Queensland

Parliamentary Debates
[Hansard]

Legislative Council

TUESDAY, 27 OCTOBER 1885

Electronic reproduction of original hardcopy

LEGISLATIVE COUNCIL.

Tuesday, 27 October, 1885.

Cooktown Railway Extension.—Logan Village to Beaudesert Railway.—Petition.—Motion for Adjournment.—Message from the Legislative Assembly.—Undue Subdivision of Land Prevention Bill—third reading.—Pacific Island Labourers Act of 1880 Amendment Bill—second reading.—Licensing Bill—committee.—Message from the Legislative Assembly.

The PRESIDENT took the chair at 4 o'clock.

COOKTOWN RAILWAY EXTENSION.

The POSTMASTER-GENERAL (Hon. T. Macdonald-Paterson) moved—

1. That the plan, section, and book of reference of the proposed extension of the Cooktown Railway, from fifty miles to sixty-two miles (third section), as received by message from the Legislative Assembly on 20th instant, be referred to a select committee, in pursuance of the 111th Standing Order.

2, That such committee consist of the following members, namely:—Mr. F. T. Gregory, Mr. E. B. Forrest, Mr. W. Horatio Wilson, Mr. Pettigrew, and the Mover.

Question put and passed.

LOGAN VILLAGE TO BEAUDESERT RAILWAY.

The POSTMASTER-GENERAL moved—

1. That the plan, section, and book of reference of the proposed extension of the Logan branch of the Southern Railway from Logan Village to Beaudesert, as received by message from the Legislative Assembly on the 21st instant, be referred to a select committee, in pursuance of the 111th Standing Order.

2. That such committee consist of the following members, namely:—Mr. F. T. Gregory, Mr. E. B. Forrest, Mr. W. Horatio Wilson, Mr. Pettigrew, and the Mover.

Question put and passed.

PETITION.

The HON. W. H. WILSON presented a petition from 144 residents of South Brisbane, members of the Congregational Church there, in favour of the Licensing Bill now before the House, and praying that the House would be pleased to pass the measure into law, especially those provisions having reference to Sunday closing and local option. He moved that the petition be read.

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

On the motion of the HON. Mr. W. H. WILSON, the petition was received.

MOTION FOR ADJOURNMENT.

The HON. T. L. MURRAY-PRIOR said: Hon. gentlemen,—I wish to move the adjournment of the House for the purpose of calling the attention of the Council to a paragraph which appeared yesterday in the principal paper of this city, and which, if not a breach of privilege, strikes me as being quite uncalled for. I am not in the habit of taking much notice of what appears in the papers, and I should not have taken any notice of this if I did not think that, as the paper is read a good deal by people outside, the statement might tend to place the Council in an undeserved position. I have been away from the Council for the last fortnight; but, if I read *Hansard* correctly, I believe the Postmaster-General called the attention of this House to the fact of members being absent from the House. I was one of those absent members, but I did not take the hon. gentleman's remarks to myself, because that hon. gentleman is aware I have told him that whenever I am wanted in the House, whatever may be my private business. he can always rely on my being here.

The POSTMASTER-GENERAL: Hear, hear!

The HON. T. L. MURRAY-PRIOR: I have always carried that rule out. I live at a long distance from Brisbane, and unless there is something going on in which I may be useful I do not feel called upon to attend every day. However, I attend pretty regularly. There is no doubt the Postmaster-General had some good reason for what he said, and I cannot help thinking with the hon. gentleman that some members, of whom I see a few sitting opposite to me, should be more regular in their attendance. With that, however, I have nothing to do; but I do not think it is seemly that a paper should write in this manner:—

"The Assembly will sit on five nights during the present week, members having agreed to undergo the added fatigue in order to bring the work of the session to a close. It is to be hoped that the Legislative Council will mend the exceedingly languid pace at which they have been transacting their share of the public business. They have, so far, spent very little time over legislation, and ought to be able to do a little real work now. There is an accumulation of work before the Upper House now, and members should sacrifice their own convenience a little for the public good. We may venture to point out to them that if they produce on the public mind the impression that they are careless and slow they will very much diminish their political power. A nominee legislative body has no other strength than that given it by the public esteem, and the prestige of our Council will be woefully impaired if it can be shown that its members hinder public business out of sheer indolence."

I say that such a paragraph should not appear as almost a leader in a public paper, and I should think I was not doing my duty to the Council if I did not point it out, so that the public may see that this Chamber, instead of being remiss in its duty, wipes off the accumulation of work as rapidly as is consistent with the due consideration of the matters in hand. The Council can hardly think it their duty to pass a Bill, which might perhaps in another place have occupied three or four months, in a very short time. It requires consideration, and I may state that the Bills have been well considered, especially by several hon. friends of mine who sit on the same side; and if the amendments brought forward by them had been adopted those Bills would have been very much improved. I beg to move the adjournment of the House.

The POSTMASTER-GENERAL said: I concur in some degree with what has fallen from the Hon. Mr. Murray-Prior, and would say one word in respect to the article to which he has referred. First, I will notice the expressions:—

"It is to be hoped that the Legislative Council will mend the exceedingly languid pace at which they have been transacting their share of the public business. They have, so far, spent very little time over legislation, and ought to be able to do a little real work now."

With respect to these two expressions I think I can fairly claim the support of hon. gentlemen to this statement—that a day or two ago we were up as close to the programme as it was possible to go.

The HON. P. MACPHERSON: Hear, hear! And further.

The POSTMASTER-GENERAL: For my own part, I will say that the schedule of work before this House has been worked as closely as it was practicable in the interests of the country to do it, and I personally have no fault to find with the support the House has given generally to the measures brought before it. With respect to this statement—

"There is an accumulation of work before the Upper House now"—

I think it is incorrect, to use the mildest term, because on Wednesday last we went up to the very hilt in respect to the Orders of the Day on the paper, and this Chamber was good enough—notwithstanding the earnest way in which the Hon. Mr. Graham pleaded for a delay in respect

to the Licensing Bill till this afternoon—to accede to my proposal that we should, at any rate, deal with the formal parts of the measure on Thursday evening. On that day there was a motion with respect to the suspension of Standing Order 111, and that shows that we were anxious to facilitate business. The Friendly Societies Act could not be moved a stage further on that day. The Undue Subdivision of Land Prevention Bill was well and thoroughly considered by this Chamber, and could not have been moved one hour further. The Noble Estate Enabling Bill was, by the courtesy of the House, permitted to pass one stage at the wish of the Hon. Mr. Thynne, and the Pacific Island Labourers Bill could not be moved one stage further that day. I am at a loss to apprehend how it is that the observations come to be made at all, because, for the reason I have given, I have no fault to find with the progress in business in this section of the Legislature of the colony.

The HON. F. T. GREGORY said: Hon. gentlemen,—I will only add to what has fallen from previous speakers, what particularly struck me when I read the passage. I thought it was one of the most unjustifiable attacks ever made on this House by the paper from which it emanates. It was evidently done in total ignorance, and was therefore all the worse, because if the writer had some slight knowledge he might have been misled. It was evidently done with an utter recklessness as to whether it was true or false. It must have been put in by some cantankerous contributor who wanted to have something to say, evidently without the smallest knowledge of what he was writing about.

The HON. W. GRAHAM said: Hon. gentlemen,—I think the House is, perhaps, making too much of this matter. I also read the article and agree with the Hon. Mr. Gregory that it must have been inserted in ignorance, and, that being so, I looked upon it as a gross piece of impertinence. I certainly never should have called attention to the matter, because I think anyone who takes an interest in the welfare of the country would know, without the elaborate statement made by the Postmaster-General, that the Upper House has kept up as closely as possible to the work; and I really think any remarks from the leading paper, or any other paper, we ought to be able to pass over with the utmost contempt, especially when it concludes with a threat.

Motion, by leave, withdrawn.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.

The PRESIDENT announced the receipt of a message from the Legislative Assembly, forwarding, for the approval of the Council, the plan, section, and book of reference of the Wharf Line Extension of the Mackay Railway.

UNDUE SUBDIVISION OF LAND PREVENTION BILL—THIRD READING.

On the motion of the POSTMASTER-GENERAL, this Bill was read a third time, passed, and ordered to be returned to the Legislative Assembly, by message in the usual form.

PACIFIC ISLAND LABOURERS ACT OF 1880 AMENDMENT BILL—SECOND READING.

The POSTMASTER-GENERAL said: Hon. gentlemen,—You are well acquainted, I believe, with the circumstances which have led to the introduction of this Bill, and I do not propose to occupy the time of the House by saying more than a few words with reference to it. Indeed the object of the Bill is to be found in a few words as set forth in the preamble, declaring as it does that the amount contributed by employers of islanders under the Act of 1880 is insufficient to cover the expenses of administration of the Act, and the necessary consequence is that, that being the case, it is expedient that the amount should be increased and the Act amended in some other respects. The whole Bill, therefore, may be reduced to three points. That these contributions being insufficient, the capitation fee is under clause 5 increased to £3 instead of 30s., as provided for in the existing law. Clause 6 provides also that the hospital capitation fee be increased to £1 per annum instead of 10s., which has hitherto prevailed. In the same clause the manner of payment is dealt with, and some other subordinate provisions are inserted. But the principal clause of the Bill is clause 12, which limits the period within which it shall be lawful to introduce this class of labour. That clause says:—

> "After the thirty-first day of December one thousand eight hundred and ninety no license to introduce islanders will be granted."

