Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

FRIDAY, 2 OCTOBER 1885

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LEGISLATIVE ASSEMBLY.

Friday, 2 *October*, 1885.

Petition.—Formal Motions.—Bonus for the Manufacture of Plumbago Goods.—Gratuity to Mrs. Murphy.—Gratuity to the Widow of Daniel Crichton.—Motion Withdrawn.—Ransome *v.* Brydon, Jones, and Co.—Adjournment.

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

PETITION.

Mr. PALMER presented a petition from the electors of the Burke district, praying that additional representation in Parliament might be granted to them, and moved that it be read.

Question put and passed, and petition read by the Clerk.

On the motion of Mr. PALMER, the petition was received.

FORMAL MOTIONS.

The following formal motions were agreed to:—

By Mr. NORTON—

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

1. The several sums of money paid to members of Parliament (not being official salaries) from the 1st January, 1884, to present date.

2. The services performed.

3. The members to whom paid.

By Mr. NORTON (for the Hon. Sir T. McIlwraith)—

That there be laid upon the table of this House, copy of all letters, papers, and other correspondence connected with the application made to the land commissioner, Gympie, for a selection in that district by E. T. Smith.

By Mr. FOOTE—

1. That the Noble Estate Enabling Bill 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 adjournment of the House, and that it consist of the following members, namely:—Messrs. Palmer, Lalor, Smyth, Campbell, and the Mover.

BONUS FOR THE MANUFACTURE OF PLUMBAGO GOODS.

Mr. BAILEY, in moving—

That the House will, on Friday, the 9th instant, resolve itself into a Committee of the Whole to consider the following resolutions, namely:—

1. That this House recognises the importance of establishing local industries.

2. That this House is prepared to offer the sum of £5,000 as a bonus, to be given to the person or company who will first produce marketable manufactured plumbago goods of the value of £5,000 from Queensland plumbago ores, provided it can be proved to the satisfaction of the Government that a sum not less than £5,000 has been expended in developing and erecting machinery and appliances in Queensland for treatment of plumbago ore.

3. That an address be presented to His Excellency the Governor, praying His Excellency to issue a proclamation offering the above reward.

—said: Mr. Speaker,—As to the first of these resolutions, I think the House will extend the same generosity which it has always exercised in the past to the assistance of new native industries in Queensland. I will give the history of this matter. About the year 1875 plumbago deposits were discovered in the Wide Bay district by Mr. Drain and Captain Noyes, who attempted to develop the mines producing plumbago ores; and from that day to this certain people have been attempting to find a market for these ores. They have gone to considerable expense in taking up land and opening up roads; they have attempted to find markets for the crude ore, in England and other places, and they have gone to considerable expense in making experiments to see whether the ore can be made into a marketable article; but they find that the expenses necessary for that purpose will be so great as to make it quite beyond their power to bring the manufacture to a successful issue. The owners of the mine are trying to form a company; but it is useless to attempt that without the assistance the State has hitherto generously offered to new industries. I need only instance the iron industry, the bonus for which has never been claimed. It is quite possible that the bonus for the manufacture of plumbago goods may not be claimed—though I sincerely hope it will—but the project is in the hands of men who, if they have such encouragement as I propose, will bring it to a successful issue. The main difficulty about the plumbago ore found in Queensland is the quantity of impurities which it contains—notably, oxide of iron and several other minerals foreign to the ore—which so deteriorate the pure graphite as to make it unmarketable; but by clever treatment with machinery, crushing the ore to an impalpable powder, and treating it with acids, these impurities are to a great extent removed, and the almost pure graphite can be produced in Queensland. The other day I received a telegram from the Colonial Treasurer of New South Wales, and he tells me that they have tried their best in that colony to discover payable plumbago ore, but have hitherto failed to do so. The value of plumbago

may not be known to many hon. members. It is used extensively for making crucibles, for which almost pure graphite is used; then it is used for what is called non-plastic and plastic plumbago; and lastly, what is left, after all the processes have been gone through, is made into a kind of firebrick, which cannot be equalled by any firebricks in the old country. It is one of the best kind of firebricks, and has been tested in Queensland with the best results. I have a letter from the manager of the Bulimba Smelting Works referring to the question of the firebricks produced from refuse plumbago. It is as follows:—

"Bulimba Smelting Works,
"Brisbane, 30th September, 1885.

"W. T. Clark, Esquire, Brisbane.

"Sir,

"With reference to Mount Bopple plumbago firebrick, handed to us by you for trial, I beg to state as my opinion that it is superior to any colonial production I have seen as yet, and with due care I feel assured that you can produce an article which will be equal to imported firebricks.

"I also beg to state that I consider the sample of plastic plumbago, given to me by Mr. Drain, of a very superior quality, and suitable to our requirements, and shall be glad to hear when you can supply us with it in bulk. The same applies to the bricks referred to above.

"Yours faithfully,
"Jno. McKillop,
"Manager, Bulimba Smelting Company."

I may say that the firebricks are made from the refuse, as it were, of the different processes I have described. They were tested to the extreme extent at the smelting works, and stood the test well. Recently in Queensland we have been discovering ores—gold ores especially—which will have to be reduced by smelting. We shall have to give up the old process of grinding and washing, because many of the ores exist now in such a state that we must smelt them. We have the power at our doors, as it were—a material which, if manufactured, will assist us greatly in the smelting operations which must be entered upon in a great many parts of the colony within a very few years—and when there is an opportunity of encouraging an industry, considering the immense cost of importing firebricks, that opportunity ought not to be neglected. In the year 1883 one of the prospectors of this plumbago mine sent nine tons of it home to England to be tested. It is very difficult to know exactly what became of the nine tons. All they know is, that they got very little back for it; but it is known now that the Cumberland plumbago mines are giving out, and it is quite possible that if we can establish the plumbago industry in Queensland we may be able to take the place the Cumberland mines have held for so many years in the world as the suppliers of pure graphite. We can reduce the ore we have to pure graphite and from the refuse make so many articles of value that I am confident that in a very few years we shall be able to export the graphite, used for lead pencils and other things, to England itself. The impurities contained in the ore are from 14 to 18 per cent. They consist of silica, iron oxides, magnesia, alumina, and lime. I have an analysis of the ore, made by an analytical chemist, and he gives the following analysis:—

"Moisture ... ... 7·610
Silica ... ... 2·700
Iron oxides ... ... 1·080
Alumina ... ... 1·050
Lime ... ... 1·120
Magnesia ... ... 0·468
Plumbago ... ... 85·970."

The difficulty in the treatment is to get rid of the impurities, and it requires such costly machinery and complicated chemical appliances that it is a most expensive project to enter upon. The first seam of plumbago found at Mount Bopple was about one foot wide; but since then, by sinking and going into the hillside, they have found a seam of impure plumbago thirty feet wide; and I have not the slightest doubt, if the mine is worked successfully, we shall have other discoveries of the same kind in the district. Plumbago is also used in the foundries, where they use large quantities for castings every year, and we are importing, year after year, plumbago dust of two qualities, for that purpose, Still, the crude ore must undergo a preparation of a very costly nature before it can be fitted for their use. I have some memos. from different foundries, with which I will not trouble the House; but they all say the same thing—that is, that it is very nearly the right thing, and if properly prepared will very much suit their purpose—just as well as the imported article. I have taken every precaution in framing this motion that there should be no getting out of it by speculators—that, for instance, the ores should be exported and manufactured somewhere else, and the article brought back to enable speculators to claim the bonus. Hon. members will notice by the wording of the resolution that I only propose there should be a bonus given to persons who produce a marketable article from Queensland ores, and I have provided for the erection of the machinery and all appliances for producing that article in the colony. I remember when the iron bonus was under discussion it was thought doubtful whether the iron ore might not be exported from the colony and reduced elsewhere, and then brought back so that the bonus might be claimed. I have avoided such a possibility as that by providing that the whole process shall be carried on in the colony. It will be of the greatest value to the colony if this industry should be developed, not only for foundries but for every kind of mining industry in the colony, and I have, as I have said, carefully provided that everything shall be done in the colony itself. I beg to move the motion standing in my name.

The COLONIAL TREASURER (Hon. J. R. Dickson) said: Mr. Speaker,—The hon. member for Wide Bay, in introducing this motion for the consideration of the House, has shown a familiarity with the subject which I cannot pretend to emulate, inasmuch as I have not the same acquaintance with the question of plumbago ores which the hon. member has evidently provided himself with. The question is one that requires a large amount of consideration. No doubt all agree with the hon. member in his desire for the encouragement of local industries. All of us desire to see our local industries promoted by wise and judicious legislation, and such encouragement as the Legislature can from time to time afford. We have extended that encouragement to the large question of iron, which undoubtedly, if it were found and smelted in this colony, would be a very great factor in our prosperity. The objection I have to these motions is that up to the present time they have been practically, if not wholly, inoperative. I think this question, as introduced by the hon. member for Wide Bay, is placed before us in the light of a request that a bonus should be given for a matter of very secondary importance indeed compared with the smelting of iron. So far as I can learn from Ure's "Dictionary of Arts and Manufactures" the use of these plumbago ores, even in the mother-country, has been very limited. The greatest field of the supply there was the Borrowdale mine in Cumberland; and I learn that the output of that mine—the chief plumbago mine in Great Britain—has never exceeded £100,000 per annum, and the importations into Great Britain from other countries do not appear to attain to even that amount. I find that

the whole of the importation of this article into Great Britain in 1873, from Germany, Ceylon, and other places, was 5,488 tons, representing a total of £92,618. The hon. member has not shown us that the production of these plumbago ores would, to any very large extent, promote our manufacturing activity. I think the hon. gentleman is asking for a sum altogether disproportioned to the value, in a national sense, which would attach to the discovery and development of these plumbago ores. I very much doubt whether the proclamation of the bonus would have any practical effect. If the ore is to be found in abundance, and can be remuneratively worked, it will be worked by men of enterprise entirely apart from the question of £5,000 bonus from the colony. I say I object to these coddling motions. If industries cannot assert themselves and take root in this colony legitimately without this fostering, they must stand upon a very slippery foundation indeed; and whilst the £5,000 might be drawn from the Treasury I have at the same time very grave apprehensions that this industry would never attain such a proportion as would lead us to regard the expenditure of this money as having tended to permanently develop the resources of the country. I do not wish in any way to disapprove of the efforts made to discover and develop the mineral resources of the colony. There is no doubt a very large field for the development of those resources, but I think the hon. member for Wide Bay has moved in a wrong direction in bringing this motion before the House. These efforts for the encouragement of our manufacturing industries have totally failed up to the present time to really establish satisfactorily any one industry in the colony in a prosperous condition. I cannot withdraw my observation from that unfortunate fact. I do not think that, even on the grounds that the motion is one to encourage the production of a mineral of general service, the hon. member's case is a strong one. It has been shown that in the mother-country itself, where these ores can be skilfully treated and diverted into many manufacturing channels in which they could not be used in this colony, the amount used is very small, and they could not be used to anything like the same extent in the production of anything made here. This resolution also is, to my mind, very vague. The House is asked to offer the sum of £5,000 as a bonus to be given to the person or company who will first produce marketable manufactured plumbago goods, of the value of £5,000, from Queensland plumbago ores. Who is to affirm the value of the ores produced? Are they to be sold locally, or is their value to be determined upon their fitness for exportation to the mother-country? It is an exceedingly vague motion, and to my mind conveys no practical benefit. At the same time, it seems to me an illusory motion to the outside public, because if the motion is passed the outside public will arrive at the conclusion that the Legislature is prepared, on the first application, to give large money grants to anyone who undertakes to develop the minerals or industries of the colony. I think these things should stand on their respective merits. I do not believe that the House will pledge itself to award £5,000 to every syndicate or company who may submit a very flattering programme or prospectus of their intended operations in the direction of developing our minerals. I think they would use common sense and discriminate between the encouragement of such industries as might prove of extensive benefit to the community and those which would be of less national importance. I think that, under all the circumstances, the hon. gentleman would be unwise to proceed with his motion. It has afforded him an opportunity of representing to the House and to the country the importance of our plumbago ores, and that there is a large field for legitimate enterprise in the direction of extracting those ores and making them marketable; and having done that I maintain that he has done all that could be expected at the present time. I am sure, sir, that if this motion was acceded to by the Government there would be a host of other applications based on more solid grounds presented for the consideration of the House. I think I am justified in saying that from all we have observed in the past, with regard to such bonuses, there is no legitimate reason or encouragement for the House at the present time to extend a reward of this sort to plumbago mining and manufacture.

Mr. CHUBB said: Mr. Speaker,—I do not see my way to support this motion, and if I were the hon. member for Wide Bay I should be satisfied in having drawn attention to the fact that we have in this colony plumbago of great value. There is no doubt that this mineral is of very great value. The hon. member was probably correct in saying that the English mine at Borrowdale is not now being worked. In McCulloch's "Commercial Dictionary," in the edition issued in 1882, that mine is spoken of as having then ceased to be worked three or four years previously. That, however, is no encouragement to pass the motion. Whether the mine gave out is not stated; but I observe from statistics in another work that at one time this remarkable mine was only opened once in seven years, and that afterwards it was opened oftener —once a year for a period of six weeks, during which time plumbago to the value of £30,000 or £40,000 was taken out of the mine. That was supplied to the market, and there was no further demand. The market was then in the hands of half-a-dozen people, who just bought what they wanted and no more. A writer on plumbago as far back as 1709 says:—

"It's a present remedy for cholick; it easeth the pain of gravel stone and strangury, and for this and the like uses it's much bought up by the apothecaries and physicians."

I do not know whether the hon. gentleman had that object in view when he tabled his motion. But with regard to the sources from which plumbago can be obtained, McCulloch's "Commercial Dictionary" states that—

"The sources of blacklead are numerous. It is found in Ceylon, and, according to Sir E. Tennent, 2,000 tons are annually exported from the southern part of the island. It is also procured from Siberia, Austria, Prussia, in North America near Lake Superior, in Scotland, and from Schwarzenbach in Bohemia, whence about 70,000lbs. per annum are obtained. It has also been discovered in beds of great thickness on the banks of the Yenisei, about 300 English miles east of the town of Toorookhansk, and again in South Siberia, near the Chinese frontier. The chief sources, however, of commercial graphite are Passau, in Bavaria; India, both in the Himalayas and Ceylon; and Spain. It is also a product of some ironworks. In 1865, 4,836 tons were imported, chiefly from Ceylon."

It appears therefore that there is an enormous supply of plumbago which is principally used for making pencils, and constructing firebricks, and for other important purposes. It does seem chimerical at the present time to offer £5,000 for the production of plumbago goods to the value of £5,000. I believe the ore can be obtained at the Borrowdale mine at a cost of from 25s. to 45s. per ton, and there would be no difficulty in the owners of a valuable property of that kind securing a ready sale for their productions if there was any demand. I think the House cannot very well accede to the hon. member's motion.

Mr. MELLOR said: Mr. Speaker,—I should like to see this motion carried, as I think it would give encouragement to an industry which is at the present time undeveloped. We know

that there are large quantities of plumbago in the Wide Bay district, but the industry cannot be started without some assistance—without some encouragement—as it would be a very expensive thing to get machinery erected for the purpose of working the mine. Perhaps the hon. member who moved the motion might be asking too much in fixing the bonus at £5,000, but that can be altered in committee if thought desirable. I know the promoters of this matter only want some encouragement to show results; if they could not show results they would not ask for encouragement. It is an undoubted fact that the plumbago is of that quality that the matter should receive the attention of speculators, but it is an article that is not really very much in demand in the colonies. At the same time we know that there is imported into the colony a large quantity of firebricks and other articles which can be made from plumbago. If we could only supply the firebricks in the colony the industry would be worth encouraging, as it would employ a great deal of labour. I think that all local industries which employ a large amount of labour should receive some encouragement from the Government. I shall support the motion.

Mr. ISAMBERT said: Mr. Speaker,—I am glad to see the Colonial Treasurer so careful of the Treasury. He is right in saying that bonuses have never yet realised the expectations that were formed; they have all failed hitherto. At the same time, these industries require encouragement. Hon. members remind me, in discussing these economic questions, of an entertainment I once witnessed at the school of arts in Ipswich, where men in a mesmeric state stood in a fighting attitude, but always struck out so that they should miss one another. So with hon. members; they are simply fighting the air. Before long it will be the recognised policy of the country that our industries must be encouraged; but hon. members seem to be at a loss how to encourage them. What is the reason that this company, with such a rich mine of plumbago, cannot make their discovery profitable? The hon. member for Wide Bay explained that it was not pure; that it contained oxide of iron, magnesia, silica, and alumina. Now, these are very objectionable impurities, and no amount of encouragement would render it possible for this mine to be worked profitably for any length of time. The company might succeed in collaring the £5,000, but I think that would be all. The bonus given to the Ipswich Woollen Factory was for an industry far more within the compass of our powers than this plumbago, because we have only to spin the wool and weave it into cloth; it is a comparatively simple process. The hon. member for Wide Bay explained that to make the plumbago ore available would require chemicals. The iron would require to be extracted by acids, and the other impurities would also have to be dealt with by chemicals. Even £10,000 would not make it pay if the chemicals had to be imported, therefore chemical works would have first to be established. I know there are certain parties who are quite willing to spend money and skill in establishing chemical works if a proper fiscal policy were adopted by the colony. We must go in for encouraging our industries, not by bonuses, which take money out of the Treasury, but by such import duties as would at once encourage the industries and fill the Treasury. It is the same with iron. There is a bonus to be had by anyone who likes to manufacture iron. There are plenty of people with the necessary money and skill, but if they started they would be driven out of the market by importations, and ruined. It is not so much protection that I am asking for, Mr. Speaker: I use the word "protection" because it is understood what it means; but in our circumstances it is not protection—it is, in fact, freetrade. I am pleading to have our own industries put on a par with foreign industries. Our importing trade from all parts of the world is powerfully assisted; I should be ashamed to ask sensible people to protect our industries to the extent that foreign industries are protected by the way we borrow money. I have a mind to move an amendment that it is about time our industries were encouraged all round; so that we should not have to depend on importations for all we want, and on a foreign market for all we produce. That would necessitate the extension of the railways all over the interior. We have a few industries languishing in Brisbane; and in all the rest of the colony there are none. That is what is at the root of the separation movement in Northern Queensland; there is no industrial life. The pastoral industry and the sugar industry are both ruined. The people are not philosophers; and whenever we have times of depression and difficulty they reason that there must be something wrong with the Government, so they go against the existing Government and put in the other party. Then the other party is not able to do wonders, and so they are shoved out in time. Up to the present not one party in the House, either the so-called Liberals or the Conservatives, have ever taken in hand the task of encouraging and protecting our own industries. I trust the hon. member for Wide Bay will withdraw his motion, and throw himself heart and soul into the movement for encouraging all our industries; and then he will see that his plumbago mine will be a profitable one.

