

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

TUESDAY, 21 OCTOBER 1884

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the table. I find in an English periodical, dated 22nd August, 1884, the following:—

"Queensland appears to be applying itself vigorously to the work of railway construction. Speaking recently upon the subject, Mr. Miles, the Colonial Minister for Works, said that at the end of 1883 the total length of railway open for traffic in Queensland was 1,038 miles, and the total amount of the railway loan authorised to date was £20,708,000. The gross earnings on all the lines during the year was £500,000, the balance of earnings over expenditure being £299,000. The Government could, with confidence, go into the market to borrow money for railway construction, and they meant to go ahead in that way. He had asked the Colonial Treasurer to make provision for £6,000,000 for railway construction, and he must have it. The Colonial Government meant to commence a railway from the Gulf, and put the transcontinental scheme aside for ever. He also promised a direct line from Brisbane to Warwick, and thence to St. George."

That scheme, that enunciation of the Minister for Works, seems so very pertinent to the paper laid on the table this afternoon by the Postmaster-General, that I think I have a right to call the attention of the Government, through the Postmaster-General, to the announcement made to all Europe, and especially to English capitalists, and to ask the Postmaster-General if the paper he has laid on the table is in anticipation of, or in elucidation of, the scheme propounded by the Minister for Works. In short, I would ask the hon. gentleman if he, in the name of his colleagues, can say that the Government, while laying on the table of the House certain papers in connection with a defunct and effete transcontinental railway scheme, are making any preparations for carrying out that which is promised in the extract I have just read? Also, in what way, and when they will do so?

The POSTMASTER - GENERAL said: It will be much more convenient for the hon. gentleman to give notice of his question in the ordinary way. The document I have laid on the table of the House I propose shall be printed, and it will then speak for itself. With regard to what the Government intend to do in connection with railways, the hon. gentleman need not have gone so far as England for information. I believe that the speech referred to in the paper from which the hon. gentleman quoted was reported in this colony; and no doubt what the hon. gentleman read is an extract from a report of some paper in Queensland. If the hon. gentleman had read the Treasurer's statement in the Legislative Assembly, which was printed in *Hansard*, he would have known the views of the Government with regard to railway construction. But I do not think this is either the time or the place to enter into a discussion on the railway policy of the Government. The question before the House is simply the printing of some correspondence which will complete the papers in connection with the Transcontinental Railway agreement. When the correspondence is printed hon. gentlemen will see that the question raised by the Hon. Mr. Walsh has no possible bearing on the subject.

The HON. G. KING said: Before we enter into a discussion on the subject, I think time should be allowed us to peruse the correspondence. It has only just been laid on the table, and we cannot possibly come to any decision now.

Question put and passed.

OATHS ACT AMENDMENT BILL.

The PRESIDENT read the following message from the Legislative Assembly:—

"The Legislative Assembly have this day agreed to the amendment made by the Legislative Council in the Bill intitled 'A Bill to amend the laws relating to the administration of Oaths in courts of justice.'"

"WILLIAM H. GROOM,

"Speaker.

"Legislative Assembly Chamber.

"Brisbane, 16th October, 1884."

LEGISLATIVE COUNCIL.

Tuesday, 21 October, 1884.

Assent to Bills.—Transcontinental Railway.—Oaths Act Amendment Bill.—Immigration Act of 1882 Amendment Bill.—Pharmacy Bill.—Native Labourers Protection Bill.—Adjournment.

The PRESIDENT took the chair at 4 o'clock.

ASSENT TO BILLS.

The PRESIDENT read messages from the Governor, conveying His Excellency's assent, on behalf of Her Majesty, to the following Bills:—Maryborough Racecourse Bill, Appropriation Bill No. 2, and Health Bill.

TRANSCONTINENTAL RAILWAY.

The POSTMASTER-GENERAL (Hon. C. S. Mein) said: I beg to lay on the table of the House further correspondence connected with the Transcontinental Railway agreement; and I move that the paper be printed.

The HON. W. H. WALSH said: I do not think it will be out of order for me to try to elicit a reply from the Postmaster-General in connection with the paper he has just laid upon

IMMIGRATION ACT OF 1882 AMENDMENT BILL.

The PRESIDENT read the following message from the Legislative Assembly :—

"The Legislative Assembly have this day agreed to the amendment made by the Legislative Council in the Bill intituled 'A Bill to amend the Immigration Act of 1882.'

"WILLIAM H. GROOM,
"Speaker.

"Legislative Assembly Chamber,
"Brisbane, 21st October, 1884."

PHARMACY BILL.

The PRESIDENT read the following message from the Legislative Assembly :—

"The Legislative Assembly have this day agreed to the Bill intituled 'A Bill to establish a Board of Pharmacy in Queensland, and to make better provision for the registering of Pharmaceutical Chemists, and for other purposes,' with the amendments indicated by the accompanying schedule, in which amendments the Assembly request the concurrence of the Legislative Council.

"WILLIAM H. GROOM,
"Speaker.

"Legislative Assembly Chamber,
"Brisbane, 21st October, 1884."

The POSTMASTER-GENERAL: As the hon. gentleman in charge of this Bill is not likely to be present for some days, I beg to move that the consideration of this message stand an Order of the Day for Tuesday next.

Question put and passed.

NATIVE LABOURERS PROTECTION BILL.

The POSTMASTER-GENERAL moved that the President leave the chair, and the House resolve itself into a Committee of the Whole, for the consideration of the Legislative Assembly's message of the 14th instant, in reference to this Bill.

The Hon. W. H. WALSH: It is possible that the matter may be discussed in its present stage; and I would ask the President to pause for a moment.

The PRESIDENT: If the hon. gentleman is going to move an amendment it is his duty to do so at once.

The Hon. W. H. WALSH: I am not sure that it is my duty to do so. I simply asked that we should not be called upon to hurry or rush the matter through. Hon. gentlemen may wish to deal with it both in its present and in its subsequent stages.

The PRESIDENT: The hon. gentleman has spoken on the question.

The POSTMASTER-GENERAL: I regard these notices as simply formal.

The Hon. K. I. O'DOHERTY: I beg the hon. member's pardon for interrupting him. Hon. members on this side have not heard a word of what the Hon. Mr. Walsh said, for he spoke in such a low tone of voice that we could not hear him. I think it is important that we should know what the hon. gentleman said.

The Hon. W. H. WALSH: If I may be allowed—

The POSTMASTER-GENERAL: I am addressing the House. I was informing the House that I regard these motions, in regard to the President leaving the chair and the House going into a Committee of the Whole, as purely formal. Our Standing Orders provide that the amendments made in a Bill coming up from the Legislative Assembly shall be considered in committee. I may be wrong in my opinion, but I have strong views on the point. I think that, as a matter of course, as soon as the Order of the Day is called, the President should leave the chair, and the House should go into committee at once, in the same way as when the Order of

the Day for the further consideration of a Bill in committee is called. During my experience, extending over ten years, I have never known any opposition to be made to a proposition of this description before. It is convenient to discuss these questions in committee, because the number of speeches that can be made in committee is unlimited, and there are greater facilities for coming to a satisfactory conclusion on any given point.