I beg to move the second reading of the Bill.

The HON. T. L. MURRAY-PRIOR said: I think the Postmaster-General has acted very wisely in saying as little as he possibly can on this Bill. I am sure his feelings, although he brings this Bill in, cannot be very much in favour of it. The Bill dealing with the Pacific Islanders, in my opinion, is un-English. For a considerable time past all sorts of annoyance and espionage have been thrown in the way of the employment of these islanders; in fact, I may safely say that the Government, especially of the present day, have done the country almost irreparable injury by the manner in which they have dealt with the labour employed by the sugar-planters. In a time of drought, in a time when every energy of the different industries is stranded—this is the time the Government come forward—for what reason I cannot say—and deal a final blow to this industry. I am content to leave it to the future to see what the result of this will be. I leave it to the consciences of the men who have brought forth what they have brought forth—the ruin of that great industry. It is an industry which has settled many people on the land, which has provided employment for the sons of people who look to that opening for their sons, and it is an industry which has succeeded beyond our greatest expectations. Perhaps, when it is seen by the country how much harm has been done, the employers of black labour will be permitted again to employ it without the annoyance to which they have hitherto been subjected. I have no hesitation in saying, as an individual, that I would not engage one single man under this Bill. What do we see? Every charge has been increased, every difficulty is thrown in the way, and now, I presume, without going very closely into figures, £25 or £30 per head will have to be expended on every islander before he does a single day's work. That alone is quite sufficient to effectually stamp out this industry; but not only that—what right have we, as legislators, to deal with the liberty of other people? We have always understood, as English people, that as soon as a slave touches English ground he becomes free, and now the supporters of freedom in a free country are passing a law by which we are practically making slaves of the Pacific Islanders brought to this country. I am not going to oppose the second reading of this Bill. I look upon the whole transaction as abominable, and I should like very much if we had washed our hands of it altogether.

The HON. F. T. GREGORY said: I really hoped, especially seeing the strong backing the

Postmaster-General has got this afternoon, that something would have been said in reference to this matter. I quite agree with the Hon. Mr. Murray-Prior, who has pointed out that the hon. gentleman avoided, as much as possible, entering into the details of this measure; and I do not wonder at it, but with such a strong backing as the Postmaster-General has got, it does not look well that a question of this sort should be passed over in such a hurry, and no reply made to my hon. friend. I really did trust that, at any rate, the Postmaster-General's followers would be in some way apologists for the measure now before the House. Of course, if they have nothing whatever to say in support of the measure, they adopt, no doubt, a very wise course, and instead of discussing the measure, maintain a discreet silence. All that I purpose to say on the present occasion is with the object of drawing attention to one or two clauses which, when the Bill comes into committee, I hope the House will be in a frame of mind to really discuss upon their merits. In the first place, in clause 5 it is proposed to increase the fees from 30s. to £3. Now, if these fees are inadequate to carry out the proper functions of attending to those people, seeing that they are cared for, that all necessary provisions are made for their maintenance in hospitals, and that every act of justice is done to them that they are not oppressed—if it is absolutely necessary for that purpose to increase the fees, then I would not raise any objection to the increase, but there has been nothing brought forward to show that that increase is necessary. A large sum, amounting to something like £4,000, was expended this year in making a grand display by sending some 300 or 400 islanders back to their homes, of whom every single member in this House and elsewhere must have been aware one-half had no desire to be sent out of the country. And this Bill is brought in to replenish a fund which has suffered from this rash and wanton act on the part of the Executive of the day. Then the fees are increased again in clause 6, and the same argument holds good with regard to that increase as to the other. It is a very little matter whether the fees are nominally collected for the purposes of maintaining hospitals, or for generally carrying out the provisions of the Act, because the Government are trying to make the introduction of kanaka labour as difficult as possible, and throw every impediment in the way of the employers of it. Then, again, there is the provision in clause 8 that—

"Notwithstanding anything to the contrary contained in the Intestacy Act of 1877, when an islander dies all moneys which are then to his credit in the Government Savings Bank, or which are received by the Curator of Intestate Estates, shall be paid into the Treasury to the credit of the Pacific Islanders' Fund."

It is all very well to add afterwards—

"But the Minister shall nevertheless apply such moneys, in due course of administration, in payment of any debts due by the deceased islander, and may pay the surplus or any part thereof to any person proved to his satisfaction to be the next of kin or one of the next of kin of the deceased islander."

I should like to know how much of that money will ever go beyond paying the debts of the deceased islander or the Pacific Islanders' Fund. If the cry of justice to the islanders is anything like a truthful one, and the persons who make it really mean what they profess, there might be something in such a provision; but knowing as we do that the whole thing from beginning to end is a piece of political claptrap, we cannot feel at all inclined to entrust the administration of this money to the Ministry of the day—that is, if it is a Ministry that can carry such a measure as this. Clause 11 is one of the most exceptional clauses I have ever seen. It is a direct insult to the magistracy of the colony, especially to those justices of the peace residing in that part of the country where kanakas are employed. I have always thought that men who have been selected as justices of the peace are chosen for the position on account of their integrity and fitness to perform the functions of their office, and I think that such a provision as this, excluding them from adjudicating in cases bearing on kanakas or of breaches of this Bill is an insult to them. I can quite conceive that many justices would be glad not to sit in such cases, and would be willing to see the police magistrate undertake them so that they might avoid even the appearance of being influenced by interested motives in their decisions; but to insert in an Act of Parliament a clause like this, is a stigma upon the justices that is most unjustifiable, and should be resented by the whole magistracy of the colony. I cannot comprehend how such a clause passed the other branch of the Legislature, and if hon. gentlemen are willing to submit to such an enactment they must have very different feelings from those which I entertain with regard to the position of a justice of the peace. As to the 12th clause, which limits the period during which islanders may be introduced into the colony, I look upon it as an act of mercy to all those who may be condemned to suffer by its provisions. We do not keep a prisoner who is condemned to death in suspense from week to week, and month to month, when he knows there is no hope of reprieve, and it is very much better that he should suffer the penalties of the law at once. And the country having decided to inflict a penalty on the persons who employ this kind of labour, I think it is just as well, as an act of mercy, not of justice, to at once put a limit to the period for the introduction of kanakas. I will not oppose the second reading of the measure. It is, however, one which I totally condemn, and when it is in committee I shall take a part in moving such amendments as will make the Bill one that will not be a disgrace to the Statute-book.

The HON. E. B. FORREST said: Hon. gentlemen,—The Hon. T. L. Murray-Prior complimented the Postmaster-General on the brevity of his speech. I take exception to that brevity. I should like some information as to what the Government are likely to do at the end of the five years which is fixed by this measure as the limit of the period for the introduction of Pacific Islanders. It is perfectly true that during the last two or three years—in fact, ever since the present Government have been in office—they have given out that it was their intention to abolish coloured labour as soon as they could; but it is also true that this statement was accompanied by a promise that they would introduce some other description of labour to take its place. Now the Postmaster-General comes down to this House, with a Bill fixing the time when Polynesian labour shall not be allowed to come here, without saying a single syllable as to what the Government will do to supply its place. I certainly think it is due to the House that some explanation should be given—if any can be given—as to what are the intentions of the Government in this matter, particularly as they have led the country to believe that it is a very simple thing to supply the place of coloured labour, and I hope that before the second reading of this measure is disposed of the Postmaster-General will give us some idea as to what the Government are going to do. I think the clause fixing the time after which licenses for the introduction of islanders shall not be granted is the most important one in the whole Bill. As to the clauses referred to by the Hon. F. T. Gregory, increasing the capitation fee from 30s. to £3, and the

hospital fee from 10s. to £1, I think the expenditure in connection with the working of the Polynesian Act has been very much in excess of what it ought to have been; but, at the same time, if it can be shown that this increase is necessary for the satisfactory working of the Act, I do not think any very serious objection can be raised against it. The chief point, however, in the measure—as I have said before—is the provision fixing the time after which no license shall be issued, and I do hope that the Postmaster-General will give us some information as to what the Government propose to do after that period.

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—COMMITTEE.

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

Clauses 5 and 6—"Establishment and constitution of licensing districts," and "Licensing authority"—passed as printed.

