Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

FRIDAY, 10 OCTOBER 1884

LEGISLATIVE ASSEMBLY.

Friday, 10 *October*, 1884.

British Protectorate of New Guinea.—Formal Motion.—Pharmacy Bill—second reading.—Townsville Gas and Coke Company (Limited) Bill—committee.—Maryborough and Urangan Railway Bill.—Jury Bill—committee.—Adjournment.

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

BRITISH PROTECTORATE OF NEW GUINEA.

The PREMIER (Hon. S. W. Griffith) said: Mr. Speaker,—I rise to inform the House that I have received to-day from the Agent-General, Mr. Garrick, a telegram informing me that Sir Robert Herbert has written to him to state that the Commodore of the Sydney station has been instructed to proclaim under British protection the southern shores of New Guinea and adjacent islands, in accordance with the Prime Minister's statement to the Houses of Parliament on the 11th of August last. To make that more intelligible, I will read what Mr. Gladstone said on that occasion:—

"Sir W. MCARTHUR asked the First Lord of the Treasury whether the 'protection' mentioned in Lord Derby's despatch of May 9th, 1884, to the Governors of the Australian colonies, as intended to be established in New Guinea, and towards the cost of which the Australian colonies had agreed to pay £15,000 for the year, would establish the complete jurisdiction of the British Government over New Guinea and the adjacent islands, so as to afford protection to the natives, not only against the lawlessness of British subjects, but against the lawlessness of the subjects of other nations.

"Mr. GLADSTONE: The protection mentioned in the despatch of Lord Derby is in the nature of a protection which Her Majesty's Government advised the Queen to establish over so much of the coast of New Guinea as lies to the eastward of the Dutch claim upon the southern coast of that island, but excluding portions on the northern side of the island. I cannot give a minute definition now of the line up to which this protectorate will extend, but within the limits of it it will answer the purpose mentioned by my hon. friend in his question—that is to say, the jurisdiction of the Government will be sufficient to afford protection to the natives against lawless action by whomsoever taken, whether by British subjects or foreigners. The jurisdiction does not extend to the islands to the north and east of New Guinea."

I may add, with respect to a great deal of correspondence and a great many statements which have lately appeared in the Press on the subject, that some time since Mr. Garrick was asked to press the Imperial Government to early action, in accordance with the promise made by Mr. Gladstone; but he was not instructed or desired to join in the request made by some of the other colonies to protect all the islands of the Pacific. We confined ourselves in the instructions given to Mr. Garrick to the resolutions of the Convention held in Sydney. To that extent Mr. Garrick has been working cordially with the others. We thought it was not desirable to encumber the matter by asking that the rest of the islands in the Pacific should be included.

Mr. ARCHER said: Mr. Speaker,—With the permission of the House, I will just say a word on the subject. I understand, from the telegram which the hon. gentleman has read, that it is a British protectorate, and not annexation, that is proposed for the southern portion of New Guinea.

The PREMIER: Yes.

Mr. ARCHER: I would like to ask the Colonial Secretary without notice if he is prepared to advise—as at the present time we have a case being heard in our Supreme Court in which it is supposed that natives have been engaged contrary to law on the north-east coast of New Guinea, and as the action is being taken for the protection of the natives, and as labour schooners have already found their way up there—I would like to ask whether it might not be as well for the Government to advise that it is just as much necessary to extend the protection to that portion of the island as to the southern part, so long as it does not interfere with the rights of other European nations.

The PREMIER: For my own part I should be very glad to see the protection extended to all that part of New Guinea not at present supposed to belong to the Government of the Netherlands. I do not, however, think there will be much further danger to the natives from labour schooners, as recruiting from New Guinea has been prohibited. I have not the slightest doubt that the step which has just now been taken will, before long, have the effect the hon. gentleman desires.

Mr. ARCHER: I know Queensland labour vessels have been prohibited from going to New Guinea, but where they have once gone other vessels will follow, and I think it would be as well as if the hon. gentleman were to inform the Home Government that labour vessels have already found their way to the north-east coast at Cape Ducie, and that, consequently, protection is just as much needed there as in the southern portion of the island.

FORMAL MOTION.

The following formal motion was agreed to:—

By the PREMIER—

1. That Mr. Stevens be discharged from attendance upon the Joint Committee for the Management and Superintendence of the Parliamentary Buildings; and that Mr. Ferguson be appointed a member of such Committee.

2. That the foregoing resolution be communicated to the Legislative Council by message in the usual form.

PHARMACY BILL—SECOND READING.

On the Order of the Day being read for the second reading of the Pharmacy Bill,

Mr. BAILEY said: Mr. Speaker,—Before proceeding with this Order of the Day I would like to ask your ruling on a question which may be raised. I think this Bill comes within the category of Trades Bills, and that I am properly introducing it into this House. I believe I am, but in order to avoid discussion afterwards, and in order to put the matter on a proper footing, I respectfully ask your ruling as to whether I am correct in the mode of procedure, in asking for the second reading of this Bill.

The SPEAKER: I may state that when the Bill first came from the other Chamber I entertained some doubt whether it was properly before the House. The Bill is, in its very essence, a Bill relating to trade; which is one of certain classes of Bills which are required to originate in a Committee of the whole House. As we have no specific Standing Order upon the subject we fall back upon Standing Order No. 287, which provides that—

"In all cases not herein provided for, resort shall be had to the rules, forms, usages, and practice of the Commons House of Parliament of Great Britain and Ireland, which shall be followed so far as the same may be applicable to this Assembly, and not inconsistent with the foregoing rules."

The rule of the House of Commons upon the subject is explicit—

"That no Bill relating to religion or trade, or the alteration of the laws concerning religion or trade, be brought into this House until the proposition shall have been first considered in a Committee of the whole House, and agreed unto by the House."