The Hon. W. H. WALSH: Hon. gentlemen—

The PRESIDENT: The hon. gentleman has spoken. This is quite an irregular debate, and, without the unanimous consent of the House, the hon. member certainly cannot speak again.

The Hon. W. H. WALSH: I presume that will not be denied, for I think that is the only alternative I have. Referring to the statement of the Postmaster-General, I simply say the President does not leave the chair when a motion of this kind is propounded. When the hon. gentleman moved that the President leave the chair, I, by virtue of my right, rose for the purpose of asking that we should have time for reflection, and that time, I think, could be devoted to considering whether an amendment should not be put that the Bill be laid aside for six months. That is one true way of dealing with a message of this kind. We do not inevitably go into committee because we get a message of this kind from the Legislative Assembly. We have a perfect right to lay it aside, and refuse to discuss it any further; and that was the dignified, high position I demanded we should have time to consider. I trust hon. gentlemen will understand their high prerogative and our right, and what I maintain here. It was for the House to have time to consider—not to hurriedly rush into committee—whether we should consider it at all, or whether someone should not have the opportunity of moving—as I contest we have the right to do—that the matter be laid aside for the next six months, which is simply a refusal to deal at all with the action of the other Chamber. That is what I contend for, and I simply do so out of regard to the rights of this Chamber; not because I have any particular crotchet or project in connection with the matter. If hon. gentlemen do not see their way clear to support me, all I can say is that I, at any rate, will advance those opinions which I firmly believe to be right.

The PRESIDENT: I have to point out to hon. members that the 64th Standing Order, to my mind, is conclusive on the point :—

"When any Bill is returned to this House with amendments, such amendments shall be considered in committee."

The Hon. W. H. WALSH: If you will allow me again to address the House—

The POSTMASTER-GENERAL: I think this is very unseemly. The hon. gentleman has addressed the House on three occasions, and now he wants to address it a fourth time on the same point.

The Hon. W. H. WALSH: You want to prevent free discussion.

The POSTMASTER-GENERAL: I do not want to prevent free discussion. My object is to give free discussion, and the object of the hon. gentleman is to prevent free discussion being afforded to hon. gentlemen, in accordance with the rules we have distinctly laid down for our guidance, and which we cannot depart from.

The Hon. W. H. WALSH: I say again we have a full right to lay aside the Bill, and refuse to discuss it in committee, and the Postmaster-General—

The POSTMASTER-GENERAL: I rise to order.

The HON. W. H. WALSH: I say the Postmaster-General is a conspirator against our rights and liberties here. I charge him with it. We have every right to discuss this amendment, and nobody should more maintain that right than the hon. the President.

The PRESIDENT: The President is bound by the rules of the House. I wish other hon. members were.

The HON. W. H. WALSH: Of course they are.

The HON. A. C. GREGORY: While adhering to the view that we have an undoubted right to do what we like with any question before the House, I think it would be highly discourteous to the other branch if we refused to consider their message. At the same time I think when we have a question before us we have a right to consider whether we will take it then or at some future time. On this occasion I am certainly not going to oppose going into committee. I prefer to see it discussed in committee, which is the proper place for discussion. Still I must record my view that I think, whenever a question is before the House, we have power to decide what shall be done with that question so long as it is in keeping with the Standing Orders.

Question put and passed, and the House went into Committee.

The POSTMASTER-GENERAL said he was glad to see there was such a full House to discuss this very important matter, in which he thought the credit and reputation of the colony were somewhat involved. When the Bill was before the Council on a former occasion it gave rise to very considerable discussion, and some important amendments were made in clauses. Amongst others they very materially amended the provisions of the 6th clause, which provided that, in the event of a native labourer being taken away without the provisions of the statute in regard to his engagement having been complied with, the vessel and her cargo were liable to forfeiture, and the master and owner were conjointly and severally liable to a penalty of £500. The Council struck out the provisions with regard to the vessel being made liable to forfeiture, and reduced the penalty from £500 to £100. To that amendment the Legislative Assembly had taken no exception; but to the subsequent amendments which were made in the 7th and 8th clauses exception had been taken. The provisions of the 7th clause were to the effect that if a master discharged a native labourer who was employed in his vessel otherwise than in the manner prescribed by statute, he should be liable to a penalty of £50. The penalty was reduced by this Chamber from £50 to £10. A subsequent clause stipulated that, if the master or owner of a vessel returned to port and did not give a satisfactory account of any native labourer whose name appeared on the ship's articles, and who was not on board the vessel on her return, he should be liable to a penalty of £100. Hon. gentlemen who were present on the occasion would remember that the clause was amended by reducing the penalty, and afterwards by a narrow majority—for some reason which was not apparent to him, and which he could not conceive—the clause itself was struck out. The Legislative Assembly, in a very courteous message, objected to those two amendments while agreeing to all the other amendments; and he must confess that the argument in the message appeared to be absolutely

conclusive on the point. The Legislative Assembly disagreed to the amendment in clause 7:—

“Because, the object of the Bill being to prevent the improper abduction from their homes of native labourers, it is essentially necessary that their engagement and discharge should be regularly and formally made before an officer of the Government, and that in order to secure the performance of this duty a substantial penalty should be imposed for a breach of it. The penalty of £10 is likely to prove inadequate for that purpose.”

He would point out to hon. gentlemen that the penalty of £50 was by no means excessive. Under the Merchant Shipping Act of 1854, provisions were made somewhat analogous to these, in regard to the hiring and discharging of seamen on board a foreign-going vessel. It was provided there:—

“If the master of any British ship discharges any seaman or apprentice in any place situated in any British possession abroad (except the possession in which he was shipped) without previously obtaining the sanction in writing endorsed on the agreement, of some public officer duly appointed by the local Government in that behalf, or (in the absence of any such functionary) of the chief officer of customs resident at or near the place where the discharge takes place”—