On clause 7, as follows :—

"No person who is—

(*a*) A registered spirit merchant or the holder of a licensed victualler's or wine-seller's license, or of a billiard license or bagatelle license; or

(*b*) The owner, landlord, or mortgagee of any house within the district used or licensed for the sale of liquor, or for playing at billiards or bagatelle; or

(*c*) A brewer or distiller; or

(*d*) An officer or agent of any society interested in preventing the sale of liquor; or

(*e*) A director, manager, or officer of a joint-stock company carrying on the business of registered spirit merchants or of brewers or distillers; or

(*f*) A director, manager, or officer of a corporation, joint-stock company, or building society, being mortgagees of any house within the district, used or licensed for the sale of liquor, or for playing at billiards or bagatelle, or in respect of which an application is made for a license under this Act;

shall be appointed or act as a licensing justice.

"Any justice appointed as a licensing justice for a district, who, during his term of office, becomes such owner, landlord, or mortgagee, or an officer or agent of a society interested in preventing the sale of liquor, or a director, manager, or officer of any such corporation, joint-stock company, or building society, as aforesaid, shall immediately cease to be a licensing justice.

"No chairman of a local authority, or justice nominated and appointed in his stead, shall, as a licensing justice, adjudicate in any case arising under this Act in respect of premises situated, or of an offence committed, outside of the boundaries of the municipality or division."

The HON. A. J. THYNNE moved that after the word "bagatelle," in the 3rd line of subsection (*b*), the words "or lease of furniture thereof" be inserted. The object of that amendment was to prevent the holders of bills of sale sitting on the bench, the same as mortgagees of a house.

The POSTMASTER-GENERAL said he thought that amendment ought not to go in the Bill. It would really amount to the constitution of an inquisition if all a man's affairs were to be inquired into to ascertain whether he had a bill of sale over the furniture of a licensed house. A man might be a holder of a bill of sale which was transferred to the fourth, fifth, sixth, or even seventh parties. If that amendment was passed a banker might be prevented from sitting on the bench. The Committee could go too far in legislation, and that amendment was a most inquisitorial sort of suggestion. If that kind of thing was to be introduced into the measure, and they took ten or twelve months to go over every part of it, they could find other things of an equally objectionable nature to introduce into the Bill, and the relations of life would become intolerable. They could go a certain length, but should endeavour to avoid going too far, and he thought the Bill as it was should commend itself to the Committee, without amendments being inserted adding to its unworkableness. Life would become a burden in this country if they went very much further in the direction proposed.

The HON. T. L. MURRAY-PRIOR said he quite agreed with the Postmaster-General that they could over-legislate, and he did not see that there was any necessity for the amendment proposed by the Hon Mr. Thynne. He thought it would be burdening the Bill with too much. By the provisions it already contained, a very large number of justices would be disqualified from sitting on the licensing bench.

The HON. A. J. THYNNE said it was something novel to hear the Postmaster-General object to an amendment on the ground of over-legislation, and say that they were going too far, and attempting to make legislation inquisitorial. It was a remark which might have been left unsaid. Then the hon. gentleman went on to say that the amendment would prevent the manager of a bank, who had lent money in some way on the furniture, from sitting on the bench; but it would have no such effect.

The POSTMASTER-GENERAL: It might.

The HON. A. J. THYNNE said it neither might nor could happen, because the manager was not the bank.

The POSTMASTER-GENERAL: The shareholders.

The HON. A. J. THYNNE: Nor were the shareholders. If it was necessary to exclude the mortgagee, was it not far more necessary to exclude a man who had lent money at a higher rate of interest on the fixtures? The omission had evidently been an oversight, and he moved the amendment to make the clause consistent as far as possible.

The HON. P. MACPHERSON said he could understand why the word "house" was used. The license was given to the house, and not to the furniture.

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

CONTENTS, 12.

The Hons. Sir A. H. Palmer, A. J. Thynne, W. Aplin, W. Pettigrew, W. Graham, W. G. Power, F. H. Hart, W. D. Box, J. C. Foote, E. B. Forrest, J. Cowlishaw, and J. C. Smyth.

NON-CONTENTS, 10.

The Hons. T. Macdonald-Paterson, T. L. Murray-Prior, A. C. Gregory, F. T. Gregory, G. King, P. Macpherson, W. H. Wilson, F. H. Holberton, J. Swan, and A. Raff.

Question resolved in the affirmative.

The HON. A. J. THYNNE moved that the words "or of the lease or furniture thereof" be inserted after the word "bagatelle" in line 26.

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

Clauses 8 to 10, inclusive, passed as printed.

On clause 11 — "Jurisdiction of licensing authority"—

The HON. A. J. THYNNE moved the addition of the following new paragraph :—

A complaint for an offence against this Act may be laid before any justice, whether a licensing justice or not.

He thought it only right, in country places especially, that any magistrate should be capable of taking an information and issuing a summons. Of course the case would be heard afterwards before the proper magistrates.

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

Clauses 12 and 13 passed as printed.

On clause 14, as follows :—

"A quarterly meeting of the licensing authority for each licensing district shall be held at the place appointed for holding the principal court of petty sessions in the district at ten o'clock in the forenoon on the first Wednesday in the months of January, April, July, and October in every year, for the consideration of applications for licenses and certificates, and the renewal, transfer, and removal of licenses, under this Act."

"The police magistrate if he is present shall be the chairman at every such meeting; and in his absence, or in case there is no police magistrate, the justices present shall elect a chairman for the day amongst themselves; and in case of an equality of votes on any question, the chairman shall have a second or casting vote."

The HON. A. J. THYNNE moved the substitution of the word "monthly" for the word "quarterly," on line 43. That amendment, if adopted, would have to be followed by the bulk of the amendments of which he had given notice; and he moved it as a matter of public convenience, with the view of providing for a continuance of the present system of monthly licensing meetings. As several hon. members were present who were not in the House when the Bill was read a second time, he would state the reasons why the amendment should be adopted. In many cases it would be a great hardship to let a license stand over for three months. In case of the death of the licensee, when the widow might not be able to conduct the business properly it would be hard if she were obliged to continue it for three months. Again, in case of insolvency, it would be a great drawback to those who had the winding up of estates if they were obliged to carry on the business—being dependent on servants all the time—for three months. It would be hard if they had to do that before they could transfer the license or realise the business; and if the event happened shortly after the quarterly meeting they would have to wait for that time. It was sometimes a matter of importance to people engaged in the business that they should be able to dispose of an hotel business without unnecessary delay. The present practice had worked very well; there had been no substantial reason given for the proposed change; and he merely wished that the present system of monthly licensing courts should be continued.

The HON. F. H. HOLBERTON said that in Brisbane monthly meetings might possibly be better than quarterly meetings; but, as an old licensing magistrate, he could say that in the country districts monthly meetings were totally useless. There was nothing whatever to do except at the quarterly meetings.

The HON. A. RAFF said he thought the objections stated by the Hon. Mr. Thynne were met by the 54th clause, which provided that in the event of a widow making application the licensing authority might grant her a license, just as if she had been the original applicant.

The HON. SIR A. H. PALMER said it might be a convenience in Brisbane to have monthly meetings; but in the outside districts it would be quite the reverse, for magistrates would be brought great distances and have nothing to do when they met. Nothing had been said to prove that the alteration was required, and it would be a pity to adopt the amendment, because if they did the Bill would have to be amended all through. That would mean a great deal of trouble to very little purpose.

The HON. P. MACPHERSON said the provisions of clause 55 fully met the difficulties pointed out by the Hon. Mr. Thynne, who knew very well that it took more than a month before a widow could come into possession of her husband's estate. The section read thus :—

"Upon the death or insolvency of a licensee or holder of a certificate under this Act, the executor named in the will of such deceased person, or the legal personal representative or nearest of kin of such deceased person, or the Curator of Intestate Estates on his behalf, or the trustee of the estate of such insolvent person, may apply to the police magistrate or any two licensing justices for permission for such executor, or legal personal representative, or Curator of Intestate Estates, or trustee, as the case may be, either by himself or by an agent to be approved by such police magistrate or licensing justices, to carry on the business of such deceased or insolvent person until the end of the term for which the license or certificate was granted.

"Provided that every such application be made forthwith after such death or insolvency."

He did not see why the licensing bench should be called upon to meet once a month even in Brisbane. Surely the applications could not be be numerous as all that! If they were, the business of a publican must be a more thriving one than he thought it was.

The HON. A. J. THYNNE said the amendment was what his practical experience had suggested; but since moving it he had read the clause in the original Bill, and he regretted that his attention had not been called to it before. It was to the effect that the Government might direct, in any district comprising one or more municipalities, special monthly meetings of the licensing authority to be held in addition to the quarterly meetings, and that notification of such direction should appear in the *Government Gazette*. If they replaced that clause the difficulty would be removed, and the difficulty that the Hon. Mr. Holberton had pointed out would be avoided. He would, by leave, withdraw the amendment, because he thought very good objections had been offered against it, and he would ask that later on he might have an opportunity of proposing an amendment restoring the clause to the shape in which it was originally introduced.

Amendment withdrawn, and clause put and passed.

Clauses 15 to 28 passed as printed.