This being the case, I thought that the Pharmacy Bill, being a Bill expressly to regulate a particular branch of trade, could not be introduced into this House otherwise than by preliminary consideration in a Committee of the whole House. The House of Commons is evidently strict in the observance of this rule, as Sir Thomas May says that "if by mistake this form has been omitted, all subsequent proceedings are vitiated, and must be commenced again"; and having traced back for more than thirty years the history of the legislation upon this subject in the Imperial Parliament, I find that in the years 1852, 1868, 1869, and 1875, the Bills were introduced in the House of Commons, and in each case, with one exception, with a preliminary committee. Searching further, however, to discover something definite as to the manner in which the House of Commons deals with Bills relating to religion or trade coming from the Lords, I found the practice plainly laid down by the Speaker of the House of Commons, on the 22nd July, 1863, upon an appeal to him by Mr. Pope Hennessy for a ruling in the case of the Statute Law Revision Bill, as follows:—

"A point of order has been referred to me as to the mode in which certain statutes which have reference to religion and trade have been dealt with in this Bill, and complaint is made that this Bill, as far as the statutes are concerned, has not originated in a Committee of the whole House. It is perfectly true that that rule applies to Bills introduced into this House; the order of the House is that they should go through the preliminary stage of a committee, but that does not relate to Bills of that character that come down from the House of Lords. Bills relating to religion come continually down from the House of Lords, and also Bills relating to trade; only the other day the Alkali Bill, regulating that entire trade, was brought down, on which no objection was made that it did not originate in a Committee of the whole House. The object of the rule, that Bills relating to religion and trade shall be founded on a resolution of a preliminary committee, is in order to give opportunity for a fuller discussion and a wider notice to the persons interested. These objects have been already secured by the proceedings in the other House, and therefore the rule does not apply to Bills originated in the other House, and the objection, in point of form, does not apply in this case."

I have no doubt, therefore, that the Bill in question is properly before the House.

Mr. BAILEY said: In moving the second reading of this Bill I do not think it is necessary for me to trespass on the time of hon. members at any great length. I may say that the chemists in 1880 followed exactly in the footsteps of the

chemists of Great Britain some years ago, and of Victoria, New South Wales, and New Zealand in later years. They formed themselves into a society for the purpose of improving their status, for guarding their ranks against the introduction of uneducated persons, and for the protection of the public. These were the three objects for which they formed themselves into a society, thus following exactly in the footsteps of the chemists in Great Britain, and also in Victoria, New South Wales, and New Zealand. In 1881, following still the example of their colleagues in other countries, they obtained the introduction of a Bill into this House. I find that in that year this House, in Committee of the Whole, passed the following resolution :—

"That it is desirable that a Bill be introduced for the establishment of a pharmacy board in Queensland, and to make provision for the registering of pharmaceutical chemists and other purposes."

That resolution was adopted, and a Bill was passed by this House. It went to another place at the end of the session—two days, I think, before the termination of the session—but it did not pass. The following year a similar resolution was passed in Committee of the Whole House here ; and the Chairman, on the 24th August, reported the following resolution :—

"That it is desirable that a Bill be introduced for the establishment of a pharmacy board in Queensland, and to make better provision for the registering of pharmaceutical chemists and for other purposes."

That report was adopted, and the Bill was presented and afterwards passed. Unfortunately it again went to another place towards the end of the session. A select committee was there appointed, but its labours were not terminated by the close of the session. This year the Bill originated in the other Chamber, and has been sent down to us. I think that, as this House has passed it twice, in the initiatory stage of the proceedings there can be no possible need of my arguing in its favour. It is acknowledged that there should be such a Bill ; therefore, I hope I shall not be called upon for any arguments in favour of it, as it would be merely repeating what has already been said on previous occasions.

The PREMIER said : When this Bill was in this House before, I took charge of it as a private member. It was fully considered in committee in more than one year. Amendments were made, and almost every provision received very careful consideration at the hands of the committee. The Bill is now almost precisely in the same form, with the exception that it does not include homœopathic chemists. I think that is the only change in the Bill as it stands now, and as it last went through this House, two years ago. I shall therefore cordially support it.

Mr. MOREHEAD said : Mr. Speaker,—I do not rise to oppose the second reading of this Bill, which I think is a vast improvement on the one originally brought into this House and sent up to another place, where, at that time, I had a seat. I think it was, on my motion, referred to a select committee, and I had a good deal to do with bringing it into its present shape. My great objection to the Bill when it was introduced before was that it did not provide for medical men sitting on the board, but allowed any man who called himself a chemist, whether qualified or not, to be appointed on the examining board. Any member of that board might be as ignorant of the duties of a druggist or chemist as any member of this House. I objected to it on those grounds, and those grounds are to a great extent—I think, almost altogether—removed. I think it is also a great improvement that the homœopathic element has been struck out, because the section of the Bill relating to homœopathic chemists allowed any man so describing himself to sell whatever drugs he liked without being amenable to the board or anyone else. I think the Bill as it stands now is a vast improvement, although I still believe that there are not enough competent men among the chemists of Queensland to provide a majority of members on the board.

Mr. SCOTT said : I see that clause 26 provides heavy penalties for unregistered persons assuming the title of chemists or druggists, etc. Does that include people who sell drugs without putting a sign up? Does it prevent storekeepers, for instance, from selling drugs ?

The PREMIER : No.

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

TOWNSVILLE GAS AND COKE COMPANY (LIMITED) BILL—COMMITTEE.

On motion of the HON. J. M. MACROSSAN, the Speaker left the chair, and the House went into Committee of the Whole to consider the Bill in detail.

Preamble postponed.

Clauses 1 to 12, inclusive, passed as printed.

On clause 13—"Power for the company to contract for lighting of streets and houses"—

Mr. MELLOR said he would ask the hon. gentleman in charge of the Bill whether he intended to make the clause similar to the corresponding one in the Gympie Gas Company Bill? When the Gympie Gas Company Bill was before the Committee objection was taken to the maximum profits allowed the company before they were compelled to reduce the price of gas, being more than 20 per cent. The clause proposed in the present Bill fixed the maximum at 30 per cent.

The HON. J. M. MACROSSAN said he intended to propose an amendment reducing the amount to 20 per cent. That amendment the hon. member would see was in the Bill passed by the Select Committee. He would move that the word "thirty" in the 15th line be omitted with the view of inserting the word "twenty."

Amendment agreed to.

Mr. FERGUSON said he would like to know whether the hon. gentleman in charge of the Bill was prepared to introduce a clause giving power to the corporation of Townsville to purchase the works after a certain time ?

The HON. J. M. MACROSSAN said he was ; a clause to that effect would be found in the Bill passed by the Select Committee.

Further consequential amendments having been made, the clause, as amended, was put and passed.

Clauses 14 to 37, inclusive, passed as printed.

The HON. J. M. MACROSSAN moved that the following new clause be inserted to follow clause 37 of the Bill :—

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

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

Question put and passed.

Clauses 38 and 39, and the preamble, passed as printed.

The House resumed, and the CHAIRMAN reported progress.

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

MARYBOROUGH AND URANGAN RAILWAY BILL.

