Queensland

Parliamentary Debates
[Hansard]

Legislative Council

WEDNESDAY, 28 OCTOBER 1885

LEGISLATIVE COUNCIL.

Wednesday, 28 *October*, 1885.

Additional Sitting Day.—Mackay Railway Extension.—Licensing Bill—committee.—Undue Subdivision of Land Prevention Bill.

The PRESIDENT took the chair at 4 o'clock.

ADDITIONAL SITTING DAY.

The POSTMASTER-GENERAL (Hon. T. Macdonald-Paterson) said: Hon. gentlemen,—With the permission of the House, I desire to move, without notice, that, unless otherwise ordered, this House will meet for the despatch of business at 3·30 p.m. on Friday in each week, in addition to the days already provided for meeting by Sessional Order.

Question put and passed.

MACKAY RAILWAY EXTENSION.

The POSTMASTER-GENERAL moved—

1. That the plan, section, and book of reference of the proposed Wharf Line Extension of the Mackay Railway, as received from the Legislative Assembly on the 27th 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. Holberton, Mr. Pettigrew, and the Mover.

Question put and passed.

LICENSING BILL—COMMITTEE.

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

Question—That clause 107, as amended, stand part of the Bill—put.

The POSTMASTER-GENERAL said that, in consequence of a misunderstanding on the part of hon. members with respect to the effect of the Hon. Mr. Thynne's amendment, it would be better to pass the clause as amended, and recommit the Bill for the purpose of restoring the clause to its former state.

Question put and passed.

On clause 108, as follows:—

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

The HON. A. J. THYNNE said he did not intend to propose any alteration in the clause, but he wished to call attention to an article he read in a Toowoomba paper on the subject, in which it was pointed out that the clause was objectionable to many of the residents of that neighbourhood. It was described as being particularly offensive to a large number of the German residents in the district, chiefly because it implied that their gardens and places of resort had hitherto been places where unseemly conduct had been allowed, and where the privilege of selling wine had been abused. It was also pointed out that the German residents of Toowoomba, in establishing their gardens and places of resort for Sundays and other days, were following the example set them in their fatherland; that in Germany it was a common thing to have public gardens and places of public resort in and near the cities, and that they were a great benefit to the people. The German residents of Toowoomba, being accustomed to that, had established gardens of a similar kind, and they said that those gardens had not been of an injurious nature; but the effect of the clause would be to put an end, to a great extent, to the use of those public gardens on days which afforded the only opportunity to the people to visit them. It was a matter which hon. members might well pause and consider before passing the clause.

Clause put and passed.

Clauses 109 to 112 passed as printed.

On clause 113 as follow:—

"If any person who is a dealer in other things than liquor, gives away or delivers any liquor to any customer under pretence of such person being a customer for other things, or under any other pretence whatever, or if any person sells or delivers any liquor in a quantity equal to or more than two gallons, with an understanding that part thereof is to be returned, and the

quantity so sold or delivered, after deducting the part returned or to be returned, is then under two gallons, such person shall be deemed a retailer of the liquor so given away, sold, or delivered, and shall be liable as for selling the same by retail without a license."

The HON. A. J. THYNNE said no doubt the intention of the clause was very good, but it seemed to him that they were going a little too far; and if hon. gentlemen would just consider the question for a moment they would see that it would have the effect of preventing a man who was a dealer in any kind of goods from inviting his friend to dinner and giving him a glass of wine with it. In fact, a man could not go with his customer to an hotel for dinner, and have a glass of beer as well, without coming under the operation of the clause. The clause prevented one man from treating another under any circumstances, or under any pretence whatever. A person who dealt in goods of any kind was not allowed to give liquor to his customers. He quite agreed that there had been an evil in the past, when liquor was given as Christmas boxes, and under other pretences, and the clause was intended to meet that; but while meeting an evil of that kind it should not go too far. He thought it might be restricted to saying that a dealer should not be allowed to give liquor to a customer except upon licensed premises. If the clause was left as it stood it would be practically unworkable. Hon. gentlemen would see that it would apply to any transaction by which a dealer in any goods, and under any pretence, supplied a small quantity of liquor to a customer; and he did not think it was right that they should go so far as that. It had been suggested to him that they should provide that the liquor must be supplied upon licensed premises, if at all; and he would move that after the word "delivers" on the 2nd line of the clause, the words "at any other than licensed premises" be inserted.

The POSTMASTER-GENERAL said if they adopted the amendment they would be in a worse position than if the clause remained as it stood. He must say that it was extremely amusing to him to hear the hon. gentleman argue in the way he had done. He was surprised at the Hon. Mr. Thynne, seeing that he had a special knowledge with regard to the licensing laws, and that he represented so well elsewhere the interests of those engaged in the trade—he was surprised that he should cavil at a clause which was intended to remove evils that already existed—namely, such cases as where the grocers' and others sold grog and put it down as kerosine or something else. The clause was a conservation of the rights of the licensee; but to argue that no man could ask another to have a bottle of wine at dinner, was simply, to his mind, talking nonsense. Such a state of things could not possibly occur under the Bill. However, if the hon. gentleman was desirous to insert an amendment that any man could invite another, with whom he had dealings, to dinner, and give him a bottle of wine, he should not offer any objection

The HON. A. J. THYNNE said the Postmaster-General spoke as though he (Hon. Mr. Thynne) appeared in that Chamber in the interests of the publican. The remarks which the hon. gentleman made could bear no other construction, and he (Hon. Mr. Thynne) challenged him distinctly on the subject. He thought hon. gentlemen would acknowledge that the amendments which he had proposed and carried were more against the hotel-keepers than in their interests, and for the Postmaster-General to say that his arguments upon the clause were only nonsense was not a sufficient answer to his contention. That was not a proper assertion to come from a gentleman occupying the position of Postmaster-General. If he (Hon. Mr. Thynne) or any gentleman gave a little attention to a Bill, and applied their best judgment to it, they should receive replies to their remarks in a more fitting tone than that adopted by the Postmaster-General. If the hon. gentleman did not think the amendment was a good one, and if members generally did not think it advisable to accept it, he was quite ready to withdraw it. The clause was not an efficient one, and they ought not to swallow a clause which was quite new to the licensing laws, and one that had not been drawn as well as it might have been.

The HON. T. L. MURRAY-PRIOR said he thought his hon. friend Mr. Thynne had taken the matter up a little more warmly than he should have done. Every hon. gentleman in the House felt that he (Hon. Mr. Thynne) had done a good deal in amending not only the Licensing Bill, but many other Bills which had come under their consideration. The hon. gentleman had taken a great deal of trouble to bring forth thought upon various measures, and had made amendments which were very good and useful ones, and he (Hon. Mr. Murray-Prior), for one, felt grateful to the hon. gentleman for what he had done. He thought it was advisable to create discussion in that Chamber upon some clauses. They had not any constituents to speak to, and a reasonable amount of discussion was very advisable. He must say that he agreed with the hon. the Postmaster-General that the amendment, instead of doing any good, would do a great deal of harm; and he thought that nothing in that clause was intended to prevent the merchant or the storekeeper from giving grog to a customer if he chose to give it to him. Supposing one of his customers was a station-owner who was not staying at an inn and did not care to go to one to get his flask filled, was there any objection to the merchant filling that man's flask for him with the best brandy or whisky when it was asked for? He for one did not think there was, and he did not think that any merchant would be convicted in a case of that sort. It was a very good thing, however, that a man should not be able to buy liquor on unlicensed premises, because great harm had resulted from grocers being allowed to sell single bottles of grog. That practice, he believed, caused more drunkenness than anything else. He must say that he agreed with the clause.