Mr. SCOTT said: Mr. Speaker,—There is no doubt that the encouragement of local industries is a very good thing, but the difficulty is to find out how they ought to be encouraged. The granting of bonuses has not turned out in the past a very profitable operation, either to the colony or to the people engaged in the industries that were to be fostered by them. I can only recollect two cases in which bonuses have been given in this colony; one was for the production of cotton, and the other for the production of silk; and in both the result was utter failure. With regard to cotton cultivation, as soon as the bonus was obtained the industry began to languish and in a short time died out altogether. The bonus on silk, as far as I recollect, was claimed by only one individual. Mulberry-trees were planted, and a good many silkworms were bred, and the conditions were to a certain extent complied with; but no sooner was the money got than the mulberry-trees were neglected, the silkworms died, and no more silk was ever manufactured in the colony. I really do not think that a bonus such as the hon. member for Wide Bay asks for is likely to do any good at all, and I cannot see my way to support it.

Mr. BAILEY said: The hon. member for Leichhardt has drawn quite an unfair comparison between the silk bonus and the bonus for which I am now asking. The silk bonus seems chiefly to have been a bonus on mulberry-trees, which would not grow.

Mr. SCOTT: They did grow.

Mr. BAILEY: The bonus for which I ask is a bonus on goods actually manufactured in the colony from the ores of the colony, and sold and made use of in the colony. The two things cannot be compared, and I hope the hon. member for Leichhardt will see that the comparison he has made is not a just one. Reference has been made to the importation of firebricks into the colony. Hon. members have no idea of the trouble and expense to which mining communities are put to get firebricks. In 1875 the number of firebricks imported was 109,880; in 1876,

177,841; in 1877 and 1878, the number was lower; in 1879, 145,215; in 1880, 98,320; in 1881, 172,140; in 1882—mark the rapid increase of importation—361.288; in 1883, 319,936; and in 1884, 537,382. Will it not be a shameful thing—I can only put it in that way—if this House, which in past years has been so generous in assisting industries that could not otherwise be developed, should become so mean of soul as not to lend a helping hand to an industry which promises to be so useful to the colony? I have heard nothing so ungenerous in this House as I have heard this afternoon. We shall see when the motions for the relief of the widows come on whether they will be treated in the same way—I mean the widow of the distinguished public servant whom the Premier talked about. For the last ten years men have been experimenting with this ore, and now at last when, after having spent their money, they have arrived at the conclusion that they have got a good thing if they can only get capital to back them—which can only be got by showing those who are investing with them that they have the encouragement of the country and the Government—the Government say—"No; we will not give you a show; we do not believe in you; the Ipswich Woollen Factory was good enough; the silk was a fraud; and therefore, because you want a bonus on a mineral that will lessen the cost of an article used in all our factories and in all our mines, we will go back on you and give you no countenance and support." I should not like to think that we have come to this—that we have become stingy and mean in cases where we ought to hold out a liberal hand. I trust the hon. member for Bowen will withdraw the ungenerous remark he has made. He quoted, from some ancient magazine, a paragraph to the effect that some plumbago company in Borrowdale had become insolvent. It is true that the Cumberland mines have been giving out for some years; the lodes are so thin that they will not pay for working, and all plumbago used now has to be obtained from Ceylon. We can produce on the spot a material used in all our mines, in all our factories, and wherever castings have to be made; and yet we are content to send to Ceylon for it—and not to Ceylon direct, for the Cingalese send it to England, and it is there that the article is manufactured and exported to Queensland. So long as it pays a small import duty the Colonial Treasurer appears to be quite satisfied. I am sorry I am not in a position to give more complete information to the House. I tried all I could to get it, but the Customs could give me no definite returns as to the quantity imported into the colony. I have spoken to foundry men about it, and they say they find the article so useful that if they could get it cheaper they would use a great deal more of it. I am very sorry indeed to see that an industry which has struggled on for so many years is to be so contemptuously treated that Parliament will not even hold out to it a prospective bonus to encourage those interested in it to carry on their work to the end. I hope that even Ministers will relent—that even the hon. members for Leichhardt and Bowen will withdraw their opposition—and that the motion will be allowed to go into committee.

The MINISTER FOR WORKS (Hon. W. Miles) said: Mr. Speaker,—The hon. member for Wide Bay brings forward the motion on the ground that a large quantity of firebricks are imported, but I may inform the hon. gentleman that firebricks are not imported as merchandise, but as ballast; and if the only reason there is for giving a bonus for the manufacture of plumbago is that it is used in the manufacture of firebricks, to compete with those that are imported in the shape of ballast, I think it will be a very long time before the House will vote this £5,000. There is no doubt that the hon. gentleman deserves much credit for the way in which he has bolstered up a very bad motion. The quantity of this mineral which is consumed is very small, and there is little or no use for it, except for making firebricks. That is the only purpose for which it can be applied to any good account.

Mr. BAILEY: Not at all.

The MINISTER FOR WORKS: The hon. gentleman says, in support of his motion, that there is a great quantity of firebricks imported into Queensland. I tell him they are not brought here as merchandise, but as ballast.

Mr. BAILEY: They are rather expensive ballast.

The MINISTER FOR WORKS: I spoke to a shipowner on the subject, and I said I considered it an extraordinary thing that firebricks should be sent out here. He replied that they did not bring them out to get any profit, but that they suited as ballast. Hon. gentlemen know that a great quantity of rock-salt is also used for ballast. If plumbago can only be used for making firebricks, I do not think the House will ever be called upon to pay this £5,000.

Mr. BAILEY: Then there will be no harm done by adopting this resolution.

The MINISTER FOR WORKS: I think the whole thing is a farce. The hon. gentleman is trying to bolster up an exceedingly bad case, and I hope that the House will vote against the motion.

Mr. NORTON said: Mr. Speaker,—I must say that, for my part, I object to these bonuses, and, so far as my experience goes, I do not think they do any good. This proposal, however, differs in some respects from those which have been previously offered. There was one offered on condition that a certain amount of iron was raised, and it is quite possible that an article of this kind can be produced as readily as iron, although I do not think it would be of the same value to the colony. It will tend to supply the large demand that exists at the present time, and is likely to increase. The Minister for Works contended that these firebricks are only brought out as ballast, but owners complain of the great amount of dead-weight they have to pay for, and firebricks would not have been specially selected unless they were wanted. I would very much prefer that the House should have some time to consider the subject before deciding upon it, and I am sure that if the hon. gentleman who introduced it had given as much information in his first speech as he had in his reply, there would have been much less opposition. He kept most of his arguments in favour of the proposed bonus until his reply. I am not very sanguine that, if the vote is carried, the result will be as the hon. gentleman anticipates, as it is very improbable that, even with the bonus of £5,000, any company will be able to work these mines profitably. For my part, I am quite willing to support the motion and let it go into committee, when we may have some further information which will enable hon. gentlemen to judge more fairly in the matter. I hope that if it be carried hon. gentlemen will try to gain all the information they can in order that the subject may be fairly represented, and some just conclusion arrived at.

Mr. SMYTH said: Mr. Speaker,—I intend to support this motion, not that I very much approve of it in its present form, but because it may be fully disscussed in committee, and

decided as to whether any assistance should be given. I have seen a great deal of this mineral and know what it is. It is not plumbago simply, but really good graphite, some of the finest in the world. The Minister for Works said firebricks are simply brought out as ballast; but whether that is so or not, we pay very dearly for them, sometimes as much as £10 per 1,000. They must be very expensive ballast and very profitable to bring out. A great many are required on mines for building furnaces, etc., and the mineral sought to be developed is just what is required for such works. The bonus might be done away with, and some assistance given in the same way as it was in the cases of other industries, in the shape of loans. There has not been much work done on the mines under discussion up to the present—mostly surface work—and, like the mines of Cumberland, they may give out. Therefore it is the place of their owners to see what there is inside them.

Mr. ANNEAR said: Mr. Speaker,—I intend to support this motion because I believe that the opening up of these mines will retain what I have always maintained to be the greatest wealth of the colony, a large working population. I was very much surprised at the remarks of the hon. Minister for Works, who stated that firebricks only came out as ballast. I know I have paid as much as £15 per 1,000 for Stourbridge firebricks in the town of Maryborough. The whole of the firebricks used for the building of gas works and smelting works throughout the whole colony are brought from England. We all know very well that at the present time copper is at a very low price, and our copper mines are therefore at a standstill; but we hope that that state of affairs will not last long. We also know that in Queensland we have an unlimited supply of copper ores, as rich almost as the ores from Lake Superior. In fact, in Cornwall, where I come from, they are raising ores from copper-mines that only return from 10 to 15 per cent., while in Queensland people will scarcely look at a copper-mine the ore from which does not go as high as 50 per cent. I believe, Mr. Speaker, that the hon. member for Rosewood is quite correct in his views about our protective policy. Until that is altered we shall always be in our present state. Protection should be given to our industries to a far greater extent than is given at the present time. We saw the other day, sir, that without any questions being asked, without attempting to give encouragement to one of our most important industries—the foundries of Queensland—twenty locomotives were ordered from England and America. Fifty thousand pounds, sir, in one year is to be sent out of the colony without giving our foundries an opportunity of tendering for the work. In Victoria and New South Wales firms are building locomotives for the Government.

The MINISTER FOR WORKS: They were invited to tender the other day, and there was not one sent in.

Mr. ANNEAR: I am open to correction, sir, if tenders were called for; but I did not see them in any of the local papers, and I read the papers every day. I may be wrong, but my contention is this: that we send far too much work out of the colony that can be done in it. We call for tenders for rolling-stock for our railways, and tenderers find that all the wrought-iron work is provided for them, having been imported from England. This has been going on for the last two or three years, while we have hundreds of blacksmiths in the colony who could do that work, and others are coming here. I hope that that state of things will not long exist. I am not surprised at the hon. member for Wide Bay becoming a little warm this afternoon when he sees the way in which his motion has been treated. No encouragement is given to local industries at all. As long as what is wanted can be got from home by an indent it is got from there, without any regard whatever to the industries of the colony. I know the locality of these plumbago mines, and I believe there is a great source of wealth in them. With regard to the bonus on silk, there is no comparison between that industry and the one now before the House, because, in this case, nothing is to be paid by the Government until a certain actual result is attained by the owners of the mine. I will not detain the House longer. As a protectionist of local industries—as one who believes that even if we pay from 10 to 15 per cent. more for articles manufactured in the colony than we do for those imported it will be a benefit to us—I shall support the motion.

Mr. FRASER said: Mr. Speaker,—I think one question upon which we are all agreed is that it is very desirable to give encouragement to local industries as far as it can be done in a reasonable manner; and I should be glad to support the motion of the hon. member for Wide Bay if he had laid sufficient facts before us to justify me in doing so—if he had shown that the granting of a bonus for this specific object is likely to result in ultimate success. But with regard to that, upon what does the hon. member lay his principal stress? Upon the manufacture of firebricks! That is an important item in some of the rising industries of the colony, no doubt; but is the hon. member not aware that he could obtain that object without anything like the expensive process required in connection with this mineral? Why, sir, we have in this colony an unlimited, boundless quantity of the finest firebrick clay that is to be found anywhere in the world. It is to be found in all directions, and if we are not using it it is because there has not been sufficient enterprise to go into the industry. It is not from lack of material by any means. Listening to the hon. member for Wide Bay one would imagine that this material for the manufacture of firebricks has been found only when associated with plumbago. I am aware that plumbago is used for a variety of purposes, and if the hon. member had laid before us the various purposes for which it is employed in the colony he would have made out a much better case than he has done. As to the outside discussion that has been provoked by the question before us, this is not the time or the occasion to deal with it. Suffice it to say that, looking over the whole world at the present time and taking the most protective countries in it, there is not one of them that can beat in prosperity or comfort, Queensland, with its freetrade policy.

HONOURABLE MEMBERS: Question!

Mr. FRASER: America at the present time is the most protective country in the world. As you know, Mr. Speaker, and as we all know, almost all its great and leading industries are in a most deplorable condition, and some of the most formidable strikes have taken place there.

Mr. SHERIDAN said: Mr. Speaker,—I shall vote for the motion going into committee. My object in doing so is to enable further information to be obtained about the bricks and other articles in which this mineral is used, which are said to be imported into the colony. In fact, I shall support it in order that more light may be thrown on the subject.

Mr. PALMER said: Mr. Speaker,—I thought the hon. member for Wide Bay would have withdrawn his motion when he got up to reply, but as he evidently intends pressing it to a vote I think it is time for us to rally our forces,

because if this motion is carried we may expect others of the same character to be brought forward. I shall be encouraged to put in a claim. I know a mountain of pure iron ore from which 1,000 tons of steel rails could easily be manufactured if they were wanted, and they are always in demand. But to come to the question, Mr. Speaker—the hon. member for Maryborough, Mr. Annear, has told us that he believes there is a vast source of wealth in this plumbago mine, and if there is I think the company can be very well left to work it by themselves without any bonus from the people of Queensland. We have the rather bad precedent of the Borrowdale mines in Cumberland for the motion, because that company went insolvent over their plumbago.

Mr. MOREHEAD: They borrowed too much.

Mr. PALMER: Then, sir, with regard to firebricks, we have no information as to the quantity imported, their value, or how much more expensive they would be if they were carted from these mines—which are some distance inland—to seaport towns. I believe the carting would cost more than the freight from England. But, sir, I am opposed to the principle of the thing in every way. If an industry cannot go on its own foundation it had better not start at all.

Mr. MOREHEAD said: Mr. Speaker,—In order that the House may vote on the broad principle contained in these resolutions, I would suggest that the three of them should be taken seriatim. Even now I think they can be taken seriatim. I have no doubt that certain members would like to vote for the first and might not like to vote for the second. I think it would be better if they could be dealt with in the way I suggest. However, I am perfectly certain the Government will not vote for the first of these resolutions, because it is only within the last few days that a measure was introduced by the Government which put almost a crushing impost upon a colonial manufacture. I cannot, therefore, see how they can recognise the necessity of supporting local industries now. The beer duty is, of course, the matter to which I have alluded. I therefore cannot see that the Government can vote for the first portion of the motion. Whether they will vote for the second I do not know. I certainly shall vote against the resolutions as they stand; but I think, Mr. Speaker, you will find that the motion can be subdivided, or that the principal question can be decided on the first resolution, which is—

"That this House recognises the importance of establishing local industries."

The SPEAKER said: On the point raised by the hon. member for Balonne, I may inform him that the resolutions cannot be separated. It is practically one motion—that the House go into committee to consider these resolutions.

Mr. JORDAN said: Mr. Speaker,—I think the hon. member for Wide Bay has made out a very strong case in favour of his motion. The principal argument used against it is that there is no demand for plumbago, and that therefore the motion can have no practical effect. In that case these resolutions will be very harmless, for the mere carrying of the motion will not give £5,000 to the owners of the plumbago mine. The facetious contentions of the hon. member for Bowen, when he quoted from a magazine dated, I think, 1579, simply went to prove the harmlessness of the motion. If the plumbago cannot be manufactured and sold the Government will never be called upon to pay this £5,000. I am told that this motion has been based on the fact that a company or some firm exists who have already laid out some capital in the development of a plumbago mine, or in an attempt to do so. They are under difficulties, but they are not discouraged wholly. Although the expenses of the successful development of this mine are greater than they anticipated, they are prepared to go on until they have expended a sum of £5,000. Now, I should suppose that these individuals are not prepared to expend £5,000 even if the Government were to pay another £5,000, unless there is a prospect of a sale for the article. I did not understand the hon. member for Wide Bay to say that the success of the mine would depend on the sale of firebricks, but that the refuse of the mine was the best material for the manufacture of firebricks—firebricks supposed to be of the very best quality; and he contended that before long there would be a very great demand in this colony for firebricks. He also showed by figures that the consumption of firebricks in Queensland last year amounted to 500,000. The hon. member for Maryborough, too, stated that he had given as much as £15 per ton for firebricks. Looking, then, at the manufacture of firebricks alone, it appears to be a question of some importance to the colony; and the contention of the Minister for Works that firebricks are only brought into the colony as ballast will not have any effect, I am sure, with the House. Firebricks would not be brought here if there was no demand for them; and we have heard they realise £15 per ton, and that there will be a very much larger demand for them before long. We have also been informed that they are made from the refuse after the ore is extracted and sold. One hon. member has contended that because the Borrowdale mine was only opened at one period for seven years and at another period for six weeks during twelve months, and was afterwards shut up, it was because there was no demand. I do not think that follows. I think the hon. member must know that in Ceylon they raise 5,000 tons of plumbago a year. There is also a large quantity raised in other parts of the world. That being the case, there must be a market for it; and if we want it here for smelting purposes—that is, in the development of our industries in connection with the manufacture of machinery, which we wish to see manufactured in our own colony—and for other purposes—and if after all, the refuse can be utilised for the manufacture of firebricks of the best quality, I think there are very strong reasons why we should do something to encourage this industry, especially if the firm spend £5,000.

Mr. BAILEY: £10,000.

Mr. JORDAN: Or £10,000 of their own money. I think the hon. member for Wide Bay has put his proposition in a very safe way so as to commend itself to most of the hon. members of this House. Not a single farthing will be asked for unless the company have expended £10,000, and, in addition to that, unless they produce plumbago as a marketable article to the amount of £5,000. I think it is the principle rather than the exact amount that the hon. member for Wide Bay contends for. I would, therefore, suggest to him that he should reduce the bonus to £1,000 or £2,500.

Mr. BAILEY: They deserve double.

Mr. JORDAN: I believe they do, but I should not like to see the resolutions rejected; and to prevent their being rejected by this House—which I should greatly deplore—I should like the hon. member to reduce the amount by one-half. I am certain good will come of the motion. In 1868 we exported cotton from this colony to the value of £70,000. The cotton bonus was passed in the first session of Parliament in connection with the Land and Immigration Bill. It greatly assisted in bringing a large number of persons to the colony with capital, for at that time the supply of cotton from the

United States had failed. Unfortunately, the persons who came out here were ignorant generally of the cultivation of cotton. If they had known the business, cotton-growing here would, I believe, have been a great success. But what militated against the successful growing of cotton in this colony by small farmers who came here to invest their capital was that the Government of the day gave them the worst land—forest land—that could be found in the colony, and those unfortunate men lost their money in consequence. In spite of that, in the year 1868 the value of cotton exported from Queensland amounted to £70,000. It is true that when the bonus was discontinued, which it ought not to have been, the growth of cotton was greatly discouraged, because the administration of the Land and Immigration Act at the time was inimical to the success of agriculture of every kind. I notice, however, that the growth of cotton has been gradually creeping up again; and if we adopt a proper policy for the settlement of small proprietary farmers on the land, that industry will ultimately become successful. Some years ago, a gentleman at Gladstone, Mr. Sloman, produced what many said to be the finest Sea Island cotton that was ever grown in the world. Mr. Thomas Bazley, M.P. for Manchester, said, when he presided at my first lecture in London, that this Queensland cotton was the finest ever produced. It was sent to London to be woven, but it was so exquisitely fine that no loom could be found capable of dealing with it; it was then sent to Paris with the same result; and then on to India, where the wonderful mills that are there in existence produced from it a fabric that was so marvellous in its texture that it was sent to the Paris Exhibition and shown with a large nugget of gold from Victoria, and pronounced to be the greatest marvel of manufacture ever seen. Mr. Cheetham, the president of the Cotton Supply Association in Manchester, assured me that if we produced that kind of cotton in Queensland in large quantities, and could grow it to sell at 1s. 6d. per lb., that the consumption of Sea Island cotton in England—then about 18,000,000 lbs.—would be unusually increased. At the time I speak of, 3s. a pound was being given for Sea Island cotton; but Mr. Cheetham, to whom I spoke on the subject, said there would be an unlimited demand for it if it could be produced for 1s. 6d. instead of 3s. a pound. I am an old man now, so that I do not suppose I shall ever see it; but I believe a great many hon. gentlemen in this House will see the time when the cultivation of Sea Island cotton in Queensland will become a great success, and I should certainly like to see the bonus for the production of cotton revived. I intend to vote for this motion; but I would do so with more pleasure if the hon. member could see his way to accept my suggestion and reduce the amount.