the master should for every default be deemed guilty of a misdemeanour, and the functionaries should examine into the grounds of such proposed discharge or into the allegation of any desertion or disappearance. Then, if in a foreign port a British seaman was not discharged before a functionary, and the formulas prescribed by the Act were not carried out, the offending master was not only liable to a penalty of £50, but was absolutely treated as being guilty of a misdemeanour and was liable to imprisonment for two years. The object was that all persons engaged on vessels should have thorough protection against misconduct on the part of the master of a vessel—that their rights should be thoroughly protected. They had, by assenting to previous provisions of this Bill—assuming the proposition that it was necessary in the interests of native labourers that they should be engaged before a shipping master—they had already prescribed that they should be discharged before a shipping master, and this clause went simply to provide that if the last provision was not carried out the penalty imposed on the offending party should be £50; and in view of the penalty in the Merchant Shipping Act of 1854, it could not be regarded as otherwise than a very lenient punishment indeed. They had a law here in regard to seamen in intercolonial vessels; there the penalty was fixed at £20. The 16th clause of the Act of 17 Vic., No. 36, prescribed that when a master of an intercolonial vessel arrived in port it was his duty to leave with the shipping master of the port the ship's articles, together with full particulars of all persons who had deserted or left the ship, in order that the men might be properly discharged before a shipping master when they were being discharged; and the penalty for the evasion of that provision was £20. Seeing the very strong expression of opinion that hon. gentlemen of this Chamber gave in regard to the question of penalties, he proposed to meet them halfway. The penalty which the Bill originally proposed was £50. It was reduced by a majority of the Council to £10. He proposed, not that they should restore it to £50, but that they should ask the Legislative Assembly to consent to its reduction to £20, putting those labourers exactly on the same footing as their own countrymen when an offence was committed in respect to them by the master of a vessel. He did it in a spirit of compromise, and in the hope that in what he regarded, and what members of the Government regarded, as a matter of importance to the credit of the colony, there should not be any breach of agreement on the point; and

that the Bill should not be lost altogether, they should be prepared to meet the unanimous opinion of the Legislative Assembly. He believed that there was not a single division in the Legislative Assembly on the Bill, and, practically, their views on this matter might be regarded as unanimous. In that spirit he asked the House to consent to a reduction of the penalty to £20, on substantial grounds which could not be regarded as forming a precedent. He should deal with the other clauses subsequently. He therefore proposed—

That the Committee do not insist on their amendment on clause 7, but propose to amend the clause by the substitution of the word "twenty" for the word "fifty" in the last line thereof.

Then, really, the amount of £20 would be somewhat proportionate to the sum of £100, which they fixed on in clause 6.

The HON. W. H. WALSH said it appeared to him the debate had raised a most extraordinary question—in fact, one quite new to him. As far as he was versed in parliamentary practice he was not aware that they could do anything of the kind. The message from the Legislative Assembly was not that they should agree to a penalty of £20 instead of £50, or whatever the other sum was, but it was whether they should agree to its amendments.

The POSTMASTER-GENERAL: No; the hon. gentleman is entirely wrong.

The HON. W. H. WALSH said he did not like to be told he was wrong; and—

The POSTMASTER-GENERAL said if the hon. gentleman would allow him to interrupt his remarks he would remind him that he had forgotten that the Bill originated in the Legislative Assembly. The Council made amendments in the Bill which the other House objected to, but that did not debar them from accepting a subsequent amendment on the same point. The Council said the penalty ought not to be £50; they said it ought to be £10. The Legislative Assembly said, "No; we do not consent to £10." Surely it was competent for them, when the Legislative Assembly sent it back, to say they would agree to some sum between the two sums—£10 and £50—as the penalty to be imposed. He would read the following passage from "May" on the point:—

"If one House agree to a Bill passed by the other without any amendment, no further discussion or question can arise upon it; but the Bill is ready to be put into the commission for receiving the Royal assent. If a Bill be returned from one House to another, with amendments, those amendments must either be agreed to by the House which had first passed the Bill, or the other House must waive the amendments, otherwise the Bill would be lost. Sometimes one House agrees to the amendments with amendments, to which the other House agrees. Occasionally the interchange of amendments is carried even further, and one House agrees to amendments with amendments, to which the other House agrees with amendments, to which also the first House, in its turn, agrees."

Anything more complicated than that, he was at a loss to conceive. He should not propose to go to anything like that extent. He proposed to agree to a modification of their own amendments, which surely was in order.

The HON. W. H. WALSH said he trusted that, so long as the Chairman occupied the chair, he would not fail to protect any hon. member other than himself (Hon. Mr. Walsh) who might happen to occupy the floor of the Chamber. When he (Hon. Mr. Walsh) was addressing the Committee, the hon. the Postmaster-General intruded himself, and the Chairman did not interfere. He had no objection to the same thing occurring over and over again so far as he himself was personally concerned; but he did protest against that kind of treatment, sanctioned by the Chairman, being meted out to other hon. members.

The CHAIRMAN said he always took care to observe the hon. member who rose first.

The HON. W. H. WALSH: He had almost forgotten the arguments of his hon. friend the Postmaster-General; but they appeared to him remarkably puerile. If he understood the hon. gentleman, he said that, in his opinion, they had a right—that they could meet the views of the other Chamber by dividing the £40 or £30, or whatever the sum in dispute was; but he (Hon. Mr. Walsh) said they had no right to do so, and that the quotation the hon. gentleman read from "May" was not applicable at all. The Bill had been simply sent up from the other Chamber with a message that they disagreed to the Council's amendments; but they did not ask the Council to make fresh amendments. They simply said that they disagreed with the amendments, and asked the Council to agree with their disagreements. He quite agreed that, if the two Houses had determined that there should be a conference upon the question, such a course would be justifiable; but he maintained that when an important member of that House, representing the Government, addressed the Chamber he should, instead of laying down his own dictum, show the authorities in support of his arguments. He held that the passage quoted from "May" was quite irrelevant to the subject, and that they had no right to make the amendment proposed. He certainly trusted that when he addressed the Chamber again the Chairman would at any rate notice that he was doing so.

The CHAIRMAN said he thought it was very unfair for the hon. gentleman to make such remarks. He had never yet ceased, as he had said before, to keep his eye upon hon. members.

The POSTMASTER-GENERAL said the Hon. Mr. Walsh was quite correct. When he was addressing the Committee, he (the Postmaster-General) interposed to correct him upon a point on which he thought he was mistaken; and if anyone was to blame it was himself. But when he interposed he understood that the hon. gentleman assented to his doing so. He certainly took no objection to it.

The HON. T. L. MURRAY-PRIOR said the hon. the Postmaster-General had quoted from "May" up to a certain point, but he did not read the following passage, which appeared even more pertinent to the question:—

"A Lord's amendment has been divided, and a separate question put upon each part of it. Sometimes one House does not insist upon its amendments, but makes other amendments. But it is a rule that neither House may, at this time, leave out, or otherwise amend, anything which they have already passed themselves, unless such amendment be immediately consequent upon amendments of the other House, which have been agreed to, and are necessary for carrying it into effect."

He thought the hon. the Postmaster-General was quite right in his argument, and that that passage explained it.

The HON. W. H. WALSH said that the other House had made no amendment, and, therefore, the quotation from "May" did not apply. The other Chamber had simply returned the Bill, after refusing the amendment of that House *in toto*.

The HON. J. TAYLOR asked the Chairman's ruling as to whether the question could be put or not?

The CHAIRMAN: I have no hesitation in saying that the question can be put.

