Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 6 OCTOBER 1885

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LEGISLATIVE ASSEMBLY.

Tuesday, 6 *October*, 1885.

Probate Act of 1867 Amendment Bill—committee.—Licensing Bill—committee.—Adjournment.

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

PROBATE ACT OF 1867 AMENDMENT BILL—COMMITTEE.

On motion of the ATTORNEY-GENERAL (Hon. A. Rutledge), the Speaker left the chair, and the House went into Committee to consider this Bill.

Preamble postponed.

Clause 1—"Repeal of section 41 and schedule of 31 Vic. No. 9"—passed as printed.

On clause 2, as follows:—

"This Act shall be deemed to have been in force from and immediately after the passing of the said Act."

Mr. ARCHER said that two Acts were mentioned in the preamble. Was not the clause to be amended to make it clear which Act was meant by the words "said Act"?

The ATTORNEY-GENERAL said that if the clause was not clear enough to suit the hon. gentleman's ideas of perspicuity, he would move the insertion of the word "last-mentioned" between "said" and "Act."

Amendment put and passed.

Mr. SCOTT said the Bill appeared to be retrospective. How would it affect those people who had paid money under the former Act? Would they have a claim against the Government for obtaining, as it were, money under false pretences?

The ATTORNEY-GENERAL said that whatever moneys had been collected under the Probate Act had been legally collected; but by virtue of the clause they would be returned to the persons from whom they had been collected.

The HON. SIR T. McILWRAITH asked how much money had been collected under the Act?

The ATTORNEY-GENERAL: Very nearly £100. That was only during the last month. The fact that money was payable under the Probate Act was brought under the notice of the judges, who directed that the fees should be collected and placed in a suspense account.

The HON. SIR T. McILWRAITH asked whether the payment of the money extended over the last eighteen years?

The ATTORNEY-GENERAL: No.

The HON. SIR T. McILWRAITH asked whether the persons who paid under the Probate Act of 1867 also paid under the Stamp Act?

The ATTORNEY-GENERAL said they did. Until a month ago persons paid only under the Stamp Act; but when the error in the Probate Act was discovered the judges directed that the fees under that Act should be collected in addition to those under the Stamp Act. Those fees would, by virtue of the clause, be returned to the persons from whom they had been received.

Mr. ARCHER said he thought they might go a step further now, and amend the Probate Act so as to enable people to take out probate in the case of small sums of money. He knew of sums of £15 to £20 lying in the bank now because people would not go to the expense of taking out probate.

The ATTORNEY-GENERAL said he had not heard any complaint as to the sums to be paid under the Stamp Act being excessive; but he knew that there were persons to whom small sums had been left who did not think it worth while to incur the legal expense—instructing solicitors, and so forth—connected with taking out probate.

Mr. CHUBB said that provision for such cases was made in the Intestacy Act.

Clause, as amended, put and passed.

Preamble put and passed.

The House resumed, and the CHAIRMAN reported the Bill with an amendment. The report was adopted, and the third reading of the Bill made an Order of the Day for to-morrow.

LICENSING BILL—COMMITTEE.

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

On clause 34, as follows:—

"Any person who desires to obtain a license, or the renewal, or transfer, or removal of a license, authorising him to sell wine made from grapes the produce of the colony, shall, at least twenty-one days before he applies to the licensing authority, deliver to the clerk of petty sessions a notice in writing, signed by him, and in the case of a transfer by the proposed transferee, and as nearly as may be in such one of the second, third, fourth, or sixth forms in the fourth schedule to this Act as is applicable thereto, and shall, except in the case of an application for a renewal of a license, publish such notice in the same manner as hereinbefore prescribed in the case of applications for licensed victuallers' licenses.

"Applications for wine-sellers' licenses may be made to the licensing authority at any quarterly or monthly meeting."

The HON. SIR T. McILWRAITH said a point arose in the clause, and he would like to know whether it had received the consideration of the Premier—namely, that a wine-seller's license was for wine the produce of the colony. In the Victorian Licensing Act, the wine-seller's license was for the sale of wine the produce of the colonies; it did not matter in which of the Australian colonies it was produced, it was colonial wine. They might well meet the other colonies in that way, because they would lose nothing by it, as the wine that would be sold under such a license would have to pay duty. He did not think it was a proper thing to confine the sale of wine under a wine license to the wine of this colony. They all knew the Victorian wines were better than their own, and the license for selling should be extended to them. He did not know the law in New South Wales on the subject, but in Victoria the wine-seller's license included all the colonial wines.

The PREMIER said he was glad the hon. gentleman had called attention to the matter. He had himself intended to invite the attention of the Committee to it. It had received the attention of the Government, and he believed the amendment desirable; but there was this difficulty: How were they to distinguish the colonial wines from all other wines?

The HON. SIR T. McILWRAITH: From English wines?

The PREMIER said there was that difficulty. If they wanted to convict a man for selling wines he was not authorised to sell by his license: the difficulty of proof would be almost insurmountable. That was the difficulty he saw in the way.

The HON. SIR T. McILWRAITH said that was no difficulty. Of course the object of the wine licenses was to introduce a trade in low-priced wines. The prices paid for colonial wine bore no comparison with the prices paid for foreign wines. No man would dream of selling high-priced foreign wines under a wine-seller's license, as the difference in price would be a sufficient means of

detection. The wines were, besides, very distinct, as anyone who was in the habit of tasting them could tell.

The PREMIER said an amendment occurred to him which would remove that difficulty, which was to authorise those persons to sell "wine" simply. He did not think that high-priced wines would be sold under such a license. He was disposed to think that was the best way to meet the difficulty, and it would not interfere with the revenue in any way. He therefore proposed to omit the words "made from grapes, the produce of the colony," in the 2nd and 3rd lines of the clause.

Amendment agreed to.

The PREMIER moved the omission of the words "or monthly" in the last line of the clause.

The HON. SIR T. MCILWRAITH said that while they were on the subject of licenses generally, the Premier would perhaps tell them what the Government proposed to do with respect to the application made by the oyster saloon keepers for licenses? Did the Government consider it desirable to grant licenses to the keepers of oyster saloons?

The PREMIER: They do not see their way to do it.

Mr. BEATTIE said he was sorry to hear the Premier say that. The fact was those men would sell, and it was much better to grant them licenses, and thus have their places under supervision. It would require only a very few clauses to effect the alteration of the law, and permit the oyster saloon keepers to sell beer, say under a £5 or £10 license, and thus bring their places under supervision. It was much better to do that than to allow them to go on as they had been going on for a great many years, as every now and then one of the oyster saloon keepers was brought up for selling beer without a license. It was far better to license them and secure a supervision over their places of business, which they had not at the present time.

The PREMIER said he did not see why they should draw such a distinction between the sellers of oysters and the sellers of any other food. Why should a beer license be confined to the vendors of a particular kind of food? They knew that food of that kind and beer or porter went particularly well together, but that was not a sufficient reason. There would be no difficulty in making the change if it was thought desirable, but he did not consider it was desirable. Beer and porter could be sent out for, and he believed they were sent out for by oyster saloon keepers.

Mr. ARCHER said that, like the hon. member for Fortitude Valley, he was very sorry that the Government did not see their way to include an oyster saloon license in the Bill. If they would adopt a provision of that kind it would give them some control over the oyster saloons. Many people enjoyed oysters with porter—he himself did—and he thought the keepers of oyster saloons would not object to pay for a license. As the Premier had said, there was a difficulty in the way of granting a license to oyster saloons; but he (Mr. Archer) thought they should allow oyster saloon keepers to sell beer and porter for the convenience of their customers.

Mr. BEATTIE said he would point out that there was nothing new in the suggestion, because it was adopted in other countries. It was adopted in England.

The PREMIER: A beer license?

Mr. BEATTIE: Yes; a beer license. He did not know what was the law in Scotland now, but he remembered that in his younger days the pie-shops in that country were allowed to sell porter, and that the places were under the supervision of the authorities. It was a bad system under which a man had to send out for porter, and he thought it would be much more satisfactory to the authorities and certainly much more satisfactory to the oyster saloon keepers if provision was made for granting beer licenses to oyster saloons. There was a large number of respectable men engaged in that business, and they were desirous that they should be able to obtain a license. Hon. members knew that at the present time a great many of those men committed breaches of the law every day, but if they were licensed there would be no excuse for such proceedings.

Mr. MACFARLANE said he thought it would be more consistent for hon. members who went in for licenses for oyster saloons to go in for freetrade at once in the matter. Why should a license be granted to an oyster saloon any more than to a cook-shop, a lolly-shop, or to a fruit-shop?

Mr. ARCHER: People do not drink porter with fruit.

Mr. MACFARLANE said he did not see why a license should be given to oyster saloon keepers particularly. Why did not the publicans keep oysters and then people could get porter and oysters together? That would be better than granting licenses to oyster saloons.

Mr. BAILEY said the hon. member forgot that porter and oysters went very well together. The Premier himself would remember that he was a young man once. He (Mr. Bailey) remembered that in his young days oysters and porter were considered the proper things to finish up the night with, and he saw no reasons why the oyster saloon keepers should be forced for the sake of their customers to break the law. It was a very bad policy to force men to become law-breakers. A license fee of £5 or £10 a year would be readily paid by those men, and by granting them a license the public would be accommodated and they themselves relieved from the necessity of breaking the law. They could get a wine license, but wine and oysters did not go very well together. He believed that oysters and porter were the correct thing. He hoped the Premier would remember that he was once young and that they had still young men among them who liked their oyster suppers.

Mr. BROOKES said he could not agree with the suggestion that licenses should be granted to oyster saloon keepers. If that was done they might as well provide that licenses should be granted to every luncheon-room in the town. The hon. member for Wide Bay had spoken of the time when he was a young man, but it struck him that that was a very long time ago.

Mr. BAILEY: You are not young now.

Mr. BROOKES: No. As for the argument with reference to oysters and porter going well together, that was nonsense; and as for the temptation to the keepers of oyster saloons to break the law, that had no foundation in fact. He thought the Committee had better be very careful, and keep the thing clear and distinct, or they would be getting into difficulties. He certainly could see no reason why oyster saloons had any more claim for a license than a great many other places that could be mentioned; nor was their claim as good as some others, because oysters and porter were generally taken at a late hour of the night when people had had more than enough—of porter, at any rate. He thought they had better leave the matter as it stood.

Mr. NORTON said he believed that oysters and porter were a weakness of many customers at oyster saloons, and it was not always

convenient to send out to get a bottle of porter or ale as required. It would be remembered that a man named Baxter at Sandgate was prosecuted and fined not very long ago for selling porter on his premises, and they all knew perfectly well that they could not prevent oyster saloon keepers occasionally selling a bottle of beer or porter—which was, after all, a very harmless thing to do—but yet, if found out, those men were likely to be fined. It was not really the oyster saloon keeper who suffered so much as his customer. He (Mr. Norton) did not care for porter himself, but he knew most people did, and took porter with their oysters, and those people considered it a grievance that they were not able to get it. It was well known that a great number of people went down to Sandgate on a Saturday. Many of them wished to get oysters and porter, but they could not do so without going half-a-mile from the oyster saloon for their porter. When hon. members knew that beer and porter were sold in oyster saloons now, he did not see why they should not grant a license. He certainly failed to see that it would cause any harm.

Mr. ARCHER said the arguments seemed to be simply that the Premier was virtuous and therefore there should be no more cakes and ale. He thought that the majority of the Committee would see the advantage of granting licenses to oyster saloon keepers. It would lead to less drinking, and would be altogether an improvement. He thought the Premier would find a majority of that opinion even on his own side.

The PREMIER said hon. members did not seem to have given the matter very full consideration. Was a license to be given to a man on condition that he sold oysters? If so, how many was he to sell? If he kept a dozen oysters in his saloon was that to entitle him to sell beer in any quantity? The step between allowing a man to sell porter with oysters and allowing him to sell it in unlimited quantities was very great. They could not insist that a saloon-keeper should not sell beer or porter except to a man who took oysters, for they would have to specify the number of oysters, and then they could not compel the man to eat them. The whole thing resolved itself into the question whether it was desirable to grant beer and porter licenses; oysters had nothing to do with it. It had been tried in England, and some people believed in it; it had never been tried here, and he did not think it was advisable.

Mr. SCOTT said he thought the principal argument in favour of beer licenses was that people who got refreshments at those unlicensed places in the colony would have the beer somehow or other: if they could not get it legitimately they would get it illegitimately. It would be very much better if those places were under surveillance, rather than that they should be kept open as at present with the pretence of getting beer from the public-houses, which was frequently only a pretence. There was more harm done in unlicensed than in licensed houses, for there was no one to see that they were kept straight, and no one had the right to interfere. People might get as drunk as they liked on beer brought from a public-house in the next street. There was a great deal to be said in favour of beer licenses; though he would not confine them to oyster saloons.

Mr. PALMER asked if the Sunday closing provisions applied to holders of wine-sellers' licenses?

The PREMIER: Yes.

Mr. PALMER: What about the specifications of the houses?

The PREMIER said there was nothing about that. The houses were simply shops; the licensees had not to provide any accommodation.

Mr. NORTON said he did not see that beer licenses would do any more harm than wine licenses. Of course there were some difficulties in connection with the question, but the greatest difficulty was that if the licenses were not granted people could do without.

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

On clause 35, as follows:—

"1. Certificates for packet licenses, or the renewal or transfer thereof, may be granted at any time to the master of any steamer or sailing vessel carrying passengers, or plying within any port or harbour, or on any river in Queensland, or making passages and conveying passengers from and to any ports or places within the colony and its dependencies, or from any port or place within the colony and its dependencies to any other port or place; and such master shall thereby be authorised to sell liquor to any passenger on board, during any actual passage of such vessel, or within half-an-hour before its departure from any such port or place, but at no other time.

"2. Applications for packet licenses or the renewal or transfer of packet licenses shall be made, if in respect of a vessel plying to or within the port of Brisbane, to the police magistrate or any two licensing justices having jurisdiction within the city of Brisbane; and in other cases, to the police magistrate or any two licensing justices having jurisdiction in any town or place of usual arrival or departure of the vessel in respect of which the application is made.

"3. Every application for a packet license, or the renewal of a packet license, shall be made as nearly as may be in the seventh form in the fourth schedule to this Act; and every application for the transfer of a packet license shall be made as nearly as may be in the eighth form in the same schedule.