Mr. FOOTE said: It was not my intention to make any remarks on the motion until I heard the last speaker, who has gone from plumbago to Sea Island cotton. I think the hon. member was considerably at sea in what he stated. I am not going to make any reference to the motion further than to say I shall support it. Now, with reference to what has fallen from the hon. member for South Brisbane, who alluded to the failure in the growth of cotton in consequence of the bad land that was given by the Government to the parties who had taken the matter in hand, I cannot at all agree with him. When the bonus was in operation, cotton was well introduced and successfully grown, but it is well known that Sea Island cotton will not grow any distance inland. It cannot be grown in any large quantities inland. The real reason why cotton has not been grown very successfully in Queensland is that it pays farmers to grow other things better. Farming produce—maize and such things—produce a far better return. For the last three seasons hon. members know very well that there has been great difficulty in making any produce whatever profitable, and we are threatened with another season of the same character. But I have no doubt cotton would become a staple article of produce in the future when the population increases, and when there is a demand for it.

Question put, and the House divided:—

AYES, 18.

Messrs. Hamilton, Norton, Moreton, Smyth, Mellor, Isambert, Jordan, White, Annear, Sheridan, Bailey, Foote, Kates, Lumley Hill, Beattie, Lalor, Foxton, and Horwitz.

NOES, 19.

Messrs. Archer, Chubb, Dickson, Dutton, Ferguson, Miles, Griffith, Palmer, Morehead, Lissner, Govett, Scott, Fraser, McMaster, Rutledge, Macrossan, Salkeld, Buckland, and Macfarlane.

Question resolved in the negative.

GRATUITY TO MRS. MURPHY.

Mr. MACFARLANE, in moving—

That the House will, on Friday, 25th instant, resolve itself into a Committee of the Whole to consider of an address to the Governor, praying that His Excellency will be pleased to cause to be placed on the Supplementary Estimates the sum of £200, to be granted to the widow of the late Denis Murphy, who was killed, at the new Railway Station, Ipswich—

said: Mr. Speaker,—I have brought this motion before the House at the request of a number of the friends of the widow of the late Denis Murphy. This man had been more or less in the employment of the Government for the last nineteen years. He was working on the line as a navvy, on the first section between Ipswich and Grandchester, nineteen years ago; and from that time till his death, with the exception of a very short time, was never out of the employ of the Government. On the 30th July last, while working at the excavation for the new railway station at Ipswich, a large portion of earth fell upon him. He was taken to the hospital, where he died ten days afterwards, leaving a widow and four children. I may say that they were not left entirely destitute, because Murphy was a man who always lived well, and took care of what he earned; and in that respect he has not left them in a state of starvation. It has gone abroad that he left a good deal of money; but he never received any money except that which he earned as a navvy, all the time he was in the colony—namely, 6s. 6d. a day; consequently the amount of money he has left must be very small indeed. But granting that he has left money to keep his widow, I think that is one of the reasons why this House should allow the motion to go into committee, because it is plain that he did not squander his money. He was neither a drunkard nor a bad man in his manner of living; he did not do away with the money he earned, and to that extent his widow has a claim on us rather than the reverse. If he had spent his money as some others have done, and left his widow to come to this House for redress, I for one should not have taken the case in hand. I think the widow has a claim from the fact that Murphy, who was in the prime of life—he was only fifty-one years of age—was killed while he was at work for the Government. If he had died from natural causes I should not have brought this motion before the House, but he was cut off while working for his wife and family, and while doing work for the Government. That being the case his widow has a just claim on this House for some small consideration. I do not know whether I can claim the support of the Premier, but I think I can if we accept

the principle laid down by that hon. gentleman recently, that it would be a shame for the colony to leave destitute the widow of any distinguished member of society.

The PREMIER: Distinguished public servant.

Mr. MACFARLANE: This man was a public servant, and as distinguished in the sphere in which he lived as the distinguished person referred to by the Premier on a late occasion. So far as his work went, it was just as good work done for the colony as the work done by the distinguished person referred to. I think the widow in this case has a greater claim, because it was whilst working for his wife and family and for the Government that this man was suddenly cut off. I have said this man left four children, and one of them, a girl fourteen years of age, was at work, but her eyes having failed in some way or another, she had to give up her work. However, I hope that will be remedied soon and that she will able to do something for the support of her mother. I base this claim on the fact that, whilst in the service of the Government, the bread-winner of the family was suddenly cut off and the support they were receiving from him was cut off with him. Under the circumstances I think we can do no less than allow this motion to go into committee, and let the Committee decide the amount which shall be granted. I beg to move the motion standing in my name.

Mr. SPEAKER: Will the hon. member ask leave to alter the date?

Mr. MACFARLANE: Yes. Hon. members will see that I have put down the "25th September." I now beg leave to alter it to the "9th instant."

Amendment agreed to.

Question put.

The MINISTER FOR WORKS said: Mr. Speaker,—I presume that if the hon. member for Ipswich carries this motion the Government will be responsible for accidents to all persons in the Public Service. I do not see how we can select one and refuse another. I believe this accident was entirely brought about by the man himself; at all events, he was warned that if he did not take care of himself something serious might happen to him. I have a report here from Mr. Thistlethwaite, the engineer in charge of the work, in which he says:—

"I regret to report that an accident occurred here by a fall of earth on the 31st ultimo, to one of the men, Denis Murphy, engaged in the construction of this work. The man was seriously injured, and was conveyed to the hospital, where he remains in a very precarious state. He had been repeatedly warned to keep off where they were excavating, but he fell with the fall of the earth and was seriously injured."

It was an accident brought about by the man's own carelessness. However, I suppose that will not in any way debar his widow from assistance if the House feels disposed to support the hon. member's motion. It is to be considered that if this motion is passed there is another on the paper of a similar nature, of which notice has been given by the hon. member for Wide Bay, with respect to an accident that occurred at Gympie to a man employed in the Railway Department there. This man had been doing something with one of the brake-vans, and met his death through a train shunting on him. So that, if the motion before the House at present is carried, I suppose the other will be carried as a matter of course. The principal question is—Whether the Government is to be responsible for all persons who, in the service of the Railway Department, or of any other department, meet with an accident which may cause their death? Had it not been that a similar motion has been carried already for the widow of a public servant I should have felt inclined to oppose this, but I cannot see any reason myself for granting a sum of money to the widow of one and refusing it to the widow of another. I have always been opposed to the Government being held responsible in cases of accidents brought about by the carelessness of the persons injured. When the trains collided at Darra, a very different case arose. The engine-driver there lost his life in the execution of his duty, and not only lost his life, but did his best to pull up the train and save lives of others. The Government have made provision for his widow, and I think rightly; but that case was of an entirely different description from this. It is, however, for the House to say whether the principle shall be adopted, that in the event of any person in the service of the Government meeting with an accident involving the loss of his life, his widow shall be entitled to a sum of money from the State.

The HON. J. M. MACROSSAN said: Mr. Speaker,—I understand that this man, Denis Murphy, for whose widow the hon. member for Ipswich has asked a sum of money, was in the Government Service, and was killed in the Government Service. It is supposed that the man was killed by his own carelessness, but it might have been by his own zealousness on behalf of the Government. It might have been one or the other. Some men are far too zealous in their work. I have, however, come to the conclusion that, until the Government adopt some system of insurance and force it upon the Government servants, we in this House should adopt every motion of this kind. For that reason I shall vote for this motion. I do not know whether this man's widow is well or ill off, but for the purpose of forcing the Government—and in the case of any other Government that might succeed them I would do the same thing—for the purpose of forcing the Government to have some system of insurance which Government employés shall enter into, unless they are privately insured, I think the House should adopt all such motions as this.

Mr. LUMLEY HILL said: Mr. Speaker,—I really do not see why the Government should be placed in a disadvantageous position, one different altogether from other employers of labour. Nor do I see why the Government should compel their servants or employés to insure their lives; and I cannot see why the Government should be responsible for them after their deaths. I think the Government should do all they can to encourage the people of the colony to be frugal and provident, and to provide for their wives and families; but I do not see how they can force a system of insurance on public servants. If they did the men would not be free agents; they would be in a different position from persons in the service of private employers. I have the utmost sympathy with the widow whose case has been brought before us, but I think the Government is no more liable for the claim made upon them than any contractor or builder would be if the man had been in their service and met his death by an accident for which they were not to blame. According to the showing of the Minister for Works, no blame could be attached to the employer in this instance. Judging from the zeal that is displayed to get into the Public Service, Government servants get very good pay while they live, and I do not see why their families should be provided for after their death.

Mr. FOOTE said: Mr. Speaker,—I hold the same views that have been advanced by the hon. member for Townsville (Hon. Mr. Macrossan). I think that until the Government adopt a system whereby persons in their employ

may have the privilege of insuring themselves against injury or loss of life by way of accident, the Government should be called upon to pay sums to the widows of men who lose their lives in the Public Service. The man for whose widow this money is asked could not strictly be said to have been in the Public Service ; that is, he was not a Civil servant. He had been a long time employed on railway works within the colony and those railway works have always been carried out by the Government. He was a man whose career was very respectable, and I have often heard him highly spoken of. I do not think his family is by any means in reduced circumstances—that is to say, circumstances of absolute necessity —and I do not think this motion is brought forward on that ground. But the widow is left without a bread-winner, and so long as we see motions on the paper proposing a grant of £1,000 to certain persons under certain circumstances I think the widows of the other public servants should receive a *pro ratâ* grant from this House. The person to whom this motion refers was moving in another grade, or another sphere, of society, and there is really no reason why the motion should not be passed seeing that the man has been a faithful servant. The Minister for Works read a report, from the ganger I presume, referring to this case, in which of course the ganger has cleared himself, and in which he has stated that this man risked his own life unnecessarily, and that to this the accident may be attributed. It has been shown by a previous speaker that the man was a very zealous man, and that his work could be trusted anywhere ; and I am inclined to think that the accident was caused, not by carelessness or indolence, but through his zeal to accomplish, perhaps, more than other men. There are some men who possess a fear unknown to others who are not on the lookout for their own safety, and it strikes me that this man was one of that class. He was known to be a man of respectable character, and I think that if other cases which have come before this House have a claim upon the sympathy of hon. members this one has, on account of the untimely end to which he was brought while doing the work of the Government. While speaking upon this subject I would suggest that if the Government adopt a system of insurance for persons in their employ they should also deal with passengers by railway, and compel them to insure against accident. They should pass an Act to that effect, and provide that those persons who do not insure shall have no claim upon the Government for damages in case of accident, and that such persons shall travel at their own risk. I think that would prevent a great deal of fraud—and, I was going to say, any amount of lying—that takes place in another quarter when claims for compensation are made against the Government.

The PREMIER said : Mr. Speaker,—I have been listening to the speakers who have preceded me to hear upon what grounds this claim is based. So far as I can understand it is not based upon any principle at all, nor is it pretended to be based upon any principle. The only ground put forward is that the man was in the Government Service and he died.

Mr. MACFARLANE : He was killed.

The PREMIER : He was killed—he died suddenly ; and that therefore we should pay his widow £200. It seems to me that it is no more reasonable to make a claim upon that ground than if the man died of typhoid fever or any other disease, or was drowned. The claim has not even been put on the ground that he was killed in the execution of his duty. That was carefully avoided by hon. members ; they almost cynically declined to put it on that ground. Their argument was that the man was in the Government Service, and he died—therefore we must pay his widow the sum of £200. I do not recognise that as a ground for voting this money by Parliament. The hon. member for Townsville said that he would support the motion because he thought that the Government should compel all Government servants to insure their lives. I do not see how the Government could compel men in their employ at daily wages to insure their lives. We could not deduct the amount from their wages. That principle will not do. The hon. member who last spoke argued that this motion should be adopted because some other motion to which he referred was carried two or three weeks ago. I do not think that is a sufficient reason for supporting it either. If it is to be conceded that the country is going to undertake to grant a sum of money to the widow of every public servant who dies while in the Public Service it will be a very dangerous principle for the country. It will be a very satisfactory one for public servants, but a dangerous one for the colony. It appears to me that the only element in this case deserving of any consideration at all is that the man was killed by accident while engaged in doing work for the Government ; but is that a ground upon which to make a claim to this House ? The fact that the man was killed in consequence of his own carelessness, after being warned by the engineer that he would probably be seriously injured if he did not take more care, does not make the case more worthy of consideration.

Mr. KATES said : Mr. Speaker,—There seems to be a good deal of difference between the remarks made by the Premier now and those he made two or three weeks ago on a similar question.

The PREMIER : It was an entirely different question.

Mr. KATES : This man was killed in the execution of his duty, and when my hon. friend the member for Ipswich asks for a small sum of £200 it is opposed by the head of the Government. I think the money ought to be voted, or at any rate we ought to go into committee. The hon. member for Bundanba very truly said that passengers by railway ought to insure their lives. I find we have paid no less than £17,000 over the Darra accident, including £14,000 to different people, £550 to the Attorney-General, and £459 to Mr. Real. If an accident occurred where 400 or 500 persons were killed, we might have to pay £200,000, and where would the Treasurer find the money? I think every passenger should have to insure ; and then the Government would be relieved of the liability of paying such sums as were paid in connection with the Darra accident.

The COLONIAL TREASURER said : Mr. Speaker,—I hope hon. members who support resolutions of this kind will remember that they are dealing with public money and not their own private funds. I consider that while it is very creditable to hon. gentlemen who show such regard for the widows of men who have done service for the country, they should show their sympathy in a much more practical way by putting their hands into their pockets instead of appealing to the public Treasury. I can see no reason why the Government should be placed in a different position from what a public contractor would hold with regard to his employés. The question, as it presents itself to me, is this : Supposing this man had met with the accident in the employ of a public contractor, in what position would his employer have been ? Would he have been responsible for £200 to the widow ? And if not, why should the State be? I say it is quite a matter for private benevolence. It is,

of course, a very sad thing that a wife should be deprived of her bread-winner; but it must be remembered that in this case there is no destitution; if there had been the case would have been stronger. When we reflect upon the great extent of the Public Service, and the immense number of men employed in the various departments, we must see that these claims would reach an appalling magnitude if they were admitted. As I said before, I consider this is a matter entirely for private benevolence. It is very creditable to the persons who have interested themselves on behalf of the bereaved family, but the claim cannot be equitably sustained against the Public Treasury.

Mr. KELLETT said: Mr. Speaker,—It is very evident that the last speaker looks at the case entirely from the Treasury point of view; and from the forced manner of his speech we could all see that he was speaking entirely against his own inclinations. I do not look upon this matter in the same light as some other hon. members. The suggestion made by the hon. member for Townsville might be very well acted upon in this way: The Minister for Works might intimate that all railway employés who did not see fit to insure themselves in an accident company, even if killed in the execution of their duty, would receive no consideration from the Government. If such an order were laid down, then those who did not choose to insure could have nothing to say.

The PREMIER: Was not this man insured? I think he was.

Mr. KELLETT: That would be a private insurance, and could have nothing to do with the Government. There can be no doubt that this man lost his life in the execution of his duty. I take very little notice of the memorandum about his carelessness. It is evident he was at his work; as was well said by one speaker, he was thinking more of his work than looking after any danger that might happen. I think this case might very well be put alongside another motion that was passed the other day. I do not see that there is any strength in the argument that the other case was that of an officer in a high position, because he had a chance, if he liked, to save a great lot of money. I shall not say any more on that score, though I might say a good many things if I chose. Many more things could be said against that motion, I am sure, than against this. I have great pleasure in supportin it.

Mr. CHUBB said: Mr. Speaker,—I intend to support this motion, but not altogether for the reasons given by previous speakers. There is just this difficulty in the way: motions of this kind are generally based on the fact that the persons in whose favour they are made are in want. Now, it has been admitted by the hon. member who made this motion, that the parties are not actually in want—and can do without the money. That appears to be a difficulty, but I do not intend on that ground to oppose going into committee. The hon. gentleman at the head of the Government said there were a great many difficulties in the way of dealing with the question of employés. In the first instance, he pointed out that it seemed this man was not killed in the execution of his duty. I do not think that is at all clear. It is true, as was pointed out in the report made to the Chief Engineer, that he was guilty of some negligence, but that, I think, is really not the question. The principle upon which we ought to consider this matter is this: it is an appeal to the generosity of Parliament. Would the relatives of this man receive consideration at the hands of private employers? We know that at home, in connection with mines and many other large industries, it is almost a matter of course, when persons are killed, that the employers are generous and assist the widows and children. That is the principle upon which Parliament ought to act. Everybody must admit that the relatives of this man have no legal claim on the country, but what they say is—"This man has been killed in the performance of his work, and Parliament is asked in its generosity to vote a sum of money for those left behind." I believe if a similar case had happened in any large mine the proprietors would come forward and assist the relatives of the deceased. With regard to the question of insurance, there might be some advantage in compelling the employés to insure their lives, but it is not necessary to go as far as that. An accident fund might be established that would be far enough to go in cases of this kind. Let every person employed in the Works Department, or engaged in the construction of public works, contribute to an accident fund; so that if they meet with accidents, or lose their lives in the service of the country, the department in which they are employed shall make them or their families some allowance. That could easily be done. For these reasons I feel disposed to vote for the motion going into committee.

Mr. SCOTT said: Mr. Speaker,—I agree with a good deal that fell from the Colonial Treasurer, but he made one observation with which I cannot at all concur. He used as an argument against the motion that these people are not in absolute want. To me, that is evidence that the man has been a good man, and that he has done his duty to his wife and family as far as he could. It also speaks very highly in favour of the wife, who seems to have been a good manager and taken care of his wages so as to keep his family in a decent position. It would be a very hard case, indeed, if she should suffer on that account. I hope we are not going to lay it down as a principle that it is only those who are reckless and spend all they have that are to be taken into consideration. It should rather be the other way, and we ought specially to consider the cases of men killed in the Public Service who looked after their families while alive and made provision for them on their death.

