Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY, 7 OCTOBER 1885

LEGISLATIVE ASSEMBLY.

Wednesday, 7 October, 1885.

Question.—Federal Council (Adopting) Bill.—Probate Act of 1867 Amendment Bill—third reading.—Licensing Bill—committee.—Adjournment.

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

QUESTION.

Mr. KATES asked the Colonial Secretary—

Whether it is the intention of the Government to introduce during the present session a Bill dealing with the conservation and storage of water, as mentioned in His Excellency's Speech delivered on the 7th July last?

The COLONIAL SECRETARY (Hon. S. W. Griffith) replied—

The Government do not see any prospect of dealing with this question of the conservation and storage of water during the present session, but hope to be able to deal with it early in the session of 1886, before which time they expect to be in possession of fuller information on the subject.

FEDERAL COUNCIL (ADOPTING) BILL.

The PREMIER (Hon. S. W. Griffith) moved—

That this House will, at its next sitting, resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill to bring into operation in respect of the colony of Queensland an Act of the Imperial Parliament entitled "An Act to Constitute a Federal Council of Australasia," and to refer certain matters to the Federal Council thereby constituted.

Question put and passed.

PROBATE ACT OF 1867 AMENDMENT BILL—THIRD READING.

On the motion of the ATTORNEY-GENERAL (Hon. A. Rutledge), this Bill was read a third time, passed, and ordered to be transmitted to the Legislative Council for their concurrence, by message in the usual form.

LICENSING BILL—COMMITTEE.

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

On clause 75—"Hours of selling on licensed victuallers' or wine-sellers' premises"—

Question—That the words "or on any day on which the poll is taken at a parliamentary election held for the electorate within which the house is situated" be inserted after the word "Sundays" in subsection 2—put.

Mr. MACFARLANE said that when they adjourned on the previous night at that clause several hon. members signified their approval of his amendment, if it were so framed as to apply only to the hours during which the poll was being taken, and at no distance greater than two miles from the place at which the poll was being taken. He thought himself that that would be an improvement, and he would

therefore, with the permission of the Committee, withdraw his amendment for the purpose of moving it in an improved form.

Amendment, by leave, withdrawn.

Mr. MACFARLANE said he would now move that the following amendment be inserted after subsection 2, namely :—

> No licensed victualler or wine-seller whose house is situated within a distance of two miles from any booth or place appointed for taking a poll shall keep his house open for the sale of liquor during the hours appointed for taking the poll.

Mr. BAILEY asked what penalty was attached to the infringement of that clause ?

The PREMIER : That is in the next paragraph.

Mr. BAILEY said then he was very sorry to say that a parliamentary candidate would often have to pay the penalty. Could the force of fooling further go ? Were there to be no more cakes and ale in Queensland, no more ginger warm in the mouth ? How would such a thing operate in a place like Brisbane ? On an election day in Brisbane every licensed publican would have to shut up while a poll was going on in North Brisbane, or South Brisbane, or Fortitude Valley. Was it not absurd, considering that not one-tenth part of the people who used those houses were electors, that they should be debarred from taking their usual refreshment simply because an election was going on in the district ? And then take the case of a country district. Hon. members knew that in country districts, when a poll was going on, people came in 20, 30, 40, and sometimes 100 miles. Were those men to go all day without refreshment, starving and thirsty, because an election was going on ? Were the persons who had business in hotels to be debarred from going on the premises because there was an election proceeding in the district, or rather because the hon. member for Ipswich chose to pose as the leader of the Good Templars and so-called intemperate temperance people ? He could not have supposed that that proposition would be seriously placed before the Committee. It was impracticable—it was impossible to carry it out—for the law would be broken as it was now, and the public-houses would be opened, and the parliamentary candidate would have to stand the racket. The thing was so absurd that he could not think it would be seriously discussed.

Mr. MACFARLANE said the hon. member for Wide Bay seemed to think that the proposal was a new one, but that was not the case. A similar provision to that contained in the amendment had been in force for years in America, and members of Parliament there were satisfied that the results were beneficial. It saved a great deal of expense and trouble and many violent scenes. They knew that during the last election in Queensland one man was so drunk that he killed another.

Mr. BAILEY : Where ?

Mr. MACFARLANE : In the Stanley district. And scarcely an election took place in which there was not someone maimed or lamed, if not killed. If the amendment were adopted he believed that elections would be much quieter, and that it would be the means of saving contested elections in many cases, for they were well aware of the fact that contested elections in the outside districts were often got up by publicans so as to cause expenses to candidates. Much might be said in favour of the proposal, which, if carried, would be a benefit to candidates ; and he hoped that there were not many members of the Committee who held the same ideas as the hon. member for Wide Bay.

Mr. BAILEY said he saw an election recently in Fortitude Valley. He was there several times in the day, and although the public-houses were opened he did not see a single drunken man there. He saw none of the fighting, or killing, or maiming mentioned by the hon. member. He saw numbers of people who had come very long distances, but they were all well behaved. It would be absurd that a man coming forty or fifty miles to a polling booth should be debarred from getting a glass of beer. More than that, the legitimate business of the publican would be interfered with, because not only electors, but visitors and travellers, would be shut out of the public-houses. Suppose a publican's business were worth £5 or £10 a day, then certainly, if they deprived him of the day's business, his license should be reduced by that extent.

Mr. JORDAN said he hoped the amendment would be seriously considered. As to the injury done to the publican, the business he might do on that day would be created by the election, and he could very well afford to do without it. On the day of election everything should be done rationally and in an orderly way ; but there was usually a great deal of intemperance and disorder. In a warm thirsty climate like this people drank a great deal more than was good for them. He did not see that people would be debarred from getting necessary refreshment. There were a great many places in all large towns where people could get refreshment without going to the public-house ; they could get tea and coffee, and anything necessary to sustain nature. To fit the electors for the important duties they had to perform on that day it would be just as well if they were teetotallers for the time being. He hoped the hon. member for Ipswich would press his amendment, which he felt sure many hon. members would support heartily.

Mr. SCOTT said he hoped, with the hon member who had just sat down, that the clause would be considered seriously by the Committee. He hoped, too, that the Committee would take into consideration the state of affairs in bush townships if hotels were all closed on the day of election. In many of those townships there were no cook-shops—no places at all, except the public-houses, where refreshments could be got. Then there were people who habitually lived at the hotels ; they had their offices and the rooms where they slept, and they went to the hotels to get their food. If the clause passed it would be a very serious thing for many inhabitants of the towns, to say nothing of travellers ; they had no means of getting refreshments except at the public-houses. In Brisbane and the large towns there were plenty of places where people could go to get what they wanted ; but in bush townships there were no such places.

Mr. LUMLEY HILL asked how the 4th subsection would affect the amendment—

> "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."

It was not unusual for a man to come five or six miles to record his vote.

The PREMIER : He would be a traveller.

Mr. LUMLEY HILL : Then he would be able to get a drink ?

Mr. MACFARLANE : That refers only to Sunday.

Mr. LUMLEY HILL : As far as I understand it, it refers to all cases.

The PREMIER said he doubted very much whether the amendment would secure the object desired. It would certainly give rise in many

cases to treating—of course disguised so that it would not appear to be treating. There would be a number of people somewhere about the polling place with liquor for their friends; and persons when they were thirsty would go to them and say, "You might give me a drink!" A great many people would be sure to go as near as they could to the border line. He was inclined to think, weighing the advantages with the disadvantages, that the amendment would not on the whole be of very great benefit to the community. He could understand the hon. member's reasons for moving it, but he did not see his way to support it.

Mr. McMASTER said he was sorry he could not support the amendment of the hon. member for Ipswich. He was as anxious as any other hon. member to put a stop to drunkenness and disorder; but the publican's calling was either legal or illegal, and if it was legal why should the publican be stopped from selling on election day more than any other tradesman? Besides, it would interfere with the business of the publican in his capacity as provider of refreshment and lunch for people who had no part in the election. There were hundreds of people in the city of Brisbane who dined at hotels, and if the hotels were closed on election day a large part of the public would be inconvenienced. Besides that, it was unjust to confine it to the electorate. He would give a case in point. The electorates of North Brisbane and Fortitude Valley joined together. Well, if an election were going on at North Brisbane, Morse's hotel at Petrie's Bight would have to be closed, while the Union Hotel across the road would be open.

An HONOURABLE MEMBER: No; the amendment says "within two miles of the polling place."

Mr. McMASTER: Then that made it worse still; for no refreshment could be got within two miles. He thought it was possible for the Committee to over-legislate. That would be interfering with the liberty of the subject—interfering with the publicans, who paid a license for keeping their houses open six days a week, from a certain hour in the morning till a certain hour in the evening. But now they were to be called upon to close their houses whenever a man wanted to get into Parliament. He was quite prepared to vote for the closing of public-houses on Sundays, but when they had done that they had done quite enough. The publicans were a portion of the community, and many of them were just as respectable as any other class of tradesmen. They had no right to look down upon them, and put them aside as greater sinners than all others. In the course of a long experience he had not seen any great disturbance in Brisbane on polling days. During the last election for Fortitude Valley, when he had the honour to be returned, he did not think there was a single drunken man, and it certainly did not cost him a single shilling for drink, with the exception of a glass of beer which the scrutineer had for his dinner. It was the same with regard to the municipal election; and he had seen no occasion for the closing of public-houses on the day of election, either for members of Parliament or aldermen. Therefore he thought it was going too far to say that because a man wished to get into Parliament the publicans must close their doors on the polling day. He could not support the amendment.

Mr. ALAND said he would advise the hon. member to withdraw his amendment. At first sight he was rather inclined to support the amendment, but after what had been said that afternoon he had arrived at the conclusion that it would be manifestly unjust to the publicans to require them to close their doors on a polling day. He might even extend the argument of the hon. member (Mr. McMaster), and point out that Brisbane was the polling place, not only for North and South Brisbane and Fortitude Valley, but also for Logan, Moreton, Bulimba, and one or two other electorates; and to insist upon licensed publicans closing their houses whenever there was an election going on for any of those constituencies would be exceedingly unjust and unfair. The entire question of treating on polling days was in the hands of the candidates themselves. He quite believed what the hon. member for Fortitude Valley had said, that his election did not cost him a shilling in the matter of grog. There were other hon. members present who could say the same thing. At the last Toowoomba election—it was true they paid one drink score, but it was for grog supplied after the election was over—neither on the day of election nor while the canvas was going on, did either he or his colleague sanction the expenditure of one sixpence for liquor. And he could also say that while the polling was going on not one member of their committee, or anyone working for them, took a glass of spirits or beer. If candidates would take the question into their own hands, without minding what their opponents did in the way of treating, the evil, if it existed, would very soon cure itself.

Mr. JORDAN said the advice of the hon. member for Toowoomba was very good, but it could hardly be expected that candidates for the suffrages of electors would take it. He had contested many elections, and he had never given, or authorised the giving, away of a single glass of beer, wine, or spirits, in his life. But he knew very well that it was the general custom of candidates, if not to authorise the giving away of drink on polling days, at all events to pay for it after it had been given away; and the candidate who gave away drink on that day had a great advantage over the opposing candidate who did not. For that reason it was very desirable that public-houses should be closed while elections were going on. He was satisfied that the electors generally would record their votes more conscientiously and more rationally if they could not get access to public-houses. He had witnessed great evils in consequence of public-houses being kept open on that day: not that he had put himself in the way of seeing them, but he had not been able to shut his eyes to the fact that a great deal of drinking went on on election days. Persons coming in from the Logan and other parts on polling days could get all the refreshment necessary at the various restaurants in the town, and if they were compelled to abstain from going into a public-house during the hours the polling-booths were open it would not do them any harm.

Mr. SALKELD said that if the amendment could be properly carried out it would be a great boon to the community, but he was afraid the objections to it, such as had been raised by the hon. member for Toowoomba, were so great as to render it quite impracticable. He would not go so far as closing all public-houses within a radius of two miles so long as elections were held on different days; but if all elections throughout the colony were held on the same day he should certainly feel inclined to support the amendment. If that were the case, it would be worth while asking the publicans to make so small a sacrifice for the sake of the public welfare. The hon. member for Wide Bay had stated that such a provision would never be carried out; that men would get drink on polling days all the same. That hon. member had already told the Committee that he had been a party to setting aside the law in the case of sly grog-shops;

did he mean to be a party to breaking the law in that particular also? It was, to say the least, unseemly on the part of the hon. member to make such a statement as that. The hon. member for Fortitude Valley objected to the amendment because it interfered with the liberty of the publican, but he seemed to forget that nearly every law on the Statute-book was an interference with the liberty of the subject when such interference was necessary for the public good. As he had said before, if all the elections were to take place on the same day he should have supported the amendment; but seeing that they had so many different days for polling, and that the clause would affect places that would be away from the polling-place—such as in the case of an election for South Brisbane, which would close all the public-houses in North Brisbane and Fortitude Valley—the amendment would hardly work, and he hoped the hon. gentleman would withdraw it. He believed that the principle was good and hoped some day to see it adopted.

Mr. MACFARLANE said the hon. junior member for Fortitude Valley had used the words "going too far." He did not want to legislate in advance of public opinion. But public opinion must be tested by the opinion of its representatives in that Committee. He had been asked by a good number of members outside to introduce the amendment, and more than one had promised to support him. He approved of the clause and always had. It had been in force for many years in America and had acted very beneficially indeed.

Mr. ARCHER: In which States of America?

Mr. MACFARLANE said in the States where the licensing laws were very severe.

Mr. LUMLEY HILL: In the State of Maine.

Mr. MACFARLANE: Yes; and in other places. He could see that the opinion of the Committee was not in favour of the amendment, and he had no desire to take up the time of the Committee unnecessarily. As soon as he saw that the general opinion was against it it was his duty to withdraw it. He saw very clearly that it would not be carried, but, as he said before, it was well to test public opinion, as shown by the representatives who were sent there. On some future day, perhaps, his amendment would stand as a kind of precedent to show what had been done in past years. He begged to withdraw the amendment.

Amendment withdrawn accordingly.

The PREMIER said there were one or two verbal amendments necessary. He proposed to omit the word "the" in the 45th line, and substitute the words "any of the foregoing."