The HON. W. GRAHAM said the Hon. Mr. Murray-Prior had stated that no sensible man would imagine that the clause would prevent a man getting his flask filled at a merchant's or grocer's establishment. He considered that the clause would prevent that, and that was the thing it was intended to prevent. It was intended to prevent, in the first instance, such people as grocers or storekeepers from giving grog to their customers; that was the clear intention of the clause, and there was no doubt about it, but the wording of it was so loose that it could be applied to any case. He presumed he would come under the category of those persons who dealt in other things than liquor. He dealt in sheep; and suppose a customer came to him and bought some sheep from him. He certainly had to take his glass of grog at night, but, under the clause, he dare not offer his customer a glass; that was the actual wording of the clause and that was the intention of it. He believed that it was not meant to apply to cases of that kind, and it was meant to apply to grocers and storekeepers; but, if that was so, why was not the clause worded in that way? He should be inclined to move an amendment that the clause be struck out.

The POSTMASTER-GENERAL said he did not propose to advert to the misapprehension evidently borne by the Hon. Mr. Thynne with regard to what fell from him (the Postmaster-General), because he disclaimed the statement made by the hon. gentleman with respect to what was alleged. Having said so much, he wished to add that he did not propose to discuss any of those clauses at very great length. Hon. gentlemen would be good enough to bear in mind that the Bill was one of consolidation and amendment, and the various clauses had been introduced after long experience of the subsisting licensing laws. The clause under discussion was devised to remove a state of things that was known to exist, and to be productive of considerable evil in certain communities, and he believed it would commend itself to the intelligence of hon. gentlemen. If, however, it did not, he was quite prepared to take a vote on the matter. He hoped, nevertheless, hon. gentlemen would not cast aside a clause of that kind which was part of the structure of a Bill that had taken very many months to prepare and complete. The Bill came before them in a very complete form indeed, and surely hon. gentlemen did not think it was the result of a few weeks' consideration and work. On the contrary, it had received great care, very much consideration, and revision. If it were borne in mind that every clause of the Bill, no matter how small, had been weighed in the keenest manner possible, hon. gentlemen would see his objection to having the Bill altered. The clause under discussion was really a good one, and would be productive of much benefit to the community.

The HON. W. G. POWER said he thought the clause was a thoroughly bad one. It was a very common custom at Christmas time for storekeepers to give presents to their smaller customers of a bottle of wine or brandy, and, as the clause stood, they would be prohibited from doing that and could be prosecuted for it.

The HON. SIR A. H. PALMER said it was a great pity that the gentleman who had taken so much trouble to revise the Bill had not given a definition of the word "wine." He considered the Bill would break down on that question alone, and if the Postmaster-General was going to recommit it he strongly recommended him to take the question into consideration, and see if some definition could not be found for "wine." If that was not done it would be found that the Bill would be evaded in every possible way. With reference to the clause under consideration, he thought the Committee were making a mountain out of a mole-hill. If all the laws in existence were put into force one-tenth of the people could not live. The clause, as it stood, was intended to prevent people from selling grog over the counter under the pretence of giving it away, and it did not apply to private individuals in any way whatever.

The HON. J. TAYLOR said he considered the clause a most useless one. He maintained, contrary to the opinion of the Hon. Sir A. H. Palmer, that it did apply to private individuals. He had never found any great harm arising from grocers, butchers, or storekeepers giving grog over the counter, and he was surprised to hear so much made of the question. He was sorry that the clause had created a bad feeling between two lawyers in that House. It had created great dissension, and he sincerely hoped that it would be thrown out. As he read the clause, it meant that if a man came to buy anything from him he could not give him a glass of wine under any pretence whatever. A squatter in the country, to all intents and purposes, was a dealer; he sold everything, from a needle to an anchor, and, according to the clause, he was to be prohibited from giving a glass of grog to his customer. He had been in the colony a great many years, and had never seen any evil arising from merchants or storekeepers giving away grog. If the question went to a division he should certainly vote against the clause.

The HON. F. T. GREGORY said it appeared to anyone who read the clause with a little attention, and applied it practically, that it was intended expressly to meet well-known cases, where a shanty-keeper sold a box of matches for a shilling and gave a glass of spirits into the bargain. That was really the main object of the clause he believed. He thought it was not a common thing for grocers or storekeepers to give away wine or spirits—namely, as presents—and that practice was not carried on to such an extent as to affect the question materially. The clause was intended to meet the class of persons commonly called "shanty-keepers."

The HON. A. J. THYNNE said that with the permission of the Committee he would withdraw his amendment, with a view of giving hon. members an opportunity of negativing the clause. With reference, however, to what had been said by the Hon. F. T. Gregory, he would point out that clause 127 provided that in ordinary cases the delivery of any liquor should be considered *primâ facie* evidence of sale; so that the provision under discussion would have a much wider application than he appeared to suppose. It was aimed chiefly at the practice of grocers and others who sent round liquor to their customers at Christmas-time and on other occasions. The clause was too extensive in its application altogether, as under it any person, dealing in any kind of goods, who gave liquor to a customer, would be liable to be prosecuted. He thought it should be limited to storekeepers or shopkeepers.

Amendment, by leave, withdrawn.

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

CONTENTS, 17.

The Hons. Sir A. H. Palmer, T. Macdonald-Paterson, W. Pettigrew, J. Swan, T. L. Murray-Prior, G. King, F. H. Hart, W. H. Wilson, F. H. Holberton, A. C. Gregory, J. Cowlishaw, A. Raff, J. C. Smyth, E. B. Forrest, F. T. Gregory, W. D. Box, and J. C. Foote.

NON-CONTENTS, 6.

The Hons. A. J. Thynne, J. Taylor, P. Macpherson, W. Graham, W. Aplin, and W. G. Power.

Question resolved in the affirmative.

Clause 114—"Local option—definition of area"—passed as printed.

On clause 115, as follows :—

"Any number of ratepayers in any area, being not less than one-tenth of the whole number of ratepayers in such area, may, by notice in writing, given not later than the first day of November in any year, require the chairman of the local authority to take a poll of the ratepayers of such area, for or against the adoption of all or any of the following resolutions to have effect within the area, that is to say—

(1) First—That the sale of intoxicating liquors shall be prohibited;

(2) Second—That the number of licenses shall be reduced to a certain number, specified in the notice;

(3) Third—That no new licenses shall be granted.

"The chairman of the local authority shall be the returning officer for the purposes of this part of this Act."

The HON. A. J. THYNNE said he thought that was the first place, in connection with the proposed system of local option, where the question of confining the voting power to ratepayers arose. He did not think that the right of voting should be limited to ratepayers only, because, practically, the ratepayers included only

a certain portion of the people interested in the property in a district where it was proposed to apply the principle of local option. If the tenant was the ratepayer the owner of the property would by that clause be excluded from voting, and if the owner was the ratepayer the occupier would be excluded. Therefore, taking the ownership or occupation of property as a basis of qualification, the franchise would be extended to a very limited number of people indeed. It was perfectly right that the ratepayers should be the only persons who should be entitled to vote for members of municipal councils and divisional boards, because it was the ratepayers' money that was expended by those bodies, and he would not approve of any other persons being allowed to vote in those elections. But in that clause they proposed to deprive a number of persons, who had as much interest in the matter as ratepayers, of the opportunity of expressing their wish or opinion as to whether any of the local option resolutions should be adopted in their district or not. It was going out of their course entirely to limit the power of voting in that matter more than was done in their political institutions. There was manhood suffrage for the election of members of the Legislative Assembly, and he thought it was not a correct principle to give a less extensive franchise in connection with the exercise of the provisions of local option. He proposed to vote against that clause, with the view of testing the feeling of the Committee on the matter. He confessed that he was to a considerable extent inclined to believe in some system of local option, either direct or secondary, but he did not approve of the system proposed in that Bill.

The POSTMASTER-GENERAL: Do you wish this clause to test the system of local option, or the system of voting?

The HON. A. J. THYNNE said he proposed to test the system of voting, and also the whole scheme of local option as proposed in that Bill. He did not wish to leave hon. members in doubt as to what his opinion was. He confessed that there would be great advantages gained from a well-considered system of local option, but he contended that the system proposed in that measure was not one which should be adopted, as a better one could be devised—one which would command the support of more hon. members than that system would. He thought it was a pity that such a great question as local option should be introduced upon what seemed to him an unsound foundation. If the system was good in principle, it should be introduced on a sound and complete foundation which would give full exercise to the rights of every person interested in the matter, and not allow a very small section of the community to force their possibly limited ideas upon the very much larger number of the people. He did not think it was in accordance with their Constitution to do that, and he, therefore, intended to oppose the clause. He would not move an amendment, but proposed to negative the clause. He did not think it would be possible to graft on that measure such changes as would make it a complete system of local option. In his opinion the local option clauses should be eliminated for the present, and a system might afterwards be submitted which would receive the support of most of the members of that Committee.

