Queensland

# Parliamentary Debates
[Hansard]

## Legislative Assembly

## TUESDAY, 13 OCTOBER 1885

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# LEGISLATIVE ASSEMBLY.

*Tuesday*, 13 *October*, 1885.

Resignation of Member.—Licensing Bill—third reading.—Question.—Formal Motion.—Victoria Bridge Closure Bill—consideration of Legislative Council's amendments.—Undue Subdivision of Land Prevention Bill—committee.—Message from the Legislative Council.—Printing Committee's Report.—Supply—resumption of committee.—Adjournment.

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

## RESIGNATION OF MEMBER.

The SPEAKER said: I have to inform the House that I have received a letter from Mr. John Lloyd Bale, junior member for Enoggera, resigning his seat as one of the members for the electoral district of Enoggera on the ground of continued illness and inability to attend to the business of this House.

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

That the seat of John Lloyd Bale hath become and is now vacant by reason of the resignation of the said John Lloyd Bale since his election and return to serve in this House as one of the members for the electoral district of Enoggera.

Question put and passed.

## LICENSING BILL—THIRD READING.

On the motion of the PREMIER, 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.

## QUESTION.

Mr. BLACK asked the Colonial Secretary—

The average number of Polynesian patients in the Maryborough and Mackay Polynesian Hospitals during the month of September last?

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

| | |
|---|---|
| Maryborough ... ... ... ... | 30 |
| Mackay ... ... ... ... ... | 64 |

## FORMAL MOTION.

The following formal motion was agreed to :—

By Mr. ARCHER (for Mr. Chubb)—

That there be laid on the table of this House, the reports, to date, of Mr. Jack on the boring operations for coal at the Bowen River Coal Field.

## VICTORIA BRIDGE CLOSURE BILL—CONSIDERATION OF LEGISLATIVE COUNCIL'S AMENDMENTS.

On the motion of the PREMIER, the Speaker left the chair, and the House went into Committee of the Whole to consider the Legislative Council's amendments in this Bill.

On clause 1—"Bridge may be closed"—

The PREMIER said the amendments made by the Legislative Council were merely verbal. The Bill as it left the Assembly used the expression "it shall be lawful to keep the said bridge closed." The Legislative Council proposed to say, keep "the swing portion" closed. He moved that the amendment be agreed to.

Mr. SCOTT said he would like to understand the meaning of that amendment. If the swing portion was closed and the rest left open, what good would that be? He did not think the amendment was any improvement on the Bill as it left that Chamber. It appeared to him to make it rather worse than it was before, because it made it appear that anyone would be at liberty to put a barrier across the main portion of the bridge and keep it closed.

Mr. ARCHER said he thought there was something in the amendment, because if the Bill was passed as introduced by the Colonial Secretary the bridge itself would have been closed from traffic, not the swing.

Question put and passed.

On clause 2—"No action or other proceeding to be brought for obstructing the River Brisbane by the bridge"—

The PREMIER moved that the Legislative Council's amendment, which he said was similar to the one in clause 1, be agreed to.

Question put and passed.

On the motion of the PREMIER, the CHAIRMAN left the chair, and reported to the House that the Committee had agreed to the Legislative Council's amendments.

The report was adopted, and the Bill ordered to be returned to the Legislative Council, with a message intimating the concurrence of the House in the amendments of the Legislative Council.

## UNDUE SUBDIVISION OF LAND PREVENTION BILL—COMMITTEE.

On the motion of the PREMIER, the Speaker left the chair, and the House resolved itself into Committee of the Whole to consider this Bill.

Preamble postponed.

On clause 1—"Interpretation"—

The PREMIER said he intended to move that that clause be postponed. As he intimated the other day, the Government proposed to withdraw the 6th clause of the Bill, to which very strong objection was taken on the second reading on the ground that it would interfere to a very great extent with persons who had already acquired small portions of land and wished to make use of them. There was a great deal of force in that objection, and the difficulty of amending the clause so as to meet it seemed to be insuperable. The Government, therefore, proposed to omit that clause, and to ask the Committee to agree to some amendments which had been put into the hands of hon. members as substitutes for the other provisions. He would explain them in detail when they came to them. The provisions of the Bill relating to the width of streets and lanes met, he thought, with general acceptance. If the amendments of which notice had been given were agreed to, it would be necessary to make an addition to clause 1, and he therefore moved that it be postponed.

Question put and passed.

On clause 2, as follows :—

"Every street laid out or dedicated after the passing of this Act shall be of the width of sixty-six feet at the least, and every lane so laid out or dedicated shall be of the width of twenty-two feet at the least."

Mr. NORTON asked if the Bill would affect land which had already been subdivided—that was to say, in cases where plans had been drawn up, and the land prepared for sale, though not actually sold?

The PREMIER said the clause would not apply to streets laid out and dedicated before the passing of the Act. The dedication might consist either in the street having been used for a very long period, or in the deposit of a plan in the Real Property Office, showing the street laid out. Where that had been done before the passing of the Act, the Act would not apply to it.

Mr. STEVENS said he would like to know how the clause would affect the small lanes which often existed between two places of business, and which were generally used by the holders to get to the rear of their premises for the purposes of cartage? The clause just suspended said that lanes were to be half the width of a street. Twelve feet was the ordinary width of those small passages, and it would be a waste of property to make them any wider.

The PREMIER said the clause would not apply in cases of that kind; it referred only to thoroughfares for ordinary traffic. There was nothing to prevent the formation of a right-of-way between three or four buildings. That was usually called an easement, and the provision did not apply to such cases. It was proposed to describe a lane in the interpretation clause as a road laid out as a thoroughfare.

Clause put and passed.

Clauses 3 and 4 passed as printed.

On clause 5, as follows :—

"It shall not be lawful to erect a dwelling-house fronting a lane at less distance than twenty-two feet from such lane, or to use as a dwelling-house any building erected after the passing of this Act and being at a less distance than twenty-two feet from a lane, unless such building also fronts a street."

Mr. ARCHER said that on the second reading there had been a good deal of talk about that clause. He thought it ought to be left out. He thought no one would object to land being cut up into larger allotments in the future than had been the case for some time past, but to prescribe that a house should not be erected within 22 feet of a lane might act very injuriously on persons building. If the land were always perfectly level, it might be possible to lay down a mathematical rule; but many houses in and about Brisbane were built on exceedingly uneven pieces of ground. The clause appeared to him to be a very arbitrary one. If a piece of land must not be less than a certain area he thought a man ought to be allowed to build his house on it as he liked.

The PREMIER said the clause was to prevent a very obvious evasion of the law. If there were not some such provision, even though they said streets should not be less than 66 feet wide, it would be very easy to evade that and make them only 22 feet wide. It would be done by originally selling the land in allotments running through from a street to a lane, then dividing it in the middle, and building houses up to the lane; so that the streets would be alternately 66 feet and 22 feet wide. The lane would be laid out simply for the purpose of being converted into a street. If they said that a lane must be laid out 22 feet wide, and nothing more, then the houses could be built up to it, and it would really become a street. The clause was an absolutely necessary provision

to prevent the easiest possible evasion of the the previous section. It was like the Building Acts in force in most other countries. There were plenty of Acts in force in various towns in England by which a person was liable to be compelled to set his house such a distance back from the street as was prescribed by the local surveyor, or the bench of magistrates, or whoever was appointed by the Act to fix the building line. In many places in London buildings were set 20 feet or more back from the street under the provisions of the Building Act.

Mr. MACFARLANE said it seemed to him the clause would do away with lanes altogether.

The PREMIER: With frontages to a lane.

Mr. MACFARLANE said that if proprietors were prevented from building within 22 feet of a lane it simply turned the lane into a street about 66 feet wide.

The PREMIER said the clause would secure a space of 66 feet between the dwelling-houses—that was all. The owners would have the use of the land in front of their houses; they could use it for gardens, but they must not put the front of the dwelling-house any closer to the lane.

Mr. PALMER said a difficulty cropped up as to the manner in which effect was to be given to the clause so as to prevent people building within 22 feet of a lane.

The PREMIER said that under the 7th section a building erected contrary to the provisions of the Bill would be treated as a nuisance, and might be pulled down by direction of the local authority.

Mr. STEVENS said he desired to know if the clause would apply to two-storied buildings the lower part of which might be occupied as shops, whilst the upper rooms might be occupied as dwelling-places.

The PREMIER said the clause referred to places ordinarily used for dwellings, and a shop in which people ordinarily lived would certainly be a dwelling-house. In Sydney and Melbourne there were some very narrow lanes between large houses of business. To such lanes there was no objection, as the buildings were not used as dwelling-houses. Provision was made in the 8th section for cases in which it might be desirable in consequence of the extraordinary value of the land, and where no places of habitation were required, to allow narrower lanes than were specified in the Bill.

Mr. NORTON said that generally the application of the clause would have a good effect. There was this, however, to be noticed: that it would apply alike to all land, whether unsold or already sold. Large areas of land had been already sold in small allotments for building purposes, and the allotments had been bought in many instances by men of small means, who would now be obliged to sell again or put their land to some other use.

Mr. SCOTT said unless some such provision was inserted one of the results of the clause would be that land would be laid out in streets of 66 feet and 22 feet in width alternately. The purchaser of a block having frontages to two of these streets would be prevented by nothing in the Bill from selling half his block. There would then be a piece of land with a frontage only to a lane. The consequence would be that 66-feet streets.

Mr. NORTON said another case of difficulty the lanes would become streets to all intents and purposes and there would be as many 22-feet as might be stated. A man might buy an allotment sufficiently large for building on, but which had a very narrow frontage to a street and a considerable frontage to a lane. There might be room for building on the street frontage, but as the clause required him to build so many feet back from the lane he might not be able to erect a dwelling-house at all.

The PREMIER said the clause itself provided for a difficulty of that kind, for it ended with the words "unless such building also fronts a street."

Clause put and passed.

The PREMIER, in moving clause 6—"Land to be attached to dwelling-houses"—said he did so formally, with the intention of omitting it.

Clause put and negatived.

Clause 7—Amendments, consequential on the striking out of previous clause, agreed to; and clause, as amended, put and passed.

The PREMIER said he had given notice of some amendments to deal with the subdivision of land in the future. So far as related to past subdivisions he was afraid it was too late to do anything—at any rate under that Bill. That could only be dealt with under a Building Act, which the present measure did not pretend to be, except to the limited extent provided in the 5th section. With respect to the subdivision of land in the future, it seemed to be the general opinion of the House on the second reading that it was desirable to restrict it, and that hon. members were prepared to accept 16 perches as a fair unit of subdivision, but that it was not desirable to affect persons who had already acquired vested rights. That seemed very simple, but on coming to work it out it was by no means so easy as it looked. The new clauses might seem to occupy a good deal of space, but they could not be abbreviated. Sometimes land was held from the Crown in areas of less than 16 perches, and in those cases, which were not very numerous, the men who had got them ought to be allowed to sell them. In cases where men had got certificates of title already, or had got titles under the old system, for areas of less than 16 perches, it was not desirable to prevent them from selling them. It was proposed, therefore, to protect their rights. Then there were numerous other cases where agreements had been already made for the purchase of land of a less area than 16 perches. Those persons should be protected, as should also the purchasers from them when they got their certificate of title. Then there was the case of persons who wanted to sell a small portion of land in order to increase an adjoining owner's land. For instance, if he owned 30 perches of land, and his neighbour had only a small piece, there was no reason why he should not be able to sell him some of his 30 perches. The question had been raised whether the Act should be applied to towns, and on consideration the Government came to the conclusion that it could safely be applied only to country and suburban lands, because in towns it was sometimes necessary to cut up land into smaller pieces than 16 perches on account of its extreme value. In order to carry out this scheme, the most effectual way seemed to be to compel plans of subdivisions to be lodged with the Registrar of Titles in all cases, and to make it the duty of the Registrar of Titles to refuse to register any deed conveying smaller portions of land than 16 perches, excepting in certain cases. Without making it compulsory to deposit the plan of subdivision with the Registrar of Titles the Act might be evaded by not depositing the plan at all. It was also to be made unlawful to deposit one showing smaller subdivisions than 16 perches excepting in the cases mentioned in the new clauses. The first of the new clauses was as follows:—

A registered proprietor of any suburban or country land held under the provisions of the Real Property Act of 1861, who desires to transfer or otherwise deal

with part of such land, shall deposit with the Registrar of Titles a map or plan showing the proposed division of the land, and the area of each portion thereof after division, and being in other respects in conformity with the provisions of the one hundred and twentieth section f the said Act relating to maps and plans deposited under the provisions of that section.

The second proposed new clause provided that—

After the passing of this Act it shall not be lawful to deposit with the Registrar of Titles any map or plan of subdivision of suburban or country land held under the provisions of the Real Property Act of 1861, in which any allotment or portion of such land is shown as of a less area than sixteen perches, unless such map or plan is deposited with, and for the purpose of the registration of, one of the instruments following, that is to say—

(1) An instrument executed in pursuance of an agreement in writing made before the passing of this Act;

(2) A transfer or lease of land to the owner of land adjoining the land transferred or leased;

(3) A lease for a term of less than ten years.

A lease for a term of less than ten years was included because a lease for a longer term would probably be a building lease, and as a lease for a less term than ten years was not likely to be a building lease there was no reason why the owner should not be allowed to lease it for any other purpose. Since the new clauses had been circulated it had been suggested that there might be cases where small pieces of land were conveyed to divisional boards or municipalities for sites for wells, and that such cases also it was desirable to include. The next new clause was the most important one, and it was as follows:—

After the passing of this Act it shall not be lawful to register any instrument dealing with any allotment or portion of suburban or country land which is of a less area than sixteen perches, unless in one of the cases following, that is to say—

(1) When the instrument is a deed of grant from Her Majesty;

(2) When the instrument is executed in pursuance of an agreement in writing made before the passing of this Act, and such agreement is produced to the Registrar of Titles at the time of registration, and the date of making the agreement is proved to his satisfaction;

(3) When the land is not held under the provisions of the Real Property Act of 1861, and is the whole of a portion of land which has been conveyed to the person by whom the instrument is executed, or his predecessors in title, by an instrument executed before the passing of this Act or in pursuance of an agreement in writing made before the passing of this Act and registered in conformity with its provisions;

(4) When the instrument is an application to bring such a portion of land as lastly described under the provisions of the Real Property Act of 1861;

(5) When the land comprised in the instrument is the whole of the land comprised in—

(*a*) A deed of grant, or

(*b*) A certificate of title registered before the passing of this Act, or

(*c*) A certificate of title registered after the passing of this Act in one of the cases hereinbefore in this section mentioned;

(6) When the instrument is a conveyance, mortgage, transfer, or lease of land to the owner of land adjoining the land dealt with by the instrument;

(7) When the instrument is a lease or assignment of a lease for a term of less than ten years.

The provisions of this section do not apply to instruments dealing with easements only.

He moved that the first of the proposed new clauses follow clause 7 of the Bill.