Amendment agreed to.

On the motion of the PREMIER, the clause was further amended by the substitution of the words "in this section" for the word "herein," in the 51st line.

The PREMIER said that he proposed to insert in the next line, after the word "liquor," the words "by a licensed victualler." He did not think it was desirable that wine-sellers' shops should be kept open on Sundays under any circumstances, as travellers would not stay there.

Amendment agreed to.

Mr. BLACK said he must say that he was somewhat astonished at the extraordinary way in which the hon. member for Ipswich had receded from the position which he had taken up in moving his amendments. Nearly the whole of yesterday afternoon was taken up in discussing certain amendments the hon. gentleman had brought forward, not one of which had been carried. In almost every case the hon. gentleman had abandoned the position he had taken up as the champion of the temperance clauses of the Bill. With reference to the amendment which he had just abandoned, he (Mr. Black) was extremely sorry that he did not take the opportunity of testing the opinion of hon. gentlemen upon the subject before he did so. He might have allowed hon. gentlemen on the Opposition side of the Committee to give expression to their views on the matter.

Mr. MACFARLANE: You have still time.

Mr. BLACK said that during the second reading of the Bill he referred to the necessity of a clause such as that the hon. gentleman had withdrawn. He would gladly see some steps taken to close public-houses on days of elections.

Mr. MACFARLANE: Move an amendment now.

Mr. BLACK said the hon. gentleman had withdrawn his amendment, and it was not his (Mr. Black's) place to move another when he saw that the Premier had his followers so completely in hand that it would be useless to attempt to do so. There was a point which had not been referred to before. The candidates did not suffer by the public-houses being open on election days; it was the general public. He would point out, from his own knowledge, that many elections had been contested, and would in future be contested, simply in the interests of the licensed victuallers. He could refer to cases where the publicans seeing there was almost a certainty of a walk-over, had actually subscribed to get up an Opposition candidate, not that they wished to see him returned, but because they thought it was a legitimate opportunity for getting money out of the public generally, and not out of the candidates. In very few instances had the candidates to pay for the liquor which was consumed at election times; it was the general public who were looked upon as the legitimate objects to contribute to the tills of the licensed victuallers. He was sorry that the opinion of the Committee had not been tested by bringing the matter to a division. If the hon. member for Ipswich was going to abandon his next amendment in the same way that he had done almost every one he had moved, they would save a good deal of time if they were not moved at all.

Mr. MACFARLANE said he was rather astonished at the remarks of the hon. member who was sitting in the Committee listening to the discussion on the amendment, and had never said a word upon it until it had been withdrawn. He had given him (Mr. Macfarlane) no support whatever in connection with it. He (Mr. Macfarlane) had got nothing but a blank denial of support; and he knew perfectly well from what had been said on both sides of the Committee that he would not be able to carry his amendment. He was not in the habit of abandoning amendments he brought forward. He divided the Committee three times last night on amendments that he thought for the good of the country, and he would do so again; but if he saw that the Committee were decidedly against him he was not going to bore hon. members with his amendments. He had no desire to be termed a bore. He hoped the hon. member would give him credit for honesty in the matter.

Mr. BLACK said he would point out that the hon. gentleman was sitting at the table drawing up his amendment, with the assistance of the Premier, and in a very able speech he advocated

the principle he was in favour of; but upon the Premier getting up and saying he could not support it the hon. member withdrew it. He thought, at any rate, that the Premier should have told the hon. member so before he committed himself in the ridiculous way he had done.

The PREMIER said the hon. member should have expressed his willingness to support the amendment when it was before the Committee and not after it had been disposed of. The hon. member certainly did not give the hon. member for Ipswich any assistance in the matter, and it was now very unfair to taunt him with having withdrawn it.

The HON. J. M. MACROSSAN said it was a pity that the opinion of the Committee had not been taken on the question by a division. Only three or four members on the Government side and one on the Opposition side had spoken against the amendment, and he hardly thought that four or five members out of about thirty could be taken as expressing the opinion of the Committee. The only way to test the question was by the tellers. The hon. member for Ipswich did not know what support he would have got, because he did not try.

Mr. BAILEY said there was one very important part of the clause—subsection 2——

HONOURABLE MEMBERS: You are too late; that is passed.

Mr. BAILEY: He wished to say that, however absurd the proposal of the hon. member for Ipswich might be, it was certainly recognised very clearly by the Committee and by the country.

Clause, as amended, put and passed.

On clause 76, as follows:—

"1. For the purposes of this Act a person shall not be deemed to be a *bonâ fide* traveller unless the place where he lodged during the preceding night is at least three miles distant from the place where he demands to be supplied with liquor.

"2. If in the course of any proceedings against any liquor retailer for infringing the provisions of the last preceding section the defendant fails to prove that the person to whom the intoxicating liquor was sold was a *bonâ fide* traveller, but the justices are satisfied that the defendant honestly believed that the purchaser was a *bonâ fide* traveller, and further that the defendant took all reasonable precautions to ascertain whether or not the purchaser was such a traveller, the justices shall dismiss the case as against the defendant.

"3. If the justices think that the purchaser falsely represented himself to be a *bonâ fide* traveller they may direct proceedings to be instituted against such purchaser under the next following section of this Act."

Mr. NORTON said he supposed the definition given of a traveller had been put in the clause because there was no better. He thought it a very bad one.

The PREMIER: It is the best I could think of.

Mr. NORTON: He wished to know from the hon. gentleman whether the distance mentioned would be in direct line or by road?

The PREMIER said according to the Acts Shortening Act the distance was by road.

Mr. ALAND said he thought they might very well increase the distance. It struck him that "three miles" was a very short distance. A man had only to take a walk to the Hamilton on Sunday, and he would be a *bonâ fide* traveller under the clause. He would suggest that the distance be five miles or seven. He moved that "three" be omitted with the view of inserting "five."

The HON. J. M. MACROSSAN said the clause would allow all the publicans in Sandgate to keep open on Sunday, while public-houses in Brisbane would have to be closed.

HONOURABLE MEMBERS: No.

The PREMIER: Why?

The HON. J. M. MACROSSAN: Because people from Sandgate did not visit Brisbane on Sundays, but people from Brisbane went to Sandgate for the sake of the sea-air. The trains were crowded every Sunday with travellers. Anyone could go and get gloriously drunk at Sandgate on Sunday if he liked, even in spite of the Bill, if the clause were passed as it stood.

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

Clause 77—"Penalty on false representation"—put and passed.

On clause 78, as follows:—

"Notwithstanding anything herein contained—

(1) A licensed victualler may, if he thinks fit, close his licensed premises at ten o'clock at night, and may keep them closed until seven o'clock in the morning.

(2) A wine-seller may, if he thinks fit, close his licensed premises at six o'clock in the afternoon, and may keep them closed until ten o'clock in the morning.

(3) A licensed victualler or wine-seller may, if he thinks fit, keep his premises closed entirely on any Christmas day or Good Friday."

The PREMIER said as the clause stood it might be held to compel every publican to supply travellers with liquor. He might wish to close his house entirely, and he (the Premier) did not see why he should not be at liberty to do so. He therefore proposed that the following words be added at the end of the 3rd paragraph:—"And a licensed victualler may, if he thinks fit, refuse to supply any traveller with liquor on a Sunday." There could be no objection to that. It was entirely in the interests of the publicans.

The HON. SIR T. McILWRAITH said the only reason given for the amendment was that it was entirely in the interests of the publicans. but he wanted to see the Bill made in the interests of the people of the colony. If a publican did not like to sell liquor on Sunday, why did he not keep out of the trade? He (Sir T. McIlwraith) thought the public ought to be supplied whenever they required it. It was for that reason public-houses existed.

Mr. LUMLEY HILL said the amendment would work very awkwardly in the bush. People did not travel voluntarily on a Sunday; but if they had a journey of three or four days to go, they did not stop simply because Sunday happened to come in. A traveller might come to a bush hotel where he might reasonably expect to get accommodation, but the publican might say "No; I may keep my house closed on Sunday; you keep out; you'll get no accommodation here." He might not think it worth his while to accommodate the person, especially if he was not a good drinking man. Temperance men were those who would suffer most from the amendment. It would be very hard on the travelling public in the outside districts. Could the amendment not be made to apply only to towns—to hotels in cities or towns?

The PREMIER said it could, by inserting the words "in any municipality or town."

Mr. LUMLEY HILL said he would suggest that the amendment should be altered in that direction.

The PREMIER said the amendment he had moved would not authorise licensed victuallers to refuse to receive travellers into their houses. They would have to do that under the provisions of the 74th section. The amendment would only apply in the case of an occasional caller who merely wanted a drink. It was simply proposed that the licensed victualler, if he thought fit, might keep his house entirely closed on Sundays to all except *bonâ*

fide travellers wishing for accommodation. He did not see why the publican should not have that privilege. He had no objection, however, to make the amendment apply only to houses in municipalities and towns. He would move that a new subsection be added to the clause as follows:—

A licensed victualler whose premises are situated in any municipality or town may, if he thinks fit, refuse to supply any traveller with liquor on Sunday.

Question—That the new subsection be added to the clause—put.

Mr. MOREHEAD said he did not quite understand the meaning of the 4th subsection. Was it intended that a licensed victualler might select the particular individuals he might give drinks to? That was the meaning of the new subclause. Under it a publican could give a drink to one man and not to another. He might supply liquor to his own particular friends and not to others.

The PREMIER said the intention was that the licensed victualler might, if he pleased, close his place entirely on Sunday, so that he should not be knocked up by anyone who chose to call and ask for a drink. The publican would be at liberty to supply liquor to travellers on Sunday, or not, just as he liked. If it were otherwise he would be liable to be called upon for liquor all through the day and night.

Mr. MACFARLANE said he thought the new subsection would prove a very beneficial amendment. It would simply place the publican in the same position as the public, and give him local option. Seeing, too, that it would only apply to towns, and that only one or two publicans would take advantage of it whilst the others would be open, the public would not be put about. He did not see why the publicans should not have a holiday as well as other people. The public had a good many holidays, whilst the publicans had to work very hard and for very long hours every day in the week—from 6 in the morning till 12 at night, at present. It would be very hard on them if they wished to have a holiday on the Sabbath and could not close their places.

Mr. MOREHEAD said the amendment would be very inconvenient if it were brought into practice by any publican—which, however, was very doubtful. It would be very inconvenient indeed to the travelling public. Supposing a man, after a long day's ride, came to a town on a Sunday evening and called at a house licensed to give entertainment to man and beast and found the house closed—in so far as he could get no refreshments—and he was told by the landlord, "No; I am not a man who sells drink on Sunday," his case would be very hard indeed. It would be inconvenient to the travelling public generally if they were prohibited from getting what the publicans' licenses were originally issued for—which was, to provide public entertainment. The hon. member for Ipswich himself must know that the Sabbath day was recognised as a day on which travelling took place. If the hon. member could tell him what a Sabbath day's journey was he would be obliged.

Mr. MACFARLANE: You will find it in "Leviticus."

Mr. MOREHEAD said he did not believe that he could; but the hon. member would find that travelling on Sunday was a recognised custom, and an injury would be done to *bonâ fide* travellers if the new subsection were carried.

Mr. LUMLEY HILL said he did not think there was anything unreasonable in the amendment. Any traveller like the hon. member for Balonne coming into town would be very unlikely to find any house shut or any that would refuse to receive him. If he did he would not have to continue his journey very far to find one open. At the same time, the amendment had this advantage: that it gave the publican an opportunity of taking a holiday on Sunday or of making it a day of rest if he chose. Such an advantage was desirable, and he did not think it would be detrimental either to the public or to the licensed victualler.

Mr. SALKELD said there were a great number of respectable licensed victuallers who would be glad to see the new subclause passed. They certainly wanted a day of rest; that was a pretty well-known fact. At present they had hard enough work during six days of the week, and they might fairly be allowed one day on which they could close up or on which they might enjoy themselves without being disturbed. If the amendment was so altered as to apply to places where there were more than one public-house, it would not affect anyone who happened to be lost in the bush or delayed in any way. No reasonable objection could be raised to the amendment. No law could be passed that might not bear hardly on someone. The hon. member for Balonne seemed to think it would be a hardship on some persons, but at the present time a man could not make a publican receive him between midnight and 4 o'clock in the morning. They could not compel the licensed victualler to keep his house open all night to receive travellers who might be late. If a man happened to land in town before 4 o'clock in the morning he would have to make the best of his position. An objection was raised that a publican might supply some persons and might refuse to supply others, but if that were so some alteration might be effected in the amendment to meet that.

The HON. SIR T. MCILWRAITH said he thought the amendment was unnecessary. Although according to clause 74 a licensed victualler was bound to accommodate a traveller, by the last clause passed—clause 75—he was not bound to do so except at certain hours. So far as he understood the clause, no traveller could demand lodging or drink in a public-house except between the hours of 6 in the morning and 11 at night, and not at all on Sundays. That surely was the meaning of clause 75, and if so the amendment was unnecessary.

Mr. JORDAN said he agreed with the amendment and with the suggestion of the hon. member for Cook, that it should apply to town and not to bush hotels. It might be difficult to define what a "town" was, and for that reason it would, perhaps, be better if the amendment were made to apply to municipalities.

The PREMIER said "town" was defined in the interpretation clause to mean "any town to which the provisions of the Acts commonly called the Towns Police Acts, or any Acts amending or in substitution for those Acts, are applicable for the time being."

Mr. JORDAN said that would meet the case.

Mr. MOREHEAD asked why the word "any" Christmas day or Good Friday was used in the 3rd subsection of clause 78? If those words were to be used, why should they not use the words "any Sunday"? He noticed also that in another clause the words were used in another form—"Good Friday or Christmas day." His own impression was that as a matter of fact Christmas day occurred before Good Friday, and for that reason the second form was perhaps more accurate. The way in which the words were used should be consistent, and the word "any" in the second case was unnecessary.

The PREMIER said he had noticed that the words were not used in the same order as in the 75th section.

Mr. MOREHEAD: Why use the word "any" in the 78th clause?