The POSTMASTER-GENERAL said he could not agree with the view evidently entertained by the Hon. Mr. Thynne, that it was possible for any Government in any part of the world to devise a complete and perfect system of local option in reference to the licensing laws. He believed that was a human impossibility, but that Bill was a very large instalment in the direction of sound legislation in reference to a matter which had agitated the people of this colony for a very long time indeed. He remembered hearing the question of local option, and the restriction of the hours during which licensed houses should be kept open for the sale of liquor, being discussed as far back as nineteen years ago. The matter smouldered for some years subsequently. During the crisis of 1866 no one heard much about reforms in social or domestic laws in this colony. But apart from that, there were three or four epochs during that period when the people discussed the matter in all the leading towns of the colony, and notwithstanding the assertion of the Hon. Mr. Thynne that that measure was on an unsound foundation, he (the Postmaster-General) respectfully submitted that, in view of the circumstances of the country and the aspirations of the people expressed as they had been in no uncertain or vague manner by their representatives in the other branch of the Legislature, the Government had done their duty in bringing forward that Bill, and had done their duty well. As to the hon. gentleman saying that the measure was on an unsound foundation, he could see that that expression did not refer to the general scope of the Bill, as the Hon. Mr. Thynne subsequently qualified what he said by saying, as he (the Postmaster-General) understood him, that he objected to the small basis of the voting power. The only foundation upon which a Bill of that kind could be framed was already in existence in the colony, but he apprehended that the hon. gentleman referred particularly to his wish to broaden the basis of the voting power, and, so far, he agreed with the hon. gentleman that it was a matter for serious consideration and discussion as to whether the voting power specified in clause 115 should be broadened in some such way as he had suggested. That he (the Postmaster-General) said was a debatable point. But let them analyse what was the meaning of the word "ratepayer." It would be found that in the large towns of the colony the word "ratepayer" included two classes of persons—namely, owner and tenant. They could subdivide the term "owner" into persons occupying their own premises and persons who leased premises to others. There were very few sub-tenancies in the country. The great majority of owners lived in their own premises, and tenants were very much smaller in number. It would be seen that the term "ratepayer" included a good mixture of tenants and owners of property; and he thought that was a sound basis on which to establish the voting right in respect to local option. It would not be inadvisable to permit a daily lodger to exercise as much power within a district as the tenant or owner of property on such an important matter. The line must be drawn somewhere. The scheme had been well considered time after time, and the result was that the system proposed was deemed the most efficient in the interests of the community, and also with respect to the working of the measure. He hoped the question would be discussed in an amicable spirit. The. Hon. Mr. Thynne was not responsible for the Bill. He had suggested that a very much better measure could be devised; but, in the name of common sense, let them accept an instalment at least of that amendment of the law which had been sought after by the people, and almost unanimously adopted, as represented by the Bill, in the other branch of the Legislature. After working for some years under the measure, let the Hon. Mr. Thynne and others watch its operation and note its deficiencies with a view to its amendment in future.

The HON. SIR A. H. PALMER said he differed from the Postmaster-General when he said that the Hon. Mr. Thynne was not responsible for the Bill. That hon. member, as well as any other member, was responsible to a certain extent for every Bill that came before them; and they should not allow what they believed to be a bad law to pass without attempting to prevent it. They were not there to take the opinion of gentlemen who had studied the Bill; and he objected to the Postmaster-General saying, as he frequently did, that because a Bill had been well considered, therefore they ought to pass it into law. If the Bill had been well considered, he did not agree with a great deal of it, and he certainly did not agree with the system of local option as proposed. He should not take any active part in opposing it, but if any hon. member would propose an amendment he would support him. He would draw the attention of the Hon. Mr. Thynne and other hon. members to the fact that if they allowed the clause to come to a division without amending it they could not amend it afterwards, so that if they wanted to make any improvement they had better propose amendments first. They should first try to amend it, and if they could not do that, then they should try to negative the clause.

The HON. A. C. GREGORY said there were two questions raised on the clause—first, whether they should have local option; and second, whether the ratepayers were the proper persons to decide by their votes whether local option should be adopted or not. He agreed to some extent with the principle enunciated by the Hon. Mr. Thynne—that the voting should be as broad as possible; but when they looked at the details they found that there was no possibility of arriving at who the persons should be to give the vote, unless they took them from the electoral roll or the ratepayers' roll. On taking the electoral roll they would find that a larger proportion of non-residents existed on that roll than on the ratepayers' roll, and they had already experienced the difficulty in the case of another Bill, with respect to defining which electors should vote within a specified area; and it would simply involve an interminable repetition of the difficulty, with regard to voting, which they had experienced in regard to the northern electorates when they passed the Additional Members Blll. Consequently, if they were going to pass a practical measure, and not a theoretical one, they had to fall back on the ratepayers' rolls. Every ratepayer paid rates in virtue of a specific piece of property, and there was no difficulty in telling where his qualification was situated, as there was in the case of electors. With regard to the objection that the voting would be limited to a small number, the fact was that it would be impossible to get a more perfectly representative body if they once left out the total number of men, women, and children, because the ratepayers were men of all classes. They were generally men under the influence, to a certain extent, of the other residents of the locality, and, at the same time, persons who were usually a little above the ordinary standard in education. He did not think it would be possible, if they searched all the different methods of arriving at the wishes of the people in any area, to do better than take the ratepayers as the persons who should vote. He did not altogether agree with the main principle of local option, especially as set forth in the Bill; and though the question did not immediately arise in the clause before the Committee, it was as well to refer to what he thought should be done with regard to that matter, because though he might not move any amendment it was possible that some other hon. members might do so. His view was that it would be better to strike out the first resolution and leave the second and third, except for the fact that a difficulty would arise if they left the second resolution as it stood, for the vote might be that the number of licensed houses should be reduced to one; that was, the second resolution would be practically the same as the first, with the exception that one-half of the ratepayers could carry it, whereas two-thirds were required in regard to the first resolution. Therefore, he thought the two-thirds vote should be extended to the second as well as the first. There was no reference to compensation; but it would be doing an injury to the holders of licenses, and also those who might be the owners of premises, to suddenly, by resolution, destroy their claim. What would be said if they passed a resolution that all grocers, butchers, or any other tradesmen, should be abolished? They would consider themselves very hardly used, and hon. members would admit that those tradesmen would be entitled to compensation. Under those conditions, he thought it would be indispensable, though not directly coming in the clause, that they should look to the question of compensation as a collateral matter touching on the provisions of clause 115. It might be asked where compensation was to come from. His view was that if the ratepayers were the persons to settle the question whether there were to be licensed houses or not, they should also be the persons to pay compensation; and after they had disposed of clause 122 he intended to move a new clause to the effect that the amount of compensation should be determined by the licensing authority, and should be paid by the local authority, that was, the municipal council or the divisional board, who should be authorised to levy a special rate to meet such disbursements. With such safeguards there would not be much danger in the part of the Bill providing for local option.