The HON. F. H. HART said he hoped the Committee would agree to the amendment of the Postmaster-General. He had listened to the remarks of the Hon. Mr. Walsh, but, on reference to the message of the Legislative Assembly, it would be seen that they objected to the

amendment on the ground that the penalty would prove to be insufficient. He therefore thought the better course would be to meet the views of the other House by inserting the amount fixed by an Act at present in force, which was considered adequate for Europeans. Surely what was sufficient for Europeans would be sufficient for native labourers! He thought the proposition of the hon. the Postmaster-General a very fair one, because, by clause 2, they had put those native labourers on the same footing as European sailors in regard to the benefits they should receive; and it had never struck him before that, by fixing the penalty at £10 for native labourers, and £20 for Europeans, they would be making an invidious distinction. He thought it only right that they should be put upon the same footing.

The HON. J. TAYLOR said he thought the Chairman's ruling should be disagreed to. He therefore moved that the Chairman leave the chair, and report the point of order to the President.

Question put and passed; and the CHAIRMAN reported the point of order accordingly.

The PRESIDENT: The Chairman reports a point of order, which I understand to be this: whether this question can be put—

"That the Committee do not persist in their amendment in clause 7, but propose to amend the clause by the substitution of the word 'twenty' for the word 'fifty' in the last line thereof."

On turning to page 540 of "May," hon. members will find the following:—

"If one House agrees to a Bill passed by the other, without any amendment, no further discussion or question can arise upon it, but the Bill is ready to be put into the commission, for receiving the Royal assent. If a Bill be returned from one House to another with amendments, those amendments must either be agreed to by the House which had first passed the Bill, or the other House must waive their amendments; otherwise the Bill will be lost. Sometimes one House agrees to the amendments, with amendments, to which the other House agrees. Occasionally this interchange of amendments is carried even further, and one House agrees to amendments with amendments, to which the other House agrees with amendments, to which, also, the first House in its turn agrees. A Lords' amendment has been divided, and a separate question put upon each part of it. Sometimes one House does not insist upon its amendments, but makes other amendments. But it is a rule that neither House may, at this time, leave out or otherwise amend anything which they have already passed themselves; unless such amendment be immediately consequent upon amendments of the other House, which have been agreed to, and are necessary for carrying them into effect. And if an amendment be proposed to a Lords' amendment, not consequent on or relevant to such amendment, the question will not be put from the Chair."

There is a good deal more upon the subject, but it is quite clear to me that we may amend amendments of the other House to any extent as long as they are relevant to previous amendments. I therefore rule that the question can be put.

The Committee resumed.

Original question put and passed.

The POSTMASTER-GENERAL said they now came to clause 8, which hon. gentlemen would remember was first amended, and afterwards struck out in its amended form. It was considered by a majority of hon. gentlemen that the penalty of £100, imposed in that clause, was excessive, and they therefore reduced it, and after it was reduced it was rather suddenly struck out; and he thought that hon. gentlemen who voted against the clause on that occasion did not really apprehend what its provisions were. He tried to explain it then, and he would endeavour to do so now, and in doing so he would have to repeat, to a certain extent, what he had already said. They had

provided that it was necessary for the protection of aborigines, when they were employed upon a vessel going from one port in Queensland to another, that they should appear on the ship's articles; that they must be engaged before a shipping master; and if they were taken on board without being engaged before that officer, the owner and master should be liable to a penalty of £100. They had also to be discharged in the presence of the shipping master, the penalty for a breach of that provision being £20. The 8th clause then went on to provide that, if any vessel arrived in any port in Queensland having a less number of natives on board than were carried on the ship's articles, the master and owner should each be liable to a penalty of £100 for every native labourer so deficient, unless they could prove to the satisfaction of the court that they had been prevented by circumstances beyond their control from bringing such native labourer to such port. The Legislative Assembly had objected to that clause being struck out for the following reason:—

"Unless the burden is cast upon the vessel of showing what has become of a native labourer who is not brought back to port, the provisions of the Bill will be inoperative, it being impossible for the Government to produce affirmative proof in such cases. The abuses which the Bill is intended to suppress would therefore be allowed to continue."

As he pointed out on a former occasion, it was competent—and the provision was a very unusual one on Acts of that nature—for the master to give evidence on his own behalf. If he were put upon his trial, as it were, for the non-accounting for the return of an absent islander who appeared on the ship's articles, he could go into the box and make a statement of the circumstances of the case; and it was not proposed that he should be liable, unless he failed to give a satisfactory account of the missing man. They had a somewhat analogous provision with regard to their own countrymen who were employed as seamen in their inter-colonial trade. He would remind hon. members that he was not referring now to the Imperial Merchant Shipping Act, where the provisions were very much more stringent, but to their own law with regard to intercolonial vessels trading from one port to another. The Act provided that the master of every ship or vessel, on arriving at any port where there was a shipping-master, should, before leaving the port, deliver to that officer a copy of the ship's articles; that he should also produce to the shipping master the register ticket, or copy of the register ticket, of any seaman who should have deserted, and also, if required, a copy of the entry in the ship's log of such desertions; and any master who neglected or refused to comply with such provisions was liable to a penalty of £20. Under the clause in question it was proposed that if the master could not give a satisfactory account of a missing islander who appeared on the ship's articles, he should be liable to a penalty of £100; but in the spirit of compromise, to which he had already referred, he proposed not to insist on the penalty of £100, but to make it proportionate to the penalties which had already been reduced. He therefore proposed—

That the Committee do not insist upon the omission of clause 8, but agree to its retention with the following amendment—namely, the substitution of the word "fifty" for "one hundred."

The HON. K. I. O'DOHERTY: Say "twenty."

The POSTMASTER-GENERAL said, in order to meet the wishes of the Committee, he would make it "forty" pounds.

The HON. J. TAYLOR: £20 is quite enough.

The HON. SIR A. H. PALMER: Make it £25,

The POSTMASTER-GENERAL said he should like to be able to send the Bill back with a fair amendment, and one which was likely to be accepted by the Legislative Assembly, who had met them in a very fair spirit indeed. The Council had in reality emasculated their Bill, and the Committee ought to try to make their amendment harmonise with the other parts of the measure. He thought £25 was disproportionate to the penalties which had already been decided upon, and that £40 would be a very fair amount. Of course, if the Committee insisted on the amount being £25, he should have to agree to it.