Mr. JORDAN said: Mr. Speaker,—I understood the hon. member for Ipswich to say that he considered this woman had a claim on the ground that her husband was killed while in the performance of his duty, and that if the man had died an ordinary natural death his widow would have had no claim. The Premier has taken the explanation of the Minister for Works—as contained in a report, I think, of the Chief Engineer—that the man had been repeatedly warned that he was on dangerous ground; and he arrived, therefore, at the conclusion that the man was not doing his duty when he met with his death, because he was exposing his life unnecessarily. That remains to be proved. There are men who have plenty of heart and manly courage who are prepared to risk their lives where other men would run away at the semblance of danger, and would not expose themselves for a moment if they could help it. They would shirk their duty rather than expose themselves to real danger. I have a strong sympathy with a man who exposes himself to danger in the performance of his duty; and the circumstances under which this man met his death are rather an argument in favour of the motion of the hon. member for Ipswich. The man had been nineteen years in the Government Service; he was engaged in dangerous work, and he was ready at all times to expose his life rather than shirk his duty. We had it laid down not long ago in this House as a kind of principle that the widow or family of any

man who had been many years employed in the Government Service—if that man should die—should not be left to want. That was laid down as a principle.

The PREMIER: By whom?

Mr. JORDAN: By the Premier. It is true the hon. gentleman said any person who had held a distinguished position, but what did he mean by it?

The PREMIER: I meant what I said.

Mr. JORDAN: I am confident the Premier could not have meant it to apply only to men who had held high positions in the colony, and had received very large salaries for years, and left their families destitute. When I was found fault with for having supported the view taken by the Premier on that occasion, I said I attached no meaning to the word "distinguished," and that I should be prepared to vote a sum of money to the widow or family of any man who lost his life in the Government Service. In that other case life was not lost in the Government Service: it was simply that he had held a distinguished position, and that for many years he had been receiving a large salary, and had made no provision for his family. Those were the grounds, it appears, on which we were asked to vote that £1,000. I should be ashamed, as a member of the House, not to support this motion after having supported the other. I believe every man who has been a long time in the Government Service and has performed his duty well, and has lost his life in what he believed to be the performance of his duty, his family should have some claim upon the consideration of the House. I feel assured that both this motion and the following one of a similar nature will be carried. I should be sorry indeed if it should happen that we are prepared to vote £1,000 for the widow of a gentleman who received a large salary for a number of years from the Government, simply because he was a distinguished member of the Government Service, and should refuse to vote a very small sum to the widows of others in a lower grade of the same service, who have lost their lives in the performance of their duty.

Mr. SALKELD said: Mr. Speaker,—I am surprised at the tone that has come from the Treasury benches this afternoon. A short time ago we had before us a similar motion on behalf of the widow of a distinguished public servant who was said to be in want, but I do not think the Colonial Treasurer said anything on that occasion about the necessity of defending the Treasury. I forget what the hon. gentleman said on that occasion, but I know what he did—he did not remain to vote, but left the Treasury to defend itself as best it could, or to be rifled by anyone who liked. The outside public will draw their own conclusions from the two sets of facts. In the one case there was a distinguished public servant who had drawn a very large salary and had made no provision for his family, and whose death was not caused by the performance of his duty. In the other case it is a working man who has never received more than 6s. 6d. a day in his life, and who, out of that small salary, had attempted to make some provision for his family. On that point, however, there appears to be some misunderstanding. All that the man left was a small cottage for his family to live in. I know something about it, because I sold him the timber to build his house. I knew him very well; he was a careful, steady man, who did his very best to bring up his family respectably, and to provide a home of his own. The argument was used that there would be no end of claims of this kind, if this amount was voted. The Minister for Works informed us that this man had met his death in the execution of his duty; and he read a report from the Engineer's Department stating that he had been warned to take more care. There is always a certain amount of danger in excavations, and it has not been proved that the man was either careless or negligent. What object could he have in getting hurt? He simply wanted to do his duty to the Government and push on the work. Like many good workmen he was anxious to get on with his work, and hence met with an accident. If he had been a careless man he would have been away lighting his pipe while others did the work. I have no objection to the grant to this widow. The man met with an accident, and died ten days afterwards from injuries he received during the execution of his duty. The Premier has remarked that the widows of men who had been distinguished in the Public Service should have these grants, but I have no sympathy with anything of that kind at all. A distinguished man is one who does his work well and faithfully in whatever vocation he may follow. It is not a proof of a man being a faithful servant that he receives a high salary. If he argued that we should provide for the widows of extravagant and imprudent men, is it any reason why we should not provide for those men who have been careful? This widow is left with four children, the eldest one being a girl of about fourteen years of age, and, as the hon. member for Ipswich, Mr. Macfarlane, has mentioned, she has commenced to do something. Supposing the man had a little cottage which he left to his widow and family, how is that to keep her and her children until they are grown up? £200 is a moderate sum I think—a fair sum to grant. The House has on previous occasions granted money to persons who were injured in the execution of their duty—granted pensions in some cases; and I believe that is the best form to adopt. If the House goes into committee on the matter I shall be glad to see the form of the grant altered to a pension. I hope the House will carry the motion, and show that we are not going to make a distinction between the higher class and the lower class—between the widows of men who have received enormous salaries from the State, and those who have received small wages. What could a man save on 6s. 6d. a day, and support his wife and family? Very little. In fact, if he got a comfortable home together and brought them up respectably it is about as much he could do. I sympathise with the remarks of hon. members as to compulsory insurance. All public officers in this colony are well paid. There have been many cases in which men have been drawing good salaries, and were well able to make provision for their families but did not do so. If they were not able to do it in any other way they could have done it by insuring their lives; but they left their families destitute, and their cases were not brought before the House, simply because they did not happen to have an active or influential friend to take them up. If public servants were compelled to insure their lives so as to make provision for their families it would relieve the House of all responsibility in the matter, in the event of their losing their lives while in the Public Service. I should support something of that kind, and I hope that the discussion on this motion and the one that is to follow will lead to its being done.

Mr. WAKEFIELD said: Mr. Speaker,—The hon. the Premier in the course of his remarks said that public servants should be placed in exactly the same position as persons employed by private employers. I quite agree with him in that, and that is the reason why I am going to support this motion. I am sure that there is no employer of labour in Queensland who, if he had had a

servant in his employ for nineteen years and that servant met with an accident, whether from carelessness or otherwise, that resulted in his death, would not give some assistance to his widow and family; and his fellow-workmen would also assist them. That has been done frequently. I do not believe there has ever been a case of the kind in Queensland in which assistance was refused. With regard to the point that the widow in this case has not been left actually destitute, I think that is the best guarantee the House can have that the assistance granted will be devoted to the purposes intended, and will not be wasted. The hon. member for Ipswich, in referring to the hon. the Treasurer, said, or insinuated, that on a former occasion, when a question of this kind was before the House, that hon. gentleman deserted his post, and did not give a vote on the subject. As far as that is concerned, I can say that the hon. the Treasurer was absent on the occasion referred to through a prior engagement. I was aware of it some few days before, and can therefore state that the hon. gentleman did not desert his post from the motives attributed to him by the hon. member for Ipswich.

Mr. MACFARLANE said: Mr. Speaker,—I am very glad that the criticisms I shall have to meet are very few, there having been very little opposition shown to the motion. The first remark made by the Minister for Works was to the effect that this man had brought the accident on himself. We are aware that he was advised to be careful, but that is a very different thing from being warned that if he did not look out he would be killed. The man was placed in a dangerous position; the work had to be done; somebody had to do it, and it was very creditable to this man that he had the courage, with one or two others, to undertake to do work which others were afraid to do. So much for that. The hon. the Premier, in his remarks, said he did not know on what principle this money was asked for. I ask for it on one principle only, sir, which is, that we should have one common law for the rich and for the poor. I hope it will not be allowed to go forth in this colony that we are partial in our grants of this kind—that if a man has been in a high position his widow should be entitled to a grant, but if he has been a poor man she should not be entitled to one. If a man has occupied a high position, and the House thinks it right to grant something to his widow, by all means let them do it; but I think that a man in a lower position, who has done his best as a citizen to honour the position in which he was placed, is entitled to receive the same attention from this House as if he were the highest in the land. It has been said that this man was only a navvy. True, but is that any reason why we should refuse to grant his widow this small sum of money — because he occupied a humble position in society? I think the nation that looks after its poor is more likely to progress and prosper under Providence, than a nation which despises the poor and only looks after the welfare of the rich. The hon. the Treasurer made a remark to the effect that if this man had been the employé of a private employer, did the House think for a moment that that employer would be asked to contribute £200 to the support of his widow? The hon. member who has just spoken, Mr. Wakefield, has replied to that just in the way in which I should have replied to it. I feel certain that a private employer who had an employé in his service for so long a time as the Government had the services of this man would not allow his widow to go without some assistance if the same accident happened to him that happened to this man. I hope there will be no opposition to the motion going to committee. I will therefore not prolong the discussion by making any further remarks. In fact, very few remarks are necessary, as the House seems almost unanimous in going into committee on the motion.

Question put, and the House divided:—

AYES, 27.

Sir T. McIlwraith, Messrs. Macrossan, Moreton, Jordan, Archer, Jessop, Foote, Fraser, Smyth, Mellor, Isambert, Sheridan, White, Buckland, Palmer, Chubb, Wakefield, Kates, Lalor, Salkeld, Beattie, Midgley, Macfarlane, McMaster, Foxton, Ferguson, and Horwitz.

NOES, 5.

Messrs. Dickson, Miles, Dutton, Lumley Hill, and Govett.

Question resolved in the affirmative.

GRATUITY TO THE WIDOW OF DANIEL CRICHTON.

Mr. MELLOR, in moving—

That the House will, on Friday, the 25th instant, resolve itself into a Committee of the Whole to consider of an address to the Governor, praying that His Excellency will be pleased to cause to be placed on the Supplementary Estimates the sum of £200, to be granted to the widow of the late Daniel Crichton, who was killed at the Gympie Railway Station on the 19th May last—

said: Mr. Speaker,—I desire, with the permission of the House, to amend this motion by altering the date from the 25th instant to the 9th instant. I shall be glad if the Minister for Works will allow this motion to be passed without discussion.

The MINISTER FOR WORKS: I shall not, on principle.

Mr. MELLOR: Well, sir, the facts in this case are almost similar to those of the last, with the exception of this one—that is, that the man had not been so long in the Government employment as the one the hon. member for Ipswich mentioned. In all other respects I think it is similar. I will state as briefly as I can the particulars as they occurred. Crichton was a railway employé before he came to the colony. He was for a long time engaged in the Caledonian Company in Scotland, from which company h brought excellent credentials to the Government here. Some time since—I do not know how long ago—he obtained employment by the Government of this colony, and was engaged at the Gympie end of the Maryborough and Gympie Railway. He was killed while he was in the discharge of his duty. The particulars are as follow:—On the morning of the 19th May last, it was his duty to fix a brake on a brake-van. The brake-van was standing some distance away on the line, and was connected with some coal-trucks. He detached the brake-van and and took it some distance away so that he would be secure in case of accident—he took that precaution. I believe it is usual that signals are shown at a time when work of that description is being carried on. Whether Crichton knew about the signals or not I am not quite aware. I do not think he did, because I am informed that there were no signals, nor was there any code of rules supplied to him. I therefore think he was ignorant of the regulations in regard to signals. He was employed as a carriage inspector, and it was his duty to see that all the carriages, trucks, and rolling-stock there were in proper order. When he was engaged in repairing the brake-van, the guard of a goods train—not knowing, of course, that Crichton was there—shunted the coal-trucks back on the same line on which the brake-van was standing, thereby causing his death. I believe there is a

regulation that when trucks are shunted they should not be detached from the engine. On this occasion I believe the trucks were detached, and when they were set going at a considerable velocity they of course came with great force against the van Crichton was repairing, thus causing the death of one of the most trusty, honest, and hard-working servants in the Government employment. I really do not think it was any fault of Crichton himself. He was an energetic, honest-working, faithful servant, over-anxious to do his duty. At the time of his death he was building a cottage for himself and family. He contracted a debt, which, of course, when he died was left to his widow and three daughters, and they were not in a position to pay the debt. I think, looking at the facts of the case, that it is one in which the House will be justified in making some provision for those who now suffer through the accident. I do not think there have been many cases brought before the House similar to this one and the one brought forward by the hon. member for Ipswich. I know the Minister for Works, and the Government generally, have satisfied claims which have been laid before them in the past. Not long since the hon. member for Gympie and myself presented a petition to the Minister for Works signed by a good many influential citizens of Gympie, asking that £200 should be granted to Crichton's widow and family; I suppose the Minister for Works knows why he did not grant the prayer of the petition. The hon. gentleman isi n favour of some system by which employés should have their lives insured, and I think myself that that would be a step in the right direction, and I am sure hon. members on both sides would sanction something of the kind. There might be some little difficulty, but it would be very easily got over. The employés themselves would not grumble at having to pay some trifle out of their wages to provide for their families. The hon. member for Bowen has said something about an accident fund, but I think that would not exactly suit the case. I remember a motion which was brought forward by the hon. member for Townsville some eight or ten years ago, in which the widow and family of a very deserving man obtained some assistance from the Government, and that assistance has proved of very great value to them in conducting their business. I am aware that the widow and orphans I am representing to-night have no legal claim against the Government, but they have a moral claim, and a precedent having been established I think my motion it entitled to some consideration. I know, of my own knowledge, that this is a case of necessity, and that the money will be of great benefit to Crichton's family and will enable them to pay their debts at all events, and perhaps assist them in doing something towards making a living. I beg to move the motion standing in my name.

The MINISTER FOR WORKS: I believe the hon. member for Wide Bay has stated the case exactly as it occurred, and seeing that this is a case exactly similar to the one which has just been decided I have no intention whatever of calling for a division, but I wish to guard myself in this way, by saying that I shall take the opportunity when the House goes into committee of moving a reduction in the amount. That was the object I had in calling for a division on the motion of the hon. member for Ipswich; because if the motion had been allowed to pass without division I do not think I should be justified, at a future stage, in moving a reduction. I do not care whether I sit by myself or not, but so long as I have a seat in this House I shall endeavour to protect the public to the best of my ability, I have therefore no intention of taking exception to or calling for a division on this case, but I reserve the right to myself to move a reduction in the sum proposed to be granted when the House goes into committee.

Mr. LUMLEY HILL said: Mr. Speaker,—It seems to me that this Assembly is creating for itself a very awkward number of precedents. There will be no end to these claims if they are passed in the wholesale way in which hon. members are dealing with them. It is very nice and pleasant, of course, to vote £1,000 here, £200 there, and £200 somewhere else for the widows and orphans of those who have died in the Public Service; but I do not see why any miner or bullock-driver, or any other man who chooses to work on his own account, should not, if he happens to die, have his widow and children provided for by the State just as much as the widows of Civil servants are being provided for. The workmen of this country, as well as ourselves, are the taxpayers of the country, and they have just as much claim to have their widows and children provided for, in case of their death, as any man in the Government Service. These people contribute to the revenue; they help to pay the men who are employed by the Government; and I say they have just as much claim on the country and the public purse as the widows of those who have been employed in the Government Service. It is very nice and pleasant to vote this money away, and it looks very philanthropic for hon. members to distribute money so freely; but it also looks very much as if those who are voting the money were hungry and churlish individuals, who would not put their hands in their own pockets to assist their fellow-countrymen in any way. They will vote the money fast enough if it is to come out of the public purse, but that is very little proof that they would be ready to give assistance to those who are in need, and who have been deprived of the means of support through accident or misfortune. I think these matters come much more within the scope of private charity than appeals to the public purse; and I am perfectly certain that, in the districts in which these two men have been killed, among their friends and relations and their immediate circle of acquaintances, numbers could be found who would put their hands into their pockets to help the widows and orphans who are left. There is no want of private charity, so far as I have been able to notice, in this country. People are ready enough to listen to any appeals if they have any means at all; and if a decent case is made out I have always seen private subscriptions pour in very freely. I think this is simply the beginning of an abundant crop of appeals to the public purse. I could bring forward men who have lost their legs and arms—I could not produce any dead men—but why should not a man, who has lost his arm or leg when in the Public Service, be entitled to some compensation from this House? It is an awkward point, and the Treasurer has lately had to inflict objectionable taxation—and what taxation is not objectionable?—on the people, and he will have to devise some new taxation if these claims are accepted in this way. I object to it as one of the guardians of the public purse. Every private member here is a guardian of the public purse, and it is our duty to see that burdens are not put too heavily on the people and that public money is not expended unless it is absolutely necessary. I object to these motions, and when in committee I shall certainly be one to back up the Minister for Works in making any reductions he possibly can, and I think there will be a pretty good fight over the motion in committee.

Question put and passed.

MOTION WITHDRAWN.

The following motion by the HON. J. M. MACROSSAN—

1 That a select committee, consisting of seven members be appointed to inquire into and ascertain the best route to be selected to carry out the intention of this House to construct a railway from Herberton to the coast.

2. That such committee have power to send for persons and papers, and leave to sit during any adjournment of the House; and that it be appointed by ballot.

—was, by leave, withdrawn.

RANSOME *V.* BRYDON, JONES, AND COMPANY.

Mr. KATES, in moving—

1. That a select committee be appointed to inquire into an alleged miscarriage of justice in the case of Ransome *v.* Brydon, Jones, and Company, as set forth in the petition signed by 659 persons, presented to the House on the 29th July last.

2. That such committee have power to send for persons and papers, and leave to sit during any adjournment of the House; and that it consist of the following members, namely:—Messrs. Stevenson, Annear, Midgley, Donaldson, and the Mover.

—said: Mr. Speaker,—I am fully aware in bringing this motion under the notice of hon. members that I have a very difficult task to perform. I would have preferred to have seen this question introduced by one abler to explain the various circumstances in connection with the case, but, as it is, I hope hon. members, especially those connected with the legal profession, will not be too severe on my shortcomings. I hope they will consider that I, as a layman, unacquainted with the technicalities and intricacies of the law, cannot be expected to handle this case with the ability necessary to induce hon. members to accept this resolution; yet I thought I should be failing in my duty, not only towards one of my constituents, but to the country at large——

The MINISTER FOR WORKS: He is not a constituent of yours.