The HON. T. L. MURRAY-PRIOR said he felt placed in a dilemma. He did not like local option; at the same time he fully sympathised with the efforts of the Blue Ribbon movement, because he believed that drunkenness was the greatest cause of unhappiness in the colony. Though he thought there were some points in the provisions for local option which might be good, he was very much pleased to hear the speech of the Hon. A. C. Gregory, and he thought that by making certain amendments they would do their duty better than if they expunged the clauses. In reference to clause 115, he thought that the community was not ripe for the total prohibition of the sale of intoxicating liquors. They could not check drunkenness by law-making, for if they were to prohibit the sale of intoxicating liquors in any given area, it would be quite competent for persons to bring in liquor from another area, and drink, perhaps, more than they would under other circumstances. He would be prepared to vote for expunging the first resolution. He also thought that one-tenth was too small a proportion of the persons in an area to be allowed to call on the magistrates to put the question to a vote, because there were zealots among the blue-ribbon men in almost every locality. In an area containing fifty ratepayers, five persons could move the magistrates to bring the question of local option to a vote, and that would be very undesirable. He thoroughly agreed with the amendment to be proposed by the Hon. Mr. Gregory—that those who wished to have the benefit of local option should pay for that benefit. It was but just that the persons who destroyed a trade, for what was considered to be for the good of the community, should be the persons to compensate the injured people. He also thought that in regard to the second resolution, two-thirds should be the number to

decide the matter, and not one-half. He did not himself bring forward such amendments because he really sympathised very much with the parties, but justice demanded that a person should do what he thought right. He agreed with what the President had said, that they were all responsible for any measure brought before them, and that they should not pass it unless they really believed in it. It was a very easy thing for persons outside, who had nothing to do with law-making, to get up on platforms and bring forward all manner of platitudes on the subject—but many of them had no real responsibility. Of course he could easily understand any person who took a prominent part in the blue ribbon movement attempting to do away with the sale of liquor altogether. He sympathised with them, and he had no hesitation in saying that if the consumption of wine and spirits and malt liquor could be abolished altogether he should be very happy himself for the good of the community to abstain. But he had found it useless to force people. He had himself agreed with other parties by way of example and inducement, not to drink for a certain time. On one occasion he abstained for twelve months, but he suffered a good deal and did no good. He believed drunkenness could not be cured by any legal enactments, and it was well known that there was less drunkenness now than there was in former years. They might go to any meeting of people, even a jovial meeting, and they would see nearly everybody walk steadily away. They might go to inns and they would see people confine themselves to water or small ale, and that was a great improvement on what they had noted before. Much more could be done by example than by law-making, and the blue ribbon people and their sympathisers, increasing as they did every day, were the cause of reducing drinking habits among the people. He did not believe that among Englishmen they would cure drunkenness by any laws they might make. That must come by time, and by the example of those who refrained altogether from intoxicants. Reverting now to another matter, he trusted that the clause to which attention had been called by the Hon. Mr. Thynne relating to the sale of wine on Sundays would be recommitted for reconsideration. He for one could not see any harm whatever in the friends of an Englishman, German, or anyone else who had a wine-growing establishment going out on Sundays to enjoy themselves and drink a glass of wine. He hoped the clause would be recommitted and expunged from the Bill.

The HON. P. MACPHERSON said he did not wish to detain the Committee with any observations of his, as the matter had been, to a great extent, pretty well discussed; but he thought that that clause, 115, went a little too far. That was what they might call purely tentative legislation, and it would be sufficient to limit the option to the third head, and say no new licenses should be granted. He did not agree with the Hon. Mr. Thynne in thinking that other people than the ratepayers should be the judges. He considered the ratepayers were, and ought to be, the sole judges in a matter of that sort. Through their representatives in the municipality or division they governed the municipality, and they themselves were interested in property in the municipality which was mainly affected by the number of public-houses. Besides, by another part of the Bill, the ratepayers were, *primâ facie*, the objectors against the granting of licenses; but as he had hinted, he should gladly support any amendment in the clause to limit it in its operation.

The HON. W. D. BOX said the clause before the Committee did not suit his views. He thought at first that the electors would be more suitable voters than the ratepayers; but he had been converted by the Hon. A. C. Gregory, and he now believed that the ratepayers should be the voters, and that the Bill was right in that respect. But he did not agree that one-tenth of the whole number should be at liberty at any time to demand a poll, because there was no knowing where that kind of thing would end. In his opinion half of the whole number of ratepayers would be a fair number to demand a poll. He did not approve of the clause, because he could not understand why one man who abused liquor should have the power of saying to his neighbour, "You shall not buy any more drink in this area;" and, moreover, he did not believe that such legislation would have the effect of preventing drunkenness, but like his hon. friend Mr. Murray-Prior, he believed that example did more than anything else in making people sober. There was no comparison between the drunkenness of to-day and the drunkenness of fifty years ago. In that particular matter the people had risen and improved, and he thought that the measure before them, which enabled a certain number of ratepayers to prohibit the sale of intoxicating liquors, was not wise legislation, and should not be accepted. The second resolution would be a good one if the number was specified, and if, at the first meeting to consider the question, that meeting had the power to reduce the number of public-houses by, say, one-third. Then if that was not sufficient, at a future time they would reduce it by one-third again. But, as the Hon. Mr. Gregory had said, the public-houses might be reduced to one; so that this second resolution would have the power of the first. He did not like the third resolution—the licensing board being the proper authority to determine a thing of that sort. The point he was very anxious about was that the words "one-tenth" should be altered, and he believed that one-half was something near the proper number. If no one else would move an amendment to that effect, he should do so himself.

The HON. A. J. THYNNE said he was glad he had initiated a discussion on that clause, and there was only thing he wished to say in addition to what he had already said. The hon. the Postmaster-General was good enough to refer particularly to what he said about having the law on an unsound basis, and he would just explain what he meant by that expression. What he meant was: that if they had a comparatively small number of people in a district, with the power in their hands of imposing that law upon all the other residents in it, they would have a law imposed against the wishes of probably the majority of the people in the district—a law which would depend for its existence upon the public sympathy of the people in the district; and if that sympathy was wanting the law would fall to the ground by its own weight. That was what he meant by saying that the principle should rest on the sound foundation of the genuine and hearty sympathy of the people living in the district where it came into force. If it had not the sympathy of the great majority of the people, then all the machinery which the law could put in force would not enable the principle to be put in operation, and all the informers that this colony could produce would not enable it to work smoothly amongst an unsympathetic congregation of people. He was anxious to put the principle of local option upon such a basis that hereafter no persons could say that it was forced upon them unfairly or wrongly, and that they had not had fair opportunity of resisting it.

That was his object, and he had no opposition to the principle of local option itself. As it was his desire to see the principle, if it was adopted at all, adopted upon a sound foundation upon which it could thrive and succeed, he would take the suggestion of the Hon. the President, and in the first place he would propose that the words "one-tenth" be omitted with the view of inserting the words "one-fourth." That would prevent frequent trivial attempts at enforcing the resolutions.

The POSTMASTER-GENERAL said it appeared to him that it did not matter much what the proportion was, because that did not decide the question. One hon. gentleman referred to the small number of ratepayers who would really make the law, but that was not the case. Hon. members had only to refer to clause 119, and they would see that by subsections 1, 2, and 3 the proportion was to be two-thirds, in one case, and half in the remaining two cases respectively. He did not see that the amendment of the hon. gentleman would affect the matter at all otherwise than injuriously, because the question would only arise in large communities; it would not arise in the country, except under very exceptional circumstances, indeed. Hon. gentlemen he hoped, would bear in mind that the licensing board still remained as before; and it was only in cases where the licensing board granted a number of licenses beyond the requirements of the districts in which they presided that the ratepayers were likely to take the matter into their own hands, and it was in very few communities indeed that the number of licenses would be materially reduced. The discussion which had taken place might lead persons to imagine that the whole operation of the Act was to be controlled and set in motion by the ratepayers; but that was not so, and it was only in very extreme cases indeed where the ratepayers would interfere. If a poll had been taken, and those who demanded it were defeated, it was not at all likely they would try again for a number of years. He hoped the clause would remain as it stood. The provision was a good one, and he should not like to see the Bill dismantled in the way proposed by the Hon. Mr. Thynne.

The HON. T. L. MURRAY-PRIOR said he must take exception to the remark of the Postmaster-General that local option clauses would not apply in country districts. It was very well known that the blue-ribbon people were extending their operations into the country, and they would take care that the Act did not remain a dead-letter.