Question put and passed.

The PREMIER moved the following new clause, to follow the last new clause, as passed:—

After the passing of this Act it shall not be lawful to deposit with the Registrar of Titles any map or plan of subdivision of suburban or country land held under the provisions of the Real Property Act of 1861, in which any allotment or portion of such land is shown as of a less area than sixteen perches, unless such map or plan is deposited with, and for the purpose of the registration of, one of the instruments following, that is to say—

(1) An instrument executed in pursuance of an agreement in writing made before the passing of this Act;

(2) A transfer or lease of land to the owner of land adjoining the land transferred or leased;

(3) A conveyance or transfer of land to or by the council of a municipality or the board of a division;

(4) A lease for a term of less than ten years.

Mr. FERGUSON said that the clause required consideration before they could expect to understand it. So far as he could see, only a lawyer could understand it properly. Referring to subsection 2—

"A transfer or lease of land to the owner of land adjoining the land transferred or leased":

supposing a person held 20 perches and sold 10 out of the 20 to his neighbour he would then only hold 10 himself, and, as he understood, he was not, according to the Bill, to hold less than 16 perches. Would such a person have the right to sell 10 perches out of his 20?

The PREMIER: Yes; to the adjoining owner.

Mr. FERGUSON asked, could the person build upon the 10 perches he retained for himself?

The PREMIER: Yes.

Mr. FERGUSON said that was simply nullifying the whole Bill so far as it provided that a man could not build on any land less than 16 perches in extent.

The PREMIER: That was the 6th section. That provision has been struck out.

Mr. FERGUSON said he was speaking of the future. If he had 20 perches of land, according to the Premier he would be able to sell 10 perches of it at any time; and then, according to the Bill, he would not be allowed to build on the 10 left, because the land would be less than 16 perches.

The PREMIER: That clause has been struck out.

Mr. FERGUSON: Yes; but he was talking about future sales of land, not of land already sold or subdivided. He did not understand it. It seemed to him that the principle of the Bill was lost altogether if what the hon. member had said was to be the case. Then again, subsection 4—

"A lease for a term of less than ten years."

A great many building leases were for less than ten years. Under the Local Government Act, in the case of lands for which rates were not paid for a number of years, the corporation had power to lease those lands upon building leases, but not for more than seven years, in case the owners might turn up. The corporation was allowed to lease such lands in order to get some return for the rates due upon them, but could not lease them for longer than seven years. That was another part of the clause that would not work well.

Mr. ARCHER said he understood that by the clause a man was allowed to transfer a smaller amount of land than 16 perches to a neighbour; but he did not understand that he was also allowed to retain for himself a smaller area than under the Bill was allowed to be sold. The hon. member for Rockhampton put the question—"Could a man who had 20 perches, sell 10 perches to a neighbour and retain 10 for building purposes?" and he understood the Colonial Secretary to answer, "Yes." That seemed contrary to the Bill under which they had made 16 perches the limit.

The PREMIER said that was dealt with; because if by doing that a person retained less than 16 perches he would not be able to deal with it afterwards according to the next section, which provided that persons could not deal with less than 16 perches, except in the case of lots which were of less area than that now. Where land now existed in lots of less than 16 perches, the right to deal with those lots would continue; but if, after the passing of the Bill, a person made a lot less than 16 perches, he deprived himself of the right to deal with it. Hon. members would see that there were a great many cases to be considered, but he thought they would all be found to be dealt with in the Bill.

Mr. SCOTT said he would like to ask in what position the man who held that land would be? The hon. member for Rockhampton had spoken of a man who, holding 20 perches, sold 10 to a neighbour; in what position would he be in respect to the remainder?

The PREMIER: He cannot sell it.

Mr. SCOTT asked what title had he to it? The person he sold the 10 acres to would get a title for it, and, he took it, his title would be just as good for the remainder. Surely a man should have some title to the land! Under the following clause, a man could sell a piece of land whatever size it was.

The PREMIER: No.

Mr. SCOTT asked if he was to understand that when a man owned 20 perches of land and sold 10 perches, for which the purchaser could get a title, the seller could not get any title for the remaining 10 perches? Was that the position?

The PREMIER said they could not preclude a man's selling part of his land to a neighbour; that would be contrary to the intention of the Bill. A neighbour might want to buy a piece of land adjoining to make his property more suitable for building upon; that was a thing to be encouraged, not to be prohibited. If a man kept 16 perches he could sell the remainder to his neighbour; but, on the other hand, if he were allowed to sell any part of that 16 perches to his neighbour, and to sell the rest afterwards, it would be a simple way of selling land in small pieces. That was why it was necessary to limit the power to sell, which was effected by the next new section he would propose, inasmuch as it prohibited the registration of any instrument dealing with a smaller area than 16 perches—except in certain cases; that was, in all cases of existing rights; so that, after the passing of the Bill, if a man kept for himself an area of less than 16 perches he would not be able to sell it. No man would cut up his land so that he could not sell it; and if he had more than 16 perches he would not sell it in such a way as to reduce his balance to less than 16 perches.

Mr. SCOTT: That should be made clearer.

The PREMIER said, if the hon. member tried to do it without using too many words, he would find some difficulty. It was provided for in subsection 5 of the next clause:—

> When the land comprised in the instrument is the whole of the land comprised in—
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> (*a*) A deed of grant, or
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> (*b*) A certificate of title registered before the passing of this Act, or
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> (*c*) A certificate of title registered after the passing of this Act in one of the cases hereinbefore in this section mentioned.

It was a subsequent subsection which dealt with the conveyance of a piece of land to a neighbour.

Clause put and passed.

The PREMIER moved the following new clause to follow the last new clause as passed:—

> After the passing of this Act it shall not be lawful to register any instrument dealing with any allotment or portion of suburban or country land which is of a less area than sixteen perches, unless in one of the cases following, that is to say—
>
> (1) When the instrument is a deed of grant from Her Majesty;
>
> (2) When the instrument is executed in pursuance of an agreement in writing made before the passing of this Act, and such agreement is produced to the Registrar of Titles at the time of registration, and the date of making the agreement is proved to his satisfaction
>
> (3) When the land is not held under the provisions of the Real Property Act of 1861, and is the whole of a portion of land which has been conveyed to the person by whom the instrument is executed, or his predecessors in title, by an instrument executed before the passing of this Act, or in pursuance of an agreement in writing made before the passing of this Act and registered in conformity with its provisions;
>
> (4) When the instrument is an application to bring such a portion of land as lastly described under the provisions of the Real Property Act of 1861;
>
> (5) When the land comprised in the instrument is the whole of the land comprised in—
>
> (*a*) A deed of grant, or
>
> (*b*) A certificate of title registered before the passing of this Act, or
>
> (*c*) A certificate of title registered after the passing of this Act in one of the cases hereinbefore in this section mentioned;
>
> (6) When the instrument is a conveyance, mortgage, transfer, or lease of land to the owner of land adjoining the land dealt with by the instrument;
>
> (7) When the instrument is a conveyance or transfer of land to or by the council of a municipality or the board of a division;
>
> (8) When the instrument is a lease or assignment of a lease for a term of less than two years.
>
> The provisions of this section do not apply to instruments dealing with easements only.

Mr. BLACK said he would like to have a little information upon one point. Assuming that it was necessary to resume a portion of a 20-perch allotment for public purposes, would the Government be compelled to take the lot? If, for instance, the Government wished to resume a small portion out of a piece of say 20 perches for railway or other purposes, leaving the owner with less than 16 perches, could the owner compel the Government to resume either the whole of it or none? What would be the position of the owner? He might be left with a piece of land which he must either sell to the adjoining owner or not at all. It might be a very valuable piece of land.

The PREMIER said the matter referred to by the hon. member was an omission which would be supplied by inserting the following words after subsection 5:—

> When the instrument is a conveyance or transfer of land to Her Majesty, or to any person on behalf of Her Majesty or on account of the Public Service.

He moved that the clause be amended in that way. He intended to insert a general proviso covering the balance in all those cases.

Amendment put and passed.

The PREMIER proposed the addition of the following words after subsection 6:—

> When the land comprised in the instrument is the whole residue of the land comprised in any such instrument as hereinbefore in this section mentioned, after the registration of any such conveyance or transfer of portion thereof as is by this section permitted.

That would allow a man who had held 20 perches and sold 10 of them to sell the remainder.

Amendment agreed to.

Mr. FERGUSON said the Premier had not explained the provision about leases for less than ten years.

The PREMIER said that had been inserted because it was thought leases for less than ten years would not be building leases.

Mr. FERGUSON said that, according to the present law, corporations could not lease for a longer term than seven years. Were holders of land leased by corporations not to be allowed to build?

The PREMIER said he proposed to add to the 7th subsection the words "and not containing any agreement for renewal." That would meet the case of leases for less than ten years containing a provision for renewal.

Amendment agreed to.

Mr. FERGUSON said there was no clause in the Bill prohibiting the subdivision and sale of land that was known to be liable to flood. While they were providing for the health of the people they ought also to provide for the saving of people's lives. There had not been a flood in Queensland for ten years, and thousands of people had come to the colony since who had no idea what the floods were like. He knew that hundreds had bought land in situations where in flood-time there would be 10 feet of water with a current of 6 or 8 knots. There ought to be something to prohibit people from dividing and selling land which they knew to be liable to be flooded.

The PREMIER said it would be difficult to define flooded land according to an Act of Parliament. Almost the whole of Rockhampton was liable to floods. Was it the intention of the hon. member to prohibit the subdivision of land in all Rockhampton? He knew places in New South Wales where in flood-time most of the land on which the houses were built was from 8 feet to 10 feet under water. So it was in many parts of Ipswich. He did not think they could deal with that matter.

New clause, as amended, put and passed.

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

It shall not be lawful to execute any instrument which by this Act is forbidden to be registered.

On clause 8, as follows:—

"The Governor, at the request of the council of a municipality, may, by Order in Council, and subject to such conditions as may be imposed by the Order in Council, suspend the operation of the Act or any part thereof with respect to any part of such municipality which is used principally for business purposes and not for purposes of residence."

The PREMIER moved that after the word "municipality," in the 2nd line, the words "or board of a division" be inserted, and that a consequential amendment be made in the 43rd line.

Mr. PALMER said he did not see any necessity for the clause. If it was necessary to have the streets 66 feet wide in certain parts of a city or town, it was just as necessary that they should be that width in the business quarters. Business streets were of just as much importance as any others.

The PREMIER said cases in which it might be desirable to open narrow streets for business purposes might arise. A river or a rock might stand in the way and curtail the width of a thoroughfare, and in cases of that kind, when the council of a municipality and the Governor in Council agreed that a street might be a little narrower, the power of suspending the operation of the Act might be safely entrusted to them.

Mr. MOREHEAD said the 8th clause was, in his opinion, the only good one in the Bill, for it limited the exercise of the power of doing great damage to private colonists.

Amendments agreed to; and clause put and passed.

The PREMIER moved that the following new clause be inserted after clause 8:—

Any person who offends against, or evades, or attempts to evade, any of the provisions of this Act shall be liable to a penalty not exceeding one hundred pounds.

New clause passed.

Clauses 9 and 10 passed as printed.

The PREMIER moved that the following be added to clause 1 (interpretation):—

"Suburban or Country Land"—Any land which, if it were Crown land, would be suburban or country land within the meaning of the Crown Lands Act of 1884;

"Instrument"—Any deed or other instrument whereby any land is conveyed, leased, re-leased, transferred, or otherwise dealt with.

Amendment put and passed.

Preamble—

"Whereas it is desirable that provision should be made for regulating the width of streets and lanes, and for preventing the undue subdivision of land"—

put and passed.

On the motion of the PREMIER, the CHAIRMAN left the chair, and reported the Bill to the House with amendments.

The report was adopted, and the third reading of the Bill made an Order of the Day for to-morrow.

## MESSAGE FROM LEGISLATIVE COUNCIL.

The SPEAKER informed the House that he had received a message from the Legislative Council returning the Elections Bill, with amendments.

On the motion of the PREMIER, the message was ordered to be taken into consideration in committee to-morrow.

## PRINTING COMMITTEE'S REPORT.

Mr. FRASER, on behalf of the Speaker as chairman, brought up the sixth report of the Printing Committee, and moved that it be printed.

Question put and passed.

## SUPPLY—RESUMPTION OF COMMITTEE.

On the motion of the COLONIAL TREASURER (Hon. J. R. Dickson), the House went into Committee of Supply.

The ATTORNEY-GENERAL (Hon. A. Rutledge) moved that £6,415 be granted for Law Officers of the Crown. The vote showed an increase of £175 on that granted last year. That amount was represented by the amount found necessary to be placed on the Estimates for this year for fees to justices, surgeons' fees, burial fees, and incidental expenses charged under the Inquests of Death Act of 1866. The additional sum required for those purposes amounted to £200. That was balanced to a certain extent by a reduction which appeared in the clerks in the Crown Law Office. There was a clerk last year who was receiving a salary of £200, who had since been transferred, and his successor had been appointed at a salary of £150. A small increase had been given to a clerk who had been several years in the department; his salary had been increased from £100 to £125. That made the net increase of the vote, as he had before stated, £175.

Mr. CHUBB asked what had become of the officer who used to figure in the estimates for the department as "chief clerk and accountant," but who seemed to have disappeared ?

The ATTORNEY-GENERAL said the officer in question was formerly called an accountant, but he was never gazetted as such. His present title was chief clerk to the Crown Solicitor, criminal branch. Formerly the secretary to the Crown law officers was supposed to employ a considerable part of his time in assisting the Crown Solicitor in matters connected with the criminal department. That work was actually done by the officer who held the office of clerk and accountant, and it was done exclusively by him during the time the previous secretary to the Crown law officers was in a state of ill-health and unable to perform his duties. Since the appointment of the present secretary it had been thought proper that his duties should be confined to the work of the Crown law officers exclusively, and that the work supposed to be done formerly by that officer should now be done actually by the officer who formerly did it, but who did not get the credit for doing it. He had never been gazetted as an accountant, and was not on these estimates called an accountant, although, as a matter of fact, he discharged the duties of accountant.