"4. A transfer of a packet license shall be made by an endorsement upon the license, and in such form as the justices authorising the transfer may think fit.

"5. Nothing herein contained shall be taken to prevent the justices from refusing any application for a packet license, or for the renewal or transfer thereof, if they think fit so to do, or from requiring the report of the inspector before granting any such application."

Mr. FERGUSON said he wished to know whether the half-hour before the departure of a vessel was to be reckoned from the advertised time of departure or the real time? A vessel was sometimes delayed for hours, and the master might get into trouble through serving liquor outside half-an-hour of the advertised time of departure, if the vessel happened to be delayed.

The PREMIER said it would not be advisable to alter the clause so as to make it refer to the advertised time, otherwise the master of a vessel might advertise the vessel to start at 10 when it was intended to start at 11 so that he would be able to commence selling drink at half-past 9. He thought the time advertised was usually that at which it was intended to start.

Mr. SCOTT said that steamboats frequently called at intermediate ports and stayed a day or two days. Could the passengers get refreshments during that time, or only within half-an-hour before leaving the wharf?

The PREMIER said that if he took his passage to any port, and the vessel stayed at an intermediate port, so far as he was concerned she was on her passage all the time, even whilst she was alongside the wharf.

Mr. BEATTIE said that if a steamer from Sydney stopped at any of the ports, such as Gladstone or Maryborough, no drink was allowed to be sold on board.

Mr. SHERIDAN said that through passengers had never been refused to be supplied with drink on board; the prohibition only applied to persons coming on board while the vessel lay at the

wharf. It was very necessary that persons who were not passengers should not be allowed to act as though they were in a public-house.

Mr. NORTON said the hon. member for Fortitude Valley was labouring under a mistake. If a steamer carried through passengers to Rockhampton, they could get whatever they required on board, even though she should stop a whole day at Maryborough. Of course, people coming on board at Maryborough would not be served.

Mr. BEATTIE said that might be the case with vessels running from Brisbane, but not to vessels running north from Sydney. On reaching a port their spirits were sealed up, and could not be reopened until they again left the wharf.

Mr. SHERIDAN said it was true that vessels trading between Sydney and Queensland ports had their spirits sealed up on arrival at the different stopping places, but sufficient was always left out for the use of the passengers, and no more.

Mr. BLACK said it was all very well for hon. members to talk about the theory of the thing, but he knew what the practice was. There was never any trouble in getting whatever one required on board a steamer. Let them clearly understand what they were doing. He saw no reason why, if the license fee was made sufficiently high, they should not be allowed considerable latitude; and he was certain that a clause of that kind would not prevent passengers by steamers, when calling at ports, from getting whatever they required in the shape of refreshments; and in the event of their friends coming to see them off they would get it too. He was sorry the Premier had not seen his way to accept the amendment giving a beer license to oyster saloons. It was a perfectly reasonable thing to indulge in porter with oysters, and it encouraged people to drink the less harmful of two beverages. At the same time it would bring in a revenue to the Treasurer, which he was sure he would be in want of before very long. However, that clause was passed. The clause under discussion seemed somewhat contradictory. The Premier said that if he took a passage from here to Townsville, and the steamer called in at Maryborough, he should consider himself all the time as being on his passage; but the clause distinctly provided that liquor should only be sold on board during the actual passage, or within half-an-hour of the vessel's departure from a port. He (Mr. Black) should infer from that, that if a steamer called in at Maryborough the steamer had no right to supply even the passengers on board with drink, however long their stay, until within half-an-hour of departure.

Mr. MOREHEAD said he should like to know from the hon. member for Maryborough what amount of liquor per head was left out by the Customs officer for the use of passengers on arriving at a port? The hon. member had informed the Committee that a sufficient amount was left out for the use of the passengers, and no more. How was the amount arrived at? Did the officer take into consideration the number of blue-ribbon adherents, and also the number of two-bottle and three-bottle men, in coming to a conclusion as to the exact quantity to be left out? The hon. member, having been for so many years a Customs officer, would perhaps be good enough to explain how it was done?

Mr. SHERIDAN said the quantity was arrived at in accordance with the number of passengers on board.

Mr. MOREHEAD said it would be interesting to know how much was allowed for each passenger.

Mr. SHERIDAN said that as he did not know the drinking capacity of each passenger he could not answer the question.

Mr. MOREHEAD said the hon. member had landed himself on the horns of a dilemma. He had stated that drink was left out at a certain ratio per head of the passengers on board, and now he told the Committee that as he did not know the drinking capacity of the passengers he could not say how much per head was left out. He expected that would be the result of his cross-questioning. It was often seen, when those very wise men came to be cross-examined, that they were not so very wise after all.

Mr. MACFARLANE said it was evident from the clause that the license was granted to be used only during the actual passage of the vessel. The packet license was only £5, while the publican on shore had to pay £30; and it would be unfair to allow the £5 licensee to compete on equal terms with the £30 licensee. True, it was only for half-an-hour, but the principle was bad. The best way to amend the clause would be to make it read, "half-an-hour after the time of departure." That would suit much better. On the 13th line it said, "within half-an-hour before." Would it not be much better to say, "half-an-hour after"? That would prevent the steamboats from coming into competition with the publicans.

The HON. J. M. MACROSSAN said that passengers certainly would not be able to get liquor at the ports the steamer called at except within half-an-hour of the vessel's leaving, as, according to the clause, the vessel would not be upon its actual passage. It said that liquor could only be sold at any port or place half-an-hour before the vessel left; so that, if she remained 24 hours at Maryborough or Rockhampton, for 23½ hours the steward would be debarred from selling liquor to the passengers.

The PREMIER said he did not see that the clause meant that at all. If he engaged a passage from Brisbane to Cooktown, was he not a passenger all the time he was on board? The clause provided that liquor might be sold during the actual passage of the vessel. It did not say she must be actually underweigh. The passage was from Brisbane to Cooktown, or to Rockhampton, as the case might be.

Mr. MOREHEAD said that if such were the intention, why not say so? There was a limitation there of the rights of passengers.

The PREMIER: No.

Mr. MOREHEAD said that if the English language meant anything the clause meant that if a vessel were going from Brisbane to Townsville the passengers would not get anything to drink on board until half-an-hour before she left any port she might call at. It was evident that that was the intention of the clause.

Mr. FERGUSON said he knew of cases where the stewards had refused to supply passengers with liquor at Rockhampton, because they were afraid of being pulled up for it. It should be made clear that passengers should be allowed to have what they wanted on board the vessel from the beginning to the end of the journey. The passengers' friends could come on board and get spirits if the steward thought there was no danger of being pulled up.

The PREMIER said he could not add anything to what he had already said. The steward was allowed to sell liquor at any time while the ship was on her voyage, from the port of departure to the port of destination. The master of a ship could not be compelled to sell liquor to passengers. He remembered one

captain who used to lock up the bar on the ship while in port, and he remonstrated with him for so doing. The present law was very uncertain. There was no definition at all of what a packet license authorised, but he thought the present clause was perfectly clear.

The HON. J. M. MACROSSAN said the hon. gentleman was mistaken. If he intended passengers going from Brisbane to Townsville or Cooktown to get liquor during the whole of the passage, irrespective of what ports the vessel might call at, the course seemed to be clear enough. If, as the hon. member for Balonne said, the English language meant anything, the clause meant that no passenger on a vessel going from port to port should get any liquor at any such port until within half-an-hour of sailing.

The PREMIER: I do not see that at all.

The HON. J. M. MACROSSAN said it was strange that he could see it, and hon. gentlemen on his side could see it. It would be much better if the hon. gentleman would do what he said he meant—make the clause so clear that there should be no mistake about it.

Mr. MOREHEAD said he would not object to see packet license fees raised and let the holders have freetrade while in port. There was no doubt there was more money made by the sale of liquor on board ships than on shore, because there was no duty to be paid. Therefore, he thought they might make a considerable increase in packet licenses, and give the holders the same rights as any other holders of licenses. That would be the easiest solution of the difficulty. They could afford to pay much more than they did at present.

Mr. SHERIDAN said that every vessel trading between ports in Queensland had to pay duty upon its stock of liquor. No liquors were sold except what had paid duty. It was only vessels trading from one of the other colonies and along the coast of Queensland that could sell spirits in bond.

Mr. SCOTT said the clause provided "within half-an-hour before its departure from any such port or place." A port did not necessarily mean a wharf. A vessel at Port Alma or Keppel Bay was in port, although the latter place was forty miles from Rockhampton. If the meaning that some hon. gentlemen attached to the clause held good, stewards would be prohibited from selling liquor in Keppel Bay or in Moreton Bay. The clause said "port," not "wharf."

The PREMIER said he would be very glad to make the clause more clear if he could understand where the indistinctness came in. The passage of the vessel was the time occupied in going from the port of departure to the port of destination. During the period she might be at anchor, or alongside a wharf—or on a reef, as the hon. member for Balonne suggested—or doing lots of things—she was still on her passage. If she were aground she was still on her passage. He did not know any better words than "during the actual passage." The word "actual" might be omitted if hon. gentlemen desired it. He could not see how to make it any clearer. The first condition was that liquor must be sold to a passenger, and then that it must not be sold to a passenger except during a passage or within half-an-hour previous to the departure of the vessel in which he became a passenger. They might make the subsection extend to half-a-page by adding commentaries illustrating how it should work. A ship leaving Brisbane might call at several ports on the road; persons embarking at Brisbane should be considered passengers during the whole period of the passage until the arrival of the ship at her destination. They might go on and make several long sentences, but after all it would come back to the provision in the clause that liquor might be sold to passengers during the voyage of the ship. All the explanations in the world would not make it more clear. If the hon. gentleman objected to the word "actual," they might strike it out and leave it "during any passage of such vessel."

The HON. J. M. MACROSSAN said the provision seemed to him to be useless. So far as his experience had gone he had never been on board a vessel where he could not get all the liquors he wanted at any time—from starting, or even long before starting—until he got to his destination. They had heard it stated by the hon. member for Fortitude Valley, and confirmed by the hon. member for Maryborough, that prosecutions had taken place in Maryborough for selling grog in that port, and in order to prevent unnecessary and unjust proceedings of that kind they should make the clause as clear as possible.

Mr. MOREHEAD said the clause as it stood was contradictory and inconsequent. The words "to sell liquor to any passenger on board during the actual passage of the vessel" had been defined by the Premier very clearly. A passenger was a person who started from one port to go to another; and no matter how often he might be detained, he would be a passenger and be entitled to purchase liquor. But then came in the words "or within half-an-hour before its departure from any such port or place." That was utterly inconsequent. It should be made to apply to persons other than passengers, because the hon gentleman had shown that the intention was to prevent the selling of liquor to persons who were not passengers. Some words ought to be inserted to make that perfectly clear.

The PREMIER said, strictly speaking, a man was not a passenger until the vessel started, but it was intended that he should have the quality of a passenger half-an-hour before actual departure—that was to say, that the passage commenced for him half-an-hour before the vessel left the wharf. Unless some restriction were imposed a man might take a passage a day or two before a vessel started, and be able to go on board and drink. The clause provided that liquor might be sold to a passenger while the ship was on the passage or half-an-hour before she started. He did not see how anything could be clearer than that.

Mr. MOREHEAD said the hon. gentleman had told them that a ship was always on her passage until she arrived at her destination.

The PREMIER: She must start as well as arrive.

Mr. MOREHEAD said he assumed that she had started, and supposing that she came into Brisbane as a port of call and stopped twenty-four hours, according to the hon. gentleman, a person who started from Sydney for Townsville or any other port would be legally entitled to get drink on board; but how did the latter portion of the 1st subsection—"or within half-an-hour before its departure"—come in? That was what he wanted to get at. Were the public to be allowed to get drink on board during that half-hour? He would ask the hon. gentleman when a person did become a passenger? Say he was starting from Brisbane, would he be a passenger three-quarters of an hour before the departure of the vessel? He (Mr. Morehead) took it that he did not become a passenger until the vessel had absolutely left. Therefore the words "within half-an-hour before its departure" did not apply to passengers at all, and was evidently intended to prevent

other persons being supplied with liquor. He therefore thought the words "to other persons" ought to be inserted after "or."

The PREMIER said it would be highly objectionable to make every passenger ship an hotel or wine-shop half-an-hour before it started. He could not see what the hon. gentleman wanted to secure. If the object sought would be attained by omitting the words "its departure from any such port or place" and inserting "the commencement of the passage," he should be glad to make the substitution. He would therefore move that amendment.

Mr. MOREHEAD said the simplest way would be to leave out all the words after "vessel" in the 13th line.

Mr. MACFARLANE said the clause was perfectly clear to his view. The point that had been raised was as to stewards supplying liquor. Supposing a vessel left Brisbane, a passenger who left by her could get liquor on board half-an-hour before she started and all through the voyage. It was the same with regard to the other ports, but a passenger who had taken his passage at, say, Maryborough, and went on board five or six hours before the vessel started would not be entitled to the same right in that respect as the passenger who had left Brisbane. Consequently, the steward would supply the passenger from Brisbane, but he dare not supply the passenger from Maryborough until half-an-hour before starting.

Mr. MOREHEAD said he did not quite catch the hon. the Premier's amendment, and did not know whether it would come before or after the one he intended to move.

The PREMIER : After.

Mr. MOREHEAD : Then he should move his amendment first. It was to omit all the words after "vessel," in line 13, to the end of the 1st subsection. He thought that would be a simple solution of the difficulty. It was not likely that passengers would take friends on board and fill them with intoxicating liquors; but at the same time it would prohibit the sale of liquor, under packet licenses, to persons other than passengers of ships.

The PREMIER said it would be inconvenient for the hon. member to move his amendment in that form, because it would be impossible for him (the Premier) to move any amendment afterwards. The hon. member might move instead, that all the words after "or within half-an-hour before," to the end of the 1st subsection, be omitted.

Mr. MOREHEAD said he had no intention of hampering the Premier, and would alter his amendment as suggested.

The HON. J. M. MACROSSAN said he thought the Premier's amendment would entirely meet the case.

Question—That all the words after "or within half-an-hour before," be omitted—put.

The PREMIER said the hon. member for Balonne would see that the effect of his amendment would be to make it unlawful for any liquor to be sold before the departure of a vessel.