The HON. W. PETTIGREW said he thought it would be a mistake to omit "one-tenth" and substitute "one-fourth," as it would be fixing the number of ratepayers required to petition for a poll before a vote could be taken at nearly what would constitute a majority of votes, because, as a rule, a considerable proportion of the ratepayers never voted. As the Postmaster-General had stated, a second vote could not be taken immediately after the first poll was decided. If hon. members would look at clause 125, they would find when a poll could be taken again. The first part of that clause provided that—

> "1. If the first resolution is adopted, a poll may be again demanded in manner provided by this Act, but not until the expiration of three years after the date of such adoption."

In the case of the second and third resolutions two years must elapse before a poll could be again demanded, and in each of those cases a majority was required to carry the resolution, while a two-thirds vote was necessary to put the first one in force. He considered it very hard that a number of people in a certain area could not keep public-houses out of their midst, because, as he stated the previous day, public-houses in certain localities were a curse to the community. He hoped the clause would be carried.

The HON. F. T. GREGORY said it appeared to him that hon. members were wandering a little from the question before the Committee. The question was whether one-tenth or one-fourth of the ratepayers should be required to make a request before a poll was granted to settle one or more of those resolutions, and he intended to confine his remarks to that subject. He thought, as had been pointed out by previous speakers, that unless some restrictive clause was inserted, if only one-tenth of the ratepayers were required to sign a petition before a poll was taken, a very small minority would be enabled to keep the district or locality in a perpetual state of excitement over those local option resolutions. Little as he felt inclined to mutilate the Bill, he thought the amendment was an improvement. It would, at any rate, give an opportunity to hon. gentlemen to show whether they intended to proceed with the clause nowithstanding that it was so imperfect. The amendment to be proposed by the Hon. A. C. Gregory later on would, however, modify its effects to some extent, as although people were very ready in dealing with questions which affected the pockets of others, their extreme temperance would vanish when the matter touched their own pockets. He would not vote for the clause at all if it were not for the conviction that the amendment to which he had just referred would be carried.

The HON. W. GRAHAM said he should certainly vote for the amendment proposed by the Hon. Mr. Thynne. No one knew better than the Postmaster-General that in any community, whether in a large town or an outside district, one-tenth of the people were what he might call rabid teetotallers. They had a very good specimen in the House now—an hon. gentleman who expressed the opinion that he would totally prevent grog being sold or drunk. He referred to the Hon. W. Pettigrew. That hon. gentleman went the "whole hog," and was a fair type of the rabid teetotaller. As he (Hon. W. Graham) had said, he believed that in most communities they would find that one in every ten was a rabid teetotaller. Moreover, the organisation of those persons was good, they worked together, while other people were perhaps rather indifferent, not caring how the matter went. There was no doubt that as often as the law would allow them—and that was once every two years—the persons to whom he referred would ask for a poll, and keep the whole township or district in a perpetual hubbub. He was decidedly of opinion that the amendment was a good one, and if it had been proposed that the number should be one-third instead of one-fourth he would have been better pleased.

The HON. E. B. FORREST said the difficulty appeared to be as to the number of persons who should be entitled to demand a poll. He did not think himself that it mattered very much whether the proportion was one-fourth or one-third, provided that some other provision was made to stop the continual polling which it was said would take place. Hon. members would observe that in the next clause it was provided that a petition should be accompanied by a deposit of £10. He would be disposed to make that deposit £50 or £100, and stop all that nonsense of the rabid blue-ribbon gentlemen. He was disposed to think that if they could get one-tenth to sign a petition demanding a poll, they would have very little difficulty in getting one-fourth, as it was astonishing how persistent those people were. But a stop would be put to their galloping

if they were called upon to fork out a substantial sum of money, which, it would be noticed, would be forfeited in the event of the resolution not being carried. He would suggest that the clause should be left as it was, and that they should make the deposit in clause 116 something substantial.

The HON. A. RAFF said it was a pity that that amendment should have been moved by the Hon. Mr. Thynne after he had given his approval to the local option clause, because he (Hon. Mr. Raff) was sure that if it was carried it would render the clause altogether inoperative. No matter how many people there were in the district, it struck him that it would be a very difficult matter, indeed, to get one-fourth of the ratepayers to come forward and ask for a poll. But after the poll was granted the question would have to be decided by the majority, or, in the case of the first resolution, by a two-thirds vote. The object in view in proposing the amendment might be obtained, as the Hon. Mr. Forrest had pointed out, by increasing the pecuniary deposit, if the amount proposed in the next clause was considered too small. That would be the proper way, he thought, to prevent undue excitement or too frequent applications for a poll.

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

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The Hons. T. Macdonald-Paterson, J. Swan, A. Raff, W. Pettigrew, W. H. Wilson, F. H. Holberton, J. C. Foote, J. Cowlishaw, and E. B. Forrest.

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The Hons. Sir A. H. Palmer, F. T. Gregory, G. King, T. L. Murray-Prior, A. C. Gregory, A. J. Thynne, W. Aplin, J. C. Smyth, W. G. Power, P. Macpherson, W. D. Box, F. H. Hart, and W. Graham.

Question resolved in the negative.

Question—That the word "one-fourth" be inserted—put.

The HON. W. PETTIGREW said he thought one-fourth was too large a proportion. He did not know exactly the number of people in Brisbane, but there were several thousands; and it would be next to impossible to get one-fourth of them to petition for a poll. He would move as a further amendment that the number be one-seventh.

The CHAIRMAN said that the amendment now before the Committee must be first disposed of.

The HON. W. APLIN said he would call the attention of the hon. gentleman who had just spoken to the fact that if the people expected to get a majority of two-thirds at the poll they ought not to have the slightest difficulty in getting one-fourth of their number to petition for a poll to be taken.

The HON. W. PETTIGREW said that, as a matter of fact, it was a rare thing in Brisbane to get more than one-half the number of persons whose names were on the roll to vote. If then one-fourth was required to demand a poll, that would practically amount to requiring a petition to be signed by nearly as many as would be required to carry the resolution. Supposing there were 2,000 ratepayers, one-fourth would be 500, and in the ordinary course of things, he doubted whether more than 1,000 would vote. Consequently 500 would be nearly a majority. It would require two-thirds of the thousand voters to carry the first resolution, but in the other case a bare majority would be sufficient.

Question—That the word "one-fourth" be inserted in lieu of "one-tenth," omitted—put and passed.

The HON. A. J. THYNNE said that the total prohibition of the sale of intoxicating liquors by licensed houses in the present state of society in the colony would have the certain effect of increasing the establishment of what were known as "shebeen houses" in Ireland and Scotland—sly grog-shops in the colony; and that would result in greater evils than those which existed at present. There were provisions in the Bill by which spirits could be supplied by chemists on the prescription of medical men—and what did they see in the States where total prohibition existed? They knew that medical men, who had just managed to scrape through and get their diplomas, were making fortunes by giving prescriptions to tipplers in order to get liquor in the quantities they required from the chemists, and it had been said that those prescriptions were made out in such extraordinary language that their intention could not be mistaken. When a quart of spirit was prescribed as a dose, it showed very plainly that it was simply taking advantage of a loophole in the letter of the law in order to evade the spirit of the law; and where such a law had not the sympathy of the people living under it evasions would always take place. The state of society which would be created by circumstances of that kind—a state which would involve the complete destruction almost of moral feeling amongst the people—would be ten times worse than the circumstances under which they were living now. Many men with the best possible intentions, produced results which were the very opposite of what they desired to secure, and, in going a little too far in the matter of local option, they would be running the risk of stopping the hearty interest felt by the people in the maintenance of their laws and institutions. As an amendment, he moved that the first resolution, in lines 16 and 17, be omitted.

The HON. A. RAFF said he was surprised at the remarks just made by the Hon. Mr. Thynne after what he said during a former part of the evening in favour of the principle of local option. He said the clause, if it had not the sympathy of the people, would be a failure; but the Committee did not intend to pass a Bill prohibiting the sale of intoxicating liquors—it only wished to provide that the people in a district might do so for themselves; and if it had not the sympathy of the people of the district it would not become law. It was quite clear that if the clause were struck out, local option would be rendered inoperative. There was a general expression of opinion all over the colony in favour of local option as proposed by the Bill, and it would be a pity to emasculate the clause in the manner proposed.