The HON. T. L. MURRAY-PRIOR said that he, for one, considered the Bill unnecessary, and for that reason would have liked to see it rejected. Under the circumstances, however, it appeared that it would be better not to object to the Postmaster-General's amendment in clause 10, which in reality coincided with a great deal of what was said by those who opposed the hon. gentleman. But it was quite a different matter in regard to clause 8, the extinction of which he looked on as a matter of principle—it did not matter much whether the amount was £10, £20, or £40. He agreed that they ought to show the utmost courtesy to the other Chamber, but they should remember that they had deliberately expunged clause 8, and for very good reasons. They considered that no captain could prevent desertions from his vessel and that he should not be unjustly punished. The gist of the argument was that a man should not be made responsible for what he could not possibly help. The Postmaster-General had shown what the penalties were in other Acts; but he failed to see why different measures should be made for different sorts of sailors, seeing that anyone on a British vessel was subject to the laws of the country. The Postmaster-General said he tried to meet the wishes of the Committee by lowering the penalties; but when the framers of the Bill knew or ought to have known that £20 was the penalty in other Acts, why should they insert £100 in the Bill now under consideration? The whole tenor of the Bill seemed to prove that it was brought in for a special purpose, and he hoped the Committee would insist on clause 8 being kept out of the Bill. He trusted hon. gentlemen would not allow what they had deliberately rejected to be retained in the Bill; he hoped they would not eat their own words in that way.

The HON. J. TAYLOR said he believed the Bill had brought down on him the wrath of the Postmaster-General and the Hon. Mr. Pettigrew. He was astonished at the way he had been treated by those hon. gentlemen, but he supposed he would soon recover. He intended to oppose the clause, as he did not see the use of acting like children—coming to one decision one day, and to a different decision another day. The Hon. Mr. Pettigrew stated the other day in that Chamber that there was no reason why he (Hon. Mr. Taylor) should not have been present—that there was telegraphic communication with Toowoomba, and that he ought to have been there. He might inform the hon. gentleman that he was seventy miles from his home at the time, and could not possibly have been in his place when the question came on for consideration. He did not know that he was such a remarkable member of the Council that he should have been treated as he was; and he would advise the Hon. Mr. Pettigrew not to talk of him in the way he had done. If that hon. gentleman would attend to drains, cesspits, and earth-closets, it would be better for his neighbours. That was what the hon. gentleman was fitted for.

The POSTMASTER-GENERAL rose to a point of order. The hon. gentleman was not

speaking to the question before the Committee. At first he was amusing, but now he was becoming personal.

The HON. J. TAYLOR said the hon. gentleman did not spare him when speaking of his absence the other day. On Thursday week he distinctly told the Postmaster-General that he should not be at the House on Tuesday on account of important private business; yet, by his remarks, the hon. gentleman seemed astonished that he was not in his place. He was rather surprised to find that such remarks had been made by one upon whom he had always looked as a friend rather than as an opponent. But he had not broken the Standing Orders, no matter what the Postmaster-General or the Hon. Mr. Pettigrew might say. He had always kept within the Standing Orders—which was perhaps a wonder—and he always intended to do so. If he could not be present every week he would attend every other week. There were some hon. members on the list who had been absent two or three years, but nothing was said about them; the attack was made only upon those who were in the colony. The Standing Order distinctly said:—

“No member shall absent himself during the session for more than one week without informing the President, nor for more than three consecutive weeks without express leave of absence from the Council; and any member wilfully infringing this order shall be held guilty of contempt.”

He repeated that he had kept within the Standing Orders, which he kept along with his Bible so that he might refer to them at any time. With regard to the question before the Committee, he trusted hon. gentlemen would not show such vacillation as to allow themselves to be talked over by the Postmaster-General, but that they would disagree to the motion made by that hon. gentleman.

The POSTMASTER-GENERAL said the hon. gentleman was under a misapprehension if he thought that he expressed surprise at his absence. Judging from past experience, he knew the hon. gentleman would not go out of his way to attend to his duties in that Chamber. What he (the Postmaster-General) complained of was an adjournment to suit the private convenience of hon. gentlemen. And the Hon. Mr. Taylor had openly avowed that he would never attend there unless it suited his private convenience. But, however interesting it might be to the hon. gentleman, he very much questioned whether other hon. members cared to hear a long personal explanation about his non-attendance. Coming now to the question before the Committee, he would reply to what had just fallen from the Hon. Mr. Murray-Prior, who said that there must be a special reason for the introduction of the Bill. Of course there was, or the Bill would not have been introduced. He had explained before, that public officials had reported to the Government the existence of abuses in the northern parts of the colony with regard to the abduction of islanders, and that it was necessary for the protection of the aborigines that some stringent measure should be passed imposing such penalties on offenders that the offences would not be repeated. It had been pointed out that, though it would be impossible for the Government to prove an affirmative in connection with an alleged offence, it would be quite practicable for the accused to prove that an offence had not been committed if such were the case. And that was by no means a singular provision. The Chinese Immigration Act of 1877 provided that magistrates should decide by the appearance of a man whether he was a Chinese or not, and that it should be left to the man to prove whether he was a British subject or not.

THE HON. W. H. WALSH: Will you quote from that Act?

THE POSTMASTER-GENERAL said the 9th section of the Chinese Immigration Act of 1877 provided:—

"At the hearing of any prosecution under this Act the justices may decide upon their own view and judgment, whether any person charged or produced before them is a Chinese within the meaning of this Act."

And the word "Chinese" was thus defined:—

"Any native of the Chinese Empire or its dependencies not born of British parents."

Hongkong was a British possession, and every native of Hongkong, whether born of Chinese parents or not, was a British subject, and did not come within the provisions of the statute. But they knew perfectly well that the Act would be a dead-letter if the Government had to prove that a man was not a British subject. Therefore it was provided that the magistrates should decide whether a man was a Chinaman or not; and the onus was thrown on the man of proving whether he was a British subject or not—which it was not difficult for him to do. And in the present case it would not be difficult for the master of a vessel to account for the loss of a man. The object of the clause was to take from masters of vessels facilities for improperly parting with the custody of persons of whom it was their duty to take care. And he could not repeat too often that, for a *quasi* criminal measure, the provisions of the Bill were extremely liberal; an innocent man would have every opportunity of refuting a charge by going into the witness-box and giving testimony on his own behalf. Clause 9 said:—

"In any proceeding against any person for a breach of the provisions of this Act the accused person shall be a competent witness on his own behalf."

As he had pointed out before, under the Merchant Shipping Act a master must account for the absence of any of his men, and all they said now was that if a master could not satisfactorily account for a missing man he would be liable to the penalties provided by the Bill. If the man jumped overboard or ran away the master could satisfactorily account for his absence; but in the event of a vessel coming in with some of the men missing it would be impossible for the Government officials to prove affirmatively that anything improper had been done.

THE HON. T. L. MURRAY-PRIOR said the Postmaster-General had entirely misinterpreted what he had said. He had asked why those who framed the Bill inserted £100, instead of £20 as in other Acts. He would say nothing further on the question now, but would refer hon. gentlemen to the kidnapping case which lately came before the Supreme Court, from which they could judge for themselves whether the persons concerned were properly treated or not.

