Queensland

Parliamentary Debates
[Hansard]

Legislative Council

TUESDAY, 20 OCTOBER 1885

Electronic reproduction of original hardcopy

LEGISLATIVE COUNCIL.

Tuesday, 20 *October*, 1885.

Messages from the Governor. — Beauaraba Branch Railway.—Noble Estate Enabling Bill.—Settled Land Bill—committee.—Friendly Societies Act of 1876 Amendment Bill—second reading.—Undue Subdivision of Land Prevention Bill—second reading.—Licensing Bill—second reading.—Message from the Legislative Assembly.

The PRESIDENT took the chair at 4 o'clock.

MESSAGES FROM THE GOVERNOR.

The PRESIDENT announced the receipt of messages from His Excellency the Governor intimating that the Royal assent had been given to the Probate Act Amendment Bill, the Victoria Bridge Closure Bill, and the Elections Bill.

BEAUARABA BRANCH RAILWAY.

The POSTMASTER-GENERAL moved—

That the report of the Select Committee on the Beauaraba Branch Railway be now adopted.

The HON. F. T. GREGORY said: Hon. gentlemen,—The present moment is not a suitable time to enter into a discussion upon either the Beauaraba railway or railways in general, but I may draw the attention of the House generally to the question as to the mode of collecting evidence, and the amount of evidence which is at the disposal of a select committee appointed by the House to inquire into any particular railway. I may state, to begin with, that I am perfectly in accord with the report now brought up, but, in following out the question of obtaining information generally in regard to the policy of constructing several of the lines of railway that have been brought before us, a very large question is opened up, which shows how much more is needed to enable the committee appointed by the House to come to a satisfactory conclusion as to the desirability of constructing some, at any rate, of the lines brought before us. The point to which I particularly wish to draw attention is the deficiency of information accessible to the committee. These railway plans are brought up before us to be looked into and considered, not alone as to their engineering difficulties and as to whether it is reasonable to undertake them, though information on those points is readily obtainable from the parties acquainted with the locality and from the engineers who are dealing with the lines. I may accept the line now under consideration as a very good example of the difficulty of getting adequate information. I may say that there is very little doubt—in fact, I have no doubt in my mind—that this line is one which the Government are fully justified in undertaking, both as to cost and the probable profitable result after construction. But there is no information to guide us as to whether we propose to commence a line which is ultimately to lead any further. We do not know whether this line is to become a trunk line, or end at its present termination. At the present moment surveyors are under instructions to survey a line of railway from Warwick to the westward, to terminate at St. George. It is a matter for consideration whether, by extending the proposed line, the line from Warwick to the westward is necessary at all. The fact of the St. George railway being before the country at the very time that we are starting what we presume to be a branch line that is ultimately to lead to St. George is rather embarrassing, and it makes it exceedingly difficult for this House to come to any conclusive opinion as to the desirability of constructing the line. Returning to what I first stated, the line itself, as far as it goes, is well enough, but it would be well to know whether it is to be a short line, or ultimately to be carried west. I do think that before the Government bring up for the approval of the House any of these short lines they should take into consideration their obvious termination; and, unless they do that, I do not think they will do justice to the country or to the House in asking it to give an opinion upon the question. I therefore trust that hon. gentlemen will not, merely because a select committee brings up a report favourable to the line, consider that those are the whole of the duties which devolve upon this House in considering the question of approval or disapproval. I do hope that the Government of the day will see their way to obtain all the information which can by any possibility be obtained before these lines are laid before us for approval.

The HON. A. J. THYNNE said: The remarks which the Hon. Mr. Gregory has just favoured us with are really a continuation of the remarks

which I made last session in connection with one or two—one especially—of the railways which were before us. The method by which these railway investigations by committees of this House are carried on reduces the proceedings practically to a farce, and the method is not one which we would find in connection with any other undertaking of such magnitude. I see that there have been half-a-dozen witnesses examined in this case. I have not examined the evidence so carefully as I ought to have done; but, from the style of information given—the estimates and guesses which are made—I conclude that this report and the evidence are practically the same as we have been accustomed to receive from committees of the same kind on previous occasions. I contend, hon. gentlemen, that the duties of the committee cover everything connected with those railways—their policy, their engineering difficulties, and the probable return which will accrue to the country; and if the committee do not discharge their functions as thoroughly as it it is possible for them to do, they certainly put the House and themselves in a very wrong position. Last session I pointed out that the system of examination of witnesses consisted of a series of questions handed to the gentleman who presides over the committee, who reads the questions, one after the other; and the officers of the Government who have attended as witnesses read their written answers. They might just as well have written so many letters to the committee, and there the matter might rest; and I say that anything which tends to make the committees lax in their examination of the lines brought before them does injury to the system which we have adopted in this House, and abrogates one of our proper functions. I cannot say very much about this particular railway. It seems to be a very short line, but from what I see, and from what I have heard, I think that it might have been a much more useful line if it had been carried through the Aubigny district, thereby benefiting a very large number of industrious settlers in that district. I think the line would have been of more public benefit if it had been taken in that direction than in the direction now proposed.

The POSTMASTER-GENERAL said: I shall be very glad indeed if the hon. gentleman who spoke last would move an amendment upon this report, because then we shall have a discussion on the merits of the line. I think the hon. gentleman has misinterpreted the purport of what the Hon. Mr. Gregory intended to convey, because I do not think that hon. gentleman in his remarks intended to make any reflection whatever on the laxity of the working of the committee. On the contrary I think the hon. gentleman made the assertion that he was perfectly contented with the report before the House, and his remarks, if properly weighed, will be shown to mean that in the future more information than has customarily been brought before railway committees should be afforded. I do not think the Hon. Mr. Gregory intended for one second to lead the House to infer that the committee, so far as they have done their work this year, and more especially in regard to this railway, have done their work in a slovenly manner.

The HON. A. C. GREGORY: Certainly not.

The POSTMASTER-GENERAL said: I have nothing to add to what has fallen from the Hon. Mr. Gregory. I am not at all sorry that he has made use of the observations which have just fallen from him. I think there ought to be a little more time given to committees of this House in investigating railways, because in the first place it would be a very great convenience to hon. gentlemen who composed them. Firstly, they would not have to set aside many important appointments which they are obliged to make in connection with their daily avocations; and secondly, it would be possible, if we had a little more time for the consideration of railway plans, to save the country some expense. At present, I believe we have no other course before us than is commonly followed in committees of this sort. The 111th Standing Order sets forth in a very few words our duties to this effect—"To collect such evidence as may be obtainable as to the policy and probable cost of each separate line of railway." Now, we had information before us in the case in question, upon a distinct and separate line of railway—namely, that from a point on the Southern and Western Railway between Toowoomba and Warwick to the township of Beauaraba; and therefore the line to be considered by the committee came within the four corners of the order which I have just quoted. The railway is laid down and fixed; it is a railway from one point to another; and we, I think, were unanimous in concluding that we made our inquiry in the manner directed by the Standing Orders. The question was considered very fully, the best evidence obtainable was obtained, and I believe there has been no railway before a select committee in this House which received greater consideration and more weighty and careful deliberation than the one in question. The evidence is on the whole, I think, extremely favourable—at any rate, favourable to adopting the route proposed. Incidentally there is some evidence pointing to the probability of the line being extended in a westerly and south-westerly direction from Beauaraba. I have nothing more to say than that I think the decision of the committee is a wise one as evidenced by the report which is before hon. members, and of which I have just moved the adoption. But returning to the language of the 111th Standing Order for a moment, I hope hon. gentlemen will consider the desirability, if not this session, at all events during next session, of modifying the language of that order. I think it is somewhat restrictive, and if it were modified before we have again to consider railway plans next session, I think great benefit would accrue to the State and the work of this Chamber would be considerably assisted.

The HON. A. C. GREGORY said: It is not that I think in this particular instance there is any great necessity for a delay in adopting this report, but I must say that in the majority of instances we have had reports of this kind brought up, and the adoption proposed, before members generally have had an opportunity of examining the evidence taken by the select committee. In this instance the printing of the report was ordered on the last day upon which the House sat, and many hon. members being then absent from Brisbane did not get their papers until to-day. I simply speak of this case as an illustration, and I do think that members should have the currency of the week to examine into any evidence that has been taken by the committee. Where there has been no evidence taken or where the evidence is brief, such a delay might not be required, but, under any circumstances, putting off the adoption of the report for a week would not seriously prejudice anyone. Under our Standing Orders, the select committee is required to bring up its report within fourteen days of its appointment, and I may inform hon. gentlemen that when I have been upon these committees I have seen the difficulty that arises in consequence of the limit fixed by the Standing Orders. At the same time I am of opinion, subject to correction, that although the committee are required to bring up their report within fourteen days, still it would be competent for them to obtain an extension of

time from the House. That is one of those points that must no doubt be governed by the practice of the House. It is the question as to how the House would interpret such an application; but in any case I think it should reserve to itself the power of extending the time or otherwise. I imagine the question might be raised as a point of order; and if I am not taking the hon. the President by surprise, I would ask whether a committee appointed by the House to investigate railway plans could apply for an extension of the period allowed them in which to bring up a report?

