scholarships to the grammar schools, contains, amongst other things, the following conditions:—

"Candidates must be State school children, who have not attained the age of fourteen years on the 31st day of December in the year of examination, have not been pupils at a grammar school, have been in fairly regular attendance at a State school for the previous six months, and have been in attendance at a State school for the period of eighteen months, or such shorter period as may, in special cases, be approved by the Minister."

Those conditions are imperative, and unless the scholars have been in attendance at a State school they are debarred from competing for grammar school scholarships. Now, there are many parents who do not educate their children at the State schools, but keep them at private schools, and eventually send them to grammar schools. The whole colony is taxed for the purposes of education; and I never could see, and cannot see now, why children educated at private schools, when they attain a certain age, should not be entitled to enter into competition for the scholarships given to State school children. With some parents it is, no doubt, a matter of money, but with others it is a matter of competition, and they would be glad to have their children gain the merit—if it may be called merit—of succeeding in the competition for a scholarship. I think the matter should be altered in such a way as to permit children attending private schools to submit themselves to examination in common with State school children for scholarships. I mentioned the matter to my colleague when we were in office, and he promised to consider it; but time, I suppose, did not permit. Last session I mentioned the matter, and was supported by my hon. friend the member for Blackall, and the Premier then promised to consider the matter; but I suppose it slipped his memory. I bring it forward again in this prominent way in order that it may be considered and dealt with one way or the other. I beg to move the adjournment of the House.

The MINISTER FOR PUBLIC INSTRUCTION said: Mr. Speaker,—The principle on which candidates are to be selected under the notification issued this year is the same as that adopted ever since the system of scholarships to grammar schools was first instituted, with this variation: power is given this year to the Minister to allow, under special circumstances, a scholar to compete for a scholarship after a shorter attendance at a State school than the period of eighteen months. Some cases have come under my notice in which that period acted unjustly. It was never intended to give scholarships to grammar schools, and to pay the school fees, where the parents could pay themselves. The intention was to give them as a reward to children attending the State schools, and make them a part of the system of State instruction. We have undertaken in this colony to provide State instruction. We give it in the primary schools up to a certain extent, and we recognise a higher education and propose that scholars in the State schools, who show by their attainments that they are likely to be useful to the State, should receive further education; and we give these scholarships as a reward. The system has worked admirably, and as a matter of fact it has been shown, on every occasion on which the subject is mentioned, that a very large proportion of the prize-takers in the grammar schools, and those who have gone from the grammar schools to universities, have been those who have attended the primary schools and obtained scholarships. I do not think there is any necessity to extend the same privilege to others. If parents do not wish their children to go to the primary schools—if they prefer to send them to private schools and pay fees—there is no reason why they should be allowed to come into competition with the children from the State schools. The scheme of the hon. gentleman is an entirely different one. It involves promiscuous free education at the grammar schools. The system hitherto adopted has been to have promiscuous free education at the primary schools, and to aid children to get higher education afterwards; and I believe it is an admirable one. The object is to encourage children to attend primary schools, and then to give them that opportunity of getting a higher education which most likely the parents would not be able to provide for them. That has been done with advantage to the country. That is the principle of the system, and I think it is a good one. The system was originally instituted by the Board of Education; I forget how many years ago. I know that twelve years ago there was a debate on the subject, and I made a motion on it. I do not know how long it had been in force at that time. The present Education Act came into force on 1st January, 1876, and the system has been conducted on the same basis from that time up to the present. It was under me for three years; then Sir Arthur Palmer controlled it; and afterwards the hon. member for Blackall. Sound reasons were given for its adoption, and sound reasons ought to be given for any change in it. It is a system of scholarships from the State schools, and the hon. gentleman's proposal would entirely alter the object for which they are given—that is, as a reward to children attending State schools. That is the only extent to which we have undertaken to pay for secondary instruction. We do not give secondary instruction; we give aid to it to a certain extent. We do not profess to give free secondary instruction to the general public; we select a number of children from the State schools. That is the reason why I do not feel disposed to alter the system—at least, without much fuller consideration than I can give to it at present.

Mr. ARCHER said: I am surprised at the manner in which the Minister for Public Instruction has advocated the present system. I frankly admit that I was not satisfied with the system as it existed when I conducted the department; and although I knew that the Under Secretary was very much opposed to any change, I believe I should have tried to alter it had I remained longer in office. The Minister for Public Instruction states that the system has worked well from the beginning, and that it is working well now. I do not deny that; but there is no reason why a system which works well may not be extended. I believe there are some things in the system which are actually unjust. I do not see why, considering that everyone is taxed for the support of these schools—I do not see why parents, because they may have to live in the country, or in places where it is difficult to get education at the State schools, and who may have private teachers to impart education to their children—should not be allowed to compete for scholarships as children from State schools are allowed to do. I say nothing at all against that; but I do say that there are some things in the system that are positively unjust—one especially with respect to the Roman Catholic body. We know perfectly well that their children are to a great extent debarred from attending State schools. The hon. gentleman says "so much the worse for them." But the hon. gentleman knows that a Roman Catholic would go against his conscience were he to

take advantage of the State schools, and he prefers not to do that. He prefers—although it may cost him something—to educate his children privately, even if by so doing they are not allowed to enter into the examinations for those prizes which are awarded at the grammar schools. I think that is exceedingly unjust. We have nothing at all to do with the question whether Catholics, in differing from us in opinion, are doing so rightly or wrongly; we have simply to take the fact that they do not think they can send their children to State schools; and it is our duty, as far as we possibly can, to see that the system, which, of course, is supported by the whole country, does not bear hardly on one class or another. There is another thing I should also like to say a word about. Anyone who has been in the office which the hon. member at the head of the Government fills is perfectly well aware that the number of scholars who compete for grammar school exhibitions is infinitely greater in a few large towns where there are first-class teachers. For example, take Brisbane, where there is a State school conducted by an admirable teacher—probably the best in the service; there are many as good teachers certainly, but none superior to him. He sends up, year after year, a large number of scholars to compete for these prizes. The people who are not in a position to take advantage of such a superior school as the Normal School cannot send their children to compete for these prizes, unless they can get the advantage of higher education than they get at most State schools. I do not mean that there are no certified teachers in the State schools who could not give that higher instruction; but there are some who could not give the necessary instruction, either in mathematics or classics. It is simply in special State schools that there is really the highest instruction. No doubt in Brisbane, Rockhampton, and Maryborough there are teachers who can prepare scholars to take advantage of those competitions; but that is in the large schools. Any parent who is not prepared to send his child to a State school, or is obliged to keep him in a small country school, is actually debarred from getting that child to take advantage of those prizes which children can compete for who attend the larger State schools. I think that, although those prizes are now given simply as a reward to State school children, as the hon. gentleman has stated—as a reward to the most prominent of the pupils at these schools—I do not see why they should be withheld from the children of parents who, either from wish, or from the fact of being Catholics, or because they do not live near a first-class State school, or for any other reason, prefer to allow their children to get a good education from private teachers. It is to me, at all events, perfectly clear that some change ought to be made. I am quite certain that had I remained longer in the department I should have tried to make a change in what I believe would be in the interests of the country, and also in what I have no hesitation in saying would be the interests of justice. I regret to hear that the hon. gentleman at the head of the department is averse to any change. I am quite certain that what is recommended by my hon. friend the member for Bowen would be an advantage, and would be the means of improving the system; and should any proposal be introduced to carry it out the hon. gentleman may depend upon my support in the matter.

Mr. FRASER said: On the initiation of the system I had the honour of being a member of the Board of Education. The prime mover in its initiation was Sir Arthur Palmer, with whom also was the late Mr. T. B. Stephens; and a great deal of consideration was given to the subject before a decision was arrived at. When first initiated the prize was £50 per annum, and it was reduced afterwards to simply the fees of grammar schools. Perhaps I may be permitted to point out that the condition of our national schools at that time was somewhat different from what it is now. Amongst a certain class of the community there was a very strong prejudice indeed against sending their children to the national schools; they could not fall in with the idea of mixing their children with the ordinary run of the community. That was one reason, but not the only reason, why we restricted these grammar school scholarships to national school children. The hon. member for Blackall said that there was an intention to exclude Roman Catholics. The hon. member must remember that at the time the system was initiated the Roman Catholic schools, non-vested or otherwise, were strictly under the supervision of the board, and there was no exception whatever made to them.

Mr. ARCHER: They are not so now.

Mr. FRASER: I will come to that afterwards; they were so then. The hon. gentleman will see that there was not the slightest intention to exclude Roman Catholic children from the scholarships—in fact, more than that, some of the most successful scholars who have passed from this system are of that denomination. I may mention, for instance, Mr. Byrne. I think that young man has distinguished himself as a scholar, perhaps over and above any who have passed to the grammar schools from this system. With regard to throwing these prizes open to be competed for by scholars educated in any institutions whatever, private or public, I think that there is a very serious objection involved, as was pointed out by the Minister for Education. The object really is to assist, as far as possible, promising youths whose parents are not in a position themselves to carry their education further than that of the primary schools. Any hon. member can see in the cases of those who can afford a private teacher or tutor to their children that those children enjoy, under such circumstances, an enormous advantage over the ordinary run of children attending primary schools. I do not mean to say in alluding to this that the system as it is at present is not capable of improvement; I see no reason whatever why the privilege should not be extended to scholars coming from the public Catholic schools, but I see a very serious objection to extending the privilege to such children as enjoy special private tuition, under competent and able teachers, which would give them, as anyone can see, an advantage which cannot possibly be had in our primary schools either in Brisbane or elsewhere. As to the fact that the head master of the Brisbane school sends up such a large number of boys for examination, it is only relatively. We must bear in mind the great number of boys who are attending that school, which is in the centre of a large population. But I believe several of the most successful scholars have come from country schools. I would not like to trust to my memory, but I think I am not far wrong in saying that some of the most successful scholars have come from purely country schools; not from Warwick, or Toowoomba, or Rockhampton, or Maryborough, or Brisbane, but from purely and wholly country schools. I know for a fact that a great many teachers in our country districts are quite competent to train these youths up to the highest requirements that secure for them the grammar school scholarship. The system has worked admirably, and I say again that when it was initiated it was well considered and well discussed by the Hon. Sir Arthur Palmer and several other competent

gentlemen. I do not mean to say that the system could not be improved. I do not think it is fair altogether to confine it, as circumstances are now, to the primary schools; but I say there is a very great objection indeed to throwing it open to the children of parents who are well able to afford to give them private instruction, not because they are able to do so, but because I maintain that children taught and trained under such circumstances enjoy an advantage which is impossible for the ordinary run of children in our primary schools to enjoy.

Mr. NORTON said: I quite agree with what the hon. the Premier said, that this question cannot be properly discussed on a motion for adjournment; but I say that the question ought not to be avoided altogether when so brought up. Discussions brought up in this way often lead to more serious discussions afterwards, and in that way they do good. I do not see because this question was well discussed years ago that that is any reason why it should not be well discussed again, however well it was considered then. It does not follow that any system which has been introduced, however well suited it was at the time it was introduced, is not capable of amendment. I think it is capable of very much amendment; and I quite agree with what has fallen from the hon. member who moved the adjournment of the House, in order to be informed, I take it, that the object of these scholarships is to encourage parents to give their children a higher class of education than they could receive under the ordinary public school system. I do not see why that special inducement should be offered to a certain class and not to the whole. We must bear in mind that these State scholars are educated at the public expense; and is there any reason why scholars who are not educated at the public expense should not share in these privileges to the same extent as those who are? I confess that it appears to me that our object should be rather to encourage parents to educate their children at their own expense. Why should we make an attempt to force them in any way to fall back upon the State to pay the expense? That is a question which I cannot answer except in one way: that I think every encouragement should be given to those who have the means to do it, to educate their own children at private schools; and by doing so we entitle them—or rather, they entitle themselves—to favourable consideration for having their children allowed to compete for these scholarships. I do not take it that the object is to increase the taxes on the people, in order that all children should be educated on the one system. I think private schools lead to a great deal of good. Competition is the best thing going, whether in schooling or anything else. If there were no private schools, our public schools would not be so good as they are. I would point out that though the introduction of this public school system is a very good thing, still we have done an injury to many people who were once earning an independent living by private schools. Notwithstanding the competition created by the public schools, some of these men are still able to keep up their schools; and I do not see why we should deny their pupils the same privileges as we accord to those for whose education the State pays. I do not care whether they are children educated in Roman Catholic schools or private schools; I think all ought to be allowed to compete alike for these prizes. At the same time I concur with the hon. gentleman who last spoke, that it is not our business to let those pupils compete who have been educated privately, and not as regular scholars at the ordinary schools; because they are children whose parents, from the very fact of being able to provide private tuition for them, are evidently in a position to give them whatever education they require. From my point of view it would be an advantage that this system should be extended, and scholars from all schools allowed to compete.