Mr. FOXTON said: I am not aware of what could have been the reason for making this motion an informal one; but I am inclined to think that I am indebted to the hon. member who called "informal," because it gives me an opportunity of raising the point as to the manner in which the Bill was introduced. It appears to me to be of some importance, and I considered the matter before I introduced the Bill, and arrived at the conclusion that it was done in the proper way. As, however, other hon. members have spoken to me concerning the matter of the regularity of its introduction, I will go more fully into it than I did then. I am still inclined to think that it has been properly introduced. My reason for raising the point was in order that the Bill might not be delayed in any way, and that, if it should be ruled that it has been introduced improperly, I may withdraw it and introduce it in the proper way. There appears to be some difficulty as to whether the Bill should be regarded as a public or a private Bill. I think that although it deals with the public estate, and although it provides for the remission of import duties in certain cases, and otherwise goes into matters which may be treading very closely upon matters of public policy, still it must be regarded purely as a private Bill. As regards the question of the disabilities of the Bill—if I may use the term—I take it that it is not a Bill which affects religion or trade, or the granting of the public money. It would be a stretch of language to speak of public lands as public money. Moreover, there are precedents in this House by which the public estate has been dealt with in private Bills. I need only refer to the provisions of the private Railway Bills which have gone through the House, which provide for the running of trains over public roads—for instance, the Gulland (Tivoli) Railway Bill. Then there was the Gracemere Pre-emptive Bill which provided for the alienation of some 13,000 acres of the public estate, which was not introduced in committee, but in the same way as I have introduced this Bill. Instead of imposing a burden on the people or disposing of public money, it provides for the sale of certain lands at a fixed price, so that it is really the other way. It provides for the receipt of money in so far as that particular is concerned. This Bill also provides that certain conditional selectors may transfer their holdings to the company—the promoters of the Bill—notwithstanding that they may not have received their certificates of the fulfilment of conditions; but that does not in any way amount to a remission or compounding of the Crown debt. It simply transfers the property to the railway company, subject to the conditions under which the selector holds it. That is to say, neither party will be absolved from the performance of any one of the conditions, or the payment of any rent due, by the selection having been transferred. There is no tax whatever imposed by the Bill upon the people, although it provides for the remission of certain import duties which may be said to indirectly affect the revenue of the colony. Legal authorities are very clear upon the point that there must be a direct imposition of a tax upon the people; a mere indirect tax is not sufficient to bring it within the category of those Bills which must be introduced in Committee of the whole House. I mention these matters in order that if any hon. member is in doubt as to the Bill having been introduced in a proper manner the question may be discussed before it goes any further, and have a decision arrived at upon it now. I believe the object of introducing public Bills in Committee of the whole House is in order that every member may have the fullest possible information as to the scope and objects of the Bill. I think in a private Bill the same object will be attained by the petition to the House, the advertisements that are required by the Standing Orders, and other formalities that have to be gone through in the introduction of a private Bill. As regards the Bill itself, I really do not know why the motion I am about to move has been made "not formal," unless it is that there is some objection to the *personnel* of the committee by the hon. member who called "not formal." The committee I have named are Messrs. Chubb, Ferguson, Mellor, Grimes, and the mover. I regret to say that the hon. member for Bowen (Mr. Chubb) has informed me that he will not be able to sit on the committee on account of his projected departure from Brisbane. I have therefore asked the hon. member for Townsville if he will act in his stead, and he has consented to do so. With the permission of the House I will therefore move that the name of the Hon. J. M. Macrossan be substituted for that of Mr. Chubb. I may shortly state that the objects of the Bill are simply to enable the company to construct a line of railway from the Maryborough and Burrum line of railway to Pialba and Urangan, and a loop line across from that line to the Burrum itself, thus affording means of communication with the sea from Maryborough, and also giving an outlet to the produce of a large coalfield at the Burrum. There is also a proposal by the company to purchase land to the extent of 1,000 acres in the Burrum Coal Reserve at 30s. per acre. I understand that there are certain surveyed lands there which are open for selection by any person who chooses to take them up at that rate; and the company, therefore, ask for nothing more than is considered to be a fair thing to be given to any person who chooses to apply for it. Nine hundred and sixty acres is the area asked for so that the company may have the opportunity of working their own coal-mine, while improving—as I have not the slightest doubt it will—the coal-mines in the vicinity. They also ask for a grant of forty acres along the line, for which they propose to pay at the same rate—30s. per acre—and upon which they propose to erect very extensive works. At the present time the works of this company are carried on in Melbourne, where they have to pay for coal something like 30s. per ton; they treat ores brought from the northern parts of this colony, amongst other places, and their business entails the carrying of ores and of coal to Melbourne; and consequently they think they can see their way to establishing a very good business in the colony. I believe it will be not only a good thing for the particular district in which the industry is situated, but also for the colony at large. The Government are empowered to purchase the line at the end of five years, on what are considered to be reasonable terms; provision is also made for the mutual running of trains; the gauge and stability of the railway are to be similar to those of the Government lines; and I believe the Government approve generally of the terms proposed by the Bill. The plans of this railway, I regret to say, have not been laid upon the table; but they have been lodged as required, and as recited by the Bill, with the Minister for Works, on 29th September. It was my intention to have given notice of motion that the plans should be laid upon the table of the House; but thinking that this motion would pass as formal last Tuesday, I allowed the opportunity to slip, and I will do so as soon as possible, or adopt what seems to me the more natural course, and that

is, that the plans should be laid before the Select Committee appointed to inquire into the matter. I do not think it necessary that I should go through the clauses of the Bill, which is more a matter to be dealt with on the second reading, after the Select Committee have brought up their report. I think referring the matter to a select committee might have been allowed to go as a formal motion, in order that the committee may sift the matter so that hon. members should have the fullest information upon it by the time that the second reading comes on. I beg to move—

1. That the Maryborough and Urangan Railway be referred for the consideration and report of a Select Committee.

2. That such committee have power to send for persons and papers, and leave to sit during any adjournof the House, and that it consist of the following members—namely, Messrs. Macrossan, Ferguson, Mellor, Grimes, and the Mover.