Mr. MOREHEAD : That is the law now.

The PREMIER said it might be the law, but it was not the practice; and as the law stood at present it was difficult to say what a packet license was. Taking into consideration the admitted custom of people in parting with each other, to have a parting glass together, he saw no harm in the clause as it stood. He had often taken a parting glass himself; and that was the custom, particularly when people were going on a long voyage. He saw no harm in the custom, and thought it would be a pity to prohibit it.

Mr. MOREHEAD could not follow the Premier. There was nothing to prevent a passenger asking his friends on board, buying four glasses of grog, and giving three away and keeping one to himself. The same remarks would apply to a club in which a stranger could not buy liquor, but a member could take liquor for a friend into the strangers' room. He did not, therefore, see how his amendment would prevent a parting glass being given or taken, for the drink would be paid for by the passenger who bought it, and who, as he understood, was generally the host on these occasions. If the departing passenger was not the host he ought to be, and as he could order liquor he could give what he did not want himself to his friends.

The PREMIER said the hon. member failed to see that the clause, if altered as he proposed, would make it impossible for the master of a ship to sell liquor to any passenger except during the actual passage. A ship was not on her actual passage until she started on her voyage.

Mr. MOREHEAD said the Premier was arguing all round the matter. Not long ago he said that a ship might be on her passage when lying at anchor.

The PREMIER said the point was whether liquor should be sold before the passage began.

Mr. MOREHEAD said the Premier seemed to be regularly on the horns of a dilemma. There would be no difficulty at all if the amendment he (Mr. Morehead) had suggested was passed.

The PREMIER said he only wanted the hon. member to see what his proposition was—that it was, in effect, that it should not be lawful to sell liquor on board a ship until she started away from the wharf. He did not say that such was the proposition the hon. member intended to make, but that would be the effect of the amendment before the Committee.

Mr. BEATTIE said one of the clauses in the old Act was that no vessel should be allowed to sell liquor at all alongside a wharf. The present Bill gave them half-an-hour to allow passengers and their friends to take a parting glass.

The HON. J. M. MACROSSAN said liquor had always been sold when alongside the wharves.

Mr. BEATTIE said he was aware of that, but he also knew that the offenders had been very often caught at it, and he thought some alteration of the law was desirable.

The HON. J. M. MACROSSAN said he saw the difficulty pointed out by the Premier. He certainly would not like to do anything to prevent a passenger from taking a parting glass with the friends who might be seeing him off. He also thought that the hon. member for Balonne was mistaken when he said that the departing friend on those occasions was always the host. Those who saw the passenger off were generally the hosts; and that being the case, if the clause was amended as proposed by the hon. member for Balonne, passengers and friends would not be able to have a parting glass on board at all. He thought they had better accept the amendment proposed by the Premier himself.

Mr. SALKELD asked if the words "within half-an-hour before its departure" meant half-an-hour before the advertised time of sailing, or of the actual time of starting?

The PREMIER said they meant half-an-hour before the advertised time of sailing.

Mr. MACFARLANE said he desired to ask the Premier a question: Supposing Brisbane was made a local option district, and the half-hour was allowed to packets as proposed in the clause, how would the thing work?

The PREMIER said that in that case packets at the wharves might not be allowed to sell at all.

Mr. MACFARLANE said the clause in that case should be altered so as to harmonise with the local option part of the Bill.

Mr. MOREHEAD said, after the remarks of the hon. member for Ipswich, he would certainly withdraw his amendment. He could now see the point raised by the Premier. Still he thought the words "or within half-an-hour" were vague. According to the Premier's own statement, he wished that the clause should be applied to persons other than passengers.

The PREMIER: No.

Mr. MOREHEAD said that if the Premier wished the passengers to be the hosts there would be no necessity for the words "or within half-an-hour," because if a passenger had the right to purchase liquor during the time he was a passenger——

The PREMIER said the words were "during any actual passage."

Mr. MOREHEAD said that, at all events, after what had fallen from the hon. member for Ipswich, he would certainly withdraw his amendment, for he had no idea of rendering assistance to any anti-barmaid member.

Mr. WAKEFIELD said he thought the views of the hon. member for Balonne would be met by adding a few words at the end of the clause which, in the case of a steamer leaving Brisbane for northern ports and calling for twenty-four hours, say, at Maryborough, would enable the passengers to purchase liquor on board, but not the public of Maryborough.

Mr. SHERIDAN said the Committee ought to know at what time the half-hour was to be calculated from. They saw steamers advertised to start sometimes at 12 o'clock, and they often did not go until 6, 7, 8, or 9 o'clock.

The PREMIER said it was perfectly useless to attempt to define what the hon. member referred to, and they might just as well give up the attempt at once. A vessel might be advertised to sail at a specified time, in perfect good faith, but some accident might happen. The only other way to meet the difficulty would be to say that no liquor should be sold unless the vessel was away from the wharf. The question had been considered on two previous occasions, and the phraseology of the clause as it stood was the law at the present time.

Mr. DONALDSON said it appeared to him that there was a general desire that there should be no restriction upon the supply of liquor to passengers on board. He presumed that a passenger should have the liberty of paying for a drink for his friend; then why restrict him to the half-hour? He would suggest that all the words after the word "board" be omitted, so as to allow passengers to have the privilege of taking their friends on board. There could be no objection to that.

The PREMIER said the suggestion of the hon. member would be unworkable. Suppose he took his passage on the "Merkara" for the return trip before she arrived from England, was that vessel to be allowed to be an hotel for himself and his friends all the time she was in port? It was a sufficient indulgence to allow passengers the right of getting liquor on board at all without giving them such an additional privilege.

Amendment put and passed.

The HON. J. M. MACROSSAN said he would like to ask the Premier a question with regard to what fell from the hon. member for Maryborough. He stated that in the case of vessels trading from Sydney to Queensland no duty was payable on liquor put on board for the supply of passengers. Would the same apply to vessels from Sydney on their way to Cooktown? They knew there was a regular line of steamers between Sydney and Cooktown, and what he wanted to know was, would they be allowed to sell their liquor in the port of Brisbane without having paid duty?

The PREMIER said he supposed they would.

The HON. J. M. MACROSSAN: It is very unfair.

The PREMIER said it was unfair, and the matter had been brought under the notice of the Government by the Government of New South Wales. They called attention to the fact, but there was no remedy unless the law was altered. There used to be some reason in such an arrangement when it took a much longer time than it did in the present day to trade between certain ports, but he did not think such a thing should be allowed in the case of short voyages. The Government had the matter under their consideration.

Clause, as amended, put and passed.

Clauses 36, 37, and 38 passed as printed.

On clause 39, as follows:—

"1. Applications for temporary licenses to retail liquor, or to keep billiard tables or bagatelle tables, in a special district, may be heard by any police magistrate, or any two or more justices sitting in petty sessions in the district: and, subject to any regulations that may be in force with reference to the district, it shall be in the absolute discretion of the licensing authority to grant or refuse a certificate upon any such application.

"2. Such certificate if granted shall be as nearly as may be in the sixth form in the seventh schedule to this Act, and shall not be transferable or renewable, or be for a longer period than six months

"3. Subject to this Act and to any such regulations, the holder of such certificate may exercise all the privileges, and shall be liable to all the penalties and obligations, which may be exercised or incurred by the holder of an ordinary license of the same kind under this Act.

"4. If the holder of the certificate desires to obtain a license at the end of the term specified in the certificate, he must apply to the licensing authority in like manner, and under like conditions, as if he were an unlicensed person."

Mr. MACFARLANE said he had an amendment to propose at the end of the 1st paragraph of the clause, the object of which was to limit the number of licenses that might be granted in a special district. Hon. members were aware that in certain portions of the colony, such as on goldfields or in parts of the country where railway construction was being carried on, such a number of special licenses were usually granted that the public-houses had almost become a nuisance. He thought if his amendment were carried it would be better for the men who were at work in the district, for the publican, and for the whole colony. They all knew the amount of drinking that was carried on in such places as he mentioned, especially among the navvies; and the amendment he proposed would meet that evil. He proposed to add, at the end of the 1st paragraph, the following proviso:—

Provided that no greater number of certificates shall be issued than in the proportion of one for every two hundred of the estimated population of the district.

He hoped the amendment would meet the views of members of the Committee, because it would very much improve the Bill.

The PREMIER said that the district where such licenses were issued might be thickly populated and small in area, or it might be a large

district with a scattered population. In the case of a place like the Woolgar, 200 people might be spread over a considerable area of country. One public-house might be insufficient for a population of 200 in such a case, or two public-houses for 400 people; and in other cases one public-house for every 200 persons might be too many. If the population was scattered the limit might cause inconvenience; and he thought any attempt to fix an arbitrary rule as to the number of public-houses in proportion to the population would be found not to work.

Question—That the words proposed to be inserted be so inserted—put, and the Committee divided:—

AYES, 17.

Messrs. Black, Brookes, Aland, Mellor, Isambert, White, Buckland, McMaster, Wakefield, Kates, Sheridan, Donaldson, Salkeld, Beattie, Macfarlane, Grimes, and Higson.

NOES, 22.

Sir T. McIlwraith, Messrs. Archer, Norton, Chubb, Dickson, Macrossan, Griffith, Dutton, Moreton, Stevens, Annear, Ferguson, Palmer, Smyth, Foote, Bailey, Lissner, Lumley Hill, Miles, Kellett, Rutledge, and Morehead.

Question resolved in the negative.

Clause passed as printed.

On clause 40, as follows:—

"Subject to this Act, objections may be made to the granting, renewal, removal, or transfer of any license, certificate, or permission under this Act, either personally or by petition to the licensing authority competent to grant the same respectively. Such objections may be made by—

(*a*) The local authority of the municipality or division in which the premises sought to be licensed are situated;

(*b*) Any six or more ratepayers rated in respect of property situated within the distance of half-a-mile from the premises in respect of which the license is applied for, if they are situated in a municipality, or within the distance of three miles from such premises if they are situated elsewhere;

(*c*) Any other applicant for a similar license or person holding a similar license in respect of premises situated within half-a-mile from the premises in respect of which the license is applied for, if they are situated in a municipality, or within three miles from such premises if they are situated elsewhere;

(*d*) An inspector; and

(*e*) In the case of a proposed removal, the owner of the premises from which it is proposed that the license should be removed."

Mr. NORTON said that according to paragraph (*b*) objection might be made by "any six or more ratepayers." Why should not any one ratepayer be allowed to object? He could see no force in the clause as it stood. In the Victorian Bill every man had the right to object.

The PREMIER said he had no objection to the suggested amendment. They could make it "any ratepayer." He moved that the words "six or more ratepayers" be omitted with a view of inserting the word "ratepayer."

Amendment agreed to.

Mr. DONALDSON said he objected to the distances set down in the clause. In a municipality it was only right that persons in the immediate neighbourhood of an hotel should have the right to object. It was unfair that people living half-a-mile from a hotel should have the right of objecting to a license being granted, while people in the immediate neighbourhood might have no objection to its being granted. Half-a-mile was too great a distance in the case of a municipality. He objected to the distance mentioned with respect to the country districts on the ground that it was not far enough. It was quite possible that in the country a public-house might be situated five or six miles from any residence, and yet there might be great objection to a license being granted for it. He thought there was serious objection to the clause in that respect. In one case, people too far away were allowed to object, and in the other, persons within a reasonable distance would be prevented from objecting.

The PREMIER said some rule must be laid down, and any rule laid down must be an arbitrary one. The hon. member considered half-a-mile too far away.

Mr. DONALDSON: In a municipality.

The PREMIER: Take the case of Maryborough—half-a-mile would not be at all far there. But here again it was a mile from where he lived, for instance, to the nearest public-house; and if anyone wished to put a public-house between it would be considered very unreasonable at the present time. Other municipalities were much more scattered than that. He did not think half-a-mile too far at all.

Mr. DONALDSON: With regard to country districts?

The PREMIER said that in the case of country districts it might be necessary at times to increase the distance beyond three miles.

Mr. DONALDSON said his objection was that three miles was not sufficient in the country. There might not be anyone living within three miles from the place where it was proposed to erect a public-house, but at the same time it might be thought very undesirable that a public-house should be erected in that place, and, according to the clause, any person who lived more than three miles away would not have the right to object. He thought the distance should be increased in the case of the country. It might very well be extended to ten miles in the country districts.

Mr. PALMER asked if the Colonial Secretary would inform them if the lessee of a run had the right to object to any licensee erecting a public-house on any part of his country?

The PREMIER: Yes.

Mr. PALMER asked whether he could object and carry his objection out by prohibiting the building of a public-house on any part of his run?

The PREMIER said he understood the hon. gentleman to ask whether a lessee could prevent a publican from putting a house on his leased land. Of course he could. As to the distance within which a person had the right to object to the granting of a license, it of course might be arbitrary, and it would probably be better to have it five miles in the country districts than three.

Mr. DONALDSON: Make it ten.

The PREMIER said he did not think they should allow any unreasonable objection to be made. It might be very unreasonable for a person to lodge an objection to the granting of a license to a public-house which was ten miles away from where he lived.

The HON. J. M. MACROSSAN: Why should not anybody object?

The HON. SIR T. McILWRAITH: Why put in any distance at all?

The PREMIER said some distance must be mentioned; because it would not do to allow a mere stranger to lodge an objection. If something of the kind were not inserted, a person who was not interested in the matter at all might lodge an objection. It was only persons who were interested in the granting of a license who should have the right to object.

The HON. SIR T. McILWRAITH said he did not see why there should be any limit at all. He knew a case where there was no one within fifty

miles of a publican. Under that provision nobody could object to the granting of a license to that publican.

The PREMIER said that in a case like that the local authority or inspector could object, and he had no doubt that the licensing justices would do their duty, whether there was any objection or not; but surely there was somebody who was a ratepayer within the prescribed distance who could object.

Mr. GRIMES asked if the distance was to be measured by the ordinary road?

The PREMIER: Yes.

Mr. GRIMES said that it would be much better to provide that the distance should be within a radius of half-a-mile or five miles, as the case might be, because a person residing within a very short distance of a public-house might live on a back allotment within a radius of half-a-mile, but not within half-a-mile by the ordinary road.