The MINISTER FOR PUBLIC INSTRUCTION said: I wish to say another word on this subject. The matter was brought on entirely without notice; the hon. member who introduced it gave me no intimation of his intention, and he addressed himself, as I understood, to private schools. Since then the hon. member for Blackall and the hon. member for South Brisbane (Mr. Fraser) have called attention to a change which has come over this system, or rather to a change that has occurred with respect to a large number of schools which were under the State when the system was introduced, but are not so now. There is a good deal of force in what they say; and I should like to point out that the system of scholarships, although it is formally the same, has really become altered. My attention was not called to this, and it did not occur to me to refer to it on rising up on the spur of the moment. Since the system was first instituted, though it is formally the same, the substance has become different. The schools referred to are now inspected by inspectors of the Education Department.

Mr. ARCHER: Some of them.

The MINISTER FOR PUBLIC INSTRUCTION: I think, nearly all of them—all, I think, in the diocese of Brisbane, and all in the diocese of Rockhampton; I am not quite sure about the northern province. I am not prepared to make any promise on the subject without some consideration; but at the present moment it appears to me that it would be fair to make a formal change and restore the substance of the original system, by allowing the scholarships to be open to scholars in all schools under the department or inspected by the officers of the department. That would be in effect a restoration of the scheme to its original form. I undertake to consider the matter at the earliest opportunity, and to consult with my colleagues as to the best course to adopt.

Mr. CHUBB said: I had no desire, in introducing this matter without notice, to be guilty of any discourtesy to the hon. the Premier; but I thought it would be the sharpest way of bringing it into notice. I am very glad if my action has done any good; and I am inclined to think it has done some good, especially with regard to certain schools mentioned by my hon. friend the member for Blackall. In answer to some of the statements which have been made, I undertake to say that investigation would show that 99 per cent. of the parents of children who have gained scholarships are well able to pay the State school fees. I am quite aware that the system was introduced for the purpose of offering prizes to children whose parents were unable to bear the cost of their education, but I am prepared to stake my reputation that if the facts could be ascertained it would be found that the parents of 99 per cent. of the children who have gained scholarships were well able to pay their fees at the State schools.

The MINISTER FOR PUBLIC INSTRUCTION: On the contrary.

Mr. CHUBB: Or a very large proportion, at any rate. I would point out that, as the regulations at present stand, they make no provision for the case of persons living out of reach of State schools. There are many parents so situated, who are not able to send their children away to be educated, but give them such instruction themselves as they can; and they are quite debarred from sending their children up for competition because the regulations require that all competitors should have been two years at a State

school. It occurs to me also that private tuition lessens the cost of education to the State; because, if all parents were compelled to send their children to State schools, the State would have to provide more teachers; and not only that, but, as was pointed out by the hon. member for Port Curtis, the private schools create competition. I believe that, if there were no private schools, the State schools would not be so good as they are; they keep the State schools up to the mark. When the Sydney senior and junior examinations are held, children from private schools compete, and very often succeed in passing; which of itself proves that the competition is a good thing. I would point out that our system is also inconsistent in another respect. The hon. the Premier has told us that the system was established to assist in the education of the children of poor parents. Well, the exhibitions to the universities are not confined to children attending the State schools; all that is required from a person wishing to compete is a certificate from the head master of a grammar school or a magistrate, that he has resided two years in the colony, or that his parents have resided in the colony three years. Any boy under nineteen may go up for that examination, even though up till the age of seventeen he had been in England receiving the very best education from the best masters. The scheme is inconsistent in that respect; and if there is any force in the argument of the hon. the Premier, the competition for these exhibitions should be confined to pupils of the State and Grammar schools. I have no object to gain in this matter, but I put it in this way: It is a matter of money to some parents, but to many parents it is only a matter of honour. They like their children to be successful in examinations, and do not like to see them debarred from competing for these scholarships. It is a good thing for a boy to enter a grammar school successfully, having won a certain position at the examination. Speaking generally, the matter of school fees is to some a mere trifle not worth considering, although of course it is to many people. For that reason I brought the question forward on a motion for adjournment. I hope it will bear fruit. If not, and if I have time, I will endeavour at some future and early date to bring the matter on in perhaps a better form. With the permission of the House, I beg to withdraw the motion.

Motion withdrawn accordingly.

QUESTIONS.

Mr. NORTON asked the Colonial Treasurer—

Have the rents of any of the runs, the licenses or leases of which were lately declared to be forfeited, or of runs, the licensees or lessees of which were called upon to show cause why their licenses or leases should not be forfeited, been received without any protest or condition?

The COLONIAL TREASURER (Hon. J. R. Dickson) replied—

In all cases in which the lessees have satisfied the Lands Department that the condition of stocking has been complied with, the rents have been received without condition.

Mr. NORTON asked the Minister for Works—

1. Has Surveyor Amos yet returned to the Gladstone-Bundaberg Railway Survey?

2. If not, when will he do so?

3. Has any report on that survey yet been received?

4. If so, has the Minister any objection to lay it on the table of the House at an early date?

The MINISTER FOR WORKS (Hon. W. Miles) replied—

1. No.

2. The Chief Engineer has been instructed to send a surveyor to complete the survey at once.

3. Yes.

4. No.

MARYBOROUGH AND URANGAN RAILWAY BILL.

Mr. FOXTON moved—

That leave be given to introduce a Bill to authorise the Vernon Coal and Railway Company (Limited) to construct and maintain certain lines of railway in the Wide Bay district, to be called the Maryborough and Urangan railway, and to enable the said company to acquire certain lands in the Burrum Coal Reserve and for other purposes.

Question put and passed, and Bill introduced and read a first time.

FORMAL MOTIONS.

The following formal motions were passed:—

By Mr. DONALDSON—

That there be laid upon the table of the House, a Return showing the number of selectors under the Land Act of 1876 who are more than one year in arrears with their rent.

By Mr. KATES—

That there be laid upon the table of the House—

1. Returns showing the revenue derived from public lands, by auction or otherwise, since the passing of the Act of 1868, from the districts of Dalby and Warwick respectively.

2. Also, Returns showing the population in each of these two districts, taken from the last census reports.

By Mr. BAILEY—

That there be laid upon the table of the House, a Return showing—

1. Divisional boards to whom grants of land have been made.

2. Approximate present value of such grants in each case.

PROCEDURE ON CONTESTED THIRD READINGS OF BILLS.

Mr. BAILEY, in moving—

1. That, in the opinion of this House, it is desirable that all Bills which have been amended in committee, and afterwards declared not formal for the third reading, should be printed so as to show such amendments before the discussion on the third reading takes place.

2. That this resolution be forwarded to the Standing Orders Committee, with a recommendation that a new Standing Order be drawn up in accordance with this resolution.

—said: The circumstances which have led to my placing this resolution before the House are so fresh in the recollection of hon. members that I need hardly recapitulate them. During the passing of the Local Authorities Bill through committee, a very important amendment was added to that Bill—an amendment distinctly aimed at one or two particular classes of the community—giving to local bodies a power which Parliament has always jealously regarded as its own—that is, the power to impose new taxes. When the subject was debated in committee it was very imperfectly understood by hon. members, of whom there were only twenty-three present at the time. Ultimately, on a division, the amendment was assented to. Afterwards, when the third reading of the Bill was proposed, I opposed the motion, and the third reading was postponed for no less than five days. When the motion for the third reading of the Bill came before a full House of forty-one members, a Bill was handed round to hon. members of the House which was supposed to be the Bill which they were passing; but the Bill which was really to be passed was only in the possession of the Clerk at the table. The Bill was passed with an amendment which was not in print, and which hon. members had not had an opportunity of seeing. That seemed to me a most improper method of procedure; and the only way that I could see by which it could be amended in future was by bringing forward the present motion, and obtaining the opinion of the House upon it. The particular amendment in question is calculated to injure a great

industry; indeed I may say that a violent attack has been made by that amendment on the timber industry of the colony. A most oppressive clause has been enacted, and it is the law of the land now; but to prevent any such thing happening in the future I think it desirable to move the resolution in this form. I may say that though I asked your ruling on the question—whether the course taken on the third reading initiated the proceedings of the House—you, sir, gave an exactly different ruling to that which might have been expected; but of course I submit to that ruling, which, however, I think is certainly incomplete. What I did ask was, whether the Bill which was passed by the forty-one members was the Bill which they held in their hands, or was the Bill which was in the possession of the Clerk only. Your ruling, Mr. Speaker, was that the Bill which was passed was the one in possession of the Clerk. I hope that will never occur again; and if this resolution is passed—and I am sure the House will assent to it—it never can occur again. With these few remarks, I beg to move the resolution standing in my name.

The PREMIER: The hon. gentleman appears to think that some great injustice has been done to somebody by the amendments which were made in the Local Authorities Bill the other day. No injustice has been done up to the present time, at any rate, and I do not expect that any injustice will be done. The Bill in no sense aimed at any industry, nor will it be likely to affect any industry. Let that be understood at once. The hon. member has told us several times that there has been an attempt to ruin the timber industry, and seems quite concerned about the subject. There is no intention in the mind of any hon. member to injure that industry, nor do I believe that any injustice will be done. I pass, however, from that, as having nothing to do with this motion. In the first place I observe that our Standing Orders do not deal with matters of detail of this kind. It is not in any way the province of the Standing Orders to provide the details as to printing Bills. Nor is that the function of the Standing Orders Committee. As to the proposition that Bills which are declared "not formal" for the third reading shall be printed so as to show such amendments before the discussion on the third reading takes place, that has already been directed. In the discussion which took place the other day it was understood that you, Mr. Speaker, in the performance of the functions that appertain to your office, would give instructions in any case where it was intimated that the third reading of a Bill would not be formal, that the Bill should be reprinted for the convenience of hon. members. That has already been done, so that the hon. member cannot obtain any good by carrying that portion of the motion. There is one suggestion that I would make; it was not distinctly understood the other day. It is this: Very often a third reading stands on the top of a paper. No one has any reason to anticipate that it will be made "not formal," as was the case under the circumstances which the hon. member referred to. The effect of directing that it should be printed before the discussion on the third reading takes place will be this: that an hon. member, merely by objecting to the third reading being formal, would be entitled, against the wish of all hon. members, to postpone the third reading of that Bill to a subsequent day. An hon. member will be entitled to postpone the consideration of a matter which all other hon. members might consider urgent and might desire to pass the same day. I certainly think that would be inconvenient; and I think this will be a very proper arrangement to make: that you Mr. Speaker, add to the instructions you have given—that if any hon. member, before the day for which a third reading is fixed, intimates to the Clerk that the motion will not be formal, that the Bill shall be printed and circulated. That direction, if given, supplementary to the one you have already given, Mr. Speaker, would have all the effect, I think, which the hon. member desires. I do not think any one hon. member should be entitled to postpone the third reading of an important Bill for a week or more—such as a money Bill, which might be a matter of very great importance. I am sure that the hon. member will see that if that direction is given by you, Mr. Speaker—and I am sure you will agree to give it—all he desires will be obtained. I hope that the hon. member will be satisfied with the discussion, because, if not, it will be necessary to move an amendment in the first resolution that when amendments have been made in a Bill in committee, if an intimation is made to the Clerk on the day before that fixed for the third reading that objection will be taken to the Bill on the third reading, the Bill shall be printed and circulated. I hope the hon. member will withdraw the motion after the discussion which has taken place.

Mr. SCOTT: The matter is exceedingly simple. If, before a Bill comes on for the third reading, which has been in possession of hon. members for some time—and you, Mr. Speaker, have the certificate of the Chairman of Committees that it has passed—an hon. member who wishes to declare the Bill informal gives notice, it will take a very short time indeed to have as many copies printed as are required. It is absolutely a fact that it has been printed before the third reading comes on. I hope the hon. member will adopt the suggestion made by the Premier.

Mr. JORDAN: Whilst I sympathise with the hon. member for Wide Bay, I do not think that the amendments of the Premier were directed against any particular class, but were to be applied to all persons keeping vehicles. It strikes me that what is proposed in the resolution it will be very desirable to see carried into effect. And I think, sir, that the suggestion of the Premier will fully meet the case, because if you issue the additional instructions they will go fully to satisfy the hon. member for Wide Bay, and, as far as I can see, it will meet with the approbation of the House.

Mr. BAILEY said: Mr. Speaker,—In moving the resolution standing in my name, my only motive is to protect the privileges of this House. This unfortunate case—I call it "unfortunate" advisedly—ought to be a warning to us; and I hope the suggestion made by the Premier will get over the difficulty. I beg to withdraw the motion.

Motion withdrawn accordingly.

JURY BILL—SECOND READING.