The HON. W. GRAHAM said: I agree with the Postmaster-General that by the Standing Orders the select committee is confined to inquiring into the particular railway that is proposed to be constructed; but I think any intelligent committee would make some further inquiry as to the probable extension of the railway. I notice that the committee on the Beauaraba branch line have done so. I happen to know the country all around Beauaraba and on towards the Moonie and St. George. I also know every one of the individuals who have given evidence upon this line, and I know their evidence is to be relied upon. Except in some slight details, I believe the evidence to be strictly correct. As to the amount of land which is being brought under agriculture I cannot speak, because it is some six years since I was in the district; but as to the quality of the country and its capability for grazing and agricultural purposes I can speak most highly. I was a grazier myself at the time I was in that district, but I also grew large crops of maize and potatoes. The finest potatoes I ever saw were grown in the country around Beauaraba. I think myself that this report may very fairly be adopted, because, although there are no figures to show that the line will bring in a very large amount of revenue to the Railway Department, still there is not the slightest doubt that if the people get railway communication there will be a great increase in the area of land brought under cultivation. Finer land there is not on the Darling Downs, or in any part of Queensland, than around Beauaraba and on the proposed route, and I am sure both Mr. Augustus Gregory and Mr. Frank Gregory will bear me out in what I say. I believe thoroughly in the starting point which has been adopted, and I think it is quite reasonable to suppose that the line will be continued on down the Moonie and to St. George. Perhaps that will be the best way, because if that route is adopted the line can be constructed much more cheaply. There is abundance of timber for sleepers some little distance past Yandilla, and, as far as I know, there are no difficulties in the way of construction. I am sure that that route would be better than the line from Dalby to St. George, and I think it is certainly a much more correct one than a direct line from Warwick to St. George.

The PRESIDENT: With respect to the question asked by the Hon. A. C. Gregory, there is no Standing Order on the subject, but the mode of procedure is very simple. The committee can bring up a progress report, and ask for an extension of time from the House.

Question put and passed.

The POSTMASTER-GENERAL moved—

1. That this House approves of the plan, section, and book of reference of the proposed Beauaraba Branch Railway, commencing at 120 miles 32 chains on the Warwick line, as received by message from the Legislative Assembly on the 24th Septemper last.

2. That such approval be notified to the Legislative Assembly by message in the usual form.

Question put and passed.

NOBLE ESTATE ENABLING BILL.

The PRESIDENT read a message from the Legislative Assembly, forwarding, for the concurrence of the Council, a Bill to enable the trustees for the time being of the will of Ann Eliza Noble, deceased, to sell and dispose of certain trust property comprised therein.

On the motion of the HON. A. J. THYNNE, the Bill was read a first time, and the second reading made an Order of the Day for Thursday next.

SETTLED LAND BILL—COMMITTEE.

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

On clause 22, as follows:—

"1. Capital money arising under this Act shall, in order to its being invested or applied as aforesaid, be paid either to the trustees of the settlement or into court, at the option of the tenant for life, and shall be invested or applied by the trustees or under the direction of the court, as the case may be, accordingly.

"2. The investment or other application by the trustees shall be made according to the direction of the tenant for life, and in default thereof, according to the discretion of the trustees, but in the last-mentioned case subject to any consent required or direction given by the settlement with respect to the investment or other application by the trustees of trust money of the settlement; and any investment shall be in the names or under the control of the trustees.

"3. The investment or other application under the direction of the court shall be made on the application of the tenant for life, or of the trustees.

"4. Any investment or other application shall not during the life of the tenant for life be altered without his consent.

"5. Capital money arising under this Act while remaining uninvested or unapplied, and securities on which an investment of any such capital money is made, shall for all purposes of disposition, transmission, and devolution, be considered as land, and the same shall be held for and go to the same persons successively, in the same manner and for and on the same estates, interests, and trusts, as the land wherefrom the money arises would, if not disposed of, have been held and have gone under the settlement.

"6. The income of those securities shall be paid or applied as the income of that land, if not disposed of, would have been payable or applicable under the settlement.

"7. Those securities may be converted into money, which shall be capital money arising under this Act."

The HON. A. C. GREGORY said, in regard to the amendment of which he spoke when the clause was first brought under the notice of the Committee, his object was to remove from the tenant for life the absolute power of disposing of settled land without the consent of the trustees. His object was that he should have the consent of the majority of the trustees in the event of desiring to sell the land. He should have no objection to having the amendment so modified that there should be an appeal to the court, but it was desirable that the tenant for life should not have in his discretion the power to sell land on merely posting a registered letter one month before to the trustees, who did not appear to have any voice in the matter, unless the proceeding was so gross that they could apply to the court for the protection of the estate. The tenant for life would be able to sell the estate and apply the money to various objects. He might even apply it to mining purposes, and it was well known that trustees were excluded from investing capital funds in mining. The amendment he was about to move would of course be followed by a contingent amendment in the next two lines of the clause, and the clause as amended was intended to work with the amendment in clause 44, which was in the hands of hon.

members. He now formally moved that the words "according to the direction of the tenant for life and in default thereof," in lines 26 and 27, be omitted.

The HON. A. J. THYNNE said he could not follow the Hon. Mr. Gregory's arguments, especially in one particular, in which he would lead the Committee to suppose that the tenant for life had the absolute power of applying capital money to such a speculation as mining. No doubt in many instances he would have the power of making certain improvements, among which might be included sinking a shaft or two on an estate; but every such improvement would have to be submitted first to the trustees, and would afterwards have to be approved of by the court, so that the danger in that respect was imaginary on the part of the hon. gentleman. Looking at the question as a matter of broad principle, the tenant for life had the property in his enjoyment, and the trustees could not say whether he was to use it for grazing purposes or agricultural purposes, or as a deer-park. He had the uncontrolled right of using it for his lifetime, and when it was converted, either for his own benefit or for the benefit of others, he was entitled to some measure of control in regard to the manner in which the proceeds were to be used If that were not so the trustees might consider that the least troublesome mode of investment would be to put the money into bonds of the United Kingdom at 3 per cent., while the life tenant in selling the estate might have calculated on getting the current interest of the country—it would actually be in the discretion of the trustees to deprive him of the extra income which he would be entitled to get. If it was a question of the safety of the fund, they might pause before rejecting the Hon. Mr. Gregory's amendment, but he did not think any question of safety could arise, because the investments provided were very strictly defined. The money could be placed in investment on Government securities of the United Kingdom, or in one of the Australasian Colonies, or on mortgage of unencumbered freehold property in Queensland. They might also invest it in the purchase of mines or minerals, convenient to be held or worked with the settled land, or of any easement, right, or privilege convenient to be held with the settled land for mining or other purposes, and it would be very hard if that could not be done; because it might be depriving the estate of an immense advantage. The clause provided for the investments to be made under the control of the trustees, and they were to be the judges of the validity or sufficiency of the security from time to time offered. The tenant for life might wish the money to be invested in Queensland securities or freehold property, but the trustees might say that they did not think that was sufficient, and they might either accept or reject the properties offered as security. The amendment would have the effect to a great extent of maiming the measure as a whole, and he should oppose it on that ground.

The HON. SIR A. H. PALMER said that if the amendment were carried they would have to remodel the whole Bill. Clause 30 stated distinctly, "A tenant for life may contract to make any sale, exchange, partition, mortgage, or change." If the Committee excised the words proposed to be omitted, they would be contradicting clause 30. It was a dangerous thing to meddle with a Bill of that sort, because it required a great deal of study and consideration to find out the bearing one clause had on another. They had been told that it was an Imperial Act which had been approved by the best authorities; and it was dangerous work to meddle with such a Bill. In the present instance he was of opinion that by making the proposed amendment the Committee would entirely contradict clause 30.

The HON. P. MACPHERSON said he regretted to have to dissent from the amendment. It seemed to him that the essence of the Bill was that the tenant for life should have the initiatory direction of the estate—the privilege of pointing out how the estate should be worked for his own immediate benefit and advantage consistent with the benefit and advantage of the persons having a future interest. If the scheme did not meet with the approbation of the trustees, any question arising between them—it need not be a dispute—any difference arising would be settled by the court; and the assumption was that the court upon inquiry would see what was for the benefit of the parties having a present interest, and those having a future interest, and would give their direction accordingly. If the amendment were carried, the Bill had better be withdrawn at once.