Mr. MOREHEAD said that might possibly be the right time to raise the question as to the position of the Attorney-General in drawing a salary of £1,000 a year, and also extracting from the pockets of the ratepayers of the colony large fees in addition. He was the only Minister of the Crown who did so; and it was, he thought, the duty of the Committee to come to some definite conclusion as to the propriety or otherwise of the Attorney-General taking up such a position. They had had notoriously before them a large number of actions which had been brought with regard to the recent railway accidents on the Southern and Western line; and they had also in their possession a statement of the fees which the present Attorney-General got for his action in connection with that matter. So far as he could see—and he believed the feeling was general amongst persons outside—the Attorney-General extracted large sums of money from the State for having given very bad advice—that appeared palpably—or else for having utterly misconducted the cases which he suggested or advised should be brought. There was no other outcome of it for the Attorney-General. Either he gave bad advice to the Minister for Works, when he was consulted as to what sums of money should be paid into court in payment of the claims made, or else he failed utterly as an advocate. Be that as it might, however, the hon. gentleman succeeded in one thing—he succeeded in putting a good many hundred pounds into his own pocket. That state of affairs was a disgrace to the colony, and the sooner it ceased to exist the better. He could conceive the possibility of an Attorney-General having brains; he could conceive a man who had brains being fluent with his tongue; and he could conceive in the case of the present Attorney-General that he was fluent with his tongue, and it was a dangerous thing when they had as Attorney-General, so far as they could judge, a man who gave bad advice and then utterly failed in advocating the advice he had given. He did not think it would be found in the history of any of the colonies that such an extraordinary loss had fallen upon the State as that which had occurred here, not only in those railway cases, but in other cases which occurred during last year, and of which hon. members of that Committee must be well aware—where again the Attorney-General as a result—whether by accident or design he knew not, but where as a result the Attorney-General benefited to a very large extent pecuniarily. A stop should be put to that. The Attorney-General should be paid such a salary as would secure his services wholly and solely to the State. A similar matter was settled in that way as regarded the Crown Solicitor some time ago. If it was necessary that the Attorney-General's salary should be fixed on a higher scale let it be so fixed, but let it be clearly understood that he was to devote the whole of his time and energy to the duties of his office. An Attorney-General should have as little to do outside his own office as a judge. It might be wise to provide that an Attorney-General should have to pay himself for losses incurred through his having given bad advice. If such a law as that were passed it might lead to their breeding a better class of Attorney-General than they had hitherto had.

The ATTORNEY-GENERAL said the hon. gentleman was not justified in saying that he had given bad advice in connection with the unfortunate accident which took place at Darra, and which resulted in a number of claims being made for compensation. The advice he had given the Minister for Works was to settle all claims, if possible, by the tender of what he thought a reasonable sum after perusing the medical reports in each case. The papers supplied to hon. members showed some sums tendered which were not authorised by him; because, as a matter of fact, he was in Rockhampton when some of those actions came on, and the amounts paid into court in those cases were not paid into court upon his advice; he was, therefore, not responsible in those cases. In the other cases he had advised the Minister for Works—and he believed the hon. gentleman acted upon that advice—to try to settle those actions by tendering reasonable amounts. He should have been very foolish indeed, with the medical reports he had before him, had he suggested to the Minister for Works the payment of an exorbitant sum of money for the injuries received in each case. The Minister for Works had copies of the medical reports also, but some of them he might say were not as ample upon which to base an opinion as some reports subsequently obtained. Some of the reports were only obtained fully after the actions were actually commenced; though that was not the fault either of the Minister for Works or of himself. As to the Attorney-General's receiving fees for performing duties on behalf of the Crown, there was nothing singular that he should receive fees in that way. That had been done since the inauguration of the colony. He thought it would be very difficult indeed to find an attorney-general who would be disposed to give the whole of his time and attention to the performance of the duties of his office and be debarred from receiving some share of the emoluments which ought to fall to the right of an advocate. It might be an open question whether or not the Attorney-General should be required to give his whole time to the performance of the duties of his office and receive an adequate salary; but he did not think any attorney-general could be found in the colony who would give his whole time in that way were he to be precluded from private practice. No attorney-general would consent to the indignity of permitting actions on behalf of the Government being taken out of his own hands. He was very certain he for one would not hold office and submit to such an indignity as that. As to whether those actions were successfully conducted or not, so far as his part in them was concerned he had the testimony of those whose ability to judge stood

perhaps upon a higher level than even that of the hon. member for Balonne, and of gentlemen who had an opportunity—as the hon. member had not—of knowing how they were really conducted; and as long as he had given satisfaction to his colleagues in the matter, he was perfectly satisfied, and thought the Committee had no reason to complain of the way in which those cases were conducted.

Mr. MOREHEAD said there was not the slightest doubt that the hon. gentleman was perfectly well satisfied with himself, and no doubt he thought that some hon. gentlemen on his own side were also perfectly well satisfied with him. He (Mr. Morehead), however, stood in the position of being able to say that he was not satisfied, and he had a perfect right to his private judgment and opinion as well as the hon. gentleman or any of those who thought so highly of him. He was very much struck with one remark that the hon. gentleman made, and that was when he got upon his high horse and asked if any member of the Committee imagined for a moment that he (the Attorney-General) would suffer the indignity of so-and-so? The hon. gentleman had suffered the indignity of having had every legal Bill taken out of his hands by the Premier! They all knew the only thing in the way of legislation that the hon. gentleman had brought into the House; and even in that he believed that if the Premier had been consulted a portion of it would have been omitted. The hon. gentleman wanted to produce a measure that had, at any rate, two clauses, and it was the opinion of many legal gentlemen that the second one ought to have been omitted. The hon. gentleman, in justifying himself, had made two statements, and one was that all his colleagues were perfectly satisfied as to the way in which he had conducted those cases. Let that be as it may, he did not think the hon. gentleman had satisfied any member of that Committee the advice he gave upon which those actions were brought was good; and that he conducted them well when they went into court he (Mr. Morehead) very much doubted. The hon. gentleman had not satisfied the outside public on that point. He had also tried to justify himself for the abstraction of fees out of the public chest on the ground that other attorneys-general had done it. He (Mr. Morehead) did not know what they were there for if not to remedy abuses, and he held that it was a gross abuse of the position of Attorney-General that he should advise actions at law by which he pecuniarily benefited, no matter which way they went—whichever side won or lost was nothing to him — he received his fees, and very large fees indeed. Returns with regard to other attorneys-general would show what those fees were. The hon. the Premier, when Attorney-General, drew some thousands of pounds fees in connection with actions the decision of which was appealed against and defeated in the House of Lords. There was no justification in the reason given by the Attorney-General that because other attorneys-general had drawn fees he should do so. He would point out another thing, that all the attorneys-general before the hon. gentleman were men who really held very prominent positions in the bar, with only one exception. The bulk of them had had large practice, and he defied the hon. gentleman to say that he suffered any pecuniary loss in revenue through becoming Attorney-General, even if he only received £1,000.

The ATTORNEY-GENERAL: I will show you my fee-book, if you like.

Mr. MOREHEAD said he did not want to see the hon. gentleman's fee-book; he might not believe it if he did. He maintained that the hon. gentleman had been in no way deprived of his right to private practice, which would be very much increased. Everyone must admit that the fact of a man's being Attorney-General increased his private business by quite as much, if not more, than his official salary. It was too bad, if, in addition to that increased income which he derived from the fact of his being Attorney-General, he should still further tax the people of the colony by extorting money, in almost every case with which the present Attorney-General had been connected, by losing cases at the expense of the State. That was his argument in favour of paying the Attorney-General a sum of money fixed at what might be considered a fair emolument, and not allow him to receive, so far as actions connected with the State were concerned, any further fee or emolument. His outside practice was another thing altogether, and, so long as it did not interfere with his duty towards the country, he, for one, should not object to it. Any action in which the State was concerned should be paid for by a sum placed upon the Estimates, and not by those adventitious means which lay within the power of the Attorney-General to obtain for himself by giving either good or bad advice. He would like to ask the Attorney-General what fee was paid him with regard to the last failures in the way of legal action, and from which fund?

The MINISTER FOR WORKS said he did not suppose——

Mr. MOREHEAD: I want an answer from the Attorney-General.

The MINISTER FOR WORKS said perhaps the hon. gentleman would allow him to explain. He did not suppose for one moment that any member of the Committee would be surprised at the personal attack which had been made upon the hon. Attorney-General by the hon. member for Balonne. All he could say was that the actions of the present Attorney-General would compare very favourably with those of some attorneys-general who had been connected with the Government of which the hon. gentleman at one time was a member. He was satisfied that few attorneys-general had taken more trouble in compiling by-laws for municipalities and divisional boards than his hon. friend. He might say that the predecessor of the hon. member for Bowen never attended to his duty at all. Coming back to matters in connection with the railway accidents, he could only assure the Committee that he was guided entirely by the representations of the medical gentlemen who were appointed by the Government to examine the individuals who had met with accidents; and not only that, but the Crown law officers, besides the Attorney-General—the Crown Solicitor—urged him in every way possible to endeavour to come to some equitable conclusion. But the demands were monstrous—beyond all reason; and he did not feel justified in taking the responsibility of handing over the public money upon the reports of the medical gentlemen who attended the persons who had met with the accidents. Some of those people were bad at the time the jury awarded the verdict; they went about with crutches and sticks, but afterwards all that disappeared. Apart from all that, if the individuals had never met with any accidents at all, the torture they received at the hands of the medical men—not those appointed by the Government, but those who had been called in to examine them, and who appeared as witnesses in the Supreme Court—would have been sufficient. He was surprised at the girl who was examined surviving under the circumstances; and he did not choose to take the responsibility upon his shoulders, notwithstanding that the

hon. Attorney-General and the Crown Solicitor came to him, time after time, asking him to endeavour to compromise the matter by giving a large sum of money. He felt that they were making an exorbitant claim, and was prepared to leave it to a jury. There was one case where the jury had accorded a large sum of money as compensation for an injury, and actually ignored the ruling of the judge. A compromise was tried to be made between the parties, whether the case was a just one or not. He thought the solicitor in that case was first offered £250, then a larger sum, and then a larger; but it was not accepted, and under those circumstances he preferred that the case should be settled in the same way as the others. However, he was perfectly satisfied of this: that no blame was attached to the Crown law officers, either to the Attorney-General or Crown Solicitor for trying to force those cases into the Supreme Court. Perhaps he might be wrong in not taking the advice of the Attorney-General, but he felt that the amount of compensation asked for was beyond all reason, and he did not care to take the responsibility of settling the matters on his shoulders, but left them to a jury to decide.

Mr. STEVENSON said he did not know what all that had to do with the point raised by the hon. member for Balonne. The Minister for Works had characterised the remarks made by the hon. member for Balonne as a personal attack on the Attorney-General. He (Mr. Stevenson) did not see where the attack came in. He thought the point brought forward by the hon. member for Balonne was an important one. It was to the effect that the Attorney-General ought not to be allowed to accept fees from the taxpayers of the colony in Crown cases which he advised should be brought into court. The Attorney-General met that argument by saying that he did not see why he should be deprived of private practice; but the question had nothing to do with private practice. He (Mr. Stevenson) did not see why the Attorney-General, after having been asked by the Minister for Works, or Minister of Lands, or any other Minister, for his opinion as to whether any matter in connection with their departments should be brought into court, should receive fees for his services; he should act as Attorney-General for the Crown without charging any fees at all. If the emoluments provided for in the schedule—£1,000—were not sufficient, let the salary be increased; but the Attorney-General should not be placed in the position of charging fees for cases which he had advised should be brought into court. It was not fair to himself, and it was not fair to the public, that he should be placed in that position. That was the point raised by the hon. member for Balonne, not the particular cases referred to by the Minister for Works, and which the hon. member for Balonne said were misconducted by the Attorney-General. That might or not be the case, but that was not the question. There was an important principle at stake—namely, whether the Attorney-General should advise whether a case should be allowed to be taken into court, and then conduct the case and receive fees for his services; and that point had not been answered in any way by the Attorney-General. It was no argument to say that he ought not to be deprived of private practice. The question had nothing to do with private practice; and it was to be hoped that the matter would receive the full consideration of the Committee.

The ATTORNEY-GENERAL said it surely could not be fairly contended that he had anything to do with bringing on the actions which were instituted against the Government in connection with the Darra railway accident?

Mr. STEVENSON: You advised the department in the matter.

The ATTORNEY-GENERAL said the Minister for Works had been good enough to inform the Committee that he advised him in every way to settle the claims—to effect a compromise if possible—and pay even more than was fair under ordinary circumstances to settle the actions, knowing as he (the Attorney-General) did that in actions of that kind the Government generally got the worst of it. The Government were considered fair game by most people, and therefore the advice given by him was to settle—even to pay more than was a fair thing to settle the actions. As he had previously said, the amounts paid into court were not the amounts he advised the Minister for Works to pay in order to settle the cases. But the parties would not listen to reason, and the Minister for Works decided to let the matters go into court, and it was expected that in some cases the amount paid into court would be sufficient to meet the awards for damages. In some cases his (the Attorney-General's) advice was acted upon successfully, and the parties were induced to accept the sums offered to them, and the cases were not brought into court at all. With reference to the question asked by the hon. member for Balonne as to what fund the fees to counsel were paid from—they were paid by the Railway Department, and not from any fund under the control of the Attorney-General's Department.

Mr. FOXTON said that, as one who knew something of the transactions in question, it was due to the Attorney-General for him to state that he could bear out a great deal of what the hon. gentleman had said. He knew, from having been connected, on the part of the plaintiff, with several of those actions, that in many instances—in four that he could name—the Crown law officers—whether it was the Attorney-General or not was not for him to say, because he did not know the internal working of the department—advised a settlement by the payment of larger sums than were actually paid into court. He did not know that officially, but simply from conversations that his clerks had had with clerks in the Attorney-General's Office.

Mr. MOREHEAD said it seemed to him that that was a very extraordinary way of getting information which was adopted by the hon. member for Carnarvon. The hon. member told the Committee that he had reason to vouch for, at any rate, some of the statements made by the Attorney-General—he did not vouch for them all—and then gave as a reason that some clerks in his office had had a conversation with some clerks in the Crown Solicitor's office, and they reported that the Crown law officers had suggested that larger sums should be paid than were paid into court. He (Mr. Morehead) would very much like to know from the hon. member, who was a lawyer, whether such evidence would be received in a court of justice as at all conclusive of the contention which he set up. The Committee found from the statements of the hon. member for Carnarvon, the Minister for Works, and the Attorney-General, that they were landed in this position: that the Minister for Works was assisted in every way by the advice of the Attorney-General—but the Minister for Works did not take that advice. It was distinctly stated by three different hon. members that the Minister did not take that advice. Then the hon. gentleman must either have considered that advice worthless, or he must have arrived at his conclusion in some other way. It seemed an extraordinary thing that they were actually told by the Minister for Works that he got the assistance of the Attorney-General, and, after

exhausting his advice, did not take it. But, apart from all that, the fact remained that the Attorney-General had received a very large sum for those cases from the State. And the hon. gentleman had not answered the question that had been raised; nor had it been answered by any hon. member on the other side of the Committee. The question was whether it was right, or fitting, or proper, that the Attorney-General of this colony should be placed in the position that by the acceptance or, as in this case, the rejection of his advice he should receive large sums of money for his services in conducting Crown cases, when he was paid a salary by the State. He (Mr. Morehead) was not dealing with the question of private practice. If the emoluments attached to the office of Attorney-General were not sufficient, let the salary be increased to £2,000 if they liked, but let them not place the Attorney-General in a position where, if he were a corrupt person — he did not say for a moment that the present Attorney-General or any other was corrupt—he could get an enormous addition to his income by fees from the State. He thought they ought to have some expression of opinion from the Premier on that subject, as the office of Attorney-General was of so very much importance; though he admitted not of so very much importance to the present Ministry, as the present Premier had done all the work of the Attorney-General, so far as Bills were concerned. That a certain state of affairs had existed in the past was no reason why they should not try to remedy it now.