On clause 29, as follows :—

"1. A licensed victualler desirous of obtaining a renewal of his license shall, at least fourteen days before applying for such renewal, deliver to the clerk of petty sessions a notice in writing, and in duplicate, signed by him, and as nearly as may be in the second form in the fourth schedule to this Act.

"2. An applicant having delivered the notice required by this Act, shall be entitled as of course to a certificate for the renewal of his license, unless it is shown to the licensing authority either—

(*a*) That the applicant has become disqualified from holding, or is unfit to hold, a license under this Act, or

(*b*) That the premises in respect of which he holds a license have ceased to fulfil the conditions prescribed by this Act, or

(*c*) That the house is no longer necessary,

or unless the licensing authority is authorised or required under the provisions of the sixth part of this Act to refuse the renewal of the license.

"3. It shall not be necessary for an applicant for the renewal of a license to publish any notice, or to attend at the hearing of his application, unless he is summoned by the licensing authority so to do, or unless notice of objection to a renewal of his license has been duly served upon him.

"4. Applications for the renewal of licenses shall be made to the licensing authority, at the quarterly meeting held in the month of April."

The HON. A. J. THYNNE said in that clause there were three subsections giving the grounds on which an applicant might be refused a renewal of his license, but those grounds were included in section 41, where they were given with greater accuracy. It would be better to leave out the three subsections in the present clause and allow clause 41 to stand as printed. If the Postmaster-General did not approve of the amendment he would not persist in it.

Clause put and passed.

On clause 32, as follows :—

"1. When a licensed victualler desires to remove his business from the licensed premises occupied by him to any other premises in the same or in an adjoining district, he shall deliver to the clerk of petty sessions of the district, or of both districts, as the case may be, and shall publish a notice, as nearly as may be in the fourth form in the fourth schedule to this Act, of his intention to apply for leave so to do. Such notice shall be published in the same manner and at the same times as are hereby required in the case of applications for new licenses, and the like procedure shall be observed as in that case.

"2. Where the licensee is not the owner of the premises from which the license is proposed to be removed, a copy of such notice shall be personally served upon, or sent by registered letter through the post to, such owner, or his recognised agent, within one day from the date thereof; and the licensing authority shall not grant any such application for removal, unless it is proved to their satisfaction either that the owner of the premises in respect of which the license is held is a consenting party thereto, or that such premises have become ruinous, or otherwise not in conformity with the provisions of this Act, and that such owner has refused to make the necessary repairs or improvements thereto.

"3. If the licensing authority grants the application, the authority for such removal shall be given by endorsement on the license as nearly as may be in the second form of the seventh schedule to this Act. If the licensing authority refuses the application, the existing licensee shall not be prejudiced.

"4. Nothing herein contained shall make it obligatory on a licensee who gradually renews the premises in respect of which his license is held, or adds to the accommodation thereof, to apply for a removal of his license, so long as the extent of the accommodation for the public originally provided is not diminished."

The HON. A. J. THYNNE said he proposed to add after line 57, the following words: "or unless the licensing authority shall be of opinion that the site of such premises is not suitable for licensed premises." That was necessary, because the landlord's consent was on other occasions necessary before the removal of a license could be granted; but if the board should happen to be of opinion that the site on which the premises were erected was not suitable, there ought to be some provision by which the licensee ought to be allowed to transfer his license to some other place.

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

Clause 33 passed as printed.

On clause 34, as follows :—

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

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

The HON. A. J. THYNNE said that that was a convenient place to raise a question which ought to be well considered before the Bill passed through committee, and that was whether it was desirable to give licenses to wine-sellers to sell wine other than colonial wine? Why should licensees not be restricted to selling Queensland wines, or, at any rate, the wines produced in some of the Australian colonies? If they granted licenses for the sale of all European and foreign wines, where was the line to be drawn? It was very difficult indeed to distinguish between some foreign wines and some of those drinkables which came under the head of spirits. Why should they encourage the people to cultivate a taste for foreign wines, when there were excellent wines produced within the colony? In many respects the matter was one that ought to be well considered before they finally passed the Bill.

Clause put and passed.

Clause 35 passed as printed.

On clause 36, as follows :—

"1. The police magistrate or any two licensing justices may grant to any licensed victualler or wine-seller an authority, in the fourth form of the seventh schedule to this Act, and for a term to be specified therein, to exercise all the privileges conferred by his license, at any public industrial, artistic, or scientific exhibition or at any public race meeting, regatta, cricket match, rifle match, meeting for athletic or other sports, encampment, fair, bazaar, or other lawful place of public amusement within the district.

"2. Notice of any such application shall be given to the inspector two clear days before it is made; and the police magistrate, or licensing justices, shall hear any lawful objection that may be made by the inspector or any other person to the granting of such authority, at the time when the application is made.

"3. Such authority shall be for a period not exceeding in the whole seven days; it shall not, unless specially authorised by the Minister, be given for any place more than five miles distant from the premises in respect of which the license held by the applicant is granted; and shall be subject to any conditions and provisions imposed by the justices by whom it is granted."

The HON. A. J. THYNNE moved that the words "or resort" be inserted after the word "amusement," in the last line of the first paragraph, so that it might read "or other lawful place of public amusement or resort within the district."

The POSTMASTER-GENERAL said he did not think it was desirable to insert the word "resort." There were some places of resort in this city which were not very creditable ones, and it was not desirable that power should be given to grant even temporary licenses to such places. Again, there might be a place in the middle of a road where people consorted together, but hon. members would scarcely say that an application for putting a booth there should be granted by the licensing authority. The word "resort" was too general, and might on occasions admit of an interpretation that would not be conducive to the comfort, or health, or the moral or physical well-being of the people who resorted to a "resort." He thought the clause would be better as it stood.

The HON. A. J. THYNNE said he did not quite see the force of the objection made by the Postmaster-General. The amendment would simply enable the licensing authority to grant the privilege of opening a temporary booth at places where there was a lawful public assemblage or which were lawful public resorts. There were a great many such places besides places of amusement, as, for instance, land sales, and other cases that might be mentioned, and he did not see why the permission to exercise the privileges of a licensee should not be granted in one case as well as in the other.

The HON. P. MACPHERSON said that a place of public resort might be the Legislative Assembly.

Amendment put and negatived.

The HON. A. J. THYNNE said he had another amendment to propose in that clause. He moved that all the words after the word "days," in the second line of the third paragraph, to the word "granted," in the last line but two, be omitted. His reason for submitting that amendment was that he thought it was altogether out of place to trouble a Minister with the question as to the locality in which a temporary license for a few days should be granted.

The POSTMASTER-GENERAL said that a great many matters of less moment than that came before Ministers. He thought the licensing justices should have power to grant such licenses as those contemplated in that clause, but unless specially authorised by the Minister facilities should not be given to grant a license for a place more than five miles distant from the premises in respect to which the license existed. If a person applied for a license for a place beyond that distance, say fifteen or twenty miles away, the matter should, he thought, be referred to the Minister. He would oppose the amendment.

The HON. SIR A. H. PALMER said he thought the amendment was a very good one. If the licensing justices were fit to grant licenses at all surely they were fit to decide whether a license should be granted to an applicant for a place five miles away from his licensed house. The idea of troubling a Minister about the matter was one of the most absurd things he had ever heard of, and he would guarantee that no Minister he ever knew would deal with a matter of that kind, but would send it back to the justices and leave them to do as they liked. The clause, with that struck out, gave the licensing justices power to grant a license subject to such conditions as they might impose, and he thought the matter should be left to them. Take for instance the encampment at Lytton. Were the licensing justices not to grant a man in Brisbane the power to transfer his license there without referring the matter to the Minister? The idea was absurd.

The HON. A. C. GREGORY said he thought the amendment was desirable because, unless some alteration was made in the clause, which was inconsistent with itself, they would be compelled to put a forced interpretation upon it. The forced interpretation would be that the Minister was to give special authority in particular instances to the board to grant a temporary license, and then the license was to be subject to any provisions and conditions imposed by the justices by whom it was granted. There appeared, therefore, to be two inconsistent provisions in the clause, and one of them should be eliminated. As to the question of granting licenses to places more than five miles distant from the premises of the applicant, they knew that a great number of the racecourses in this colony were more than five miles distant from a large number of hotels in the licensing district. Take for instance the Eagle Farm Racecourse. There were some parts of Brisbane which were more than five miles distant from that course, and if they went to country places they would find that it was a very common thing for a racecourse to be at a considerable distance from the town, because the people could not get suitable land in the town. Therefore he thought the restriction to five miles was undesirable; and the worst of it was, if they allowed it to pass, the difficulty would not be found out until it was too late. He thought it was far better to adopt the amendment, as it would do away with the incompleteness of the clause and improve it in every respect.

The HON. P. MACPHERSON said he thought the amendment was a very good one, and that the clause would read all the better with the aid of it. The less a Minister interfered with what were properly the functions of justices the better.

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

Clauses 37 to 39, inclusive, passed as printed.