The PREMIER said the reason the measurement was by the road ordinarily travelled was because it was difficult to prove the radius. The Acts Shortening Act passed some years ago provided that distance in an Act of Parliament should be taken to mean by the road ordinarily used in travelling. As to the three miles, he had no objection to make it five miles. That clause he remembered was very much discussed on a previous occasion, when three miles was accepted as a sort of compromise by the Committee. But he thought five would be better, and moved that the word "three" in subsection (*b*) be omitted, with the view of inserting the word "five."

Amendment put and passed.

The PREMIER said he thought the next paragraph should be left out, as the preceding subsection covered the whole case. He moved that subsection (*c*) be omitted.

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

On clause 41, as follows:—

"Any one or more of the following objections may be taken to the granting of a licensed victualler's or wine-seller's license, that is to say:—

(1) That the applicant is a person of drunken or dissolute habits or immoral character, or is otherwise unfit to hold a license;
(2) That a license held by him has, within twelve months preceding the time when the application is made, been forfeited or cancelled;
(3) That premises held by him under a licensed victualler's or wine-seller's or publican's license have been the resort of prostitutes, or of persons under the surveillance of the police;
(4) That the applicant has been convicted of an offence against this Act or any of the said repealed Acts within twelve months preceding the time when the application is made;
(5) That the reasonable requirements of the neighbourhood do not justify the granting of the license applied for;
(6) That the premises in respect of which the license is applied for are in the immediate vicinity of a place of public worship, hospital, or school;
(7) That the conditions prescribed by this Act or any of them have not been complied with by the applicant either personally or with regard to the premises in respect of which the license is applied for."

Mr. NORTON said he thought the time mentioned in subsection 4 should be extended. At present it provided that an objection might be made to the granting of a license to a person who had been convicted of any offence against the Act or any of the repealed Acts within twelve months preceding the time when the application was made. It might happen in some cases that the offence was a very serious one, and he therefore thought it was desirable that the time within which the objection could be made should be extended.

The PREMIER said it was hard to lay down a line, because the offences under the Act differed so much. The 1st subsection—"that the applicant is a person of drunken or dissolute habits or immoral character, or is otherwise unfit to hold a license"—would apply to a man who had been convicted of a serious offence some time before. But perhaps they might extend the time to two years; and he would move that the words "twelve months" be omitted with a view of inserting the words "two years."

Mr. CHUBB asked whether the objection in subsection 2 was limited to publicans' licenses or applied to wine-sellers' licenses also?

The PREMIER said it applied to both cases, and he thought it was a good thing to refuse licenses on the ground of misconduct.

Mr. SMYTH said he thought it was almost a mistake to alter the time in subsection 4. There was a provision in the fifth part of the Bill in reference to selling liquor without a license. If the time were not extended some persons who sold liquor without a license might be induced to take out a license; but if the time was fixed at two years it was quite possible that liquor would be sold by unlicensed persons, and they all knew that that meant selling the greatest rubbish they could possibly get. He thought it would be a mistake to increase the time; it would be better to reduce it to six months.

The PREMIER said he was inclined to think it would be better to leave the clause as it stood.

Amendment withdrawn.

The HON. J. M. MACROSSAN said it would be as well to accept the amendment of the hon. member for Gympie, and make the time six months.

The PREMIER: No.

Clause put and passed.

On clause 42, as follows:—

"Any one or more of the following objections may be taken to the renewal of a licensed victualler's or wine-seller's license, that is to say:—

The first, second, third, fourth, fifth, and seventh in the list in the last preceding section."

Mr. NORTON asked why the sixth was not to apply?

The PREMIER said the question had been very much discussed on a previous occasion, when it was pointed out that the place of public worship, hospital, or school might have been erected after the public-house was licensed. It seemed, on the whole, fairer to leave it as it stood.

Clause put and passed.

Clauses 43 to 46 passed as printed.

Clause 47, as follows:—

"No objector shall be heard against an application for a licensed victualler's or wine-seller's license, or for the renewal or transfer or removal of a licensed victualler's or wine-seller's license, unless notice of such objection has been given to the clerk of petty sessions and to the applicant at least seven clear days before the time appointed for the hearing of the application to which such notice applies.

"Provided that no licensing authority shall be precluded from entertaining any objection which may arise during the hearing of an application, but the applicant shall then be entitled to an adjournment for such time, not less than three days, as the licensing authority thinks fit."

—was verbally amended on the motion of the PREMIER.

Mr. CHUBB moved the substitution of "seven" for "three" in the last paragraph. A person was to be allowed seven days' notice of an objection; but if an objection were sprung

upon him during the hearing there was a minimum of three days. He might require just as much time to answer an objection sprung upon him as one made with deliberation.

The PREMIER said it might be very inconvenient to the applicant himself to be compelled to take an adjournment of seven days.

Amendment negatived; and clause, as amended, put and passed.

Clause 48—"Grounds of refusal to be stated publicly"—passed as printed.

On clause 49, as follows:—

"When an application is refused on the seventh ground of objection specified in the aforesaid list of objections, the applicant may appeal to the nearest district court upon giving notice forthwith to the licensing authority, and the inspector, and the objector (if any), of his intention so to do. Such appeal shall be heard at the next practicable sitting of the court, and the court shall have power, if the objection is disproved (the burden whereof shall be on the appellant), to grant a certificate, which shall be of the same effect as if it had been granted by the licensing authority."

Mr. GRIMES said the clause only gave an applicant the right of appeal. Why should not the same right be granted also to the objectors if they thought they had not been dealt fairly by? If the right of appeal was given to one party it ought also to be given to the other.

Mr. SMYTH said the man whose license had been refused would have suffered more than the parties objecting to the granting of a license. The refusal might cost him thousands of pounds, whereas the objectors could in no case lose anything.

The PREMIER said the appeal was only in respect of questions of law, not of matters of fact. It was not intended by the Bill that there should be any appeal as to matters of fact, such as the character of the applicant or the quality of his house. That would be very inconvenient indeed. But when the justices decided against an applicant on some technical matter an appeal was given. That was the only kind of appeal proposed to be given.

Clause put and passed.

Clause 50—"Renewal of application when primarily refused"—was passed, with an amendment, proposed by Mr. NORTON, making the term twelve months instead of six months, as printed, during which it shall not be competent for any person whose application for a license, or for the renewal or transfer of a license, has been refused on the ground of his personal unfitness, misconduct, or incapacity, to renew such application.

Clauses 51 and 52 passed as printed.

On clause 53, as follows:—

"The fees payable for licenses for a year shall be—

For a licensed victualler's license, or renewal of a licensed victualler's license, in respect of premises situated within a town or municipality, or within a distance of five miles from the boundaries thereof, thirty pounds;

For a licensed victualler's license, or renewal of a licensed victualler's license, in respect of premises situated at a distance of more than five miles from the boundaries of a town or municipality, fifteen pounds;

For a second bar or counter, over which liquor is sold under a licensed victualler's license, ten pounds;

For a wine-seller's license, or renewal of a wine-seller's license, five pounds;

For a packet license or renewal of a packet license, five pounds;

For a billiard license or renewal of a billiard license, ten pounds for each table;

For a bagatelle license or renewal of a bagatelle license, five pounds for each table;

For a temporary licensed victualler's or wine-seller's license for a special district, fifteen pounds;

For any temporary billiard license for a special district, five pounds for each table;

For any temporary bagatelle license for a special district, two pounds for each table.

"When any license, other than a temporary license for a special district, is issued for a less period than one year, a proportionate amount only of the yearly license fee chargeable on the particular kind of license granted shall be payable by the licensee."

The PREMIER said he proposed to increase the fee for a wine-seller's license after the amendment in the clause relating to them, and he moved that the word "five" be omitted, with the view of inserting the word "ten."

Amendment put and agreed to.

Mr. BLACK said he would point out that whereas temporary licenses were only half the amount of the full license in the case of licensed victuallers and keepers of billiard and bagatelle tables, a temporary wine license was £15 as against £10 for a permanent license. Why not make the temporary wine license one-half of the permanent license, or £5 instead of £15? He saw no reason why it should be actually more.

The PREMIER said the temporary licenses only related to special districts, and only lasted for six months. Under the circumstances, he did not think the licenses should be any cheaper, as there would not be much difference between a shanty where wine was sold and a shanty where brandy was sold, and the same license fee was desirable. With regard to packet licenses, that was a very difficult matter to regulate. In some cases £5 was quite enough, and in others a great deal too little. At the same time, it was difficult to fix upon a proper sliding scale.

Mr. MACFARLANE said he had a word to say regarding packet licenses, which were fixed at £5. Wine-sellers had to pay £10, and surely packet licenses ought to be as much, or even more. The wine-seller could only sell one kind of liquor, whilst the packet license covered all kinds, from the softest to the hardest that were drunk. Therefore, he thought that to increase the latter to £10 or £15 would be no great hardship. The amount could be regulated by tonnage or some other system; but certainly £5 was too little for a packet license. He would propose that the amount be increased by £5.

The PREMIER said he had tried to see his way to adjust the matter many times; but there were always difficulties in the way of making any rule. He was disposed to suggest that it should be £5 for every 100 tons of the registered tonnage of the vessel, and not to exceed £20 as a maximum.

Mr. NORTON: Is not a vessel registered to carry a particular number of passengers?

The PREMIER said all steamers were registered to carry a certain number of passengers, but it would be very hard to decide by that. Take the case of a small steamer like the "President": she probably carried 150 passengers, which was more than many sea-going vessels carried. Tonnage seemed to be the best guide. Very few vessels trading here were over 500 tons registered tonnage. If any hon. gentlemen could suggest a better way of doing it he should be glad to hear it.

Mr. SHERIDAN said there were two kinds of vessels licensed by the Marine Board—sea-going vessels and vessels trading within the port. He thought it would be fair and reasonable to charge the small boats, such as those trading to Southport, Redcliffe, and Humpy Bong, the smaller license of £5, and make sea-going vessels that traded on the coast and outside the colony pay a higher license.

The PREMIER said that would be scarcely fair, because sea-going vessels varied very much. The "Culgoa" and the "Kalara" were sea-going vessels, but they did not carry many

passengers, while the steamers running inside the port carried large numbers. If they adopted a differential rate it should be according to tonnage.

Mr. BEATTIE said he hoped there would be no differential license fees charged upon those vessels. Sea-going vessels were not always full of passengers, and if they were going to charge £20 for a vessel supplying her passengers with refreshments during a voyage it would be a very heavy tax. There was no analogy between that and a license on shore, where trade was so much greater. It seemed to him that £5 would meet all the expenses the Government were put to so far as packet licenses were concerned; and if they increased the license upon small vessels running in Moreton Bay the result would probably be that they would not take out licenses at all, because it would not pay them.

The PREMIER: No harm.

Mr. BEATTIE: It might be no harm; but although those vessels might not go very heavily into the sale of spirits there were a good many people who drank what was called "soft stuff," and they generally supplied their passengers with that. He thought it would be a mistake to increase the license for sea-going vessels from £5 to £20—making the maximum £20. He did not see any justification for such a license in the case of vessels that traded between Brisbane, Rockhampton, Townsville, and Cooktown. Seeing that vessels that traded south had to pay a license there as well he thought the amount proposed was a very fair tax upon them. It was very well known that at the present time, and for many years past, there had not been such an immense lot of profit made from the working of those vessels, and they could not afford to pay a license at every port they went to. Some time ago, in order to encourage traders on the Queensland coast, it was thought desirable to do away with light dues and other port charges on those vessels; but, now, on the other hand, they were going to charge excessive packet licenses, which would be a great tax upon them. Take, for instance, the A.S.N. Company. They had perhaps ten or twelve boats running on our coast, and if they were to be mulcted in the heavy license fee suggested it would run into something like £250 a year, in addition to which they had to pay a packet license in New South Wales. He thought £5 a year was a very fair license to charge those vessels.

Mr. FOOTE said £5 was too small for vessels trading on the Queensland coast; £10 would be a more reasonable sum. £5 would no doubt be sufficient for small boats that did not go out to sea. With regard to vessels that went south, he had noticed, whenever he went there, that they did a very good trade, and charged very good prices, and he thought they could well afford to pay a higher license fee than was set down in the clause. The hon. member for Fortitude Valley had stated that they had to pay a license in New South Wales as well, and he would like to know what that license was. He believed it was something more than £5. He thought £10 was a very reasonable license, and one that no person could complain of. He therefore moved that the word "five" be omitted with the view of inserting "ten."

The PREMIER said if a change was to be made he thought it would be better to have a differential duty, and if £5 for every 100 tons was considered too much they could make it £5 for every 200 tons. That would be £10 for every ship over 200 tons register, £15 for over 400 tons, and £20 for over 600 tons.

Mr. SHERIDAN said that the maximum of £10 for sea-going vessels and £5 for every vessel trading within the port would, he thought, be quite sufficient. That would meet the case in every way.

Mr. DONALDSON said it must be borne in mind that small vessels trading about our ports had to pay duty upon the spirits they sold, but vessels coming from Sydney or other colonial ports had to pay no duty at all, consequently they could afford to pay much higher licenses than they did at the present time. He thought the proposal of a maximum of £20 was a reasonable one.

The HON. SIR T. MCILWRAITH said he believed in the suggestion made by the Premier relative to differential fees, for £5 as a general fee was too small. There was, however, another question referred to by the hon. member for Warrego which should be cleared up. He understood that all the sea-going vessels which had their terminus at Brisbane had to pay duty on the wines and spirits sold on board of them, whilst vessels which went on to Sydney got their spirits in bond either in Sydney or here; and although the liquor was consumed on board of them as they steamed along the coast no duty was paid on it whatever. The Government might inquire into that question outside the license fee altogether. Why should they tax their own coasters for the liquor consumed on board of them whilst other sea-going vessels, simply because they went farther south than Queensland, were allowed to have the whole of the profit derivable from the liquor consumed on them? He was surprised when he heard the Premier state the position of the law at the present time, and to learn that whilst all the spirits consumed on a passage between Brisbane and a foreign port such as Sydney, were of course duty-free, Queensland coasting vessels had to pay duty on all liquor consumed on them. That was certainly a point which ought to be cleared up before going any further in fixing the license fees.