Mr. CHUBB said: Mr. Speaker,—This Bill is almost an exact copy of the Bill which I introduced to the House informally in July last. Hon. members are aware that owing to the non-observance of the forms of the House I was compelled to withdraw the Bill, but on its second reading I went at length into the subject. What I said then will be found on page 237 of *Hansard;* and as hon. members will not care that I should go into the Bill at such length as I did then, I will briefly say that its objects are, first of all to increase the choice of selection of jurymen in criminal and civil cases; to extend the area of jury districts in cases where the present area is not sufficiently extensive, and in cases where it is too large to allow the area to be reduced. I propose also to make a justice of the peace liable to serve in criminal juries, and to abolish mixed juries—that is, juries

composed of half aliens and half British subjects—which were abolished in England fourteen or fifteen years ago. I propose also to abolish juries *de ventre inspiciendo*, which is a provision not required; and to institute in its stead a simpler method of dealing with questions of the sort, which I have taken from an Act in force in Ireland. One of the most important sections of the Bill is the 9th, which is not in force in any British-speaking community, although attention has been drawn to the point for some time past, and some judges have expressed the opinion that it might be adopted with advantage if used with discretion. The 1st section of the Bill deals with persons whom I propose to render liable to service, and I cannot see any reason why they should not serve, because I think we ought to go on the principle that every man ought to serve his country on juries. That principle cannot be carried out in certain cases, but the exemptions ought to be limited as much as possible, so that it will be possible to get juries of a higher class to decide cases both criminal and civil. It is absurd that we should have a highly educated and trained judge and skilful lawyers conducting a case before a jury of ignoramuses. I do not say that juries are so always, but we might very easily considerably improve their quality. The 2nd section deals with the alteration of the jury districts. Now, I know there is one district in which, if the law was strictly carried out, a jury could not be obtained; and, as it is, they attend from distances a great deal further than that prescribed by law—some of them coming from as far as fifty miles away. They might refuse to do that, and there is nothing to compel them to attend. It is advisable that the Governor in Council should have the power to curtail the districts in certain cases, and in other cases to extend them, because district courts are established for the convenience of the people; and they should be obliged, if they get the advantage, to submit to a little inconvenience. If they want the law brought to their doors, they must assist in administering it and not object to sitting on juries. For that reason I have given the Governor in Council a discretionary power. In the case of Brisbane, for instance, it is not necessary that juries should be obliged to attend from a distance of thirty miles; and under the law as at present the people of Ipswich may be compelled to attend in Brisbane. That is a case in which the area might be limited with advantage, and the same remark applies to the large towns of Rockhampton and Maryborough; but there are other cases in which it is desirable that the limit should be extended. I therefore propose to let the Governor in Council limit the jury districts, and, in sparsely populated districts, extend the area. The 3rd section deals with justices of the peace, and compels them to serve on juries. We have at present about 2,000 of those gentlemen on the commission, and it would be a very good thing for them to occasionally sit as jurors, and become acquainted with the laws they administer in petty sessions. That would materially assist them in performing their functions. The 4th section is one already partly in force, but the clause specifies who are special as distinguished from common jurors. It is a strange anomaly that, under the law as it stands now, if you call a man a commission agent he is a special juror, but if you call him an auctioneer or a squatter he is a common juror. There are only certain qualifications given in the present law to constitute a man a special juror, and they are very much fewer in number than those proposed in the 4th section of this Bill. I may point out that the law with regard to jury rolls at present is this: Every year notices are affixed on church doors intimating the dates on which the lists will be prepared. The officer of police in each district writes out a list of the names of persons eligible to serve on the jury, and he describes their business qualifications according to his own view. If he chooses to give them a term which will not make them special jurors they remain common jurors, and the magistrate has no power to alter the description. I remember when I was Deputy District Court Judge one case in which a list so prepared contained the name of only one person who could serve as a special juror, though there were plenty in the district who, if properly described, would have been eligible. The law compelled me to prepare the list according to law, and the result was that the list contained only one special juror. That was in the district of St. George. In the case of Roma, there were only eight special jurors on the list, and in other places there was the same absurdity at the time to which I refer. Fortunately, however, there is a provision in the District Courts Act which enables the court to fall back on the common jury list if the special jury list is not sufficient; and that power was used. I only mention that as an instance of the absurdity of the present system. The next two clauses deal with technical matters. The 7th is a clause which I have taken from the Victorian Act, and it provides that no person incapacitated by disease or infirmity shall be summoned to serve on a jury. As a matter of course they are excused from serving even now, but it is as well to provide that they shall not be summoned. The 8th clause, which is now in force in England, provides that jurors, after having been sworn, may in the discretion of the court be allowed, at any time before giving their verdict, the use of a fire when out of court, and be allowed reasonable refreshment. At present they are to be kept by the sheriff without meat, drink, or fire, except candle-light. They may get what heat they can out of the candle.

AN HONOURABLE MEMBER: Only one candle?

Mr. CHUBB: I do not know that they are narrowed down to one. Possibly they may get more. That depends, I suppose, on the state of the Treasury and the generosity of the officer who has the jury in charge. The 9th section is a very important one, but one of which, if I may judge from what the hon. member has already said, the Premier does not approve. It provides that "the court may in its discretion permit the jurors empannelled for the trial of any felony, except felonies punishable with death, to separate during any adjournment of the court." I may explain to non-legal members that criminal offences triable by juries are divided into two classes—felonies and misdemeanours; but there is practically little distinction now between the two. The only difference is that felonies involve a forfeiture of lands and goods, and the graver ones are subject to a greater degree of punishment. It seems anomalous that a jury trying a case of horse-stealing or a robbery of half-a-crown should be locked up, while a jury trying a man for perjury, which is only a misdemeanour, though a very grave offence, should be allowed to separate. I have excepted in the clause felonies punishable with death, and provided that it shall be left to the discretion of the court to say whether the jury shall be allowed to separate. Of course it will be said that if juries are allowed to separate they may be got at by the friends of prisoners; but we ought to take a higher view, not only of the duties of jurymen, but also of their character and conscience. A man who has sworn to decide according to law, if he is fit to try the case, ought surely to be fit to have his personal liberty. The 10th section is a formal one, giving the judge power to excuse

jurors from attendance. That is done now; but there are doubts as to the judge's power to do so if either party objects. The clause will work well in this way: It sometimes happens in small towns that the whole of a firm, and perhaps all the employés, are summoned to attend on the jury. In such a case the place of business has to be closed; but under this clause the judge may allow one or two members to remain, and let the others go. Those are the provisions of the Bill. It is one in which the public are interested, because it will give them relief in cases where the law has hitherto worked harshly; and I hope hon. members will allow it to become law. I move that the Bill be read a second time.

The ATTORNEY-GENERAL (Hon. A. Rutledge) said: Mr. Speaker,—I was not in the House when the hon. gentleman introduced this Bill some time ago, and therefore had not the advantage of hearing what he had to say on the motion; but I may state now that with a considerable part of the Bill I am in agreement. It has been clear for a long time that an amendment of our jury law is very necessary. I think, however, that the hon. gentleman might have begun at the very beginning with great advantage, and have introduced a clause providing for a larger number of persons, who are both willing and able to serve their country as jurymen, being entered on the list and empannelled to serve. At present the qualification is rather restricted. According to the 1st section of the Jury Act the qualification is this: Every man between the ages of twenty-one and sixty years who possesses real estate of the value of £200—has a yearly income of £50 in real estate—has a yearly income of £100 in lands—is the occupier of land rated or assessed at an annual value of not less than £25—or who is a tenant at a rent of not less than £50 per annum—is liable to serve on the jury. That is a summary of the 1st section of the Act. The result is this: that a large number of persons who possess the requisite ability to serve on juries in mining districts are really unable to serve; and I think that especial provision, by which persons engaged in the mining industry, who do not possess the exact qualifications indicated by that section, might well be introduced into this Bill. I also approve of the provision of the 1st section, which aims at elevating the class of persons who may be required to serve on juries. There is not the slightest doubt that it would be a great advantage if persons who come under the designation of "cashiers, accountants, tellers, or managers of banks; aldermen, councillors, or officers of any municipal corporation";—it would be an advantage if they, who are now exempt, should be compelled to serve on a jury; and also that those persons who are referred to in the 4th section—that is to say, "accountants, architects, auctioneers, commission agents, civil engineers," and so on, should be required, as they are at present, to serve on special juries. I also approve of the provision which this Bill contemplates making with regard to justices of the peace, but it seems to me that some little difficulty is likely to arise here if the measure is passed in its present shape, because many of those persons who being justices of the peace would be liable to serve as common jurors are persons who for the most part come under the designations that render them liable to be summoned to serve as special jurors. I think there is a very artificial distinction drawn between special and common jurors, especially in country districts. The result of this is that the number of persons liable to serve on special juries is restricted, and in many of the country towns of the colony where a court is held, a little knot of men—a dozen or a score—are found on every special jury list, from which the jury are drawn in every case tried in those places. I therefore think that the sections with regard to special juries and justices of the peace will require very careful consideration when the Bill is going through committee, so that we may prevent the confusion which is likely to arise if the Bill passes in its present shape. There can be no doubt that it is a good thing to follow in the footsteps of English legislation in reference to the abolition of juries *de medietate linguæ*, and I also approve of the abolition of the other form to which the hon. gentleman has referred—namely, juries *de ventre inspiciendo*. With regard to the extension of the jury districts, I quite agree with what the hon. gentleman says, but I would go even further than he does. It is proposed to establish a district court at Normanton before very long, and I am quite sure that if we limit the area in which persons are liable to serve as jurors at that place to fifty miles from the town the number of jurymen available will be very limited indeed. And district courts are asked for in other parts of the colony. I have received petitions from Thargomindah and Cunnamulla; and Charleville has also been gazetted as a place for holding a district court. If the radius within which persons are liable to be summoned as jurors is limited to fifty miles, as is proposed in this measure, there will be great difficulty in getting a sufficient number of persons to conduct the business of the court. On this point, therefore, I would go further than my hon. friend, and I would not object to fixing the limit at even 100 miles. Of course if that were done the maximum distance would not be fixed in all cases, but the distance in each case would be determined according to local circumstances. In some places—Ipswich, for instance—a sufficient number of jurors could very likely be got within a dozen miles, while at Toowoomba enough could probably be obtained within a radius of twenty miles; and in such cases the limit would be fixed at twelve and twenty miles respectively. It is only in cases where the extreme limit would be really required that it would be fixed by the Governor in Council. I think the 8th section is a very desirable one, and that it is one to which most members of the House will give their adherence. I would be disposed to go even further than the hon. gentleman in this matter also. I think that juries ought to be allowed reasonable refreshments as a matter of right. It is a relic of barbarism that men should be starved into giving a verdict contrary to their belief on the merits of a case. I know that in Brisbane we had a trial not so very long ago, about which a good deal has been said—I refer to the "Alfred Vittery" case—in which the jury were locked up nearly eighteen hours before they came to an agreement. They came to that agreement on a Saturday, and, although perhaps I have no right to say so, I have a shrewd suspicion that owing to its being so near Sunday, and the jurors having knowledge of the fact that they ran the risk of not being released before Monday if they did not agree, a verdict was given that would probably not have been given. There can be no doubt that there have been many cases in which jurymen have surrendered their private conscience because they had not the physical endurance to stand out against others who, probably with less conscience but more physical endurance, had determined that a certain verdict should be given. I think juries ought to have reasonable refreshment. I, however, disagree entirely with the hon. gentleman in his proposal to permit juries in cases of felony to separate. I think it is a

mistake that they should be allowed to separate in cases of misdemeanours. I believe that in America it is the rule for juries to separate after they have been empannelled for the trial of a felony; and we all know that gross miscarriages of justice have been occasioned in that country by the very fact that outside persons interested in a case that is *sub judice* have been able to get at the jurymen. I know it may be said that jurors here are not likely to permit themselves to be bribed by corrupt persons, but I say it is very wrong to subject jurymen to the temptation of being exposed to bribes. In many cases the inducement to offer bribes to jurymen would be very great. In my opinion, neither in cases of misdemeanour nor in cases of felony should juries be allowed to have any communication whatever with persons outside. With the exceptions which I have indicated, Mr. Speaker, I believe in the Bill which the hon. gentleman has introduced; and I am quite satisfied that when it has passed through committee, with the amendments which I hope the hon. gentleman will not object to have engrafted on it, and when it becomes the law of the land, it will remedy defects at present existing in connection with trial by jury in this colony.

Mr. FERGUSON said: There is one section of this Bill that I do not agree with, and that is the one which removes the exemption of serving as jurymen from certain classes of people. I allude more particularly to mayors and aldermen.

Mr. CHUBB: Mayors are exempted.