The PREMIER said the order used in each clause should be consistent, and he was obliged to the hon. member for suggesting the amendment. He would move that the words "any Christmas day or Good Friday" be omitted, with the view of inserting the words, "Good Friday or Christmas day," and in order to do so he would withdraw the amendment at present before the Committee.

Amendment, by leave, withdrawn.

The PREMIER moved the omission of the words "any Christmas day or Good Friday," with a view of inserting the words "Good Friday or Christmas day."

Amendment agreed to.

The PREMIER moved the following new paragraph to follow subsection 3 :—

A licensed victualler whose premises are situated within a municipality or town may, if he thinks fit, refuse to supply any traveller with liquor on Sunday.

Mr. GRIMES said he could not see why a country publican should not be allowed a like privilege. It was not long ago since a very respectable country publican had asked him if something of that sort could not be introduced into the Bill. He had told him of some of the hardships which country publicans had to put up with in that respect. He was very often called up three or four times during the night just to supply two or three glasses of grog to persons who were half-tipsy and who represented themselves to be travellers. They got a glass or two of grog and sat yarning over it, keeping him out of his bed for hours. It was a hardship that men should have to submit to be disturbed in that way to supply men who were really in no need of drink. For that reason the privilege conferred by the amendment should be extended to country publicans. He did not think any of them would refuse to accommodate a *bonâ fide* traveller, but they should have the opportunity of refusing accommodation to those who did not really need it, and so avoid their being harassed as they were under the present law.

The PREMIER said he thought the balance of argument was in favour of limiting the privilege to publicans in towns and municipalities at present, and he should like to see the amendment passed as it stood.

Mr. GRIMES asked if it would not do to extend the privilege to publicans whose premises were within five or even eight miles of a municipality, or town-suburban publicans? It especially affected those places, as persons who found they had got as much as they could get in town called in at the suburban public-houses on the way home.

Mr. KELLETT said he might point out that the hour at which a licensed victualler should close his house was fixed at 11 o'clock, and he need not open it again from that time till the following morning, and he was also bound to keep his house closed all day on Sunday. So that even if the amendment under consideration did not apply to a country publican he need not open his house after 11 o'clock at night to supply liquor or any other kind of refreshment to a traveller or anybody else.

Mr. NORTON said there seemed to be something in the contention of the hon. member who last spoke. It did appear, according to a previous clause, that a licensed victualler could close his house at 11 o'clock at night and keep it closed till the following morning.

Mr. MOREHEAD asked whether the provision in subsection 3 allowed a licensed victualler to refuse refreshment to a traveller on Good Friday or Christmas day?

The PREMIER: Yes.

Mr. MOREHEAD said that one day was the day of greatest mourning and the other the day of greatest festivity in the Christian Church. Were they to understand that on those two occasions a traveller could be excluded from receiving entertainment in a public-house?

The PREMIER: The clause says so.

Mr. MOREHEAD said he knew the clause said so, but he could hardly conceive that it was the intention of the Government that public-houses should be closed on Christmas day and Good Friday. The clause was absurd as it stood, and he thought hon. members could not have understood it.

The PREMIER said the clause provided that a licensed victualler might—not that he should—keep his premises closed on Christmas day and Good Friday. How many would be likely to do it?

Mr. MOREHEAD: Then what is the use of putting in the clause?

The PREMIER: Because a few publicans might wish to close their houses on those days. There was, however, not the slightest fear of all places being closed.

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

On clause 79, as follows :—

"Every holder of a billiard license or bagatelle license who keeps his premises open between twelve at night and ten in the forenoon, or permits any games to be played therein during such hours, or on any Sunday, Good Friday, or Christmas day, shall be liable for each such offence to a penalty not exceeding five pounds and not less than one pound."

The PREMIER said it would be necessary to amend the clause by the omission of the word "any" in the 3rd line, so as to make it consistent with the phraseology of preceding clauses.

Mr. NORTON said he would like to ask the hon. gentleman how those billiard licenses would answer? Was a person to be allowed to keep open his billiard-room till 12 o'clock at night?

The PREMIER: Yes.

Mr. NORTON: Then a public-house must be closed at 11 o'clock, but a billiard-room might be kept open till 12?

The PREMIER: It may be, as the clause stands.

Mr. NORTON said that would be rather a nuisance to persons staying in the house.

The PREMIER said that if a billiard-room was not in a public-house it might be kept open till 12 o'clock, and if it was in a public-house it might be kept open till 12 o'clock for the people staying there but not otherwise.

Mr. HAMILTON said he would like to know why people should not be allowed to play billiards before 10 o'clock in the forenoon. He could quite understand that it was not desirable to permit playing after 12 o'clock at night, because it might disturb people in the house who wished to be in bed, but he did not see any possible objection to playing before 10 in the morning.

The PREMIER: I have no objection to alter it if you move an amendment.

Mr. HAMILTON moved that the word "ten" in the 2nd line be omitted, with the view of inserting the word "eight."

Amendment put and passed.

The PREMIER moved that the word "any" in the 3rd line be omitted.

Mr. MOREHEAD said he would like to ask the hon. gentleman what was his interpretation of the word "games"—what it included and what it excluded?

The PREMIER said he could not give a definition enumerating all the games to which billiard and bagatelle licenses would apply.

Mr. MOREHEAD: Do they include "devil's pool"?

The PREMIER said he supposed they included every kind of game played on a billiard or bagatelle table.

Mr. DONALDSON: Or cards?

The PREMIER: No; that clause had nothing to do with cards. The term "unlawful game" occurred in a subsequent clause, but he was not prepared to a give a definition of it. The law was in rather an uncertain state on the point.

Mr. MOREHEAD said he understood, then, that there was nothing to prevent a man's playing cards in the billiard-room; the clause referred only to games played on a billiard or bagatelle table.

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

On clause 80, as follows:—

"No licensed victualler or wine-seller shall permit music, dancing, or public singing, on any part of his licensed premises open to public resort, or permit any part of such premises to be used for theatrical representation, or as a place of common resort to which persons are admitted by ticket or special payment, without first obtaining in open court the permission in writing of the police magistrate or two licensing justices

"Such permission may be revoked, after it is granted, by the same authority, and shall in no case be granted for more than two days.

"Any licensed victualler or wine-seller offending against the provision of this section shall be liable to a penalty not exceeding ten pounds."

Mr. NORTON said he thought some alteration was necessary with regard to music. There was no reason why a piano should not be kept in a public room for the use of lodgers.

The PREMIER said the clause would not apply to a sitting-room for the inmates of the hotel; only to a room where anyone could walk in and have a concert. The objection was to having music as a means of attracting people to the house.

Mr. NORTON: What is usually called an entertainment?

The PREMIER said that "dancing or public singing" included nearly all kinds of entertainment. A "free-and-easy," for instance, included public singing.

Mr. MOREHEAD: What is a "free-and-easy"?

The PREMIER said he could not give a definition; he believed it was a sort of rough-and-ready concert. He did not see any reason why there should not be music and singing in rooms only used by inhabitants of the hotel; but regular singing going on, say in the bar-room, would be very objectionable indeed. The difficulty was to legalise one while prohibiting the other.

Mr. KELLETT said the clause would prevent lodgers from using a piano in a hotel at all, because every part of a hotel that lodgers could go to would be "open to public resort."

Mr. JORDAN said he could not see that the clause interfered in any way with the use of a piano by persons lodging in the house; it referred only, he thought, to entertainments to which persons were admitted by ticket.

Mr. MOREHEAD said the clause would not affect anyone who had the means to hire a private sitting-room with a piano in it, but many people were not in a position to hire a private room. Half-a-dozen lodgers, for example, might wish to have music and singing in the coffee-room; there would be nothing wrong in that, but the clause as it stood would prohibit it, because it would be a room open to public resort.

The PREMIER said he quite agreed that it would be undesirable to prohibit that. He moved the omission of the word "music," and the insertion of the words "or public musical performance," after the words "theatrical representation."

Amendment put and agreed o.

Mr. KELLETT suggested that the word "dancing" should be struck out as well.

Mr. KATES said that in the country publicans often had halls within a few yards of their licensed premises, in which they had dancing and music whenever they liked without asking the permission of the justices, and by which persons were admitted by ticket or special payment. Could not an amendment be introduced to put a stop to that?

The PREMIER said they could only interfere with what took place on the licensed premises. If a publican erected a hall on an adjoining allotment, separated by a fence from his licensed premises, they could not interfere with him; and it would be going too far to provide that no licensed victualler should allow music or dancing on any premises whatsoever without first obtaining permission from the police magistrate or the justices.

Mr. KATES said that in the cases to which he alluded the hall in which entertainments were held was on the licensed premises.

Mr. FOXTON said that a question of that kind was in the hands of the licensing bench, and if such evasions of the law became a matter of notoriety it was open to the licensing bench, if they thought fit, to refuse the license.

The PREMIER said the clause contained a change in the law. Under the old Act it had been the practice in some cases for persons to apply to, say, a police magistrate, and on a refusal being given by him to go to two justices and get permission from them. That had been brought under his notice on more than one occasion, and, as he need not point out, it was an extremely undesirable thing. He had, therefore, thought it better that the application should be made in open court.

Clause, as amended, put and passed.

On clause 81—"Prohibition of gaming and disorderly persons"—

Mr. HAMILTON asked what was the meaning of the words "temporary refreshment" in the phrase "or the presence of reputed prostitutes longer than is necessary for the purpose of obtaining temporary refreshment"?

The PREMIER said the meaning was, to take a drink and go—not to loiter about the premises.

Mr. NORTON said there seemed some difficulty in defining what was an "unlawful game," or gambling. If it was held that any game for money was an unlawful game it would prevent persons playing whist for small stakes; or if the publican allowed it he would be liable to a heavy fine.

The PREMIER said it was almost impossible to define what an unlawful game was; but he did not think that whist was an unlawful game.

Mr. DONALDSON: Supposing a few friends played a game of poker or euchre?

The PREMIER: I do not consider euchre an unlawful game.

Mr. DONALDSON: But as far as the publicans are concerned it depends upon what the magistrates may consider an unlawful game.

Clause passed as printed.

Clauses 82 to 86, inclusive, passed as printed.

Mr. MACFARLANE, in moving that the following new clause follow clause 86, as passed:—

After the commencement of this Act it shall not be lawful for any licensee to employ any female, not being the wife or daughter of the licensee, to sell liquor at any bar or counter or elsewhere on the licensed premises, or to deliver any liquor on the licensed premises to any person except to a guest at a meal served to him in ordinary course.

Any licensee offending against the provisions of this section shall be liable on conviction to a penalty not exceeding fifty pounds, and his license may be forfeited.

—said that the hon. gentleman would see that his object in introducing the clause into the Bill was to prevent females from drawing liquor at bars, or serving there. He had been informed that the evils connected with females serving at bars—not so much the public bars along the streets, but at what were called the "second bars"—were so great, that even the hon. member for Wide Bay could not know their extent. Very few members of that Committee were at all aware of the evils that resulted from the employment of females in the upstairs bars, after hours at night. He was not at liberty to say, in that Committee, what he had heard; he had never been inside one of them, but persons with whom he had come in contact, who had made themselves a kind of special commissioners, had gone through those places, and had told him that little liberties were taken in those upstairs bars that were not conducive to the moral or material welfare of the girls themselves. He had one object in view with reference to barmaids and that was their own good. The worst wish he had for them was that everyone should be comfortably married and settled down in life; it would suit them much better. He was sure that no hon. member would like to have his daughter, or any female for whom he had any regard, acting as a barmaid. So far as he was concerned, for his own part, he would far rather follow his daughter, or any girl for whom he had any regard, to the grave than see her, with his permission, employed in a bar. He could assure hon. gentlemen that he had only the moral and material welfare of barmaids as his object. The demand for domestic servants was so great in the colony that enough could not be obtained. They were coming here in hundreds from the old country, and yet when a person wanted one there were none to be had. He did not think the new clause would do barmaids any harm, because, seeing that the demand for domestic servants was so great, they would not be thrown out of employment. If they were to be thrown out of employment, and thus be exposed to dangers, perhaps greater than those of attending at a bar, he would not move in the matter. Places could be obtained by far more girls than were occupied in that capacity. Some hon. gentlemen had informed him that they would be willing to support the new clause if a kind of vested interest were given to the barmaids at present employed in that capacity; but after giving consideration to the matter he had come to the conclusion that if the thing was bad it was bad, and he would almost as soon lose the clause altogether as make any compromise like that suggested. It would only cause confusion amongst publicans, and perhaps lead to an evasion of the law by making it possible for them to give the privilege to girls not entitled to it. Therefore he thought it was better to let the new clause stand as it was.

Mr. BAILEY said that the hon. gentleman, in introducing a clause to prevent the employment of barmaids, ought to have given some facts from which hon. gentlemen could judge as to the propriety or otherwise of passing the clause. He knew that many girls, who had been in the position which the hon. gentleman described, were now in society and respected members of it. The hon. gentleman had not cited a single fact, but had merely dealt in scandalous generalities, taking away the characters of a class of girls with the avowed object of preventing them from getting a living in the way they chose to do. If the hon. gentleman knew of circumstances which would warrant his bringing forward a clause of that kind, let him state them to the Committee openly and fairly. He (Mr. Bailey) objected to such insinuations against the characters, either of girls or men; it was grossly unfair. Let the hon. gentleman state upon what basis he had formed his conclusion that a clause of that kind ought to be introduced into the Bill. All he knew, and all he believed other hon. members knew, was that those girls preferred that life to any other. They could not get employment in that kind of work unless they were suitable for it. If they were girls of the class insinuated—very delicately, perhaps, but insinuations they were all the same—they would not be employed by any respectable licensed victualler. He should like the hon. member to give the Committee some facts; then they would be able to judge. At present they were quite in the dark. Those gross generalities were not fair, either to the people who employed those girls, to the girls themselves, or to the public who approved of their being employed.