On clause 40, as follows:—

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

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

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

(*c*) An inspector; and

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

The HON. A. J. THYNNE said he thought that the ratepayers were not the only people who should be empowered to make objections to the granting of licenses. They must remember that, according to the present construction of the word "ratepayer," the bulk of property-owners would be excluded from exercising the right conferred by that clause, because under the Local Government Act the ratepayers, as a rule, were the occupiers; so that unless the owners of property were also the occupiers they could not become ratepayers. He did not think the clause was intended to debar such persons from objecting to a new license or the renewal of an old one, but that would be its effect in many instances. He therefore moved that after the word "elsewhere," at the end of subsection (*b*), there be inserted the words "or any leaseholder, householder, or resident within such respective distances," so as to enable those people to lodge objections to the granting of licenses.

The POSTMASTER-GENERAL said he must say that it would have been better had the amendments proposed by the hon. gentleman been in the hands of hon. members a little earlier. He thought they would have been circulated the previous day, as timely notice had been given of the intention to propose them. It was really impossible to weigh them as carefully instanter as they would have been weighed if they had had them in their hands the previous day. He took exception to the amendment with reference to the word "resident." How did the hon. gentleman propose to define "resident"? For the purpose of coming within that provision a man might live in the district for a few days anterior to taking action in reference to the granting of a license. Personally, he had no objection to the words "householder" and "leaseholder" being inserted, but he had some difficulty with regard to the word "resident," and being unable to satisfy himself in that respect it was his duty to oppose the amendment—at any rate, for the purpose of delay, in order to allow further consideration of the matter, as the amendment now came before him for the first time. He hoped hon. gentlemen would be able to throw some light on the subject; and if they thought it was desirable to include "resident," and it could be done in such a way as to prevent abuses, the matter would be considered by him on behalf of the Government.

The HON. A. J. THYNNE said that as the Postmaster-General desired further time to consider the matter he had no objection to the amendment standing over. It might, perhaps, be well to insert the word "freeholder" before the word "leaseholder." With the permission of the Committee he would withdraw his amendment and move it in another form, omitting any reference to residence—the definition of which would entail some difficulty.

Amendment, by leave, withdrawn.

The HON. A. J. THYNNE moved that the words "or any freeholder, leaseholder, or householder, within such respective distances" be inserted after the word "elsewhere" in line 50.

Amendment put and passed.

The HON. A. J. THYNNE moved the addition of the following new subsection :—

(e) The signatures to every petition shall be verified by oath of some one or more petitioners.

It had been a source of complaint on many occasions that petitions had been presented to courts and other places with fraudulent signatures; and now petitions were being introduced into legal procedure it was well to guard against the abuse of the privilege by providing that the signatures should be sworn to, either in open court or by affidavit.

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

On clause 41, as follows :—

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

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

The HON. A. J. THYNNE moved that the words "two or more offences" be substituted for the words "an offence" on line 14.

Amendment put and passed.

The HON. A. J. THYNNE moved that the words "residents in or travellers through" be inserted after the word "of" on line 18. The effect of the amendment would be that it would be a matter for consideration with the licensing authority, when objection was taken, whether the reasonable requirements of the residents in, or travellers through, a neighbourhood did not justify the granting of a license.

The HON. W. PETTIGREW said he thought that was a matter that might reasonably receive a little attention at the hands of the Committee. Why should people who were not connected with a particular neighbourhood be able to override the wishes of the general residents? He objected to the amendment.

The HON. A. J. THYNNE said when magistrates had to consider whether a licensed house was required, they should not merely consider the requirements of the people who resided in the immediate neighbourhood, but, if the house proposed to be licensed was on the main road, they should take into consideration the requirements of the people who would be likely to travel that way. That was the question which the amendment would bring under the notice of the magistrates. On the Gympie road, for instance, a good many travellers had to go on foot, and the reasonable requirements of the neighbourhood itself might be very small indeed, but at the same time there might be a large number of people who would require accommodation, which was indispensable. It would be well if the magistrates could take that point into their consideration when deciding to grant a license or not.

The HON. W. PETTIGREW said he knew something of the Gympie road, and he should like to know why a public-house should be foisted upon the people who did not want it. He considered a public-house amongst a number of people was a downright and absolute nuisance; travellers could get all they wanted, except grog, on the road. He did not see why a number of public-houses should be thrust upon the people, to make drunkards of men who had not much control over themselves. He knew, to his own cost, that a number of people on the Gympie road had suffered through the existence of too many public-houses. He could refer to two men in that locality who had been ruined by drink and nothing else. There were too many public-houses on the Gympie road already—three in a very short distance, where one would be quite sufficient for all the requirements of travellers.

The HON. A. J. THYNNE said if licensing authorities were to be trusted at all with the granting of licenses, surely they could be trusted to decide the question whether in a particular locality a house was required or not, and if there were a large number of people passing along the road their requirements should be taken into consideration. If the licensing benches were not to be trusted that far, then they had better cease to exist.

The HON. W. PETTIGREW said the clause as it stood was quite sufficient for all purposes; and he objected to anything further going into it.

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

Clauses 42 to 46 passed as printed.

On clause 47, as follows :—

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

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

The HON. A. J. THYNNE said the preceding section stated what objections might be taken, but there was nothing in the Bill to show what course the magistrates should take if the objections were not sustained. He would move a new paragraph to the following effect :—

Unless some one or more objections hereinbefore-mentioned are sustained the licenses shall be granted.

The HON. A. RAFF said that, with all due deference to the hon. member, he did not see how the amendment would improve the Bill. The justices might for other reasons withhold a license, and, according to the amendment, if the objections were not sustained they had no alternative but to grant the license.

The HON. SIR A. H. PALMER said he agreed with the Hon. Mr. Raff that the clause was better without the amendment.

The HON. A. J. THYNNE said as hon. gentlemen did not seem to approve of the amendment, he would not press it.

Amendment withdrawn; and clause put and passed.

On clause 48, as follows:—

"When a license, or the renewal, removal, or transfer of a license, is refused, the chairman shall pronounce the decision in open court, and shall state the grounds of the refusal."

The HON. A. J. THYNNE moved the addition of the following words to the end of the clause: "and shall record the same in the proceedings of the court." It was necessary that some such course should be taken, because the effect might be that subsequent applicants might have to depend on the recollection of what had been stated as the ground of refusal of a particular application for a license. In some cases a man was not allowed to make application for a certain period if certain objections were sustained against him. He knew of instances where difficulty had arisen through the fact of people applying for licenses not knowing the grounds on which their applications were refused previously, and having no means of ascertaining the grounds.

The HON. P. MACPHERSON said he would like to ask the Hon. Mr. Thynne what proceedings of the court he referred to?

The HON. A. J. THYNNE said there was the application, the inspector's report, and other reports connected with the matters before the court; and this, he presumed, would constitute the proceedings of the court.

The HON. T. L. MURRAY-PRIOR said he thought it would be better to leave the matter in the hands of the justices.

The HON. A. J. THYNNE said there was a part of the Bill which prevented the making of applications by persons who had been refused on certain grounds. In order to meet that he thought there ought to be a formal record of each refusal which had been made.

The POSTMASTER-GENERAL said he thought it was quite sufficient that the ground of refusal should be stated publicly. With reference to former applications, those interested, he thought, would have a very good recollection of the ground on which the licenses were refused. He did not like to make it incumbent upon the justices to record the grounds of refusal in the proceedings of the court.

The HON. A. J. THYNNE said the amendment was suggested to him by a case that absolutely occurred. The justices came to a certain conclusion; their real intention was misunderstood, and the parties interested had no means of ascertaining their real position. They were afterwards very much disappointed in finding that the decision was not what they thought it was, and they were affected pecuniarily to a great extent.

The HON. SIR A. H. PALMER said the hon. member forgot that hitherto justices had not to give any reasons for their refusal to grant a license.

The HON. A. J. THYNNE said the magistrates in the case he had mentioned stated that they would refuse the license after the end of the year. The parties interested thought the objection was against the house itself, and they spent some money in improving it and making it suitable for occupation. The fact was, the justices had decided that they would not renew the license, because they did not consider the locality a suitable one for a public-house.

The HON. J. COWLISHAW said if the applicant had been told that the license would not be granted he could not have been put to any additional expense.

The HON. A. C. GREGORY said he was also aware of a case where the bench gave their decision verbally, and through a misapprehension the lessee was put to much trouble and expense. The bench found that they were inflicting so much hardship that they granted the license contrary to their intention. He thought that some provision of the kind suggested might be inserted in the Bill. He would suggest that the following words be substituted for the amendment before the Committee: "and shall cause the same to be entered on the records of the court." That would meet the case.

The HON. A. J. THYNNE said he would accept the hon. member's suggestion if it was acceptable to the Committee.

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

Clauses 49 to 52, inclusive, passed as printed.