Mr. FERGUSON: The clause says "aldermen, councillors, and other officers and servants of municipal corporations." I quite agree with the hon. member for Bowen, who introduced the Bill, that every man ought to be expected to do his duty to his country, but I consider that the class of people I refer to devote more of their time to public duties than any other class in the colony. They give quite as much time as members of Parliament even. Municipal councils as a rule have regular ordinary meetings every fortnight; in addition to that they have committee meetings; and taking the average all the year round I believe that aldermen give the best part of two or three days a week to the public; and they are now proposed to be called upon to serve as jurymen! If the clause is passed as it stands, the result will be that you will not be able to find men to act as aldermen—if they are to be called upon to act as jurymen at the same time. The time they now devote to public business is as much as they can afford, and if they are asked to serve as jurymen you will not get men to undertake the duties of aldermen in the leading towns of the colony. Take Brisbane as an instance. The aldermen of Brisbane give, I am sure, almost half their time to public business, and they should not be called upon to serve on juries. I admit that serving on juries is a duty which every man in the community ought to be required to perform as long as he is not already overburdened with public duties, which take up more time than any man should be expected to give to the country for nothing. Aldermen receive no pay; jurymen do receive a small amount of pay, but that has nothing to do with the question. Aldermen have, as I have already said, a considerable portion of their time taken up with municipal business; and, in addition to that, they are often called upon to act as trustees to botanic gardens, and to take part in the management of other public institutions; so that they should be specially exempted from acting as jurymen. I do not think that there is another class of people in the colony who should be considered more than aldermen, who manage the affairs of the colony to a large extent. Take Brisbane as an illustration. There are twelve aldermen to manage the whole public business of the city, with a population of 30,000; and surely twelve men can be spared out of 30,000 from acting as jurymen! I think it unjust to expect that those people should give up more of their time in addition to what they devote to the public at present. As I said before, it will simply be the means of keeping men from taking part in public business if they are called upon to serve on juries. That is the only fault I see in the Bill, and it is a very serious one. The populous parts of the colony have so much increased in numbers of late years that there is no necessity for such a provision. There may be some difficulty in outside places, but in the more populous parts of the country the difficulty that existed when the population was small is becoming less and less every year; so that I cannot see any ground whatever for including these men in the jury list. The same arguments apply to officers of municipalities. Supposing, for instance, the town clerk was called upon to act as a juryman, how would the business of the municipality be carried on in his absence? If the town clerk of Brisbane were called upon to serve as a juryman, and be locked up for two or three days perhaps, it would lead to great inconvenience, and it would be most unfair. I think that no officer of a municipality should be asked to serve as a juryman, liable to be locked up, and the whole business of the town brought to a standstill. From my own experience of the working of the Local Government Act I feel satisfied that this clause will have a very injurious effect, and prevent people from taking the interest in it that they do at the present time.

Mr. ALAND said: I am very glad to find that at last this Bill has got before the House in such a form that we are able to consider it. I am glad to notice that the Jury List is to be extended; and I think the extension of it to justices of the peace is a move in the right direction. We ought to place upon the Jury List the most intelligent portion of the community; and although justices of the peace have come in for no small share of contempt upon many occasions, and although it has been said that the more intelligent and respectable portion of the community have not been made justices of the peace, yet I think that, taking the commission as a whole, it does represent to a very large extent the intelligence of the community; and I think that in the matter of common juries, where, as has been stated by the hon. gentleman who introduced the Bill, matters of perhaps far greater interest have to be considered than those which are considered by special juries in civil cases, the higher intelligence ought to be brought to bear upon them. I think that placing justices of the peace upon common juries will have a very good effect. I know this—and I dare say that you, sir, know it as well as I do—that one inducement of some gentlemen to be placed upon the Commission of the Peace is that they may escape serving as jurymen. I do think that is a very unworthy motive; and I quite agree with the introducer of the Bill that every man in the community, if he is qualified, ought to serve upon the jury of his country, unless he is serving his country in some other way and in a decided manner; because if we carry the argument to its full length we might say that members of Parliament ought to serve on the jury. I suppose there is not one of us here who would not very much like to be excused. I quite agree with the hon. member for Rockhampton that mayors and aldermen——

Mr. CHUBB: Mayors are exempt.

Mr. ALAND: Well, I would also exclude aldermen from attendance upon juries, because, as has been stated, they give a very large amount of time to the public service for the welfare of the community. It might so happen that several aldermen might be empannelled to serve upon a particular jury on the very day that they ought to be attending to their duties in the council, and the judge would not excuse their attendance upon any score of that kind. Nothing but ill-health would be taken as an excuse. I am also very pleased to see the provision contained in clause 8, because I once was on a jury and had to be locked up. I do not know whether it was my fault or the fault of the others; whether I was wrong or they were; but this I know: I was locked up all night with the benefit of a solitary tallow candle and a jug of cold water. That was all the entertainment and refreshment I got. What was worse, several of the jurymen locked up with me had brought their horses in from a few miles out of town, and those poor horses—and it was in the month of July, too—had to remain hung up outside the court-house, and their owners could not get out to attend to them. If it was cruelty to us who had no horses, it was far greater cruelty to those jurymen who had, and were not able to attend to them. That was many years ago, when the present Chief Justice was Attorney-General. I met him a morning or two afterwards, and he promised me he would have the matter attended to; but as he never had to put up with the inconvenience I had to submit to, I suppose it escaped his notice. However, I am very much pleased to find it is going to have attention now. I do not think it would be altogether advisable to allow juries to separate in the cases mentioned in clause 9. Juries should, like Cæsar's wife, be "above suspicion." I am sure, if juries are allowed to separate, all manner of suspicion will be cast upon the verdict they may give in. If juries are allowed to separate they will be approached; there is no doubt at all about that; and although it may not have any influence upon them, still the public will not believe that they have not been influenced by the approaches made to them. There are certainly one or two alterations which I would like to see made in this Bill; for instance, those I have mentioned; and I think also that managers of banks should be exempt.

Mr. CHUBB: Managers of banks are not included in the Bill.

Mr. ALAND: I see it is the cashiers who are mentioned. I had not read it rightly, and I apologise to the hon. member. In the hope that such alterations will be made in the Bill as have been suggested by my hon. friend the member for Rockhampton, whose suggestions I heartily endorse, I shall have much pleasure in supporting the motion for the second reading of the Bill.

Mr. SMYTH said: Mr. Speaker,—We have heard a good deal about aldermen being excluded from this Bill, but there is a class of people who I think have a better claim to exemption than even aldermen have. The class of people to whom I allude are mining managers. A mining manager is something like the captain of a ship. Under the Mines Regulation Act he has a very heavy responsibility cast upon his shoulders. In some mines where there are from 50 to 100 men employed the mining manager has the sole responsibility of managing and working the mine; and owing to the hazardous nature of mining it is necessary that a mining manager should be always on the spot. I know of many cases at Gympie where mining managers have been summoned to attend the court as jurors, and after waiting for the midday train they found, perhaps, that the judge had not arrived; after hanging about all day they were not wanted. They had to put in an appearance again next day; and even when the judge did arrive and their names were called they might, after all, be challenged and might not be wanted at all. In the meantime the mines were worked by the captains or others who were not responsible, and if an accident occurred it was the mining manager who was held responsible. I think, therefore, that mining managers, whether working gold or tin, should be excluded. We have found it a great hardship on the Gympie Gold Field that they should be liable to be summoned as jurymen, and I have no doubt is is equally a hardship at Charters Towers. You might just as well take the captain out of a river steamer here, and leave the steamer to be worked by some irresponsible person, as to remove a mining manager; and when the Bill gets into committee I shall do all I can to have mining managers excluded.

Mr. GRIMES said: Mr. Speaker,—I agree with what has fallen from the hon. member for Rockhampton in reference to this 1st clause. I think it would be unwise to insist upon the aldermen, councillors, and other officers and servants of municipal corporations attending upon juries. I presume that these municipal corporations will include divisional boards.

Mr. CHUBB: No; members of divisional boards have to serve. I have not touched them.

Mr. GRIMES: I was going to remark that it would be very hard on divisional boards to have their clerks removed from their offices for perhaps seven or eight days, by having to attend the courts as jurymen. They might have to go forty or fifty miles away where they could not be got at for information. The divisional board clerks are public servants, and should be exempted from serving on juries. I agree with the hon. member for Rockhampton that aldermen and members of divisional boards also already give a large share of their time to the country's business, and therefore should not be called upon to give a further share of their time to the business of the country by having to serve on juries. I quite agree with clause 8 of the Bill, which will, in a great measure, mitigate some of the hardships imposed upon juries in attending to their duties. It seems to me monstrous that we should impose hardships upon jurymen sworn to give a true verdict, in order to get that verdict from them.

Question put and passed.

On the motion of Mr. CHUBB, the committal of the Bill was made an Order of the Day for Thursday next.

CASE OF H. M. CLARKSON—REPORT FROM COMMITTEE.

The CHAIRMAN OF COMMITTEES presented the report of the Committee of the Whole House on the case of Mr. H. M. Clarkson.

The following is the resolution reported in Committee of the Whole, as read by the Clerk:—

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

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

Mr. BAILEY moved that the report be adopted.

Question put and passed.

MARYBOROUGH SCHOOL OF ARTS BILL—COMMITTEE.

On the motion of Mr. BAILEY, the Speaker left the chair, and the House went into Committee to consider this Bill in detail.

The several clauses and the preamble were passed without discussion.

The House resumed, and the third reading of the Bill was made an Order of the Day for Tuesday next.

PETITION OF LEONIDAS KOLEDAS AND THOMAS FLEETON.

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

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

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

being read—

The HON. J. M. MACROSSAN said: It is extraordinary, Mr. Speaker, that the Government are taking no part in this matter. What is this Select Committee for?

The PREMIER: The debate was only adjourned to allow the papers to be laid on the table.

The HON. J. M. MACROSSAN: The matter, as I understand it, is that the debate was adjourned for the production of certain papers. Those papers have been produced, and surely they throw some different light on the subject. I, for one, would like to know what course the Government intend to pursue. What is the object to be gained by appointing a committee?

The PREMIER: We all spoke on the previous debate.

The HON. J. M. MACROSSAN: The hon. gentleman knows well enough, if he means to speak again, that neither he nor his colleagues are confined to speaking once on the question; and if he is inclined to speak again I will give him an opportunity by moving an amendment. I was not present when this subject was debated before. But I do not see what is to be gained by appointing a select committee who will elicit nothing more than is contained in these papers. And then what can be done? The matter has been already decided; and I think the hon. gentleman at the head of the Government will agree with me that this House has no power to undo what has been done.

The PREMIER: That is what we said before.

The HON. J. M. MACROSSAN: What is the use of granting a committee which will not end in anything? I knew something about the case originally myself, without those papers; but those papers have given me a great deal more knowledge than I possessed before—and not to the advantage of the petitioners. I was not aware until those papers were placed in my hands that the petitioner, Mr. Koledas, had actually gone down to Sydney and sold to a syndicate that which he did not possess. That in itself is quite sufficient to prevent any honest man from taking up their case. It shows at once that the man was without principle. It is also shown here upon the affidavits of the men who were his mates that he attempted to defraud them, and got the person who made the affidavit to agree with him in concealing the discovery of certain silver lodes from Petersen and McGrath, who were the counter-claimants of Koledas. Surely no honest member of the House, if he knew the facts, would have taken up such a case as this! I cannot understand why the hon. member for Rosewood should have condescended to take it up. It certainly must be great condescension to take up the case of a man who, according to the papers, went down to Sydney and sold what he had no right to sell. It is the same as obtaining money under false pretences. If hon. members or the Government wish to say anything at all on the subject, I shall certainly make a motion which will give them an opportunity of doing so. I move that the debate be now adjourned.

Question put.

Mr. ISAMBERT said: When Mr. Koledas called upon me, and asked me whether I would take up his case and present a petition to Parliament, I said, "Certainly, if you have been wronged, and desire I should do so I will." The man was a stranger to me, and I knew nothing of the case whatever, except that there had been a rich lode of silver found near Townsville; but the different parties were strange to me. In accordance with the request I presented the petition to this honourable House and moved for the appointment of a select committee to inquire into it. The petition was to the effect that the petitioners had been deprived of a selection to which they considered they were legally entitled. Of course I could not say they were wrong or that they were right until the particulars had been brought to light. I accordingly moved that a select committee be appointed, and the leader of the Opposition and several other hon. members objected to the motion until the papers had been laid on the table and distributed. The papers were issued yesterday, and to my mind the claim of the petitioners looked stronger after reading them than I expected at first. The petitioners took up those mineral leases under the Mineral Lands Act of 1872, and, according to what was revealed in the papers, complied with the conditions of the said Act; and, according to the correspondence and marginal notes of the then Minister for Lands, there was nothing to prevent them from obtaining the lease, except a dispute that was said to have existed between them and Petersen and McGrath, who claimed to have a share in those mines on the strength of a previous agreement, to the effect that they were to share whatever was found in prospecting. There are several matters on page 13 which go to show that no such agreement ever existed. There was certainly an agreement regarding some of the selections in question. Petersen actually bought into the concern, and so did McGrath, for which Petersen paid £10 cash, the balance to be paid at some future date. But there was no general agreement which entitled Petersen and McGrath to share in what the petitioners might find, and the then Minister for Lands had no reason for withholding his approval. It certainly appears strange to me that the Minister for Lands should have taken the part of the objectors, who had twelve months to prove their claim and did not do so. They were content to rest on the promise made by the Minister for Lands, probably—that the approval would be withheld until the partnership was proved. On page 16 of the correspondence there is a telegram from Petersen and McGrath to the Under Secretary for Public Lands, as follows:—

"The Minister for Lands promised us he would not grant Koledas' application for mineral selections until compelled by legal proceedings to do so We do not relinquish our right but will at once commence proceedings to establish our claim if necessary Reply paid.