The SPEAKER: Before putting the question to the House, I desire to state that I have gone very carefully through this Bill with the view of ascertaining whether it does not affect public interests to such an extent as to come within the category of a public Bill; and I discovered, by reading its various provisions, that it comes within the category of what are known in the House of Commons as hybrid or *quasi* public Bills, which are generally treated as private Bills in the manner proposed by the hon. member in charge of the Bill on the present occasion. I find, in looking over the Parliamentary authorities on the subject, that the Metropolitan Water Supply Bills of 1852, 1853, and 1878 were public Bills—public inasmuch as they concerned such vast and varied interests—private as dealing more particularly with the special interests of existing water companies. Bills for the embankment of the Thames in 1862 and 1863 were considered hybrid Bills, inasmuch as private property and interests were affected—public as relating to the metropolis. The Metropolitan Gas Bills of 1867 and 1876, the Metropolitan Water Supply Bill, and the Fire Brigades Bill of 1874, and the Metropolitan Tolls Bill of 1877 were all brought in as public Bills; but the Standing Orders were complied with, and other proceedings taken as in the case of private Bills. They appear, however, among the public Orders of the Day, and are treated in the House as public Bills. Their further progress, in the form of public Bills, is subject to the proof of compliance with the Standing Orders by the examiner ("May," p. 748). Of course, here the practice is different. We have no Standing Orders Committee as in the House of Commons, to which private Bills are referred; but the Select Committee, of which the hon. member has given notice, stands in the same relation to this House as the Standing Orders Committee does to the House of Commons. As a rule, hybrid Bills are generally Bills to carry out national works, or relating to Crown property. In relation to some of the provisions of the Bill which is proposed to meet the existing case, I find that, according to Parliamentary Proceedings, a public Act may be repealed or amended by a private Act. Thus: (1) the 2nd and 3rd Will. IV., c. 88, a private Bill, was amended by 7th and 8th Geo. IV., c. 31, a public Bill, as far as Bristol was concerned in the damages of the riots of 1832; (2) the City of London Tithes Act repealed a public Act passed in the reign of Henry VIII.; (3) objection was taken on the 18th July, 1864, that the Metropolitan District Railway Bill amended the Thames Embankment Bill (a hybrid or public Act). The Speaker ruled that no such objection could be sustained. He ruled that as the city of Bristol, by a private Bill, repealed certain provisions in a public Act, the Bill could not be stopped on a point of order. (See *Hansard*, volume 176, page 1619.)

The rule of Parliament in relation to private Bills has been very clearly laid down by May in his last edition—1883—page 756, in which he says:—

"In passing private Bills, Parliament still exercises its legislative functions; but its proceedings partake also of a judicial character. The persons whose private interests are to be promoted appear as suitors for the Bill; while those who apprehend injury are admitted as adverse parties in the suit. Many of the formalities of a court of justice are maintained; various conditions are required to be observed, and their observance to be strictly proved; and if the parties do not sustain the Bill in its progress, by following every regulation and form prescribed, it is not forwarded by the House in which it is pending. If they abandon it, and no other parties undertake its support, the Bill is lost, however sensible the House may be of its value."

* * * * *

The principles by which Parliament is guided are thus laid down by May, page 757:—

"This union of the judicial and legislative functions is not confined to the forms of procedure, but is an important principle in the inquiries and decision of Parliament, upon the merits of private Bills. As a committee, it inquires into, and adjudicates upon, the interests of private parties; as a Legislature, it is watchful over the interests of the public. The promoters of a Bill may prove, beyond a doubt, that their own interest will be advanced by its success, and no one may complain of injury, or urge any specific objection; yet, if Parliament apprehend that it will be hurtful to the community, it is rejected as if it were a public measure, or qualified by restrictive enactments, not solicited by the parties."

Then, in a volume of the "Proceedings and Practice of the Parliamentary Institutions of the Dominion of Canada," prepared by Mr. John George Bourinot, and published in the city of Montreal in 1884, I find numerous instances of Bills similar to the one now proposed to be introduced, which have passed through both Houses of the Canadian Parliament, after having been referred to the decision of a select committee in the same way as is proposed in this case. In regard to the Bill itself, I am of opinion that it is a private Bill:—

1st. Because it affects no large general public interests. The extent to which it touches on present land legislation is confined to the interests of the company, though it may amend an existing public Act.

2nd. Because it concerns private interests which have to be inquired into by the House in its judicial capacity.

As to the clause of the Bill which relates to the disposal of Crown lands, that also is clearly dealt with by May, at page 790, as follows:—

"In the Birkenhead Docks Bill, 1850, an arrangement having been made with the Commissioners of Woods and Forests for a payment out of the land revenues of the Crown, a resolution was agreed to, in the proper form, and the Bill recommitted to a Committee of the whole House, with an instruction to make provision. In the case of the Forest of Dean Central Railway Bill, 1856, after the Bill had been reported from the Committee, a resolution was agreed to for an advance to the company out of the land revenues of the Crown; the Bill was recommitted to a Committee of the whole House, and an instruction given to make provision accordingly."

So that, so far as that particular portion of the Bill is concerned, it may be dealt with by the House itself when the Bill is in committee.

Question put.

The SPEAKER: The House will observe that the hon. member has substituted the name of Mr. Macrossan for that of Mr. Chubb. Will the House consent to the amendment?

Amendment agreed to.

Mr. CHUBB said: Mr. Speaker,—I certainly do not intend to offer any opposition to the motion. I have not read the Bill very carefully, but I wish to ask the hon. the Minister for Works a question in some way bearing on it. I see by one of the Railway Acts—the Act of

1872, Part II.—it is proposed to deal with proposals to construct works from private persons or companies. The 20th section says:—

"It shall be lawful for the Governor, with the advice of the Executive Council, upon receipt of a proposal from any person or corporation desirous of constructing any railway or tramway, containing the terms and conditions upon which he or they is or are willing to construct the same, to accept any such proposal or proposals provisionally, but subject to any such modification or alteration of the terms thereof as the Governor, with the advice of the Executive Council, shall think fit."

That provision is made for the authority of persons who are expected to enter upon land, and set up a line, and make their surveys. It requires that the applicant shall enter into a bond or recognisance, and that plans are to be furnished to the Government; and then upon the Government being satisfied with such plans, etc., it will be the duty of the Secretary for Works to cause a Bill to be prepared and laid before Parliament to authorise the construction of such railway or tramway. The preamble of this Bill does not say that a proposition has been made to the Governor in Council, and that the Bill has been accepted by them, nor is the Bill introduced by the Secretary for Public Works. I should like to know whether the Government consider that the part of that Act I have quoted will apply to a Bill of this kind. The same Act deals with the question of purchasing land. Then there is another Act—the Railway Companies Preliminary Act—which seems to have some bearing.

The PREMIER: That is repealed.

Mr. CHUBB: Is it? The Act of 1880!

The PREMIER: Yes.

Mr. MOREHEAD: We have to keep you informed.

Mr. CHUBB: Part II. of the Act of 1872 appears to have some bearing on the question, and I have little doubt that it seems to lay down the principle that when a private railway is proposed to be constructed, then it is the duty of the Secretary for Works to introduce the Bill, and before that is done the proposal must be accepted by the Governor in Council, in accordance with that statute.