Mr. PALMER said there was not the slightest doubt that a general packet license fee of £5 would not press equally upon all steamers trading on the Queensland coast, whether they were intercolonial or not. The differences in the steamers, in the number of passengers they could carry and in their tonnage, all suggested that some differential fees should be levied. Referring to the Licensing Act of New South Wales, he found that it provided that the packet license charges should be as follows:—Class 1, passenger vessels of or above 1,000 tons registered tonnage, £15; class 2, passenger vessels of less than 1,000 tons and more than 250 tons registered tonnage, £10; and class 3, passenger vessels of less than 250 tons registered tonnage, £3. It would be thus seen that the principle of differential fees was recognised in the neighbouring colony, and that the packet licenses there were in proportion to the passenger accommodation or the likelihood of passenger accommodation in the steamers trading in the colony. He thought the same thing could be very well carried out here.

The PREMIER said he had already mentioned that the Government of New South Wales had lately called their attention to the unfairness of the present law, which enabled certain vessels to sell liquor without the payment of customs duty, and that an alteration of the law had been suggested. But, apart from that altogether, he thought that differential license fees might be fairly charged, and that probably the best way to deal with the matter would be, by adding, at the end of the 15th line, the words—"for every two hundred tons, or part of two hundred tons, of the registered tonnage of the vessel, but not exceeding twenty pounds."

Mr. FOOTE, with the leave of the Committee, withdrew his amendment.

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

Mr. NORTON said that if they made differential license fees for packets, he saw no reason why they should not have differential fees for hotels. It appeared to him that if they did so in the one case they should do so in the other. If packets were charged for the accommodation they contained, so also should hotels.

The PREMIER: The time for that has not yet arrived.

Mr. NORTON said he did not see why the time had not arrived for it in Queensland. It was done in Victoria.

Amendment put and passed.

Mr. BLACK said he wished to draw attention to the proposed increase on temporary wine-sellers' license fees. It seemed to him that it was very unfair to fix that fee so very high as £15. Moreover it was only for six months, and therefore at the rate of £30 a year. When an ordinary wine-seller's license in any district was only £10 for a whole year, why should a wine-seller's license for a special district be at the rate of £30? He had understood that one object of the Bill was to encourage the consumption of liquors which were as little intoxicating as possible. There ought to be an inducement to wine-sellers to sell their wines in preference to spirituous liquors. And yet they were actually imposing a fee of £30 a year for a wine-seller's license in a special district. That impost was sufficient to debar anyone from attempting to take out a wine-seller's license for a special district.

The PREMIER said he did not know that it would make much difference if no licenses were aken out. He did not think that many temporary licenses would be taken out. If men wished to take out temporary wine licenses he did not see why they should not do so, but he did not think it was desirable to make any difference in the fee. The license would be purely a temporary one, and he did not think the proposed fee too high.

The HON. SIR T. MCILWRAITH asked what remedy the Premier proposed for the difficulty into which they were placed just now, —namely, that all vessels coming from the other colonies and doing a local trade on our coast obtained their spirits and wines duty-free, whilst our own coasters had to pay duty? He did not understand the difficulty in the law, and in fact he did not know until that night that such a state of things existed. It certainly ought to be wiped away, because there was no reason whatever for it.

The PREMIER said he had pointed out while the hon. member was out of the Chamber that the only remedy to be found was by altering the Customs Act. The regulation existed under that Act.

Mr. BEATTIE said it used to be the case that vessels arriving here from Sydney or other southern ports had their dutiable goods sealed up when they arrived here; that was, they were permitted to use spirits and other dutiable goods bought in Sydney until they came to the end of their voyage in Brisbane; but in passing the Customs Act the system had been altered.

Clause, as amended, put and passed.

On clause 54, as follows:—

"If an applicant for a licensed victualler's or wine-seller's license dies after giving notice of application for the license, and before the day appointed for the hearing thereof, the licensing authority may hear such application on behalf of his widow, and grant to her a certificate for a license, in like manner as if she had been the original applicant.

"In such case it shall be stated on the face of the certificate that it was so granted in consequence of such death."

Mr. NORTON said he would like to ask if the present licenses terminated at the end of the year?

The PREMIER: In June.

Mr. NORTON asked how the present licenses would be affected by the new Act? The Act was to come into force on the 1st of January, but the present licenses ought to run on until the termination.

The PREMIER said clause 3 provided that existing rights in the lapse of licenses were not to be affected by the new Act.

Clause put and passed.

Clauses 55 and 56 passed as printed.

On clause 57, as follows:—

"In the event of the marriage of any female licensee the license held by her shall confer upon her husband the same privileges, and shall impose upon him the same duties, obligations, and liabilities, as if such license had been granted to him originally, unless he is disqualified from holding a license under this Act or unless he, within thirty days after the celebration of the marriage, by writing under his hand, addressed to the licensing authority of the district wherein the licensed premises are situated, disclaims the transmission herein provided for; and in either of such cases the license shall become and be void."

Mr. NORTON said he understood the Premier to say the other night that the Bill would not prevent a married woman holding a license, but the clause seemed to indicate that when a woman held a license and when she married the license went to her husband. If that was the case how could a married woman hold a license?

The PREMIER: This clause does not touch the subject at all.

Mr. NORTON said it did, because it said that no married woman could hold a license.

The PREMIER said the clause only provided for the case that when a single woman or a widow held a license and got married certain consequences would follow. The Act was silent regarding married women holding licenses, and he thought it just as well to leave it silent.

Clause put and passed.

Clause 58 passed as printed.

On clause 59, as follows:—

"The Colonial Treasurer shall, during the month of January in each year, cause to be published in the *Gazette* a list of all licenses issued under this Act during the preceding twelve months, specifying the nature of the licenses, the names of the licensees, and the designation and localities of the premises licensed in each district or special district.

"And the Registrar-General or other person charged with compiling the statistics of the colony shall take notice of such list in the statistical return for each year, as to the number and description of licenses granted in each district throughout the year."

Mr. DONALDSON asked how the different police districts would know whether a man had paid his license or not? In New South Wales he had heard of a man keeping open a public-house for three years, and it was not discovered that he had no license until he tried to transfer his interest.

The PREMIER said the *Gazette* was sent to every police office in the colony.

Clause put and passed.

On clause 60, as follows:—

"Nothing in this Act shall, unless expressly herein otherwise declared, apply to any person who—

(*a*) Sells any spirituous or distilled perfume *bonâ fide* as perfumery; or

(*b*) Sells wine, cider, or perry, made by him from grapes, apples, pears, or other fruit, the growth of the colony, and not to be drunk on the premises; or

(*c*) Sells liquor in a refreshment-room at the Houses of Parliament by the permission or under the control of Parliament; or

(*d*) Sells liquor in any military canteen lawfully established; or

(*e*) Sells liquor in any premises *bonâ fide* occupied as a club; provided that such liquor is so sold only to members of such club and their guests; or

(*f*) Being an apothecary, chemist, or druggist, administers or sells any spirits as medicine, or for medicinal or chemical purposes; or

(*g*) Being a licensed brewer, or distiller, or wholesale dealer in wine, spirits, or beer, imports liquor and sells the same before it is landed, or while it is under the control of the Customs; or

(*h*) Being duly registered as a spirit merchant disposes of liquor in quantities of not less than two gallons, and not delivered in quantities of less than two gallons at one time; or

(*i*) Being a licensed auctioneer sells liquor by auction in quantities of not less than two gallons at one time on behalf of some person who is himself authorised to sell the same liquor; or

(*j*) Being a licensed auctioneer sells by auction by order of the trustee of the property of an insolvent person, or of a person whose affairs are liquidated by arrangement, liquid forming part of the property of such person, or sells by auction, by order of the Curator of Intestate Estates, liquor forming part of the property of an estate in course of administration by the Curator."

Mr. MACFARLANE said the clause provided for military canteens; but there were no soldiers in the colony, and he thought the volunteers would be far better without canteens, which would come into competition with the public-houses. He intended to stand up for the public-houses on that question. They had to pay a large license fee; and even if canteens were required in the old country, they were not required in the colony. He moved that paragraph (*d*) be omitted.

The PREMIER said the object of the provision was, where there were military barracks, as there was now here, to remove from the men the temptation of going to public-houses, and it was a provision which had always been found desirable in such places. The canteen was an institution under the direct control of the Government, and it would be absurd to provide that a license fee should be paid by the Government to the Government.

Mr. MACFARLANE said that where there was a canteen temptation was brought to the men; but where there was no canteen they had to go outside and look for temptation. On that ground the paragraph ought to be omitted.

Mr. BAILEY said there was a canteen in every military barracks in England.

Mr. MACFARLANE: No.

Mr. BAILEY said there was always a canteen for the use of the soldiers, to prevent them from going about the public-houses, and, more than that, to provide them with good liquor, because the canteen was under the direct supervision of the authorities. The provision was one of the best in the Bill.

Mr. PALMER said that paragraph (*b*), relating to the sale of wine, cider, or perry, might be omitted, in view of the fact that the same words were omitted further back in the Bill. Another reason for the omission of the paragraph was the large quantity of fruit imported into the colony.

The PREMIER said he did not know that it was desirable that people should be allowed to go into the business of cider-making without paying a license. Cider could be made from apples imported into the colony, but people could not make wine from grapes unless they were grown in the colony. The clause related to agriculturists who made liquor from their own fruit grown in the colony.

Mr. NORTON said he did not see why mead should not be included. There was a great deal of honey produced in the colony.

Mr. GRIMES said he understood that in a former part of the Bill provision was made for wine-sellers' licenses, but now he saw they were to be excepted.

The PREMIER: The wine is not to be drunk on the premises.

Mr. GRIMES said the clause would open the door to a good deal of abuse. There were numbers of small growers in the colony who managed to sell about twenty times as much wine as they made. There were wine-growers within ten miles of Brisbane owning areas of grapes to the extent of one quarter of an acre, from which sufficient wine was supposed to be made to supply fifty customers every day during the whole year.

Mr. ALAND: On Sunday too?

Mr. GRIMES said the number of customers was double on Sunday. He thought the clause required amendment, and would suggest that the wine should not be sold in less quantities than two gallons at a time. No respectable wine-grower would object to that. If the clause was not amended it would be abused by small wine-growers in the neighbourhood of towns, who got up amusements to induce people to go out to the country on Sundays, and sold the supposed product of a quarter of an acre of grapes. And it was to be remembered that there was no control over those wine-growers, so that it would be very easy for them to have a bowling alley near the house, and sell the wine to be drunk just outside the premises.

The PREMIER said that, as far as selling liquor on Sunday was concerned, the 75th clause would be made to apply to the makers of wine. As to the other point raised by the hon. member, he doubted whether it was worth while to make any provision as to the quantity sold, as long as it was taken away.

Mr. FOOTE said he was afraid the clause would be liable to abuse. They had already passed a clause stating that wine-growers should be licensed, and now it was proposed to make an exception in the case of persons selling wine, cider, or perry, made by themselves and drunk on the premises. A person might stand a yard away from the premises and be supplied. A man might stand outside a fence and be served over it, and he could not be said to be on the premises in such a case. He did not think that persons making cider, perry, and other drinks from fruits should not be allowed to do so, whether they were drunk on the premises or not, because there was not a large amount of alcohol in them. He moved that the word "wine," in the 1st line of the clause, be omitted. He intended also to move the omission of the word "grapes" at the end of the 1st line. That, he thought, would meet the case.

The CHAIRMAN: I will point out to the hon. member that Mr. Macfarlane's amendment subsequent to that is before the Committee.

Mr. MACFARLANE: With the permission of the Committee, I will withdraw my amendment until this is disposed of.

Amendment, by leave, withdrawn.

Mr. FOOTE moved the omission of the word "wine" in the 1st line of subsection (*b*).

The PREMIER said he had intended to deal with that in clauses 105 and 106, referring to the sale of colonial wine,

Mr. NORTON said that if the hon. member's amendment was carried they might as well strike out the whole of the subsection, as there was no cider or perry made in the colony.

HONOURABLE MEMBERS : Yes, there is.

Mr. FOOTE : There is pine-apple wine and cider made.

Amendment agreed to.

Mr. FOOTE moved the omission of the word "grapes" in the 1st line of the subsection.

Amendment agreed to.

Mr. LUMLEY HILL said he might as well bring subsection (*c*) before the Committee, and let them say whether it would not be desirable to eliminate that subsection—

"Sells liquor in a refreshment-room at the Houses of Parliament, by the permission or under the control of Parliament."

He did not see why they should not begin at home and eliminate that. He merely wished to take the opinion of the Committee upon it. He could not say he was strongly in favour of its being omitted himself, but he would like to learn how hon. members felt upon it.

The PREMIER said he hoped the hon. member would not raise any question about that. He did not suppose the hon. member seriously desired to do so ; and as they had still so much very serious work to do in connection with the Bill, he hoped no question would be raised about that.

Mr. MACFARLANE moved that subsection (*d*) be omitted. As to the remarks made by the hon. member for Cook about the omission of the previous subsection, he thought the Committee was doing very well indeed, and he should scarcely have the confidence to move such an amendment as that, nor did he think he would be able to carry it. The amendments he introduced into the Bill were because he thought they would have a beneficial effect, and he thought it would be beneficial that their volunteers or soldiers should not have a canteen provided in their midst.

The PREMIER said he hoped, for the reasons given, that the subsection would be retained. It was entirely in the interests of sobriety that it should be retained. They could not alter human nature ; they could not insist that all men should be teetotallers ; and it was far better that they should be kept within bounds and not be allowed to go to public-houses, for that was where all the trouble arose. It was far better that a canteen should be provided, because the Government would have the whole thing under their control.

Mr. DONALDSON asked if he was to understand that the sale of the liquor in the canteen was entirely under the control of the Government ?

The PREMIER : Yes ; entirely under the control of the Government.

Mr. DONALDSON said he understood that the person retailing it made a living upon it.

HONOURABLE MEMBERS : Yes.

Mr. DONALDSON said if that was the case it would be to the interest of the keeper of the canteen to sell as much liquor as he could, and that being so they would only be putting temptation in the way of the men. He was at first inclined to vote against the amendment of the hon. member for Ipswich, but, with the understanding that the more liquor that was sold the greater the profit to the canteen-keeper, he thought it was desirable that the canteen should be done away with.

Mr. SHERIDAN said he was greatly surprised to find that a good-natured gentleman like the hon. member for Ipswich should pass over subsection (*c*) and prevent the poor soldier from getting a little Dutch courage when he might require it. He hoped the hon. member would withdraw his amendment.