On clause 53, as follows:—

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

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

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

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

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

For a packet license, or renewal of a packet license, five pounds for every two hundred tons or part of two hundred tons of the registered tonnage of the vessel, but not exceeding twenty pounds;

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

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

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

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

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

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

The HON. A. J. THYNNE said, that although he had given no notice of any amendment in that clause, he thought it was desirable to call the attention of the Committee to the fee fixed for the wine-seller's license. From representations made to him that day, he believed that the wine-growers of this colony thought the license-fee was rather hard upon them as colonial wine-growers. It was originally proposed in the measure that the license-fee should be £5; but, since it had been introduced in another place, the amount had been raised to £10. If the wine-seller's license was a general license to sell colonial and imported wine, perhaps the fee was not too high, as the wine-seller would be able to compete with the publican in something more than the produce of his own vineyard. If the Committee was inclined to adhere to the original idea, and thought it well to limit the fee to £5, it would be desirable to propose an amendment to that effect, but, at present, he simply called attention to the matter in order that it might be discussed.

The HON. SIR A. H. PALMER said he would like very much to see the fee for wine

licenses increased. He did not think it was fair to the publican that a wine-seller's license fee should be only one-third of that which had to be paid by the licensed victualler. Hon. members might depend upon it that there would be more drunkards in the wine-shops than in the public-houses in the neighbourhood. He had had experience of it in New South Wales. The wine-shops were nothing but shanties, and every other one was a grog-shop. He was sorry it was proposed to grant wine-seller's licenses at all, other than in the case of wine-growers. He would never agree to the license fee being reduced, but he would like to see it increased.

Clause put and passed.

Clause 54—"License may be granted to widow of applicant"—put and passed.

On clause 55, as follows :—

"Upon the death or insolvency of a licensee or holder of a certificate under this Act, the executor named in the will of such deceased person, or the legal personal representative or nearest of kin of such deceased person, or the Curator of Intestate Estates on his behalf, or the trustee of the estate of such insolvent person, may apply to the police magistrate or any two licensing justices, for permission for such executor, or legal personal representative, or Curator of Intestate Estates, or trustee, as the case may be, either by himself, or by an agent to be approved by such police magistrate or licensing justices, to carry on the business of such deceased or insolvent person, until the end of the term for which the license or certificate was granted.

"Provided that every such application be made forthwith after such death or insolvency, otherwise the license shall become and be void.

"Every such certificate of permission shall be as nearly as may be in such one of the seventh and eighth forms in the seventh schedule to this Act as may be applicable; and the grantee thereof shall be subject to the provisions of this Act, in the same manner as the original licensee or holder of a certificate would have been."

The HON. A. J. THYNNE said the first part of the clause allowed the Curator of Intestate Estates, or other legal representative of a person, to change his agent from time to time, and he therefore thought it was desirable to amend the clause so as to give them the power to remove such agents. He moved that the following words be added at the end of the first paragraph, namely, "Any such agent may, from time to time, be removed, and another appointed, subject to the like approval."

The HON. P. MACPHERSON said he thought there was scarcely any necessity for that amendment. The power to appoint an agent, he had always understood, implied authority to remove that agent.

The HON. A. J. THYNNE said that if the hon. gentleman would look at the following line he would see what suggested the amendment to him. It was there stated that every such application should be made "forthwith after such death or insolvency, otherwise the license shall become and be void." That limited the parties to one application, and it must be made immediately after the death or insolvency of the licensee. Perhaps, however, the amendment was in the wrong place, and would be better at the end of the second paragraph, and he would withdraw it for the present, as he wished to propose a modification of the word "forthwith," in the second paragraph.

Amendment, by leave, withdrawn.

The HON. A. J. THYNNE moved that the word "forthwith" in the second paragraph be omitted, with the view of inserting the words "as soon as practicable." The word "forthwith" was used in a technical sense, and meant the very day after, and it would be impossible to make an application within that time in many instances. Hon. members knew that the central trustee was in Brisbane, and in the case of a person in the country, it would perhaps be impossible for him to make his application to the local licensing authority within a week or ten days after the death of the licensee.

The HON. P. MACPHERSON said he considered the amendment a very reasonable one. He could scarcely see how an executor under a will could "forthwith" apply for the necessary permission to carry on the business. The executor could not apply until probate of the will was granted, and a probate was not granted "forthwith."

The POSTMASTER-GENERAL said the word "forthwith" meant as soon as practicable—as soon as it could be done. If an agent was not appointed immediately, what would become of the estate in the interim between the death of a licensee and the obtaining of the probate or letters of administration? The business must be carried on, and it was right that someone should be acknowledged as head of the business. He had never heard of any case of hardship arising under such a provision as that contained in the clause. Indeed it was in the interest of the personal representatives of a deceased licensee or the creditors of an insolvent that some one should be appointed to manage the estate as soon as possible. He would not oppose the amendment, but he submitted that the word "forthwith" was a better word for the clause, and for the circumstances to which it related; and that it would be a benefit to all parties concerned to retain it.

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

CONTENTS, 10.

The Hons. Sir A. H. Palmer, T. Macdonald-Paterson, W. Pettigrew, J. Swan, F. H. Holberton, J. C. Foote, A. Raff, T. L. Murray-Prior, G. King, and J. Cowlishaw.

NON-CONTENTS, 5.

The Hons. A. C. Gregory, A. J. Thynne, P. Macpherson, W. Aplin, and W. G. Power.

Question resolved in the affirmative; and clause passed as printed.

Clauses 56 to 58, inclusive, passed as printed.

On clause 59, as follows :—

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

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

The HON. A. J. THYNNE said that the second paragraph, which directed the Registrar-General to take notice of certain official documents, should not be in the Bill at all, and he therefore moved that it be omitted.

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

Clauses 60 to 66, inclusive, passed as printed.

On clause 67, as follows :—

"Any licensed victualler or wine-seller who—

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

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

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

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

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

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

The HON. A. RAFF said he wished to call the attention of the Committee to the small penalty attached to a publican giving drink to the blacks—for the first offence £5, and for the second, or any subsequent offence, not more than £10 or less than £3. He knew that publicans did give drink to the blacks to a large extent, and he knew of two cases of murder which had been traced to drink being supplied to the blacks by publicans. The penalty provided was altogether inadequate to the offence, and he moved as an amendment that all the words after the word "second," in the 57th line, be omitted with the view of inserting the words "and for a subsequent offence the publican be deprived of his license."

The POSTMASTER-GENERAL said he trusted the hon. gentleman would not press his amendment, because it would be productive of great hardship. They all knew of recent instances in which publicans had been summoned for supplying liquor to Polynesians, while the publicans were entirely ignorant of the matter. Their servants had unwittingly, without any knowledge of doing what was wrong, supplied Polynesians with liquor. He believed that the greater number of publicans—if not the whole of them—were not desirous of supplying the persons enumerated in the clause with liquor. He had a much higher opinion of them than that, and he knew personally of more cases where they had declined to supply such persons with drink than where they could be got to do so. It would be very hard if a publican were subjected to the loss of his license for a second offence. He believed the cure for such offences was to be found in the Bill. They knew that the license was an annual one: the clause was intended to deal with cases that might come up during the twelve months. If a licensee broke the law, and was convicted so frequently as to bring himself under the notice of the licensing authorities, he would stand a poor chance of getting a renewal of his license. If the Committee believed that what the Hon. Mr. Raff desired would not be achieved by the other provisions of the Bill, they would, no doubt, support the amendment; but the Bill sufficiently provided for any wilful "habit and repute"—as it was termed in his country—of breaking the law, and he hoped the hon. gentleman would withdraw his amendment.

The HON. A. J. THYNNE said it would be a pity to make the clause any harder than it was already, because the harder they made penalties the more difficult it would be to get convictions. If they said that a license should be absolutely forfeited for a second offence the hotelkeeper would be in the power, to a great extent, of people who would make their living by entrapping publicans into a second offence unwittingly, and thus the prospects of the publican would be ruined. He thought the Postmaster-General had pointed out the remedy for repetitions of the offence, and he would point out to the Committee that the clerk of petty sessions was obliged to bring to the notice of the bench any offence which had been proved against the applicant for a license. He thought the action of the bench in Brisbane, on some recent occasions, when publicans were convicted during the year of supplying liquor to Polynesians and aboriginals, had had the effect of stopping that kind of trade in Brisbane.

The HON. A. RAFF said he had no wish, by his amendment, to put any respectable licensee to inconvenience. He moved the amendment because he knew that no penalty would prevent some publicans from supplying aboriginals with drink, and that it was only the fear of losing the license that would prevent them doing so. However, if the Committee thought it would do an injury to others he would withdraw his amendment.

Amendment, by leave, withdrawn; and clause passed as printed.

Clauses 68 and 69 passed as printed.

On clause 70, as follows:—

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

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

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

The HON. A. J. THYNNE said he had some amendments to move with the view of extending the operation of the clause as much as possible. He wished first to move the insertion of the words "in consequence of" after the word "by," in line 26.