The PREMIER: That is one way of introducing a Railway Bill, but it is not the only way. The proceedings provided to be taken by that Bill have not been followed here. So the provisions are not applicable. The applicants prefer to rely on the ordinary rules of the House for the introduction of a private Bill. The Government give their general approval of the objects of the Bill, but the scheme of that Act has not been carried out.

Question put and passed.

JURY BILL—COMMITTEE.

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

Preamble postponed.

On clause 1, as follows:—

"So much of the second section of the Jury Act of 1867 as enacts that all cashiers, accountants, and tellers respectively, employed as such in any bank, the aldermen, councillors, and other officers and servants of any municipal corporation, shall be absolutely freed and exempted from being returned and from serving upon any juries whatsoever, and shall not be inserted in the lists to be prepared, as thereinafter mentioned, is hereby repealed."

Mr. MOREHEAD said that when such an important alteration was proposed to be made in the law some reason should be given by the hon. member in charge of the Bill. The Premier had presented a petition from the aldermen of Brisbane, praying that they might remain exempt from serving on juries; and he thought himself that the portion of the clause including cashiers, accountants, and tellers of banks would work with great inconvenience to the public.

Mr. CHUBB said that when he introduced the Bill a month ago he gave his reasons very fully. He did so again last week when the hon. member was in Sydney; and he would now repeat that the object of the clause was to enable a better class of men to serve on juries, especially in the outside districts. With regard to large places like Brisbane and Rockhampton, he was prepared to accept an amendment excepting aldermen and councillors; but with regard to the cashiers, tellers, and accountants in banks, he had during the course of his practice seen those gentlemen, while the court had been sitting in small towns—he had seen the whole staff in some cases—listening to the proceedings; and if they had time to go to hear what was going on in court they might very well be expected to take part by sitting on the jury.

Mr. MOREHEAD: Do they shut up the bank?

Mr. CHUBB: They were backwards and forwards from the bank to the court; he did not say that they all left the bank at once. That frequently happened in small country places like Aramac and Blackall; and he had seen it in Cooktown, which was a much larger place. In the country towns the court sat only twice a year, and the bank officials could very well afford to assist in the administration of justice once or twice a year. Their chance of being drawn as jurymen more than once a year was very remote, and in such places as Rockhampton and Brisbane their chance was still more remote, for the greater the number of jurymen the less chance was there of any particular person being drawn. Of course, it might by accident happen that a man might be drawn twice, but the Bill provided that the judge might excuse any juror for any reasonable cause; and if it were represented that it would be an inconvenience to the public that a bank official should be absent from the bank, the judge would have the power to let him go. There was ample safeguard in the Bill for such cases; and he saw no reason why the persons mentioned should be exempt. The whole question was one of convenience; but the Bill went on the principle that it was the duty of every man to serve his country on the jury; and if they were to multiply exemptions they might go so far as to exempt everybody, and abolish trial by jury altogether.

Mr. GROOM said he had been requested by the aldermen of the municipality in the town he represented to ask the Committee not to accept the clause; and they gave very good reasons. As had been pointed out by the hon. member for Rockhampton on the second reading of the Bill, the aldermen had to attend fortnightly meetings—twenty-six meetings in the year—occupying three or four hours each. Then there were committees — legislative, health, works, and finance—to which they devoted a considerable amount of attention; so that a large amount of their time was taken up in public duties, and to ask them to become jurors as well was going too far. The hon. member in charge of the Bill had alluded to officers of banks listening to the proceedings in court-houses; but he thought cases of that character were very few indeed. So far as he knew—he spoke of the place he knew best, Toowoomba — the clerks in banks had quite enough to do without going to listen to cases in court. He always saw them in their places behind the counter doing their work, and, as far as he knew, they were a very industrious class of young men, and he did not think they should be asked to act as jurors. Nor did he think municipal clerks should be included as jurymen.

Mr. CHUBB: Town clerks are not included.

Mr. GROOM said the collector was included, and it would be highly inconvenient for him to be engaged in a case in court, for probably three or four days. No doubt the object of the hon. member was a laudable one, but it would prove very inconvenient to the public as well as to those included in the clause. He did not know whether the hon. member for Balonne meant to move an amendment with regard to cashiers, accountants, and tellers; but he (Mr. Groom) gave notice that he would move the omission of the word "aldermen."

Mr. MOREHEAD: I object to the whole of the clause.

Mr. MELLOR said the whole of the clause might very well be left out. Aldermen had quite enough public duties to perform without being called upon to act as jurymen. In his opinion, the members of divisional boards also should be exempted from serving on juries.

Mr. MOREHEAD said he trusted the hon. member for Bowen would withdraw the clause. Even supposing the clause were carried, there was no interpretation clause defining cashiers, tellers, and accountants; so that they would simply have to change the designations of those officers in order to make the clause a dead-letter. It was well known to those acquainted with the interior that the staff of a bank in a small town was small, and that great inconvenience might accrue to the public if the skilled officers were called away to serve on a jury. He had listened to the hon. member for Bowen when he first introduced the Bill, on the occasion when it came to such an untimely end through his (Mr. Morehead's) great desire to see the forms of the House properly carried out, and he did not much care for some of the provisions. The hon. member had not so far made out any case for putting those men on juries who had been so far exempt. The country was growing and the population was getting larger, and consequently the selection was larger than it used to be. It was not as if the population were decreasing and there were a necessity for putting additional men on the Jury List. He thought the argument brought forward by the hon. the Speaker was unanswerable—certainly as regarded putting aldermen and council officers on the Jury List. The best way would be to negative the clause or withdraw it, or the Bill might be postponed until the hon. member for Bowen came back from the North.

The MINISTER FOR WORKS (Hon. W. Miles) said he hoped the hon. member would not withdraw the clause. He could see no reason why cashiers and tellers should not give some little portion of their time to the service of the public. He could quite understand aldermen being exempted; but bank managers and their officers should be made to serve on juries. It was very necessary that the most intelligent men in the community should be compelled to sit on juries; and he was perfectly satisfied that cashiers, managers, and tellers of banks were as intelligent a class as could be found anywhere.

Mr. MOREHEAD: So are aldermen.

The MINISTER FOR WORKS: Yes; but they gave up a considerable portion of their time to the performance of public duties already; but it was not unreasonable that bank officers should be asked to serve on juries. Banking institutions made very large profits—some of them as much as 20 per cent.—and they could afford, if necessary, to put on a few extra clerks. At all events he hoped the hon. member for Bowen would stick to that portion of the clause.