Mr. CHUBB said he looked upon the clause as the less of two evils. It was well known that military authorities were by no means agreed upon the benefit of the canteen. Many eminent military men were opposed to it, but inasmuch as all soldiers were not teetotallers, and some of them would have a certain amount of liquor, the subsection provided the best way to give it to them. The method adopted generally was to grant permission to some respectable member of the force. A sergeant generally kept the canteen, and was usually a man of the best character in the regiment. He took very good care that the men did not get too much, and the officers looked after that also. As he had said, in his opinion it was the less of two evils, and for that reason he would support it.

Mr. MACFARLANE said he could not agree with the Premier that the subsection was in favour of temperance. He believed it would have a great tendency to tempt men, who would not otherwise be inclined to drink, to go to the canteen. If they threw temptation into the midst of a man's work—and he had not far to seek for it—they led him into temptation. If he had a mile or half-a-mile to go for it he might not look for it at all. He thought that instead of its being in favour of temperance it was just the reverse, and would be the means of making some of their volunteers rather fond of drink. He would therefore press the amendment.

Mr. BEATTIE said he would point out that in the sale of liquor they imposed certain restrictions on the publicans and provided that they should only keep their premises open during certain hours, but they did not know what would be the regulations for the management of military canteens. There was no doubt, as the hon. member for Bowen had said, that the canteen was generally given to one of the officers, but he did not know that that was any guarantee that it would be conducted properly. He had always been under the impression that the rules of canteens were that they should only be opened during certain hours of the day, but if they were to be opened continually from morning till night, like licensed houses, he should vote for the amendment, as he was of opinion that such an arrangement would be a serious injury to the comfort and welfare of the soldiers and volunteers. Their experience of some of the canteens at past reviews or encampments was not such as they would like to see repeated at those large military gatherings. He knew that the facilities for getting drink on those occasions were condemned by a large number of the volunteers themselves. It was his opinion that if it was intended to have a canteen at the barracks, where there were only forty or fifty men, that would not prevent the men going to public-houses ; and unless he was assured that there would be some strict regulations for the management of the canteen he would vote for the amendment.

Mr. HIGSON said he would certainly support the amendment moved by the hon. member for Ipswich. It was well known that in this colony some of the officers of the volunteers were wine and spirit merchants, and he did not think it was desirable that they should be entrusted with the management of canteens.

The PREMIER said he would ask what was the best supervision they could have for the sale of liquor at an encampment? Was it not by having the booth under the charge of an officer of the encampment? All possible precautions would

be taken in that case to see that it was properly conducted ; such precautions as could not be taken if the booth was under anybody else's control. That was a case that occurred here every year.

Mr. BEATTIE said that in that case they should adopt the plan adopted with sailors, and if the men required refreshment let it be served out by the Government, and let them not have a canteen so that they could go and purchase liquor when they chose. Let the men have two or three glasses a day, if thought necessary, and then they would not be running away to a public-house to get that Dutch courage, as it was termed by the hon. member for Maryborough, instead of attending to their duty.

Mr. GRIMES said there was another view of the matter. He thought he was correct in stating that the spirits consumed at the volunteer encampment were obtained duty-free.

The PREMIER : No.

Mr. GRIMES said he understood that was the case. However, he thought there was really no necessity for canteens to be opened at encampments. The men would no doubt be far better without them, and he was therefore inclined to support the amendment of the hon. member for Ipswich.

Mr. BAILEY said the system of canteens at home was something like this : The officers of the regiment, when they were in barracks, appointed a canteen keeper. He had to apply for the position and, he supposed, to compete with other men. When the canteen was open it was placed under very strict regulations, and the keeper was responsible for any drunkenness and for the quality of the liquor retailed. He believed that some of the officers were deputed to occasionally visit the canteen and see that it was properly conducted. It was under the strictest supervision. Was not that far better than to have the men running half-a-mile to a public-house, the officers not knowing when they would come back again ? He certainly hoped the amendment would not be carried.

The HON. SIR T. MCILWRAITH said he thought the debate had taken a wrong turn altogether. If the hon. member for Ipswich carried his amendment and subclause (*d*) was struck out the effect would not be that the military canteen would be abolished. It would simply be that it would have to pay a license the same as a public-house. If the hon. member wished to carry out his views he ought to devise some means by which the local option clauses should operate in the volunteer and defence forces as well as amongst the rest of the community ; he would not accomplish his object by the amendment before the Committee.

Mr. SHERIDAN said that at the various encampments a licensed victualler had got permission to open a booth, and for all the spirits and wine drunk there duty had been paid. That had been the practice up to the present time, but he knew that the Customs law provided for admitting wines and spirits duty-free to men and officers in Her Majesty's service. How that would effect the force he did not know, but hitherto the duty had been paid.

Question—That the words proposed to be omitted stand part of the clause—put.

The Committee divided :—

AYES, 23.

Sir T. McIlwraith, Messrs. Miles, Griffith, Dickson, Dutton, Moreton, Groom, Brookes, Black, Isambert, Chubb, Archer, Norton, Sheridan, Bailey, Lumley Hill, Stevens, Govett, Smyth, Stevenson, Ferguson, Palmer, and Rutledge.

NOES, 16.

Messrs. Buckland, McMaster, Jordan, Campbell, Foote, White, Wakefield, Beattie, Donaldson, Higson, Grimes, Mellor, Aland, Macfarlane, Midgley, and Salkeld.

Question resolved in the affirmative.

Mr. MACFARLANE moved the omission of subsection (*e*). It might be a difficult amendment to pass in that Committee, but he would remind hon. members that to the higher class clubs it would be a very small tax to pay the license fee, while it might be the means of preventing the formation of spurious clubs—drinking clubs got up by the working classes. That had had a very bad effect in England. Hon. members ought to look at the question with a view to securing the greatest good to the greatest number. The amendment would have a very good effect in keeping the people more in their own homes, and making them content with a rational kind of amusement ; instead of going, when the public-houses were closed, to find enjoyment in clubs started for the very purpose of providing the working classes and others with liquor. There was a great deal of liquor consumed in clubs.

Mr. BLACK : How do you know? Were you ever in one ?

Mr. MACFARLANE said he never was. The clubs ought to be licensed, because they entered into competition with the publicans who had to pay for a license. On the ground of fair play to the publicans the subsection ought to be omitted.

Mr. LUMLEY HILL said the hon. member had given the reason why the working men's clubs had been instituted. It was not to save the £30 license fee, but to enable the men to get drink on Sunday. A club here was a man's house—the place where he lived. There was no profit made from the liquor. He (Mr. Lumley Hill) had the misfortune to be a bachelor, and the club was the place where he lived—his home, in fact—when in town. Why should he, as a member of a club, pay a license to supply himself with liquor in his own house ? The hon. member for Ipswich could drink as much as he chose in his own house, but in doing so he did not come into competition with the publican outside ; nor did a club do so.

Mr. MACFARLANE : What about their guests ?

Mr. LUMLEY HILL said a member of a club had as much right to take a guest into his own house and give him a drink as the hon. member had. Doubtless the hon. member had done that before now.

Mr. MOREHEAD : No fear !

Mr. LUMLEY HILL said nothing would be gained by the elimination of the paragraph. He had never heard of any spurious club in the colony, and it would be quite time to deal with them when the occasion arose—when clubs established for the purpose of Sunday drinking eventuated in that part of the world.

The PREMIER said a club was a private institution where people drank their own wine. What the hon. member for Ipswich was evidently aiming at was to make clubs pay a license fee ; but the omission of the paragraph would simply have the effect of making it unlawful to sell liquor at clubs. The people living there would not be allowed to drink their own wine on their own premises.

Mr. FOOTE said he thought clubs stood very much in the position of a joint-stock company, although they might not carry on business with a view to profit. He could not see why a club, merely because it was a club, should be allowed to have a stock of spirits and dispense it among

themselves without paying a license fee for the privilege. There could be no doubt that clubs did, in some respects, compete with hotel-keepers, and it was only right and proper that they should be licensed, not so much for the purpose of police supervision as that they should pay something to the State for the privilege of selling liquors to the members and their guests. If a joint-stock company started to-morrow on a similar basis, the police would be quickly down upon them and seize all their liquor. He looked upon a club as a hotel; there was not much difference between them so far as he could see.

Mr. LUMLEY HILL: You could not get into one.

Mr. FOOTE said he never tried to get into one, and never intended to do. He was quite capable of doing without clubs; he did not believe in them. He had seen a great deal of mischief arise out of clubs, and had read of a great deal more. Clubs had broken the heart of many a wife. They could read enough about that every day in the papers in the library, and they could read enough about the influence of clubs on their members. Clubs outside looked very respectable, but members of them got very jolly inside of them sometimes, and required to be very carefully taken home and put to bed. He should be very sorry to be associated with any club; and he saw the necessity that there should be supervision over them, and that they should pay a license for the grog they sold. He should support the amendment.

Mr. MOREHEAD said he had heard of clubs breaking heads, and now they had the wife whose heart had been broken by a club. He understood the hon. member to say that many a wife had had her heart broken by a club.

Mr. FOOTE: By the result of these clubs.

Mr. MOREHEAD: The hon. member said that many a wife had had her heart broken by a club; but what that was done for he (Mr. Morehead) could not quite understand. He failed to see what it had to do with subsection (*e*). The hon. member seemed hardly to grasp the meaning of that subsection. A club, which he looked upon as such a deadly weapon to heads and hearts, was simply a company of individuals who preferred to drink their own liquor in their own house. There was nothing in that for the hon. member to get angry about, and no doubt, when he reconsidered the question, he would withdraw his support from the amendment. Perhaps even the hon. member himself might join a club, and then if he could not break a head he might break a heart.

Mr. MACFARLANE said he hoped hon. members would not lose sight of the object he had in view. If high-class clubs were allowed to sell drink to their members without paying a license fee for the privilege, what was to hinder the working people in every town and village in the colony from forming themselves into clubs, calling them their homes, and sit and drink there till all hours of the morning? The hon. member for Bundanba was not far wrong when he said that many members of those clubs had broken their wives' hearts by coming home from their clubs in a drunken state. But he was not reflecting upon the clubs in the colony so much as on the spurious drinking clubs in the old country, which were established after the passing of the Forbes-Mackenzie and other similar Acts. The same kind of clubs would be formed in Queensland when the prohibitory clauses were put in force, and he maintained that if the high-class clubs now in existence were made to pay a tax in the shape of a license fee it would be the means of preventing the formation of spurious clubs, which would bring great mischief on the colony. If hon. gentlemen would look at it in that light they would see that it would do no harm, and might do a great deal of good.

The PREMIER said he had pointed out to the hon. gentleman that the amendment he proposed would not have the effect he wished, but would render clubs unlawful. That was not what the hon. gentleman desired; he desired them to pay a license fee. Leaving the subsection out would simply make it unlawful to sell liquor in a club.

Mr. MACFARLANE said he thought the amendment would carry out his object. It would prevent clubs selling drinks; so they would have to take out licenses. That was just what he maintained. They ought to be licensed, and they would take out licenses if the present privilege were withdrawn.

The PREMIER said that if they were not allowed to sell liquor without licenses they would have to take out licenses, but they would then be liable to supervision. The whole of the provisions of the Bill relating to licenses were inapplicable to clubs. What the hon. gentleman wanted was that every club should pay a license fee.

Mr. SALKELD said he saw the force of the contention of the hon. Premier; but he did not think the object of his hon. colleague was to prohibit clubs from selling liquor. The difficulty could be got over by providing special licenses for clubs. The hon. junior member for Cook had informed them that he lived at a club, and, therefore, it was his home, and he could drink as much as he pleased there. The clause said that nothing in the Bill should apply to any premises *bonâ fide* occupied as a club, provided that such liquor was sold only to members of such club and their guests. But there were also a great number of persons residing in boarding houses, and why should not they be allowed the same privilege? The argument applied equally to them. Of course persons could take liquor to their own houses and drink it there; but they were not in the same position as a club. There was another view of the matter. There was a clause in the Bill providing that no liquor should be sold on Sundays: would clubs be allowed to sell liquor on Sundays?

The PREMIER: The Bill said that houses were not to be open for the sale of liquor on Sundays.

Mr. SALKELD said the effect of the clause would be, ultimately—not at present, perhaps—that other clubs would be proved to evade the Bill. It was well known that the members of the clubs now in the colony were generally wealthy men, and it would not be too much to ask, if they had the good of the community so much at heart—he appealed to members of clubs who were on that Committee—that they should pay a license fee. They might be the means of preventing a great deal of harm in future, possibly, in the way of other clubs being started for drinking purposes. £30 would be nothing to a large club. He understood that there would be an objection on the ground that taking out a license would constitute the club an hotel; but a clause could be framed to meet that case.

Mr. CHUBB said there could be no objection to making the club pay a license fee, except that the authorities would have power to control them. The mere payment of the fee would satisfy the hon. gentleman; but if they paid a license fee they would come under the provisions of the Bill. They would be public-houses and liable to inspection, and no longer clubs; they

would cease to exist altogether as clubs. If a special license were imposed they would have to be exempted from the provisions of the Bill. It was not the payment of the license fee, but the principle, that he objected to. The payment of the license fee was a very small matter; but it would place them on the footing of a public-house, and subject them to supervision.

Mr. LUMLEY HILL said the mere payment of £30 would be no obstacle at all to those clubs that were expected to crop up—those illicit, corrupt clubs! The hon. member for Ipswich had been talking about liquor being sold in clubs to guests. He must understand that liquor was never sold to any guests in a club. It was the property of the members.

Mr. SALKELD: I did not say it was sold.

Mr. LUMLEY HILL said the hon. gentleman gave them to understand that it was. He (Mr. Lumley Hill) could state, as a matter of fact, that liquor was never sold to guests. He had been in many of the clubs in Australia, and could say it was never sold to guests—it was given to them. No stranger was ever allowed to pay for anything in a club; the members paid for it, and it was their own property. The liquor was purchased by the members of the club, and they paid for it in proportion as they drank it. It was the very same as in a man's private house. A man went to a spirit merchant and ordered what he wanted, but he did not pay for it at the moment he bought it; perhaps he did not until he, or his friends, had drunk a good deal of it. He thought it would be absurd to place institutions of that sort, which had never done any harm so far as he had heard, on the same footing as public-houses.