Mr. KATES: He is a constituent of mine, as the hon. member ought to know, and as he will find out at the next election. I say I thought I should be failing in my duty to one of my constituents and the country at large, were I to allow the subject-matter of this motion to pass unnoticed. First and foremost, I will state, as this question refers to a decision emanating from the Supreme Court, that I have nothing to say against the gentlemen occupying the high position of judges of the Supreme Court. My contention is against the existing practice in connection with trials by juries, and not against the judges themselves. I have known the Chief Justice for nearly thirty years, and have found him a gentleman deserving of the highest respect on account of his ability, uprightness, and honour. He is a gentleman who has risen from the ranks by his own perseverance and energy, and will, I am sure, stand forth a prominent landmark in the history of the colony, on account of the services he has rendered in this House, especially in connection with the education question. But although he is possessed of those good qualities, he is not, I am sure, like other mortals, infallible. Questions will arise sometimes, especially in connection with rules and customs of trade, with which he cannot be expected to be as fully conversant as those whose daily avocations in connection with trade make them greater experts in such matters. We need not, therefore, be very much surprised that, now and then, we hear that a case like the one before us has not been dealt with correctly. I will not presume to argue upon the legal aspect of this question. The judges may be right or they may be wrong; but one thing I know, that 939 persons who sent in a petition in connection with this case, from a rough common-sense point of view—by which, after all, the affairs of this world are generally regulated—are of opinion that an injury has been done to and a loss has been sustained by a citizen of this colony. I will leave it to hon. members to decide whether it is necessary to appoint a committee to inquire into the case, and I will briefly state the facts as pointed out to me by the plaintiff. I cannot say from my own knowledge whether they are correct or not; I merely relate them as they were communicated to me. It is a question whether trials by jury—the supposed safeguard of our rights, the supposed palladium of our liberties—are a stern reality, and of such effect as they are generally thought to be, or whether they are a mere mockery and farce, and their decisions are to be set aside in cases of appeal, by the judges, without being referred to fresh juries. The circumstances of this case are as follow: Last year Mr. Ransome, the plaintiff in the case, purchased in Warwick nine dray-loads of good marketable cedar—a net total of 22,000 feet—and sent the same in six railway trucks consigned to Brydon, Jones, and Company, of Brisbane, to be sold on his account. On the 2nd April, Brydon, Jones, and Company wrote to Mr. Ransome as follows:—"The very best we can do is to sell the whole for 28s. per 100 superficial feet." It is understood throughout the colony by all who know anything about the trade, that all boards under one inch in thickness are to be charged and paid for as one inch thick. Mr. Ransome replied by wire on the 3rd April, "Will accept 28s. if carefully measured." On the 5th April, Brydon, Jones, and Company wrote again, saying, "We cannot get the sizes below one inch taken as one inch." To this Mr. Ransome replied by wire: "Cedar all bought as full measurement; do not sell otherwise; am offered 29s. by McClay, of Brisbane; if present purchasers will not agree, see McClay." On the 7th April Mr. Ransome sent the following final instructions to Brydon, Jones, and Company: "As wired, I bought all undercut stuff as full measurement, and why this new arrangement should crop up now is a mystery; my instructions are that all undercut stuff shall be sold as full measurement; if purchaser objects, and you cannot arrange with Mr. McClay, let me know; hold the timber, and I will come down at once." Mr. Ransone, feeling satisfied that Brydon, Jones, and Company would carry out the instructions and orders given to them, left the matter in abeyance for two days, after which time, to his indescribable dismay, he received a letter containing the account sales of 11,000 feet of cedar, and a cheque for £100 19s. 5d., closing the transaction. This cedar cost Ransome £260 in Warwick. Ransome at once went to Brisbane and offered to return the cheque, and asked Brydon to cancel the sale. Brydon refused to do that, and there was was nothing left for Ransome to do but to take proceedings in the Supreme Court, which he did. I may as well mention that before the case went into the Supreme Court the defendants, Brydon and Company, offered Ransome £100 to settle the case, an offer which Ransome refused. The case was tried in Toowoomba before a jury of four gentlemen, and this jury gave a verdict in favour of Ransome for the sum of £103 17s. 8d. On that trial the following evidence was taken. The first evidence was given by a person named Frank Wright, from Killarney. He said:—

"I have been dealing in cedar for five-and-twenty years, and I have sold thousands of feet in Brisbane, and I never sold boards under one inch except as inch boards."

The second witness was William Milwood, who stated :—

"I have been a sawyer and timber-dealer for over thirty years. I have principally sold it in Brisbane, and I have even sold to Brydon and Company large parcels of cedar, and I never sold boards under inch except as inch."

Another witness appeared on behalf of Brydon and Company, the defendants. This man's name was Morton, of Brisbane, and he was asked by the jury the following question :—

"What is the Brisbane measurement of a board 10 feet long, 12 inches wide, and ¾ inch in thickness ?"

His reply was—

"Ten feet."

Other witnesses were examined — Adam Hoffmann, Henry Watts, G. S. Backhouse, and Alexander Robertson—and they all gave evidence to the effect that cedar boards under an inch in thickness are for the purpose of sale counted as inch to atone for the extra saw-cut and extra labour in cutting. Well, sir, the defendants appealed to the Full Court for a new trial, or that the verdict of the jury might be set aside on the ground that there was no evidence to warrant their finding. The case came before the Full Court, and at that time one of the judges said :—

"He thought it had been proved at the trial that the timber should be sold at 28s. per 100 feet, and what it was necessary to prove was that by custom or usage boards under the thickness mentioned were to be taken as one inch. As far as any evidence had been pointed out to him he could see none proving such a custom, and he thought the rule must be upheld. As a new trial on the same evidence could not alter the case, judgment would be entered for the defendant."

That anyone should make such a statement in the face of such a mass of evidence as was produced at the trial, is, in the opinion of the petitioners, incomprehensible. The result was that the decision of the jury was reversed and Ransome lost his case. In the first instance, he lost the Toowoomba verdict for £103 17s. 8d ; he lost his own costs, £190, and was also mulcted in the defendant's costs to the amount of £337, or a total of £630. That was the result of Mr. Ransome's case in the Supreme Court, and the action being for less than £500, he was debarred from taking his case to the Privy Council. I will just give hon. members the opinion of the leading journal of the colony in connection with this matter. The *Courier* said at that time :—

"We have received from Mr. Ransome, of Warwick, some papers relating to the reversal by your Supreme Court bench of a verdict given in his favour by a jury. It is unnecessary for us to recapitulate the facts of the case, which must be fresh in the memory of many people, as it attracted a good deal of attention at the time when the decision was given. It is enough to say that it is clearly evident that if the action of our judges in this case was in accordance with law it seems diametrically opposed to justice, and some attempt should be made to remedy a state of things under which undeniable wrong may be done by our highest court of law. It is, perhaps, impossible to so frame laws and regulations that under no circumstances will injustice ever be inflicted by them, but it tends very much to decrease the popular respect for law when we find the judges reversing the finding of a jury on a matter of fact, and thereby subjecting a man who has been wronged to a still further wrong. We are glad to learn that Mr. Ransome intends to petition Parliament for an inquiry into his case. The statement which he makes, and which can be tested by the records of the court, shows the necessity for such an inquiry, and it might be as well if the commission or committee that we hope will be appointed to inquire into it had authority to push the inquiry a little further, and to discover and make public what is the limit to the authority of our judges—if there is any limit—and whether it does not exceed that which should be placed in their hands. In England the number of the judges, the existence on the spot of a supreme court of appeal before which their actions may be examined, and the great power of public opinion, prevent the judges from ever attempting to exercise the powers our judges here wield, and we do not know that they ever claim them. There are, probably, no men in the world at the present time who have in some respects more arbitrary and despotic power over the persons and fortunes of their fellow-countrymen than the judges of the Supreme Court of Queensland. We do not say that they often make mistakes, but their possession of such absolute and unchecked power is not safe, because the most perfect of men must sometimes commit errors for which a remedy should be provided, but for which we at present have none."

There were several other articles in other papers in the colony upon this case, but I think it sufficient to cite this article from the leading paper of the colony. There is another point in connection with this, and that is the statement made by the foreman of the jury, a gentleman well known to hon. members in this House and outside of it. His name is Mr. George McCleverty, a very old resident on the Darling Downs, and whose judgment upon this matter I would prefer to the judgment of all the judges in the colony. This gentleman wrote the following letter to the plaintiff in this case. He said :—

"DEAR SIR,—As requested by you, I now send you a few of the reasons which influenced or decided the jury (in the case of Ransome *v.* Brydon, Jones. and Co.) in giving a verdict in favour of the plaintiff. After a careful hearing of the evidence on both sides, the jury thought they had a very easy case to decide—namely, to give a verdict for plaintiff. The jury were not only surprised but puzzled by the summing up of the judge, especially by his explanation of superficial measurement, when he said, 'It appears that in the timber trade superficial measurement means that boards shall be one inch thick.' The jury were of opinion that superficial measurement means measurement of the surface only, without regard to thickness of depth.

"I can only account for the summing-up of the judge by the fact that he appeared to think the usage as to measurement of timber is different in Brisbane from what it is in Toowoomba or Warwick ; but this is not the case ; consequently his mistake.

"The jury further said to the jury, 'You, as business men, should know better than I do the usages of the trade, and therefore will be able to decide.' We (the jury) as business men did know the usages of the trade, not only in Warwick and Toowoomba, but also in Brisbane—namely, that all cedar boards under one inch should be paid for as one inch. And we were supported in this by several of the witnesses, who stated distinctly that cedar boards under one inch are always sold as inch. Even some of the defendants' witnesses proved so."

And so on ; and he winds up by saying :—

"My opinion is, that when an appeal was granted there should in such a case have been a new trial, if possible, before another judge and jury, as owing to the hasty trial it appears some important evidence was omitted, and which, no doubt, would have been produced during a new trial. I think the Chief Justice might have declined to sit a second time on a case (with only one other judge) on which he had already given a very decided summing up. The case might have been, with equal justice, referred back to the same jury, who no doubt would have given a verdict similar to that former one. The verdict of an intelligent jury is either worth something or juries are unnecessary. One juryman might be mistaken, so might even a judge in some cases; but it is not likely a jury of business men should be so far mistaken in a case which was purely a business one, and on which their verdict was unanimous."

That is the statement of the gentleman who presided over the jury in Toowoomba, and who is well known to be well acquainted with the rules of the timber trade. The petition I presented to this House on the 29th July last was signed by over 600 persons, and chiefly by persons closely connected with the timber trade. If hon. members look at the petition they will find that it is signed by nearly all the sawmill proprietors in that part of the colony, and persons who are in the habit of sending timber by rail almost daily, and who never paid for it otherwise than by superficial measurement. It is signed by Messrs. Charles MacIntosh, Wallace and Gibson, E. W. Pechey, John Kelcher, Andrew Gordon, A. and D. Munro, and other sawmill proprietors, besides a great number of carpenters, joiners,

cabinet-makers, and no less than twenty-nine justices of the peace. The principle of charging for timber by superficial measurement is one that is recognised by the Government. Not very long since, when the Colonial Treasurer introduced a Bill for the imposition of a tax on imported timber, he told us that all timber under one inch in thickness would have to pay the tax in full, and a note to that effect was attached to the schedule. I hope that the discussion of the matter will lead to some kind of reform or amendment in the Jury Act, so that decisions given by juries may not be set aside in the summary way the verdict has been set aside in this case. If any improvement in that direction should be the outcome of this discussion I am sure we shall have no reason to regret the time taken up by it this evening. Whatever may be the fate of this motion, I shall have the satisfaction of knowing that I have done my duty. I am not afraid to bring the matter forward; I bring it forward in vindication of justice, for nearly 1,000 persons in this colony have stated that an injustice has been done to a citizen and a colonist, and what has been done to this man may be done to-morrow to you, sir, or to me, or to any other member of this House. What we want is less law and more justice. I have greater faith in the decision of the jury in connection with the rules and customs of trade than I have in the decision of the judges. I leave the matter entirely in the hands of hon. members, and now formally move the motion standing in my name.

The PREMIER said: Mr. Speaker,—This motion is certainly unprecedented in the Parliament of Queensland. I think it is unprecedented in the history of Australian Parliaments, and almost without precedent in the Parliament of Great Britain. The hon. member proposes that a select committee of this House should sit as a tribunal to review a decision of the Supreme Court. Now, is that one of the functions of Parliament? I will, before I sit down, give the House the opinion of one of the most eminent statesmen of this age or of any other age—Lord Palmerston—on that subject. I desire to say very little about the merits of this case. We really do not know what the merits are, and we cannot know what they are. The hon. member has given us a few extracts from the evidence—extracts supplied to him, no doubt, by the plaintiff in the case, who was discontented with the decision of the court. What he has given us are very small fragmentary extracts — little bits picked out of the evidence of one witness here, and of another witness there, without any reference to the further evidence those witnesses gave on cross-examination or otherwise. He has given us, in fact, the plaintiff's version of the case. The Supreme Court, after hearing both sides of the case, came to this conclusion: That the plaintiff—on whom the burden lay to make out his case—had, in their opinion, not done so according to law. That was the decision of the judges of the Supreme Court. Whether there is any evidence upon which the jury can properly base a verdict is a question of law. Juries cannot give the plaintiff a verdict because they think he ought to recover apart from the evidence. They are sworn to give a verdict according to the evidence; and if the plaintiff has failed, either from carelessness, ignorance, or a too confident reliance on the merits of his case, to bring forward evidence, the judges have to see that justice is done to the defendant. The practice of the court, when anything that it can be argued is a *primâ facie* case is made out, is to let the case go to the jury, so that there may be no necessity for another trial; but it is one of the functions of the court, imposed upon it by law, to correct any mistake that the jury may make. In the present case the judge, having been asked to rule at the trial that there was no evidence to go to the jury, declined to do so, and said he would take the opinion of the jury and then the defendant could appeal if he thought there was really no evidence. The defendant appealed to the Supreme Court, which was constituted by the Chief Justice and Mr. Justice Harding, and they decided, as a matter of law, that there was no evidence to justify the jury in finding that there was in Brisbane such a custom as that which the plaintiff alleged. That was the decision of the court. The question was not whether there was in fact such a custom, but whether the plaintiff in bringing his case into court gave any evidence of it. There might be such a custom, or a number of customs; but justice cannot be administered according to the caprice of jurymen regardless of the evidence. This is not a question of whether the judges were right or not. That is a comparatively unimportant point. The judges are liable to err as other people are. That is not the question. It is whether any discontented suitor may come to this House and say, "I do not agree with the judges; give me a committee of the Legislative Assembly; very likely they will not agree with the judges, and let the Treasury of the colony do justice." That is to say, that this House is to reverse the decision of the highest legal tribunal in the colony, and take money out of the Treasury to right a supposed wrong that this House has no means of investigating at all. How can they say whether the judges were right or not? They cannot try the case over again between the plaintiff and defendant. Are they to send for the judges of the Supreme Court and cross-examine them upon their judgment and their reasons for it, and then report that they disagree with the judges? Is that the course proposed to be followed, or is it proposed to disregard the evidence given at the trial and have a fresh hearing before the committee, where probably the defendant will not be represented and the plaintiff will give such evidence as he can now call? Is that the course proposed to be taken? It must be one or the other. It must be proposed either that the select committee should try the case over again in the absence of the defendant—hear one side only, there being no one interested in proving that the judges were right—or else they must take the evidence given before the court and express their opinion as a court of appeal upon the judgment of the Supreme Court. Those are the two alternatives. Which of them would be consistent with the orderly administration of justice in this colony? The hon. gentleman has told us that everyone knows that there was a custom of this kind. It is perfectly immaterial whether there was or not. The question is whether the judges gave a correct judgment, but how can this House know that without knowing the grounds upon which the judgment was given? If the plaintiff, through his own carelessness or that of his legal adviser, did not give that evidence to the court, what has that to do with this House? Are we to undertake the new function of trying every case over again when the plaintiff is discontented with the way in which his case was conducted? The hon. member tells us that over 600 persons have signed a petition saying that in their opinion the plaintiff did not get justice, and that the jury do not think so. And the foreman of the jury differs from the judges! Which is the court of appeal—the Supreme Court of Queensland, or the foreman of the jury? The Supreme Court of Queensland, after hearing argument, decides the case one way, and reverses the verdict of the jury, and we are asked to reverse their decision because

the foreman of the jury does not agree with it. What do those 659 people know about the case? I suppose what the petitioner told them. Surely this is an attempt on the part of the petitioner to substitute for the orderly administration of justice, administration of justice by petition, or by majority. The person who can get the most people to sign a petition, saying they think the judges decided wrongly, is to be entitled to come to this House for redress. I have spoken on the matter so far on general principles, to show that the inquiry asked for must be an entirely illusory one, that could not result in doing satisfactory justice. Suppose the committee gave a different verdict from that of the judges, what would that prove? It would not prove that the judges were wrong or that the plaintiff was entitled to recover against the defendants; it would only prove this—that taking the committee as judges of the facts and of the law, which they are not, with fresh evidence before them they had come to a different conclusion from that come to by the judges of the Supreme Court upon the evidence before them. Take the five names mentioned here—I do not want to say anything about them, but will anyone suggest that those five gentlemen would be a desirable tribunal to sit as a court of appeal from the Supreme Court of this colony, or any other five members of this House? Is not the proposal rather ludicrous? So much, sir, for the details of this case. But the matter stands on much higher ground than that. It is a proposed interference by Parliament with the administration of justice, which is a very serious thing indeed If it is to be understood that the findings of the judges of the Supreme Court are to be subject to review by Parliament, a very serious blow will be struck at the administration of justice. I appeal to every member of the House who has the interest of the due administration of justice at heart, and the maintenance of confidence in the administration of justice, to prevent any such blow being struck —a blow such as has never been struck, I believe, in the history of any British dominion. I have a right to appeal to every member of this House, however much he may sympathise with the petitioner, not to allow so serious an infraction of our constitutional principles. What has been one of the most valuable principles, as laid down by every writer on constitutional history, and perhaps the principle most admired by foreign writers on the constitution of Great Britain, is the distinct line drawn between the legislative and judicial functions. If a new rule is to be substituted—that a dissatisfied suitor is to be allowed to appeal to Parliament—certainly a very serious infraction of that principle will be brought about, the consequences of which may be more far-reaching than anyone now contemplates. A dissatisfied defendant would be equally entitled to relief; a defendant who might have a verdict given against him for a large sum of money. And why draw the line at the judgments of the Supreme Court? Why not apply the same principle to the Privy Council? The highest tribunal in the country, whatever it may be, comes to a conclusion in a certain way; the man who is dissatisfied appeals to Parliament, which reverses the decision, gives him a verdict, and pays him out of the Treasury. I shall read to the House some observations made by Lord Palmerston, when a similar motion to this, or rather a more rational one, was made to the House of Commons in 1856. In that case the first steps taken were to endeavour to get the facts, that the House might have them before it. Here the hon. member disdains all that;—never mind the facts that were before the Supreme Court; let this committee inquire into the matter, and get the facts their own way. In 1856 Mr. J. G. Phillimore moved for certain papers in the case of Talbot *v.* Talbot—a case in which the alleged adultery of Mrs. Talbot was in question, and which had been tried before the Court of Delegates in Dublin. The court, consisting of five judges, had found Mrs. Talbot guilty of adultery, and Mr. Phillimore moved for copies of the judgment of the court and the proceedings and depositions connected with the case. He introduced his motion in a speech like that of the hon. member; he referred to passages in the evidence, and drew the conclusion that Mrs. Talbot had been unjustly condemned by the court. The motion was opposed by Mr. Whiteside in the first place. He concluded his speech by saying—

"The motion itself was most unconstitutional and most mischievous, and he trusted that on this occasion he would have the support of Her Majesty's Ministers in maintaining a Court of Delegates appointed by the Lord Chancellor, and in resisting an attempt to injure and defame as upright and honourable a man as ever sat on a bench of justice."