Mr. CHUBB said the gentlemen connected with banks were the only persons in business who were exempt under the present law, with the exception of members of the legal profession, who were generally engaged for or against the parties concerned in the case. Personally, he should be quite willing to serve on a jury if he were not a member of the legal profession. The persons exempted by the 2nd clause of the present Act were—

"Executive councillors, members of the Legislature, judges, chairmen of general sessions, stipendiary magistrates, official assignees in insolvency, clergymen in holy orders; managers, cashiers, accountants, and tellers of banks; barristers-at-law, practising attorneys, gaolers, surgeons, physicians, masters of vessels, schoolmasters, and all those in the Public Service, etc."

Those were most of the exemptions, and among them they had the most intelligent persons in the community, speaking generally. He did not see why bank officials should not take their share of public duties; but there was some force in what had been said by hon. members with regard to members of corporations, because they did give a portion of their time to public duties already. He might add, with reference to the hon. member for Balonne's objection to bank officials serving on juries, that some of those gentlemen were very anxious to become J.P.'s., and spent much of their time in the courts learning their future duties. If they could do that, they could serve on juries, as it was only in small towns where they would be required to do so, and where the choice was small. In the larger towns there was a larger selection, and, of course, there the amount of service would be limited.

Mr. FERGUSON said he hoped the hon. member for Bowen would see his way to withdraw the clause, because the very towns he referred to were the towns where bank officers could not be spared. In many of the small towns there were only two officers in the bank; and making them liable to serve on juries might mean that the bank would have to be shut, and the whole banking business of the town stopped, for two or three days in the year. The large towns would not, of course, be at the least disadvantage as far as that class of people were concerned; but in the smaller places the banks might be robbed during the absence of the officers. With regard to aldermen serving as jurors, hon. members had only referred to the towns of Brisbane and Rockhampton; but the same argument applied to every town in the colony, because the aldermen in the smaller towns had the same duties to perform, and attended just as many meetings. The question had been discussed on a former occasion, when a previous Government brought forward a Jury Bill. A very good list had been framed, from which jurymen might be drawn, and he failed to see the necessity of extending it. The hon. member for Bowen need not think that by extending the list, and making it applicable to aldermen and bank officials, that it was going to be increased to any great extent. He really thought the clause ought to be withdrawn.

Mr. ARCHER said he would most undoubtedly support the clause, with the exception of that portion of it referring to aldermen and officers of municipal corporations. He should like to know why bank clerks, accountants, and cashiers should not act as jurymen. In the small towns referred to, where there were only two in the bank, one of them must be the manager, and he was exempted under the Bill. Surely in those small towns the manager could do all the work to be done during the time the clerk was acting as a juryman. He would go even further than the clause went. He did not see why every Government servant, except railway servants and men engaged in positions similar to theirs, should not be liable to serve as jurymen. Why should not all the

clerks in Government offices act as jurymen? They were part of the population of the country, and he did not suppose they would, any of them, think it a hardship to have to leave the office for a day or two to attend the court as jurymen. He thought everyone in the Government offices, except the under secretaries and perhaps the chief clerks under them, should be liable to serve as jurymen. Even under secretaries were often obliged to travel upon business connected with their departments, and though they were out of the office the work went on just the same. He could not see why they should not have as large a body of intelligent men as it was possible for them to get upon their Jury List. The reason for juries in the present day was indefensible, unless they had intelligent men. At one time, when the juries stood between the Crown and the subject, there were other reasons for them. For example, in the trial of the bishops under James II., if it had not been for the jury who came between the king and the bishops, they would all have been dismissed, or imprisoned for life, or injured in some way. The jury there came in to protect the subjects. At that time there were only a limited number of intelligent people in the State who could be called upon to sit on juries. Now, every public or private servant certainly made himself acquainted with the affairs of the country. They did not any longer require to be defended against the Crown, but they required to be defended against ignorant jurymen; and any measure proposing to add to the number of intelligent men who should be liable to serve as jurymen ought to be supported by that House and by the country. He admitted, of course, that aldermen, councillors, and officers of municipalities ought to be exempted. Aldermen and councillors already performed very heavy work indeed. Though they had meetings generally every fortnight, they did not always conclude their business on the day of sitting; they also spent a great deal of time in the public business apart from the time spent at meetings. They therefore, he believed, performed duties to the State which should stand in lieu of their sitting as jurymen. Instead of going too far, as he had said, the clause did not go far enough, and should have included all the clerks in the public offices. The hon. member in charge of the Bill should certainly put the clause to the vote, and with the exception mentioned he would support him; and if there was another amendment stating that all the clerks in the public offices, with the exception of under secretaries, should be liable to serve as jurymen, he should support that too. If that were done they would add a large number to the list of intelligent men from which their juries would be chosen. He intended to support the clause.

Mr. BAILEY said he could well understand why the hon. gentleman had included the aldermen, councillors, and officers of municipal corporations. Since the Divisional Boards Act came into operation the number of men who were members of divisional boards was very large indeed. They were taken from the most intelligent people in the community, and they ought not to be deprived of the services of those men on juries. He would point out that in his own district no less than sixty of the most intelligent men in the district would be exempted under the Bill.

Mr. CHUBB: Members of divisional boards have to serve.

Mr. BAILEY: Have they? How about shire councils?

Mr. CHUBB: Shire councils are municipal corporations.

Mr. BAILEY said that if members of divisional boards were not exempted, it lessened the favour he had for the clause, because he frankly acknowledged that in towns aldermen had so many duties to perform that it would be an injustice to expect them to serve on juries as well. In country districts members of divisional boards and shire councils were generally a very intelligent class of men, and they would have plenty of time to serve on juries.

Mr. CHUBB said that at the time the Jury Act was passed divisional boards were not in existence, and the members of them, unless otherwise exempted, had no more right to exemption than anyone else. Aldermen and servants of municipal corporations were exempted under the Act; and as he had not dealt with divisional boards, he had included them in the Bill, for the reason that he thought they should serve as well as the members of divisional boards. The feeling of the Committee, he believed, was against aldermen and officers of municipal corporations being obliged to serve; and he therefore proposed to amend the clause by omitting the words "the aldermen, councillors, and other officers and servants of any municipal corporation." He would like to say, in reference to what had fallen from the hon. member for Blackall, that the question of making public servants serve on juries was one which was too large for a private member to take up. If he thought he could carry it he would be very glad to insert sufficient words to take their exemption out of the principal statute. If the Premier, as head of the Civil Service, was prepared to accept an alteration of that kind, he was prepared to propose it; otherwise he thought it rather delicate ground to tread upon. He proposed to amend the clause by the omission of the words he had mentioned.