Mr. HIGSON pointed out that whilst a license might not materially affect clubs already in existence, yet if a body of men proposed to start a new club and found that they had to pay £30 for a license they would think twice about it. It would be a heavy tax upon them.

The PREMIER said, seeing that the present system had been in operation for a great many years in all the colonies without any evils having arisen, he thought they might go on in the same way a little longer. When they found that any evil of the kind mentioned was likely to come into existence, they could take steps to check it. He thought it was scarcely worth while discussing the matter further, especially as there was a good deal of work yet to be done.

Mr. ARCHER said before the question was put he would like to explain with regard to clubs that on a certain occasion he was one of a small party who joined together and purchased wines, spirits, and everything they wanted for their own use, and it was understood that if anyone asked a friend to dinner and called for an extra bottle of wine that he should put his name down for it. They did not sell the liquor; it was their own property, and they each paid for it in proportion to the quantity consumed. It was just the same with a club. He had known the same thing done in lodgings or where several people had taken a house and furnished it and supplied themselves with everything they wanted. It was the same as a person keeping a private house and having his own liquor; and he (Mr. Archer) could not see why the outside public should object or grumble because members of clubs got their wants supplied with a little more comfort than they otherwise would. If individuals were not to be allowed to choose what they wanted for their own use it would be very hard indeed.

Mr. GRIMES said, whatever might have been the practice hitherto with regard to clubs, there was no doubt that the clause gave them the privilege of selling liquor to members and to their guests whatever their number might be.

Mr. FOOTE said he did not attempt to contend that clubs were illegal in any way. They were sanctioned throughout all the Australian colonies; but the object of those who supported the amendment was to prevent scores of clubs springing up in the city and suburbs of Brisbane and the other towns in the colony, and thus evading the Publicans Act. Joint-stock companies could start on just the same footing, and have just the same privileges. The property would be theirs; the liquor and everything else would be theirs; and they could have as many guests as they liked who would pay for what they got just as they pleased. He would ask if there was anything in the Bill to prevent fifty or one hundred of those clubs springing up in the towns of the colony, and thus evading the Publicans Act? He contended that there was nothing, and if the publicans were wise they would take advantage of the clause, and evade not only the supervision but also the license fee.

The PREMIER said the hon. member asked if there was anything in the Bill to prevent the clubs he referred to from springing up? It provided that the premises must be *bonâ fide* occupied as a club. He thought the suggestion of the hon. member would be found to be a very losing experiment. Self-interest would keep people from trying an experiment of that kind.

Mr. NORTON said he thought the hon. gentleman might put his mind quite at rest with regard to those clubs, seeing that the same system had been in force ever since Queensland had been a colony.

Mr. FOOTE: That does not prove it is right.

Mr. NORTON: It did not prove that it was right, but yet was it not a wonder that the drinking clubs which were now spoken of, and which the hon. gentleman so much objected to, had not sprung up before? Surely there had been plenty of time for a start to have been made in that direction; and why should the matter be now raised, simply because they were passing a new licensing Bill?

Mr. FOOTE: It is the right time.

Mr. NORTON said it might be the right time for objections to be made, but he thought the hon. gentleman was unreasonable in pressing the amendment. If hon. members would turn to paragraph (*f*) they would see that every chemist and druggist was to be allowed to sell spirits. That he believed was the law at the present time and always had been; but now that public-houses were to be shut up on Sundays, it would be quite possible for chemists and druggists to take advantage of that provision—they would have much better chance of selling liquor now than they had hitherto. Of course everybody knew that people often took spirits under medical advice, and it struck him that if a chemist wished to take advantage of the Act he might have a lot of customers on Sunday evenings, who would get as much spirits as they wanted in various forms without going to a public-house.

Mr. MACFARLANE said it did not require a prophet to foretell what would happen if the clubs referred to were allowed, as they had been doing, to sell liquor without a license. The hon. member for Port Curtis had stated that those clubs had been in existence from the foundation of the colony, and no others had been started; but they were now making a change in the law with respect to licenses all over the colony, and he could see as plainly as possible that if the clause were allowed to pass as it stood drinking clubs would start up in all directions. He thought it would

be better to deal with the matter now and put it on a straight footing, than to have a great deal of trouble hereafter; because he was perfectly certain that directly the local option clauses were passed working men's clubs would spring up, where they could drink until all hours of the night. By preventing that from taking place they would do good to themselves, and to the colony, and to those persons who would take advantage of those clubs. He should press his amendment to the vote.

Mr. BROOKES said he did not know whether the hon. member for Ipswich had much chance of carrying the amendment, but he thought it was high time that the general idea with regard to those clubs was dissipated. They were simply public-houses, and for mere purposes of revenue they ought to pay a special license. What a fiction it was to suppose that guests did not pay! If they did not pay somebody else did. Was anything ever given away in those clubs? And as for the injury done by those places, the hon. member for Ipswich was perfectly right. Those clubs were a nuisance. Many a man stopped in a club when he ought to go home. There were many other things connected with clubs which formed reasons why they should pay a special license. The senior member for Ipswich was on the main and most important parts of his argument perfectly right.

Question—That the words proposed to be omitted stand part of the clause—put; and the Committee divided:—

AYES, 23.

Sir T. McIlwraith, Messrs. Miles, Griffith, Rutledge, Dutton, Moreton, Groom, Black, Smyth, Chubb, Archer, Hamilton, Norton, Stevenson, Govett, Stevens, Bailey, Lumley Hill, Sheridan, Lissner, Ferguson, Palmer, and Dickson.

NOES, 15.

Messrs. Brookes, Isambert, Jordan, Campbell, Foote, White, Buckland, McMaster, Wakefield, Beattie, Higson, Midgley, Macfarlane, Salkeld, and Grimes.

Question resolved in the affirmative.

The PREMIER moved that the words "an apothecary, chemist, or druggist" be omitted with the view of inserting in lieu thereof "a registered pharmaceutical chemist."

Mr. FOOTE said he intended to move the omission of the subclause altogether. He did not think that an apothecary or chemist should tell spirits any more than any other member of the community, without a license. He had no desire to get up a discussion on the point. Yet he saw where a great deal of abuse might arise under the subclause, and he did not think it necessary that chemists should dispense spirits, because as good grog could be got at the hotels as at any apothecary's shop. If a medical gentleman ordered a patient spirits it could be got from a licensed person.

The PREMIER said that if the hon. member moved the omission of the entire clause he would not be leaving it open for other amendments. Chemists, as a matter of necessity, had sometimes to sell spirits. Some medicines were compounded with spirits; and that being so, if the subclause were struck out, chemists would be liable to a penalty for selling spirits without a license. He was sure the hon. member did not want to impose absolute teetotalism in medicine. When a certain thing had been the law for a great number of years, and no evil results had accrued from it, it required much better reasons than had been suggested why an alteration should be made. No abuse had arisen under the existing law.

The HON. SIR T. MCILWRAITH said he understood the Premier wished to insert the words "pharmaceutical chemist" in the blank when it was created. Now, when the Pharmacy Bill was passed last session it was pointed out that there was a great number of chemists in the colony who were not pharmaceutical chemists. If the exemption was given to pharmaceutical chemists under the Bill, why not to homeopathic chemists also?

The PREMIER: I think the hon. gentleman is right.

Mr. BEATTIE said he had intended to draw the Premier's attention to the same point. There were a large number of chemists who were not pharmaceutical chemists, and they might possibly receive prescriptions which would require to be made up with spirits. He thought it would be better to leave the subsection as it stood.

Mr. ARCHER said the amendment which the Premier intended to propose would prevent homeopathic chemists from preparing any medicines at all, because every one of the homeopathic medicines were prepared from spirits. He did not see why they should force allopathy upon a man when he preferred homeopathy.

Mr. FOOTE said, as he was not likely to carry his amendment, as the Premier had pointed out that the subsection as it stood was the present law, he would withdraw his amendment.

Amendment withdrawn accordingly.

Question put.

Mr. FOOTE said he had an amendment to move lower down. In paragraph 8, line 12, he would move the omission of the words "two gallons" with a view of inserting the words "one gallon." He saw that the wholesale spirit merchants were not allowed to sell a less quantity of spirits than two gallons, but he did not see why a person should be compelled to buy two when he only wanted one gallon.

The PREMIER said the hon. member ought to have given a reason for departing from an ol . established system. Of course, two gallons was an arbitrary amount, but he had never heard it suggested that that amount should be altered, and he should want good reasons for altering it now. Two gallons represented a dozen bottles, and a dozen bottles a case.

Mr. FOOTE said he had just given very good reasons for the alteration. The present law was that a spirit merchant should not be allowed to sell less than two gallons, but everyone did not want to purchase two gallons when one was sufficient for their purpose. One gallon was a wholesale quantity, and he did not see why spirit merchants should not be allowed to sell that quantity. The people in these days were not so desirous of drinking grog as they used to be. In former days people did not care whether they had two gallons or ten, but now they had become more economical and more judicious, and certainly did not wish to be compelled to purchase a greater quantity than they required. He thought the amendment would be a decided improvement.

Mr. SHERIDAN said the amendment would have a very bad effect. The usage of the trade was to make up parcels containing two gallons; and the innovation would be a great inconvenience.

Mr. BLACK said hon. gentlemen opposite, a short time ago, were very anxious to serve the interests of the publicans by putting a tax on clubs, but now they were taking an exactly opposite course, and were endeavouring to interfere with the legitimate trade of the publican, whilst protecting the wholesale merchant. At present a spirit merchant was not able to sell less than two gallons or a case containing twelve bottles, and if the amendment were carried the

authority would be given to break that case, and sell six bottles, and they knew that that was but a step from selling one or two. If anyone wanted a single gallon of spirits he could go to the licensed victualler and get it from him. He did not think sufficient reason had been given for carrying such an amendment.

Mr. HIGSON said that having been in the trade he could say from experience that the amendment would have a beneficial effect, and would not be objected to by the publicans. He had been out of the trade for some time, so that he could give an impartial opinion. No matter how good the liquor sold by the publicans might be, many people preferred going to the wine and spirit merchant for two gallons, which was often more than they required. If the amendment were carried there would be a good deal less drinking and less grog lying idle, so that he thought it would be a great improvement.

Amendment negatived; and clause, as amended, put and passed.

Clauses 61 and 62 passed as printed.

On clause 63—"Lights to be maintained during night"—

Mr. DONALDSON said that lights might be necessary in the country, but they were hardly necessary in cities lighted with gas.

The PREMIER said the provision was a very useful one. It was not a great tax on the publicans, and he had never heard of its being objected to by them.

Mr. DONALDSON said he had heard of it repeatedly.

Clause passed as printed.

Clauses 64 and 65 passed as printed.

On clause 66—"Vessels containing liquor to be labelled"—

Mr. NORTON said the provision would be rather hard on those who sent jugs out for wine. According to the clause a jug would be a vessel which would require to be labelled.

The PREMIER said the objection might be removed by making the clause apply only to closed vessels. He moved the insertion of the word "closed" before the word "vessel."

Mr. DONALDSON asked whether the publican would be liable to a penalty if a man obtained liquor in a flask and refused to have it labelled?

The PREMIER: No.

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

On clause 67, as follows:—

"Any licensed victualler or wine-seller who—

(*a*) Supplies, or permits to be supplied, any liquor to any person in a state of intoxication, or to any habitual drunkard; or

(*b*) Supplies, or permits to be supplied, any liquor to any boy or girl apparently under the age of fourteen years; or

(*c*) Supplies, or permits to be supplied, any liquor to any boy or girl apparently under the age of eighteen years, for consumption on the premises; or

(*d*) Supplies, or permits to be supplied, any liquor to any person who is insane or is reasonably suspected to be insane, whether temporarily or permanently; or

(*e*) Supplies, or permits to be supplied, any liquor to any aboriginal native of Australia, or half-caste of that race, or to any aboriginal native of the Pacific Islands, or Polynesian born in the colony, or any half-caste of that race;

shall, for the first of either of such offences, be liable to a penalty not exceeding five pounds nor less than one pound; and for the second and every subsequent offence of either kind, to a penalty not exceeding ten pounds nor less than three pounds; and in every case to the payment of the costs of the conviction."

Mr. SHERIDAN said the word "apparently," in paragraphs (*b*) and (*c*), would lead to a great deal of trouble, as it admitted of doubt.

The PREMIER said there were similar provisions in other Acts. In the administration of the Reformatory Act the justices judged of the age by the appearance. There would be no convictions if the age had to be actually proved. It would be impracticable to get a conviction unless the test of appearance was allowed. He thought no harm could come of it.

Mr. CHUBB asked if the Premier could tell them what an "habitual drunkard" was? If his memory served him rightly, an "habitual drunkard" was defined in the Vagrancy Act to be a person who had been convicted of being drunk three times. A publican might not know that, and yet he was liable to a penalty of £5 if he supplied an "habitual drunkard" with liquor. He should not be liable unless he knew that the person he supplied was an "habitual drunkard."

The PREMIER said the term "habitual drunkard" was very well known. A man got a reputation as an habitual drunkard, and there were many persons so charged at the police court. It was a term in common use in Acts of Parliament, and he thought it was not likely to be misunderstood.

Mr. CHUBB: Yes; but the publican might not know it.

Mr. NORTON said the age stated in subsection (*c*) might be raised. He could not see why boys or girls of eighteen should be supplied with liquor to be drunk on the premises. He intended to move the omission of the word "eighteen" with a view of inserting the words "twenty-one."

The PREMIER said eighteen was generally fixed because it was an age when a person could make some sort of guess as to a person's age. He did not know how they could tell whether a girl was nineteen or twenty-two, but a person could tell pretty well whether a girl was eighteen or not. In the case of a boy, too, one could almost always tell whether a boy was over or under eighteen, but when he got beyond that it became difficult to tell his age.

Mr. SHERIDAN said they all knew that some girls of one, two, or three and twenty often passed for eighteen.

Mr. NORTON said there would be no difficulty in it. It would be as easy to tell whether a girl was over twenty-one as to tell whether she was over eighteen. The age of eighteen years was too young to encourage or to allow persons to go into a public-house to drink grog.

Mr. CHUBB moved that the word "knowingly" be inserted after the word "or" in the 2nd line of subsection (*a*). "An habitual drunkard," who had been thrice convicted in the previous twelve months of drunkenness, was defined as an idle and disorderly person. That was the definition in the 1st section of the Vagrancy Act.