The PREMIER said that when he moved the second reading of the Bill he stated that the Government did not propose to prohibit the employment of women in bars, and on further consideration they had seen no reason to alter their opinion on the subject. He gave reasons then why he thought the employment of women in bars might in some cases be rather beneficial than otherwise. He did not think it necessary to discuss the question at any great length. No doubt harm had been done to barmaids in some cases, but he did not believe they were more open to any general charge against their character than other women in corresponding walks of life. Girls fell in all walks of life and he did not think there was any foundation for a general charge against them in particular. However, that was not so much the point the hon. member for Ipswich desired to make—which was that girls placed in that position were liable to temptation, and for their own sakes they ought to be removed from it. It was also urged that while they were liable to temptation they were also tempters to indulgence in intoxicating liquors. Of course the matter had to be considered from a good many points of view; but with regard to barmaids being more exposed to temptation than women in other walks of life, he did not think it was so. That, however, was only his opinion; other members might have a different opinion. As to their being a means of temptation to others, there might be something in that. No doubt an attractive girl behind a bar would attract men for the pleasure of conversation and looking at her; but upon the whole he could not see his way to support the amendment.

Mr. MACFARLANE said of course he did not expect the support of the hon. the Premier after the remarks he made on the second reading of the Bill, but he did expect the support of a good many members of the Committee. He might say, for the satisfaction of those who objected to the withdrawal of his previous amendment, that

he did not intend to withdraw this one. He wished it to go to the vote as a kind of test of hon. members' feelings, and should therefore take a division upon it. No doubt, as the hon. the Premier had said, there were differences of opinion with regard to the amount of temptation that was presented to those girls, but surely no one would say for a moment that girls in domestic service were subjected to the same temptations as girls in public bars. With reference to the remarks of the hon. member for Wide Bay, he (Mr. Macfarlane) did not say a single word against the girls. What he said was that they should try and save those girls from the temptations to which they were exposed. He did not know the name of a single barmaid in Brisbane or elsewhere. He had heard many things against them in a general way, and from what he had heard he should be very sorry to allow anyone in whom he was interested to be a barmaid. He dared say that was the feeling of most hon. members; and he would also put them in remembrance that those girls were the daughters of the working classes. Daughters of the middle or upper classes of society did not take situations in that position.

Mr. SMYTH: Yes; they do sometimes.

Mr. MACFARLANE said he was aware that some of those girls were highly respectable; and it was to save them from themselves that he advocated the amendment, and not from any mere sentimental feeling in the matter. It was to remove those girls from the temptations that he knew existed in public-houses. As he had said before, he had heard of many things about them in a general way. There might be no harm in them, but unless a girl was willing to submit to those things she would not be very long in the position. It was only girls who would submit to those little things, and make no noise about them, that were retained in that position.

Mr. KELLETT said the hon. member for Ipswich stated that he had said nothing against barmaids, and that he should be very sorry to do so; but the allusions he had made were just as bad as anything he could possibly have said against them. He could not have said anything worse if he had told all the things about those upstairs bars that his friends had told him about. When he went so far as to say that he would sooner follow his daughter to her grave than see her behind a bar, that was certainly going as far as he could possibly have gone. It was casting the greatest slur possible upon those young women who had to get their living in that way. He (Mr. Kellett) had seen a great number of them in his time, and he thought they were as good a class as any other class of females in the country. It was well known that some of them had become the wives of men occupying very high positions in this and the other colonies. Most likely those men would never have been married had they not met a nice girl at a bar; one man might be too bashful, possibly, to offer his hand until he made her acquaintance over a glass of grog—an acquaintance that might last a lifetime and might turn out to be a very good acquaintance indeed. He thought it would be a great loss if barmaids were prohibited. He was sure that bars would become much rougher places than they were; that much worse men would go into bars if they had only barmen instead of barmaids; that much worse language would be used; and that altogether bars would be very unseemly places to go into. Another remark made by the hon. member for Ipswich was that domestic servants were very much required, and that if there were no barmaids they would have more domestic servants; but he (Mr. Kellett) was sure that the majority of barmaids were not fitted for work of that kind. It was not at all in their line. They would not be useful in that position; not nearly so useful as they were now. He believed that, as a rule, they were very well looked after to see that no irregularities took place. He had not even heard, let alone seen, any of the great villainy that was said to be carried on in the upstairs bars that had been mentioned. He had never heard of it before in Brisbane. He had heard of such things in other places—in large cities, where there always would be such places if anyone wanted to find them out. In Brisbane, he believed, there was nothing of the sort, and in his opinion barmaids were just as good as any other class of society. It would be depriving a great number of respectable young women of a means of living if the amendment were carried.

Mr. KATES said the hon. member for Ipswich appeared to confine his amendment to the wives and daughters of publicans. Why stop at daughter? Why not include the sister, aunt, or cousin of the licensee? They were all in the family, and why not include all the females in it? The hon. member did not appear to have travelled very far in the country, or he would see that it would be a great hardship in some country public-houses, where they did not do such a roaring trade as in Brisbane, if the amendment were carried. In many of those places the publican would often be engaged in the yard, his wife would be looking after the children, and the only servant-girl they had would have to attend upon customers. He hoped the hon. member would reconsider the matter.

Mr. HAMILTON said the only authority the hon. member for Ipswich cited in support of his attack against barmaids was the hon. member for Wide Bay, and that hon. member, so far from verifying the statement, characterised the attack as an untrue and cowardly one, and in that he (Mr. Hamilton) cordially agreed. The hon. member for Ipswich stated that he did not say a single word against the girls; but he made insinuations, and insinuations were far worse than a direct attack. A specific charge one could tackle and refute, but insinuations were the most contemptible form of attack, and that was the manner in which those girls had been attacked. The hon. member said that no one would like to see anyone connected with him a barmaid. That was a bad argument. No one would like to see anyone with whom he was connected a charwoman or a nursegirl, or engaged in any similar occupation; but would anyone contend that those situations should be abolished because he would not like a relation to fill them? It evidently appeared, from another remark the hon. member made, that it was for the purpose of getting domestic servants cheap that he had brought the question forward. He stated that if barmaids were abolished domestic servants could be obtained more readily; but it must be borne in mind that some girls who were fitted for domestic servants were not fitted for barmaids, and some who were fitted for barmaids were not fitted to fill any other position. What would the result of the hon. member's amendment be? Simply that which he said he wished to avert. If barmaids were abolished a certain class of girls would be deprived of their means of livelihood, and hon. members knew what temptations would occur in consequence. Girls of the character and age of those who generally filled the position of barmaids were girls who had a certain amount of education. He had known some of them, too—some at present in Brisbane—who were not only supporting themselves, but who also had others dependent upon them. Situations as domestic servants at 10s. a week would not enable them to do that, especially

when their previous mode of life probably unfitted them for such positions. Neither could they be milliners, for milliners required to serve an apprenticeship, during the first few years of which they received a mere pittance of 5s., 6s., or 10s. a week. In short, the consequence would be that the barmaids would simply be deprived of remunerative employment. The best reply to the reflections cast on the character of barmaids was to be had in looking at the girls who at present occupied the positions in Brisbane. He himself, and he thought all present, could state that the Brisbane barmaids were an eminently respectable and well-behaved class, and no reason existed for depriving them of their livelihood.

Mr. MOREHEAD said he was certainly opposed to the amendment, chiefly on the ground that the scope of occupation for women's services throughout the world was already too limited. He would far rather see more avenues opened for the employment of women in that colony and all over the world than at present existed. At all events, there was nothing in the arguments of the hon. member for Ipswich which would lead him to close the barmaid avenue which was open to any respectable girl in Queensland. He was astonished at the language that the hon. gentleman chose to apply to a number of young women in the colony, and the imputation he cast by implication on their character. The language the hon. member for Ipswich used, and the way in which he framed his reasons for his amendment, would not commend themselves to most members of the Committee, or to anything like a majority of the community. However, his (Mr. Morehead's) main reason for objecting to the amendment was, that he would be no party to the passing of legislation which would in any way prevent the honest employment of young women in the colony.

The MINISTER FOR WORKS (Hon. W. Miles) said that he intended to vote for the amendment. In doing so he had not the slightest intention of throwing any imputation on the girls who served behind the bars. He knew from experience, however, that the amendment was a desirable one to pass. Some years ago he was in America, and during the whole of his travels throughout the States he never on one occasion saw a female behind a bar. He saw girls employed as clerks in hotels and as telegraph operators—employments which were far more suitable for females than serving behind bars. But that was not his only reason for supporting the amendment. He found that barmaids were used as decoys. They all knew that nearly every publican in these colonies had his decoy bird. Licensed victuallers put the prettiest girls they could possibly get behind their bars. But he was more interested in the young men who were attracted by these decoys, and who lounged about the bars from morning until night, drinking and sitting cross-legged on the counter for hours at a time. Those were the persons he was most interested in. He believed the girls could very well take care of themselves, but they got a lot of young men around them — young men whom the hon. member for Ipswich would call "mashers" — and a great deal of small talk went on, and from little beginnings they went to big ones. On one occasion, a good many years ago, he was lodging at a hotel in Sydney. There was a very nice, pretty girl behind the bar, and an old gentleman on the counter, sitting cross-legged like a tailor. He (Mr. Miles) went out for two or three hours and did a good deal of business. When he returned he found the old gentleman exactly in the same position. Now, no one need tell him that had there been a man behind the bar that old gentleman would have sat cross-legged on the counter for three or four hours. He could say more. When he arrived in London after passing through America he saw a great difference at once. He found that the state of affairs there was the very reverse of what it was in America. There were in London three or four girls behind each bar, which was generally partitioned off in one corner, and numbers of young men lolling about the counter, spending their time there from morning till night. He was perfectly satisfied that had there been barmen instead of barmaids the youths he referred to would not have been wasting their time at the counters. It was not for the protection of barmaids that he supported the amendment, but to remove an inducement for young men to spend their time and money, drinking and carrying on small talk at public-house bars.

Mr. McMASTER said it was his intention to support the new clause proposed by the hon. member for Ipswich, and he might say that in introducing that clause the hon. member put the case very fairly before the Committee. He had a reason for supporting the hon. member, apart from the reasons advanced by the hon. member in introducing the clause. The hon member spoke of the temptations in the way of which those girls were placed by tending upstairs bars, but that argument would not now hold good, because the upstairs bars were to be done away with. The new clause would have his support for another reason. Hon. members might have noticed by the reports in the Press—or if they had been on the bench at the police court in Brisbane—that the class of persons brought before that court every morning were not a desirable class for those girls to be in the company of for the greater part of the day. Most of the persons brought up at the police court were brought up for drunkenness and using obscene language. His reason for supporting the amendment was to protect those respectable girls whom they were told were employed as barmaids. He believed they were respectable girls, at all events, when they entered upon their duties as barmaids. His sympathy was with the girls, and he thought it was cruel to compel them to stand in a public-house bar and listen to the foul language that they were compelled to listen to from morning till night, and he believed that a majority of the Committee agreed with him in that opinion. Now that upstairs bars were to be done away with, those girls would be in a worse position than they had been hitherto, for the class of persons they would be compelled to serve and to listen to would not be the young men whom the Minister for Works described as going to the bars and sitting for two or three hours on the counter chatting with the barmaids. They would have to serve everybody who went into the bar. It was well known that when a number of men got into a public-house bar they spent a good deal of time there, and that as a rule their language was not very pleasant to listen to. Barmaids were compelled to stand in the bar and listen to the language that was used by such persons, and now and again to supply liquor to them, otherwise their employers would soon tell them that their services were no longer required. A gentleman in Brisbane who had been a publican, but who had retired now—having made his fortune, he believed—had informed him that he would not employ barmaids. As a matter of fact, no barmaids were employed in the house that gentleman kept, either by him or the previous or present occupier ; and he had assured him (Mr. McMaster)—and his statement was borne out by the remarks made by the Minister for Works—that as a rule they would be very atttentive to a certain class of persons—those

young men who sat on the counter for two or three hours at a time, but if a working man came in for a glass of beer they would serve him in a very off-hand manner, chatting at the same time with the young man on the counter. He objected to barmaids being employed, because they had to serve the class of people who were brought up at the police court for drunkenness and obscene language. The hon. member for Stanley had referred to barmaids—one, at all events—who had settled down in a respectable position in society in Brisbane. He had no doubt that hon. members knew to whom the hon. member alluded.

Mr. KELLETT: I said "many."

Mr. McMASTER said the hon. member did say "many," he believed; but he did not think the hon. member for Ipswich uttered one single word against the private character of barmaids, but simply said that they were in positions of danger. He (Mr. McMaster) said so too. He said that the girls who were employed as barmaids were as respectable as girls employed in any other sphere, but he was quite satisfied that they were in danger, and he thought that would be admitted by the member for Stanley, and even by the member for Wide Bay, who was the champion of the publicans. There was great danger to them even if they were employed upstairs to supply the beef-tea and coffee the hon. member had told the Committee about a few evenings ago. He believed that every member of that Committee would regret to see their own daughters or any of their female friends serving in a bar. He himself, as the father of four daughters, would be very sorry to see one of them employed in a bar. He did not think it was any argument to say that if barmaids were done away with the girls would be unable to get employment, because he believed that anyone employed in that capacity in Brisbane, or in any other town in the colony, was quite capable of taking a situation as a housemaid, and was not compelled to stand behind a public bar. He thought that there was some truth in what had been said by the Minister for Works, that barmaids possibly and probably decoyed young men to go into public-houses as customers. Hon. gentlemen might laugh; possibly some of them were better acquainted with those who frequented such places than he was, and knew more about them and their respectability, and probably they would be able to tell the Committee something more. He did not know anything about them; he simply knew this: that the class of men he saw coming out of public-houses, and the language that he heard they used, was not such as those girls should be brought into contact with. Possibly those hon. gentlemen who were in favour of the employment of barmaids were out later at night than he was, and could give the Committee more information. He was not in the habit of staying out late. He repeated that, from what he had seen of the men brought up at the police court, and from what he had heard about those who frequented public-houses, it was cruel to compel girls to remain behind the bar and serve those people. For the reasons he had given he would support the amendment.