Mr. BAILEY said he did not think the hon. gentleman's explanation satisfactory. The clause included "the aldermen, councillors, and other officers and servants of municipal corporations." Divisional boards were certainly municipal corporations.

Mr. CHUBB: No; they are not.

Mr. BAILEY: What about shire councils?

Mr. CHUBB: They are municipal corporations.

Mr. MOREHEAD said he still hoped the hon. gentleman would see his way to withdraw the clause. He had not heard one argument in favour of it. He had not heard one argument to show why accountants, cashiers, and tellers in a bank should be included. It should be remembered that not only were they included in that clause, but also in clause 4, they were to be liable to serve on special juries. It had been pointed out a good many times that it would be a serious inconvenience to the public if, in small towns where there were only two officers in a bank, one of them should be taken away to act as a juryman. Further than that, no case had been made out why the Jury List should be extended in that way. The hon. member for Bowen had not given one instance where any difficulty had arisen on account of bank clerks not being put on jury lists; and as he had very properly abandoned one portion of the clause, he might just as well abandon the rest. The hon. member seemed to have some particular "down" on cashiers, accountants, and tellers—why, he (Mr. Morehead) did not know; at all events he did not see why the hon. member should wish those gentlemen to be put on the list. He must know that great inconvenience would be felt by the public, owing to the absence of those officials from business; and he (Mr. Morehead) thought the hon. gentleman ought to have sufficient common sense to withdraw the clause. There

was no doubt that it would be evaded if it were passed; magistrates in outside districts would not include either cashiers, accountants, or tellers in the jurymen.

Mr. ARCHER said that the hon. member for Bowen had included bank officials because they were among the most intelligent of men.

Mr. MOREHEAD said the hon. member for Bowen did not give that as a reason at all. He said he included them because they had nothing to do, and were hanging about courts. He (Mr. Morehead) had been many times at district courts, and he had never seen them loafing about court-houses, and he thought it was rather a severe charge to bring against a body of men.

The MINISTER FOR WORKS said he agreed with the view held by the hon. member for Blackall. He thought that not only bank clerks but clerks in the Government service ought to be made to serve on juries. Every endeavour should be made to get the most intelligent class of men that could be procured as jurymen. At present the number of jurymen was very small; many of them in business in a small way, who had to neglect their business when called upon to serve.

Mr. PALMER said that one of the reasons given by the hon. member for Bowen, when Attorney-General, against the establishment of a district court in one of the northern districts, was that the number of men available as jurymen was too small. Although the population had increased since then, it was a matter of great importance to all outside towns that all the best men should be available for the jury lists, especially when the lists were first made. He agreed with the hon. member for Bowen in that respect. He hoped the hon. member would adhere to the clause as far as bank officials were concerned; and, although in the outside districts there were no aldermen or councillors, he hoped that they also would be included, so that the lists might be made as comprehensive as possible.

Mr. FERGUSON said there was another reason against bank officials being included. In many outside places there was only one bank, which was very often connected with many of the cases that came before the court. In cases of dishonoured cheques and others like them, the bank was so much connected with them that it would interfere with justice if the clerk or manager were to serve on the jury.

Amendment put and passed.

The PREMIER said if the hon. member for Bowen would confine the Bill to the clauses about which there was no difference of opinion, he would get it through without difficulty. He did not agree with his colleague the Minister for Works; he did not think it would be desirable to include bank clerks. Not only would it cause inconvenience to the public, but very often banks had a good deal to do with the business that came before courts. That he considered a most serious difficulty. He had never heard a sufficient argument against that; bank officials were too much mixed up with business. He hoped, therefore, the clause would be omitted altogether. Undoubtedly the present list of special jurors was defective, and the whole jury law was in an unsatisfactory condition.

Question—That the clause, as amended, stand part of the Bill—put, and the Committee divided as follows:—

AYES, 8.

Messrs. Miles, Archer, Dutton, Chubb, Donaldson, Bailey, Palmer, and Scott.

NOES, 12.

Messrs. Morehead, Norton, Dickson, Sheridan, Moreton, Griffith, Mellor, Lissner, Jordan, Groom, Ferguson, and Foxton.

Question resolved in the negative.

Clause 2—"Jury districts"—passed as printed.

On clause 3, as follows:—

"So much of the 31st section of the said Act as enacts that no justice of the peace shall be summoned or empannelled as a juror to serve on any common jury is hereby repealed."

The PREMIER said that clause raised the question involved in the 4th clause. The idea, of course, was that special juries should be composed of men of a superior order of intelligence, and that they should not also be put on the common jury list. Under the present law, all persons described as "esquires" were exempt from service on common juries. He did not know exactly what was the legal definition of the term "esquire"; practically it meant any person after whose name the compiler of the list put that word. Under the present law, if the compiler of the list omitted to call a justice of the peace "esquire," he could not be summoned to serve on any jury; but the effect of this clause would be that if the compiler of the list failed to describe him as an esquire he would be liable to serve on the common jury.

Mr. CHUBB said in his experience he had never seen a jury list in which a justice of the peace was so styled, and very few in which he was described as "esquire." They were put down in most cases as "gentlemen." Now, the designation "gentleman" would not entitle a man to be put on the special jury, and the object of the clause was that if an officer did not describe him as "esquire" he should remain on the common jury. The mere fact of a man being a justice of the peace was not to exempt him from service on a common jury unless he took the trouble to get himself put on the special list. If he were not put on the special jury list at present he could not be made to serve at all. The object of the clause was to make him serve one way or the other. It was his duty to see that he went on the proper list. The law required that a jury list was to be made out every year, and parties liable to serve were supposed to take care that they were put on the proper list, just as in the case of the electoral rolls.

The PREMIER said that the lists were generally made out by constables, and by the clause it would entirely depend upon the constable whether a man were put on the special jury list or the common jury list. If a constable chose to neglect to describe as "esquire" a justice of the peace, who was by courtesy entitled to be so described, he would be liable to serve on the common jury. It was simply giving legal effect to a constable's blunder.

Mr. MOREHEAD said he thought the 4th clause afforded an admirable harbour of refuge for a justice of the peace under clause 3. He had only to describe himself as J.P., and something else—J.P., and esquire, or architect, or auctioneer, or broker—and he would get out of the J.P.-ship, and not be liable to serve. He thought they had better abandon that clause altogether. He did not think the 3rd and 4th clauses stood any chance of being carried.

Question put and negatived.

On clause 4, as follows:—

"The special jurors to serve upon special juries under the said Act shall be the men whose names shall be described in the jury lists mentioned in the eleventh section of the said Act as accountants, architects, auctioneers, brokers, commission agents, civil engineers, esquires, graziers, merchants, accountants, cashiers or tellers of any bank, squatters, station managers, surveyors, and warehousemen, and not otherwise anything in the said Act contained to the contrary notwithstanding."