The PREMIER said he was very much reminded of what used to go on some ten years ago when he was Attorney-General and some actions were in progress in which the Government were concerned. The hon. member for Balonne, then member for Mitchell, used the same arguments then, and on every occasion when the party at present in power occupied the Treasury benches and the Attorney-General had any civil work to do for the Government. When the other party was in power exactly the some thing went on, and always had gone on, but no objection was ever made except when it happened that the Liberal party was in power. All the speeches he had just heard were quite familiar to him; they used to be dinned into his ears when he was Attorney-General for three or four years running. The question was—What were the conditions on which the Attorney-General held office? Up to the present time the conditions had been that the salary covered the departmental and criminal work, but not the civil work. In England the conditions were different.

Mr. MOREHEAD: Hear, hear!

The PREMIER: The hon. gentleman did not know how they differed. Up till a few years ago the Attorney-General in England was paid no salary, but received fees for everything; he did absolutely nothing for the Crown for which he was not paid by fees, and he received fees for many things he never did. His fees used to amount to from £15,000 to £20,000 a year, while the Lord Chancellor received £10,000, and the First Lord of the Treasury, £5,000. Some years ago a change was made, so that the Attorney-General received £8,000 a year for what might be called departmental work, and full fees for all court work he did. The Solicitor-General received £7,000 a year and full fees. In none of the colonies was it understood that the Attorney-General's official salary covered civil work. There were many reasons for it. The civil work in which the Government was concerned was of an exceedingly fluctuating character, while the departmental work and the criminal work were, to a great extent, a fixed quantity, not varying extraordinarily from one year to another. As for civil work, for several years there might be absolutely none; another year there might be a great deal. Many reasons could be given why a salary fixed on the estimated average amount of work should not be taken to cover work of an unusual character, which seldom arose, and which, when it did arise, should be paid for specially. He did not think it was desirable to increase the salary of the Attorney-General beyond that of other Ministers; at the same time he did not think he was well paid—he knew he was not. As to the suggestion that a dishonest or corrupt attorney-general could put fees in his own pocket, the same argument could be used with respect to any other lawyer, who, if he advised his client not to submit to an extortionate demand, might be accused of giving advice in his own interest.

Mr. MOREHEAD said that, with regard to the comparison between other lawyers and the Attorney-General, he had been advised that if a solicitor gave a man advice which was bad in law he had a remedy at law against him. He thought that if that were to apply to the present Attorney-General, instead of having anything coming to him, he would have to pay a great deal to the State.

Mr. PALMER said he supposed he might thank goodness he was not a lawyer.

An HONOURABLE MEMBER: Other people may.

Mr. PALMER: Referring to the return placed before the House on the motion of the hon. member for Port Curtis, he noticed that in connection with the Darra and Albion accidents alone a sum of £2,022 10s. was paid as fees for counsel. The costs allowed against the Government were only £1,971; but the fees paid to the Attorney-General were £567 4s. 6d.; fees paid to Mr. Real, £455 13s.; fees paid to counsel for the Crown, £1,022 17s. 6d.; fees paid in connection with each case, £56 15s. He supposed the Attorney-General would enlighten them why all those sums were necessary for carrying on two simple cases?

The ATTORNEY-GENERAL said the hon. member had read the several items and their total as separate sums.

Mr. ARCHER said he would like to ask the Attorney-General whether fees were never paid to the Attorney-General in criminal cases?

The ATTORNEY-GENERAL: Never. He had done work for the Government in quasi-criminal cases, and had he been desirous of charging fees he could have found precedent for it; but he had never, as Attorney-General, received fees for anything but the conduct of civil business.

Mr. MOREHEAD said then it appeared the country might have been mulcted for a little more. He supposed the Attorney-General thanked God for his moderation when he looked back at the chances he had had. He fancied they must have been very small fees that the Attorney-General did not take into his net. He thought the hon. gentleman had not, and would not, and could not answer the arguments brought against the fees he had obtained.

Mr. ARCHER said they knew now the reason why criminal cases were very often referred to other lawyers. However, that had happened before the present Attorney-General came into power. He saw an item "Fees to justices, etc., under Inquests of Death Act of 1866—£1,000." He would like to know if the money was all paid in connection with that Act?

The ATTORNEY-GENERAL said it was. He might tell the hon. gentleman that, as far as he was personally concerned, he had prosecuted at every criminal sittings of the Supreme Court since he had been Attorney-General—always in Brisbane, and always on circuit except when the House was sitting. He had never delegated it to anyone else. It was hardly fair to suggest that he had done all the civil work and appointed other people to do the criminal work.

Mr. ARCHER said he did not mean that the hon. gentleman was the only Attorney-General who had done it; every Attorney-General had done the same. He had no wish to make any imputation against the hon. gentleman.

Mr. STEVENSON said the Attorney-General had invited them to look into his fee-book. Would the hon. gentleman tell them how much he had received in fees since he became Attorney-General?

The ATTORNEY-GENERAL said he had made that remark in answer to an hon. gentleman who suggested that it was a pecuniary advantage to be Attorney-General—that he got less fees before he became Attorney-General than afterwards.

Mr. PALMER said that in the first item in the Attorney-General's estimates he noticed that burial charges followed fees to surgeons and incidental expenses under the Inquests of Death Act. He considered it very ominous that the burial charges should follow surgeons' fees, but that was not what he wanted particularly to call the Attorney-General's attention to. An injustice—a very great injustice—was inflicted by the present judicial system upon professional witnesses. The case he referred to was one where a medical witness was called from Cloncurry to Townsville as a witness for the Crown. It was scarcely fair, hon. gentlemen would admit, that gentlemen of the medical profession—or any other for that matter—should be at a very great loss through attending as witnesses for the Crown; and he would read a few short extracts from a letter which he had received from this gentleman—Dr. Van Someren—a young medical man of excellent reputation, who was desirous of forming a practice for himself in Cloncurry. He had been called as a witness for the Crown to Townsville in a poison case, and—briefly stated—his grievances were as follows; he would read them because no doubt they referred to many other medical witnesses as well:—

"We are liable to a subpœna at any moment, and on any case which involves a journey to a distance of 600 miles or more.

"Going, as you have to do, your remuneration not only fails to recoup you in any loss of professional practice, and consequent loss of fees, but absolutely fails to meet your expenses in obeying the summons. For example, Cobb and Company's coach to Betts Creek, from here and back again, will cost £12 10s. each way, or £25 in all; and besides that there is the railway fare to Townsville and back. Then there is the expense of living in Townsville, besides—fully 10s. 6d. per diem. Such a state of affairs is simply scandalous, and a disgrace to the country in which it occurs, and an insult to the profession which is so cavalierly treated."

Treatment of that kind towards a gentleman who was anxiously endeavouring to establish a practice in a country district was not fair. In fact, it was sufficient to break all his connections. Could not a dispensation be allowed in such a case? He (Mr. Palmer) waited on the Attorney-General about a month ago on the subject, and was courteously told that the granting of a dispensation was impossible. The gentleman referred to did not want to attend the trial, as his attendance was bound to involve a breaking up of his practice. In addition, he complained that the remuneration he received for his services as a witness was quite inadequate to cover the expenses incurred. The case was one in which something should be done. Of course, witnesses who only earned 5s. a day were just as well entitled to have their expenses recouped as a medical man.

The ATTORNEY-GENERAL said it was unavoidable that medical men residing in the interior were considerable losers by being obliged to attend as witnesses at criminal trials. Most medical men had patients in the localities in which they resided, and they were obliged to be away from their patients during the time they were attending trials. They, in consequence, lost the fees which they would have earned had they remained at home. There was, however, no provision in the law by which the evidence of medical men taken at a preliminary examination could be received as evidence at the trial when the medical man was himself in the colony and procurable. It was absolutely essential that the evidence of medical witnesses should always be given by themselves in the case of a criminal trial. In many parts of the colony there were medical gentlemen who complained that their absence from home to give evidence at a trial involved considerable pecuniary loss. It was not, however, often that their attendance at court involved any pecuniary loss as far as their mere travelling expenses were concerned. In the case just brought under notice the medical gentleman's expenses had, no doubt, been very considerable owing to his having travelled so far, but he received the usual allowance. Whilst it was to be regretted that in some cases medical witnesses, like other witnesses, were losers to a certain extent, yet they could hardly make an exception in favour of medical men. Every man who gave evidence at a trial, and who had to travel a long way to do so, must neglect his employment, whatever it might be, and in that respect all were losers to some extent; and if the Government recouped all professional witnesses for the fees they lost during their attendance at a trial, the whole of the money in the Treasury would not prove more than adequate to meet the expenses which would be involved.

Mr. BAILEY asked whether members of the legal profession attending trials were treated in the same way as members of the medical profession?

The ATTORNEY-GENERAL said no distinction was made with regard to them when they attended as witnesses; they were paid exactly the same as the doctors.

The HON. J. M. MACROSSAN said it must be remembered that legal gentlemen in attending trials were in most instances attending the scene of their own work, and did not have to go away from it as was the case with medical witnesses. Consequently, members of the two professions, although perhaps on the same footing as regarded expenses, were not on the same footing as regarded their position. Indeed, a legal gentleman in attending a trial might be a gainer instead of a loser. But what he rose to say was something on the question raised by the hon. member for Balonne. That hon. member, without meaning anything personal, spoke of the principle of allowing the Attorney-General to be the only Minister who should get fees or money outside his official salary. He (Hon. J. M. Macrossan) thought that was a very important question. It had been debated several times in the House, but they had never come to a conclusion on the subject. It was time they came to some conclusion on the matter, and so have it no longer said that it was only when a certain party was in office that those complaints arose. No matter what party

was in office, those complaints should be met when they were made. At present they received more prominence than for years back, owing to the unfortunate railway accident at Darra and the great number of claims which resulted therefrom. The matter was now becoming almost a public scandal. The present officers were no more to blame than their predecessors; but the time had now arrived when they should vote the Attorney-General a sufficient sum to cover the loss he might incur through not being allowed to receive fees in civil cases. That might even make the position better for the Attorney-General; but in any case they should no longer delay in removing the scandal of a Minister of the Crown receiving fees in his own department. No other Minister had a like privilege, and no Minister should have such a privilege. He, for one, would be willing to vote a much larger sum than any other Minister received, for the Attorney-General, to recoup him for loss of fees. The amount received in the accident cases by the Attorney-General was £567, and the amount received by the other counsel who assisted did not come within £100 of that figure. There was certainly not £100 difference in the merits of the two gentlemen as lawyers; but perhaps the Attorney-General got the larger sum because he was leader. Now, instead of the Attorney-General receiving that £567 it would have been much better if he had been paid £1,200 or £1,300 a year as his official salary, and received nothing from the Crown in civil cases any more than in criminal cases. The matter was one that could be easily settled if the Premier would set his mind to work on the subject.

Mr. ALAND said that if the hon. member for Balonne had brought forward the question in the same manner as the hon. member for Townsville the Attorney-General would have had no cause to say that it was brought forward in a personal way. The question, however, was a perfectly fair one. The practice of giving fees to the Attorney-General, beyond salary, was not a satisfactory one, and laid the Attorney-General open to unkind remarks. It was even said, in the country, at the time when the Government were prosecuting in the dummying cases, that they were prosecuted for the express purpose of putting money into the Attorney-General's pocket, A system about which such unkind things could be said was certainly open to alteration. His suggestion was, that instead of attaching a larger salary to the office of the Attorney-General than to any other Minister of the Crown, provision might be made in the Estimates for a sum of £300, £400, or £500 in lieu of the fees which the Attorney-General might receive. With regard to the present Attorney-General, as far as criminal cases were concerned, he had certainly done his duty in, he might say, even a more exemplary manner than any of his predecessors. It was formerly a matter of common comment that the Attorney-General, instead of conducting the criminal cases in the circuit courts, remained in Brisbane, while other members of the profession were sent to prosecute on behalf of the Crown. That system had been entirely altered since the present Attorney-General took office.

Mr. LUMLEY HILL said he had been greatly edified with the virtuous indignation displayed by the hon. members for Balonne and Townsville. They had, no doubt, pointed out an exceedingly improper state of things, but one which they themselves submitted to when they were in a position to make the alteration. But every Attorney-General did it, and it had been done for the last twenty years. Not only the Attorney-General, but every lawyer in the Assembly, had been making pecuniary profit out of their parliamentary position. When he first entered the Assembly, some eight years ago, there were eleven lawyer members out of a House of fifty-five, and they profited to a great extent from their position as legislators. Shortly afterwards a motion was made by the Hon. John Douglas to deprive them of their right to parliamentary work, but it was in the first instance negatived, every lawyer in the House voting against it. The late Government were then in power, and as they had to abide by the decision of the House they gave all the parliamentary work and pay they could to the two very worst lawyers in the House—to the two men whose votes they had got to buy, and who were the two worst lawyers in the Assembly. That had such an effect on the House that when the same motion was brought forward again it was carried by a very large majority, and the only lawyers who voted against it were the two who got the jobs. Perhaps that accounted for the fact that there were so few lawyers in the House now—there was no more plunder or pickings to be got. Anyhow, the change was so marked that he could account for it in no other way. The only way out of the present difficulty would be to make the Attorney-General a non-political appointment. Each Ministry should, of course, have the appointment of its own Attorney-General, but let them choose the best man in the profession, either inside or outside of the House. His remarks had no reference to the present Attorney-General; he entirely dismissed that hon. gentleman's individuality in discussing the question. There were plenty of lawyers who might not care to enter the arena of active politics, but who would be very valuable to the State if their services could be secured. If a Bill were brought in to that effect—even if it were a private Bill, brought in by the hon. member for Townsville—he would undertake to give it his support. He had long thought that the Attorney-General should be a non-political appointment, and that he should be selected by the Ministry of the day from the best man in the profession.

The PREMIER said the same suggestion had often been made, and it had been put in practice in many places, but experience had only shown its utter impracticability. It was tried in New Zealand for a great many years. The present Chief Justice of that colony was Attorney-General for a very long time, and was never a member of the Government. Since then the idea had been abandoned. It had been tried in New South Wales on several occasions and abandoned. It had been tried in a sort of way in Queensland and had been abandoned, and in Victoria it had been tried and found a failure. Any hon. gentleman who had ever had any experience of office knew that it was absolutely necessary that the Attorney-General should be a member of the Government. He had to advise and conduct the legal business of the Government, and it was often very difficult to separate matters of law from matters of policy. It was not worth while to discuss the question at present; it was not a new one, but had been debated often, and tried in many countries with an unsatisfactory result.