The HON. P. MACPHERSON said he did not see the necessity for the amendment. "By the excessive use of liquor" meant "in consequence of the excessive use of liquor."

The POSTMASTER-GENERAL said he could not see the effect of the amendment clearly. A person did not waste his substance or means after it was all over, and a man could not get drunk unless by the excessive use of liquor. He thought the clause was very much better as it stood. "A man was killed by a fall" was the same as saying "a man was killed in consequence of a fall"; "a ship was wrecked by running on a rock" and "a ship was wrecked in consequence of running on a rock" meant the same thing. He should like to hear from the hon. gentleman how the amendment would harmonise with the clause.

The HON. A. J. THYNNE said the wording of the clause was the wording adopted in the clause at present in force. There was a very material difference between the two things. A man mis-spent or wasted his estate by the excessive use of liquor to the extent of the money he spent in the liquor, but a man could waste and mis-spend his estate in consequence of the excessive use of liquor by throwing away his money or putting it in the fire, as was very often done by drunken men. It was in view of that that he had endeavoured to extend that very important clause so as to prevent a man doing more mischief than he ought to be allowed to do. There was a great distinction between the actual outlay on drink and the waste consequent upon the excessive use of drink.

Amendment agreed to.

The HON. A. J. THYNNE moved that in line 27, after the word "health," the following words be inserted: "or injures or endangers the health of any other person." He proposed to move that amendment, because he had seen many instances where men giving way to excessive drink had done irreparable injury to those about them and destroyed and ruined the health of their relatives. Especially that might be seen in the case of grown up children of drunkards who had their constitutions and health ruined in consequence of their parent. He thought it was time that unfortunate women and children who were obliged to live with men given to the excessive use of liquor should have every power of preventing mischief being done.

Amendment agreed to.

The HON. A. J. THYNNE moved in line 31, after the word "Act," the words "and all other persons" be inserted.

Amendment agreed to.

The HON. A. J. THYNNE moved the omission on the same line of the words "to sell," with a view of inserting the words "to give, sell, or supply." His object in moving that was that the third subsection might subsequently be omitted.

The HON. SIR A. H. PALMER said it appeared to him that the Committee were improving the clause off the face of the earth. As the clause stood now, any person outside the district might supply a prohibited person with liquor. The clause only applied so long as the person who had been prohibited stayed in the district.

The HON. A. J. THYNNE said when a prohibition had been made public in the papers circulating in a certain locality, it would not be a fair thing to render persons beyond the circulation of the paper liable to punishment if they had not taken notice of the prohibition order; but the licensing districts were pretty large, and a person in Brisbane who rendered himself liable to be brought under the operation of the clause would have to go a long way to get out of the reach of the prohibition. If he went to any other part of the colony the fact of the prohibition having been granted would be of great assistance to his friends and relatives to get it extended to the district where he had removed to.

The HON. J. COWLISHAW said the question was whether they could prevent persons not dealing in liquor from giving it away in charity.

Amendment agreed to.

On the motion of the HON. A. J. THYNNE, the clause was further amended by omitting, in line 33, the word "licensee" and inserting the word "person," and by omitting the last subsection.

On clause 71—"Limitation of action for liquor sold"—

The HON. A. J. THYNNE said they had now reached a part of the Bill up to which he had been able to give the individual clauses some attention. He had gone carefully through all the clauses up to and including clause 70. He had not gone any further. He did not know whether any other hon. member had done so. He did not think there was anything of very serious import in the following parts of the Bill, until they reached clause 113; but it was due to himself to state that he had not had an opportunity of giving the same attention to the remaining parts of the Bill as he had given to the previous parts of it.

Clause put and passed.

Clauses 72 and 73 passed as printed.

On clause 74, as follows:—

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

The HON. SIR A. H. PALMER said, was it intended to make a traveller travel with only one horse? There was only provision made for one horse, and most people now-a-days travelled with two or three.

The HON. A. J. THYNNE said that was no doubt a very practical difficulty that the Hon. Sir A. H. Palmer had raised. The question was, should a limit be put upon the number of horses a publican was bound to provide accommodation for? Suppose a man was travelling with a number of horses, was the unfortunate publican in time of drought to be expected to supply provender for all of them?

The HON. SIR A. H. PALMER said the hon. gentleman could never have travelled with a mob of horses, or he would hardly suppose that anyone would think of applying to a publican for accommodation for them. The price of the mob would very quickly be swallowed up.

The HON. P. MACPHERSON said by the provisions of the Acts Shortening Act the singular included the plural, and with all respect to the Hon. Sir A. H. Palmer, he thought the word "horse" provided all that was necessary.

The POSTMASTER-GENERAL said he apprehended that if a dozen travellers reached a country inn, each having one horse, the publican would be at his wit's end to know how to provide for them. No licensed publican would think for a moment of refusing accommodation for a number of horses if he had it. They had provided in previous parts of the Bill that town and country licensed houses should contain a certain number of rooms, and if a publican had not sufficient room for all the travellers requiring accommodation, how could he find it. He thought that more care ought to be taken of the travellers themselves than the horses.

The HON. T. L. MURRAY-PRIOR said he agreed with the Hon. P. Macpherson that the Acts Shortening Act provided for the difficulty, but at the same time perhaps it would be as well to substitute the word "horses" for the word "horse" in the present instance. Although he quite agreed with that amendment, he did not agree so thoroughly in some of the amendments made in clause 70. The Hon. Mr. Thynne's intentions were no doubt good, but it occurred to him that most of the amendments made were verbal ones, the clause as it originally stood being almost of the same effect as the amended clause. He could not help thinking that it would be better where only verbal amendments could be suggested, to leave the different clauses as they stood in the Bill.

The HON. A. J. THYNNE said the Hon. T. L. Murray-Prior misunderstood the effect of his amendments on clause 70. They were certainly very material amendments, and, in his opinion, were an improvement on the Bill.

The HON. T. L. MURRAY-PRIOR said he had no doubt the intentions of his hon. friend were good, but not being a lawyer himself he was unable to see their effect. At the same time, he had merely given his opinion. He thought, when the Bill came before them, it was well to make as little alteration as possible, unless the alterations were important and effectual.

Clauses 75 to 89, inclusive, passed as printed.

On clause 90, as follows :—

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

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

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

The HON. A. J. THYNNE said that was a very important part of the Bill, and it was not getting the consideration it ought to receive. The provisions of that section were for the protection of the public against adulteration. The Committee ought also to see that some provision was made with respect to the examination of adulterated liquors which should ensure public confidence in the way the examinations were conducted. There was one paragraph in the report of the Government Analyst, which struck him at the time he read it as being a most peculiar one. He had not the report by him, but, as far as he could remember, it was therein stated that one sample of liquor contained traces of strychnine, while other samples from the same place contained nothing of the kind. The only conclusion that one could arrive at from those extraordinary circumstances was that the bottle into which the liquor had been poured—either by the officer who got the sample or by somebody else—contained poison. For his own part he should feel very great difficulty in believing in the correctness of the other analysis after such an occurrence as that. He did not mean to say that the Government Analyst was wrong in his analysis, but if it was possible in the one instance—as was very properly pointed out in the report of the Government Analyst—that poisonous ingredients could be got into one bottle after the liquor was purchased, the same thing might occur in other instances. That was a very serious matter for the Committee to consider. If the officer of the Government—he did not mean the Government Analyst, of course—was capable of using a bottle which contained traces of poison, as a receptacle for liquor, he was not fit for the position, and by his conduct he threw a doubt on the truth and correctness of the whole proceedings of the department to which he belonged. The Committee were now passing a number of clauses which were of great importance, and he considered that, in view of the circumstances mentioned in the report he had referred to, they should give them more consideration.

The HON. W. G. POWER said that they had come to a part of a Bill that required very careful consideration. In the Sale of Food and Drugs Act there was a clause providing that an officer taking a sample from a person, whose goods he was going to get analysed, should divide it, and that one part should be sealed up in order that if there was any dispute as to the analysis of the sample there might be a subsequent examination. He did not see any provision for such an arrangement in that Bill, and he thought there ought to be some such provision.

The HON. A. C. GREGORY said that clause 90 certainly seemed too exceedingly crude and extraordinary in its construction, and he hardly thought they could amend it in any way. When they saw that extract of logwood and alum, which the publican up country ought to have to keep his water clear, were put down as deleterious compounds, he thought it would be admitted that the clause had not received the most careful consideration. He imagined that if a man mixed alum or copperas—which was a compound of iron, and not copper, as some supposed—with his liquor, he would not be able to sell it afterwards. At the same time, he did not see how they could amend the clause. It was better to leave it as it stood. He thought, however, that there should be better provision made for the protection of the licensed victualler against improper proceedings in the analysis of his liquors, because they knew that when a person commenced proceedings against a man for an infringement of the law he did not always hesitate to falsify the case in order that his proceedings might be justified.