Mr. LUMLEY HILL said the hon. member for Fortitude Valley who had just sat down had treated them to a piece of very special pleading in the interests of barmaids. If the reasoning he set forth was held to have any weight at all, certainly publicans' wives or daughters should not be allowed to go behind a bar either. They ought not to be permitted to serve behind a bar if they were liable to hear all the obscene and bad language which, according to the experience of the hon member for Fortitude Valley, went on day by day in such places. He (Mr. Lumley Hill) had been in pretty nearly every bar in the city, and had been served by both barmaids and barmen, and he must say that he had never heard any obscene or bad language. He did not know anything about persons who had appeared at the police court, as he had never been there either in a judicial or any other capacity; but it was a wonderful story that was told them about the bad language which prevailed in the bars here. He had discharged the duties of magistrate in a country town, and had occasionally had to deal with cases of bad language; but they were exceptional ones, and occurred in places where barmen only were employed. He considered that the presence of a girl in a bar modified and tempered the language that men made use of there. He would be the last member of the Committee to narrow the area in which women could find employment, and would be glad to see the avenues of public employment opened wider for them. They ought to be just as much thought of, and cared for, and provided for as men, and more so, because they were less able to take care of themselves. He should be glad to see them employed in the Telegraph Office, the Post Office, and any other public office where light and intelligent work was required. In the course of his own experience he had known plenty of very decent barmaids who had become good wives and good mothers—barmaids who were as much respected and as virtuous as any other class of ladies in the community. No man would ever think of offering any insult to them or uttering a coarse word before them; if he did he would probably be checked in such a way that he would not be likely to repeat the offence. With the generous education now given to girls in the colony, partly at the hands of the State, they were above scrubbing floors and performing menial duties of that kind. Girls who had held respectable situations behind a bar would never come down to that; and if the amendment were carried he should be very sorry to say what would be likely to happen to them. Hon. members must remember that they were not legislating only for Brisbane and other places where men were always available to serve behind bars. In the country neither the landlord nor his wife might always be in attendance, and they might not have a daughter, and the parlour-maid would have to serve a customer with a glass of beer. Was she to be described as a barmaid on that account, and render her employer liable to a heavy penalty? Barmaids, he considered, were well able to take care of themselves, in spite of the young men—or the old man so feelingly referred to by the Minister for Works as sitting on the counter for three hours at a time.

The MINISTER FOR WORKS: You need not say anything. You are fond of joking with the barmaids yourself.

Mr. LUMLEY HILL said at all events he was not jealous of the man who sat on the counter for three hours at a time. He intended most decidedly to vote against the amendment.

Mr. FOOTE said he could not support the amendment. If the hon. member (Mr. Macfarlane) thought that was a "sell," all he could say was that he ought not to have counted upon his vote until he had heard his views on the question. He had a decided objection to the amendment. He agreed with the hon. member (Mr. Lumley Hill) that it was not advisable to close the avenues of employment open to women. The class of females employed as barmaids were not the class from which domestic servants came. If their occupation was gone to-morrow they would never take to domestic service in any shape or form. He did not agree with the hon.

member for Ipswich, that domestic servants were scarce because so many girls found employment as barmaids. In the present advanced state of education in the colony, the female population were raised far above the degree of domestic servants. If they had to earn their own living they became sempstresses, tailoresses, barmaids—they would do anything rather than go out to domestic service. Those remarks applied more especially to young girls brought up in the colony. A large number of girls were employed in the Education Department, where they often remained until they were married. It was time that other avenues of employment were opened to them. When travelling south he found that, in Melbourne especially, young women were employed in the Stamp Office, the Telegraph Office, and in other Government departments, and he thought the time had arrived when they should be so employed in Queensland. He believed the Post Office and Telegraph Department could be worked 25 per cent. cheaper than at present by the employment of women. He was aware that there was a difficulty in getting domestic servants, but blocking barmaids would by no means facilitate matters; they would need a great increase in immigration before the supply of domestic servants became adequate. The hon. member for Fortitude Valley professed to know nothing about barmaids, but he had given a very graphic description of the interior life of a barmaid in a public-house, and, from the extent of his information on the subject, he seemed to have been in public-houses at all hours. He (Mr. Foote) was in the habit of going into hotels on business; but he had never seen or heard anything such as the hon. gentleman had talked about. He had also been in the inner bars, but had never seen any disrespectful conduct in any of them. It had been said that the barmaid was exposed to greater danger than she would be in any other position in life; but he contended that the degree of danger was very small in comparison with any other walk of life. There was the probability of danger in almost every other establishment where men and women worked together. He would certainly require to be convinced before he would give his vote to preclude barmaids from such service. During the whole of the discussion not one fact had been adduced in support of the amendment; hon. members had dealt in generalities and suppositions — assuming that from certain causes certain results must follow. He gave the barmaids credit for being quite capable of taking care of themselves, and resenting any insult that was offered. He could not vote with the hon. member.

Mr. SHERIDAN said the hon. member for Fortitude Valley had told them that his experience in police courts had convinced him that barmaids were indeed a very bad class. Very few people in the colony had had more experience on the bench than he (Mr. Sheridan) had had, and in not one single case had a barmaid ever appeared before him on any charge. He had not passed through life without seeing many barmaids and being in many hotels, and he had never heard an indecorous word used or had seen an indecorous act committed by a barmaid. It would be a shame to have one-sided legislation which would deprive those women of their means of earning a respectable livelihood, especially as employment suitable to their position in life was so difficult to obtain in the colonies. On the Continent all clerical work was done by females, even the book-keeping in merchants' offices; and in all the shops in Paris you would never see a man employed. There was nothing of that kind here. Take the whole of the barmaids in Brisbane, and they would bear favourable comparison with a similar number of females in their condition in any other walk of life. They would compare very well with factory girls. It was notorious that amongst the class of females of a somewhat questionable character—he was alluding especially to England—there were very many factory girls. Why the hon. member for Ipswich should have such a grudge against barmaids he could not understand. He would certainly vote against the amendment, and hoped a large majority of the Committee would do the same.

Mr. McMASTER said he had to correct the hon. member. He did not say he had seen barmaids in the police court. What he did say was, that the class of people brought up daily at the police court for drunkenness and obscene language were the class of people barmaids had to supply. The hon. member knew very well that if he saw a number of drunken men coming out of a bar, using foul language, the barmaids had to listen to it. He had not a word to say against the character of barmaids; on the contrary, they were quite as respectable as any other females in the city. What he said was, that it was ruinous to compel them to stay in a bar and supply men who used such foul language. He had not given his own experience of barmaids, as the hon. member for Bundanba said. He knew nothing about barmaids; he had no experience of public-houses, and he hoped he never would have; but he knew the class of men the barmaids were compelled to serve.

Mr. KATES said it was the second time the hon. member had said it was cruel to compel the barmaids to serve a certain class of men; but he would like to know where the compulsion came in. He questioned very much whether the hon. member for Ipswich was right in supposing that the barmaids would become housemaids and servants. If they were set adrift now he was afraid half of them would go to worse places. If the hon. member inserted a provision that the clause was to come in force twelve months after the passing of the Act, so as to prepare the publicans and the barmaids themselves for the change his amendment would be more likely to be accepted.

Mr. ALAND said the barmaids might well say, "Save me from my friends." The most unkind things said about barmaids had been said by the hon. members who opposed the amendment. The hon. member who had just sat down made the most impertinent assumption that if the barmaid's calling was abolished she would go and do something worse. As for the compulsion the hon. member for Fortitude Valley talked about, there was no compulsion at all in the matter. It was a legal calling, and he saw no reason why the girls should not engage in it if they saw fit. The objection that he had to their employment was that they were no doubt a means of attraction to young men. As a man up in years himself he objected to young men going to public-houses, and if the Committee could lessen the attraction of those places so much the better.

Mr. MIDGLEY said that had it not been for the dubious tone of the hon. member for Toowoomba, as to how he intended to vote, perhaps he should not have risen; but if he could say anything to induce that hon. gentleman to vote on the right side he should be satisfied as there was likely to be a close division; at any rate a very important division. One argument that had been advanced against the amendment was that it was not right or advisable to close any avenue to employment which was open to women. The legislation of recent years in older countries had tended largely in the direction of protecting and screening and caring for women and children,

and he thought it was really desirable that, whilst they should open certain avenues for their employment, they should see that they were not put in positions where they would suffer. There were many employments which might be made available for women. Was this one of them? He could understand the argument being made a great deal of in the old country, where the proportion of females was much in excess of the male population, and where there were females who had no one to care for them, or protect them, or toil for them. In this country the condition of things was very different. The disproportion was the other way. They wanted, in Queensland, both in town and in country, to multiply the homes of the people. It was his impression that too many people here were living in hotels and boarding-houses. Seeing that there was no necessity for those young women to engage in the occupation of barmaids, the argument as to leaving avenues of employment came to the ground. There was a time when women worked at the pit's mouth; but who thought now that it was a fit thing for a woman to be labouring there, or on a farm in the open air in a field? He had seen them many times, and Englishwomen's hearts revolted at it and resisted it. Their position was in the home, gracing the drawing-room, or perhaps making themselves homely or useful in the kitchen, or otherwise making a home cheerful and happy; and not in a bar. He thought the arguments that had been advanced in favour of the non-employment of women behind public bars were overwhelming. He would say, while on his feet, that the avenues of employment that were open to women were not made as attractive or remunerative as they ought to be. If the State would make the Educational Department more attractive to women, and pay those who engaged in that employment better wages than at present, it would be a step in the right direction. He knew some who were miserably paid; and women would rather go into any employment than into the Education Department. He hoped the hon. member for Ipswich would not be guilty of the folly or weakness of withdrawing his amendment. He would have a very good show in a division, and he hoped the hon. member for Toowoomba would vote on their side.

Mr. STEVENSON said he hoped the Committee would not go in for the kind of legislation indicated by the hon. gentleman who had just sat down. The Premier would have a very rough time in drafting Bills, if the hon. gentleman were to tell the people of the colony that they were not to live in boarding-houses, but get married.

Mr. MIDGLEY: You should have listened to all I had to say, and not interrupted me.

Mr. STEVENSON said the hon. gentleman was going too far. In regard to the matter of barmaids, he found that hon. members who were supporting the new clause were men who pretended not to have had any experience of bars; yet they were going to dictate to the Committee as to what barmaids ought to do. In fact they were going to compel them to give up their present means of getting a livelihood; and he trusted that nothing of the sort would be done. The hon. member who introduced the clause himself admitted that he knew nothing at all about barmaids, and the hon. member for Fortitude Valley also. With regard to the old man the Minister for Works said he saw sitting tailor-fashion on the bar, and whom he found sitting in the same position when he returned three hours afterwards, it was evident that the barmaid had had a good effect upon him. He found him sitting in the same position; he had not taken a glass of grog during the whole time. He had had a good deal of experience in bars in the outside districts where only barmen are employed, and he generally found more bad language used in those places than where barmaids were employed. He had not had very much experience of bars in Brisbane; sometimes he went into a private room, but very seldom into a bar. However, he would take the experience of the Minister for Works in that respect. So far as his own experience went he did not think that barmaids had a very rough time, and they had a very good effect upon the men who visited those bars. It would be very hard indeed if barmaids were to be deprived of the means of livelihood that they had at the present time, and he did not know that any harm had resulted from their being so employed. It would be a very poor sort of man indeed who would allow himself to be decoyed by a barmaid into spending more money than he intended to spend. It would be a very bad thing indeed if barmaids were turned out of their positions; and the hon. member for Ipswich, instead of setting himself up as a destroyer of that occupation, should try and invent some other way of increasing the means whereby respectable young women could earn a living in an easier way. Several hon. members had talked about the temptations and dangers to which those young women were liable, but he believed that most of the barmaids in Brisbane were employed from 6 o'clock in the morning until 12 o'clock at night, and where the danger came in he did not know. If the hon. member for Ipswich would try and reduce their hours of labour he would do far more good than in endeavouring to destroy their means of livelihood. He hoped the amendment would not be carried.

Mr. BROOKES said he wanted to say a word or two to justify the vote he was about to give in support of the amendment. He did not wish it to be thought that he did so upon any sentimental ground. He knew that some hon. members made a joke of the matter, and seemed to think that the topic of barmaids gave a very good opportunity for what he would call low burlesque wit. He did not look at it at all from that point of view. He regarded the position of women behind the bar of a public-house as debasing in every way. No modest, virtuous girl could go behind the bar of any public-house in the world and not be the worse after twelve months' experience of that kind. That was the reason why he should vote for the amendment. As for the amendment having the effect of reducing the avenues in which women might earn their living, that argument could hardly be seriously advanced. At any rate it would do away with an avenue for the employment of women which he should very much like to see closed.

Mr. ISAMBERT said he did not wish to give a silent vote on the question. He thought that hon. members in favour of the amendment took too serious a view of the matter, although he believed that the picture they had drawn was not exaggerated with regard to low-class public-houses. He believed that was almost as bad as following the girls employed in those places to the grave. But they were now legislating to make the keeping of a public-house a respectable business—at any rate to do away, as far as possible, with all the attendant evils; but if they prohibited females from attending in respectable hotels, then the whole trade would be disreputable. If the Bill passed as it now stood, and if the licensing benches did their duty, he believed the hotel trade would be quite as respectable as any other trade. He would rather see a girl employed as a barmaid than in those large factories where they were employed in such large

numbers. He had heard that there were perhaps more doubtful goings-on in the large tailoring shops in Brisbane, where so many girls worked together, than in hotels. A most objectionable remark had been made by the hon. member for Cook, who described scrubbing and house-work as low and menial. He (Mr. Isambert) considered scrubbing a floor or cleaning a room quite as honourable, perhaps more so, than the finest lady behind a bar serving a drunkard. And with regard to the hon. member for Fassifern objecting to women working on farms, he (Mr. Isambert) believed it was more honourable and more conducive to health than employment in large factories. Women who were in the habit of working on farms were generally the mothers of strong healthy boys, who would have strong arms for defending the country when danger came. With the restrictions they were now imposing on the hotel business by the Bill before the Committee, he thought they were perfectly safe in voting against the amendment.