Mr. MIDGLEY said the suggestion made by the hon. member for Cook might be one way out of the difficulty; but there was another much more simple and direct way than that. It was for the Attorney-General of Queensland, whoever he might be, as representative of law, to keep to law, and have, at least, as much regard for the constitutional law of the country as any other member of the House or community.

If that regard had been manifested in the past by different attorneys-general there would not have been the frequent cases of reproach and complaint that had been directed against the different gentlemen holding that position. The Premier stated that the question was a very old one. It was not only an old one, but a very important one, and he felt convinced that if they had been speaking of a man in any other profession in life they would not have approached the subject in so deferential or apologising a way as they did when dealing with a member of the legal profession. He thought that the Committee and the country were under an obligation to the hon. member for Balonne, who had brought the matter up, and it ought to receive from the Committee careful and earnest attention, and some emphatic avowal or decision with regard to it. The Premier had stated that the rule was that whenever the present party was in power members of the Opposition raised that old and stale objection and complaint, and that when the reverse was the case nothing more was heard. He distinctly remembered the impression which he obtained when listening to the debates in that Committee as as a visitor. He remembered the frequent and sometimes very angry debates which arose from the Liberal side of the Committee, then the Opposition side, with regard to the invidious and unsatisfactory position occupied by the then hon. member for Cook, Mr. Cooper. That gentleman had done something in connection with his legal profession — revising the statutes of the colony— and it was a matter of very great complaint and debate that he should have obtained emolument for such work done while a member of the House. Therefore, the statement that those complaints only came from the now Opposition side was not verified by the records of the House. He was not going to make any attack upon the present Attorney-General. He believed that in integrity that gentleman was superior to, and in ability equal to, any Attorney-General that the country had had for many years past; but as a member of the Committee he maintained that the present was a fitting opportunity, seeing that the question had been raised, to discuss it generally, and it ought to be discussed thoroughly and faithfully. It was plain to his mind that the spirit and letter of the Constitution Act were violated in taking fees and payments for work of that kind. The Constitution Act provided for certain services which were rendered to the Government and the State. It was perfectly competent for the hon. Attorney-General to give advice to the Government with regard to the Darra railway accident and the prosecutions which were impending. Where the mistake was made was that the Attorney General should have taken the position of a paid counsel in the service of the Government in defending those actions. The Constitution Act provided :—

"Any person who shall directly or indirectly himself, or by any person whatsoever in trust for him or for his use or benefit or on his account undertake, execute hold or enjoy in the whole or in part any contract or agreement for or on account of the public service shall be incapable of being summoned or elected or of sitting or voting as a member of the Legislative Council or Legislative Assembly."

If he did any of those things he should be incapacitated and liable to a certain punishment. The Government had a claim upon the Attorney-General, and a right to expect his best advice with regard to those matters; and if it were necessary that counsel should be employed to defend those actions on the part of the Government, they might have employed members of the legal profession outside the House, of whom there were abundance. The Attorney-General really entered into a contract with Mr. Real, who was the other party to it, to defend those cases, and for doing that he received payments which, if the spirit and letter of the Constitution were maintained, incapacitated him from continuing a member of that House. What other kind of service could a legal gentleman render? The State did not anticipate that he would tender for railway works, or anything of that kind. The question as to whether he should be entitled to private practice was not one that the Committee need discuss. That right had not been interfered with and no one desired to do so. No one supposed that £1,000 a year was sufficient payment for the Attorney-General if he was deprived of private practice. But the suggestion of the hon. member for Townsville that he should be paid a larger salary was outrageous. Fancy the Attorney-General of that or any other Government receiving more than the present Colonial Secretary, or Minister for Works, or Minister for Lands, or the Treasurer! There were other things to be taken into consideration. When a person took office he was supposed to have a proper idea of the honour of the situation—to be a man of some independence of means, who was prepared to offer his services to his party and the country. He would point out the different treatment that was meted out to men in other positions in life. There was a gentleman who occupied an office of emolument under the Government in the Upper House, Dr. Hobbs, who represented science, he supposed; but he was not permitted to rest in that position, and was hunted from it, and very properly so, because the office that he held had a stated salary. Mr. Thornton was another member of the Upper House who occupied a situation under the Government—Collector of Customs—and he also was hunted from that position, and very properly so. But there was a gentleman in the Upper House now who occupied the position of railway arbitrator, and was a member of the legal profession. Of the other two men one represented the medical profession and the other represented commerce or customs; but that was a man taken from the legal profession who occupied a position of emolument with a stated salary under the Government, and that gentleman remained in his position, and there was no hue and cry raised to drive him from the Council. He contended that the Committee ought to maintain jealously the Constitution by which they were supposed to be governed, and that no member of the House should take any position of reward or emolument under the Government while he remained a member of the House. It would be idle for hon. members on that side of the Committee—it would be useless—it would be inconsistent in them when a few years had passed away and they or some of them found themselves on the other side, to raise their voices in protest against those kinds of abuses, if they allowed or countenanced them now when done by the Government or members of the party they supported.

The HON. J. M. MACROSSAN said he would like to say a word or two in reference to one statement made by the hon. member for Fassifern. The hon. member said it would be outrageous to increase the Attorney-General's salary above the salary at present enjoyed by the Premier, or the Minister for Works or Minister for Lands. But the Attorney-General's emoluments now were much higher than were received by the Premier. Within the past twelve months the Attorney-General had received nearly £1,600. The Premier, according to schedule, got £1,000 as Colonial Secretary, and as Vice-President of the Executive Council he received £300; so that the Attorney-General received nearly £300 more than the Premier received as Colonial Secretary and Vice-President of the Executive

Council. Now, that was most outrageous, and he thought they should increase the salary of the Attorney-General to £1,200 or £1,300. As to the appointment being a non-political one, he quite agreed with the Premier that it had been tried, and had failed wherever it had been tried.

Mr. NORTON said there were one or two items in that vote to which he wished to call attention. With regard to the position of the Attorney-General he did not intend to enter fully into the discussion of that subject, but he could see no reason why the Attorney-General should be paid any more than any other member of the Government. He was not referring to the present Attorney-General but to the office; and he did not see why, whatever work he did on behalf of the Government, the Attorney-General should be entitled to receive increased pay any more than any other member of the Ministry. What was there in the appointment of Attorney-General which necessitated higher pay than was received by any other member of the Government? Other members of the Government were supposed, if the occasion to do so arose, to give up their private business in order to carry out their public duties; and if half-a-dozen members were expected to do that, he could not see why the Attorney-General should be considered above them, or why he should expect, or claim, or receive pay for extra work which they would not be entitled to under similar circumstances. But there was one question he wished to ask in regard to the fees for civil cases: Were they fixed by the Attorney-General?

The ATTORNEY-GENERAL: No.

Mr. NORTON: By the Crown Solicitor?

The ATTORNEY-GENERAL: Yes.

Mr: NORTON said that was just what he wished to come at. It appeared to him to amount to the same thing whether the fees were fixed by the Crown Solicitor or the Attorney-General, as the Crown Solicitor would not care about cutting down the fees when by so doing he might incur the ill-will or displeasure of his chief. He would further ask the Attorney-General who was the gentleman who had been appointed Crown Solicitor? Was he an experienced man, and was it from the fact of his having had experience that he was chosen as adviser to the Government in matters pertaining to law officers?

The ATTORNEY-GENERAL said the name of the gentleman who occupied the position of Crown Solicitor was Mr. J. H. Gill. He was not an old man in the profession, but he possessed as much ability as they would find in any average member of the profession of his standing, and displayed a very great amount of assiduity, zeal, and intelligence in the discharge of his duties. Mr. Gill's appointment was one upon which the Government might congratulate themselves. As far as he (the Attorney-General) had had an opportunity of judging of the way in which he performed his duties, he was entitled to the highest commendation.

Mr. NORTON said he understood the hon. gentleman to say that Mr. Gill was a gentleman of average ability in his profession. Well, they expected something more than average ability in a member of the legal profession specially selected as adviser to the Crown. The gentleman who had previously held that position was considered one of the highest legal advisers in the colony. He would like to know whether—as he had heard—Mr. Gill had only been a few years in the profession?

The ATTORNEY-GENERAL: About five years.

Mr. NORTON said the hon. gentleman really meant to tell the Committee that a gentleman who had only been five years in practice was the sort of man to select before all other solicitors for that appointment. If that was the hon. gentleman's opinion there were very few members of the Committee who would agree with him. The public had a right to be satisfied that the gentleman who occupied the position of Crown Solicitor was one who had had a great deal of experience. They could not put old heads on young shoulders. He did not think that anyone with ordinary reasoning powers would be satisfied to entrust an office of that kind to a young man who had only been five years in practice. He must say that when he heard of the appointment he was in very great doubt as to the accuracy of the statement. It seemed to be an unreasonable thing that a young man who had not long entered the profession should be appointed Crown Solicitor in preference to others of many years' experience. Was the appointment offered to anyone else before it was offered to Mr. Gill?

The ATTORNEY-GENERAL said the hon. member had misapprehended the use of the word "average" by him. He did not wish to exaggerate Mr. Gill's qualifications. There might probably be found in Australia some men who were more eminent than he was as lawyers—there certainly could be found many in Australia who were his inferiors. The hon. gentleman made a great mistake if he thought that a position of £1,000 a year was regarded as a prize that eminent lawyers would strive for. The appointment was offered to two gentlemen who would probably come up to the hon. gentleman's ideas, but they declined it. No lawyer of very long standing would accept an appointment with that salary. A gentleman like Mr. Gill, who had served five years under articles to a firm of solicitors having a large practice in the city, must have a considerable opportunity of gaining a knowledge of his profession before he began to practise on his own account. It was not the time a man had been in the profession or the fact of his being a young man that should militate against the suitability of his appointment. Some young men could crowd into a comparatively few years an amount of work which endowed them with qualifications superior to those of older men who had been idler men. Mr. Gill sacrificed something pecuniarily in accepting the position. He was in receipt of a larger income than that provided in the Estimates before he was appointed, and if he had been an older man he probably would not have accepted the position.

Mr. NORTON said it was quite possible that one or two gentlemen who were older and had had more experience refused the appointment; but he could not for one moment believe that after Mr. Little had held the position for some years no other man would take it as his successor. He did not mean to say that a man in full practice would give it up to take £1,000 a year, but surely there were men in the country who had been in practice for many years and were now in a position to take things more easily. That was the kind of man the position should have been offered to—a man who, like Mr. Little, had received sufficient money by his practice to enable him to retire if he wished, but who would be willing to take work of that kind to give him some occupation. He did not think anyone would be prepared to defend the appointment of a young man, whatever his ability might be, who had only been five years in practice. No matter what knowledge he might have gained before he entered into practice, that did not count as experience.

The ATTORNEY-GENERAL: It is part of his education.

Mr. NORTON: A man's experience was only counted from the time he had passed his examinations and entered into practice; up to that time he was only learning the lessons he had afterwards to put in practice. It was only putting aside the real question at issue to speak of what anyone occupying such a position might have learnt before his actual practice began. He was not merely making that protest himself; he had heard dozens of remarks on the impropriety of appointing so young a man when there was reason to suppose that other gentlemen, with many years of experience, were prepared to take the appointment, and give up a profitable practice. He believed there were several such gentlemen in the town, and, at any rate, the Government, instead of offering the position to Mr. Gill after its being refused by two gentlemen, might have offered it to many others in preference to a young man who could not be said to have had any experience, and in whom the public generally could not have confidence.

The ATTORNEY-GENERAL said there was no comparison between the cases of Mr. Little and Mr. Gill. Mr. Little only accepted the office at a fixed salary a very few years ago—in 1880 or 1881; previous to that he had the right of private practice. He was sure that Mr. Little, in his palmy days, would have scoffed at the idea of accepting it. It was undesirable that any gentleman occupying the position of Crown Solicitor should have the right of private practice; and he supposed that, in the circumstances of the colony, £1,000 a year was as much as they could afford to give to the occupant of the position.

Mr. NORTON said he did not expect that anyone like Mr. Little would give up a full practice in order to accept £1,000 a year; but he repeated that there were gentlemen in the town, who had been practising for many years, who would be glad to retire from the active work they had been carrying on so long, and undertake the duties of adviser to the Government.

Mr. ALAND said he did not think the office of Crown Solicitor should be a sort of asylum into which solicitors tired of their private practice should be allowed to enter. He had heard objections to the appointment of Mr. Gill, but they had come from disappointed aspirants for the office. He did not think that because a man was young he was unfitted to hold the position of adviser to the Government. Had not the foremost lawyers in Queensland been young men? Would anyone despise the late Attorney-General because he was a comparatively young man when he entered upon the duties of Attorney-General? The present Premier was a very young man when he took office as Attorney-General, and that position was not less responsible than the position of Crown Solicitor. He knew Mr. Gill personally, and had known him ever since he was a very little fellow. He was a credit to those who brought him up; he was a credit to those under whom he served at the grammar school; he was a credit to those who coached him as a solicitor; and no doubt he would be a credit to the colony as Crown Solicitor.

Mr. FERGUSON said there was another class of fees he wished to call attention to. A certain friendly society passed a set of by-laws or rules, which they sent in the usual way to the Attorney-General to be approved of, with fees amounting to about £5 15s. Through some mistake they had to be sent back for a slight alteration. They were then returned to the Attorney-General again for approval, but nothing could be done until a second fee was paid. The agent of the society accordingly paid a second fee. He (Mr. Ferguson) did not know if that was a proper thing or not, but when he applied on behalf of the society, of which he was a member, to have the second fee refunded, the Attorney-General declined. The reason given by the Attorney-General for declining to hand the money back was that between the payment of the first and second fees a change of Ministry had taken place. But surely a change of Ministry should not affect a question of that kind! If the society was not entitled to pay a double fee to one Attorney-General it could not be entitled to pay one fee to one Attorney-General and another to his successor for the approval of one set of by-laws. The present Attorney-General also said that the case referred to was not the only one in which a double fee had been charged—that the same thing was done by his predecessors, and therefore he had a right to do it.

Mr. SMYTH said he would like to know what became of those fees? He thought they should go into the Government coffers. He also wanted to know why a society which did a great deal of good in the community was charged a registration fee of £5 5s., and then, because it wished to amend one clause of its rules, had to pay £3 3s. more? It was a case somewhat similar to the one the hon. member for Rockhampton had spoken of, except that the society in this instance managed to get one of the fees returned. It was quite time that the Attorney-General had a fixed salary. When Mr. King was gold commissioner and collected fees from the miners of Gympie, the Government decided that he had no right to those fees, and that led to his resigning the situation. The Attorney-General's position was somewhat similar. What right had he to fees any more than a gold commissioner?