The POSTMASTER-GENERAL said he would go further than the last speaker with respect to the effect the amendment would have upon the structure of the Bill. He did not see how it could possibly be remodelled if the amendment of the hon. gentleman were carried, for the reason that the Bill was a Bill to confer upon the life-tenant as many and as large powers as were possessed by a tenant in fee, with respect to dealing with trust property. That was the kernel of the Bill, and that was the point upon which Lord Cairns framed the measure. It was a Bill to effect that which the amendment of the Hon. Mr. Gregory proposed to eradicate from the Bill; and if he succeeded in carrying his amendments undoubtedly it would be his duty to proceed no further, because it would not then be a Bill for the purpose intended, but for the purpose, in a great degree, of leaving the law as it was at the present time, and would not give relief in cases of hardship. He must say that it was a very bold amendment to make upon such a Bill; but in view of the time that had been given to hon. gentlemen for the consideration of the clause they would not discuss the matter much further. The 2nd subsection of clause 22 commenced thus—"The investment or other application by the trustees shall be made according to the direction of the tenant for life, and in default thereof, according to the discretion of the trustees." The amendment proposed to omit the words "according to the direction of the tenant for life and in default thereof," relegating the performance of such duties as would be involved in a trust to the trustees themselves. The essence of the Bill was to give the tenant for life that power. Trustees had those functions within the trust already, and it was to cure that defect that the Bill was brought forward. As had been properly observed by the Hon. Mr. Macpherson, wherever any difference arose between the tenant for life and the trustees, respecting the exercise of any powers under the Act, the matter of difference could be referred to the Court. Hence there was within the Bill ample and suitable machinery for affording a proper check in case of any evil arising, such as the Hon. Mr. Gregory suggested might arise. He entirely concurred with those hon. gentlemen who pointed out that if the keystone of the Bill were removed, as it would be by the amendment of the Hon. Mr. Gregory, the Bill must be lost. However, he trusted that would not happen, because, though it would only be relegated to obscurity for a few months, that would result in the continuation of evils which required a remedy. He trusted the amendment would not be passed.

The HON. A. C. GREGORY said there was no doubt that the object of the Bill, as it stood, was to utterly break up the trusts under which any land was settled for the benefit of the future heir and give it entirely to the tenant for life.

The POSTMASTER-GENERAL: No; it does not affect future interests.

The HON. A. C. GREGORY said it provided that the property might be sold and that the interest of the ultimate heir, for whom most likely the property had been demised more than for the tenant for life, would not be considered, because the property would be sold and invested according to the discretion of the tenant for life in the interval. If that was the wish of the Committee, the whole of the amendments which he proposed would lapse, but if it was considered desirable in any way to protect the ultimate heir, then the amendments would be accepted. Take a case in point: If a man died and left his property to his wife for her life or for such time as his son came of age, during the interval, according to the Bill, the widow could sell the property, and invest the money in any sort of security, and all that would have to be done before the sale was to post registered letters to the trustees informing them of her intention, one month before the sale. The question was—should they allow the Bill to go through having for its object the entire breaking up of trusts as regarded land, and deem them financial trusts simply? Was an individual who might be possessed of land, and being desirous that it should descend to his son, to be deprived of any security, not only against the sale of the land, but was he to be deprived of the security that the property would ever reach his son in a profitable and useful condition, and that investments would be made in the interval so that the property would be maintained intact? If the amendments were carried, the Bill would simply require that the consent of the trustees should be obtained before the sale. As it stood, it was sufficient for the life-tenant to send registered letters to the trustees, and unless they were replied to within a month, or other action taken, then the property could be sold and the money would remain to be invested—the trustees investing it according to the directions of the life-tenant. That was in another part of the Bill. Could a man who chose to leave property to his son always depend upon the discretion of the life-tenant? However, the question was one for the Committee to decide, and in reality the whole question depended upon the amendment now before them, because if that was not passed, the other amendments as a matter of course must be left out. The only thing that he should then suggest would be the extension of time, for notices being sent to the trustees, from one month to six months. As it stood, he thought the Bill was highly undesirable, and he should feel bound to vote against it passing in its present shape, because it was such an extreme change and such a complete breaking up of the system of trusts that he did not think the country would be at all satisfied with the action of hon. members if they were to pass it in its present shape. They should be very careful to protect the interests of children who might inherit property from deceased persons, and who might lose their all by the action—not necessarily the intentional action — of the life-tenant in making indiscreet investments of money realised by the sale of trust property. Trustees did not always live alongside the tenant for life, and they did not get a large amount of remuneration for their trouble, and they could hardly be expected to be continually exercising control over the property; so that he trusted the Committee would not object to the amendment, which was intended as a safeguard against the wasteful administration of property left in trust. As to the difficulty that would arise under clause 30 and the consequent difficulty there would be in amending the Bill, he admitted that there must be a considerable amount of difficulty in amending such a very lengthy Bill; but although clause 30 said the life tenant might do this, that, and the other, all those matters would be governed by the amendment he proposed in clause 44. That matter had been before hon. members for a considerable length of time, and he should leave it in their hands to consider whether it was desirable to utterly break up the system of trusts, or whether it was not preferable to adopt the amendment so as to effect some little protection to the ultimate heir.

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

The HON. A. C. GREGORY said as the first amendment had been negatived it would be useless to proceed with his other amendments which depended upon the passing of the first amendment.

Clause put and passed.

On clause 44, as follows :—

"1. A tenant for life, when intending to make a sale, exchange, partition, lease, mortgage, or charge, shall give notice of his intention in that behalf to each of the trustees of the settlement (other than himself if he is one of the trustees), by posting registered letters, containing the notice, addressed to the trustees, severally, each at his usual or last known place of abode in Queensland, and shall give like notice to the solicitor for the trustees, if any such solicitor is known to the tenant for life, by posting a registered letter, containing the notice, addressed to the solicitor at his place of business in Queensland, every letter under this section being posted not less than one month before the making by the tenant for life of the sale, exchange, partition, lease, mortgage, or charge, or of a contract for the same.

"2. Provided that at the date of notice given the number of trustees shall not be less than two, unless one trustee only is appointed by the settlement, or a contrary intention is expressed in the settlement.

"3. The notice may be notice of a general intention in that behalf.

"4. The tenant for life is, upon request by a trustee of the settlement to furnish to him such particulars and information as may reasonably be required by him from time to time with reference to sales, exchanges, partitions, or leases effected, or in progress, or immediately intended.

"5. Any trustee, by writing under his hand, may waive notice, either in any particular case or generally, and may accept less than one month's notice.

"6. A person dealing in good faith with the tenant for life is not concerned to inquire respecting the giving of any such notice as is required by this section."

The HON. W. H. WILSON said the Hon. A. C. Gregory had drawn attention to the insufficiency of the notice to be given to trustees under that clause, and although he did not agree with him that six months would be a suitable time, yet he thought the period should be increased from one month to three. He would therefore move that the words "one month," in the 11th line of the clause, be omitted, with the view of inserting the words "three months."

The HON. A. C. GREGORY said he had stated that, as the Bill stood, if his previous amendment was not carried he should then move for an extension of time in clause 44. He had thought of proposing to alter the time from one month to six months, but as the Hon. Mr. Wilson had proposed three months he would accept that suggestion.

Amendment agreed to.

On the motion of the HON. W. H. WILSON, the clause was further amended by omitting, in subsection 5, the word "one," and inserting the word "three."

Clause, as amended, put and passed.

Preamble passed as printed.

The House resumed, and the CHAIRMAN reported the Bill with amendments.

On the motion of the POSTMASTER-GENERAL, the President left the chair, and the House went into Committee further to consider clauses 25 and 65.