THE HON. K. I. O'DOHERTY said that, having modified clause 7, it was only a necessary corollary that they should also modify clause 8. He was prepared, however, to go further than the Postmaster-General, and reduce the penalty to £20. It appeared to him that the Bill was of the same complexion as other measures brought in lately by the Government. There was no doubt that the Bill was introduced with an honest intention to correct abuses; but, in his opinion, it was too extreme. Most hon. gentlemen were aware that the action of the Government in regard to kanaka labour and other necessary labour had very seriously interfered with the most important industries in the colony; and the question was whether it was wise at the present crisis—when they were threatened with a collapse of the great pastoral industry, and a collapse of the great sugar industry—to pass measures with such extreme penalties. While endeavouring to

correct abuses they should bear in mind the tremendous difficulties to be encountered, and should make the penalties as mild as possible. The Bill was framed very much in the same spirit as that which had guided the Government in their action with regard to kanaka labour—action which threatened to reduce one of the greatest industries in the colony to a state of complete destruction. He was perfectly persuaded that no member of the Government desired to interfere with the success of any industry in the colony, and he gave them credit for an honourable anxiety to correct the abuses which existed; but the question was whether it was wise to push matters to such extreme lengths. He had no hesitation in saying that, whilst he agreed with the measures that had been taken in regard to the kanaka labour of this colony by the present Government, he was very doubtful as to the wisdom of their pushing them at the present moment to the extent they had done. He believed that, unless something like a miracle intervened, it would destroy one of their most important industries. Of course he spoke as an individual in that Chamber. The Government ought to know all these things much better than he did, but, as a member of that House he thought he was entitled to give expression to his opinion, and he did believe that the action taken by the Government lately with regard to the supply of labour to meet the requirements of capital in this colony was at all events very doubtful. He would not say that it was unwise, because he was very much disinclined to give his opinion against the opinions of men whom he greatly respected; but he unhesitatingly said he believed the action of the Government in that respect was open to great doubt as to its wisdom; and the Bill he regarded as being very much of the same kind. They were told that the Bill was directed against abuses in connection with the pearl fisheries. He should be sorry to think that anything of the kind had arisen there, and he quite agreed with the Government in any step they took to put an end to any abuses; but what was the necessity of bringing in great penalties of the kind that were put forward in the Bill—forfeiture of vessels, forfeiture of everything, and the most frightful penalties it was possible to inflict? He was very pleased to see the hon. the Postmaster-General now come forward and modify his proposition in the way he had done, and he ventured to suggest to him to reduce his penalties still further. He should not oppose him on the question of the amount being £40. He thought that as they had passed the previous amendment they were bound to pass this one; but he did not see why they should not consent to the same penalty in the one case as in the other.

THE HON. J. C. HEUSSLER said that the hon. gentleman had been giving them a lecture in regard to the difficulties of the Labour question in the colony, and he must say himself that he agreed with the hon. gentleman in some measure. There was no doubt that the general public had been somewhat frightened at the measures that had been taken; but he hoped that such a state of affairs as existed now would not become permanent. He believed that capitalists would soon regain confidence, and that the enterprise, which had been advancing with such rapid strides in the North, would not suffer materially from those difficulties; and that after all the industry would prosper, notwithstanding the alarm which now existed among banking institutions and capitalists in regard to its security. Therefore, he agreed with the hon. gentleman that they should not give unnecessary alarm to those people, and he could not see that they would do so by this

clause, because it had nothing to do with the Labour question. However, as far as the amount of the penalty was concerned, it was quite possible for hon. members to agree to the amount. If hon. members were of opinion that the penalty should be £25, instead of £40 or £50, as the Postmaster-General had proposed, there was not the slightest reason why they should not fix it at that amount; but with regard to the clause itself there seemed to be some misunderstanding. The clause itself had only to do with the common treatment of any sailor, and in that respect he, in his capacity as a foreign consul, might say with some authority there was not the slightest difficulty—

The HON. W. H. WALSH rose to a point of order. He protested against any foreign consul addressing an assembly of Englishmen. He protested against the hon. gentleman assuming such a position; and it appeared to him the height of impudence to do so.

AN HONOURABLE MEMBER: The German vote!

The HON. W. H. WALSH said he would not stand there to listen to it. He asked the Chairman whether it was possible for the representative of a foreign government to address that Assembly. He thought that the hon. gentleman, rather than proclaim the fact in that Chamber, should hide his diminished head whenever he found it necessary to mention it. He protested against it, and asked the Chairman's ruling whether a foreign consul, as the hon. gentleman had proclaimed himself to be, could address that Chamber?

The CHAIRMAN said he only knew the hon. gentleman in that House as a member of the House.

The HON. J. C. HEUSSLER said he would repeat to them what he had said in his capacity as foreign consul. He was consul for two foreign countries; and he did not think that hon. members, with the exception of his hon. friend Mr. Walsh, would consider him impudent when he said so. His hon. friend jumped at anything and everything that was said there, whatever the matter might be that aggrieved him, and reminded him very much of the scene in the "Magic Flute," where the white man and the black man called each other the devil, and said the devil was there. He repeated, in his capacity of foreign consul, that masters of vessels had to report themselves to the consul, and had to give an account of every sailor that was missing, and an entry must be made in the log on the subject. If a man fell overboard, or ran away, surely the captain could not be answerable for that man! He could not find him, or make a report of what had become of him. However, he took that opportunity of asking the protection of hon. members in that House against the hon. gentleman's (Hon. Mr. Walsh's) interference in matters, which, to him, was really very offensive. He was one of those good-natured people who took matters very easily in general, and regarded them as a joke generally when they emanated from that hon. gentleman, who must be losing part of his mind, as he was constantly annoying them with his harangues.

The HON. A. C. GREGORY said he thought the Postmaster-General had shown himself exceedingly ingenious in regard to this clause by raising what they should call it elsewhere—he presumed the legal phrase to be—a special issue. The hon. gentleman had shown them grounds which were outside the real question. The question was not really so much what the amount of the penalty should be. That was not the objection the Committee took to the clause which they omitted from the original Bill, but it was because they considered it a matter of injustice. The