"PETERSEN AND MCGRATH."

This was on the 3rd August, 1882. Then there is a remark—

"If Petersen and McGrath have a claim they must proceed to enforce same by process of law.—P.P., 5-8-82."

This is a marginal note by the Hon. Mr. Perkins, who was then Minister for Lands.

Then there is a telegram from the Under Secretary for Public Lands to Messrs. Petersen and McGrath: —

"If you have a claim to mineral selections Koledas and others you must proceed to enforce same by process of law Collect.

"W. ALCOCK TULLY, Under Secretary."

Next comes a telegram from Messrs. Petersen and McGrath to the Under Secretary for Public Lands :—

"Have given instructions to our solicitor to proceed with case immediately re silver selections.

"PETERSEN AND MCGRATH.

"W. Alcock Tully, Secretary Lands."

The same is notified to the claimant's solicitor, as follows :—

"GENTLEMEN,—I have the honour to inform you that I am advised by Messrs. Petersen and McGrath, of Townsville, that they have instructed their solicitors to take proceedings to prove their interest in certain mineral selections in the Kennedy district, taken up by Koledas and Fleeton.

"I have, etc.,

"E. DESHON,

"For the Under Secretary.

"Messrs. Edwards and Marsland, Brisbane."

On page 18 we find a note by the hon. the Minister for Lands :—

"Inquire by telegraph of Mr. Norris if he has commenced proceedings against Koledas.—P.P., 5-9-82."

"*Telegram from the Under Secretary Public Lands to Mr. E. Norris.*

"Have you commenced proceedings on account of Petersen and McGrath against Koledas and others to establish their claim to mineral selections."

"*Telegram from Mr. Norris to Under Secretary Public Lands.*

"Yes instructed McPherson my agent nineteenth (19th) August He has been awaiting Garrick's opinion received to-day Action and injunction."

"*Telegram from Petersen and McGrath to the Honourable Minister for Public Lands.*

"As our case with Koledas if we proceeded at law would involve much expense delay and uncertainty we will abide by your decision."

And then we find—

"Advise all parties in connection with selections 2,895, 2,919, and 2,920 that Mr. Perkins intends to refuse confirmation.—W. A. T., 18-9-82."

Then a telegram is sent of the same import. On page 20 there is a telegram from Messrs. Petersen and McGrath to the hon. the Minister for Public Lands :—

"Koledas now agrees to give us our one (1) eighth each of Hero Eureka and Cleopatra silver selections Star River Should feel much obliged if you would accept our joint applications giving us our shares and withdraw land from sale Reply paid."

Throughout the whole affair, the Minister for Lands, who was the sole person to decide the matter, had no other objection to granting his approval than this partnership dispute, and it is a question whether it was wise to do so. Officially, he only knew the two applicants, and the others, as he expressed it, had to prove their right by process of law; so that, legally, there was no ground on which the application could be refused. But if there was any doubt, it was removed by Petersen and McGrath, and Koledas and Fleeton, agreeing together, so that the partnership disputes were settled. That there was a doubt on the Minister's mind is further proved by the fact that, on the day on which the sale took place, he wired to the Acting Commissioner that if those selections had not been sold they were to be withdrawn. There is no reason whatever given why the Minister forfeited the selection of Leonidas Koledas. All the objections that the Minister had were with regard to the partnership dispute, and that difficulty was removed. The proceedings are involved in a cloud, and the petitioners seem to have suffered hardship, and I think it is better for all parties concerned that the matter should be carefully investigated. There is no reason given how the Minister arrived at his conclusion, and why. All his previous objections being based on the partnership dispute had to fall to the ground ; by the removal of the partnership dispute his objections were also removed. Then all at once, and without giving any reason, he advised the sale of those selections by auction. Hon. members who read the correspondence cannot fail to see that the claims of Petersen and McGrath are of a very doubtful nature. That is proved even by the sale of one-eighth of one selection for £15, of which £10 was paid on the spot, and £5 was to be paid at some future date. The sum of £3 odd was paid subsequently, and for the balance Koledas sued Petersen, and Petersen paid the money into court. Here is a distinct transaction of buying one-eighth of a selection. If there existed a previous general agreement, why did they offer £15 for that one-eighth of a selection? There is a positive point which casts doubt on the claims of Petersen and McGrath. It is impossible to come to any other conclusion than that the interests of Petersen and McGrath were throughout uppermost to those of the real applicants. For all concerned it would be best to have the matter investigated, and that is the reason why I now move for the appointment of this committee of inquiry.

The PREMIER said : I do not propose to say very much on this subject. The hon. member for Rosewood has summed up the matter with tolerable completeness, but it may be summarised more concisely in this way : Koledas and Fleeton had applied for a mineral selection, and there is no apparent reason shown in the papers why that application should not have been confirmed. The only objection made to the confirmation was by two other persons, who asserted that they had a right to a share in the selection. I never heard before of a Minister for Lands undertaking to determine who were to have a beneficial interest in a selection when granted. The Minister for Lands at the time appeared to think that it was his duty to inquire what the applicants intended to do with the selection when they got it—whether they were going to give some other persons a share in it. The petitioners apparently disputed the right of those other men to a share. It is not material whether they had a share or not. Therefore the Minister for Lands arrived at this conclusion : that if those other persons had a claim they must proceed to enforce it by process of law. One would suppose that that was what he would naturally do. Suppose a man applied for a run, and another man said, "I ought to have a share in it," the Minister for Lands would say, "If you have a share you must assert your title to it before a legal tribunal ; I have only to deal with the application." That the Minister for Lands did in this matter, for on the 7th August the Under Secretary telegraphed to Petersen and McGrath—

"If you have a claim to mineral selection Koledas and others you must proceed to enforce same by process of law."

Then these claimants, Petersen and McGrath, telegraphed back that they had given instructions, and that the action would be commenced at once. That was done, and by an undated telegram, which was apparently sent on the 8th September, their solicitors intimated the fact to the Lands Department. Strangely enough, on the 12th September the Minister for Lands intimated that he intended to refuse confirmation. Why he had thus changed his mind is certainly not explained in the papers, and I do not know how it can be explained. Then he ordered the selections to be put up for sale by auction. It then

appears that the Minister for Lands was absent, and the hon. member for Townsville was acting for him; and on the 23rd November he directed the selections to be withdrawn from sale. In the meantime the parties had agreed, their dispute was settled, and there was no earthly reason why the selections should not have been granted to the first applicants—even if they had only agreed, for peace sake, to give the claimants the share that they claimed. But the land was withdrawn from selection, and was sold by auction over their heads. I do not understand it, I confess. The facts are briefly as I have stated them, and a more arbitrary exercise of power it is difficult to imagine. There is nothing on the face of the papers to show why it was done. All possible objections—and they were only imaginary objections at best—to the confirmation had been removed; when suddenly, by an arbitrary exercise of power, the Minister put up the land for sale by auction. I do not know that a select committee can discover more about it. They might perhaps discover why the Minister had taken that extraordinary course, but they could not undo the wrong that has been done to the petitioners, for the lands have been sold by auction—they have gone.

The HON. SIR T. MCILWRAITH: I think, sir, that the hon. member for Rosewood will now see that the case is not that simple case that was put before him when he moved this motion about a fortnight or three weeks ago. Then it was put as a simple case, in which two miners had been wronged by the legal refusal of the Minister for Lands to grant an application for three mineral selections. The papers that are now printed show that the case is very different, and they at once wipe out the illegality of the proceedings, so that it cannot be urged that the Minister for Lands was not justified in refusing to grant the application. An applicant has no legal right to force from the Minister for Lands the granting of any application for mineral lands. He can refuse it on grounds which to him may seem fit. That need not be disputed, because among the papers produced it is made apparent by the opinion of the Premier himself that such is the law. It is as follows:—

"An applicant for mineral lands under the Mineral Lands Act of 1872 has, in my opinion, no rights against the Crown enforceable or cognizable in a court of law until his application has been approved by the Minister. No court can compel the Minister to grant his approval or renew his decision if he refuses it."

That application was never refused by the Minister; and I think it is disproved in very sufficient terms, although the hon. member has insisted to the contrary that this is a great wrong done to the two men, Koledas and Fleeton. I think, if we look at the prayer of their petition, we shall see that the petitioners here pray that this honourable Assembly will be graciously pleased to inquire into the facts of the case, in consequence of which the petitioners had suffered great inconvenience and pecuniary loss. It is put forward there as the ground of this petition that they have suffered great inconvenience and pecuniary loss. But just let hon. members turn to the letter on page 18 of the correspondence, at the top of the page, and they will see a letter there by Edwards and Marsland, who have acted as solicitors for the petitioners from about the commencement of the year when the dispute commenced up to the present time. This is the letter that was addressed to the Minister for Lands:—

"Temple Buildings, Queen street,
"Brisbane, September 6th, 1882.

"SIR,—We have the honour again to inform you that another month has passed over and no attempt made by Messrs. Petersen and McGrath to take any proceedings to prove the interest claimed by them in the selections as per margin.

"We are informed Mr. Koledas has, quite unknown to us, addressed a letter on this subject to the Colonial Secretary, and we can only regret and apologise for his reprehensible conduct and interference, but, unfortunately, he does not suffer by any delay, as he some time ago disposed of the greater part of his interest to a syndicate of gentlemen who are suffering considerable daily increasing loss by the approvals not being granted.

"We submit that a more than reasonable time has been allowed the claimants to take steps to establish their claim—viz., eight months; and it is four months since you informed them in Townsville that if they intended to take proceedings they should do so at once; we trust, therefore, that you will no longer refuse confirming the application.

"We have, etc.,
"EDWARDS AND MARSLAND.

"The Hon. the Secretary for Public Lands, Brisbane."

The whole thing is this: that Koledas' interest in the selection had been disposed of to a syndicate who bought any right, title, or interest which those men had in the claim. And Messrs. Edwards and Marsland wrote to the Government, informing them in reply to the petition sent in to the Premier on the 9th August, putting forward the claims of Koledas and Fleeton, and pointing out the great pecuniary loss they would suffer if their prayer was not granted, that "unfortunately he did not suffer any delay, as he some time ago disposed of the greater part of his interest to a syndicate of gentlemen." Now the reason why the Minister for Lands acted as he did was very different from the reason put before the House to-night by the Premier and by the member for Rosewood. Koledas and Fleeton applied for three selections, and in the ordinary course of circumstances, if there had been no objection to the applications and no reason why the Minister for Lands should not grant them—in the ordinary routine of business they would have been granted; but in the meantime two other men came forward—Petersen and McGrath—and they wrote to the Minister for Lands stating that they were partners in the selection; that they had found the money by which the other two prospected, and that they were entitled to an interest in the selection; and claiming that the application should not be granted in the name of Koledas and Fleeton. Very well; the Minister for Lands then halted, and he called upon Koledas and Fleeton to settle their differences with Petersen and McGrath. Koledas and Fleeton then drew up affidavits to the effect that no partnership existed, and that Petersen and McGrath had nothing whatever to do with, and had no interest in, the selection. Petersen and McGrath drew up affidavits in reply to those of the other two men to show that they had an interest in the selection, and that it was with their money that Koledas and Fleeton worked. The Minister for Lands then, in order that the parties who really had a right to the claim might not suffer, invited these four men to settle their dispute, and let him know who were the applicants; and it was understood that Petersen intended to go to law to enforce his partnership. Several months passed over in negotiations, and the parties were advised to take legal proceedings; but I am not at all surprised at men like Petersen and McGrath being undecided upon a question of that sort. They were frightened at the expense they would be put to, and they decided to abandon their proposed action. They decided to go no further with the matter rather than face a lawsuit. But now another difficulty arose, and it was intimated that other men had an interest in the claim. Hon. members must understand the position of selectors on the Star River before they can understand how that could be. On the Star River are congregated men from all parts of the colonies, who make it their business to run up to an enormous price selections which have proved

to be immense failures. Those men themselves do very little good to the colony, and they run up the selections to a price that their future working never justifies. All the selections on the Star River have been treated in a similar manner; and then, after fighting between themselves, a syndicate steps in and takes charge. All the selections have been run up to about £25 or £30 an acre for land for which the Government received £1. The title being doubtful, each claimant tries to take advantage of the other. That being so, in this case the Government took a very good course, and tried to decide actually what these selections were worth at auction. I consider that was a very fair way to settle the matter. All these men—Koledas, Fleeton, Petersen, and McGrath—had other selections at the same place; they had taken up a good many more than those in dispute, and the Government came to the conclusion that they would test the market by putting the disputed selections up to auction; and as these four men could not agree as to their claims, they would each have an equal opportunity of bidding for them. They were put up at auction, and Petersen and McGrath were the buyers of one selection for the sum of £1,500, the other two being passed by. After they had bought the selection for that amount, a caveat was put in by a legal firm in town, to prevent the Government granting a lease to the buyers. Then another syndicate in Sydney also put in a caveat to prevent their getting the title-deeds of the land, which had been bought without putting in the names of the Sydney parties who are said to have been partners with them in the concern. But I missed one point. The Government saw the difficulty of fixing the question as to whom actually were entitled to the selections; that actually, as a matter of fact, none of them were entitled to them; that the State was going to be done out of what was the real value which ought to have been acquired for the land; that Messrs. Koledas and Fleeton had all along acknowledged the interest of Petersen and McGrath, who had all along gone against the Government granting the selection to Koledas and Fleeton, and petitioned the Government to withdraw them from selection and give them to the four parties concerned. Under the circumstances justice would not have been done between the four men and the syndicates—one at the back of the first two and another at the back of the last two—and it was apparent that the whole thing was little better than a conspiracy to prevent the Government getting the amount due to them as the actual value of the land. I believe that the Government acted rightly, wisely, and in the interests of the State, in what they did. That Messrs. Koledas and Fleeton have no claim is proved distinctly by their own solicitors, who wrote to the Government saying that their clients had no interest—that it had been parted with to a Sydney syndicate. There is not only the Sydney syndicate, but another on the top of that, who did not like to see the land going for nothing, and sent in a petition signed by thirty or forty people, among whom I am surprised to find the name of the police magistrate, Edward Morey, as regards paragraph 4. Paragraph 4 of that petition says—

> "That the withdrawal of the said selections from sale, and allowing the said Hans Thomsen Petersen and Daniel Denis McGrath to be accepted as applicants for their shares jointly with the said Leonidas Koledas instead of the selections being sold, would greatly benefit mining enterprise in Townsville and in surrounding districts generally."