Mr. DONALDSON said he was astonished by some of the statements made with regard to the fees and emoluments paid to the Attorney-General. Whilst other members and Ministers were prevented from earning money through their positions, that Minister was allowed to collect fees which amounted to a great deal more than his salary. He (Mr. Donaldson) saw no reason why an exception of that kind should be made in favour of lawyers. It was an exception that was perhaps to be accounted for by the fact that lawyers had the framing of most of the laws, and had kept an eye open for their own profession. Why should a Minister get five-guinea fees from friendly societies simply because he happened to be Attorney-General? Was the Attorney-General not paid as other members who sat on the Treasury bench? He (Mr. Donaldson) ventured to say that many of the other Ministers had to do a great deal more work than the Attorney-General. It would be interesting to know what was being done in the way of drafting the Bills which were brought before the House. He (Mr. Donaldson) believed most of them were framed by the Premier. Did, then, the Premier charge any fees?

The ATTORNEY-GENERAL: No.

Mr. DONALDSON said the Premier was quite as entitled as the Attorney-General to charge fees, but it appeared that there was a great deal of useful work done by him for which he charged nothing. With regard to the payment of Ministers generally, the amounts they were paid were a great deal too small. Their salaries should be increased, but their duties should, at the same time, be so defined that they would be prevented from using their office to increase their emoluments. Regarding the fees allowed to the Attorney-General, they were fixed by his subordinate officer, the Solicitor-General. Was not the Solicitor-

General, then, placed in a very awkward position? A time might come when an unprincipled attorney-general might be in office, and he might bring pressure to bear on his subordinate to increase the fees. He (Mr. Donaldson) would like to have the whole of the question raised in connection with the position and duties of the Attorney-General discussed more fully at some future time, and to see the principles of the Constitution Act applied to lawyers as well as to other members of the House.

Mr. MACFARLANE said the hon. member who had just resumed his seat had referred to the drafting of Bills. He (Mr. Macfarlane) had been under the impression that various individuals were paid for doing that work; but it seemed that it was done by the Premier himself, who received for it no remuneration. If the Premier received nothing for the work, who did?

The PREMIER said that since he had been in office he had thought it his duty to see that the Bills brought before the House satisfied himself as well as his colleagues. The work of drafting Bills was heavy, and some of the details of it might be done without the necessity of the person directing it doing it himself. It was necessary that there should be a fund available for getting that work done. Several Bills had been entrusted, at certain stages, to professional gentlemen in whom the Government had confidence, and they were paid out of the fund set apart for the purpose. As to receiving fees himself, of course he need not deny that. Never since he had been a member of the House had he received a farthing for parliamentary work, although he had drawn Bills for the Government when in opposition as well as in office.

Mr. STEVENSON asked if the Attorney-General could give the Committee an idea as to the amount of fees he had received from the Government since he became Attorney-General?

The ATTORNEY-GENERAL said the information would be found in the return which would be laid on the table, no doubt, to-morrow.

Mr. BLACK said he endorsed the request of the hon. member, and would call attention to the fact that the schedule issued with the Estimates-n-Chief, showing the total remuneration received during the year by all public officers, did not contain the name of the Attorney-General. Was not the Attorney-General a public officer?

The ATTORNEY-GENERAL: Not in that sense.

Mr. BLACK said the object of the House for the last two years had been to ascertain the exact emoluments that every officer in the Public Service really received, and there was no reason why the Attorney-General's fees should not be shown in the schedule. He wished to know, also, whether, in addition to the fees received in the Darra and Albion railway accident cases, amounting to £567 4s. 6d., the Attorney-General had in any other civil cases received fees from the Government. It was only what lawyers, he believed, called the "fat" cases that appeared to have been defended by the Crown. The smaller cases, where the fees might not be expected to have been so heavy, were settled out of court. It was a great pity that the same course was not adopted in some of the large cases; it would have saved the country from being saddled with a heavy amount of expenses.

The ATTORNEY-GENERAL said he scarcely knew what the hon. gentleman meant about the "fat" cases being the only ones brought before the court. On looking at the list of the claims, the hon. gentleman would see that in those instances where the fees had been charged the claims were not "fat." In those cases claimants were amenable to reason. But some persons, not content with making large claims, increased them. In one instance, where the plaintiff issued a writ for £2,000, and afterwards, on getting the reports of medical witnesses, asked the Crown law officers to consent to an amended writ increasing the amount to £5,000. That was resisted by the Crown, but allowed by the judge in chambers before whom the question was argued. It was not the fault of the Crown that only the "fat" cases came before the court. In every case where the people were reasonable their claims were met without going into court.

Mr. STEVENSON said the Committee would not be satisfied with an evasive answer of that kind—an answer that was beside the question altogether. What they wanted was information as to the amount of fees actually received by the hon. gentleman, and they wanted the information now, while the discussion was going on. The Attorney-General ought to have come prepared to give all the information that might be asked from him, and as far as he (Mr. Stevenson) was concerned he should not let the Estimates pass until he got it.

The ATTORNEY-GENERAL said he presumed the hon. member's question was relative to items appearing on the Estimates, for of course he was not justified in extending his researches to anything not contained in them. All other sums would be contained in the return to be laid on the table in due course. As far as the Estimates were concerned, he had received fees for civil business amounting to £20 16s. 6d., and that was a case in which the Crown was successful and the other party had to pay the costs.

Mr. STEVENSON said he did not understand the hon. Attorney-General. Was there anything that he was ashamed to tell the Committee? They were on that gentleman's estimates, and wanted to get all the information they could, and it was no use his fencing the question. It was no good saying he was not going to give any information except what was on the Estimates. The estimate covered everything, and he wanted to know what the hon. gentleman had received since he had been in office. The hon. gentleman knew well what was wanted.

Mr. SALKELD said that what the hon. member wanted to know was, what fees the Attorney-General had received in consequence of his office, and not in regard to his private practice. It was evident from the discussions which had taken place during a previous session, and again that night, that the whole question of fees wanted thoroughly overhauling. It was quite plain that public officers had been receiving a large amount of fees, and neither the Committee, nor the Ministers, nor the public knew what they were. It had been a complete subterranean affair altogether, and it was quite time it was stopped. If it were not too late in the session he should like to move for a select committee to find out the amount of fees received in every office, and he believed that would have to be done yet. At the present time there was no control over them at all. Men were appointed to offices and received the fees, and nobody was any the wiser except the persons who paid them. He had not very much to say upon the present vote, but he should have further on. He trusted that the Government would afford every facility to hon. gentlemen to let them see the true state of affairs, and give them all the information they could. He had been informed, outside, that in some offices there was a system of mild terrorism carried on with respect to fees; and that kind of

hing ought to be thoroughly and completely exposed. A man should not use his public office to gather in fees. If he had sufficient work to do he ought to be paid a sufficient salary, and all fees ought to go into the public revenue.

The PREMIER said the Government would be delighted to give the Committee any information that might be asked in connection with the Estimates and in respect to fees if hon. gentlemen would give an hour or two's notice. Questions were being asked which hon. gentlemen knew could not be answered on the spur of the moment, and, by doing so, they simply showed a desire to protract business. The Government were prepared to give the very fullest information on every item down to the last farthing, if any useful purpose could be served; but it would involve an immense amount of clerical work, and perhaps no advantage might be gained from it. The hon. gentleman was quite welcome to every information, and the Attorney-General would give it at the very earliest possible moment. To ask the Attorney-General to say from memory the total of all the fees received by him under a practice that had been in force for the last twenty-five years, was to ask a question that could not be answered. He might be able to give the information approximately, but not exactly. All the information could be given to-morrow, and he hoped no hon. member would insist upon asking questions that could not be answered.

Mr. STEVENSON said that in that case, if a Minister came up unprepared to give information on his estimates, he should move that the estimates be postponed until he could. They were not going to be put in a hole in that way. The Premier was prepared with every information on his own estimates, and why should not the Attorney-General be in the same position? If the hon. gentleman thought they would pass the estimates without the information they desired he was very much mistaken. He insisted upon the hon. gentleman giving that information now. Of course, he only wanted it approximately; and the hon. gentleman must know perfectly well that he could give that information if he liked. He seemed as if he wished to withhold it until some time when they could not discuss it. His estimates were before the Committee now, and that was the time that hon. members should have a chance of saying anything they liked. If there was anything wrong the present was the time to discuss it, and not after the estimates were passed. He would have that information or the estimates would not pass.

Mr. HAMILTON said he was glad to hear the statement of the Government that they would be delighted to give all the information they could in respect to what had been asked, and he hoped they would give effect to that sentiment by doing so. It had been stated that the hon. the Attorney-General could not give the whole of the details to the last farthing; but it had been said by the hon. gentleman who had asked for the information, that he did not want the details. He simply wanted an approximate idea. The Attorney-General had been able to give all other information in connection with his department, but he could not give that which most personally affected himself. He gave them a lot of detailed information about certain "fat" cases, while the Committee wanted information about the "fattest" case of the lot. There could be only two reasons why the hon. gentleman refused to give the information. It might be from a delicate consideration for the feelings of the hon. gentleman who had asked for it—he might be afraid of shocking him; or it might be that he wished to prevent discussion on the subject. That was the proper time for discussion; if they waited until to-morrow the vote would be passed and the information would be of no use. If they had it now they could express their opinions at once in regard to it.

Mr. KELLETT said he did not wish to obstruct the business in any way, but he thought the Attorney-General was not quite so innocent as he looked. "Still waters ran deep." The hon. gentleman understood the questions that were asked, and he was perfectly satisfied he could go very near answering them without any more consideration, and he thought it would be advisable, in his own interest, that that information should be given. They did not want the amount to the last ninepence; something approximate would be sufficient, just to show about what amount he had received more than his salary of £1,000. He agreed that the question should be carefully gone into, as it was most objectionable that the Attorney-General should receive fees from the Crown when a salary was paid to him. He thought the salary attached to the office was quite sufficient for all the Attorney-General had to do. It was very advisable that they should know at once what fees the hon. gentleman received. He was beginning to think he was afraid to tell them—that was the only conclusion he could come to. It seemed to him that they must have been outrageous when he did not like to let the Committee know, and to-morrow they would have no chance of discussing the subject. There was no attorney-general who had got off so easily; nobody had touched him at all this session; he did not know why, but supposed the hon. gentleman thought it best to keep quiet himself; but now was the time when they had a chance to get something out of him and see what he was made of. He had been very retentive, and they must jog his memory a little. If his memory was really so defective, he was not qualified for the office of Attorney-General. If he had got such a bad memory that he did not remember his fees, he (Mr. Kellett) did not think the hon. gentleman was fit for his office. He was certainly of opinion that the better plan would be for the Attorney-General to give them the information asked for as nearly as he could. Let him lump it out in one sum at once, if it were a very big one and he could not give the particulars.

The ATTORNEY-GENERAL said that hon. members must not suppose that he wished to conceal anything. He had nothing to conceal. As to the Royal commission or select committee suggested by the hon. member for Ipswich, he would be delighted with anything of the kind, which would result in such recommendations being made to the committee as would place the office of Attorney-General upon a recognised footing. He must say that, as it had been a recognised practice from the very commencement for the Attorney-General to receive fees, he would be reflecting upon his predecessors in office if he abstained from taking those fees. It would be a suggestion that they had been acting dishonourably; and he would not do anything of the kind unless there was a rule laid down for all concerned. He had nothing more to say on the point. As to the amount of fees received by him, he had brought down accurate information in connection with matters referred to in that vote, and the information now asked for he could only supply from memory. He assisted to conduct the prosecution for the Imperial Government in connection with the "Forest King," and for that he received something like 80 guineas or thereabouts. The case was a very important one, and lasted a very long time. There was also the case in which he appeared to

move the court for a mandamus against the municipal council of Brisbane. In that he succeeded, and received fees to the amount of between £20 and £30; and then there was a prohibition case, the fees from which amounted to £20 16s. 6d. In the latter case costs were given against the respondent, so that the Government were really not out of pocket. Those were all the fees he could recollect having received in addition to the fees mentioned in the return.

Mr. DONALDSON: What about fees from friendly societies?

The ATTORNEY-GENERAL said the fees received from friendly societies were five guineas for certifying rules, and three guineas for certifying amendments of rules. That was not a mere formal matter, but one that involved a good deal of work. Probably he had received altogether from that source between £30 and £40.

Mr. BLACK asked what was the prohibition case referred to by the hon. gentleman?

The ATTORNEY-GENERAL: The case of Williams *versus* magistrates of Cooktown—a branding case.

Mr. STEVENSON said he was perfectly satisfied with the information given so far as it went; and he only wanted to ask another question—namely, whether the amounts the hon. gentleman had given the Committee covered the whole of the time he had been in office as Attorney-General?

The ATTORNEY-GENERAL: Yes; as far as I can remember.

Question put and passed.

The ATTORNEY-GENERAL moved that there be granted the sum of £7,173 for the Supreme Court, and said that hon. gentlemen would see that there was an increase on last year's vote of £950. That was made partly by an addition to the travelling expenses of their honours the judges to the amount of £150, and partly by an increase of £800 in the allowances to witnesses attending the circuit courts. The previous votes for allowances to witnesses had been found wholly insufficient, and the increase was a very moderate one considering that there would probably be a very large draft upon the vote.

Mr. KELLETT asked whether the amounts for travelling expenses of their honours the judges had been overdrawn during the past twelve months anything like they had been during previous years?

The ATTORNEY-GENERAL: Of late there has been a very considerable reduction.

Mr. KELLETT said the question he asked the hon. gentleman was whether the amounts placed on the Estimates had been exceeded by their honours the judges?

The ATTORNEY-GENERAL said they had been exceeded. If they had not been largely exceeded that increased amount would not have been asked for. But, as he had said before, there had been a considerable diminution of late, but even with that diminution the amount previously voted would not be sufficient.

Mr. KELLETT said it was very hard to get a straight answer from the Attorney-General. He believed, now, that the hon. gentleman was more rogue than fool. He (Mr. Kellett) wanted to know some more particulars. What were the expenses incurred by the different judges when on circuit last year?

The ATTORNEY-GENERAL said that from and including the 31st of July, 1884, to the 13th of April, 1885, the amount paid to the Chief Justice for travelling expenses was £312 16s. 3d. The dates given were not the dates on which the expenses were incurred, but on which the cheques were paid. From the 13th of October, 1884, to the 30th of June, 1885, the sums paid to Mr. Justice Cooper, representing the expenditure for the year, amounted to £742 9s. 1d. The last three cheques that were paid showed a very considerable reduction on the first three cheques paid by the Government. The amount paid for the travelling expenses of Mr. Justice Harding was £89 15s. 6d.; making a total of £1,145 0s. 10d—an excess over the vote of £495 0s. 10d.

In reply to Mr. ARCHER,

The ATTORNEY-GENERAL said the amount for the vouchers sent in for expenses of judges travelling in the Southern districts never represented anything like the amount of the vouchers sent in by the Northern judges. He assumed the cost of travelling was very much greater in the North.

Mr. ARCHER said the question he asked was whether the travelling done to Rockhampton and back was at all equal to the amount of travelling done on the Northern circuit?

The ATTORNEY-GENERAL said the judges travelled in the South to Ipswich, Toowoomba, and Roma, and went by steamer to Maryborough and Rockhampton; so that in the Southern district they held courts in five places outside Brisbane. The Northern Judge sat at Bowen, and travelled twice a year to Mackay on the south, and Townsville, Charters Towers, and Cooktown on the north—four places outside Bowen.