The HON. F. H. HOLBERTON said he would take the liberty of suggesting to the Hon. Mr. Thynne that, if he intended to persist in his amendment, it would be better to eliminate the whole of the clause; because taking out the first resolution meant dropping the clause, and drop the clause meant dropping the part of the Bill relating to local option; and that would put the licensed victualler in a worse position than he was at present; because, in regard to the second and third resolutions, licensing boards as at present constituted had full power to do as they liked. A licensing bench, as constituted now, could refuse to renew a license or to grant a new license. If the first resolution were struck out the clause might as well be eliminated altogether.

The HON. A. C. GREGORY said he thought the omission of the first resolution would be an improvement, because then they could bring the second resolution into such a form as would improve the Bill, and make it much more workable. They knew that if the first resolution

were carried out in the manner proposed it would be evaded in all sorts of ways, especially in the way of obtaining liquor from chemists. He was acquainted with facts which proved that, whenever there was any restriction on getting liquor, such as wine, brandy, or whisky, the consumption of what were called perfumes was largely increased. In America there was a great run upon "Florida water" when it was first manufactured, in consequence of local option being in operation in certain districts. In one manufactory they used about six tons of alcohol per week, and almost every drop of that was simply used as spirits to be drunk. Not only that, but more than half of the perfumes that were imported into this colony were used by people for the purpose of drink. Those were little things that members generally were not aware of; but he had had a little more experience than most hon. gentlemen in the matter, and he could assure them that if the first of those resolutions was put into operation they would have an enormous increase in the consumption of perfumes, medicated waters, etc., etc. It was far better for people, if they wanted to get drunk, to do so openly and straightforwardly without using deception. When they got intoxicated on the sly they added a further fault to the fault of excess.

The HON. W. PETTIGREW said he thought it would be wrong to thrust the operation of the clause upon a lot of people who did not want it; the people, in fact, must want it put into operation before any steps could be taken. But, on the other hand, if a number of people decided that they would use their best efforts to put down drunkenness, why should they be compelled to have public-houses in their midst?

The HON. W. GRAHAM: They need not go to them.

The HON. W. PETTIGREW said some years ago when he sat on the licensing bench he had seen cases brought up time after time and efforts made to prevent licenses being granted, and if those who were opposed to the granting of new licenses thought by any possibility to stop them the bench had to be packed. Those who wanted drink in a prohibited area could very easily go to the next district for it. He was free to admit that he was not a teetotaller himself. He took his grog, but he did not take that much that he made a beast of himself or injured his property. He was sure that if the Hon. Mr. Thynne's amendment were carried one of the best points of the Bill would be taken away.

The HON. W. GRAHAM said he confessed he was rather glad to hear that the Hon. Mr. Pettigrew was not a teetotaller; but at the same time he (Hon. Mr. Graham) thought the hon. gentleman considered that, although he could take drink and not destroy his property, or make a beast of himself, nobody else could do the same. The hon. gentleman seemed to have one rule for himself and another for those people who did not keep grog in their cellars. He thoroughly believed in the amendment that the 1st section should be omitted; and, in the event of the 2nd section passing, the majority ought to be a two-thirds majority. Even then he thought the clause would be unworkable. If it was decided in any district that there were too many public-houses, who was going to take the licenses away, and what houses would be licensed? Was it the disreputable houses, or those which had the least accommodation? He thought the clause would lead to all sorts of humbugging fraud and conspiracy, and many men, he had no doubt, would suffer from personal causes. As far as he was concerned, he believed all the clauses were unworkable, although, as far as the provision referring to no new licenses being granted was concerned, he thought that might stand, because he believed that if the necessity arose for a hotel in any particular district, the license could be granted by the bench. He should vote for the expunging of the 1st section of clause 115.

The HON. E. B. FORREST said he should like to get some more information from the Hon. Mr. Gregory with regard to the consumption of perfumery. He could scarcely believe it was possible that perfumery, as it was generally known, was drunk by people. He could not believe that it was true. With regard to the clause under discussion, he must say that anyone who was in favour of local option ought to vote for the 1st section of the clause. He could not conceive anyone being in favour of the principle and omitting that section. There might be nothing in local option—he was not particularly in favour of it himself—but if hon. members could see their way to vote for it at all then they must vote for the 1st section. However, he wanted to know more about the drinking of perfumery, because, if the statement of the Hon. Mr. Gregory were correct, he should move an amendment that the prohibition be extended to the use of those drinks.

The HON. A. C. GREGORY said he could assure the hon. gentleman that a large proportion of the perfumery that came into consumption was drunk as spirits—a very much greater proportion than was generally supposed. He should not have had his attention drawn to the subject had he not had some experience in a dispensary. He had an opportunity there of seeing for what purposes perfumery, including red spirit and lavender, were used. The two latter fluids were great favourites in certain prescriptions. He need not dilate upon the subject—in fact, it was quite sufficient to be aware of the fact; but it would not always do to say all he knew as to who did this or that. If hon. gentlemen wished to be satisfied of the truth of what he had said, they had only to look at the quantities of perfumery that were consumed, and they would then easily understand that there must be some other kind of consumption than by the reputed use of those articles. He wanted to give hon. gentlemen an illustration of how the prohibition really worked. There was a piece of country about 200 miles long, in which the Government thought that they would have no public-houses whatever. The consequence of that was, that he himself had seen the wives of the men who were employed in the district leave their homes, travel 90 miles between two towns for the purpose of getting drink; and he had seen them returning in a string, loaded with bottles and small barrels of spirituous drinks.

The HON. G. KING said he should like to know who the people were who tippled the perfumed waters that the Hon. Mr. Gregory spoke of, because some law should be made to prevent them indulging in their intemperate habits?

The HON. A. C. GREGORY said the subject was not one to discuss in that Chamber where there were only gentlemen, because he would never bring any accusation against those who were not present.

The HON. E. B. FORREST said the subject was one that ought to be very freely discussed: the idea of people drinking perfumery was to him incredible. He was fully satisfied that the Hon. Mr. Gregory was drawing upon his imagination. He had a general idea of the quantity of perfumery that was imported, and he could not believe that there was any foundation for the statement that had been made. It was incredible that anyone who had got the choice between

good whisky and perfumery should choose the latter. If the local option clauses contained in the Bill were enforced he could better understand that state of affairs existing; but when whisky was so much cheaper than perfumed spirits it was difficult to believe that persons could prefer the latter. He was sure his hon. friend was either drawing upon his imagination or labouring under some misapprehension.

The HON. T. L. MURRAY-PRIOR said he could state from his own knowledge that in some places Worcester sauce was drunk.

The HON. E. B. FORREST: That is better than perfumery.

The HON. T. L. MURRAY-PRIOR said it might be better, and that might account for the large quantity imported. With regard to what had been said by the Hon. Mr. Pettigrew that of 2,000 ratepayers only half might make their appearance at the poll, that only showed that they took no interest in the question. He thought the clause was not at all wanted, and that it would do harm instead of good. Those in favour of local option should take what they could get in the first place and what was suitable to the times, and if the system proved successful those who were not altogether in favour of it would become converts, and gradually they would have local option in its entirety. In the meantime he should certainly vote for the amendment.