We did not believe in that. We encouraged mining enterprise by giving the land to the men who thought it worth £1,500. I believe that their purchase has proved a "white elephant," and that no mining has been done there up to the present day; but I do not see why we should compensate anybody. If we give anything, it should be to Petersen and McGrath, from whom we got £1,500 for the land, which appears to be worth very little. A matter of this sort should not go before a select committee without being fully considered, or the committee may bring up a very one-sided report. If this matter had gone before the committee on the statement of the hon. member for Rosewood, we should have had the hon. member acting as the advocate of Koledas and Fleeton. At the same time Petersen and McGrath would be perfectly quiet, because they would be sure of a share of the spoil; and we may be sure that the syndicates at the back of these men would lose nothing. But there would not have been a single man supporting the interests of the country. It is not a case to go before a select committee at all. All the information that is to be got can be got by hon. members from the correspondence, if they like to read it. I do not care whether they blame the last Government or not; but there is sufficient evidence in the correspondence to enable them to come to the conclusion that Messrs. Koledas and Fleeton have not been ill-used.

The MINISTER FOR LANDS said: I think the hon. gentleman who has just sat down takes the most extraordinary views as to the duty of the Minister for Lands. He said that if a man applied for a mineral selection, and it was found to be more valuable than it was represented to be at the time the application was made, the Minister should refuse the application, and offer the selection at auction.

The HON. SIR T. McILWRAITH: I said nothing of the sort.

The MINISTER FOR LANDS: That is the direct inference to be drawn from what he said.

The HON. SIR T. McILWRAITH: Draw what inference you like, but do not say I said so, because I said nothing of the sort.

The MINISTER FOR LANDS: I maintain that the argument of the hon. gentleman led up to the inference that we ought to deny the rights of those men who made applications under the Mineral Leases Act, and obtain a higher price by offering the land at auction. Those two men applied for a mineral selection. After the application was made, two other men claimed that they were partners, and that the selection should not be granted. The Minister for Lands, acting upon the objection of those two men that they were partners, and that Koledas and Fleeton were trying to defraud them in their partnership arrangements, refused the selection to which they were entitled. He actually took upon himself to decide a private matter—a partnership concern, too—between four men, two of whom said the other two were trying to defraud them. That was a matter in which the State was not concerned in any way, and the men had their remedy at law. It was the duty of the Minister merely to consider their claim under the Mineral Lands Act, and decide who was entitled to the selection; he had nothing to do with the question as to whether they were trying to defraud their partners. Instead of that, however, he refused the application of Koledas and Fleeton, and offered the land at auction; and there is no doubt that those men were wrongfully dispossessed of the land, which was purchased by the partners. The whole thing lies in a nutshell. The question was whether the men were entitled to have their application recognised by the Minister for Lands under the Mineral Lands Act. I maintain that they were. And I do not think we could have a better illustration than the present case of the danger of putting such absolute power into the hands of any Minister as that given to the Minister

for Lands by the Mineral Lands Act. The hon. gentleman quoted from the opinion of the Premier to the effect that the Minister had the absolute power to grant or refuse, adding that the Minister acted on that power, and offered the selections at auction. I say that the partnership dispute was not a question for the Minister for Lands to consider at all. The thing does not admit of discussion; and I maintain that no ground has been shown why these men are not entitled to the land.

Mr. CHUBB said: The argument of the Minister for Lands involves a fallacy, and a very palpable one. I am not going into the facts of the case, but I will expose the fallacy of the argument we have just heard. He seems to assume it to be the law that, when a person applies for the purchase of a piece of Crown land at a fixed price, the Minister for Lands is bound to sell it to him under any circumstances. But the law which applies to individuals applies also to the administration of the public estate. If a man applies to me to purchase a piece of land, and I say informally that I will take 5s., but in the meantime receive information that it is worth £1,000,000, the law cannot compel me to carry out the sale. Neither ought it to compel the Crown to do so. And there is not the slightest doubt that the claim made by these two persons, when the Government were put upon notice that the land was possibly worth a good deal more, by the application of the other men, was rightly disallowed. So, sir, notwithstanding that the law may have allowed these persons to make the application, if before the bargain was completed—before any legal contract was entered into between the parties applying to purchase and the State—it came to the knowledge of the Minister for Lands that the land was worth a great deal more money, it would have been a breach of duty on his part to sell the land to them. With regard to the facts, it is stated in the letter written to the Minister for Lands by Messrs. Edwards and Marsland, on the 6th of September, 1882, that their client (Mr. Koledas) was not suffering any injury, as he had disposed of the greater part of his interest to a syndicate. And two months afterwards, as the correspondence shows, Koledas, although he had disposed of his interest, was willing to defraud the people to whom he had sold it by giving a one-fourth share each to Messrs. Petersen and McGrath. A telegram was sent by Messrs. Petersen and McGrath to the Minister, of the 8th of November, stating that "Koledas now agrees to give us our one-fourth each of Hero, Eureka, and Cleopatra silver selections, Star River; should feel much obliged if you would accept our joint applications, giving us our shares, and withdraw land from sale." Koledas was aware of the facts; but we find that, although these men provided him with the money to go out prospecting, he says they have no claim because he found the claim on a Sunday. Afterwards, we find him going to Sydney and selling his interest to somebody else, and then when he discovers that he was blocked—that he could not get the deeds for the land—he goes to Petersen and McGrath, and tells them he will give them a one-fourth share each. I say that, these facts being known to the Minister for Lands, he would have been grossly culpable if he had allowed persons like those to get possession of the land, and that the proper course was to sell the property.

Mr. JORDAN said: I have not read through all this correspondence, but I have heard the summary of it given by the hon. member for Rosewood, and also the very careful summary given by the Premier; and I cannot help coming to the conclusion that a sufficiently strong case has been made out to justify an inquiry. I cannot see that any harm will result from an inquiry, and there are two or three circumstances connected with the matter that to me appear very remarkable, to say the least of them. I cannot understand what business the Minister for Lands had with the private dispute between the parties. In my opinion it was no part of his duty to inquire into it, in determining the application made by Messrs. Koledas and Fleeton. Moreover it seems, from the statement made by the Premier, that the Minister for Lands to whom the application was made deferred his decision until after the matter at issue between the disputants was settled; and yet afterwards, when the Minister knew that the dispute had been settled, he sold the land over their heads, and some other persons became the purchasers. That I say is very remarkable, and therefore, taking these circumstances into consideration, I think a case has been made out for inquiry.

Mr. FRASER said: I can hardly see my way to agree with my hon. colleague in the view he takes of this matter. I am not going to discuss the question as to whether the Minister acted judiciously or not in the course he pursued, or whether he had any right in the discharge of the functions of his office to take any notice whatever of any dispute that may have arisen between the parties in this matter. The question that occurs to me is, what is to come out of this? Supposing the hon. member gets his committee, and supposing the matter is investigated, and the committee bring up a report to the effect that these men have sustained a loss—there will be the beginning and end of the matter. I do not think this House will agree to compensate them for any loss they may have suffered. If hon. members will look at the 15th paragraph of the petition they will see the ground upon which the petitioners mainly rest their claim. It is this:—

"That your petitioners have thus lost the fruit of their valuable discoveries as prospectors, and have been unable to fulfil an agreement into which they had entered with a company which had been formed in Sydney for the purpose of working the said silver lodes, and to whom your petitioners, having perfect faith in the goodness of their own applications, and relying upon the aforesaid conditional promise of approval made to them by the Minister for Lands, had agreed to assign a portion of their interests in the said selections for certain large consideration."

Well, sir, we know that it is quite competent for the Minister for Lands to refuse to confirm any application of this kind, without assigning any reason whatever. Now, these men, it seems to me, actually entered into an agreement with a syndicate, as we have heard, to dispose of a certain interest in this matter for a large consideration, before their application was confirmed. So that clearly the transaction was a speculation, and this House is now asked to grant a committee to inquire into the case, and compensate the petitioners, because, under the exceptional circumstances indicated, their speculation failed. I submit that the wisest course that the hon. member for Rosewood could pursue in the interest of the gentlemen concerned is to withdraw his motion for a select committee.

Mr. NORTON said: I confess I do not see what is to result from this inquiry except expense to the State; because I presume the country will be called upon to pay the expenses of all witnesses requested to attend before the committee. That is one consequence that will probably be involved by agreeing to refer the matter to a select committee. I fail to understand the position taken up by the Minister for Lands. The hon. gentleman speaks as though the Government were compelled to grant the application of the petitioners. That contention comes with very bad grace from a Minister

who has lately refused to grant to Crown tenants the right to pre-empt land under the pre-emption clause in the Pastoral Leases Act of 1869. The right to purchase in this case—that is, the right according to the contention of the hon. gentleman—is expressed in precisely the same terms as the right to pre-empt. The phraseology is exactly the same in both cases. The 25th clause of the Mineral Lands Act says :—

"Subject to the provisions of this Act and to any regulations to be made thereunder, the Governor in Council may"—

"may," not "shall"—

"in the name and on behalf of Her Majesty, grant to any applicant a lease of mineral lands for mining purposes."

There we have the very same phraseology that is made so much of by members of the Government, in attempting to justify their refusal to grant pre-emptives to the Crown lessees. But, sir, I would point out that the Government took steps to protect themselves in the instructions that were given ordering a survey to be made. Here is the form in which those instructions were given :—

"*Memorandum from the Under Secretary Public Lands to the Survey Branch.*

"Department of Public Lands,
"Brisbane, 25th July, 1881.

"The accompanying application for mineral lands, No. 2895 (No. 75, Townsville), is forwarded for survey if no objection thereto exists."

Is there not a good deal implied in those last words "if no objection exists"? The Minister for Lands did see objection in this case, and seeing that objection he was perfectly at liberty to decide in the way he did. I do not consider it necessary to go into the matter further, because it has already been shown particularly clearly by the hon. the leader of the Opposition what was the actual position of the case from first to last, and the reasons which induced the Minister for Lands to refuse the application—finding there were so many difficulties in connection with it. There is no doubt that he had the right to refuse, and, thinking he was justified in doing so, he exercised that right. In the event of this select committee being appointed, what, as the hon. member for South Brisbane, Mr. Fraser, has said, is to be the result of it? Are the Government so flush of money that they wish another slice to be taken out of their surplus in order to compensate these men for the loss of rights that they have already disposed of? Even if these men were entitled to the land, before they had secured their title they sold their right, and whoever bought it—whether it was a syndicate or anybody else—simply bought their right. They did not buy the land, because the application was not confirmed at that time. What a select committee is to be appointed for I confess I cannot see; and I think the House will do well to reject the motion altogether. I will add that evidently the late Minister for Lands, in considering the difficulty that had been raised between these two men who applied for the land, and the others who had backed them and put them in a position to be able to make the application, showed in the action he took that he favoured neither one nor the other, but decided in accordance with justice. He refused to place either party in such a position that he would have an advantage over the other that he was not entitled to have.