Mr. ALAND said it had been suggested that a commission should sit to inquire into the fees of the Attorney-General, but he thought it would be just as profitable if a commission sat to inquire into the expenses of the judges. It struck him the judges' expenses were out of character altogether, especially those of the Northern Judge. He saw on the estimates £1,800 for the travelling expenses of the Northern Judge and Crown Prosecutor; they must travel about like princes.

The PREMIER said that was for the three district court judges.

Mr. ALAND said the district court judges then were more reasonable than the Northern judges. He supposed they were not supposed to deal in such aristocratic wines and live so highly as the judges of the Supreme Court. He thought the country was paying a great deal too much in order that the judges of the Supreme Court might give entertainments to their friends when they were sent to different towns of the colony.

The PREMIER said that after the discussion which took place on the subject last year he communicated with the Northern Judge, calling his attention to the debate, and inviting an explanation of the very large amount of travelling expenses. He did not remember what answer he received, but he observed that while the expenses for the first six months of the financial year were about 500 guineas, for the last six months they were only about 200 guineas.

Mr. HAMILTON: For the same amount of travelling?

The PREMIER: Exactly the same amount.

Mr. ARCHER asked what correspondence had taken place?

The PREMIER said he had communicated with the learned judge, but he was not quite sure of the terms of the reply. He did not obtain much information, but he observed that the correspondence was followed by certain results,

Mr. ARCHER said the correspondence might be laid before them.

The PREMIER said he had no objection, if he had the letters.

Mr. ARCHER said he was sure the correspondence would be interesting to the Committee. He thought the Northern circuit must be much more expensive than the Southern.

Mr. SMYTH asked if the judges sent in the amount in a lump sum ?

The PREMIER : Yes.

Mr. SMYTH : Why could not the judges send in a bill of items and have them checked? It was reported that one judge ordered a good stock of a special brand of champagne before starting on circuit. He thought it would be a good thing if the judges had to give a statement how the money was disbursed. They might spend it in playing loo.

Mr. KELLETT said he could not see the wonderful difference between the judge of the Supreme Court and of the district court. It seemed that the district court judges were allowed regular fees—so much a day—and why could not the Supreme Court judges be treated in the same way? He hoped the Attorney-General would consider the matter, and have a scale of expenses fixed for the judges. It was disgraceful to have these matters brought up in the Committee year after year; it was detrimental in every way to the interests of justice and the interests of the colony that the names of such high officials should be called in question in that way. Why could not the fees be fixed the same as the salaries? He did not see why a judge should be given a cheque-book and allowed to draw for an unlimited amount, any more than any other man in the Civil Service.

Mr. SALKELD said there was one item—"Registrar of Supreme Court, £700"—with respect to which he desired an explanation. That officer's salary was raised last year £200 on the understanding that he would perform the duties of registrar of friendly societies. From remarks recently made in the House he (Mr. Salkeld) had gathered that the Friendly Societies Act was still a dead-letter. That being so, it was evident that the terms under which the increase of salary had been granted had not been complied with. The Minister who was responsible ought to have seen that the work was done, and it was his duty now to explain why he had allowed an officer to leave part of his work undone. Another question he would ask was—what fees did the Registrar of the Supreme Court receive besides his salary ?

The ATTORNEY-GENERAL said the Registrar of the Supreme Court did not receive any fees with the exception, up till lately, of fees payable to him as a commissioner for taking affidavits, when he took any out of office-hours.

Mr. NORTON : No others ?

The ATTORNEY-GENERAL said the officer referred to received no other fees as Registrar of the Supreme Court. There were some small fees he received in connection with the Vice-Admiralty Court, of which he was an officer. Those fees were fixed by an Imperial statute and the Queensland Government had nothing to do with them. As to the taking of affidavits he received nothing now, no matter whether he took any in or out of office hours. He was also in the habit until lately of receiving a commission for the sale of stamps kept in his office for the convenience of the persons who might require to stamp documents when in the precincts of the Supreme Court.

Mr. NORTON asked how the officer in question came to receive a commission on the sale of stamps ?

The ATTORNEY-GENERAL said it was the practice to give all vendors of stamps a commission. The Registrar had been under the necessity of making a considerable outlay in connection with the sale of stamps, so that it was not all profit.

Mr. NORTON asked by whom the Registrar of the Supreme Court had been appointed as a vendor of stamps ?

The ATTORNEY-GENERAL said he was commissioned by the Treasury, but his commission was now stopped.

Mr. NORTON said he was glad to hear that, as it was placing the Registrar of the Supreme Court in an invidious position to make him a vendor of stamps. Did he now receive any fees beyond his salary ?

The ATTORNEY-GENERAL : None.

Mr. SALKELD asked how long it was since the Registrar of the Supreme Court had been disallowed commission on the sale of stamps ?

The ATTORNEY-GENERAL said that it was quite recently—since the matter had come under the notice of the Government.

Mr. BEATTIE said the hon. member for Ipswich, Mr. Salkeld, was a little wrong in the information he gave with reference to the increase made last year in the salary of the Registrar of the Supreme Court. The hon. member said the increase was made in consequence of the Registrar undertaking the work in connection with the Friendly Societies Act. In that statement he was altogether wrong. The information given to the Committee which voted the increase was that the work of the Registrar of the Supreme Court had increased greatly, and that for years it had been all done by Mr. Bell when a junior officer. The Committee took these facts into consideration, and gave Mr. Bell what he was fairly entitled to. There had always been a difficulty with the Friendly Societies Act, and they had never been able to get any Supreme Court Registrar to do the work.

Mr. SALKELD said the senior member for Fortitude Valley might have voted for the increase of the Registrar's salary for the reasons he had stated, but he (Mr. Salkeld) knew that a number of members would have disputed the increase had it not been pointed out that the officer in question would perform the duties of registrar of friendly societies. He wanted to know why the Friendly Societies Act had been permitted to remain a dead-letter ?

The ATTORNEY-GENERAL said it was not the fault of the Registrar of the Supreme Court that that Act had been allowed to remain a dead-letter. It had been a dead-letter from the beginning, for the simple reason which he pointed out the other day, that the Registrar had not the appliances for fulfilling all the requirements of the Act. In Victoria the work was thrown upon the Government statist. He held in his hand the annual report of the Government statist in connection with friendly societies in Victoria; it was a document of over 130 pages, most of it tabulated matter. It was no disparagement of the Registrar to say that he was totally incapable of dealing with it. It was impossible that he could do it. The law said he should, but it was found impracticable. It was not a question of having one clerk more or less. The staff of clerks in the department was no larger now than it was in 1876, although the increase in the work had been enormous. If there were half-a-dozen additional

ordinary clerks it would be impossible for the Registrar to grapple with a question of that kind. The work could be done in connection with the Registrar-General's Department, where there were facilities for it. To ask the Registrar of the Supreme Court to do it was like asking the hon. member to perform the duties of Attorney-General, or anything of that kind—it did not fit in with the natural order of things.

Mr. NORTON said he was glad to hear the Attorney-General defend the Registrar in the way he had done, but he seemed to have forgotten what he said last year to induce the Committee to increase the Registrar's salary by £200 a year. They were then told by the hon. gentleman that previous registrars had not carried out the provisions of the Friendly Societies Act, but that that registrar should; and on that ground the increase was voted. Having got the increase, the Attorney-General now found all sorts of excuses for the Registrar following in the footsteps of former registrars whom he condemned so much last year. In fact, they were in exactly the same position as they had ever been, excepting that the Registrar received £200 a year more than previous registrars received. The work was undone now, as it was then, notwithstanding the additional sum voted on the distinct stipulation that the Registrar should do it.

The ATTORNEY-GENERAL said the hon. member for Port Curtis was not strictly accurate in his statement as to a stipulation having been made that if the Registrar got the increase he should do the work of the Friendly Societies Act. Nothing that he said on that occasion could be construed into anything of the kind. He stated what the duties of the Registrar were, and what the claims of the Registrar were as a professional man, quite apart from the Friendly Societies Act altogether. What he said about that was, that regarding the question raised by the hon. member for Toowoomba (Mr. Groom), he was collecting information in the neighbouring colonies, and that as soon as he obtained that information he was going thoroughly into the question to see what could be done. That information had been obtained; he had carefully studied it, and the conclusion forced upon him was that neither this Registrar, nor any other registrar, could possibly do the work. He could say confidently that he never made any such bargain as the hon. gentleman seemed to imagine.

Mr. FOXTON said that, whether the statement was made or not, he was convinced that it would take fifty attorneys-general to make the Registrar do the work of the Friendly Societies Act in addition to his own. Hon. members who talked about the Registrar putting that Act into operation did not know what they were talking about. Taking an interest in the question, he moved lately for a return, which had been laid on the table that evening. That return gave some idea of the staff and the expense necessary to put the Act into operation. The junior member for South Brisbane (Mr. Jordan), who was then the Registrar-General, wrote on the 21st May, 1883, that his estimate of the cost of working the Act in Queensland was £1,773, which was based on the cost of working the same Act in Victoria. The officials employed in working the Act in that colony were ten in number. Two were engaged in preparing the annual statistics, at a cost of £312; there was one actuary with a salary of £411 13s. 4d.; an assistant to the actuary at £113 6s. 8d.; and six supernumeraries, costing £936; or a total of £1,773. Until those officers were appointed by the Government, and certain other steps which were necessary, were taken, it was quite impossible for any man to work the Act.

Mr. Jordan, in the same letter, which was addressed to the then Colonial Secretary, Sir T. McIlwraith, said:—

"We are, even now, straitened for room in this department; but if it is determined to transfer the business to this office I would respectfully submit that it should be deferred until the new building is erected."

He took it that that was a reference to the new Government offices, the foundations of which were not yet laid. The remark made by the hon. member for Mulgrave was—

"Defer this matter until new offices are erected."

That was a Ministerial note upon the letter; so that if anyone were responsible for the delay which had occurred, since the 21st of May, 1883, it was the hon. member for Mulgrave. It was perfectly correct to delay the matter until there was some tangible means of carrying the Act into operation. His (Mr. Foxton's) only object was to take reproach from a public officer, who was not in a position to defend himself. If hon. gentlemen would take the trouble to read the 30th, 31st, 32nd, and 33rd sections of the Act, they would see the things that were necessary to be done, in addition to the appointments of those officers, and having offices for them, before the Act could be carried out:—

"The Governor in Council may from time to time appoint public auditors and valuers for the purposes of this Act, and may determine from time to time the rates of remuneration to be paid by societies for the services of such auditors and valuers, but the employment of such auditors and valuers is not compulsory on any society.

"The Colonial Treasurer shall, out of money to be provided by Parliament, pay such sums of money for defraying the expenses of salaries of assistants, clerks, and servants, remuneration for actuaries, accountants, and inspectors, computation of tables, publication of documents, diffusion of information, expenses of prosecutions, travelling expenses, and other allowances of the registrar, and other expenses which may be incurred for carrying out the purposes of this Act, and may also pay to any public auditors or valuers to be appointed under this Act such remuneration, if any, as the Governor in Council shall from time to time allow.

"The Governor in Council may, from time to time, determine a scale of fees to be paid for matters to be transacted or for the inspection of documents under this Act, but no fees other than those hereinbefore prescribed shall be payable for the registration of any society under this Act or for the amendment of any rules thereof.

"The Governor in Council may, from time to time, make regulations respecting registry and procedure under this Act, and the seal and forms to be used for such registry, and the duties and functions of the registrar and the inspection of documents kept by the registrar under this Act, and generally for carrying this Act into effect."

He was not aware that regulations had ever been framed by any Government under that Act, and it was scarcely fair to attack an officer in the way that the Registrar of the Supreme Court had been attacked for not carrying out the Act, when it was clearly shown that the responsibility was ministerial. He wished to show what was necessary to be done by the Government before the Act could be brought into operation. Clause 8 was as followed:—

"With respect to the registry office, the following provisions shall have effect—

1. The Registrar of the Supreme Court of Queensland, at Brisbane, shall be registrar of friendly societies."

That had been altered by the amending Act.

"2. The registrar shall, with the approval of the Governor in Council, from time to time—

(*a*) Prepare and cause to be circulated for the use of societies, model forms of accounts, balance sheets, and valuations;

(*b*) Collect from the returns under this Act and from other sources, and publish and circulate either generally or in any particular district or otherwise make known such information on the subject of the statistics of life and sickness

and the application thereof to the business of friendly societies, and from time to time publish generally or in particular districts such particulars of their returns and valuations and such other information useful to the members of or to persons interested in friendly or other societies registered or which might be registered under this Act as the registrar shall from time to time think fit ;

(*c*) Cause to be constructed and published tables for the payment of sums of money on death, in sickness, or old age, or on any other contingency forming the subject of an assurance authorised under this Act which may appear to be calculable. Provided nevertheless that the adoption of such tables by any society shall be optional."

He thought he had shown sufficiently clearly that the onus of the Act not being brought into operation, did not rest with the present Registrar of the Supreme Court, as, so far back as 1880, the then Registrar brought the matter under the notice of the then Attorney-General; and they all knew with what result.

Mr. BAILEY said there were many other members besides himself last year who voted for the increase to the salary of the Registrar of the Supreme Court on the understanding that it was for performing certain new duties in connection with friendly societies. Yet he found that the Attorney-General was right when he said just now that he did not give any distinct promise to the Committee that those duties should be performed. It turned out in this way: The hon. member, Mr. Groom, towards the end of his speech, said :—

"He should like to have an assurance that if they increased this proposed salary from £550 to £700, the hon. gentleman would in the future see that the Act was thoroughly administered, and that the House would be supplied with information as to the position in which these societies stood."

The Attorney-General did not make any distinct promise in the speech following. He (Mr. Bailey) was satisfied that the Committee understood it in one way, when the hon. gentleman meant them to understand it in another. They voted the extra salary, and were rather tricked.

The PREMIER said that in the first session of last year a great deal was said about the Registrar doing the work of the Friendly Societies Act, and the increase of salary was based a great deal upon that. But the increase was not carried on that occasion, and that was a matter that hon. gentlemen should bear in mind. During last session very little was said about the Friendly Societies Act. He supported the increase on the ground that the duties of Registrar had never been properly performed until then, and that £700 a year was not too much. With respect to the Friendly Societies Act he had come to the conclusion that there was a great amount of statistical work that could not be done by the Registrar of the Supreme Court. The work to be done was not one man's work for a whole year; but it was work for several men, distributed over fragments of a year. It must be done under competent supervision, and was almost entirely statistical and calculating work. One clerk could not do it during the whole year. He would be idle for one half of the year, and during the other half he would have more to do than he could manage. In the Registrar-General's Office there was a staff of men, more or less qualified to do the work, and there would always be some supernumerary officers, one, or at the most two, of whom would be quite sufficient to do all that was required. That would be the most economical way of doing it, and the most efficient, because the officers doing the work would be under the supervision of other officers who had had long experience in that direction. Those were the reasons which induced the Government to bring in the Bill they had, and he was sorry that he did not explain it more fully at the time. The real difficulty was a purely physical difficulty — an accidental difficulty — that the Registrar-General's Office was a small building. Really that had come to be almost the only objection. As to the advantage to the public of the transfer, he was sure there could be no doubt about that.