On clause 25, as follows:—

"*Improvements with Capital Trust Money.*

"Improvements authorised by this Act are the making or execution on, or in connection with, and for the benefit of settled land, of any of the following works, or of any works for any of the following purposes, and any operation incident to or necessary or proper in the execution of any of those works, or necessary or proper for carrying into effect any of those purposes, or for securing the full benefit of any of those works or purposes, namely:—

(*a*) Drainage, including the straightening, widening, or deepening of drains, streams, and watercourses;
(*b*) Irrigation, warping;
(*c*) Drains, pipes, and machinery for supply and distribution of sewage as manure;
(*d*) Embanking or weiring from a river or lake, or from the sea, or a tidal water;
(*e*) Groynes, sea-walls, defences against water;
(*f*) Inclosing, straightening of fences, re-division of fields;
(*g*) Reclamation, dry warping;
(*h*) Farm roads, private roads, roads or streets in villages or towns;
(*i*) Clearing, trenching, planting;
(*j*) Cottages for labourers, farm-servants, and artisans, employed on the settled land or not;
(*k*) Houses, offices, out-buildings, and buildings for farm purposes;
(*l*) Saw-mills, scutch-mills, and other mills, waterwheels, engine-houses, and kilns, which will increase the value of the settled land for agricultural purposes or as wood-land or otherwise;
(*m*) Reservoirs, tanks, conduits, watercourses, pipes, wells, ponds, shafts, dams, weirs, sluices, and other works and machinery for supply and distribution of water for agricultural, manufacturing, or other purposes, or for domestic or other consumption;
(*n*) Tramways, railways, canals, docks;
(*o*) Jetties, piers, and landing places on rivers, lakes, the sea, or tidal waters, for facilitating transport of persons and of agricultural stock and produce, and of manure and other things required for agricultural purposes, and of minerals, and of things required for mining purposes;
(*p*) Markets and market-places;
(*q*) Streets, roads, paths, squares, gardens, or other open space for the use, gratuitously or on payment, of the public or of individuals, or for dedication to the public, the same being necessary or proper in connection with the conversion of land into building land;
(*r*) Sewers, drains, watercourses, pipe-making, fencing, paving, brick-making, tile-making, and other works necessary or proper in connection with any of the objects aforesaid;
(*s*) Trial pits for mines, and other preliminary works necessary or proper in connection with development of mines;
(*t*) Repair, reconstruction, enlargement, or improvement of any such works, whether executed under the provisions of this Act or already existing."

The HON. P. MACPHERSON said it would be in the recollection of the Committee that he moved certain amendments in that clause which were carried, and amongst them was an amendment for the insertion of the word "repair" in subsection (*t*) of the clause. That amendment was carried by a very narrow minority, but on reconsideration of the question he had come to the conclusion that the minority had much the best of the argument. It was just as well to be candid. He had carefully perused the succeeding sections of the Bill, and he found that unless they materially altered some of those sections, clause 25, as it now stood, would be inconsistent with them. He thought that in his desire to do justice to the life-tenant he had carried his advocacy a little too far. Having said so much he would in the most graceful manner retrace his steps, and would move that the word "repair" in subsection (*t*) be omitted.

Question put and passed; and clause, as amended, put and passed.

On clause 65—"Application of Act to land held under the Real Property Act of 1861"—

The HON. A. J. THYNNE said there was one slight amendment he wished to make in the clause. Throughout the Bill—for instance, in section 8—it was stated that a lease shall be a deed, and there were other provisions of the same kind referring to the technical term of "deed." Technically that meant a sealed document, and as the Real Property Act dispensed with seals in many instances, he proposed to add a new subsection, to the following effect:—

In this Act the term "deed" shall include any instrument executed in pursuance of the provisions of the Real Property Act of 1861.

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

The House resumed, and the CHAIRMAN reported the Bill with further amendments. The report was adopted; and, on the motion of the POSTMASTER-GENERAL, the third reading of the Bill was made an Order of the Day for to-morrow.

FRIENDLY SOCIETIES ACT OF 1876 AMENDMENT BILL — SECOND READING.

The POSTMASTER-GENERAL said: Hon. gentlemen,—The measure before you is a very short one indeed, and is practically comprised in clause 2, which is as follows:—

"The Registrar-General of Queensland shall be Registrar of Friendly Societies."

Under the Friendly Societies Act of 1876, the Registrar of the Supreme Court is the officer therein specified, as provided in the 8th section of the Act, who shall have charge of its administration. For a number of years considerable difficulty has existed in respect to the working out of the Friendly Societies Act in that department of the Civil Service. The Government believe the duties of the Registrar of Friendly Societies is incompatible with the official duties of the Registrar of the Supreme Court. Complaints have arisen from time to time in regard to the working of the provisions of that Act, in that information is not so readily obtainable as it should be, and moreover there is much left undone that should be done under the Act. The working of that Act, involving as it does statistical work, it is considered, can be more properly placed in the hands of the Registrar-General. This measure merely involves matters of administration, and it is believed that the proposed change will result in great benefit to the working of friendly societies and their interests. I need say no more on the subject, because I think hon. gentlemen have had their attention drawn to this matter from time to time during the last seven or eight years. I therefore move the second reading of the Bill.

The HON. F. T. GREGORY said: Hon. gentlemen,—The necessity for a measure of this kind is so obvious that the remarks of the Postmaster-General, though necessary in the introduction of the Bill, would have been unnecessary as far as any opinion to be arrived at by this House is concerned, as we are conscious of the fact that hitherto there has been no application

of the Friendly Societies Act. Not only have the provisions of the Act never been carried out—and it is very important that the friendly societies should be kept well in hand under the Act, instead of being allowed to drift without any control—but it has come to the knowledge of hon. members that there are instances in Queensland where friendly societies, for want of supervision, have gradually drifted into insolvency, on account of that want of watchfulness which would have enabled members to see the true position of those societies. As to the reports of the local officers and the information given to the members of the different societies, we know very well that they are both insufficient and in many instances prepared with a total want of a sufficient knowledge of the actuarial principles on which they are established. I am very pleased to see a measure of this sort brought in; and if proper officers are appointed to carry out its provisions the Bill will result in great benefit to the friendly societies throughout the colony.

Question put and passed, and committal of the Bill made an Order of the Day for to-morrow.

UNDUE SUBDIVISION OF LAND PREVENTION BILL—SECOND READING.

The POSTMASTER-GENERAL said: Hon. gentlemen,—In proposing the second reading of a Bill of this character it is my duty to advert to one or two matters which will come within its scope if the Bill become law. Hon. gentlemen, most of whom are old colonists, and have had a large experience of the climatic conditions of this country, and of the evils arising from the undue subdivision of land in the various towns of the colony, must have become cognisant of the great necessity that has existed, and does exist, for a restrictive measure of this character—if for nothing else, at any rate for the welfare of the inhabitants of the different towns of the colony. On sanitary grounds alone this measure is to be commended to the attention of hon. gentlemen. I cannot imagine any inhabitant of this country, who has passed through any of the coast towns especially, who has not been struck with the apparent unnecessary overcrowding of people on very small areas of land, on areas as low—to my knowledge—as 9½ perches, with only one frontage—to a lane or road less than 50 feet wide. The members of this House are almost all well aware that the Bill, as it now appears, is not exactly the measure as it was introduced into the other branch of the Legislature. It has been shorn of some of the provisions which, I think, myself, had very much better have been left in; but, notwithstanding that, we cannot but regard the Bill before us as a step in the right direction. I do not think it is a good thing to permit speculators to cut up land in a way calculated to produce the greatest amount of money, and, at same time, to fix on the back of the municipal authorities most detrimental sanitary conditions that will ensue from the occupation of those lands if the blocks are occupied by separate families. Were it not that we have so much sunshine in Queensland, years ago there would have been a pestilence in some of the towns of the colony on account of this evil. I do not think the Bill goes far enough in some particulars; but it is an initiatory step that will prove very beneficial indeed to the colony as a whole, and a thorough safeguard, to a certain extent, against the evils to which I have adverted. The next thing which should follow this is a Building Act, the provisions of which should be carried out by the local authorities. I view with pleasure the circumstance adverted to in this Bill—that every street laid out or dedicated after the passing of the Bill shall be 66 feet wide at the least, and every lane laid out or dedicated shall be at least 22 feet wide. It will be observed that if there be a back entrance to an allotment of the small dimensions provided here it shall not be less than 22 feet wide, and all main roads are to be 66 feet wide, and every property must have a frontage to a street of that width. I hope the Bill will receive very careful attention in committee, because I believe that the members of this Chamber can do good service with respect to this proposed law. I trust hon. gentlemen will give it their very careful consideration between the second reading and consideration in committee. I have very great pleasure in moving the second reading of the Bill.

The HON. F. T. GREGORY said: Hon. gentlemen,—I propose, in speaking to the measure on its second reading, to adopt very much the principle followed by the Postmaster-General; at the same time, it will be necessary to draw attention to one or two points which will require to be carefully considered in committee. One of the points which strikes one forcibly is that the original Bill was drafted without a real regard to the distinction between town and suburban lands. In the interpretation we find suburban or country lands defined thus:—

"Any land which, if it were Crown land, would be suburban or country land within the meaning of the Crown Lands Act of 1884."