Mr. Phillimore being of opinion that the judges were wrong, Mr. Fitzgerald, who was then Solicitor-General for Ireland, put it in this way—

"It was the province of that House, if a judge was accused of corruption, or if moral misconduct was imputed to him, to inquire into the charges, and, if necessary, to address the Crown upon the subject; but he denied that because a judge had made a mistake, or because there had been a failure of justice, that House was entitled to examine, as an appellate tribunal, into the conduct of a judge against whom no corruption or misconduct was charged."

Lord Palmerston afterwards spoke—I suppose no one will dispute the authority of Lord Palmerston on a question of constitutional law or practice.

"Viscount PALMERSTON hoped his hon. and learned friend would permit him to join in the request made by the right hon. gentleman opposite not to press this motion to a division. Nobody could have listened to the speech of his hon. and learned friend without doing ample justice to the feeling which had urged him to bring the case forward. He stated, with a degree of eloquence that did credit to his ability, and with a degree of feeling that did credit to his heart, the views he had taken of the case. He would not attempt to lay down on the present occasion the functions of the House of Commons, but it was at all times desirable that they should not press these functions to their extreme confines in cases on which doubt might arise whether they were not transgressing the limits assigned to them by the Constitution. Now, an interference in the administration of justice was certainly not one of the purposes for which the House of Commons was constituted. He thought nothing could be more injurious to the administration of justice than that the House of Commons should take upon itself the duties of a court of review of the proceedings of the ordinary courts of law, because it must be plain to the commonest understanding that they were totally incompetent to the discharge of such functions. Even supposing they were fitted for them in other respects, they had no means of obtaining evidence, and taking those measures and precautions by which alone the very ablest men could avoid error. Cases of abuse in the administration of the law might arise, it was true—cases of such gross perversion of the law, either by intention, corruption, or by incapacity, as to make it necessary for the House of Commons to exercise the power vested in it of addressing the Crown for the removal of the judge; but in the present case his hon. and learned friend could not single out any individual judge with regard to whom his observations principally applied as having acted in his sole and single capacity in pronouncing the judgment of which he complained * * * For all these reasons he would suggest to his hon. and learned friend that he would best exercise his constitutional functions as a member of the House of Commons by abstaining from pressing his motion to a division."

I hope, sir, that the hon. member who has introduced this motion will do likewise. No doubt the hon. member believes that the suitor in this case has suffered an injustice, and it is very hard for some hon. members to resist the importunities

of persons who think they have a grievance to be redressed. But to adopt the course proposed by the hon. member can only be prejudicial to the administration of justice in the colony.

The HON. SIR T. McILWRAITH said: Mr. Speaker,—I admire a great amount of the speech the hon. member has just delivered to the House. At the same time I consider the greater part of it was not appropriate to the motion before us. He assumes that the object and the result of this motion will be two things—first, to re-try the case before the committee, and then to bring in a verdict, which the Government will have to pay. I do not think that that is the object of the motion, or that it will be the result of it. The hon. member says it is unprecedented that this House should be made an appeal court from a decision of the Supreme Court judges. I am of the same opinion, except in very extraordinary cases. There may be some circumstances in this case that might justify a committee being appointed, and I will refer to them afterwards. The hon. member says that this House has no right to reverse a decision of the Supreme Court, but it was only the other day that he brought in a Bill to reverse the decision of the Supreme Court in the case of McBride *v.* the Corporation of Brisbane.

The PREMIER: No.

The HON. SIR T. McILWRAITH: The Supreme Court tried the case and came to a certain verdict, and when the verdict was given the hon. gentleman himself brought in a Bill to reverse it.

The PREMIER: No.

The HON. SIR T. McILWRAITH: The effect of the Bill, if passed as introduced, would have been to reverse the decision of the court, and to leave the successful suitor in the case to pay all the costs he had incurred in getting that verdict of the Supreme Court.

The PREMIER: No; it was a Bill to alter the law in the future.

The HON. SIR T. McILWRAITH: But it would have applied to McBride's case. I only know what the hon. gentleman's intentions are by the Bills he brings before the House, and that Bill actually would provide, as I say, that the decision of the Supreme Court should be reversed, and that McBride, the successful suitor, would have been compelled to pay his own costs. I therefore charge him with having set the precedent of making this House an appeal court against a decision of the Supreme Court judges. The hon. gentleman says that this is unprecedented; but we do many things here which are unprecedented in the English Parliament. For instance, I do not think either of the last two motions would have been made in the Parliament of England, but they have been made here. If this is unprecedented, I think myself it is a good precedent to set to try to do substantial justice where no other means can be suggested by which justice can actually be done. The hon. gentleman says that the real question is, did the judges give a correct judgment? I do not think that is the question at all, nor do I think that that is the question which the hon. member for Darling Downs means to bring before the committee. We may almost admit that the judges actually gave a correct decision for all the purposes of argument. The real question is, was substantial justice done? And it seems to me that in this case substantial justice has not been done. I have read the particulars of the case in many shapes, and I am perfectly satisfied that substantial justice was not done, owing to the almost necessary technical ignorance of the judges. I have some technical knowledge of the subject myself, because I have had a great deal to do all my life with the measurement of timber, and I consider that the man Ransome was wronged by being made to sell timber against the usual and fair practice of the trade. The practice of the trade is always to consider timber under an inch as fully an inch. The judges seemed to be ignorant of that. Probably it was not brought prominently before them, the parties considering that it would be taken for granted. By failure to give sufficient weight to that universal trade practice, substantial injury has been done to the plaintiff in the case. Perhaps we cannot remedy that, but we can improve the law. The usual way in which matters of that sort are remedied is this: in time these cases get so numerous that they force upon the sense of the country the necessity of reforming the law. I think the hon. member is bringing that about in a most sensible way. Here is a case in which substantial justice has not been done, and he asks the House to appoint a committee to inquire how it came about that justice was not done. It is not to re-try the case.

The PREMIER: What is it for, then?

The HON. SIR T. McILWRAITH: If the hon. member has read the motion before the House he will see that it is not to re-try the case. There is no re-trial of the case required; that is only his own assumption. It is to inquire into the facts of the case. The committee will have to take all kinds of evidence, and the verdict they will most probably bring in will be that a certain reform of the law must take place. That is the only way in which reform can actually be brought about. I think it is one of the functions of this House to inquire into cases of this kind; not to do what the Premier says—sit as a court of appeal on behalf of aggrieved suitors before the Supreme Court—but in order to give us some grounds to go upon as law-makers. I, as well as the hon. gentleman, hold that we ought to place our judges in the very highest position possible, but it must not be forgotten that it is we who are the law-makers, while it is the simple duty of the judges to administer the laws that we have made. Such being the case we ought to scrutinise with the greatest care the administration of the law, in order to aid us in making better laws for the future, That, I take it, is the real aim of the hon. member in making this motion. The hon. gentleman, I say, has assumed that the object of the hon. member for Darling Downs, Mr. Kates, in bringing this petition forward is to get money out of the Government. I cannot see that on the face of the motion, and whatever his object may be, he will certainly have to put it in a different shape before he attains such an object. At all events, what I aim at, in supporting the motion, is that sound grounds may be given for a reform in the law. The hon. gentleman, in order to prove his case, that questions of this sort could not come before the House of Commons or the Legislative Assembly, quoted the case of Talbot *v.* Talbot, and, to enforce his view, he quoted the views of lawyers on his own side of the question without referring at all to the arguments given on the other side.

The PREMIER: Do you call Lord Palmerston's view a lawyer's side of the question?

The HON. SIR T. McILWRAITH: All those men were lawyers, and it was a very short quotation that the hon. gentleman gave from Lord Palmerston. There were lawyers on the other side who showed that, at all events, they differed on the point that it was not a matter that should come before the House of Commons, because Mr. Phillimore, who brought forward the motion, was himself a lawyer of considerable eminence.

The PREMIER: No.

The HON. SIR T. McILWRAITH: He was not a lawyer of eminence?

The PREMIER: It was not Sir Robert Phillimore.

The HON. SIR T. McILWRAITH: I knew the hon. gentleman would have said that. At all events, I have not the slightest doubt if we read that case, that although we shall find lawyers differ there, the same as they do in almost every other case, there are just as sound arguments why the case should come before the House of Commons, as the hon. gentleman raised on his side of the question.

The PREMIER: No one ventured to assert a word on the other side.

The HON. SIR T. McILWRAITH: No doubt if the evils were to follow that the hon. gentleman has predicted it would not be a wise thing to appoint a committee to inquire into the matter. But, as I have said, the object of the committee is something very different from what the hon. Premier assumes it to be. It is not to sit as a court of appeal, nor is it to bring in a verdict of damages which the Government will have to pay. It is to inquire into the merits of the case, so as to guide us in reforming the law. That is the reason why I give it my support, and I believe myself that it will have that result. As to the other argument, that the gentlemen appointed —Messrs. Stevenson, Annear, Midgley, Donaldson, and the mover—are not gentlemen capable of bringing about such a result, and giving a sound constitutional and rational opinion upon the merits of the case and upon the reforms that ought to follow from the maladministration, I do not see how it applies.

The PREMIER: I used no such argument.

The HON. SIR T. McILWRAITH: The hon. gentleman referred to the committee as not being capable men.

The PREMIER: I said they are not men to sit in a court of appeal from the Supreme Court on a question of law. I said no five men in the House are capable of so doing.

The HON. SIR T. McILWRAITH: If the hon. gentleman will sit quietly and keep his temper, while I am delivering what is, in my opinion, a sound logical argument—although he does not think it so, of course—he will see that I go even further than he does. The hon. gentleman quoted those gentlemen as being unable to sit as a court of appeal. I go further with him, and am prepared to admit that they are possibly not the best members that might be appointed for reporting to this House on the best means by which a reform in the law, suitable to cases of this kind, should be brought about. But that can be remedied by putting more able gentlemen on it. The question as to whether they are the best men or not has nothing to do with the case. Surely we have men in the House who are capable of giving a common-sense answer to a proposition put before them, as it is put before them in this motion. They have to see in what way this miscarriage of justice came about, and, having found that out, to state how it came about, and suggest a remedy. That, I believe, will be the business of the committee, and if the committee are not such gentlemen as are competent to inquire fully into the case, and give a proper verdict, we can appoint other men. I say nothing about the committee, but I am prepared to say that it might be appointed by ballot, or otherwise. I think the case should be referred to a committee of the House, because there is no other way in which men can actually get a case inquired into. I do not ask the House to sit as an appeal court—that was never intended; but I ask that the question should be thoroughly sifted by a committee of the House to see in what way justice has been a failure.

Mr. FERGUSON said: Mr. Speaker,—So far as I can make this case out, I do not believe it is one that should come before this House at all. I do not go on the legal points of the case; I only take the practical view of it. As regards the instructions sent down—so far as I can gather from the mover of the resolution—I understand that Mr. Ransome sent down a quantity of cedar to Brisbane, and instructed his agents to sell it at so much per 100 superficial feet. There are no other instructions, nor is it a question as to whether the price was high or not. That is another matter; the question is, what is 100 superficial feet of timber? I say that there is a standard thickness to measure timber by, and that is 1 inch. One hundred superficial feet of timber 1 inch thick is what is understood by 100 feet, and no other thickness can make 100 feet. If there were 100 feet superficial measurement, 2 inches thick, there would be 200 feet of timber. If it were $1\frac{1}{2}$ inch thick, there would be 150 feet; if $1\frac{1}{4}$ inch, 125 feet. We can go even closer than that, $1\frac{1}{8}$ inch thick would be $112\frac{1}{2}$ feet.

The HON. SIR T. McILWRAITH: You never bought it or sold it at that rate in your life.

Mr. FERGUSON: I say I have on scores of occasions. I will put it in this way: If I buy a log, and there are no instructions given and no contract made, I buy it at 100 feet of superficial measurement. Then I ask the seller to go and measure it, and I watch to see that he does it properly. It never enters into his head to measure at more than an inch. Say it contains 1,000 feet of cedar, one inch thick, is it possible for that man to get 2,000 feet out of it? Superficial feet, one inch thick, is the standard measurement unless there is a special contract made that it is to be measured by surface measurement and not by thickness. But that is a different matter; if we deal with superficial measurement, we must reduce everything to one inch. As far as I can understand, the bulk of the timber was half-inch. The standard of measurement applies in the same way in other cases. If I take a contract for a building containing 50 rods of brickwork, there is no mention of the thickness of the walls, but everyone knows that 272 feet of wall, 14 inches thick, contain a rod; 272 feet, 9 inches thick, would not contain a rod. It would have to be calculated on the standard of 14 inches, and if the wall were 28 inches thick the same measurement would contain 2 rods of brick. That is the custom of the trade, and you cannot make it anything else. The standard measurement is 14 inches. I will put it another way: Supposing I make a contract to ship 50,000 feet of timber to Sydney at 5s. per 100, that would amount to £125. There is nothing said as to the thickness of the timber; the vessel will not contain more than 50,000 feet, and if I send a whole cargo of half-inch timber, according to the hon. gentleman's argument, that would be not 50,000, but 10,000 feet; but does he mean to say that I should be called upon to pay £250 instead of £125? There is no difference in the custom of the trade; 100 feet of timber means timber one inch thick. In retailing timber there may be some difference, but not in the wholesale trade. I know that there may be a difference between two timber-yards in the same town, but if they sell by superficial measurement there is a scale, and surface measurement is surface measurement. I do not see how the judges could have come to any other decision than they did. The question was put before

them as superficial measurement, and as far as I can understand there was no other custom of trade shown in evidence. If a wrong verdict is given by a jury, the party injured has a right of appeal, or there is no justice at all. A man who gets a wrong verdict in that way has as much right to appeal to the judges as the plaintiff has to appeal to this House ; and I cannot see that the judges could have given any other verdict than they did, according to the instructions the defendants received from Mr. Ransome.

Mr. BEATTIE said : Mr. Speaker,—I differ altogether from the hon. gentleman who has just sat down in drawing an analogy between selling cut cedar and the freight of cedar in a vessel to Sydney. We all know that in that case the rate is so much per 100 feet, but there is a great difference between that and selling cedar. It is the rule of the trade, I know for the last thirty-five years in the colony, that all timber sold under one inch is charged as one inch. I guarantee that if the hon. member goes to any of the mills in Brisbane and asks for $\frac{5}{8}$-inch timber he will be charged inch price for it. I may say that I did not pay very much attention to this case, and I was much pleased with the very able manner in which the hon. member for Darling Downs brought it before the House. I think he deserves great credit for it, and the reasons he gave for bringing it forward were just what the hon. leader of the Opposition has stated. It struck me in the same manner as it did that hon. gentleman—that the hon. member for Darling Downs was actuated by the feeling that if there had been injustice done to the plaintiff the inquiry he asked to be instituted by the House should be made, and if it was found that there was a defect in the law it ought to be remedied. We know that since the passing of the Judicature Act the judges have been in the habit of putting strings of questions as long as one's arm, which I am positive puzzle two-thirds of the jurymen. We have seen verdicts reversed entirely from what the jury expected they would be. On several occasions, after a jury has given a verdict for the plaintiff or defendant, as the case might be, when the matter came before a judge he has completely reversed their verdict. This case seems to me to be a very simple one. Mr. Ransome—of course everybody has heard of him since this case has been brought before the country—is a constituent of the hon. member for Darling Downs, who no doubt is actuated by the feeling that if one of his constituents considered he was suffering from a disability he should try and get justice done for him. This man sent some timber from Warwick to certain timber merchants in Brisbane, with instructions to sell. We have heard it plainly stated by the hon. member for Darling Downs, that the evidence produced in court was from men who had been in the habit of dealing in timber for many years. They gave their evidence in a very clear manner—that it was the custom of the trade that all timber sold under one inch was sold as one inch.

The PREMIER : They did not give that evidence.

Mr. BEATTIE : I am speaking from what the hon. member for Darling Downs stated. That hon. member also informed this House—and this is where I think Mr. Ransome has serious cause of complaint—that he wrote to the persons to whom he had consigned the timber, instructing them to hold it and not to sell, after they had informed him that they could only get 28s. per 100 feet. He, being perfectly satisfied himself as to the custom of the trade, and having information before him that Brydon, Jones, and Company had paid other people in the same manner in which he expected to be paid—that was, that all cut timber under one inch was to be paid for as inch—with that information before him, he instructed them not to sell, but to his great surprise he found account sales submitted to him. I think, myself, that there was great want of judgment in bringing this case before the court. The jury in Toowoomba were evidently perfectly satisfied with the evidence submitted to them—being men who understood the rule of trade—and they gave a verdict for the amount claimed, but the judge pointed out that there was no evidence as to the rule of trade. If the extracts read by the hon. member for Darling Downs are correct, there certainly was some misunderstanding on one side or the other, because some evidence of that description must have been given at the first trial.

The PREMIER : The judges said there was not.

Mr. KATES : There were fifteen witnesses examined.

The PREMIER : They gave no evidence on that point at all.

Mr. KATES : They did.

The PREMIER : They gave the rule of trade in Toowoomba and Warwick, but not in Brisbane.

Mr. BEATTIE : Well, I am perfectly satisfied that the rule of trade in Toowoomba and Warwick is the same rule of trade all over the colony. I think that this man has suffered a very great deal of injustice at the hands of some persons, and if it is that the law is of such a character as to require amendment, I think the hon. member for Darling Downs has simply done his duty in bringing the matter before the House. If the law requires amendment we should set about it at once.