The ATTORNEY-GENERAL said : These papers disclose a case of undoubted hardship. I think there cannot be two opinions that the late Minister for Lands, in adopting the course he did, went altogether out of his way. I approve, to some extent, of the course that was adopted by the hon. member for Townsville, when acting for the Minister for Lands, because, although it does not seem to me to be the course that he ought to have adopted, at all events it was much preferable to that which was subsequently adopted. These men applied for certain selections, and in lodging their application they deposited the sum of money required to be deposited. A contract was entered into between the Government and these men, and unless there was some very good and substantial reason in the public interests why that contract should not be carried out, the Minister for Lands had no right to break faith with them. The hon. member for Bowen has laid down a doctrine to which I cannot subscribe. He endeavoured to introduce a parallel between a private individual selling land and the Government disposing of valuable mineral lands. He said there was an analogy between the case of a private individual, who, without any knowledge of the value of his land, was induced by some artifice or misrepresentation to sell for 5s. land that was worth a million. That, no doubt, between private individuals would be good ground for endeavouring to rescind the contract; but what analogy is there between that case and this? Does not the Government assume that the mineral lands of the colony, which it gives people the right to select, are valuable? The argument comes to this: that if men took up land under the Mineral Lands Act at a certain figure, and afterwards it turned out to be a fortune to them, the Government should have the right to step in and say, "We will share your fortune with you." I say that if a doctrine of that kind is to be accepted it will be a very poor thing indeed for the mining industry of this colony. I hold that our miners who go out exploring and undergoing all the hardships of prospecting—after encountering all the risks and undergoing all the hardships and spending their money for that purpose, are fully entitled to the benefit of any good find they may drop upon. I would like to know what is the good of our mining industry at all, if the Government are held to have the right to participate with a man in any rich reef or alluvial deposit that he discovers. It would deal a deadly blow at the mining industry altogether.

The HON. J. M. MACROSSAN : That is the law now.

The ATTORNEY-GENERAL : It is not the law under which those men applied for the land. The Mineral Lands Act provides that the Minister may, in the interests of the public, refuse to confirm or grant an application, and offer the land for sale.

The HON. J. M. MACROSSAN : I say that is the law now.

The ATTORNEY-GENERAL : I say that was not the law under which those men took up the land, and I hold that it would be a very improper thing to say that because a venture turned out a good one and not a bad one, therefore the Government should step in and say, "We will take the land from you; we will not perform the contract, but will offer the land for sale."

The HON. SIR T. MCILWRAITH : It turned out a very bad thing to those who bought it.

The ATTORNEY-GENERAL : I am not going into the whole details of the question. That has nothing to do with the principle at all, because there has been many a thing floated which has turned out a bad thing for the company who took it up. We have heard a great deal from time to time as to the necessity of encouraging speculation, and I think that, within certain limits, it is not a bad thing to encourage. If it were not for a certain amount of speculation our mining

industry would not be developed very extensively. But what I say is that, after these men entered into a contract with the Government to take up certain mineral land, and on the good faith of that they entered into a contract with other people who were to find the capital to enable them to develop the land —I say that for the Government to step in and overthrow all is striking at the very root of that speculation which is so necessary to the vitality of the mining industry. In this case the Government obtained £1,500 wrongfully, and the mere fact that the men who purchased the property were losers is neither here nor there. If those men could have sold the property, and it was done fairly, squarely, and honestly, without misrepresentation; if they could have sold either to a Sydney syndicate or anyone else, they were entitled to the profit on the sale, and were justified in expecting that the Government would carry out the contract in such a way as to enable them to carry out their contract. You might as well say that because a man has a number of shares in a mine at Gympie, and having an idea that the mine was going down he cleared out in good time, a month or two afterwards those who purchased from him, and who perhaps were unable to dispose of their shares except at next to nothing, should have the right to turn round and say to him, "Give me back my money." You cannot do a thing like that. I say there was a wrong done in this case by the Minister for Lands not following out what was the obvious course to follow under the circumstances—namely, to allow these men to have what they were justly entitled to. The Minister should not go about in a paternal kind of way looking after the interests of those people with whom he had nothing to do, but his duty was—unless the public interests demanded it, and he had good reasons for withholding the application—to have granted it, and then the parties could have gone to a court of law and established their rights.

Mr. BAILEY said: Mr. Speaker,—It is a most unfortunate thing for those engaged in the mining industry that they are sometimes compelled to fight for their rights in courts of law. Nothing has done more harm to the mining industry in Queensland, I believe, than the fact that those following it have had sometimes to go into courts of law. Therefore let us not hear any more in this House to the effect that the proper way for miners to get their rights is to go into courts of law. That is not the way for them to get their rights, though they will get plenty of wrongs there. The hon. Attorney-General has said there might be a deadly blow dealt to the mining industry by the decision of this House in this case. Where does the deadly blow come in? I can assure this House that miners—that is, honest miners—will repudiate the action of Koledas and his comrade Fleeton. We know that the existence of miners on goldfields very often depends upon backers—men who, engaged in trade and business in the towns, are willing to give money out of their savings to enable these men to live. They expect that these men will deal honestly and straightforwardly with them in return. Once you destroy the entire confidence between backers and miners, then you will deal a serious blow at the mining industry, and that will be where the deadly blow will come in. What do we find in this case? We find two miserable men agreeing to go prospecting——

Mr. ALAND: On a Sunday, too!

Mr. BAILEY: No; they found the mine on a Sunday and defrauded their backers out of the results of their labours.

An HONOURABLE MEMBER: That is not proved.

The HON. SIR T. MCILWRAITH: That is proved.

Mr. BAILEY: I think the statement made by Petersen and McGrath is so simple and so plain, and so straightforward, that it will commend itself to every member in this House. In their letter, dated Townsville, August 27, 1881, they say—

"We made a verbal agreement with Leonidas Koledas"—

A very good name, by the way—

"that he should go out prospecting for minerals, and we would pay him 15s. per week each, in consideration of which he agreed that we should have one-fourth each of all he would find."

That is a very ordinary agreement frequently made on our goldfields, and there is no possible doubt that that is a true statement, and that such an agreement was made. What do we find afterwards? The first big find they found was on a Sunday, and of course the backers had nothing to do with that! They tried to cheat them out of that. When they found two or three "duffer" claims, the backers were in those; but when any good finds were discovered the backers were kept out of them. A more cruel piece of trickery;—I will not call these men miners or prospectors; they are a disgrace to the name of miners;—a more cruel piece of trickery on on the part of miners or prospectors to backers, I have never heard of. It is all very well to point to this mass of evidence—28 pages—but hon. members can read between the lines of this evidence, and understand how certain portions of it have been put together. They can also understand the character of those two men. They can understand the two men trading in the town paying these men 15s. a week to go prospecting, and they can understand these two men outside trying how they can cheat the men inside. For the honour of miners let me say this is a very rare exception to the rule. It is one of a very few cases I have heard of in Queensland, and I hope this House will not give the least sanction to any attempt to carry out the wishes of these two men, thrust upon us in this way. Let us put the thing under the table at once and have done with it.

Mr. ALAND said: Mr. Speaker,—I have listened with great pleasure to the hon. gentleman who has just sat down, and I cannot help thinking that he must have had an acquaintance with some legal matter in connection with the mining industry, as "a fellow-feeling makes us wondrous kind." I have read as carefully as I possibly could the paper laid before us, and I have come to this conclusion, without expressing any opinion at all as to the legality of the action of the Minister for Lands in refusing this selection—that Koledas and Fleeton have been rightly served. I know there are some hon. members who believe that these men have been monstrously served; but I hold the opinion that they have been rightly served. They evidently intended to fleece or to cheat—to put it in plain language—the two gentlemen who were backing them in this venture; and I therefore consider that the action of the Minister for Lands, whether it was legal or illegal, was certainly well calculated to teach these two men, Koledas and Fleeton, that honesty is after all the best policy. I hope that the mover of this resolution will withdraw it. If it goes before the Select Committee I cannot see what good can come out of it. I those men demand compensation at the hands of this House, I feel pretty sure that the House will grant them no compensation; because I believe the opinion of the majority of members of the House is that they deserve no compensation. It has been argued that those men having

put in their application to the Minister for Lands, he should have granted it. It is just possible—though it is not so stated in this paper, but we can suppose it—that Koledas had a right to put in that application in the names of the four parties; that that was what he was instructed to do and what he ought to have done; and if it came to the knowledge of the Minister for Lands that the application had been put in improperly—whether he acted illegally or legally—I say he acted, at all events, rightly, in refusing to acknowledge the application. I shall vote for the thing being thrown out.

Mr. MELLOR said: Mr. Speaker,—Reference has been made to miners; and I think some injustice has been done to these two men. I believe that this House, and everyone who is honest, would look upon a man who would receive backing-money, and be unjust to his backers, as a man unworthy of any consideration at all. I think such an act as that is most reprehensible, and that a more dishonest act could not be perpetrated; but assuming those men who went out prospecting made an agreement, it is not to be supposed that that agreement would last for ever. It does not appear from what I have heard, and it does not appear from these papers, that the backers continued the payments to these men; and anything they discovered after the backers had ceased paying them, the backers could not expect to participate in. In reference to the statement that they had suffered no loss—having sold their interest—that might be so; but the papers do not say that they have been paid for it, and I believe that that payment was never made. I have a letter here which was handed to me, with the request that I would read it, and it is from Koledas himself. He says:—

"The member for Townsville makes a serious mistake when he says that Koledas sold to a syndicate what he had not got, and so obtained money under false pretences. The fact is as stated in petition. Koledas made arrangements with a Sydney company, conditionally upon his obtaining his deeds, which arrangement has of course fallen through; and Koledas has therefore never received one farthing from such company. The remarks about dishonesty were therefore most unjust."

In reference to the sale of the land, about which there have been some observations, I think it was very unjust, and was not a proper thing for a Minister of the Crown to do. Those two men went out prospecting, and found the land to contain minerals. That land, therefore, was made valuable by their labours. The Crown could never have got that money for it unless the prospectors had found minerals; and I think that in selling the land the Crown deprived the men of their rights. A great injustice therefore was done them, and it is right that an inquiry should be made. For these reasons I shall certainly vote for an inquiry.

Mr. LISSNER said: I really do not know why the House should debate this matter. When I came into the House first, I thought—and I expressed my feelings in that way—that the matter ought to have been placed in the hands of the members for Kennedy; but after the explanation that we have heard, I am glad it was not given into the hands of those members. As far as the senior member for Kennedy is concerned—although he has made a very warm speech—I am sure he is glad that he had nothing to do with it. I at first thought that the petition came wrongly into the House from Kennedy, *viâ* Rosewood; but I begin to think that that is the best road it could have come, and that it ought to go back that way. I have had some slight experience in mining; and I say that what may be considered right in other respects may be wrong from a mining point of view. There is a very strong point of faith between backers and miners. If a miner requires assistance from business people or any one else, to go mining for their joint benefit, the agreement is generally made verbally, and an arrangement is come to in good faith as between man and man. The miner says, "I am going to the Star River; I have got a good thing on there. There are some selections that we can get for mining. If you give me 20s. or 30s. a week, and another man gives me the same, if I find anything of course we will go mates in it." The parties do not go further than that; they do not go into a solicitor's office and get a deed drawn up about it. It appears that Koledas and Fleeton went out to the Star River, and there they formed themselves into a small syndicate. They were not a wealthy syndicate; but they took up selection after selection because they could be got very cheap, and if they found anything the chances were that they would get £10,000 or £20,000 for them. The Minister for Lands, we know, generally puts his foot on monopolists and syndicates and capitalists; and I do not think there has been any wrong done by the late Minister for Lands in this matter. If I had had the misfortune to be Minister for Lands at the time I should have acted in just the same way, and I should have thought that I had done right. The thing is that they got those selections very cheap; they had a lot of them, and they thought of course that they would be able to sell them to the highest bidder. After Koledas found the ground, he had, I think, three or four selections besides; he had one called the Hero. According to the evidence he came into Townsville and sold share after share. With regard to the Cleopatra the thing was the same. The Hero was found on Sunday, and there was to have been some excitement about the claim. I do not think I would take much notice of the religion of a man who would not divide a claim he found on Sunday; that would be quite sufficient to turn me against him. All things considered, I really do not think there has been any wrong done to these men; if there has been it was not done intentionally. They could not settle their own wrongs, and a big syndicate "squashed" them. I really do not know what would be the good of an inquiry. The committee would, of course, have to call witnesses; they would have to subpœna McGrath and Petersen.

An HONOURABLE MEMBER: He is dead.

Mr. LISSNER: Well, the committee would call witnesses, and they would bring up a report. Suppose they say that Koledas and Fleeton have been wronged, what are we to do? Are we to go and ask the deceased Petersen and McGrath to give us back the land so that we may hand it over to Koledas and Fleeton? I believe that if the Government are inclined to get rid of some of their money they can purchase the land for £1,500. But I do not know what Koledas would do with it, because nobody could float a company to work it now. It would only be good for litigation; I do not know that it would be good for anything else.

Mr. ISAMBERT rose to speak.

The SPEAKER: The hon. member has already spoken.

Question—That the debate be adjourned—put and negatived.

Question—That a select committee be appointed, with power to send for persons and papers—put.

Mr. ISAMBERT again rose.

The SPEAKER: The hon. member has no right to speak. It is a rule that when an hon. member has spoken to the adjournment of a debate he has not the right of reply.

The PREMIER: Surely that is a new rule? It may be correct, but I do not think so.