As far as that is applicable it removes the difficulty to which I am about to refer; but it is inapplicable to some of our large towns, particularly Brisbane. Possibly hon. gentlemen are not aware that the whole of the town lands of Brisbane are comprised within a very limited area—from Roma street to Eagle street on one side; and on the other by Gregory terrace to Petrie's Bight, and a portion of Kangaroo Point; all the rest are suburban lands, though they have been occupied for years and cut up into allotments. They may be within the limits of the present municipality, but that does not make them town lands. This is a point which I hope the Postmaster-General will look into, and see whether it will not involve the working of the measure in some difficulty if it should become law. Whether I am right or not in my surmise, it will be very important that maps should be prepared so that the public may be able to know whether they are residing in town or in suburban lands when they wish to cut up their land. If I am correct, it is quite possible that it will either be necessary to insert a clause actually describing the boundaries of one or two of the principal towns, or to introduce a clause providing that within a certain time after the passing of the Act a proclamation shall be issued, defining town and suburban lands in the principal towns of the colony. With regard to houses abutting on lanes, it is well known that back lanes frequently give access to properties, and enable people to build on the whole of their frontages. In the case of cross lanes leading from one main street to another parallel main street, I think a very considerable waste of area will result where the houses are compelled to be built 22 feet from the lane, or 33 feet from the centre of the lane. The Bill provides that the houses are not to encroach within a certain distance of one another, and that is a good feature. At the same time, I believe it will be necessary to look carefully into the question of the width of lanes, not only with regard to the sanitary conditions, but to prevent people being driven in cutting up country lands to place the lanes at too great a distance apart to be of any benefit to the locality from a sanitary point of view. If we force people to make lanes with a greater width, we also make them less frequent, and if

they are less frequent drainage cannot be carried out satisfactorily. I trust that question will receive consideration in committee. In other respects the measure is a good one, and one which is much needed. After it has been fairly digested by the House, I think one or two alterations will be effected in committee which will materially improve it.

The HON. A. C. GREGORY said: Hon. gentlemen,—One of the most important items relating to the subdivision of land is that of drainage. Besides arranging for streets and lanes, persons cutting up land should be required to provide proper reserves along which drains could be constructed. Anyone who has been on local government boards, or in municipal councils, must be aware of the difficulties which have arisen in that respect. Although a municipality has authority to enter upon land and construct drains, without incurring any greater expense than the actual damage, it is difficult to define what is actual damage, and almost impossible to replace ground without doing some damage. It is of far more importance that proper drainage should be provided than that a street should have any particular width, or that lanes should be of a certain width, and buildings a given distance from them. I think it is indispensable that power should be given to the Governor in Council, by proclamation, to modify the limits within which the Bill should apply, because, as it now stands, it does not touch town lands. Some town lands are so remote from dense population that it is ridiculous to talk of applying to them the conditions of the Bill. On the other hand, there are large areas of suburban lands in what is called the city of Brisbane, with a dense population; and few persons would be aware, unless they were engaged in making out the transfers, that the whole of Wickham terrace consists of all suburban lands—that the whole of Fortitude Valley comprises suburban lands, and that only a limited portion of ground in the inner part of the city consists of town lands. Kangaroo Point consists almost entirely of town lands, while in South Brisbane far the greater portion consists of suburban lands; and it has been a want of knowledge on that point in the framers of the Bill that has caused them to pay no attention to the application of the terms "town lands" and "suburban lands" in the Bill. As a whole, I think the Bill is a good one, and by a little attention in committee to some of the matters I have mentioned, more especially the provision for drainage, it will be conducive to the public advantage.

The HON. W. PETTIGREW said: Hon. gentlemen,—The Messieurs Gregory have, I think, made some slight mistake in regard to what are town and what are suburban lands in Brisbane, and it is as well that I should correct them. The old city of Brisbane, in its description, started from below the gasworks and went in a westerly direction along Boundary street, past where the Grammar School is, and from there took a southerly direction by the old grave-yards, and thence to the river. It crossed the river to South Brisbane, and went along a street there nearly a mile; it went along the face of the hill to Boundary street there, and then it went in another direction beyond the Dry Dock; then it took a straight line nearly to the rope works; so that the whole of Kangaroo Point was in the old city of Brisbane, and a large part of South Brisbane. This Bill ought to have come in force thirty years ago, for the want of such a measure has been a tremendous injury, not only to Brisbane, but to other cities in the colony. It is better late than never; but the want has been a serious loss to the country. There are some clauses I should like to see amended. I consider that no allotment ought to be less than 2½ chains deep by 1 chain wide. I go on the question of the health and well-being of the community, and I say that a less area than a rood to a family ought not to exist. What is the use of the thousands of acres of land in this country, and the railways we are making, if land is to be subdivided into 16-perch allotments? I consider they should be 32 perches at the least, and I would prefer to have them 40 perches, for then the difficulties connected with drainage could be in a great measure obviated. The health of the community is a question that is of immense importance. There ought to be growing trees on every allotment to purify the soil as well as the atmosphere. These are things that cannot be accomplished on 16 perches; and when we go into committee I shall be prepared to move an amendment providing for larger areas. As I said before, the difficulty with regard to drainage would be obviated in a great measure if the allotments were larger; but there is plenty of power given under the Local Government Acts so far as drainage is concerned. I consider the Bill is a great improvement on the existing state of things, but I think it might have gone a great deal further with advantage.

The HON. A. J. THYNNE said: Hon. gentlemen,—I think the remarks of the Hon. Mr. Pettigrew regarding the size of allotments deserve our sympathy. In fixing the minimum area at 16 perches the Bill is allowing the continuance of the evils we are all crying out against. The 16-perch allotments are really what have done the mischief, and if the hon. gentleman will move an amendment in committee increasing the area I will support him. If he succeeds in carrying that amendment he will have done a good work.

The HON. W. H. WILSON said: Hon. gentlemen,—I quite agree with the remarks made by the Hon. W. Pettigrew when he said he thought that the Bill should have been introduced some considerable time ago. I agree with him so far, at any rate, that I think a portion of this Bill ought to have been incorporated in the Real Property Act of 1861. The width of streets and lanes should have been regulated at that time. But as it was not done then, and has not been done since, I am glad to find that we are at last to have some legislation to regulate the width of streets and lanes. It seems to me that this Bill will prevent in some measure the evil arising from the unlicensed subdivision of land—an evil which, for the last few years, has certainly assumed alarming proportions, and has had the effect of injuring to a great extent the public health. To effectually deal with a matter of this kind it would be absolutely necessary, as the Postmaster-General has pointed out, to introduce a Building Act, and I trust that a measure of that kind will receive the earnest attention of the Government during the recess, because it is a measure that is very much wanted. All we can do, or expect to do, at the present time is to arrest the minute subdivision of land in future, and to regulate the width of streets and lanes; and I think the Bill will accomplish these objects to a considerable extent. Attention will have to be given in committee to clauses 5 and 6, so that the provisions may not be allowed to be retrospective in their operation. We know that large numbers of working men have bought land in small allotments, and are about to erect houses upon them, and we must see that their vested rights are not in any way interfered with. I trust that when the Bill goes into committee this matter will receive the best attention of hon. members. I will not detain the House any longer on this

matter. The measure is a necessary one, and will, I think, have a very good effect, and attain the object attempted to be attained by the Bill. It will no doubt have the effect of preventing to a great extent the overcrowding that has been referred to. Reference has been made to the question of drainage. I do not know whether such a large question as that can be properly dealt with in a Bill of this kind; but if it can, I shall be prepared to give it my best attention when the measure goes into committee. I shall have great pleasure in supporting the second reading of the Bill.

Question put and passed.

On the motion of the POSTMASTER-GENERAL, the committal of the Bill was made an Order of the Day for to-morrow.

LICENSING BILL—SECOND READING.