The HON. A. J. THYNNE said he thought that part of the Bill ought to be kept over for further consideration. It seemed to him that they were rushing through provisions which were of very material importance, and he thought they were not doing their duty in allowing them to pass without very careful scrutiny. In the remarks he had made about the Government Analyst's report he found that he had not been quite accurate in his recollection. The paragraph to which he referred read as follows :—

"The sample of gin in which strychnine was found came from a private individual, through Mr. Waters, Inspector of Distilleries; but two other samples of gin from the same public-house, and said to be the same spirit, which were procured by another person, contained no trace of poison."

Of course it was some time since he had read the report, and his recollection of it was not quite accurate. It appeared that instead of the liquor having been obtained by a Government officer it was obtained by some private individual. But if a private individual was capable of putting strychnine into gin, or rather gin into a strychnine bottle, and intended that sample to be used in a prosecution against a hotelkeeper, they ought to be very careful indeed to see that some clause was inserted in the Bill to prevent improper results occurring. It was a serious thing for a man to be accused of the offence of poisoning his liquor when he was not guilty, and it was a serious responsibility for hon. members to incur to allow clauses which might permit a thing of that kind to pass without proper consideration. He thought that part of the measure should be allowed to stand over for further consideration.

The HON. A. C. GREGORY said that on looking at the report of the Government Analyst there were doubts in his mind as to the accuracy of other parts of the report, when he saw that "three rums contained from 116 to 126 per cent. of proof spirit." Proof spirit was 50 per cent. of alcohol, and he could not understand why 20 or 30 per. cent over-proof should be considered an objection, as it seemed to be. As proof spirit was as nearly as possible 50 per cent. of alcohol, if the liquor was all alcohol it would be 200 per cent. proof spirit.

The HON. W. G. POWER said that, as he had remarked a few minutes previously, it was provided in the Sale of Food and Drugs Act, section 19, that—

"The person purchasing any article with the intention of submitting the same to analysis shall, after the purchase has been completed, forthwith notify to the seller or his agent selling the article his intention to have the same analysed by the public analyst, or by a Government analyst, as the case may be, and shall offer to divide the article into three parts to be then and there separated, and each part to be marked and sealed or fastened up in such manner as its nature permits, and shall, if required to do so proceed accordingly, and shall deliver one of the parts to the seller or his agent."

In order to give the Committee time to consider that matter, he moved that the Chairman leave the chair, report progress, and ask leave to sit again.

Question—That the Chairman leave the chair, report progress, and ask leave to sit again—put and negatived.

Clauses put and passed.

Clauses 91 to 93, inclusive, passed as printed.

On clause 94—"Disposal of property left by lodgers on licensed victuallers' premises"—

The HON. A. J. THYNNE said that if an hotelkeeper happened to have a horse left on his hands for three months the horse would go a long way towards eating his own worth if kept in proper condition. He thought that was too long a time to compel the publican to keep a horse left by a lodger.

Clause put and passed.

Clauses 95 to 104, inclusive, passed as printed.

On clause 105—"Sale of wine without a license unlawful"—

The HON. A. C. GREGORY said that by clause 60 a person selling colonial wine was not under the operation of the Act, because the clause enacted, among other things, that nothing in the Act should, unless specially otherwise declared, apply to any person who sold cider or perry made by him from apples, pears, or other fruit, the growth of the colony, and not to be drunk on the premises. It was just as well to call attention to the matter now, because if the Bill were left in an imperfect state it would be liable to evasion.

Clause put and passed.

Clause 106—"Penalty for selling wine without a license"—passed as printed.

On clause 107, as follows :—

"Any wine-seller who sells, delivers, or otherwise disposes of, or permits to be consumed on his premises, any fermented or spirituous liquor other than wine, shall be liable to a penalty not exceeding thirty pounds and not less than ten pounds, and his license shall be cancelled, and all wines and other liquors found on his premises shall be forfeited."

The HON. A. J. THYNNE said the clause was a very strong one. If a wine-seller happened to be convicted on account of his servants supplying anyone with anything but wine the whole of his year's accumulation of wines would be liable to forfeiture, and that might be the ruin of the man. It was well known that colonial wine was very often fortified with spirit made from the grape, and such wine was often quite as intoxicating and much worse in its effects in other respects than any liquor sold by publicans. If a wine-seller were caught napping, and found selling wine in respect to which there was a difference of opinion as to the quantity of spirit contained, he would be liable to the penalties named in the clause. He should be sorry to make any alteration which would have the effect of allowing wine-sellers to abuse their privileges; at the same time, he did not think that a man's stock of wines—perhaps the result of three or four years' capital and labour—should be forfeited through what might be no fault of his own. That was too drastic a remedy for the evil against which it was intended to provide.

The HON. T. L. MURRAY-PRIOR said that any person who had so much wine would scarcely run the risk of losing all his stock by selling what was not wine.

The HON. A. J. THYNNE said that there was no definition of "wine" in the Bill. It was well known that colonial wine partly consisted of spirit, which was introduced partly for the purpose of fortifying it and partly to prevent it from going bad. Wine-growers were allowed to have stills on their premises for the purpose of making that spirit; yet it was intended to provide that the wine-seller should lose the whole of his property if convicted—and the conviction might be secured by means of false statements—of selling any liquor other than wine. They should hesitate before passing such a severe provision.

The HON. W. G. POWER asked whether a man who sold ginger-beer would be guilty of an offence against the clause. Ginger-beer was a fermented liquor.

The HON. P. MACPHERSON said he did not think ginger-beer would be regarded as a fermented liquor under the Act, because "liquor" meant any fluid capable of producing intoxication. He never saw anyone intoxicated through drinking ginger-beer.

The HON. A. J. THYNNE moved the omission of the words "and all wines and other liquors found on his premises shall be forfeited."

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

CONTENTS, 8.

The Hons. Sir A. H. Palmer, T. Macdonald-Paterson, W. Pettigrew, J. C. Foote, F. H. Holberton, J. Cowlishaw, P. Macpherson, and J. Swan.

NON-CONTENTS, 8.

The Hons. T. L. Murray-Prior, A. C. Gregory, A. J. Thynne, G. King, A. Raff, W. G. Power, F. H. Hart, and W. Aplin.

The CHAIRMAN said that the numbers being equal, he gave his vote with the non-contents. The question was, therefore, resolved in the negative.

The HON. A. J. THYNNE moved the insertion, at the end of the clause, of the words "and all liquors other than wines found on his premises shall be forfeited."

The HON. SIR A. H. PALMER said that, as the words had been struck out, they could not be put in again without recommitting the Bill.

The HON. A. J. THYNNE said the sentence he proposed to add was materially different from that which had been struck out. The words struck out were "and all wines and other liquors found on his premises shall be forfeited"; but the words he proposed to add were "and all liquors other than wines found on his premises shall be forfeited." There was a vast difference in meaning between the two sentences; and he did not see why the Committee should be restricted from passing the amendment just because a few words at the beginning and end of one sentence happened to be identical with those at the beginning and end of the other.

The HON. SIR A. H. PALMER said the hon. member had himself to blame. He should not have struck out the words from the clause. How could they put words, which had been previously struck out, back into a clause? If the present amendment had been proposed

without striking out the former words then it would have been perfectly proper and regular, but there would be no end to amendments if the hon. member's proposition were allowed.

The POSTMASTER-GENERAL said the whole difficulty had arisen through the Hon. Mr. Thynne departing from the recognised practice of giving notice of important amendments. Verbal amendments might be dealt with the moment they were put before the Committee; but the amendment the hon. member had carried dealt with a partially vital part of the Bill. Some hon. gentlemen were dealing with the Bill as if it had been put into print without consideration, but he could assure them that it had been considered for months and months, and re-considered and considered again during a long period anterior to the meeting of Parliament. That was proved by the small number of alterations which had been made so far by that Chamber. They could not get through that Bill, or any other Bill, if such a proceeding as that proposed by the Hon. Mr. Thynne was persisted in. With regard to the clause itself it was, he maintained, a proper thing that forfeiture should take place in the case of a wine-seller. If wine-sellers were permitted to sell spirits and only forfeit the amount they had in hand when an offence was committed, they would take good care not to have more than a couple of gallons in stock, and they would be parasites upon the licensed victuallers. He was surprised to find that he had misunderstood the way in which the Chairman put the question. He decidedly understood that the clause was to be left in its original shape, but as the amendment had been carried, the Bill would have to be recommitted.

The HON. T. L. MURRAY-PRIOR said it would expedite business very much if they now adjourned. In the former division he had intended to vote on the other side with the Postmaster-General, but he did not quite understand what the Committee was doing. At any rate they would be much better able to resume the consideration of the Bill to-morrow, and he would therefore move that the Chairman leave the chair, report progress, and ask leave to sit again.

Question put and passed.

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

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.

The PRESIDENT announced the receipt of a message from the Legislative Assembly, forwarding, for the approval of the Council, the plan, section, and book of reference of the proposed extension of the South Coast Railway from Beenleigh to Southport and Nerang.

The House adjourned at twenty-seven minutes past 9 o'clock.