fact of the matter was, it would make slaves of all the aboriginals on board. The master would not be allowed to permit an aboriginal sailor to leave his vessel and go back to his tribe, but would have to take him to port and discharge him before a Customs officer. That was the real objection there was to the clause. If it was only a question of penalty he thought they should dispose of it as they had done the other; but to place this difficulty or disqualification upon their aboriginal seamen seemed to him to be an unreasonable, oppressive, and unjust mode of dealing with them. They certainly were entitled to quite as much protection as their British seamen; but, according to the Postmaster-General, they were entitled to still further paternal care. And if they were so very much entitled to that care, why did the hon. gentleman want to frame a clause to turn them into absolute slaves? As to the question of a seaman leaving a vessel, the captain could permit his seamen to leave the ship so long as he made a proper note of the occurrence, and he had only got to make a record in the log as to how that man was discharged. In very few cases indeed would seamen want to leave except at ports; but in the case of aboriginal sailors the vessels were at work fishing on the coast. The aboriginals were particularly anxious to go and assist in the fishing. In fact it afforded them the opportunity to obtain those things which they otherwise would not obtain. They got their tobacco, their knives, their tomahawks, and a variety of articles which were not to be obtained by them otherwise. He thought it was highly desirable to continue that system, but this Bill would first of all put the captain in all sorts of dangers, difficulties, and disqualifications. In conveying them from the place of engagement to where there was a custom-house, a captain would not be liable to penalties unless he had done something improper, but after the engagement was completed the aboriginal was not to be allowed to go back to his own tribe, though the vessel might be sailing past the island or might be anchored in one of its harbours. If, under such circumstances, an aboriginal wanted to rejoin his tribe, the captain would say, "No! The Act, Victoria No. so-and-so, says, 'You are not to go; I am liable to a penalty of so much if I let you go.'" The captain must take him all the way, say from Percy Islands up to Cooktown. The unfortunate wretch was kept on board, and was liable not only to work for the full term of his engagement at the fisheries, but he had got to be taken all that way to be discharged—some hundreds of miles away from his own tribe. That was called protection, and a pretty kind of protection it was! He urged hon. members to adhere to their amendment, because if they were to replace clause 8, no matter whether the penalty was £10 or £1,000, still they should be doing very serious injustice. He thought that was really the question they had at issue, and not the smaller question of the amount of penalty.

The POSTMASTER-GENERAL said he should not follow the hon. gentleman through his laboured speech, as he had really been directing his observations to the first part of clause 7. The clause under discussion did not provide that labourers should be brought back and discharged before a shipping master at all. It said nothing of the sort. He repeated that the hon. gentleman's observation had been addressed almost entirely to another clause, to which they had taken no exception. The hon. gentleman had spoken on the assumption that this clause provided that the native labourer should be brought back and discharged before the shipping master. It said nothing of the sort. It said if a vessel came into a port in Queensland,

having a less number of labourers on board than appeared on the ship's articles, the master and owner should be liable to a penalty if they could not give a satisfactory explanation of the matter. He did not want to be involved apparently in an interminable discussion such as they had on the last occasion when they had the Bill before them. He saw there was a strong feeling that £40 was regarded as too great a penalty; and as the majority of the Committee thought a penalty of £25 would meet the case, with the consent of the Committee he would modify his amendment to that extent, in order to come to a conclusion as speedily as possible.

The HON. A. C. GREGORY said he must correct one remark that was made by the hon. the Postmaster-General in reply to his own speech. The hon. gentleman said the clause simply required the captain to give a satisfactory account of what had become of the missing members of his crew, so far as the aboriginal sailors were concerned. But it came to this: If the captain were to say when he went back to Cooktown, "I allowed that Percy Islander to go back to the Percy Islands," the court would be obliged to inflict the penalty which was provided in the clause, because it said unless the captain could show to the court that he had been prevented by circumstances beyond his control. If the captain permitted a man to go back to his tribe, that would be, of course, an act within his control, because it would be in his power, if he saw that a man was going to desert, to secure him—to put him in irons, and to take him to Cooktown or some other port. Therefore the argument just adduced by the Postmaster-General fell to the ground, and totally failed in its object.

Question put.

The HON. A. C. GREGORY said before the question was put he wished to ask whether, if the motion were carried, they could proceed to make any further amendments in the latter part of the clause?

After a pause,

The HON. W. H. WALSH said he thought the question of the hon. member ought to be replied to by the Chairman, or it should be referred to the hon. the President. His own impression was that if the proposed amendment could be made in the clause fifty other subsequent amendments could be made in it. He was not sure whether any preceding alteration could be made in it, but he thought they could make any number of subsequent amendments.

The HON. A. C. GREGORY said he simply wished to know whether, in the event of the Postmaster-General's amendment being carried, he could move an amendment in a subsequent part of the clause. He was not quite clear as to the precise form or time when he could speak upon the matter; he did not intend to make a long speech, but he should like the point to be arranged in a satisfactory manner. He was willing to take a decision upon the present question at once, provided it did not debar him from moving a subsequent amendment.

The POSTMASTER-GENERAL said he thought it would be quite competent for the hon. member to move an amendment in the latter part of the clause. They had, on a previous occasion, rejected the whole clause; and he now proposed that they should say to the Assembly, "We do not insist upon rejecting the clause entirely, but are prepared to accept it with a certain modification." Then the hon. gentleman would go further and say "with modifications." That was quite relevant to the question before the Committee, and he thought it would be quite competent for the House to amend the subsequent part of the clause after his amend-

ment had been disposed of. At any rate he offered no objection to that course being adopted.

The HON. W. H. WALSH said if the Postmaster-General's amendment was carried he did not think any further amendment could be moved, because the resolution as it stood referred to only one amendment. It said "with the following amendment."

The POSTMASTER-GENERAL said if further amendments were adopted those words could be altered to "following amendments."

The HON. W. H. WALSH said he merely wished to prevent the vote about to be taken being considered as final.

Question put, and the Committee divided:—

CONTENTS, 13.

The Hons. C. S. Mein, J. C. Heussler, G. King, A. Raff, F. H. Hart, W. Pettigrew, J. Swan, K. I. O'Doherty, J. C. Smyth, W. G. Power, J. C. Foote, J. S. Turner, and W. Aplin.

NON-CONTENTS, 7.

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

Question resolved in the affirmative.

The HON. A. C. GREGORY said he thought that was the proper time for him to move the following amendment:—

That all the words after the word "court" in line 10 be omitted, and the following words be inserted:—"The circumstances which have prevented his bringing such native labourer to such port."

As the clause stood at present, it would shut out the possibility of the captain of a vessel landing an aboriginal at a place where it might be suitable and advisable that he should do so. His idea was that the master should prove to the court that he had allowed the native labourer to leave his vessel under reasonable circumstances. As time was progressing, he should simply move the amendment without further remark.

The POSTMASTER-GENERAL said he hoped the hon. member would not insist upon his amendment, because it really meant the same thing as the original clause, which expressed the intention in very much better terms. He thought it would be much more courteous to accept the words sent to that House by the Assembly. The hon. gentleman must recollect that the words of the clause were not their words, but those of the other Chamber, and that practically they meant the same thing as was suggested by the Hon. Mr. Gregory. In point of fact, if there was any onus thrown on the master by one set of words more than by the other, it was by the words the hon. gentleman proposed.

The HON. A. C. GREGORY said he was willing to accept the additional responsibility in respect of the master of a vessel, and regretted that he could not take the same view of the matter as the hon. the Postmaster-General. He preferred his amendment, which he believed, upon careful consideration, would be found to be very important—of great importance to the masters of vessels, and also to the aboriginal labourers, by preventing them being kept in slavery.

Question—That the amendment be agreed to—put, and the Committee divided:—

CONTENTS, 10.