The ATTORNEY-GENERAL (Hon. A. Rutledge) said : Mr. Speaker,—I do not feel disposed to blame the hon. member for Darling Downs for bringing this matter before the House. He has an aggrieved constituent, or one who fancies himself aggrieved, and I think it is one of the functions of a representative, if he himself believes that any of his constituents has a genuine grievance worthy to be submitted to this House, to give it his best consideration ; and if he arrives at the conclusion that it is a matter that should be submitted for the consideration of Parliament, he is only doing his duty in so submitting it. But whether or not this is a case in which a representative is justified in appealing to the House for redress of an imaginary grievance it is quite another question. On that point the House as a whole is more likely to decide impartially than the representative of the person who believes himself to be aggrieved. I cannot agree with what has fallen from the hon. gentleman who leads the Opposition, when he says that he understands that the object Mr. Ransome has in view, in having this matter brought before the House, is to effect an alteration in the law. I think the object Mr. Ransome has in view is shown by the petition which he has presented, and the arguments adduced in support of that petition, and that it is to obtain pecuniary compensation for what he believes to have been a wrong done to him. I cannot credit Mr. Ransome with being animated by such patriotic motives as to not care whether he suffers through the law or not, so long as the law which has occasioned his supposed wrong is altered. He has distinctly claimed, Mr. Speaker, compensation from the Government. That is perfectly clear, and it is idle to say that the object Mr. Ransome has in view in appealing to this House is to effect an alteration in the existing law. The case put by the hon. mem-

ber when referring to the Brisbane bridge is in no way in point. That appeal to Parliament, if it may be so called, in no way impugned the finding of the Supreme Court. The appeal on the face of it accepted the finding of the court on the law and facts as a final decision and correct exposition of the actual state of the law, and the object of that appeal was to effect an amendment of the law, the necessity for which had been pointed out by the action so far as it had been decided. Now, in the present case Mr. Ransome comes here and impugns the decision of the Supreme Court. He says, "The judges did wrong to me, and because they did wrong in reversing the finding of the jury, I have a right to come to this supreme tribunal of the country to ask for redress for the wrong the judges have done me." That is a very different thing altogether—a very different thing indeed to acknowledging that the finding of the Supreme Court was in accordance with law and justice, as the law stands, and then ask that some other law should be enacted. It is, again, quite a different thing when a man says, "The courts have done me an injustice, and I ask you to do away with the injustice which has been perpetrated by that tribunal." We have heard to-night of the disagreements of lawyers on questions submitted to them on matters of this kind. But what are we to think when we find disagreements amongst those who profess to be experts on this question of the measurement of timber? One theory was given by the leader of the Opposition, and another theory by the hon. member for Rockhampton, who has had large experience on matters of this kind. They differed in their conclusions as to the state of the facts in regard to a certain trade in the colony, and one of the gentlemen was supported by the hon. member for Fortitude Valley. And we are asked, in the face of the fact that within our own hearing this evening the gentlemen who are most competent to decide gave different versions as to what the state of the facts or the custom of the trade is, to accept the conclusion that, as lawyers disagree, therefore the decisions of lawyers are to be regarded with suspicion. Now, in this case the fact is that there was no evidence given at the hearing in Toowoomba as to what the custom was in the place to which the timber was sent to be sold, such as to justify a jury in coming to the conclusion on that as a question of fact. If evidence as to the custom had been given by only one witness in a clear and distinct manner, the judges sitting in their appellant capacity would not have weighed the evidence of one witness against the evidence of fourteen others; and if fourteen said one thing and one another, they would not upset the decision merely because the balance of evidence was on one side. And if the jury chose to believe one and disbelieve fourteen, they would probably have said this—that there was sufficient evidence in the evidence of one man competent to give an opinion, and who did give an opinion. There might be sufficient in the evidence of one man to justify the jury in coming to a conclusion, and if they chose to believe the other fourteen who did not know anything of the matter, and who might have deliberately falsified the facts, the judges would not have reversed the finding of the jury. But the fact is that there was no evidence as to custom. It would be a very dangerous thing, indeed, in the interests of suitors in this colony if a number of jurymen were permitted to say, "We know certain things ourselves, quite apart from the case, and although there is no evidence given on this point we will capsize all that the witnesses gave affirmatively or negatively." They are sworn to give their verdict in accordance with the evidence, and when a jury take upon themselves to say that there is evidence of a fact when there is no evidence, the functions of the court of appeal come in. I was counsel in an action for damages for wrongful dismissal. I appeared for the plaintiff in the case. The jury, although there was some evidence given that the plaintiff had wilfully disobeyed a command of his employer, nevertheless came to the conclusion that the employer was not justified in dismissing the man who disobeyed his command, and gave a verdict for considerable damages against the employer. The case was taken before the judges sitting in the exercise of their functions as a court of appeal, and they said the law was that in such a case as that of a man who wilfully disobeys the reasonable and just demands of his employer the man is liable to be dismissed, and that there is no just cause of action against the employer for so dismissing the man. The judges only did their duty when they said that there was evidence of a command having been wilfully disobeyed, and that notwithstanding the fact that the jury's sympathies were with the plaintiff, and that it was a case of considerable hardship, they must apply the law of the land to the facts disclosed and harmonise them one with the other, and that it was not for a jury to say, "We do not care what the law is—our sympathies are this way or our sympathies are that way, and we will give our verdict accordingly." That is the function that is recognised all over the world. It is the function of the Supreme Court of Appeal to set parties right in matters of that sort. In this case that was done. The evidence that was given at the trial was before the judges—it was all before them as taken down by the judge who presided at the trial—and when the Full Court investigated the matter it was found there was no evidence which would justify the jury in coming to the conclusion they had. It is quite another question whether those who represented the plaintiff produced to the court the evidence which was apparently omitted. That was the plaintiff's lookout. It is his duty to have all the requisite evidence to support the case which he brings into court; and if he does not do that, and loses his case in consequence, surely the judges are not to blame, and surely this House cannot be created into a tribunal to try the case over again! If that state of affairs is recognised, we shall be having every disappointed suitor who can find fresh evidence after the trial, coming to the House and saying, "Although I did not give this evidence which would justify the finding of the jury, I can give it now," and then ask the House to sit in judgment upon the case. I say no good result can follow from the appointment of this committee. What is the law that the hon. member proposes to alter, supposing that that is the only object he has in view? Does he want to remove that very proper safeguard which now exists by which the Supreme Court is clothed with the function of reviewing the finding in any case, and where a wrong has been done, to set it right? I say the question is not one as to whether this man ought to have gained a verdict or not. That is not the question. He probably could have gained a verdict if he had supplied evidence, which he now knows he ought to have supplied. But the question is whether the judges, when they sat and reviewed the evidence, and deliberately came to the conclusion that there was no evidence to support the finding of the jury, did an injustice. I say the hon. gentleman cannot come to the conclusion that they did an injustice, and if they did not it is asking too much of this House to sit as a court of appeal from the decisions of the judges of the Supreme Court, and revise their finding. It would be an improper

thing. All the Committee, if they were appointed, could possibly be expected to do would be to take the judge's notes, read the evidence that was taken down, and say whether the judges were right or wrong when they arrived at the conclusion that there was no evidence in support of the custom. That is a state of things that I am sure hon. gentlemen would not like to see brought about, that the decision given by the judges in this way should be subject to reversal by gentlemen who, with all respect to their qualifications, have not the necessary training and professional ability to decide as to the merits of a case of this sort.

Mr. CHUBB said: Mr. Speaker,—I cannot support this motion, both upon the constitutional grounds advanced by the Premier and on other grounds. With regard to the constitutional ground the case is clearly within the principle laid down by the Premier. Indeed, the aggrieved person's claim cannot possibly be within constitutional principles, because he produced to this House a petition, the first paragraph of which is a direct allegation that there was a miscarriage of justice committed by the Full Court of Brisbane. The next impliedly charges the Chief Justice with improper conduct, because he says—

"That the appeal to the Full Court was not an appeal, for the reason the Chief Justice had heard the case in Toowoomba and sat as presiding judge at the said appeal."

There is a statement impugning the propriety of the Chief Justice sitting on the court of appeal. Then again, he says—

"That the Full Court refused to grant a new trial."

That appears to be an allegation that the court acted unjustly, and, as pointed out by the Attorney-General, what is really asked for is money compensation. What is the object of the petition unless it is to get money from the Government? Is Mr. Ransome actuated by the motive of improving the law? I do not think so; but if the hon. gentleman would alter his motion to the effect that it is desirable that the circumstances of the case should be investigated for the purpose of considering a possible alteration and amendment in the law, then hon. members might perhaps feel inclined to go with him; but while the motion stands in its present form I am sure no hon. gentleman can consistently vote for the motion. Now, the hon. gentleman in introducing his motion said the judgment was given according to law. No objection was taken to the decision of the judges on the point of law. Well now, if the decision was given according to law, then justice was done, because all law is founded upon justice. If the judges decided on the law, the plaintiff received justice. Now, I am not going to discuss the propriety of the decision given by the court. It appears to be perfectly clear that the plaintiff failed to give certain evidence which would entitle him to a verdict. He left that out altogether, and he called several witnesses who swore it was their habit to sell timber in a certain way, but not one of them testified to the fact that that was the custom in Brisbane; there was the slip made by the plaintiff. There was really no evidence on which the jury could find a verdict for the plaintiff. They took the bit in their teeth, as it were, and applied the law to a set of facts that was then in existence. When the case came before the court for argument and the court considered it, there were two or three courses that might have been taken; one was to nonsuit the plaintiff and make him come again. If the court had done that probably the plaintiff would have had to pay the entire costs; or the court might have nonsuited him, with leave to bring the case on again, which would have put him in no better position than the judgment which the court gave; or, thirdly, they might have granted a new trial. Any one of those courses was in the discretion of the court, and that is a discretion which this House has no right to interfere with in any way. I would further point out that if the plaintiff is aggrieved by the action of the court he has yet a remedy, but until he has exhausted that remedy he has no right to come here and ask this House to take up his case. It was pointed out by the hon. member in charge of the motion, that, as that was a matter involving something less than £500, therefore Mr. Ransome is deprived of the right to appeal; but that is not the case: he has still an appeal to Her Majesty in Council, and if the case is sent home, and he is successful, he will either succeed in reversing the judgment or get a new trial. Even on those grounds he has no right to come here until he has exhausted all constitutional methods provided by the law. One word with regard to the committee. The gentlemen proposed to sit on it are five intelligent members of the House, but none of them with any legal training; and I would point out that if the committee should be appointed at least one legal member should be on it in order to give the committee the benefit of his legal knowledge. I would point out, as was forcibly explained by the Premier, that it is a committee of laymen intended to sit as a tribunal of criticism on the judges of the land. The administration of the law is a very difficult matter, and may be very well left to those acquainted with it. It will not tend to the dignity of this House or the improvement of the law, to relegate this case to such a tribunal as is proposed here, and I for one feel bound to vote against the motion.

Mr. ANNEAR said: Mr. Speaker,—After the lucid manner in which the motion has been brought forward by the hon. member for Darling Downs, anything I can say will appear very weak indeed. This is a matter affecting the general community, and the question is, whether trial by jury is a farce or not. There is no doubt that in this case it was a perfect farce. I have read the evidence, which is sufficient to show the custom not only in Brisbane but throughout the colony. I have been connected with the building trade all my life; I have been a contractor ever since I have been in the colony, and have paid many thousands of pounds for timber; but I never yet went into a timber-yard to buy 100 feet of dressed, tongued, and grooved boards, or 100 feet of $\frac{1}{2}$, $\frac{5}{8}$, or $\frac{3}{4}$ inch dressed lining boards without paying the same per 100 feet as if they were 1 inch thick. If you ask the price of inch boards, you will be told £1 per 100 feet. And in the case of cedar you have to pay the same for $\frac{1}{2}$-inch or $\frac{3}{4}$-inch boards as for 1-inch boards. That is the custom not only in Brisbane but in every town of the colony. The hon. member for Rockhampton says there is a difference in freight between 1 inch and $\frac{1}{2}$-inch timber, but in this case freight has nothing at all to do with the question, and log timber is not dealt with at all. The question is—whether you pay as much for $\frac{1}{2}$-inch cedar boards as for 1-inch boards?

Mr. FERGUSON: No!

Mr. ANNEAR: The custom is—and the hon. member for Wide Bay, Mr. Mellor, and other hon. members who have had more experience of the trade than I, will back up the assertion I make—it is the custom of the colony to charge the same for boards under one inch thick as for inch boards. The Attorney-General, in referring to the case of Hansen *v.* Bank of New South Wales, said the other day that if we were to be governed by the rules of common sense all things should be put in such a way that common-sense people could understand them. If a man owes £100 he knows that by paying that £100 he satisfies the debt. That is a matter of fact, and according to the Attorney-

General the case of Hansen *v.* the Bank of New South Wales was one of fact. By facts we live and are governed. The jury gave a verdict in favour of the plaintiff on the facts; but the case came afterwards before the Full Court, and the question of fact was upset, and the man was ruined. The Attorney-General also made this remark: that Ransome since the trial has obtained fresh evidence, and is going before the committee with fresh evidence; but I do not think that such is the case; I believe that Mr. Ransome bases his case on what the hon. member for Darling Downs has already shown to the House, and wants no fresh evidence at all. Mr. Ransome bases his case on the treatment he has received in the Supreme Court, and I think after reading the evidence that, if Mr. Ransome has not been robbed, no man has been robbed whom I have ever seen in my life. I do not see, as was remarked by the hon. member for Bowen, that there is any indignity in referring the case to a select committee. This is a representative body elected by the people; it is the highest court of appeal in the colony, and if an evil has been done I feel sure this House will in its wisdom redress that evil as much as possible. It is with great pleasure that I shall give my vote for the motion of the hon. member for Darling Downs.

Mr. LUMLEY HILL said: Mr. Speaker,—I have not always held in the very highest respect the legal processes in vogue in this colony, or indeed throughout the civilised world, for I think that the lawyers have the best of it all round, and that the clients have very much the worst of it. I tried on a previous occasion to introduce a small reform in the law, and I should be glad to assist in any movement that would be likely to throw further light on the injustice of the law. Mr. Ransome may have had law and paid for it; but he may not have got justice. Our highest aim and ambition here ought to be to see that while the law is administered still the people do not suffer any injustice; but I must say that I do not think that men who hold pronounced views on the question should sit on the committee, if it should be appointed. If a committee is to be formed of such gentlemen—and I say it with all respect and caution, not wishing to impute any wrong motives whatever to the member for Maryborough, Mr. Annear—I do not think that by appointing a committee of that kind we are likely to further the ends we are all anxious to see attained. From what I have seen of the papers in this case put before me, I think that Ransome has suffered injury and injustice. At the same time, where doctors differ as plainly as they do in this case—we have the hon. member for Rockhampton, who has had as much experience in the timber business as any of us, holding diametrically opposite opinions as to the relative prices of timber under one inch to those held by others who have had an equal amount of experience — when men differ like that I can hardly see how we can be very much surprised if the law makes a difference that is not appreciated. Lawyers, of course, always differ, except in cases where their own surroundings or privileges are attacked, and then they are all found on the one side. So far as an application for money is concerned, I do not see any indication of it in this motion, though the imputation has been made that the member who put this motion on the paper is seeking for pecuniary redress.

The PREMIER: Why, the man offered to take £500 to withdraw the petition!

Mr. KATES: There is nothing of the kind in the motion.

Mr. LUMLEY HILL: There is nothing of the kind in the motion, though the man might have thought he had such a claim—we are not bound to recognise that at all. The question is whether it is in the interests of the public or not that we should see if any injustice has been committed, and if any amendment can be made in the method of applying the law. As the leader of the Opposition stated, we are not lawyers or judges and we cannot constitute ourselves into a tribunal of that kind; but we are the makers of the law, and if we find its application is faulty it is for us to amend it. Their honours the judges are the administrators of the law, and we can only expect them to administer it as they find it and as we serve it up to them. I have no doubt that in this case they have administered the law in all its integrity, and if there is a fault in it the sooner we find it out and remedy it the better, and give it to the judges in a proper form. Upon that account I feel inclined to vote for the appointment of this select committee to inquire into this alleged case of injustice. I do not know whether there has been an injustice in this case or not, but I would support it on the ground that if the law is faulty we should inquire into it and make a better law.

Mr. ARCHER said: Mr. Speaker,—I may say that I came here with my mind perfectly unbiased in this matter. I have read the papers that have been forwarded to me—I suppose, in common with all the members of this House. I determined I would not make up my mind until I heard the debate upon the hon. member's motion, in the course of which I was perfectly certain the *pros* and *cons.* of the case would be properly discussed. As I understand it, what has been made perfectly clear to those who came to consider this case, and were quite unprejudiced in the matter, is that there is no deficiency in the law, but that this gentleman, who was a timber merchant in Warwick, was so unfortunate as to bring an action against a timber-seller in Brisbane without having a lawyer of sufficient ability to bring the proper evidence before the court. Evidence was brought forward by men to prove a certain practice in the timber trade, but this man's lawyer neglected to bring forward evidence to prove that in Brisbane there was a particular manner of dealing with timber under an inch in thickness—namely, that it should be charged as inch. This is not a question of whether the law is incorrect or not, but it is a question whether the unfortunate, and I suppose silly, lawyer whom this man employed had taken care to see that the proper evidence was brought before the court. I think that is the case.

The PREMIER: That is about it.

Mr. ARCHER: If a man is so unfortunate as to get one of the stupid lawyers about Brisbane to bring his case before the court, and it is not brought before the court properly, is this House to step in and rectify the blunders of the lawyer? I do not refer to anyone in particular; I speak of Brisbane generally, and I know that there are many lawyers bad tradesmen as there are bad tradesmen in every other craft. That is the whole matter, so far as I can judge, and I do not see how we can possibly step in and rectify a mistake made by this man, who did not know how to bring his case before the court. Of course I do not blame the poor man who suffered in this case—the timber merchant in Warwick. He has been very unfortunate, but I do not think he can call upon this House for redress, because of the utterly absurd way in which his case was brought before the court by the lawyer he employed. This House is not to be called upon to step in and make good a loss which a man may have suffered through using inferior tools—because that is

really what this amounts to. I do not see how we can do anything in this matter. If it were shown that we could make some alteration or amendment in the law it would be a very different case; but this is a case in which the jury were bound to give a verdict according to the evidence.

Mr. KATES: They did give such a verdict.

Mr. ARCHER: A jury may be perfectly convinced, in trying a man for his life, that the man committed for murder was actually guilty of the murder, but if it is not clearly proved that he committed the murder they have no right to bring in a verdict of "guilty." If it is clearly proved, no matter what their convictions may be, if they are honest men they must find him guilty. Juries sometimes take the bit in their teeth, but in this case they were bound to give a verdict according to the evidence, and the evidence which should have been supplied was not supplied. The jury in this case, without having any evidence before them that the practice of selling timber in Brisbane was that all timber under an inch in thickness was to be sold as inch, decided that that was the practice in Brisbane. I cannot see how we can be called upon to rectify that mistake. My hon. friend the leader of the Opposition seemed to think that there might be some mistake in the law, but in my opinion the mistake was not in the law, but in the lawyer.

Mr. WAKEFIELD said: Mr. Speaker,—We have had some very eminent legal advice on this motion to-night, but every member of this House well knows that law is not justice. I have had experience of that, and I expect a great many more have. If the object Mr. Ransome has in view is to get compensation from this House I do not think he is likely to succeed. I, for one, should not vote for such a thing. If that is his object, then I may say that I have a case in which I have suffered quite as much as he has. But I take it that the select committee proposed to be appointed will not be a committee to override the decision of judges of the Supreme Court. I think the judges have acted quite right in this case. It has been stated by the hon. Attorney-General that certain evidence was not brought forward at the trial as to the rules of the trade in Brisbane, but I say that if such evidence had been brought forward—if twenty witnesses had been called to prove the custom—the judges were right in the decision they gave, because 50 feet is not 100 feet, whatever may be the rules of the timber trade. If we make a law to be carried out it must not be by rules of trade. I can see one benefit that may be derived from appointing this committee, and that is that if the rules of trade are contrary to law they may be altered to fit in with the law; and for that reason I shall vote for the motion.