Mr. SALKELD said he intended to support the proposed new clause, and he would give just one ground for doing so. The champions of the barmaids appeared to be so very sensitive about any remarks being made that might reflect in any way upon them that he should spare their feelings, and modify what he had to say a little by simply giving, as he had said, one ground for supporting the amendment. In a previous clause they had made provision against music being allowed in licensed houses except under certain conditions. He believed the object of doing that was not that the Committee looked upon music as being in any way an evil—rather the reverse—it was very entertaining and attractive, but they did not want music to be pressed into the service of the liquor traffic so as to induce people who had a fondness for it to frequent public-houses and get in the way of taking liquor. He looked upon it that women—and especially good-looking women—were very good in their place, and very proper, but what was wanted was to get them away from being used by publicans to attract young men—what did they call them?—"mashers." He put the matter in that way. They wanted to protect those helpless young men from being led astray by their own weakness. He believed some of them were led astray in that way and got into the habit of drinking—if they got into none worse—but that in itself was almost sufficient to ruin any young man. As far as he had been able to ascertain, he believed that the application of the clause would be beneficial, principally in such places as the metropolis or large towns. It would not apply so much to country districts or small towns, but to large populous places. Of course he did not pretend to know so much about public-house bars as the hon. member for Cook, the junior member for Stanley, or the hon. member for Wide Bay, who seemed to know all about them. He did not know very much about them, and was therefore at a disadvantage in not being able to speak from personal knowledge; but still he and hon. members who supported the amendment had a good deal of information on the subject. He certainly hoped that the new clause would be carried.

Mr. MACFARLANE said he wished to say a word or two in reply. Certainly no very strong arguments had been used against his amendment. The most reasonable one was that put forward by the hon. member for Balonne, which was to the effect that he was opposed to the new clause because it would limit the sphere in which female labour might very well be employed. That was the most reasonable objection that had been made during the discussion; but still, to his mind, it was not a sufficiently good objection, there being so many other avenues where females might be employed that would tend very much more to their welfare and far more to their good than the position of being a barmaid anywhere. The hon. member for Normanby raised the objection that he (Mr. Macfarlane) and the hon. member for Fortitude Valley, having pleaded guilty to not knowing anything about barmaids or public-houses, should say nothing about them. He did not profess to know anything about roughs, rascals, or rogues; but was he, on that account, to refuse to legislate for them?

Mr. HAMILTON: We are here to legislate for honest men.

Mr. MACFARLANE said that it was their duty so to legislate as to make it easy to do right and difficult to do wrong; and if they could by any means make it easier for either male or female to lead better and purer lives they ought to do so. He wished he could infuse into the Committee a little natural sympathy for those who would be benefited by the amendment, and though he did not expect the help of every hon. member, still he expected to have the sympathy of those who had families of their own, and he hoped the division would be a very good one. The hon. member for Bundanba stated, as a reason for opposing the amendment, that he (Mr. Macfarlane) had said that female domestic servants were scarce on account of the employment of barmaids; but he had not said anything of the sort. What he said was that if they were not employed as barmaids there would be more females for domestic service.

Mr. FOOTE: What is the difference?

Mr. MACFARLANE said there was a great difference. He said that barmaids would not be turned out of employment, because there was such a demand for female domestic servants. However, he would not detain the Committee further, but he hoped that the new clause would be carried.

Question — That the proposed new clause stand part of the Bill — put, and the Committee divided:—

AYES, 15.

Messrs. Rutledge, Miles, Dutton, Brookes, Jordan, Campbell, Buckland, McMaster, Wakefield, Chubb, Grimes, Higson, Midgley, Macfarlane, and Salkeld.

NOES, 25.

Sir T. McIlwraith, Messrs. Archer, Dickson, Hamilton, Norton, Stevenson, Sheridan, Moreton, Aland, Foxton, Smyth, Ferguson, Donaldson, Horwitz, Govett, Beattie, Lumley Hill, Morehead, Kates, Kellett, Black, Foote, Griffith, Palmer, and Isambert.

Question resolved in the negative.

Mr. MIDGLEY said he had no desire to detain the Committee, and would therefore simply state what he had to move and be done with it, making only the remark that there was an impression on the part of those who voted for the last amending clause that if there had been some notice given or a time specified after which girls should not be employed in bars they would have had a better division. He wished to give another opportunity of dividing on the clause in an amended form, which would specify a certain time after which barmaids should not be employed. The new clause he would move was identical with the one proposed by the hon. member for Ipswich, with the exception that the words "After the expiration of twelve months from the commencement of this Act" were inserted at the commencement of the clause.

Question—That the new clause stand part of the Bill—put, and the Committee divided:—

AYES, 15.

Messrs. Jordan, Buckland, McMaster, Mellor, Kates, Wakefield, Grimes, Chubb, Brookes, White, Higson, Midgley, Campbell, Macfarlane, and Salkeld.

NOES, 24.

Sir T. McIlwraith, Messrs. Archer, Dickson, Norton, Hamilton, Miles, Dutton, Griffith, Moreton, Aland, Horwitz, Smyth, Ferguson, Palmer, Morehead, Govett, Beattie, Lumley Hill, Stevenson, Foxton, Kellett, Foote, Isambert, and Black.

Question resolved in the negative.

On clause 87, as follows :—

"1. If an inspector has reason to believe that any substance, matter, or thing of a deleterious nature is kept on the premises of a licensed victualler or wine-seller for adulterating or mixing with the liquor sold by him, or that such licensed victualler or wine-seller has for sale any liquor not authorised to be sold by his license, or which is adulterated or mixed so as to be unfit for human consumption, such inspector may, at any time during which the premises of such licensed victualler or wine-seller are open, enter upon the same, and may examine every room and part of such premises, for the purpose of ascertaining whether there is thereon any such deleterious substance, matter, or thing, or any such liquor not authorised to be sold, or which is so adulterated or mixed.

"2. And any inspector who on entry finds any such deleterious substance, matter, or thing, or any such liquor as aforesaid, may demand, select, and obtain for the purpose of examination or analysis, samples thereof.

"3. Such samples shall be sealed by the inspector in the presence of the licensed victualler or wine-seller or other person in charge of the premises, and, if such licensed victualler or wine-seller or person so desires, with the seal of such licensee or person, as well as of the inspector.

"4. No inspector shall enter any private room or rooms in the actual use or occupation of any *bonâ fide* lodger, unless in the presence of such lodger, or of the licensed victualler or wine-seller or person in charge of the premises in which such search or seizure is made.

"5. Any person obstructing any inspector in the execution of the duty imposed upon him by the provisions of this section shall be liable to a penalty not exceeding fifty pounds and not less than five pounds.

"6. The inspector may, if necessary, forcibly enter upon and break into any licensed premises, or any room in any licensed premises to which access is refused, and in which he has reasonable ground to suspect that any deleterious ingredient or adulterated liquor is concealed; and all police officers and constables are hereby required, on the demand of such inspector, to forthwith assist him in the execution of his duty."

The PREMIER said that in the 4th paragraph of the clause the word "wine-seller" should be omitted. Under the clause as at present it might be supposed that a wine-seller could keep lodgers, which was certainly not intended by the Bill. He therefore moved the omission of the word "wine-sellers."

Amendment agreed to.

Mr. PALMER said he hoped that clause 87, dealing with the adulteration of liquor, and giving inspectors authority to search for deleterious ingredients in liquor, would not become a dead-letter as similar clauses in previous Licensing Bills had become. There was more harm done through the adulteration of liquor than from any other cause in connection with the traffic. A similar clause had appeared in other Licensing Acts, but had hitherto been allowed to remain a dead-letter. No one would deny that quite one-half of the grog—he referred not so much to towns as to the bush, but one-half of the grog sold was manufactured with deleterious substances, and in many cases poisonous substances. A few convictions brought home under that clause would tend more to moderation in drinking than anything else in the Bill. He sincerely hoped the provisions of the clause would be taken special advantage of by the inspectors who might have authority under it.

Mr. BLACK said he wished to ask the Premier whether it would not be possible to extend the provisions of that clause to wholesale wine and spirit merchants? He believed that a good deal of adulteration took place on the premises of wine and spirit merchants before the liquor got into the hands of the publicans at all. In fact, he was credibly informed that certain firms—he would not say in what colony—had stated that they were willing to supply licensed victuallers with grog at any price they were prepared to pay for it; and that, no doubt, would be done by the adulteration of the liquor. It was therefore a matter, he thought, worthy of consideration as to whether the right of inspecting liquor should not be extended to wholesale wine and spirit merchants. It might be that in many cases a licensed victualler was entirely innocent of adulterating liquor, which might probably have been adulterated before he got it.

The PREMIER said the Bill was only intended to deal with licensed victuallers and wine-sellers, and not with all dealers in spirits, and such an amendment as the hon. member suggested would be out of place in it. Such an amendment would better apply to such an Act as the Sale of Food and Drugs Act, and he believed the case referred to by the hon. member was covered by that Act.

Mr. FOOTE said the adulteration the hon. member for Mackay talked about must take place in bond under the supervision of the Government and under the eyes of their officers, because the wholesale men, as a rule, sold the liquor in bond, and the purchaser got it direct from the bond. He could not therefore agree with the hon. member that the wine and spirit merchants were to blame for the adulteration of liquor.

Mr. CHUBB said there was a law in force which dealt with the case referred to by the hon. member for Mackay—an Act to Prevent the Adulteration of Spirituous and Fermented Liquors; but it contained clauses which were clearly antagonistic to clause 90 in the Bill.

The PREMIER: They can stand together.

Mr. CHUBB said the Act he referred to provided that any dealer in spirituous or fermented liquors who should cause to be mixed with any such liquors any poisonous or deleterious substances whatsoever, or should sell or keep for sale any liquors so adulterated, was to be deemed guilty of a misdemeanour, and on conviction thereof was liable to be fined in any sum not exceeding £200, or be imprisoned for any period not exceeding two years, with or without hard labour. Under clause 90 the extreme penalty for the first offence was £50, and for the second offence £100, or three months' imprisonment with or without hard labour. He suggested that the section in the Act he mentioned might be included in the schedule at the end of the Bill, and then be made applicable to the Bill, or that clause 90 might be amended so as to include the provisions of that statute. The 2nd clause in the Act he referred to provided that—

"If any dealer in spirituous or fermented liquors licensed publican, or any other person shall knowingly have in his possession any spirituous or fermented liquors so adulterated as aforesaid, or if any such dealer or publican shall knowingly have in his possession, otherwise than for a lawful purpose, any poisonous, deleterious, or pernicious substance, such person, upon proof thereof, shall forfeit and pay any sum not exceeding one hundred pounds."

Under that Act a publican in Ipswich was prosecuted some three years ago and convicted. It was a law passed in 1855, and that was the only instance in which it was put into force—when a publican named Watson, he believed, was prosecuted and convicted under it in Ipswich.

The PREMIER said the provisions of the Act referred to by the hon. member could stand with those contained in the Bill, but he thought the provisions contained in the Bill were very much better than those contained in the Act to which the hon. member referred. The Act to which

the hon. member referred applied to all kinds of spirit-dealers, whereas the Bill under discussion applied only to licensed victuallers or wine-sellers. For that reason he did not consider it desirable to include that Act in the schedule. He believed the provisions could well stand together, but the provisions in the Bill were the better of the two. The provisions of the Act the hon. member referred to were manifestly unfair, and that was one reason why so very few convictions were made under it. If a man simply had in his possession liquor that was adulterated, although he did not know it himself, and had bought it honestly from another man, he was nevertheless liable to a fine or imprisonment. That was manifestly unfair, but, as he had said, the provisions of the Act referred to dealt with all spirit-dealers, and therefore he did not propose to repeal it.

Mr. HORWITZ said that very often the publican was blamed for selling bad liquor when he was quite innocent of it. They had a very important Bill before them, and he considered the adulteration clauses the principal part of it. The Government could not do better than to appoint an officer to test all spirits in bond, and if they did that a great deal of the spirits at present sold, not only in Brisbane, but in other places, would never leave the bonds. He knew that a great deal of inferior spirit was imported into the colony. Persons who were in the habit of importing spirits sold them to the wholesale wine and spirit merchants, who in their turn sold them to the publicans. He thought it would be very hard to make a publican liable to a penalty of £100 or £200 when the liquors he sold were in the same condition as when he purchased them from the wine and spirit merchant. If a publican could show that he purchased the liquor as it was found by the inspector he should not be liable to punishment, but if he failed to do that he should suffer the consequences of having adulterated liquor on his premises. He would suggest that an officer should be appointed to examine all spirits in bond, and that the same officer should afterwards go from one public-house to another, and when he had finished in Brisbane go to Ipswich and Toowoomba, and even to Warwick, and examine the liquors kept by the wine and spirit merchants in those places, and then those the publican had in stock. If that was done it would not be necessary to do anything more.

Mr. CHUBB said he would draw the Premier's attention to clause 90. The hon. gentleman stated that the provision in the Spirits Adulteration Act was an unfair one because it made it an offence for a person to have adulterated liquor on the premises. There was a similar provision in clause 90 of that Bill.

The PREMIER ; Yes ; but the punishment is different.

Mr. CHUBB said that if a person kept or exposed for sale any liquor mixed with any extract from tobacco he should be deemed to have knowingly adulterated such liquor, and be liable to punishment. That was exactly the same as a portion of the Spirits Adulteration Act, only the penalty was different.

The PREMIER : The 91st section allows the justices to take such circumstances into consideration.

Mr. CHUBB said the justices might take into consideration that a man bought the liquor in the ordinary course of business and did not know it was adulterated, but only in determining the penalty to be inflicted ; and a publican, if perfectly innocent, could not be fined less than £10. Of course he might in such a case apply for a remission of the penalty.

The PREMIER said that under the existing law the fact that a man got the liquor somewhere else could not be proved ; evidence of that kind was not admissible. But the provisions of the Bill were much more reasonable. A licensed victualler was allowed, under clause 91, to call evidence to show that the liquor complained of was bought in the ordinary course of business without knowing that it was adulterated, and an appeal might be made to the Governor in Council for a remission of the penalty.