Mr. CHUBB said, as he had pointed out before, that was only an enlargement of the 7th section of the present Jury Act. If the officer in compiling the Jury List did not describe the persons whose names appeared thereon according to the definition given in that section they were regarded as common jurors, and had to serve as such. For instance, if a man were called a commission agent he would be a special juror, but if he were described as an auctioneer he would be a common juror. The Colonial Treasurer, if described as a commission agent, would be a special civil juror; while if he were put down as an auctioneer he would be liable to serve as a common juror, notwithstanding that he was also a commission agent. As another illustration, he might mention that a man described as a storekeeper was a common juror, but if described as a merchant he would be a special civil juror. His experience was that many persons were called storekeepers who might very properly be described as merchants, and who were quite competent to serve as special jurors. He knew also that in most of the country towns the storekeepers were men of considerable intelligence, but because the officer compiling the list called them storekeepers they were put down as common jurors; whereas a mechanical engineer, working in a blacksmith's shop, for instance, was placed on the civil jury. That was an anomaly and a great absurdity, and the 4th clause was only to enlarge the list and make it wide enough to cover the same persons as were included under the present law although they might be described by different terms. For instance, the law at present covered architects and engineers. In the latter case, however, he had put in the word "civil" so as to make it read "civil engineer," as he believed that was what was originally intended. The only additions he had made were the following: "graziers, accountants, cashiers or tellers of any bank, squatters, station managers, and surveyors." He did not see why an auctioneer should not be a special juror, as well as a commission agent. Nor did he see any reason why graziers should not serve as special jurors, as they were generally a superior class of men. With regard to accountants, cashiers, and tellers in banks, there would be the same objection to them serving on special juries as on common juries, and he was therefore willing to take the division on the 1st clause as the opinion of the House on that point.

Mr. BAILEY said he thought nothing would show better than that clause how very different was the outside from the inside view of that jury business. He wished there was no such thing as a special jury. It was an anomaly. The hon. member had spoken of anomalies, and said they required a superior class of men so called, a more intelligent class of men so called—though he would not admit that they were so—to deal with cases of property. But they required an inferior class of men—a less intelligent class—to deal with matters affecting the liberty and even the lives of their fellow-men. That was a scandal to their system of justice. If he had his way he would have only one jury list. They had the right to challenge; and if a party to a commercial suit wanted a jury versed in his particular business he could challenge the jury until he got a jury who had a knowledge of commercial transactions. But it was a disgrace to their civilisation that they should leave to the less intelligent portion of the community the duty of dealing with the lives and liberty of the people, as seemed to be the case under the present law. In reference to the clause before the Committee, he would point out that the term "graziers" would include almost every farmer in the country. He believed that farmers were a most intelligent class of people as a rule; they might be a little simple-minded, but they were so honest as a class, that he believed if they made a mistake it would be a mistake in judgment, and not in any other way. The hon. gentleman would deprive criminal juries of the benefit of nearly every farmer in every agricultural district in the country, because almost all farmers were graziers. A similar argument would apply to accountants and squatters. He wished the hon. gentleman had the courage to bring in a Bill to abolish the distinction between special and common jurors. There ought to be no such thing as a common juror. The term was a term of reproach. As the law at present stood, one man might be a special juror while another in the same town—equal to him in honesty, in integrity, and in his desire to do justice—was placed on the common jury list. He would like to see the 4th clause struck out. He disliked the system altogether which placed commercial transactions on a higher scale than the life and liberty of the subject. The term "common juror" was a term of reproach, and ought not to remain on the Statute-book.

Mr. ARCHER said he did not altogether agree with what had fallen from the hon. member for Wide Bay. Two quite different faculties of mind were required in deciding on criminal cases and on civil cases. There were hundreds of men, endowed with good common sense, and admirably fitted to decide on questions of fact, but who, from not having studied commercial matters, would utterly fail to understand the complicated proceedings in civil cases. Although it might be well to make every man a common juryman, yet there certainly ought to be special jurors for civil cases. He for one did not consider it a matter of reproach to be a common juror; and having served as both he was in a position to say that the duties performed by the common juror were of far greater importance than those performed by the special juror. There were, however, some things in the clause that he could not agree with. The word "grazier" ought decidedly to be struck out, for that term included every selector who had taken up land and kept a few cattle or sheep upon it. A great many members of that class, while thoroughly honest, and perfectly capable of deciding on matters that came before them in a criminal case, were quite unfit to decide on the complicated proceedings of a civil action.

The ATTORNEY-GENERAL said he sympathised to a great extent with what fell from the hon. member for Wide Bay. If the hon. member for Bowen had really wished to reform the present unsatisfactory condition of things with regard to jurors, it would have been better had he formulated a clause by which gentlemen possessing special qualifications should have their names on the special jury lists—they being the only persons competent to deal with the difficult questions involved in civil cases before the superior courts. There was no reason why gentlemen of education and superior intelligence — superior, probably, by reason of their higher education—should not serve on common juries for purposes of criminal trials; but they might serve as special jurors as well. It would be a good plan to call all jurors as a body "general jurors"; and if out of that body a certain number were extracted to serve in civil cases the difficulty would be met. There could not be a doubt that the present system was an extremely undesirable one. Frequently the most unintelligent men of the community were found deciding questions of the highest importance, relating to life and death. It was well known that in many criminal cases all the intelligent among the jurors were challenged; and the great object of prisoners seemed to be to get men

on the jury who would be led by prejudice or anything rather than by the evidence put before them. The clause certainly would not meet the requirements of the people.

The PREMIER said he would point out to the hon. member for Bowen that a number of members who took an interest in the question had left the Chamber, and he would suggest that, as the clause was likely to give rise to further discussion, it might be better to report progress.

Mr. CHUBB said that was the course he had intended to pursue after the clause under discussion was disposed of. He was willing to accept the suggestion of the hon. member for Blackall, and omit the word "graziers."

The PREMIER said there was a great deal more than that to be said about the clause.

Mr. CHUBB said that, that being the case, he would not proceed further with it at present.

On the motion of Mr. CHUBB, the CHAIRMAN left the chair and reported progress; and the Committee obtained leave to sit again on Friday next.

ADJOURNMENT.

The PREMIER, in moving the adjournment of the House, said that on Tuesday, after disposing of amendments in Bills returned from the Council, the Land Bill would be further proceeded with in committee.

The House adjourned at 6 o'clock.