The Hons. Sir A. H. Palmer, W. H. Walsh, W. D. Box, T. L. Murray-Prior, A. C. Gregory, P. Macpherson, W. Forrest, J. C. Smyth, W. Aplin, and W. Graham.

NON-CONTENTS, 10.

The Hons. C. S. Mein, J. C. Heussler, A. Raff, J. Swan, W. Pettigrew, W. G. Power, G. King, K. I. O'Doherty, J. C. Foote, and J. S. Turner.

The CHAIRMAN said that, the votes being equal, it devolved upon him to give a casting vote, which he did in favour of the "Non-contents"; and the question was therefore resolved in the negative,

The POSTMASTER-GENERAL moved that the Committee do not insist on their amendments in clause 9. They had already affirmed that they did not insist on the omission of clause 8, and the motion he had just moved was consequential on that decision.

Question put and passed.

On the motion of the POSTMASTER-GENERAL, the CHAIRMAN left the chair, and reported the resolutions to the House.

The report was adopted, and the following message was ordered to be sent to the Legislative Assembly:—

Legislative Council Chambers,
Brisbane, 21st October, 1884.

MR. SPEAKER,—

The Legislative Council, having under consideration the Legislative Assembly's message of date 14th October, relative to the amendments made by the Legislative Council in the Native Labourers Protection Bill, beg now to intimate that they do not insist on their amendment in clause 7, but propose to amend the clause by the substitution of the word "twenty" for the word "fifty" in the last line thereof; do not insist on the omission of clause 8, but agree to its retention with the following amendment—namely, the substitution of the words "five and twenty" for the words "one hundred" in line 8; and do not insist on their amendment in clause 9.

ADJOURNMENT.

The POSTMASTER-GENERAL said: There are only two matters of comparative unimportance on the paper for consideration, and they can stand over till to-morrow. I beg to move that the House do now adjourn.

The HON. G. KING: I beg to move as an amendment that the House adjourn till Tuesday, 11th November.

The POSTMASTER-GENERAL said: I must ask the hon. gentleman not to press for such an extensive adjournment—practically an adjournment of three weeks. I do not anticipate that any business of serious importance will come up for our consideration before that time, but it is possible that it may. The Land Bill, and one or two other matters of not so great importance, are being considered by the Assembly, and it is within the range of possibility, though not within the range of probability, that the Land Bill may be disposed of in a fortnight. I understand that the questions of real difficulty between the different parties have been dealt with, and that the subsequent provisions are not so much matters of principle as those which have gone before; and if anything like rapid progress be made the Bill may be disposed of within the next three weeks. Under the circumstances, I think it is desirable that there should not be such a prolonged adjournment. I shall be glad to consult the convenience of hon. gentlemen as much as possible, and I do not want to have the officers of the House brought here unnecessarily; at the same time we ought to be prepared to perform our duty whenever occasion arises. I think we ought not to adjourn for more than a week.

The HON. G. KING said: With the permission of the House I will withdraw my amendment, and move that we adjourn till this day fortnight.

The HON. W. FORREST said: I cannot consent to the amendment being withdrawn, because I know that several hon. gentlemen living at a distance, who attend the House at considerable inconvenience, are anxious to get away for a time. Some of them are engaged in squatting pursuits, and it is a ticklish time with them just now. As no business of serious importance is likely to come on for some time, I hope the House will adjourn for three weeks.

The PRESIDENT: The amendment of the Hon. Mr. King cannot be withdrawn except by the consent of the House.

The HON. W. FORREST: I object.

The HON. W. H. WALSH said: I wish to enter my protest against any prolonged adjournment whatever. We have already had one or two adjournments—one of the unprecedented length of three weeks—and now we are asked to consent to another adjournment of three weeks. If we agree to the proposal we shall bring upon ourselves the ridicule of the country. If the time we have been occupied here since the last long adjournment be reckoned up it will be found that we have sat for only a very few hours altogether; and it is perfectly monstrous that we should now be asked to adjourn for a period of three weeks. It shows incontestably to me that the people of the country will be justified in considering that this branch of the Legislature is not required. If we consent to such an adjournment we shall proclaim to the country that we are not representatives at all, in the common sense of the word, but that we are here at our own convenience to hurry through the business laid before us, and that we do not give ourselves time to consider the momentous questions which will be brought before us. What will be the result if we adjourn for three weeks? If anything should happen in the meantime to occasion our presence here the Government will say, "It was not our proposition—it was a private member who made the proposition." And then we shall be called upon to suspend the Standing Orders, and pass, without consideration, a Bill which has occupied the other Chamber for months. The Land Bill at present under consideration in another place will effect a complete revolution in the administration of the Crown lands of the colony; yet we shall be asked to pass it in a singularly short time. And is this the time that we ought to render ourselves obsolete as advisers of the Crown? Are there not at this very moment suspicious matters going on in connection with the integrity of this colony? Do we not see a rival nation—the German nation—racing our men-of-war, apparently, to take possession of an adjacent island? And if that is done, and it should lead, as it may lead, to strained relations between that empire and the English, what position shall we be in if, in a week's time, such a state of things should arise, and we cannot meet to deliberate for a further period of a fortnight? I think really we are becoming demented when, in the very midst of a session, we embrace every opportunity apparently for proposing a prolonged abrogation of our duty in this Chamber. I think hon. members should take a broader, more national, more patriotic view of the question—that it is their duty to sacrifice some time, since they have taken upon themselves the office. If they do not do it the country will find other men who will freely give their time; who will not let their station or other business matters require their absence for prolonged periods from this Chamber. If the present holders of office cannot, during the session, give their daily, their hourly attendance for the benefit of the country, I say it is their duty—I should feel it to be my duty, at any rate, to resign my position here, and give way to a gentleman who would take my place, and better perform the duties. I protest against these prolonged adjournments. I do not believe that in any previous year such things have been asked for, and have been sanctioned by the Ministry of the day. I do not believe there ever was such a critical period in our legislation, or in our position as a territory, as it is at present, and, therefore, I regard it as an inopportune moment in every respect for deserting our duties in this Chamber.

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

THE HON. W. FORREST: I do not quite understand the motion which was put just now. Are we voting on the Hon. Mr. King's first motion?

THE PRESIDENT: The 11th November.

THE HON. W. FORREST: For the adjournment until November the 11th?

THE PRESIDENT: Yes.

Question—That the words proposed to be added be so added—put, and the House divided:—

CONTENTS, 10.

The Hons. T. L. Murray-Prior, A. C. Gregory, G. King, W. D. Box, W. Graham, J. C. Smyth, K. I. O'Doherty, W. Forrest, W. Aplin, and W. G. Power.

NON-CONTENTS, 5.

The Hons. C. S. Mein, W. H. Walsh, J. C. Heussler, A. Raff, and J. C. Foote.

Question resolved in the affirmative.

Original question, as amended, put and passed.

The House adjourned accordingly, at twenty-seven minutes past 6 o'clock, until the 11th November.