The PREMIER: That is not the definition; that is an additional definition.

Mr. CHUBB said that he had stated that, if his memory served him rightly, a person who had been convicted of drunkenness three times was an habitual drunkard. What he wished to urge was that the publican might not know that an individual was an habitual drunkard, and yet if he supplied him with liquor he was liable to a penalty.

Amendment put and negatived.

Mr. NORTON moved the omission of the word "eighteen" in the 2nd line of subsection (*c*,) with the view of inserting the words "twenty-one."

Mr. DONALDSON said that before that question was put he would like to have a little more discussion about subsection (*b*). Although he did not care to see children sent to the public-house for spirits or beer, unfortunately it was the custom to send children of a tender age. It was a wise provision to increase the age at the present time, but fourteen years was rather a high limit he thought. He would not object if the word "girl" was omitted from the subsection altogether, because a public-house was not a fit place to send a girl to. Persons frequently sent children for beer for their victuals. He objected to girls being included in the subsection, though he did not intend to propose an amendment upon it. He would like to hear some further discussion upon the subject.

Mr. MACFARLANE said that, if he was not mistaken, the Victorian Bill fixed the age at sixteen years. He thought the age stated in the clause was very good, and was not too high.

Amendment put and negatived.

Mr. SHERIDAN said he wished to draw attention to subsection (*d*), which he called the insane clause. It provided that any licensed victualler or wine-seller who "supplies, or permits to be supplied, any liquor to a person who is insane or is reasonably suspected to be insane," should be liable to a penalty. He thought that would give rise to a good deal of trouble, because the question of the sanity or insanity of a man was one about which there might be a difference of opinion. He might, for instance, say that the Chairman was insane, and the same grave error might occur even in the case of persons suspected of insanity. He did not like the words "reasonably suspected to be insane."

The PREMIER said that no better definition occurred to him at that moment. It was difficult sometimes to say whether a person was insane; it was only a matter of opinion. He believed that patients in the asylum thought that the opinion that they were insane was an erroneous one. But he considered that in the case of country benches where there was no experienced officer to give them an opinion a provision such as that with regard to persons "reasonably suspected to be insane" was necessary, as it enabled justices in a rough-and-ready way to say whether a man was in such a condition that he should not be supplied with liquor.

Clause put and passed.

Clause 68—"Bars"—passed as printed.

Clause 69—"Liquor not to be sold on board vessels except during passages"—passed with a verbal amendment.

On clause 70, as follows:—

"1. Upon proof being made to any police magistrate or any two justices that any person, by the excessive use of liquor, misspends, wastes, or lessens his estate, or injures or endangers his health, such police magistrate or justices shall, by order under his or their hands, published twice in one or more newspapers usually circulating in the district, forbid all licensees and dealers in liquor, under this or any other Act, to sell liquor to any such person for such period to be specified in the order as he or they may think fit.

"2. Any licensee who gives, sells, or supplies any liquor to or for the use of a person in respect of whom an order has been made under the provisions of this section, shall be liable on conviction to a penalty not exceeding twenty pounds and not less than five pounds, and shall be further liable to make good any damage done by the person with respect to whom the order was made while he is in a state of intoxication consequent upon being so supplied with liquor.

"3. Any person, not the holder of a license, who knowingly gives, sells, or supplies any liquor to or for the use of a person with respect to whom such an order has been made, shall be liable on conviction to a penalty not exceeding five pounds."

Mr. CHUBB said that the clause was quite different from the existing law, which provided that notice of prohibition against a man should be served on the publican. The clause now proposed provided that the order should be published in the newspapers circulating in the district; and as there were districts in which newspapers were not very freely circulated, he thought it was only fair that notice should be served on the licensed victuallers as well as being published in the papers.

The PREMIER said it might be very difficult to prove service. It was intended that notice in a newspaper should be a notice to everybody. The order would be made in court and published in a newspaper. Why should not that be sufficient notice?

Mr. CHUBB: That is not sufficient in the case of country publicans?

The PREMIER: They should read the papers. He thought it would be a very good thing if it was made their duty to find out cases of prohibition and keep a list in their bars.

Mr. DONALDSON said he thought that the insertion of the word "knowingly" in subsection 2 would meet the objection of the hon. member for Bowen.

The PREMIER said he had thought of that, too. Then they had to prove knowledge.

Mr. DONALDSON: Oh! that can be proved.

The PREMIER said it could not be proved without service of written notice. However, considering the severity of the provision, he thought it would be better to amend it in that way. Then there would be no object in publishing the order. There was a good deal to be said on both sides of the question, and he thought the publican should make it his business to find out cases in which a prohibition order was issued. On the whole, however, he thought the clause was better as it stood.

Mr. CHUBB said at present the law was that notice should be served on the publican. In towns the difficulty he had suggested would not arise, because possibly the relatives of an individual against whom prohibition was made would complain of certain hotels and public-houses supplying that person, and the publican would very likely soon know who the party was to whom liquor was not to be supplied. But the man, finding himself prohibited from obtaining liquor in town, might go a few miles out and get it from a country publican, who would then be liable to the penalty provided by that clause. He would suggest that the clause should be amended by providing that notice of prohibition should be served on the licensed victuallers in the district.

The PREMIER said that if the word "knowingly" was inserted in the 2nd paragraph it would cover the other. Then, what was the use of the notice? He thought it was a very good plan indeed to make it the publican's business to find out against whom a prohibition order was made.

Mr. DONALDSON said he thought it was the practice in Victoria for the friends of the inebriate to take steps to inform the publicans of the district that the order had been issued. If the word "knowingly" were inserted it would be a protection to the publicans.

Mr. CHUBB said the order might be made, not in open court, but in the magistrate's room, and the advertisement inserted in an obscure corner of the newspaper, where it would probably be overlooked.

The PREMIER said he would insert the word "knowingly." The publication would serve some useful purpose after all, perhaps. He

moved the insertion of the words "within the district" after the word "Act" in the 1st paragraph, and "knowingly" after the word "who" in the 2nd paragraph.

Amendments agreed to.

Mr. PALMER said there should be some limit to the term for which the prohibition would be in force. In the last Act he thought it was twelve months.

The PREMIER said it was too late to move that amendment now.

Mr. BLACK asked whether the 3rd subsection would not apply to the case of a doctor prescribing liquor medicinally? In the case of a man suffering from *delirium tremens*, it might be absolutely necessary.

The PREMIER said it would be like the case of a doctor amputating a man's arm or leg. It was wounding, but the doctor was not prosecuted for it.

Clause, as amended, put and passed.

Clauses 71 to 73 passed as printed.

On clause 74, as follows:—

"Any licensed victualler who refuses, without lawful excuse, to receive and accommodate a *bonâ fide* traveller, or, in case such licensed victualler is required to have stable accommodation, refuses, without lawful excuse, to receive and accommodate a *bonâ fide* traveller and his horse (if any), or to provide sufficient forage for such horse, whether the owner lodges on the premises or not, unless in either case the traveller is intoxicated or of known disreputable character, shall for each such offence be liable to a penalty not exceeding five pounds."

Mr. BAILEY said he wished the Government would bring in some amendment to compel licensed victuallers to give the accommodation they were supposed to provide for travellers. During the late exhibition in Brisbane a large number of visitors from the country were refused accommodation, even at hotels which had the proper number of beds. Many hotels preferred the bar trade, and would not be troubled to provide accommodation for lodgers. He thought it was a pity that in a city like Brisbane strangers should be refused accommodation at hotels that were not really full. The hotels should be compelled to provide accommodation.

The PREMIER said that was the object of the clause. They could not positively compel the hotel-keepers to do it, but they could punish them for not doing it.

Mr. NORTON said another question suggested itself. It was the custom, especially in country towns, when an exhibition was coming on, for people to secure rooms at the hotels beforehand. A traveller passing along the road came to an hotel, miles away from any other house, perhaps, and was told that he could not be accommodated because the rooms had been engaged by somebody else who had not yet arrived. He thought all *bonâ fide* travellers ought to have a prior right to unoccupied rooms.

The PREMIER said that if he had engaged rooms at an hotel, and on arriving there in the evening was told that the rooms were occupied by persons who had arrived an hour before—and who might not perhaps go away for a week—he should be very much disgusted.

Mr. NORTON said he was not referring to people who wanted to stay a week, but to ordinary travellers wishing to stay one night on their way. A case of the kind occurred to him some years ago. He arrived at an hotel—he had been treated in the same way the day before at another hotel, and had gone on and camped in a wretched bark hut—and was told that he could not be accommodated because the rooms were all engaged. But he was about full of it, and did not leave the place, and the people who had engaged the rooms never came. It was very hard on regular travellers that they should be put to such inconvenience, but he must confess he saw no way out of the difficulty.

Mr. MIDGLEY asked whether the part of the clause relating to a publican supplying forage to a traveller's horse, whether the traveller lodged on the premises or not, was a new feature in the licensing law? It certainly seemed a very arbitrary and somewhat unfair provision.

The PREMIER: There is no change in the law.

Mr. BAILEY said that if there was no change in the law there ought to be. Whilst it was necessary that the publican should provide proper accommodation for man and beast, he failed to see why the publican should take in and feed a traveller's horse if the traveller did not lodge on the premises—perhaps a man whom the publican did not know, and who might be unable to pay for the forage.

The PREMIER: It only applies to country public-houses.

Mr. BAILEY said country public-houses had as much right to consideration as town public-houses. A stranger was entitled to put his horse—not, perhaps, worth 30s.—in a publican's stable, and the publican was bound to provide forage for it, under a penalty. That was putting a burden on the country publican which, he was certain, they would never venture to put on the town publican.

Mr. DONALDSON said he could not see why a publican should be compelled to supply forage to a traveller's horse if the traveller himself did not put up at the hotel.

Mr. BAILEY said that according to the clause any traveller, who might even choose to camp out, might put his wretched "screw" into a publican's stable, and be quite sure that his horse would be fed at the publican's expense.

The PREMIER: Move the omission of the words.

Mr. BAILEY moved the omission of the words "whether the owner lodges on the premises or not."

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

On clause 75, as follows:—

"1. No licensed victualler or wine-seller shall keep his house open for the sale of any liquor, or permit any liquor to be drunk or consumed on his licensed premises, except between the hours of 6 in the morning and 11 at night, on the six business days of the week; and except between the hours of 6 and 9 in the morning, of 1 and 3 in the afternoon, and of 8 and 10 at night, on Good Friday and Christmas Day, and on the two latter days only for the sale of liquors not to be drunk on the premises.

"2. No licensed victualler or wine-seller shall keep his house open for the sale of liquor on Sundays.

"3. Any licensed victualler or wine-seller offending against the provisions of this section shall for every such offence be liable to a penalty not exceeding five pounds and not less than one pound, and any person found drinking liquor on any licensed premises, or leaving the same with liquor in his possession, at any time hereby prohibited, shall for every such offence be liable to a penalty not exceeding forty shillings.

"4. Provided that, subject otherwise to this Act, nothing herein contained shall be construed to prohibit the sale of any liquor at any time, to any person being really a lodger in the licensed premises, or a *bonâ fide* traveller seeking refreshment on arriving from a journey, or to any person suddenly disabled by accident and brought to such premises for rest or accommodation; or to prohibit the consumption of any liquor by any such lodger, traveller, or person disabled.

"5. The burden of proving any person to be a lodger, traveller, or person disabled, shall be upon the person alleging the fact."

Mr. MACFARLANE said he would move as an amendment that the following words be

inserted after the word "Sundays" in subsection 2: "or on any day on which the poll is taken at a parliamentary election held for the electorate within which the house is situated." Hon. gentlemen would see the object of the amendment. It was on behalf of members of Parliament, and would prevent a great deal of harm to the community. The object was to close houses on polling days in the district where an election was taking place. He had proposed the amendment and was prepared to sit up all night over it; but he did not think hon. gentlemen would care to sit so long.

The PREMIER said there was a great deal to be said in favour of the amendment, but there was also something to be said against it. The time was too long; it should be limited to the hours while the polling was going on. And then there was another difficulty; a poll was taken at only certain places in the electorate, and some of the public-houses might be at a very great distance from where the voting was going on. Otherwise, it was really a very open question, and he fancied that, considering the very stringent provisions that had been made against treating in the Elections Bill they passed the other day, there would be very little harm done. Of course the amendment would prevent treating on the day of the election, but it would not prevent it on the day before. He did not see why the public-houses should not be opened as soon as the polling was over, when people felt fatigued, or wished to celebrate a victory if the result were known upon the same day.

Mr. MACFARLANE said he might amend his amendment by making it apply to public-houses within two miles of a polling place. That might meet the views of the Premier.

Mr. NORTON said that if the hon. gentleman was going to introduce an amendment of that nature he should go further and make it apply to divisional board elections. Why not go in for the lot? If they could judge from what they heard there was as much need for it at those elections as at any other. However, he did not believe in the amendment at all.

Mr. BAILEY said he thought it would be wiser if they adjourned and had a full attendance of hon. members to consider the matter. It was a wide question, and one which involved the point which had been hinted at that evening, as to whether working men's clubs should take the place of public-houses or not. If public-houses were to be closed all Sunday there must be working men's clubs in the colony. It must come to that, and a very wide question was opened. It would be wiser to discuss the matter in a full Committee.

The PREMIER said that no doubt important questions might arise which, perhaps, ought to be considered in a full Committee; but really 10 o'clock was too early to adjourn the House. The Bill was bristling with points, and if they were only to get through two or three in an evening it would be a long time before they got through it. There was the question of the employment of barmaids to be settled, and that of local option. He was anxious to get on with the Bill, and intended to go on with it until it was finished, so as to get to other work. Hon. gentlemen did not desire that the session should last longer than was absolutely necessary, and if they were to adjourn early in the evenings he would ask them to confine themselves as much as possible to the points under discussion. If they were to discuss the Bill as fully as they had been doing it would take another fortnight. The clause under discussion now was an important one, and it was not desirable that it should be disposed of lightly. He would, therefore, move that the Chairman leave the chair, report progress, and ask leave to sit again.

Question put and passed.

The House resumed; the CHAIRMAN reported progress, and obtained leave to sit again to-morrow.

ADJOURNMENT.

The PREMIER said: Mr. Speaker,—I move that this House do now adjourn. We propose to go on with the Licensing Bill to-morrow.

Question put and passed.

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