The HON. J. M. MACROSSAN said the hon. member for Wide Bay might not be quite accurate in what he stated, but he was not quite inaccurate. He (Hon. J. M. Macrossan) was quite certain that the majority of the members of that Committee voted for the increase in the Registrar's salary on the understanding that the work in connection with the Friendly Societies Act would be performed by that officer. It did not matter what the Premier had found out now, he had not found it out then. It was a belief, if it was not expressed, that the work should be done by the Registrar of the Supreme Court. The correspondence which the hon. member for Carnarvon had read contained a similar promise, made some years ago, that if an additional clerk was appointed to the Registrar of the Supreme Court the work would then be done. An additional clerk was appointed, but the work was not done; so that, practically, there had been increases in that branch of the Supreme Court obtained upon what might be called false pretences. He (Hon. J. M. Macrossan) had read the correspondence that morning, and he found from that that the work was not quite so easy as the Premier put it. He thought that the hon. member for South Brisbane (Mr. Jordan) was quite correct when he stated that it could not be done by the Registrar-General—that it required a barrister to do the work. In Victoria a barrister was required to do a certain portion of the work, and he believed it required a barrister to do a certain portion of the work in this colony. There were ten officers in Victoria, and the correspondence showed the number of societies in Queensland was nearly as great as the number in Victoria; so that really he thought Mr. Jordan was correct in his conclusion, not only as to the officers, but also as to the expense probably being £1,700 a year. If the Premier was sincere in making the statement that the work could be done with one additional clerk the hon. gentleman was much mistaken. They would not get the work done by the Registrar-General by the appointment of one or two additional clerks.

Mr. NORTON said that on a previous occasion when that vote was before the Committee it was stated that the necessary information in connection with the administration of the Friendly Societies Act would be furnished to the Committee. As the Premier had said, the increase to the Registrar of the Supreme Court was recommended last year on the score of Mr. Bell having been a long time a public servant, and of the increased work that had taken place in his office; but the hon. member for Toowoomba brought up that matter of the friendly societies, and complained that the information which ought to be furnished to the Committee had not been given, and concluded his remarks by expressing a hope that an assurance would be given that the work would be carried out provided that increase was granted; and the Attorney-General replied, as would be found on page 1565, vol. xliv. of *Hansard*, that—

"When the hon. gentleman mentioned the matter last session he had communicated with the Registrar, who, it was his duty to state, had been collecting all the necessary information to enable the Government to deal with the question in a way it deserved. It was a very large question, and the Registrar had placed certain

information before him, but it had been impossible for him to go into the matter during the late short recess. The Registrar had, however, placed before him all the necessary materials for going into the question in a way that would be satisfactory to the hon. gentleman and to the members of the House. The matter was not lost sight of, and would not be lost sight of, and the Registrar had been particularly industrious with reference to it."

No other conclusion could be arrived at from that statement than that the materials were there and that the information would be furnished the next time the matter came up for consideration. He was not condemning the Registrar of the Supreme Court for not doing the work, for he did not know what was the work of that officer—whether it was sufficient to fill up his time or not; but he maintained that last year hon. members were led to understand that the work would be done. Under those circumstances it would have been a fitting thing for the Attorney-General to have explained that it had been found since that time that the work could not be properly done by the Registrar of the Supreme Court.

Mr. SALKELD said that the discussion that had taken place showed that he was substantially correct in the statement he had made with regard to the understanding on that question. He stated that it was either last session or the previous one that the increase was asked for on the understanding that the work was to be done by the Registrar of the Supreme Court, and the Premier had said it was the previous session. He would now ask the Attorney-General how much the Registrar of the Supreme Court had received as fees for commission on the sale of stamps?

The ATTORNEY-GENERAL said the amount received by the Registrar for commission on the sale of stamps was somewhere about £67.

Mr. SALKELD said the hon. member for Carnarvon seemed to know more about the Registrar's office than the Attorney-General, and had told the Committee that the Registrar was very hard worked. The Attorney-General had informed them that no Government officer was allowed to take fees for affidavits after office-hours. If that was the case, the rule had come into use quite recently. He was informed that immediately after office-hours the Registrar of the Supreme Court, however busy he might be, had a great many affidavits to administer; he understood that people found it was to their advantage to wait till after office-hours. The fees then went into the Registrar's pocket and not into the consolidated revenue.

The ATTORNEY-GENERAL said the amount received for swearing affidavits was received as the result of a commission issued by the Chief Justice of the colony, to various gentlemen — some in the Civil Service, and some not in the service. With the exception of the Registrar, the receipt of fees by those gentlemen was not interfered with. The Registrar, though standing on precisely the same footing as other commissioners for affidavits—a number of whom were in the same building—was prohibited from receiving fees in office-hours. However, some documents had been brought to him after office-hours; possibly those who brought them did not like the invidious distinction drawn between the Registrar and other commissioners for affidavits. The Registrar was a hard-worked officer, who was obliged to remain in his office for a long time after office-hours to pull up arrears of work. Documents had in some cases been sworn before him after office-hours, but he had discontinued the practice. The Registrar would be the last to give any person a pretext for founding a misconception on the practice, and as a matter of fact no affidavits were now sworn in the Registrar's office after office-hours.

Mr. FOXTON said the statement made by the Attorney-General was satisfactory: but he thought the same justice should be meted out to the Registrar of the Supreme Court as had been meted out to other officers in the Public Service who were deprived of fees. In the case of registrars of small debts court and clerks of petty sessions, a proportionate increase was made in their salaries, and the same justice ought to be dealt out to the Registrar of the Supreme Court. He had been deprived of a large proportion of the remuneration which he and other registrars before him had been in the habit of receiving.

Mr. SALKELD said that was quite a different affair. Clerks of petty sessions received certain salaries with the idea that they would be supplemented with fees, and the business increased to such an extent that they received far more fees than was contemplated by Parliament; but in making the appointment of Registrar of the Supreme Court it was never understood that the salary of £700 was not the full remuneration.

Mr. FOXTON said the hon. gentleman was quite mistaken. It was always known—at least by the intelligent members of the House—that the Registrar of the Supreme Court was a commissioner for affidavits and received fees. As far as fees were concerned, he was in exactly the same position as clerks of petty sessions. They found that some clerks of petty sessions received, with their fees, more than the salary of the police magistrate, who was their superior officer; and this same thing appeared very likely to occur in the case of the Registrar of the Supreme Court. He was limited to £700 a year, and some of his subordinates were at liberty to take fees for affidavits which he was prevented from swearing. Practically, in many instances, it was taking the fees out of the pocket of the Registrar and putting them into the pocket of somebody else.

Mr. SALKELD said the legal members of the House might have known all that; but he did not think every intelligent member of the House knew it. He did not know it, and he supposed he had a share of intelligence, if the hon. member for Carnarvon would allow him to appropriate it. In the case of clerks of petty sessions, the fees were looked upon as part of their remuneration; many clerks of petty sessions only got £100 or £150 a year, it being understood they were to get fees.

Question put and passed.

The ATTORNEY-GENERAL moved tha there be granted a sum of £5,430 for Sheriff. There was an increase of £800. Several changes had been made with regard to bailiffs in different districts. The allowance for jurors attending the Supreme and Circuit Courts had been increased from £1,200 to £2,000. It had been absolutely necessary to supplement that item during the year, owing to the great increase of business. There was also a small increase of £25 on the item "Premiums on fidelity policies of bailiffs appointed under the Sheriffs Act of 1875." It was established by statute; the money had to be paid.

Question put and passed.

The ATTORNEY-GENERAL moved that £10,925 be granted for the District Courts. During the year district courts were established at Charleville, Cunnamulla, and Normanton, and three new registrars and bailiffs had been appointed. The travelling expenses of the judges and the Crown prosecutors, consequent upon the additional territory travelled over, were increased

by £400. The only other increase of importance was one of £1,500 for allowances to witnesses and jurors, necessitated by the establishment of new courts.

Mr. DONALDSON said that last year the Attorney-General promised to make provision for a district court at Thargomindah. When did he intend to do so?

The ATTORNEY-GENERAL said the state of the country out west had been such as to render it exceedingly difficult to send a district court judge as far as Thargomindah. It was in contemplation to establish a gaol at Cunnamulla to give facilities for the administration of justice further west; and as soon as favourable seasons returned there would be no delay in the establishment of a district court.

Mr. SMYTH said that the Crown prosecutors got £400 each, and the sum of £1,800 was allowed for the travelling expenses of judges and Crown prosecutors. He believed that the Crown prosecutors were Brisbane men, so that Brisbane got the whole of the benefit from the money voted for them. It was a general complaint that the business in those courts was got through too hastily — because the Crown prosecutor was anxious to get home. The last court held in Maryborough sat from 10 o'clock in the morning till 11 o'clock at night; and it was impossible to do that without becoming weary and feeling induced to rush through the business. The Crown prosecutors should be compelled to reside in the districts where they were employed—the one for the Northern district at Townsville, and the one for the Central district at Rockhampton. If they got a salary of £600 a year, with the right of private practice, they would not require travelling expenses.

Mr. PALMER asked whether it was not possible to hold the district court at Normanton three times a year instead of twice? In the interests of economy a district court might also be established at Cloncurry.

The ATTORNEY-GENERAL said it was at present impossible to work the Northern district with one judge and have additional sittings of the court at Normanton, besides establishing a court at Cloncurry. The voyage to Normanton and back made a considerable gap in the time of the judge, who had always to be at the several places within certain intervals; and an additional judge would have to be appointed in order to carry out the proposal of the hon. member.

Mr. SALKELD said it was understood that the Attorney-General performed the functions of the grand jury to save expense to the State, but he believed the system had its disadvantages. He believed that, as a rule, persons committed for trial did not know, till the arrival of the judge and the Crown prosecutor in the place to which they were committed, whether a true bill had been found or not. That was a matter which should be made known as soon as possible to the persons concerned.

The ATTORNEY-GENERAL said he made it a rule to investigate every case as soon as possible after he received the depositions relating to committals to the Supreme Court; but it should be remembered that committals took place almost up to the eve of the day of trial. With regard to the district courts, it not unfrequently happened that the depositions were only placed in the hands of Crown prosecutors on the day they arrived in the town where the court was held. They made it a point to examine the depositions as soon as they received them, so that persons against whom no true bill was found were detained for the shortest possible time. No true bill was endorsed on the depositions, and the order was sent for the liberation of the prisoner. In all cases where no true bills had been found, instructions were wired to the police magistrate in order that he might inform the witnesses that their attendance would not be required. That the public did not know when no true bills were found was a matter he was not responsible for.

Mr. SALKELD said he had not alluded to any recent case, but he knew there was a great delay at one time, and he was glad matters had since improved.

Mr. PALMER said he would like to call the attention of the Attorney-General to a matter that had been discussed very much up north—namely, the extraordinary decisions which had been come to in certain criminal cases. There was an impression abroad that if a man had got money he could do just as he liked, if he was willing to employ counsel and pay well for his defence. If a poor man stole a horse he would get seven years without fail; but if a rich man stole 1,000 head of cattle, as had been done recently, by expending 500 or 600 guineas in fees he seemed able to get off. There was a case, the other day, in which a man took the law into his own hands and deliberately shot another man. The occurrence took place at Burketown, and the man's name was Blackburn. He deliberately shot another man; but his case was dismissed, much to the disgust of everyone who knew anything about it. He could mention half-a-dozen cases within the last twelve or fifteen months in which people had got off scot-free. Those failures of justice were becoming notorious, and the law was getting into disrepute. When the Colonial Secretary's estimates were going through he referred to the subject of the Townsville prisoners, but he forgot to mention that he had been through the gaol, and the gentleman in charge had told him that he had to maintain 150 prisoners where he had only room for 70. Putting three prisoners into a cell intended for one was not a matter that reflected very great credit on the Department of Justice. He had no doubt the Attorney-General knew of the cases he had referred to, which occurred at Hughenden and Cooktown. He believed the hon. gentleman would be able to put his finger on the weak spot.

The ATTORNEY-GENERAL said he had had those matters under his notice — cases in which certain juries had given very extraordinary verdicts—but he had had to depend upon such information as he had got in coming to a decision on the matter. It had seemed to him that there had been several miscarriages of justice, especially in Cooktown, where, in a case of deliberate murder, a man was acquitted. He had an impression where the weak spot was in some of the instances referred to, and it was his intention, with the concurrence of his colleagues, to lay his finger upon one or two weak spots.

Mr. ARCHER said that the only remedy for the evil complained of was a thorough amendment of the English criminal law.

Mr. MELLOR said the delay which took place in holding the district court sittings was another cause of complaint. It was very seldom that the court was held upon the day on which it was announced to be held, and the juries and witnesses were put to a great deal of inconvenience. He did not know whether the judges were to blame, but he thought something should be done to remedy the evil.

The ATTORNEY-GENERAL said that matter had been brought under his attention shortly after he took office, and he might say he had endeavoured to pursue the course adopted by the hon. member for Bowen, when Attorney-General—going perhaps farther than he did —by making a careful revision of the draft

calendars issued by the judges, and seeing that they made reasonable provision for carrying on their courts at the different important times in the colony. There had been an extraordinary rush of business at Gympie lately, he believed, but he did not know exactly what was the cause of it. The rushing through of the business did not occur as a general rule.

Question put and passed.

The ATTORNEY-GENERAL moved that the sum of £1,452 be granted for Insolvency. There was an increase of £25 in the salary of one of the clerks, who had been in the department for ten years.

Question put and passed.

The ATTORNEY-GENERAL moved that £1,102 be granted for Intestacy. As hon. members would observe, there were two new appointments—one of an accountant at £250, and one of a junior clerk and messenger at £52, whilst the item for contingencies was increased from £25 to £50. The appointment of an accountant was indispensable for the proper distribution of the assets in intestate estates. The present Curator had been working very diligently during the year, and so had the other officers, but it was absolutely impossible for them to do anything like what was necessary for the early settlement of the accounts, and the distribution of the money amongst the persons who were lawfully entitled to receive it; and additional assistance had been found necessary to prevent the work from getting seriously in arrear.

Question put and passed.

On the motion of the COLONIAL TREASURER, the House resumed; the CHAIRMAN reported progress, and obtained leave to sit again to-morrow.

## ADJOURNMENT.

The PREMIER said: Mr. Speaker,—I move that the House do now adjourn. We propose to take to-morrow the third reading of the Undue Subdivision of Land Prevention Bill; to deal with the Council's amendments in the Elections Bill; to take the Friendly Societies Act Amendment Bill in committee; and to then go into Committee of Supply.

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