The POSTMASTER-GENERAL said he could not agree with the hon. gentleman. The country, as a whole, he was sure would prefer the measure as it stood, and if any hardship accrued—and no one would contend that it could accrue if the whole of the clause was passed—it was better that legislation should take the form of amendment than in the form indicated by the hon. gentleman. What possible hardship could result if those who were not in favour of the system had to go a little further afield for their supply of liquor. The one-third opposed to the principle might live in the very outskirts of the district, and they would probably be very much nearer a public-house than the two-thirds in the inside area, who said they would have no public-houses. The districts would undoubtely be very small. For instance, he had no doubt that Brisbane would be divided into several licensing districts. No hon. gentlemen had been able to point to any evil that might arise if the clause was passed. Local option, which had received the support of some hon. gentlemen before him, was now receiving a very peculiar kind of support indeed, in that they proposed to omit subsection 1 of the clause. If that was omitted, where was local option? What was meant by the term? Local option must comprise prohibition, otherwise there could be no local option at all. Local option was founded upon the idea of prohibition. "Shall we have the trade in this locality?" was the question from which local option arose, but that Bill went further and said there should be three modes of exercising local option. It started with the keynote—namely, prohibition. Then came a provision for reducing the number of licenses in a district. Then if the ratepayers did not exercise their powers in that direction they could say, "We shall leave things as they are by passing a resolution that there shall be no new licenses granted." Possibly the clauses might grade better by inverting them, and saying that the first question to be decided should be whether there should be any new license granted, the second whether the number of licenses should be reduced, and the third whether the sale of intoxicating liquors should or should not be prohibited; though for his part he thought that they were arranged in proper order as they stood. He repeated that if subsection 1 was eliminated from the clause the local option part of the Bill would be gone. If the clause was cut up as suggested it would injuriously affect the proposed legislation and the community for which they were legislating. Hon. gentlemen were very well acquainted with the trade and the drinking customs of this colony and the other colonies, and were very well qualified to pronounce judgment upon them, and their judgement would be accepted that evening. Hon. gentlemen had been labouring under the delusion that afternoon that there was one teetotaller who was speaking from the blue-ribbon and total abstinence point of view in that Chamber, but that was a mistake. He thought it was a misfortune that they had not anyone there to represent that very large and important section of the community. At the same time, it must be admitted that the matter had been discussed very nicely. He hoped the clause would not be mutilated to the extent the amendment suggested.

The HON. T. L. MURRAY-PRIOR said that in answer to the argument of the Postmaster-General, that they should take the stick by the other end, he would point out that the Committee had now the Bill before them. They could deal with it and modify its provisions; but if they passed the measure and it became law it would be a very difficult matter to amend it. There was a blue-ribbon representative in that Chamber although the hon. gentleman did not seem to know it.

The HON. G. KING said that on reading the clause in the first instance he thought the cause of temperance was sufficiently served by the 2nd and 3rd subsections—namely, "that the number of licenses shall be reduced to a certain number specified in the notice," and "that no new licenses shall be granted." He thought, as he had said, that that was quite sufficient to serve the cause of temperance, but on looking over the matter again he very plainly saw that by doing away with the first subsection they would strike at the root of local option. He could not say that he was very much in sympathy with local option, or with the advocates of local option, but he could clearly see the effect of the proposed amendment, which would eliminate it. If they were to have local option they must pass that 1st subsection.

The HON. W. GRAHAM said that if those clauses were the outcome of local option then he could say that he was entirely opposed to local option. He was as anxious, perhaps, as any hon. member present to prevent the evils that arose from drunkenness; but if that was the kind of local option they were going to have then he was decidedly against it. The Postmaster-General advised the Committee to pass the Bill, and said that afterwards, if it did not work, they could adopt some remedy. Well, the Postmaster-General must have a most extraordinary idea of the duties of members of that Committee—possibly because he had only recently come into that Chamber. He (Hon. W. Graham) had never heard such an extraordinary proposal in his life, that they should take for granted and pass a measure and afterwards find some remedy for the evils it might produce, and that was not the first time the Postmaster-General had said the same thing. The hon. gentleman stated that that was a very well-considered Bill, but he (Hon. W. Graham) thought that it was a very ill-considered measure in many of its clauses. He never heard such a preposterous proposition, either from a Minister of the Crown or any other member, as that just made by the Postmaster-General. As regarded the expression of regret that there was no member of the blue-ribbon or other temperance society in that Chamber to support the Bill—he

was not aware whether there was one or not—he thought it was a very good thing for the Postmaster General, and for his chances of passing the Bill, that there was no blue-ribbon advocate in that Committee. The speeches on both sides had been moderately temperate, and he (Hon. W. Graham) thought the introduction of a rabid blue-ribbon man would have strengthened the opposition against the Bill.

The POSTMASTER-GENERAL said he had stated that if the working of the Bill produced any hardships such as had been depicted by the hon. gentleman it could be amended, but no one had proved or attempted to prove that it would produce hardship.

The HON. A. C. GREGORY said the arguments that had been brought forward in regard to taking the stick by the other end put him very much in mind of a story connected with a Northern town, where it was said that an individual was brought before a police magistrate for over indulgence, and the magistrate said, "Take him and hang him." That was the way it was proposed to begin in that case, with the most severe sentence, and then inquire into the matter afterwards. Several hon. gentleman had spoken on the question of local option, as if the areas where that provision was to take effect were the same as the licensing areas which had already been established; but when they looked into the matter they found that clause 114 simply defined that "the provisions of this part of this Act may be applied in any municipality or division, or any subdivision of either, or in any other area which forms part of a municipality or division." There was no provision made to define how that area was to be set apart, and it appeared that the only limit that could be put to the area in which the provision was to be applied would be the limit that was defined in the requisition by one-fourth of the ratepayers. For instance, it would be in the power of the ratepayers to take a block bounded by Queen street, George street, Albert street, and Adelaide street; and that they could move should be one of the areas in which the local option clauses of the Bill should be enforced; or they might choose to take one side of George street from one end of it to the other, or both sides, or any other arbitrary portion or division of a municipality that they thought fit to include, when they clubbed together to demand a poll. It was very unfortunate that no provision was made as to how those areas should be defined. To make the measure at all perfect, if it was to be carried out with the extreme severity proposed, there ought to be two or three more clauses added, in order to provide for that deficiency. As the Bill now stood, it was unlikely to work well, and he thought it would be far better that they should pass the minor clauses, and if those proved to be at all successful, and it appeared that it was desirable to extend the operation of the Bill, it could be very easily done at a future date, when they would have the assistance of practical experience, which they had not at the present time.

The POSTMASTER-GENERAL said the hon. gentleman was under some misapprehension when he said there was no provision as to the licensing districts.

The HON. A. C. GREGORY said what he stated was that there was no provision for defining the area within which the resolutions mentioned in clause 115 should operate. There was a provision with regard to the licensing districts, but the licensing districts were not identical with the areas in which the local option clauses might be enforced; they might or might not coincide with the areas in which local option was to be exercised.

The POSTMASTER-GENERAL said that clause 5 provided for that.

The HON. A. J. THYNNE said the Postmaster-General did not see what the Hon. A. C. Gregory was referring to. The licensing district was one thing and the area in which a number of ratepayers might petition to have the local option part of the Bill applied was another thing. The Hon. Mr. Gregory was perfectly correct in the illustration he had given as to what might be the effect of that clause in Brisbane. Ratepayers in one or more blocks in any part of the city might get up a requisition for the purpose of excluding hotels from those blocks. That was one of the possibilities under the clause, as it now stood, and that was what suggested to him that it might be used as an oppressive measure by some of the ratepayers. The fact was that the local option proposal had arisen in this way: The people interested in the promotion of temperance had used a certain phrase—namely, local option. The people urged, and very properly so, their views upon the public with the view of promoting temperance, but when the matter came before members in that Committee, in the way of proposals for legislation, giving effect to the desires of those persons, hon. members ought to pause and consider before they committed themselves to a measure such as that under consideration. The whole thing seemed to amount to this: First of all the power of granting licenses was given to men who were practically responsible to nobody. They were to be appointed year after year by the Governor in Council, and they could refuse or grant a license as they pleased; they were practically despotic. It was to regulate the granting or refusal of licenses that the local option clauses were proposed, though he thought it was an awkward way of doing it. If the power of granting licenses was vested in men elected by the people they would have local option in as complete a form as they ought to have it at the present time. If his views were carried out and the franchise was made more extensive, properly speaking the Local Government Board ought be the persons entrusted with the granting of licenses. He thought they should be very careful in putting on their Statute-book anything that might be used as an instrument of oppression, or produce a state of moral corruption on the part of the public greater than existed at the present time. He contended that the people of the colony were not sufficiently educated up to that measure, and it was better in the interests of temperance and of all parties concerned that local option should be introduced gradually; and, if the people showed that they were capable of using the power given them with discretion, it might gradually be extended. He did not believe in giving the people too much control at once; the power should be given to them gradually. Those were the reasons why he thought the clause as it stood was a dangerous provision.