The SPEAKER: I think I am correct in my decision. I will read the decision of Mr. Speaker Brand, upon which my decision is based:—

"If a motion for the adjournment of the debate is negatived, the mover and seconder are held to have spoken on the question; and, on the recognised principle that no member is entitled to speak more than once on the same question, they cannot speak again."

The PREMIER: That alludes to the mover and seconder of the motion for adjournment. The hon. member did not forfeit his right to reply to the original motion. The motion was entirely a different one. The hon. gentleman has only spoken once on the original motion.

The HON. SIR T. McILWRAITH: How can it be the mover and seconder of the adjournment when the words are, "He loses his right of reply"? I think it means the mover and seconder of the original motion.

The SPEAKER: The decision of Mr. Speaker Brand was given on a discussion on a petition against the Galway election, in which the judgment of Mr. Justice Keogh was impugned; and in reply to a question of order put to Mr. Speaker by Sir Coleman O'Loghlen the Speaker then stated that in his decision he did but confirm the decision of his predecessor.

The HON. SIR T. McILWRAITH: The Premier is right: it refers to the mover and seconder of the adjournment. It lays down the broad principle that no member is allowed to speak twice, and if a member has spoken on the adjournment of a motion, and on the main question, he comes within the broad principle that no member has a right to speak more than twice; so that the case in point is quite applicable.

The PREMIER said: This is a matter of great importance, because the question is continually arising. A member may not speak more than once on one motion. There is one recognised exception to this rule—that the mover of a motion in the House, not being a motion for adjournment, unless it is a substantive motion for the adjournment of the House, may reply. If a member moves the adjournment of the House on a substantive motion, he may reply. That is laid down. In cases where a debate lasts over one day, a motion for adjournment must be made; and it is the most natural thing in the world that the mover of the motion should have spoken to that adjournment. The decision of Mr. Speaker Brand, to which you have referred, sir, is this: that where a member has moved the adjournment of the debate, and that motion has been negatived, that member cannot be allowed to speak on the motion again, because he has already spoken. The principle is laid down in "May" in this way:—

"A reply is only allowed, by courtesy, to the member who has proposed a substantive question to the House."

There is another exception:—

"The adjournment of a debate does not enable a member to speak again upon a question, when the discussion is renewed on another day, however distant; but directly a new question has been proposed, as, 'that this House do now adjourn,' 'that the debate be adjourned,' 'the previous question,' or an amendment, members are at liberty to speak again, as the rule applies strictly to the prevention of more than one speech to each separate question proposed."

A member may not speak more than once to each separate question proposed, the one exception being that the mover of a motion may reply—

"Upon the same grounds, a member who has already spoken, may rise and speak again upon a point of order or privilege; but a member, who has already spoken to a question may not rise again to move an amendment, or the adjournment of the House, or of the debate, or any similar question, though he may speak to those new questions when proposed by other members. For the same reason, a member who has moved an amendment, which has been negatived, cannot speak to the original question."

The following is the decision by Mr. Shaw Lefevre:—

"A member who has moved or seconded the adjournment of the debate may not afterwards rise to move or second the adjournment of the House, having already spoken in the debate."

The member who seconded a motion even by raising his hat was held to have spoken. But whatever the rule may be decided to be, the hon. member will not be very long, and I think he should be allowed to speak, as this is quite a new decision; the authority quoted has no bearing upon the matter. It was one of a series of decisions:—

"If a member moves the adjournment of the debate, and speaks thereon, he cannot speak again on the main question.

"If a motion for the adjournment of the debate is negatived, the mover and seconder are held to have spoken on the question."

Recognising the broad principle that no member is allowed to speak twice on the same subject. Then—

"A member who has moved the adjournment of the debate, which motion is negatived, cannot address the House upon the original motion.

"An hon. member who has moved the adjournment of the debate, the motion having been negatived, cannot address the House on the same question."

The decisions are all to the same effect.

The HON. SIR T. McILWRAITH: There is no doubt your decision, sir, is contrary to the practice of the House, and to the decision given upon the point by your predecessor, Mr. Elliott. I will bring it to your mind, when I refer to a speech made by Chief Justice Lilley, in which he made a calculation to show the number of speeches that could be made in a House of thirty-two, if everyone exercised his power. The point was brought before Mr. Speaker Elliott in 1870. When we were arguing the point how often a member could speak, the present Chief Justice, then Mr. Lilley, gave this illustration:—He said that if a member of the House made a speech on a certain subject, and ended by moving the adjournment of the House, then all the rest of the members had a right to speak to the adjournment. If the number of members in the House was thirty-two, there would be thirty-one speeches on the motion for adjournment. Then the next man might speak, and move the adjournment, and there would be thirty-one more speeches, and so on till the adjournment had been moved thirty-one times, with thirty-one speeches each time, making 961 speeches. Add to that thirty-two speeches on the original motion, and altogether there could be 993 speeches made on any one subject. We have always acted on that assumption, so that a member may speak on every motion for adjournment, and then speak in reply.

Mr. CHUBB said: Mr. Speaker,—I should like to point out, in support of the contention of the Premier, that if your ruling be correct, when a motion for the adjournment of the debate is moved, the mover of the original motion would be in this position: that although he is the person most vitally interested in the question, he must either sit still and hold his tongue while the motion for adjournment is being argued, or else forfeit his right to reply on the main question. That would be an anomaly and an absurdity.

The SPEAKER said: As the point is apparently new, I will take further time to consider it; and I would rather that the House will allow the hon. member for Rosewood to speak by consent, than establish a precedent.

The HON. SIR T. MCILWRAITH: In the meantime you withdraw your ruling, sir?

The SPEAKER: Yes.

Mr. ISAMBERT: We have had from the hon. member for Bowen this evening a most extraordinary exposition of the law. If the law as expounded by the hon. member is to hold good, no man would be able to go out and prospect with any assurance that the Government would be faithful to their part of the contract. The Government have clearly laid down that they will carry out their part of the contract if the miner fulfils his; and I contend that Koledas and Fleeton carried out their contract, and had a clear right to their selection. Throughout the evidence, as disclosed by the papers, it is not shown that there was a permanent agreement between Koledas and Fleeton on one side, and Petersen and McGrath on the other. In the first instance when they went out Petersen and McGrath paid them wages, but subsequently it is proved, as clearly as anything can be proved, that that arrangement ceased. If that were not the case, would Petersen have paid the £10 cash, the £3 7s. subsequently, and the rest of the £15 into court? Throughout the whole transaction the Minister for Lands for some reason acted like a pleader for the objectors, and the applicants were quite a secondary consideration. The very interests which the Minister for Lands was in duty bound to protect, he subordinated to those of the objectors. I do not think there ever was a more palpable miscarriage of justice. Hon. members have imputed fraud to Koledas and Fleeton; but how is it possible there should have been fraud when it is proved by Petersen's transactions that the previous arrangement had ceased? And where the conspiracy comes in I really fail to see. If there has been any conspiracy, it was the Minister for Lands who was inspired or misled by it. If ever there was a case for impeaching the late Government this is one, and no mistake. What would not a Government do that would trample the rights of miners under their heel? It reminds me very much of an expression made use of some time ago by an hon. member: "I have done all I can for the contractors, and I can do no more." The hon. the late Minister for Lands could certainly have done no more than he did to play the selection into the hands of the objectors. He had no reason for withholding his approval except the partnership dispute, and yet he pressed Petersen and McGrath to prove their claim in a court of justice in these words:—

"If Petersen and McGrath have a claim they must proceed to enforce the same by process of law.—5-8-82."

What could be clearer than that? Here, on page 13, is a declaration by Louis Tuillier:—

"On or about the 26th day of July, 1881, I remember buying one-eighth share in the Cleopatra silver selection, on the Star River, from Leonidas Koledas, for the sum of £15. At the same time I was informed by one Hans Petersen, watchmaker, of Townsville, aforesaid, that he had also purchased from Leonidas Koledas a one-eighth share in the same selection for the sum of £15. Shortly after the purchase, Petersen, having visited the selection, told me that the share he had bought was no good, and that Koledas had taken him in. I visited the selection myself, and was quite satisfied with its value, and on my return I informed Petersen to that effect. Hans Petersen never led me to believe that he was backing Koledas."

There can be no clearer proof that the previous arrangement, if any existed, had ceased. The only conclusion that could be arrived at was that the late Minister for Lands had pledged his approval as soon as the partnership was removed—it is in his own writing—and when the partnership was removed he sold the selection. The leader of the Opposition stated that the land was valuable, that it was sold in the interests of the public, and that by the sale the Government realised £1,500. If their sense of right and justice was based on such principles, then the country is to be pitied that is governed by such a Government which rides roughshod over the laws and rights of the people. For certain reasons for the present, I beg, with the permission of the House, to withdraw the motion.

Motion withdrawn accordingly.

TOWNSVILLE GAS COMPANY BILL—SECOND READING.

The HON. J. M. MACROSSAN said: I do think it necessary for me to say much in moving the second reading of this Bill, seeing that a similar Bill to this passed through the House a few nights ago. I will merely point out that when the Bill was before the Select Committee appointed by the House they thought fit to amend clause 13, so as to keep the profits of the company down to 20 per cent. It was originally 30 per cent., but now when the profits reach 20 per cent., according to the Bill, the company must reduce its charges to the public for gas. Then a new clause has been inserted after clause 37, similar to the one which the Committee of this House insisted upon placing in the Gympie Gas Company Bill, giving the local authority power to purchase the company's undertaking after fourteen years. Having said this, it seems hardly necessary to say more at this time of the night; and I will simply move that the Bill be read a second time.

Mr. CHUBB said: I do not rise to oppose the Bill, but I want to say a word with regard to gas companies in general. I was unfortunately absent from the House when the previous Gas Bills were discussed, but for some time I have had it in my mind to say something on the subject, and I will say it now. We are getting a number of Gas Acts upon the Statute-book, and I notice that they are all pretty much of the same character—following the precedent of the first Gas Act passed in the colony, the Brisbane Gas Company Act. In England, some years ago, the Government found it necessary to introduce a measure which I believe is called the General Clauses Gas Act, an Act that deals with all gas companies in England, and that regulates certain matters which are applicable to the general working of gas companies. In particular, it deals with the standard of lighting power and with the standard of purity. By that Act gas companies are compelled to supply gas of a certain illuminating power, and of a certain standard of purity; and if they do not do so they render themselves liable to heavy penalties. It would be well, I think, if the Government would consider the advisability, next session, perhaps, of introducing a Bill which would deal equally with the gas companies of this colony. We know that wherever they are established they are monopolies—in this colony there has never been more than one gas company in one town—they are practically monarchs of all they survey; they "rule the roast," and do almost what they please. In a local paper to-night I happened to read a case of hardship. A tenant entering in a house found, on taking possession, that the previous tenant had not paid his gas rates, and the gas company threatened to cut off the gas unless he paid the debt of the former tenant. That seemed to be a hard case. I do not see why a man should be forced to pay another man's debts. That is a small matter, but there are a number of small matters that require to be regulated by one general Act dealing with all the gas companies. It would be advisable, I think, if the Government bore this in mind, and—as it may be impossible to undertake it this session—next session bring in a Bill on the lines of the English Act which deals

generally with all gas companies, to provide for the protection of the public on those matters, which I think are essential.

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

ADJOURNMENT.

The PREMIER moved, without previous notice, that the House do now adjourn till Tuesday next. It was too late, he thought, to make any satisfactory progress with the Land Bill at that sitting.

The HON. SIR T. MCILWRAITH asked if the Premier could state definitely what his intentions were with regard to meeting on Friday, next week, so that hon. members might have time to think about it. It was the object of the Opposition to consult the convenience of the Government in giving them as much time as possible to get on with public business. The private business was so little that Thursday nights had been completely wasted. He thought it was better that the intentions of the Government should be known so that hon. members could think over them before the proposition was made next Tuesday.

The PREMIER: I gave notice this afternoon that I would move on Tuesday that the House shall, in future, meet on Friday afternoons, as there is a general opinion that we should meet on Friday now at this period of the session, and I proposed that Government business shall take precedence. Since then the hon. the leader of the Opposition has been good enough to suggest that Government business should take precedence on Thursdays, and I entirely agree with him. I think it would be better, because very often the whole evening would not be taken up with private business, and then it would be too late in the evening to begin Government business. Therefore I have amended the notice of motion proposing that the House shall meet on Friday afternoons, by saying that the Government business shall have precedence on Thursdays. That will give Friday for private business, and it will be most convenient to have three Government days coming together. As to the other question—Friday morning or Friday evening being the most convenient for the private business of hon. members—I am most anxious to consult their convenience. There is only one day for private members. I calculate that two hours and a-half on Friday morning will not always be sufficient. I anticipate so. It may be a question, however, whether it will be desirable to suspend Friday morning sittings or leave it so that on Thursday we shall determine whether we shall meet in the morning or evening. I have given notice of motion to suspend Friday morning sittings, but it will be worth while to consider whether we shall allow it to stand, so that on Thursday we may determine whether we shall meet on the morning or afternoon of Friday. That can be most conveniently settled by leaving the notice of motion in its present form.

Question put and passed.

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