The POSTMASTER-GENERAL said: Hon gentlemen,—In moving the second reading of this Bill, which is a Bill to consolidate and amend the laws relating to the sale of intoxicating liquors by retail, and for other purposes connected therewith, I propose to deal with it in a very summary manner. I think it may be taken for granted that members of this Chamber have, if not an intimate knowledge of the licensing laws at present existing, at least a cursory knowledge of the working of those laws. I must draw your attention to the title of the Bill, which embodies the fact that the measure is a consolidation and amendment of the present laws in relation to the licensing system. There are some additions to the law—some new matters; and there are a considerable number of modifications and amendments; but I think that on the second reading of the Bill it will suffice if I draw your attention to the several principles in the measure. There is really only one matter that may be regarded as a great departure from the existing Acts—I refer to local option. Local option has been advocated by many colonists for a good many years back. I do not know whether it has or has not many adherents in this Chamber, but it is regarded by the Government as a principle upon which public opinion is sufficiently advanced to demand its embodiment in a Bill of this kind. It is presented to you in the measure now before you, and I trust it will receive from you the attention which its importance deserves. I will not refer to the details of the working of local option, because those matters will receive better attention from us between the second reading of the Bill and our going into committee, and also during the discussion in committee of the several clauses in that part of the Bill. I may point out that the designations of the authorities are somewhat altered in this Bill, and in other minor matters the phraseology of the present laws is changed. They are matters of great simplicity, and, I think, of great importance, and I trust they will be apparent as such to hon. members of this House. Another new matter, apart from local option, is the provision in reference to wine licenses. Those who advocated that beer licenses should be granted to other than licensed victuallers were not successful in another place in having their views embodied in this Bill. There is also a change in respect to the holding of monthly sittings of the licensing authorities to deal with licenses and transfers of licenses. I think it is proper that I should draw your attention to that, as it occurs to me that it is a debatable point whether the Bill in this respect is any improvement upon the existing law, and whether any hardship will result from the change. The balance of my opinion in this matter is favourable to the practice which obtains at the present time. There is also a change—or rather the law is supposed to be defined in this Bill—with respect to the number of bars in a licensed victualler's establishment, and not only as to their number but as to their location in the licensed house. I believe that is an improvement, as it is undesirable that bars should be fixed in any part of licensed premises suitable to the landlord's business—or I might say to the idosyncracies of his customers. I do not think it is fair that public bars should not be reasonably accessible to the general public, and be situated in such a part of the licensed premises as would be most convenient for the legitimate business of the licensed victualler. There is a change, too, in this Bill with respect to the opening and closing hours of licensed publicans. In this Bill it is proposed to make it optional whether the publican shall open at the hour hitherto customary or later, or whether, in his discretion, he shall not close at an earlier hour than the customary one. The clause that I referred to as establishing quarterly courts and doing away with the monthly sittings of the licensing authorities is clause 14. Will hon. gentlemen please note that a change is made in the present system by this clause, and give it their consideration? There are several modifications and amendments with respect to persons to whom licenses shall be granted and those who are not permitted to sit on the bench when granting such licenses. There are modifications with respect to objections and such like, but this properly comes within the scope of the local option clauses. There is an improvement under the head of transmission by death, or insolvency, or insanity, and there are some modifications in the license fees with respect to packet licenses; but generally — exclusive of those matters to which I have referred—the Bill comprises the subsisting law and a consolidation of it as embodied in the Acts proposed to be repealed by the first schedule. It comprises, I say, a consolidation of those Acts, and a number of amendments in respect to them; therefore, it might be regarded that this Bill, exclusive of the principle of local option, is a Bill of consolidation and amendment and nothing else, with the exception also of the provision relative to wine licenses to which I have referred. The first schedule of the Bill comprises the Acts which it is proposed to repeal, and the first Act mentioned there is repealed so far as it relates to licensed victuallers and wine-sellers. All the other Acts enumerated are fully repealed, part of two of them having been already repealed. There are a number of matters of detail that I might dwell upon to some considerable extent as to the advantage of the amendments, but I do not think that it is right that I should occupy the time of the House in that way and on a measure of this kind. I apprehend that hon. members are well acquainted with the working of our present licensing laws, and when we get into committee there will be little difficulty in discussing the measure on its merits, and possibly amending it, with advantage to the community and the Bill. I hope, however, that in its present form the Bill will commend itself to the members of this House, and that it will leave this Chamber, if not entirely in its present form, at any rate with very little alteration. I understand that the measure received great attention elsewhere, and that it represents the feelings of the Legislative Assembly in regard to this great question of the licensing system of the colony. The Bill has received much attention from all sections of the community, and I venture to say it represents the opinions of the colony as a whole with respect to the amendment and consolidation of the licensing laws. I beg to move the second reading of the Bill.

The HON. A. J. THYNNE said: In the first part of my remarks I will not allude to the question of local option, but what I have to say upon that question I will refer to further on. In other respects I think the Bill that has been put before us is a very great and admirable improvement upon the present licensing laws. There are some things in it that I do not quite like, but taking it as a whole I believe that the provisions of the Bill generally will commend themselves to the public acceptance. The working of the Acts in force up to the present time has been in many instances defective; they have failed to protect the public and the hotel-keeper in the way it is intended by this Bill to provide. So far as the Bill itself is concerned, it is, as a whole, an improvement, and will have my support, and I will endeavour when in committee to suggest such amendments as will tend to a further improvement of it. There are a good many improvements to which the Committee will require to pay great attention. The first thing that strikes me is as to the date of commencement of the Act—whether it should commence on the 1st January, or whether it should not be allowed to commence on the 1st July next, which is the date on which the licenses for the next ensuing year will begin. There may be a great deal to be said upon that point. I think in the interpretation clause there ought to be some definition inserted of the term "wine." The terms "wine-seller" and "wine license" are used throughout the Bill in many instances, but it occurs to me that in cases of prosecution against the holder of a wine-seller's license for selling something that is not really wine, but which is based on what was originally stronger spirit, it would be rather difficult to secure a conviction. One of the great dangers of this wine-seller's license is that the privilege may be abused, and enable the holders of the licenses to dispose of stuff other than that which they were intended to sell, and it would be well to guard, as far as possible, against such abuses taking place. In the question of disqualification for membership of the board, it seems to me there has been an oversight in the construction of subsection (*b*), clause 7, which prohibits the mortgagee of a house used for an hotel from being on the licensing board. Well, I have no doubt that in that instance the term "house" was intended to cover any persons holding a mortgage or any interest in the house, whether it is the lease of the house or furniture or effects belonging to it. I think as the clause stands at present they would not be included, and if it is right to exclude the mortgagee of the house it is still far more necessary to exclude the mortgagee of the leasehold or the mortgagee of the chattels belonging to the house from sitting on the bench. In clause 14 there has been a very serious change made in the present practice, and that is substituting quarterly meetings of the licensing board for the ordinary monthly meetings. I am opposed to that change, because it is one that will prove very harassing in many instances. Take the case of a licensed hotel-keeper dying. It would be very hard upon his widow, who, possibly, would be unable to attend to the business, to compel her to carry on the business for three months before she could obtain a transfer of the license. It would be equally inconvenient in case of a licensee becoming insolvent, because it would necessitate the trustee of the insolvent estate carrying on the business for three months before he would be able to realise. No evil has really arisen on account of the present system, which gives licensees an opportunity of disposing of their licenses without delay, which would not be the case under the quarterly meeting system. Another reason that occurs to me in favour of the monthly meetings is this: At the annual licensing meetings in Brisbane, and I think in most of the other towns in the colony, the licensing bench have been in the habit of inspecting the premises, and if they have not been found quite in the state in which they ought to be the bench invariably adjourns the consideration of the application for a renewal for a month or two months, as the case may be, to enable the holder of the license to effect such alterations or repairs in the premises as may be considered necessary. Now, if these quarterly meetings are instituted and it happens to be the last meeting in the year, the bench will not have the opportunity of exercising that very beneficial power which they would have otherwise of compelling the holders of licenses to attend to any little details which by themselves would be scarcely sufficient to justify a complete refusal of the license. I think, in Brisbane especially, some of the hotels have been very much improved by the supervision which has been exercised by the licensing board, and it would be a bad thing to interfere with the gentle power of compulsion which the board possesses in this respect. In clause 23 there is a new phase introduced in connection with the licenses for billiard-tables. Now, at present hotel-keepers have complained very much indeed about the competition which exists between themselves who have to pay a yearly license fee, and the bagatelle and billiard saloon-keepers who have never been compelled to pay a license. Well, no doubt the hotel-keepers feel that they have been badly dealt with; but the question is this: if the game of billiards is to be played at all, is it wise to discourage the establishment of billiard tables separate from hotels? If we do, the consequence will be that those who wish to play billiards will be compelled to go to hotels for the purpose of playing. I do not think that the owners of billiard tables not attached to hotels have been making a great deal out of them—at least I never heard of any of those men acquiring riches by their employment, and whether the proposed tax upon them will not be very heavy is a matter for consideration. I think in clause 29 there is a repetition, or an anticipation of what appears in clause 41, as regards the ground of objection to new licenses. In clause 32 it would be well to have an addition made to provide for the cases of premises in which the licensing board do not consider that the site for an hotel is a suitable one. There is an instance now in Brisbane in which the licensing board have intimated that they do not consider that the site which is occupied by a certain hotel is a suitable site for an hotel, and no matter what plans were submitted to them for a new building they would very probably refuse to accept them. This subsection 2 of clause 32 would not enable the bench to give the holder of the license an opportunity of transferring his license to some other suitable premises. The addition required would be a very slight one, and would meet a case which will, no doubt, occur occasionally. Now, in connection with the provisional licenses, there is an alteration proposed in this Bill from the present law, and it is an alteration that I do not approve of. As a rule, it will have the effect of excluding any person who is, at the time of the application, the holder of a license from applying for a provisional license, because the scheme of the Bill is that the applicant for a provisional license must also be the intended occupier of the hotel; that will have a very awkward effect. The owner of a suitable piece of land where an hotel is required will be more inclined to apply for a provisional license himself, and if he has got the approval of the licensing board to his plans, and had them completed, he will then seek for a tenant, and the tenant will