Mr. BLACK said he understood the hon. member for Bundanba to say that if there was any adulteration on the part of the wine and spirit merchant it must necessarily take place in bond. Now, it was very well known that wine and spirit merchants frequently took their spirits out of bond, and the case of Spriggs, who carried on adulteration to an extraordinary extent, was a case in point. He (Mr. Black) wished that if possible that part of the Bill should apply to such cases, and empower an inspector to go into a wholesale wine and spirit merchant's store and inspect his stock. The Premier had, however, informed them that that was provided for in another Act. He (Mr. Black) would also point out to hon. members the enormous quantity of colonial rum that was manufactured in the colony, and that, after allowing for the amount exported, there was a large quantity left which went into consumption here in some form, but not in the shape of rum. They knew that it was manufactured into other spirit which was just as much adulterated as some other things referred to in the provisions of the Bill. White spirit was produced for the purpose of putting the article on the market as brandy, gin, or whisky. He had seen in a distillery in the colony white spirit so manufactured and put on the market as Geneva, and he had no doubt that the Colonial Treasurer knew that what he was stating was a thing of not unfrequent occurrence.

Mr. CHUBB said he would point out, in reference to what the Premier had said with regard to the provision of the Spirits Adulteration Act, that, both under that statute and under the provisions of the Bill before the Committee, evidence could be adduced by a person charged with having adulterated liquor in his possession, not to prove his innocence, but to reduce the punishment ; so that there was really no force in the argument advanced by the hon. gentleman. If there was any force in it, it was that if the clause now proposed was a better one than the provision of the old statute to which he had called attention —less harsh in its method of dealing with licensed victuallers—provision should be made in the schedule of the Bill for repealing the provisions of that Act so far as they applied to licensed victuallers. That would make the law on the subject consistent.

Clause put and passed.

Clauses 88 and 89—" Samples to be subject to analysis," and " Substances or liquor sampled to be kept untouched in safe custody"—passed as printed.

On clause 90, as follows :—

" 1. If any licensed victualler or wine-seller keeps on his licensed premises any ingredient which, either in itself or mixed with liquor, has a deleterious effect, such as cocculus indicus, copperas, opium, Indian hemp, strychnine, darnel seed, extract of logwood, salts of zinc, lead, alum, or any extract or compound of such ingredients or any other deleterious matter or thing, for the possession of which he is unable to account to the satisfaction of the justices having cognisance of the case ; or keeps or exposes for sale any liquor mixed with any such ingredient, matter or thing, or with common salt or tobacco, or with any

extract from tobacco, or with any compound with or extract from tobacco, he shall be deemed to have knowingly adulterated and kept and exposed for sale adulterated liquors on his licensed premises, and shall be guilty of an offence against this Act.

"2. Such licensed victualler or wine-seller shall for the first offence be liable to a penalty not exceeding fifty pounds and not less than ten pounds, and for the second offence shall be liable to a penalty not exceeding one hundred pounds and not less than fifty pounds, and in default of payment to imprisonment, with or without hard labour, for any period not exceeding three months, and his license may be forfeited and he may be disqualified from holding a license for such period not exceeding three years as the convicting justices shall think fit.

"3. On any such conviction the convicted person shall forfeit all deleterious ingredients, and all adulterated and other liquors, found on his premises, as well as the vessels containing the same, and such ingredients and adulterated liquors shall be destroyed."

Mr. BLACK said that was a very important clause, as it dealt with the penalties for adulteration. In subsection 2 it was provided that a licensed victualler for a first offence of adulterating liquor, or having adulterated liquor on his premises, should be liable to a penalty not exceeding £50 and not less than £10, and for a second offence to a penalty not exceeding £100 and not less than £50, and, in default of payment, imprisonment with or without hard labour, for any period not exceeding three months. It further provided that "his license may be forfeited." He would like to see that word "may" altered to "shall." He thought that if a man had been twice convicted he was utterly unfit to hold a license, and his license should be absolutely forfeited. He would suggest that the Premier should propose that amendment.

The PREMIER said the difficulty was that it was quite possible for a man to be twice convicted and yet be morally innocent. It often happened that a man bought adulterated liquor without knowing it. He had bought liquor himself which was adulterated, but he was certain the man did not know it, because it was poured directly out of the keg. In circumstances like that it would be very hard to disqualify a man for three years.

Mr. BLACK said clause 91 provided for exactly the case the Premier had pointed out.

The PREMIER: Not if you put in "shall."

Mr. BLACK said that if the licensed victualler showed he had bought the liquor without knowing it was adulterated he would not be convicted at all.

The PREMIER: Yes; the justices must convict him.

Mr. BLACK said it would not be fair to convict him if he had bought the liquor innocently and showed from whom he had obtained it. In such a case he would not be liable to any penalty at all; but when a man had for the second time been convicted of wilfully adulterating his liquor, quite regardless of the misery he might cause, such a man was not fit to hold a license. He would propose the substitution of the word "shall" for "may" in the 2nd paragraph.

Mr. GOVETT said if they made the penalty heavy it would cause a man to be careful from whom he bought his grog; and it would be in the interest of the man who wished to sell and did sell good grog. There were publicans who did not care whether they got good grog or not, as they had means of disposing of it to persons who were not careful in guarding themselves. People travelling in the country districts who were careful what grog they drank took the precaution of carrying some with them, and passing by those places. Other publicans laid themselves out to get good grog from the wholesale man, and they retailed it not only to the man who was capable of guarding himself against bad grog, but to the swagsman who was not particular what he drank. Such a man ought to be protected against those who got bad grog from the wholesale man.

Mr. CHUBB said he would like to point out that clause 91 gave the justices power to take into consideration the circumstances mentioned therein, when a man was morally innocent of the charge, in determining the penalty. Clause 90 imposed a minimum penalty which the justices could not go below, whatever the circumstances might be. The justices ought to have the power of imposing the smallest possible penalty. Again, clause 90 provided that the vessels were to be forfeited as well as the liquor; but clause 91 did not make any mention of vessels; nor did clause 92, which provided for the restoration of the liquor in the event of the acquittal of the licensed victualler.

The PREMIER said he intended to move an amendment in clause 91, giving the justices power to reduce or mitigate the penalty at their discretion; that would meet the hon. member's objection.

Mr. HAMILTON said that if conviction only followed upon proof that the licensed victualler was cognisant of having adulterated liquor on his premises it would be perfectly right that the penalty proposed by the hon. member for Mackay should be enforced. As the Premier had, however, pointed out, a man might be morally innocent and still be convicted; but the justices could only take that into consideration, not in deciding whether to dismiss him or not, but in determining the penalty to be inflicted. It would be very unfair if it were made compulsory that a man should lose his license simply because he had been fined on two occasions for offences, although at the same time it was shown that he was morally innocent of having committed those offences.

Amendment negatived, and clause put and passed.

On clause 91, as follows:—

"If in the case of a charge of an offence against the provisions of the last preceding section a licensed victualler or wine-seller proves to the satisfaction of the justices that he did not keep or use any deleterious ingredient on his premises or elsewhere, for the purpose of adulteration, and that he had bought the adulterated liquor complained of in the ordinary course of his business, without knowing that it was adulterated, and discloses the name and place of business of the person from whom it was bought, the justices may take such circumstances into consideration in determining the penalty to be inflicted, such liquor being nevertheless forfeited and destroyed, as by that section directed."

Mr. CHUBB moved, as an amendment, that the word "shall" be substituted for the word "may" after "justices."

Mr. MIDGLEY said there seemed to be a very serious omission in the clause, which, so far as he could see, was not provided for in any other part of the Bill. The clause recognised the possibility of a man having on his premises adulterated liquors, and provided for their forfeiture and destruction; but there was no provision that the licensed victualler should be compensated by the person from whom he bought the adulterated liquors. Nor was it provided that the person who supplied him with the liquor wholesale should be punished.

The PREMIER said that was dealt with under another statute. The present Bill only dealt with licensed victuallers, not with the general question of adulterated liquor. If a wholesale dealer sold adulterated goods which he represented to be wholesome he was punishable under the general law.

Mr. PALMER suggested that sergeants of police should be empowered to act as inspectors.

The PREMIER said it was already provided that the work of inspection should be undertaken by the police unless a special inspector was appointed to do the work.

The HON. SIR T. McILWRAITH said it was very inconvenient to have two laws dealing with the same subject founded on different principles. The Food and Drugs Act provided a means by which a man charged with selling adulterated goods could be absolved, if it was found that the blame did not attach to him but to the wholesale dealer who sold him the goods. That was a right principle, because, if a licensed retailer proved that he sold the goods in good faith as he got them from the wholesale merchant, the onus lay on the prosecution to catch the real culprit in the wholesale merchant. The principle on which the present Bill was founded was quite different. It provided that, no matter whether he sold the adulterated liquor exactly as he received it from the wholesale merchant or not, he should be liable to certain penalties. As the clause stood, the licensed retailer was liable in any case to a penalty of £10 and forfeiture of liquors and vessels, and with the amendment to be proposed by the Premier he would still be liable to a penalty in the discretion of the justices, together with the forfeiture of the liquor and the vessels in which it was contained. Thus the two measures would deal out justice in the same case in different ways. The same principle ought to be made applicable to both measures, and that could easily be done by a slight amendment.

The PREMIER said the hon. gentleman had stated that the principle of the two measures was different, but he did not point out in what respect they differed. The provisions of the present Bill would very well run alongside those of the Food and Drugs Act, which was administered by the municipal inspectors, while the Licensing Act would be administered by the police except in the rare cases where an inspector was specially appointed. An offence against the Licensing Act might involve the forfeiture of the license. With the amendment there would be no inconsistency, although there might be some difference, between the two schemes.

The HON. SIR T. McILWRAITH said he would try to make the difference clear to the hon. gentleman. The 33rd section of the Sale of Food and Drugs Act—and that section applied to the prosecution of publicans for selling adulterated liquors—was as follows :—

"If the defendant in any prosecution under this Act proves to the satisfaction of the justices or court that he had purchased the article in question as the same in nature, substance, and quality as that demanded of him by the prosecutor, and with a written warranty to that effect from some responsible person then carrying on business within the colony, that he had no reason to believe at the time when he sold it that the article was otherwise, and that he sold it in the same state as when he purchased it, he shall be discharged from the prosecution, but shall be liable to pay the costs incurred by the prosecutor unless he had given notice to him that he would rely upon the above defence."

Now, that was a plain principle. In that case if a man proved that he got the goods in good faith he would be discharged from the prosecution. In the case before the Committee, however, a minimum penalty of £10 was imposed. Surely the Food and Drugs Act and the present Bill dealt with the same subject!

The PREMIER said they were not exactly the same. The Bill only dealt with the adulteration of liquor, while the Food and Drugs Act dealt with the adulteration of any food. Putting water into milk was an adulteration ; so was the mixing of maize with wheaten flour. What the Bill dealt with was selling stuff that was really poisonous. If a man sold poison he ought not to be able to discharge himself from the consequences by saying that he bought it from someone else.

Mr HORWITZ said publicans did not always knowingly sell poisonous liquor. On one occasion he went to a certain respectable place in town, and he did not drink more than a couple of teaspoonfuls of whisky, but the next morning he was in a frightful state. The publican from whom he bought the liquor had nothing to do with its adulteration, and why should a man of that class be held responsible so long as he could clear himself? He bought the liquor from a wine and spirit merchant.

Amendment agreed to.

On the motion of the PREMIER, the clause was further amended by omitting the words "in determining the penalty to be inflicted," and substituting the words "and may reduce and mitigate the penalty at their discretion."

Clause, as amended, put and passed.

On clause 92, as follows :—

"When it is proved to the satisfaction of the justices having cognisance of the case that a licensed victualler or wine-seller charged as aforesaid has not kept deleterious ingredients on his premises or elsewhere, and has not been guilty of any attempt at adulteration, the liquors (if any) seized or impounded shall be forthwith given up, and such of the samples as have not been used for the purpose of analysis shall be returned to such licensed victualler or wine-seller or other person entitled to possession of the same."

Mr. HAMILTON said the clause was a rather singular one. According to it, liquors which were suspected of being adulterated when they were seized, and proved on analysis to be perfectly pure, would not alone be sufficient to entitle the person who had been so accused to get his property back again, but he must prove that he had never been guilty of any attempt at adulteration. It was a principle of law that the onus rested upon the accuser and not upon the accused. He thought the onus should rest upon the accuser of proving that the liquor was adulterated, and unless that was proved then the owner should be allowed to get his spirits back again. He thought the clause should begin, "unless it is proved," etc., instead of "when it is proved."

The PREMIER said it would come to exactly the same thing, because the justices must be satisfied by affirmative proof. He had no objection to adopt the hon. gentleman's suggestion, but the amendment would have to take a different form. He would move the insertion of the word "not" after "provided" in the 1st line.

Amendment agreed to.

On the motion of the PREMIER, the clause was further amended by omitting the words "having cognisance of the case."

On the motion of the PREMIER, further verbal and consequential amendments were made, and the clause, as amended, put and passed.

Clause 93 passed as printed.

On clause 94—

"If any lodger or guest, after being provided with accommodation by a licensed victualler, leaves the premises of such licensed victualler without paying the amount legally due for such accommodation and refreshment as have been provided for him, and leaves on the premises of such licensed victualler any goods or property for a longer period than three months without paying to such licensed victualler the amount so due for such accommodation and refreshment, such licensed victualler may, on application to the licensing authority, and after publication of such notice or notices as the licensing authority may direct, cause such goods or property to be removed and disposed of by public auction.

"The proceeds of the sale of any goods or property so disposed of shall, after deduction of the proper charges of the sale, be handed over to the licensing authority authorising the sale thereof, and shall, to the extent of the amount due to such licensed victualler, be paid to him; and any surplus shall be paid by the licensing authority to the Colonial Treasurer, and by him placed to the credit of the Consolidated Revenue Fund."

Mr. CHUBB said it was well known that an innkeeper had no lien upon horses which were brought to his inn, although if a livery stable keeper he would have; he had only a lien upon the goods of his lodgers in the hotel. It often had happened within his own experience that a man had gone to an hotel and left a buggy and pair of horses, and gone away. The unfortunate innkeeper had had to feed those horses, and he could not sell them; if he had he would have been liable to an action. Of course he would have a set-off against the suit; but he had no legal authority to sell, and he (Mr. Chubb) would like to see it provided that he should have that power. He would propose that, after the word "any" in the 15th line, the words "horses, carriages, or other" be inserted.