Mr. FOXTON said: Mr. Speaker,—I will not occupy the House very long, but I feel, for the reason which I shall presently give, that it would not be right for me to give a silent vote on the present occasion. Owing to my enforced absence during the early part of the debate I have not had the advantage of hearing all that has been said on the subject, and may therefore unintentionally go over ground that has been already trodden by able speakers who look at the matter from my point of view. I feel it necessary to express my opinion of the motion, because resolutions have been passed by my constituents on this question, and the vote I intend to give is not in accordance with the wishes of a large number of them; and it is only just to them that I should explain why I am unable to carry out their wishes as expressed to me by the chairmen of several meetings which have been held in the electorate I have the honour to represent. I am not going to enter into the merits of the case—that is to say the merits of the case as it appeared before the Supreme Court. I have heard enough to-night, and have seen enough in the papers which have been supplied to me, to justify me in coming to this conclusion: that there appears to be a very considerable difference of opinion amongst those who are supposed to know best as to what is the practice in the timber trade. The hon. member for Maryborough, Mr. Annear, states that one custom obtains in the trade, and the hon. member for Rockhampton, Mr. Ferguson, says another custom obtains; and both hon. members are thoroughly conversant with the subject. It would therefore be, in my opinion, idle and presumptuous on my part to offer an opinion on the merits of the case so far as regards its aspect as it appeared before the Supreme Court. I have spoken of certain resolutions forwarded to me, expressing the wishes of my constituents, or a considerable number of them, many of whom are leading men in the electorate. Mr. Ransome is a gentleman whom I have known for a great many years and against whom I have nothing whatever to say; he is a friend of mine and I regret exceedingly that I cannot see my way to support the claim which he sets up. The resolutions which were sent to me were passed at a meeting which Mr. Ransome attended himself. Mr. Ransome laid his views before those present, and the resolutions were come to upon evidence which was purely and entirely *ex parte*. Nobody was there to represent the other side. Brydon, Jones, and Company were not represented at that meeting. Nevertheless, everything might have been stated perfectly correctly. I do not question that the facts were properly stated, or that the matter laid before the meeting was not put as fairly as it has been laid before hon. members in this House. One of those resolutions was to the effect that a select committee of this House should be appointed to inquire into the matter, and that not one on that committee should be a lawyer. I can quite understand the feelings which prompted that resolution, but I was rather astonished at subsequently receiving a letter from Mr. Ransome, requesting me to act upon the committee. My natural reply to that was, that as I was the only solicitor in the House I considered myself absolved from any duty which would compel me to sit on that committee, seeing that resolutions had been passed by my own constituents that it was desirable that a select committee should be appointed to inquire into the case, not one of whom should be a lawyer. Mr. Ransome may have suffered injustice; I do not dispute that. It might or might not be so, but at all events he lost a considerable amount of money. But he is not the only one who has lost money by going to law, and he is not the only man by a great many within my own personal experience who has gone into a court with what appeared to be a perfectly just and equitable case, and has come out having to pay the costs of the other side. I do not hesitate to say that. But why, I ask, should this House be called upon to act as a court of appeal to the Supreme Court? Let us take other cases—cases in which claims are made against the Government. Take, for instance, the recent cases tried in the Supreme Court against the Commissioner for Railways in connection with the Darra railway accident, to which reference has been made at an earlier stage of the proceedings. Suppose one of those plaintiffs going into court with a perfectly good case, perhaps being permanently injured, and suppose there was an error on the part of the court, and assume that that error

was some misunderstanding—or, to put the case more strongly, a want of knowledge of the law—would this House entertain for a moment a petition from the plaintiff, praying for redress, praying that the House should grant out of the public purse moneys which, it had been found, the plaintiff was unable to recover in the courts of law? I say no, decidedly. And yet that would be a case in which the plaintiff would have a case against the Crown. How much weaker, then, is the claim made by the hon. member who brought forward this resolution, when the defendant is not the Crown, but a private citizen, or certain private citizens? I do not know that I have anything more to say; what I have said is the pith and substance of my opinion on the subject. I object to this House being made a court of appeal, and that is really what this motion means. I say it is subversive of the principles of the constitution of our whole system of jurisprudence at the present time, and until some law is passed by which a properly recognised colonial court of appeal—let it be something similar in constitution to the Privy Council, if it is thought desirable, though I do not think much of that—is appointed, I say that resolutions such as these ought not to be entertained.

The MINISTER FOR WORKS said: Mr. Speaker,—I am free to confess that I know nothing whatever as to the practice in measuring timber, so I shall say nothing about that question. But there is no mistake at all about the motion of the hon. member for Darling Downs. It is that a committee should be appointed to inquire into an alleged miscarriage of justice. I was very much surprised at the line of argument taken up by the leader of the Opposition. About a week ago, when the Elections Bill was passing through this House, the hon. gentleman and his colleague alongside him brought forward clauses to refer elections petitions to judges of the Supreme Court. They came to the conclusion—not only those two hon. gentlemen, but a great many others—that a committee of this House was not qualified to deal with that question, but they seem to have changed their opinion.

Mr. CHUBB: Not at all.

The MINISTER FOR WORKS: They think now that a committee of this House is quite competent to deal with the Supreme Court.

Mr. CHUBB: Mr. Speaker,—I rise to a point of order. The hon. gentleman is accusing me of saying what I did not say. He says I have expressed the opinion that this committee is competent to try this case. I expressed quite the contrary opinion.

The MINISTER FOR WORKS: I am very sorry to have misquoted the hon. gentleman. I shall put it in this way: A large number of members of this House—and I presume the hon. gentleman was one of them, because he introduced a string of amendments on the subject—were of opinion that the Committee of Elections and Qualifications were not the proper tribunal to decide disputed elections. He wanted to substitute judges of the Supreme Court. I did not hear the hon. gentleman speak to-night, but I presume he has now come to the conclusion that a committee of this House is quite competent to try the judges.

Mr. CHUBB: No; I said I should oppose this motion.

The MINISTER FOR WORKS: All I can say is that it is a most extraordinary proceeding, particularly the speech of the hon. leader of the Opposition. Above all, I think the junior member for Maryborough has made a very great mistake. He expressed himself in the strongest terms it is possible for an hon. member to use. He has prejudged the case. He said Mr. Ransome had been robbed, and yet he is going to sit as one of the judges.

Mr. ANNEAR: I am not.

The MINISTER FOR WORKS: I am very glad to hear it. The hon. member might have announced before that he was not going to sit on the committee. I do not know that very much notice is to be taken of the hon. member for Maryborough, because he does make very extraordinary speeches; and after making a very violent speech against a motion he is quite likely to vote for it. I warn hon. members, before the division takes place, that if they vote for the motion of the hon. member for Darling Downs they are recording their vote for a committee of this House to try the judges of the Supreme Court.

Mr. WHITE said: Mr. Speaker,—The hon. the Attorney-General made a very emphatic speech. He pleaded that the witnesses differed as to the measurement of the timber, and pointed to the hon. member for Rockhampton as an example. The hon. leader of the Opposition interrogated the hon. member for Rockhampton, who, instead of giving a satisfactory and decided answer that he had actually bought half-inch cedar and got double the quantity, drifted into a harangue about the measurement of log timber, which we have nothing to do with in the House. If the Supreme Court judges and the hon. the Attorney-General are satisfied with such witnesses as that, I am sorry for them.

Mr. McMASTER said: Mr. Speaker,—I think the hon. the Premier might have saved a good deal of this discussion had he informed the House earlier in the evening that the motion was brought forward probably with the object of extorting money from this House. I overheard the Premier say that he was told if he paid £500 the motion for the appointment of a committee would be withdrawn. Is that so?

The PREMIER: Yes.

Mr. McMASTER: Then it must be the object of the petitioner to extort £500 from the House. I am quite well aware that is not included in the motion of the hon. member for Darling Downs; but I take it for granted the hon. the Premier has that in writing.

The PREMIER: Yes.

Mr. McMASTER: Well, if an application has been made to him in writing by this Mr. Ransome, we know what will follow. The hon. member for Carnarvon said this was an appeal from the Supreme Court to this House. I think this committee is asked to sit in judgment upon the Supreme Court; it is not an appeal. The committee is asked to inquire into an alleged miscarriage of justice; it is no appeal from the court. The committee is asked to inquire into a question that was decided by the Supreme Court; therefore it is a committee of inquiry into the decision of the Supreme Court. The arguments I have heard this evening, particularly those of the hon. member for Blackall, have somewhat convinced me that the decision of the court was given correctly. I do not think the remarks he made about the lawyer were correct, for I have been informed that one of our leading barristers, Mr. Real, was counsel for Ransome. The decision seems to me to have been arrived at in this way: The judges have gone upon the fact that it required so many feet to make 100 feet of timber, and the jury may have taken the practice that prevails in some places

that timber under one inch—whether ½-inch or ¾-inch—should be reckoned as being 1 inch. I do not think, therefore, that the House would be acting wisely in granting this committee. The hon. member for Maryborough, Mr. Annear, has certainly put himself out of court on the committee, after having expressed so decided an opinion that the man has been wronged. Therefore I hope that even if the House appoints the committee he will not sit upon it. I think the Premier ought to have informed the House earlier in the evening that this offer had been made to him, and that the object of the motion was to extort money from the Government.

Mr. ANNEAR : I should like to say one word by way of explanation. Neither Mr. Kates nor Mr. Ransome asked my consent to be a member of the committee, and before I spoke I told the hon. member that I was so emphatic in my opinion that I would not sit upon the committee after I had addressed the House. The Minister for Works need not have taken exception to me. He may consider that my word is worth nothing, but perhaps he may find out that it is worth something before the session is over.

Mr. HORWITZ said: Mr. Speaker,—I have only one or two words to say on this question. I hope the committee will be granted. When the case was heard at Toowoomba the judge left it in the hands of the jury, saying that they were better acquainted with the timber trade than he was. The jury gave their verdict in favour of Mr. Ransome. An appeal was made to the Supreme Court at Brisbane, when the decision of the judge was reserved. With regard to the measurement of timber, I know something about it, and I can inform the House that the statement of the hon. member for Rockhampton, that 12 by ½ inch timber will only measure 6 feet, is incorrect. I will not detain the House longer as I can add nothing to what has been said already.

Mr. ISAMBERT said: Mr. Speaker,—I shall not detain the House very long, but I do not intend to give a silent vote upon the motion. It is not necessary for me to say anything very strong about the judges or the machinery of the law, for the barristers and solicitors of the House have done more in that line than I would ever venture to do. They have plainly admitted that we have no justice in the land, that it is all a matter of points of law—that no matter how much right you have on your side the verdict goes with the man who has most points of law in his favour. It has been admitted by them that a client cannot always obtain justice, and that going into a court of law is very much like venturing on a game of hazard. You might just as well shake the dice in a greasy old hat, and abide by the result, as put into operation our legal machinery, which costs the country thousands and thousands of pounds annually. If that is the case, what is the good of all this machinery of the law? I hope the Premier will take this debate to heart, and bring in next year a full reform of our laws, and establish a court of conciliation, where every private or civil case can be considered before it is allowed to go to a court of law. With a court of that kind one-half, if not nine-tenths, of those cases would be settled without putting the machinery of the law—not always justice—in motion. In all probability the judges of the Supreme Court are quite innocent of dealing out injustice, but they are bound by etiquette and practice to allow points, and the man who gains most points wins. In fact they are blinded by the points.

Mr. CHUBB : How can they see the points if they are blind ?

Mr. ISAMBERT : On the Continent a large amount of legal procedure is saved to the people by having to submit their cases first to the court of conciliation. Only those cases which cannot be settled by that tribunal of men of common sense go to the law courts. A friend of mine at Rockhampton, a hard-headed Scotchman, told me an anecdote of a woman who went to a judge complaining about her neighbour. The judge would not listen to her story, but said, "My good woman, be satisfied ; when the case comes before me you shall have justice." She answered, "It is not justice I want, but law." There is one other point I will mention : At that time the court was not constituted perfectly. There were only two judges, one of whom was the judge who tried the case at first. I believe that is unconstitutional and highly improper.

Mr. FRASER said: Mr. Speaker, — As this is a question which is likely to go to a division, I do not like to give a silent vote. When I came into the House I felt much the same as the hon. member for Blackall, and my sympathies were with Mr. Ransome. At the same time I felt that it was an attempt to appeal against the decision of the Supreme Court. It is all very well for the hon. member for Rosewood to denounce the injustice of the law ; but it seems to me that there are two sides to the question, and that if the decision of the court had been in favour of Mr. Ransome and against the other party, the latter would have appealed in the same way and maintained that they did not get justice. I confess that the speech of the hon. member for Blackall decided my view of the matter more than anything else I have heard since the discussion arose. I agree also with hon. members in saying that this House is not the place in which to review the decisions and judgments of the Supreme Court. I apprehend that we are not judges to determine upon technical points or legal points. I am prepared to compliment the hon. gentleman upon the manner in which he has brought the motion before the House ; and although I must say there is nothing to indicate that Mr. Ransome has applied for any compensation, still I think I am correct in stating that the burden of the motion is to get compensation. If that be so, I maintain that Mr. Ransome has no right whatever to come to this House and appeal to the country for compensation for a miscarriage of justice, supposing a miscarriage to have occurred. I agree with the hon. member for Blackall that any failure in justice was due to the gentleman who assumed the responsibility of conducting his case. It appears to me that there is more blame attached to the gentleman who conducted Mr. Ransome's case, and who omitted a point which, very likely, would have determined the decision of the judges in a different direction. I feel for Mr. Ransome, because I think he has been a heavy loser in the matter ; but he was only gaining the experience of almost everyone who goes to law. My own experience is not so great, because I would rather submit to injustice than go to law. But I have been told that, even where you gain, the gain is a loss ; and I sympathise with Mr. Ransome very much. I am not going to discuss the custom with gentlemen who are experienced in the timber trade. I can only say that it is useless for the House to pass a law to determine what shall be the measure of timber. I believe in this, as in other things, that custom determines what the law in such matters shall

be. I simply rose to briefly state the reasons which compel me to vote against the motion of the hon. member for Darling Downs.

Mr. SHERIDAN said: Mr. Speaker,—I have only a few words to say. I consider that if the motion that has been brought forward so ably by the hon. member for Darling Downs is carried a very dangerous precedent indeed will be established. Every suitor who fancies that he has received an injustice will immediately repair to this House for redress, and the Supreme Court, instead of being what it ought to be in every country, the highest tribunal to refer to, will be brought to a pitch of degradation by appellants continuously appealing, as they inevitably will do if this is carried, to this House for redress. I consider that we should be very cautious in anything that we do having reference to the Supreme Court. The aim and ambition of this House should be to support the dignity of that institution. As it is, we are treading upon very dangerous ground the very moment that we readily receive petitions and act against the decision of the Supreme Court. I know very little about this case. I merely say that I sincerely hope that the Supreme Court of this colony will not be brought into disrepute by any action we take in this House. If the law wants amending, by all means let it be amended. We are the law-makers and the Supreme Court is the tribunal by which the law is carried into effect; and I again say that this motion is a dangerous precedent to establish.

Mr. BUCKLAND said: Mr. Speaker,—I must compliment the hon. member for Darling Downs on the able manner in which he has introduced his motion; and I listened with a great deal of attention to the arguments and evidence produced by that gentleman. The hon. the Attorney-General states that no evidence was produced at the court held in Toowoomba to show the custom of measurement. If that was not done, I think the hon. gentleman who introduced this motion has produced sufficient evidence. So far as I know, it is customary between a commission agent and his principal that, when the former receives instructions to hold back a certain article, and not sell at the price offered, he should act upon those instructions. From the evidence adduced it appears that a few days after the receipt of the timber the defendants wired to the plaintiff to say that they could only get a certain price, and the plaintiff immediately wired the reply, "Do not sell, but hold till I come to Brisbane." In opposition to those instructions the defendants sold that timber, and rendered account sales showing a very heavy loss. If the evidence brought forward by the hon. member for Darling Downs had been introduced at the trial, to show that the agents did not act up to the instructions they received from the principal, the court would have given a different decision. A great deal of stress has been laid upon the fact that you cannot call anything under an inch full measurement in timber; but there are such things as customs in trade. I know articles, which are sold in England and are largely imported to this country, where thirty-six are sold as a dozen, and six articles are sold as twelve. It is the custom of trade, and no court in this colony, or in Great Britain, would upset any case that came before them because it was not a legal dozen. It is, as I have said, the custom of trade, on which articles are sold and purchased, and on which invoices are made out which those connected with the trade know thoroughly well. Mr. Speaker, I certainly think injustice has been perpetrated in this case. I am not sufficiently well posted in law to say whether we ought to sit on the Supreme Court, but I really think it would be advisable to appoint this committee.

Mr. KATES, in reply, said: Mr. Speaker,—I am not very well versed in law any more than the hon. gentleman who has just sat down. I cannot fight here against the leading lawyers of the colony; it was not my intention to attempt to do so. I know perfectly well that if I had asked any gentleman belonging to the legal fraternity to sit on this committee I should have been refused; but from a common-sense point of view, and in justice to the 650 gentlemen who signed the petition, I felt myself justified in bringing the case before this House. It has been said that the gentlemen named as the committee were not the proper persons to be appointed on such an important inquiry—one so closely connected with the law; and for my own part I shall have no objection to have a Royal Commission appointed to inquire into the matter. It is a most important case, not so much as it regards Mr. Ransome, but on account of the principle involved—whether trial by jury is to be reversed in the way it has been reversed in this case by the Full Court. That is my principal reason for bringing the question before the House; and if, as I said before, an inquiry of the kind asked for would lead to a reform in that direction, I think we shall have done a very good evening's work. The hon. member for Blackall dwelt particularly on the point that it was the fault of the lawyers who were engaged in the case in Toowoomba that caused the Full Court to upset the verdict, but the hon. gentleman could not have gone fully into the particulars of the case. If he had listened to my remarks in moving the motion he would have heard that no less than fifteen witnesses were examined in the trial at Toowoomba, and that the evidence went to show that the custom was—as I said before—that cedar under one inch should be charged for as inch. The hon. member for Rockhampton has set up his opinion as against that of all the sawmill proprietors, carpenters, and joiners in the colony. He stands unique in that way. I do not know anybody else to whom I have spoken who has formed the same opinion as that hon. member. He went outside the case altogether. He spoke of timber in the log, and timber above an inch in thickness, but never said anything about timber below an inch. With regard to Mr. Real, who appeared for the plaintiff in this case, I have been given to understand that that gentleman had for some time been a carpenter or was connected in some way with that business, and he volunteered to give evidence in the court but it was refused. I shall not detain the House longer. I will leave the matter entirely in the hands of the hon. members. I have too much faith in their love of justice to think for a moment that they will allow this motion to be negatived.

Question put, and the House divided:—

AYES, 11.

Sir T. McIlwraith, Messrs. Isambert, Jordan, Annear, Buckland, Kates, Wakefield, Horwitz, Midgley, Bailey, and Lumley Hill.

NOES, 15.

Messrs. Archer, Dickson, Chubb, Miles, Griffith, Fraser, Rutledge, Sheridan, Dutton, McMaster, Moreton, Ferguson, Foxton, Govett, and Mellor.

Question resolved in the negative.

ADJOURNMENT.

The PREMIER said: Mr. Speaker,—I move that this House do now adjourn. It is proposed on Tuesday to take the Probate Act Amendment Bill in committee and then the Licensing Bill in committee.

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