be the person who will apply for the publican's license. I know of two or three instances in which some really good hotels—in fact, I believe one of the best hotels in Brisbane—have been built upon a provisional license obtained by an hotelkeeper who was at the time a licensee in another part of the city, and it would be a pity to exclude people of that kind from going into the occupation of licensed victualler on new premises of their own. I do not see that there is any advantage to be gained by the proposed change in the law. Now, in clause 30, in regard to booths, I do not see why the power of granting temporary licenses, or the right of exercising the privileges of a license, should be restricted to places of amusement in a district. I I think that temporary places of business or places of public resort for any lawful purpose, whether amusement or business, should be included, and that the hotelkeeper should be at liberty, with the approval of the licensing board, to exercise his right of selling liquor at such places of resort. In subsection 3 there is a provision which will not suit country places. The subsection provides that the authority to exercise the privileges of a license shall not be given for any place more than five miles distant from the premises for which such license is held, except when specially authorised by the Minister; but though authorisation by a Minister in a town may be easily got, in country places it cannot readily be obtained; and it seems to be a matter beneath the consideration of the Minister—a matter that might be very well left to the licensing board. With regard to clause 40, not only ratepayers, but any person resident in the neighbourhood, ought to be at liberty to represent to the magistrates any good cause of objection to the renewal of a license. I observe that in the clause the right to make objection by petition is granted. Petitions, unless strictly guarded, are liable to great abuse; and where petitions are to be introduced as a part of judicial proceedings there should be some provision by which the signatures may be verified. They should not be forged, nor should children's signatures be added to make up a long list. As in the case of petitions under the Local Government Act for alterations of boundaries, they should be verified or accompanied by affidavits. Subsection 4 of clause 4 seems rather too strict. If the applicant has been convicted of one offence against the Act during the twelve months that may form a ground of objection. No doubt some of these offences are very serious, but there are some which are so very trivial that they ought not to be allowed to be made the ground of objection unless two convictions have been recorded. The 5th subsection provides, as another ground of objection, "That the reasonable requirements of the neighbourhood do not justify the granting of a license applied for." That appears to touch upon the question of local option. It is not merely the residents, but the people travelling through the neighbourhood, who should be taken into consideration. There may be a small population in the neighbourhood of an hotel, but a large population travelling through who use the hotel, and the attention of the licensing board should be directed to that matter as one they should take into consideration. Clause 55 requires one slight alteration. The person who appoints an agent to carry on a licensed business in case of death or insolvency may become dissatisfied with his agent; and there should be a provision by which some other person, approved by the police magistrate or the licensing justices, may be appointed to take the place of such agent. Clause 59 contains something novel. It is a letter of instruction to the statistical officer of the colony to take notice of something in the *Government Gazette*. If we had to instruct our statistical officer by Acts of Parliament we should have to go a long way to get him thoroughly up in his duties. In clause 70, which used to be known as the "prohibition clause," there has been some improvement made. The Bill proposes to make the law, with regard to the supply of liquor to a person injuring his health through drinking, more strict. At present the prohibition notice has to be served on the publican, and the publican alone is punished. There is nothing to prevent any third party getting as much liquor as he likes and giving it directly to the unfortunate man who is the subject of the prohibition order, and, as a natural consequence, the order prohibiting the supply of liquor is practically at the present time a dead-letter. The clause is made to apply to a man who, by the excessive use of liquor, injures, mis-spends, wastes, or lessens his estate, or injures or endangers his life, but I would go further than the clause. It has been my unfortunate experience to find that the people who suffer most keenly from the over-indulgence of habitual drunkards are not the drunkards themselves, but their wives and families. An instance has come before me since the Bill was introduced, where an unfortunate man actually boasted that he was gradually forcing his wife into her grave, and the unfortunate woman certainly bore traces of the trials she had been going through. This clause ought to be made to extend to cases where a man, in consequence of the excessive use of liquor, injures his own health or that of his wife or family, so that if a medical man sees that the family is suffering in health from the man's over-indulgence that would be sufficient ground on which to interfere with the further supply of liquor to him. When we find a man who comes within the intention of section 70 there should be some place in the colony where he could be sent to keep him from his drinking habits and give him an opportunity of reforming. I think no Bill to regulate the supply of liquor will be complete unless some well-considered scheme is brought into force for the reforming of men who have brought themselves within the provision of clause 70. I will now refer to the local option clauses. We cannot but have a great deal of sympathy with the people who are *bonâ fide* endeavouring to prevent the abuse of intoxicating liquor, and so long as they are serious and earnest in that movement we ought to pay every respect to their wishes. It appears to me that the local option provisions are such that they will require very grave consideration before we accept them. The objections I have to them are numerous, but I shall mention only two or three. The enforcement of local option or total prohibition in any district will, in my opinion, certainly result in a greater evil than the establishment of hotels — namely, the establishment of sly grog-shops. It is almost certain that that will be the result in almost every case. I think that the evils up to the present time have been owing to the want of the proper regulation of licensed houses, and considering the great improvements contained in the Bill and the powers to prevent excessive drinking, we ought to give the remaining parts of the Bill a fair trial for a year or two before putting into force the local option clauses. It is difficult to introduce any thoroughly satisfactory system of local option; but in the Bill there is one radical defect in regard to those clauses, and that is in the restriction of the people who have to exercise their right of voting on the subject. It has been said that in this colony we have manhood suffrage upon all questions of State policy; and the election of members of Parliament has been mentioned as an example. In answer to the claim that voting on local option

should be open to every person who is entitled to a vote for parliamentary elections, it has been said that the matters relating to local government and such subjects are restricted to the local government boards or councils. The answer to that is clear. Ratepayers are the only persons allowed to vote in the elections of local boards and councils, because it is the money of the ratepayers which local boards expend. The question whether there should be licensed houses in a certain district is not a matter peculiarly affecting the ratepayers, but every resident in the district; and why should not those who are allowed to exercise their functions in regard to parliamentary elections be entitled to a vote? In answer to this it may be said that it would be difficult to devise a scheme by which this voting could be properly carried out; but that is no answer. It is not right to introduce a new scheme such as this, unless the arrangements for voting are made as complete and perfect as possible. If the supporters of local option are unable to devise a proper system of voting it is better that the matter should stand over than that the system should get an unfair trial from being brought in on a bad foundation. There is one other point with regard to the local option clauses to which I will refer. A district situated between here and Gympie may vote for the restriction of licensed houses, and that will affect not only their own district, but the convenience of people outside—people travelling through the country—and it does not commend itself to my sense of fairness that travellers should be deprived of the opportunity of getting accommodation and refreshment simply because the people in a small neighbourhood are inclined to try an experiment with regard to the sale of liquor. I will conclude with the remark that, with the exception of the matters I have pointed out, I will give the best support in my power to the passing of the Bill.

The HON. F. T. GREGORY said: Hon. gentlemen,—There are other hon. members who, possibly, from their past experience are more capable of giving a fair exposition of the various properties of the measure before us; but seeing that there is no particular anxiety on the part of hon. members to say much it may be as well, although the hon. gentlemen who have spoken on the subject have said as much as can reasonably be expected before we go into committee on the Bill, for me to draw attention to one or two points which, though already referred to, may be looked upon from another aspect. Of course the matter will be dealt with fully in committee, but it is better to lay a little stress upon it now in order to give hon. members an opportunity of fairly considering the question prior to the Bill coming before us in committee. The question of local option is, no doubt, one of the most important contained in the whole measure, and as such I will offer a few observations upon it. The Hon. Mr. Thynne has expressed doubts as to whether it would not be better to allow all persons qualified to vote for members of Parliament to have a voice in deciding the question of local option. I do not altogether see that, for this reason: there is a large number of persons whose names are down on the parliamentary electoral rolls for a district whose interests in it, as regards local option or otherwise, are either limited or nil. Therefore, I am of opinion that their voice should have no weight in over-ruling the decision of the residents and householders, who are the people most interested in a matter of this sort. I am not speaking from the standpoint of the extreme temperance views. The question with temperance people arises from a very different cause, their desire being to limit intemperance by Act of Parliament. Except so far as to placing licensed houses under such restrictions as will limit the amount of evil resulting from intemperance, I do not think we ought to limit the liberty of the subject beyond a reasonable degree; and in dealing with the matter we must have recourse to the means by which we are to regulate the establishment of public-houses and to determine their number and such questions as relate to local option. If, as I put it just now, we were to allow the multitude to vote, whether they had a substantial interest in the place or not, I very much doubt whether we should be adopting a wise principle; and I am inclined to think that the plan provided for in the Bill is the better one. But another question will arise, and that is with regard to compensation. I must confess that I have not read the Bill very closely, and I am therefore not quite sure whether there is any provision in it for compensating those persons whose licensed houses may be done away with by the decision of the people under the local option clauses of the Bill. This is really a very serious question, because although, as a rule, it is the duty of the country to compensate anyone who has suffered loss by any new enactment, there is great risk of such a thing being abused. Should the people allow the publicans to continue to carry on their business in a district, and subsequently decide that the houses shall be closed, if the publicans receive compensation, they will not care whether it is paid to them out of the general revenue by the Government—which is the universal milch-cow—or whether it is paid by the local authorities. I do think it would serve as a little judicious ballast in the minds of ratepayers if they knew that in doing away with vested interests they would have to consider to what extent they might personally be called upon to provide fair and suitable compensation. As a rule there is too much of a desire on the part of every one of us to take compensation whenever we can get it; and we have had examples with regard to this in the recent railway accident cases, to which at some future time I intend to draw the attention of the House most pointedly. But, to return to the subject before me, it is very desirable that a clause should be introduced providing that where a person has a claim for compensation that claim shall be paid by the authorities of the district in which it arises. That is a point which should not be lost sight of, because I understand it is intended to propose a clause in committee providing for compensation. Hon. members should therefore be prepared to consider what will be the just and equitable sources from which to obtain the compensation. For myself, I strongly protest against claims of that kind being paid from the general revenue of the country, particularly as they refer to local questions. In such a strictly local matter as the licensing of a public-house, a claim for compensation should be made on the local authorities, and not on the Government. A question has been raised by the Hon. Mr. Thynne as to the wisdom of doing away with the monthly licensing courts and providing that there shall be only quarterly sittings of the licensing authorities. The hon. gentleman seems to be of the opinion that quarterly sittings are too far apart to meet the necessities of cases in which the heirs or executors of a licensee may have to take possession of and manage his property; but it has been pointed out to me by an hon. gentleman this evening that clause 55 fully provides for cases of that kind. I only mention this now in passing as the remarks by the hon. member may have some little influence on hon. members when dealing with one of the earlier clauses