Amendment agreed to.

Mr. PALMER said, that amendment having been carried, it would be necessary to alter the period of three months. For instance, if a man left his horses in a paddock while he went on a trip to Sydney or Melbourne, he might be away a long time.

The PREMIER: Let him pay before he goes.

Mr. PALMER said he thought the period should be made six months.

Mr. ARCHER said it was not very often that a man went away without having some idea when he would come back, but still he might be detained by illness or other causes. He would ask whether in such a case there was any means by which he could recover the surplus, resulting from the sale of his goods, from the Treasury? The clause provided that the surplus must be paid into the consolidated revenue.

The PREMIER: It may be voted by Parliament.

The HON. SIR T. MCILWRAITH said the provision in the old Act was that after the money was paid into the credit of the consolidated revenue it might be disposed of as the Governor in Council might direct.

The PREMIER said that was a very objectionable power to give the Governor in Council over money paid into the consolidated revenue. He thought the proper way would be to say that the Treasurer should hold the money for the period mentioned. Once it got into the consolidated revenue it must be dealt with by Appropriation Act.

Mr. HAMILTON said as the clause now stood a man might be subjected to very severe loss. If, for instance, he had a valuable horse which he left in charge of a publican, after three months it might be sold for any debt that might have accrued and was not paid. Before leaving he might make an arrangement with the licensed publican to pay the cost of keeping the horse for three months. He might go away, and from some unforeseen cause—such as an accident that might happen to the horse—further expenses might be incurred by the publican which were not foreseen at the time the owner of the horse left, and at the end of three months from the time those expenses were incurred the publican would be entitled to sell that valuable horse. He thought that would be very unfair.

The PREMIER said the publican was only authorised to sell for the debt that was due before the man went away—if he went away without paying his "shot."

Mr. CHUBB said another amendment would have to be made in the clause, because if the publican had to keep a horse for the statutory period of three months before he could sell he would have to feed it. The horse could not live upon air for that period. He therefore proposed that on the 22nd line, after the word "sale," the words "and the cost of maintenance of any such horse in the meantime" be inserted.

Amendment agreed to.

The PREMIER said, with regard to the previous question about the money being returned, he thought the best way would be to leave out the words "and by him" after "Colonial Treasurer" and insert others, so that the clause should read: "And any surplus shall be paid by the licensing authority to the Colonial Treasurer for the benefit of such lodger or guest, and if not claimed by him within two years, shall be placed to the credit of the Consolidated Revenue Fund." He thought that time would be quite long enough.

Mr. PALMER asked if it was optional with the licensing authority to grant leave to sell?

The PREMIER said it was. That was provided for in the 1st paragraph of the clause.

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

Clauses 95 and 96 passed as printed.

On clause 97—"Entrance by day or night on licensed premises may be demanded in certain cases"—

Mr. CHUBB said the clause was new. Would the Premier give some reason for its introduction?

The PREMIER said that though the clause was new it had already been passed twice after full discussion. On the last occasion it was included in the Licensing Bill of 1881, when it was agreed to by both sides.

Clause put and passed.

Clause 98—"Police to have access to licensed premises at all hours"—passed as printed.

Clauses 99 and 100 passed with verbal amendments.

On clause 101, as follows:—

"If any licensed victualler abandons his licensed premises as his usual place of residence, or wilfully and persistently neglects to keep his licensed house open for public convenience during lawful hours, he shall be liable, upon conviction before two justices, to have his license forfeited, and the house or place in respect of which such license was granted shall be held to be thenceforth unlicensed."

The PREMIER moved the omission of the words "before two justices."

Mr. NORTON said the clause ought to apply to wine-sellers as well as to licensed victuallers.

The PREMIER said he did not see any necessity for including wine-sellers in the clause, as they were only licensed to sell wine, whilst the licensed victuallers had to accommodate the public.

Amendment put and passed.

The PREMIER said he would move that all the words after "forfeited" be omitted.

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

On clause 102—

"If a licensee is convicted of felony, or of any offence for which he is sentenced to imprisonment with or without hard labour for not less than three months, his license shall thereupon become and be absolutely void, and the premises or place in respect of which such license was granted shall be held to be unlicensed"—

Mr. ALAND said that clause might operate rather harshly in some instances. Take the case of a married man who might get into some trouble:

his wife and family would be thrown out of their home, and their means of livelihood would be destroyed. He thought the license in a case of that kind might be continued at all events in the wife's name, or in the name of some other member of the family who might be able to carry on the hotel.

Mr. CHUBB said that power might be given to the justices to allow a wife to carry on the business in a case of the kind referred to until the next licensing day.

Mr. PALMER said the point he would draw attention to in the clause was that, although it carried forfeiture on the conviction of the licensee, it was possible for the licensee to evade the forfeiture by transferring the license between the time of the committal of his offence and his conviction.

Mr. BLACK said there was an anomaly in the clause. If a licensee committed, say, an assault on a single individual, his license was to become absolutely void and forfeited. Yet they had allowed another clause to pass which provided that if a licensee destroyed the health of a number of people by selling adulterated liquor he had to be convicted more than once before his license could be absolutely forfeited. And now, for a far less offence, against a single individual—it might be merely an assault, for which the licensee was sentenced to three months' imprisonment—his license was to be forfeited forthwith. It frequently occurred at bush shanties that bushmen were "lambed down," as the expression was, or poisoned by adulterated liquor, and yet the publican in such a case had to be proved guilty more than once before he could be deprived of his license. There was thus a strange anomaly in the Bill.

Mr. CHUBB said he would move the omission of the words "felony, or of."

The PREMIER said that clause 24 provided that persons undergoing a sentence for any criminal offence should not hold a license.

Mr. CHUBB said if the Committee would allow his amendment to pass it would make the clause consistent with clause 24.

The PREMIER asked if the hon. member would say how he wanted the clause to be altered?

Mr. CHUBB said he wished it to read as follows: "If a licensee is convicted of any criminal offence for which he is sentenced to imprisonment the licensing justices may, on the application of his wife, grant permission to carry on the licensed premises until the next licensing day." That would give the wife an opportunity of applying for the license, and if the publican had no wife there would, of course, be no such application.

The PREMIER said that, as he understood the proposed amendment, the hon. member wanted it to be not a privilege, but an enabling clause.

Mr. CHUBB said that clause 24 provided that no license should be granted or transferred to or held by any person undergoing a sentence for a criminal offence. The moment a licensee was sentenced he could not hold his license. There was, therefore, no necessity for clause 102 as it stood at present, for what it contained was already provided for. What he wanted to provide for was that the wife might carry on the license until the next licensing day. If that were allowed she would, in the meantime, have an opportunity of applying for a license, which might or might not be granted.

The PREMIER said the hon. member could best give effect to that by proposing that if any licensee was found guilty of a criminal offence any two licensing justices might grant authority to carry on the business under the license until the next quarterly meeting of the licensing authority. He had no objection to move such an amendment in the clause as that if the hon. gentleman would withdraw his amendment.

Amendment, by leave, withdrawn.

The PREMIER moved the omission of all the words after the word "of" in the 1st line of the clause, with a view to inserting the following:—

> Any criminal offence, the police magistrate or any two licensing justices may grant authority to his wife or some member of his family to carry on the business under the license until the expiration of the license or for any shorter period.

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

On clause 103—"Forfeiture for offences against Act"—

Mr. NORTON said it would be better to make some fixed term applicable to the clause.

The PREMIER: You mean a maximum term?

Mr. NORTON: Yes; or a minimum term.

The PREMIER said he had no objection to put in a maximum term, and insert after the word "period" the words "not exceeding three years," and leave out the words "either absolutely or."

Amendment agreed to.

The PREMIER moved the omission of all the words after the word "effect" in the second last line of the clause, with a view of inserting the words "according to the term thereof."

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

Clause 104—"Where tenant licensee convicted of any offence likely to cause license to be withdrawn from premises, notice to be given to the owner"—passed as printed.

On clause 105, as follows:—

> "It shall not be lawful for any person not being a licensed victualler, wine-seller, registered spirit merchant, or a grower or maker of wine, selling the same on the premises where they are made, to sell or otherwise dispose of wine made from grapes, the produce of the colony."

The PREMIER said that in consequence of the changes made in the provision with reference to wine-sellers it would be necessary to remodel that clause, and it was proposed that it should read as follows:—

> "It shall not be lawful for any person not being a licensed victualler, wine-seller, registered spirit merchant, or a grower or maker of wine, to sell or otherwise dispose of any wine."

That was the general prohibition; and the manner in which persons infringing that provision would be dealt with was specified in the following new clause, which it was intended to substitute for clause 106, namely:—

> Any of the following persons shall be liable, on conviction, to a penalty not exceeding thirty pounds and not less than ten pounds, that is to say—
>
> (1) Any person not being a licensed victualler, wine-seller, registered spirit merchant, or grower and maker of wine, who sells or otherwise disposes of any wine;
>
> (2) Any licensed victualler, wine-seller, or registered spirit merchant, who sells or otherwise disposes of any wine elsewhere than in his licensed or registered premises; and
>
> (3) Any grower and maker of wine, not being a licensed wine-seller, who sells or otherwise disposes of any such wine in any less quantity than two gallons at one time elsewhere than on the premises where it is made or grown, or sells or disposes on such premises of any wine not grown or made on the premises.

Those provisions were the same as the present clauses with verbal alterations. He proposed to negative clauses 105 and 106. Clause 107 would stand.

Clause put and negatived.

The PREMIER moved that the following new clause be substituted for clause 105 :—

It shall not be lawful for any person not being a licensed victualler, wine-seller, registered spirit merchant, or a grower or maker of wine, to sell or otherwise dispose of any wine.

Mr. BLACK said he would like to know what was the meaning of the words "otherwise dispose of." He could understand a person selling wine, but what was the meaning of "otherwise dispose"?

The PREMIER : To swap or barter.

Mr. BLACK said he noticed the same words in the other clauses. What meaning were they intended to convey?

The PREMIER said that a person might avoid the exact performance of selling by giving the wine for nothing, and charging for the loan of the tumbler that it was in, or the cork, or bottle ; and those words were to meet cases of that kind. He had seen some of those practices and had heard of others.

Clause put and passed.

Clause 106—"Penalty for selling colonial wine without a license"—put and negatived.

On the motion of the PREMIER, the following new clause was agreed to :—

Any of the following persons shall be liable, on conviction, to a penalty not exceeding thirty pounds and not less than ten pounds, that is to say—

(1) Any person not being a licensed victualler, wine-seller, registered spirit merchant, or grower and maker of wine, who sells or otherwise disposes of any wine ;

(2) Any licensed victualler, wine-seller, or registered spirit merchant, who sells or otherwise disposes of any wine elsewhere than in his licensed or registered premises ; and

(3) Any grower and maker of wine, not being a licensed wine-seller, who sells or otherwise disposes of any such wine in any less quantity than two gallons at one time elsewhere than on the premises where it is made or grown, or sells or disposes on such premises of any wine not grown or made on the premises.

Clause 107, as follows :—

"If any wine-seller sells, delivers, or otherwise disposes of, or permits to be consumed on his premises, any fermented or spirituous liquor other than wine made from grapes the produce of the colony, he shall be liable to a penalty not exceeding thirty pounds and not less than ten pounds, and his license shall be cancelled, and all wines and other liquors found on his premises shall be forfeited"—

was amended, on the motion of the PREMIER, by the omission of the word "If" in the 1st line, the insertion of the word "who" after "seller," and the omission of the words "made from grapes the produce of the colony, he."

Clause, as amended, put and passed.

The PREMIER moved the insertion of the following new clause :—

Any grower or maker of wine who on a Sunday sells or otherwise disposes of any such wine on the premises where it is made shall be liable, on conviction, to a penalty not exceeding five pounds and not less than one pound. And any person found drinking liquor on any such premises, or leaving the same with liquor in his possession, on a Sunday, shall be liable to a penalty not exceeding forty shillings.

Mr. GRIMES said the purpose of the clause was to prevent wine-growers from selling liquor on the premises, but not from selling elsewhere than on the premises.

The PREMIER: The previous clause does that.

Mr. GRIMES said that referred to quantities less than two gallons, but he might sell two gallons elsewhere than on the premises on Sunday. He proposed the insertion of the words "or elsewhere" after the word "made."

The PREMIER said there was no law to prevent anyone selling wholesale on Sundays except the general law against Sunday trading.

Mr. GRIMES said the law might be evaded by two or three individuals purchasing elsewhere than on the premises the two gallons on a Sunday, and then taking it on to the wine-grower's premises—say, into his bowling-alley—and drinking it.

The PREMIER said that would be drinking wine on the premises, and would be punishable accordingly.

Mr. BLACK said they were trying to make people sober by Act of Parliament, and he should like it to be distinctly understood that in order to do that they were making it penal for a maker of wine to drink his own wine on his own premises on a Sunday.

The PREMIER said it should be distinctly understood that it was nothing of the kind. The provisions were exactly the same as those in the 75th section.

Mr. CHUBB said the bearing of the remark lay, as Captain Cuttle would say, in the application of it. The wine-growers might be brought within the letter of the law by drinking their own wine on their own premises on a Sunday, but whether it brought them within the spirit of the law was another question. If they wished to keep out of the meshes of the law their Sunday song would be—

"There once was a time
When I drank my own wine,
But now I'm compelled to drink water."

Would it not be as well to omit the last part of the clause?

The PREMIER : That is a very valuable part of the clause.

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

Clause 108—"Sale of liquor by unlicensed person prohibited"—passed, with the omission of the words "if the licensing authority thinks fit."

Clauses 109 to 112, inclusive, passed as printed.

On the motion of the PREMIER, the CHAIRMAN left the chair, reported progress, and obtained leave to sit again to-morrow.

ADJOURNMENT.

The PREMIER, in moving the adjournment of the House, said the Licensing Bill would be proceeded with to-morrow, and he hoped they should be fortunate enough to finish it. It was not very likely that any time would be left after finishing the Bill, but if there was any, the Undue Subdivision of Lands Prevention Bill would be proceeded with.

The House adjourned at twenty-eight minutes to 11 o'clock.