of the Bill in committee. There is a minor question which I think was discussed in the other branch of the Legislature, but I have not had leisure to refer to the debates to ascertain what was the result—I refer to the question of railway refreshment rooms. As I am not quite clear as to what has been done in this matter, I shall not offer any observations on the subject, but just draw the attention of the House to it, as one which it is desirable should not be overlooked. Another point that has been referred to, and on which I agree with the previous speaker, is that with regard to the application for a license for a booth being referred to the Minister, as provided in subsection 3 of clause 36. I cannot see any necessity for such a provision. I think its insertion must have been an oversight; probably the clause was taken from some other Bill, or may be applicable to the metropolis alone. At any rate the matter is one which, in my opinion, should, under any circumstances, be left to the control of the licensing authorities. Taking the measure altogether, I think it is a useful one, as condensing very much the whole law and regulations connected with licensed houses, and as such, on the whole, it is a valuable instalment of legislation. I hope that, as the measure goes through committee, points which appear at the present moment perhaps as minor matters, and hardly of sufficient importance to detain the House upon in a discussion on the second reading of the Bill, will not be overlooked.

The HON. W. GRAHAM said: Hon. gentlemen,—I do not intend to oppose the second reading of this Bill, nor do I intend to discuss any of its clauses. I believe the general tendency of the Bill is good, although there are some very objectionable features in it. What I would like to ask the Postmaster-General is—When, in the event of the Bill passing its second reading this evening, he proposes to consider it in committee? The Bill is a very important one, involving the serious question of local option. There is a very thin House to-night, and I do not know that we have any guarantee that there will be a greater number of members present to-morrow. I know that several members are away who will be back in a few days, who have strong opinions on this Bill, and whose opinions would, in all probibility, be valuable to the Committee and to the country, and I shall therefore be glad if the Postmaster-General will inform the House when he proposes to proceed with the Bill in Committee?

The POSTMASTER-GENERAL said: Hon. gentlemen,—With the consent of the House, I shall be very glad to make an observation or two in regard to what has fallen from the Hon. Mr. Graham. It is to be regretted that the House to-night is a thin one. We have had some very important business before us to-day, and I am bound to say that there is little fault, if any, to be found with hon. members who sit on the benches opposite to me, so far as attendance is concerned. But I think there is reasonable ground for cavilling at the want of attention which is exhibited by some hon. gentlemen who sit on the benches behind me in regard to the most important business which comes before this Chamber—business affecting the whole of the colony, not only in the immediate present, but for the future also. I am not sorry that the opportunity has been afforded me of saying that I think, considering the high position they hold in this Chamber, something more is due from several hon. gentlemen, not only on my own side of the House, but also on the other side, than evidently, according to their action, they imagine it is their duty to do. There are excuses to be made for the absence of several hon. members, and I am glad to have this opportunity of stating that there is one hon. member of this Chamber who does not sit on the Government benches who had the courtesy—moreover I think it was his duty—to address himself to me and explain that he could not be present on account of certain business which had only to be mentioned to be thoroughly appreciated by me as most important to his own welfare and the welfare of his partners also. It is a matter for regret—it is almost a matter of dishonour—that some hon. members are not more punctual and regular in their attendance, and do not give more attention to the matters brought before this Chamber. I am in accord with the remarks of the Hon. Mr. Graham with respect to the desirability of not putting down this measure for consideration in committee to-morrow. There will be no attempt made by me on behalf of the Government to rush the business through this Chamber. I shall use my judgment in conducting the business of the House, and I hope that in the exercise of that judgment I shall do what the judgment of both sides of the House will consider is best in the interest of the country.

The HON. W. F. LAMBERT said: Hon. gentlemen,—I do not know to whom the Postmaster-General alludes. Probably it would have been better if the hon. gentleman had stated to whom he referred. I have been a member of this House for a great number of years, and I have come here now very late in the session, and I think the country will appreciate my reasons for doing so without any interference from the Government or Opposition or any other source. I claim to be an honest man and to have endeavoured to do justice to the position I hold as a member of this Chamber. Queensland, as we all know, is at the present time suffering from a very severe drought—such a drought as has never before been experienced by those who are able to recollect what has occurred in former years. I have had communication with several old residents, and as far as I can learn we have never had such a severe drought previously. It is a very unfortunate thing for the colony that such should be the case. However, we must act like men and make the best of it, and we must be honest and pay those who have lent us money. I hope the Government of the day will consider whether it will be a prudent thing to place a loan before the English public until this unfortunate state of affairs changes. I do not think the present moment is a favourable time for asking for money. However, I hope that as sensible men they will act judiciously in the matter, and that the colony will be brought safely through these difficult circumstances as it has been on previous occasions.

Question put and passed.

The POSTMASTER-GENERAL moved that the consideration of the Bill in committee stand an Order of the Day for Thursday next.

The HON. W. GRAHAM said, after the speech and lecture which members on both sides of the House had had from the Postmaster-General, it was to have been supposed that the consideration of the Bill in committee would have been put off till next week. He thought the Postmaster-General was rather sanguine, and he thought he would find many of the amendments which would be proposed were not altogether formal and would lead to a great deal of discussion. The amendments which would be proposed would, of course, require to be printed, and he did not think that they would be ready by Thursday. He certainly should not have consented to the second reading if he had thought the extension of time would not be granted.

The POSTMASTER-GENERAL said he hoped hon. gentlemen would be satisfied with the assurance that no vital part of the Bill

would be proceeded with on Thursday next if there was any objection to it. He apprehended the most convenient way to conduct a Bill of that kind through committee was to pass what might be regarded as formal clauses and either postpone or recommit the other parts of the Bill. There were several advantages to be obtained by that course, one of which he appreciated very much, and it was this: that he received notice of amendments. The speeches of movers of amendments were a guide to him, at all events, and in the discussion in committee he had the advantage of hearing the views of the movers of amendments. Taking that view, he hoped hon. gentlemen would consent to the Bill going on on Thursday next. He thought it was an advantage to hear from the mover of an intended amendment what the object of his amendment was, and that was his only reason for wishing to go on at once with the Bill.

The HON. P. MACPHERSON said for his part, not having spoken on the Bill, he would ask the Postmaster-General to let the consideration of it in committee stand over till Tuesday. He was certain from what his hon. friend, Mr. Thynne, had said, that he had a considerable number of verbal amendments to propose in the Bill, which the hon. gentleman would have no time to consider to-morrow. He thought Tuesday next was a fair time to begin the consideration of the Bill in committee. There might not be a good attendance on Thursday; and it was desirable that they should have a full House for the consideration of such a measure.

The POSTMASTER-GENERAL said if there was a fair attendance of members on Thursday he would go through the formal parts of the Bill; that would not interfere with the amendments of the Hon. Mr. Thynne. If there was not a good attendance, hon. members might accept his assurance that he would postpone the Order of the Day.

Question put and passed.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.

The PRESIDENT announced the receipt of a message from the Legislative Assemby, forwarding, for the approval of the Council, the plan, section, and book of reference of the proposed extension of the Cooktown Railway.

The House adjourned at twenty-eight minutes past 8 o'clock.