The POSTMASTER-GENERAL said it was very much better that the people themselves should deal with the question, than that they should elect their licensing authorities. What had become of the promise given by the Hon. Mr. Thynne, that he was in favour of local option in some modified form? The hon. gentleman stood on a different platform altogether now, whereas he had expected to receive from him something like reasonable support to the principle. The Hon. Mr. Raff had already drawn attention to that, and he must say that he was somewhat grieved that he misapprehended the language of the Hon. Mr. Thynne, because he

came to the conclusion, from the remarks of the hon. gentleman, that he was favourable to local option.

The HON. A. J. THYNNE said he did not catch the full meaning of what some hon. members had said till just now, and he was sure the Postmaster-General had picked up a misunderstanding on the part of the Hon. Mr. Raff as to what he said in the earlier part of the evening. He did not pledge himself to local option, but considered that it ought to be introduced on a sound foundation. There were some good points in the system contained in the Bill, but he did not approve of it altogether, and a very strong proof of his disapproval of the principle as contained in the Bill was his desire to negative the clause. Unless he had said something which he did not recollect—and he did not think that very likely—he was sure that he had said nothing to give the Postmaster-General the impression he had formed, and he was sorry that hon. gentleman had chosen to divert the discussion from the subject before the Committee to a matter personal to himself.

The HON. A. RAFF said he certainly did understand the Hon. Mr. Thynne to take exception to local option, not on the ground of the principle, but on account of the way in which it was proposed to carry out the system. If he was mistaken he begged the hon. gentleman's pardon, but he certainly spoke as if he were in favour of the principle while objecting to some of the details. It had been stated that the clause would cause the consumption of "Florida water" and other perfumed spirits, but he did not think that was an argument against the clause, because they could not prevent people from drinking those things even when there was no local option. The Hon. Mr. Thynne had said that if the clause were passed it would encourage sly grog-selling. They had not been afraid of increasing smuggling through increasing the duty on spirits, and why should they be afraid of increasing sly grog-selling in passing the clause before the Committee? In regard to the statement as to people sending a long way for grog, he might state a fact in the opposite direction known to himself. He was connected with a station 27 miles from the nearest public-house, and they were not troubled with drinking, but afterwards a public-house was opened five miles from the station, and it was a constant source of annoyance, because the men would go there and drink. He would ask hon. gentlemen if it would not have been better if the people in that district had the power to shut up a house of that kind? It was not proposed to force the matter on the community, but to leave it to the people themselves to adopt the principle or not, just as they pleased.

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

CONTENTS, 10.

The Hons. T. Macdonald-Paterson, W. Pettigrew, J. Swan, A. Raff, G. King, E. B. Forrest, J. C. Foote, J. Cowlishaw, F. H. Holberton, and W. H. Wilson.

NON-CONTENTS, 10.

The Hons. Sir A. H. Palmer, T. L. Murray-Prior, A. C. Gregory, W. Graham, P. Macpherson, J. C. Smyth, W. G. Power, F. T. Gregory, W. Aplin, and A. J. Thynne.

The CHAIRMAN said that the votes being equal, he gave his casting vote with the "Contents." The question was, therefore, resolved in the affirmative.

The HON. A. J. THYNNE moved that the words "not being less than one-third of the existing number" be added after the word "notice" in line 19. His intention in moving the amendment was to provide that if the second resolution should be brought into force, the number of licensed houses should not be decreased by more than one-third of the number. As the Bill stood, it would require only a simple majority to reduce the number of licensed houses to one or two, or any number they chose to name. He therefore proposed to restrict the second resolution, so that it should not be practically a complete prohibition.

The POSTMASTER-GENERAL said it was to be hoped that hon. gentlemen would see the advisableness of preserving clause 115 in its present form. He did not propose to discuss the amendment, because there would be no difficulty on the part of hon. members in coming to the conclusion that clause 115 should not be further impaired.

The HON. A. C. GREGORY said that as the 2nd subsection stood, it certainly was very imperfect, and they were bound to make it more reasonable, because unless the amendment were added the ratepayers who found themselves beaten on the first resolution would get a simple majority on the second to reduce the number of licensed houses in a large area to one, and that would be practically carrying out the first resolution.

The HON. J. COWLISHAW said he thought that hon. gentlemen on the other side of the House were inconsistent. When discussing the first resolution they said they were prepared to accept the second and third as they stood, but because they had not carried the first amendment they wanted to amend the second in such a manner as to make it unworkable. In many districts there were not more than one or two public-houses—perhaps those were too many—and if the amendment were carried the number could not be reduced by one-third, so that the clause would be unworkable so far as the second resolution was concerned.

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

CONTENTS, 11.

The Hons. Sir A. H. Palmer, A. J. Thynne, W. Aplin, T. L. Murray-Prior, A. C. Gregory, W. G. Power, G. King, J. C. Smyth, W. Graham, F. T. Gregory, and P. Macpherson.

NON-CONTENTS, 9.

The Hons. T. Macdonald-Paterson, W. H. Wilson, A. Raff, J. Cowlishaw, F. H. Holberton, W. Pettigrew, J. C. Foote, J. Swan, and E. B. Forrest.

Question resolved in the affirmative.

Clause, as amended, put and passed.

On clause 116, as follows :—

"Not later than seven days after receiving such notice, which must be accompanied by a deposit of ten pounds, the returning officer shall cause a notice to be affixed on or near the principal door of the chief places of worship, and the door of every public school, post office, and railway station in the area, and shall cause such notice to be inserted in one or more newspapers (if any) published within the area, or, if there are none, then in some other newspaper or newspapers circulating therein, setting forth the purposes of the poll and the terms of this Act authorising the poll to be taken, and specifying a day not sooner than fourteen days nor later than twenty-eight days after the publication of such notice on which the poll will be taken.

"If any of the resolutions is adopted the amount of the deposit shall be returned to the persons by whom the notice was given, but if none of the resolutions is adopted such amount shall be paid into the municipal or divisional fund."

The HON. SIR A. H. PALMER said he should like to know what right they had to interfere with the chief places of worship. That provision must have been taken from some old Act in a country where there was a State Church. They had no right to stick notices of that kind on church doors, because, in numbers of cases, the churches were the properties of private congregations. He should like to know from the Post-

master-General what was the object of sticking up notices relating to public-houses on the principal doors of places of worship?

The POSTMASTER-GENERAL said he apprehended that the object was to obtain publicity. There was a great deal to be said in favour of the hon. gentleman's contention. The notices, if put upon church doors, would reach many people who could not be reached even by the aid of newspapers, because there was a provision in the clause which pointed to the possibility of there being no newspaper circulating in the district.

The HON. W. GRAHAM said they ought to have gone a little further. They ought to provide that the clergymen should read out the notices before pronouncing the benediction. In Scotland he had heard sales of furniture announced by the clergy from the pulpit, to take place on a certain day. He really thought that, in these more civilised times, they had better keep the civil business apart from the church; and if the notices were to be put up anywhere they should be put up at the police-offices and other public places. He thought there would be a strong objection on the part of some clergymen to such notices being put upon the church doors.

The HON. P. MACPHERSON asked how they were to arrive at what was a chief place of worship. There was no State Church that he was aware of in the colony. If a district contained a Roman Catholic church, a Church of England, and a Wesleyan church—which of them would be the chief church?

The HON. SIR A. H. PALMER moved on line 25, after the word "near," the words "the principal door of the chief place of worship and" be omitted.

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

Clauses 117 and 118 passed as printed.

On clause 119 as follows:—

"On any such poll all ratepayers rated in respect of property within the area shall be entitled to vote, and every ratepayer entitled to vote shall have one vote for, or against, each resolution upon which a poll is taken.

"If a majority of two-thirds of the votes recorded in respect of the first resolution, or a majority of the votes recorded in respect of the second or third resolution, is in favour of its adoption, such resolution shall be deemed to be carried and shall be adopted:

"Provided that if a poll is taken upon more than one resolution—

(*a*) Only one resolution shall be adopted;

(*b*) If the first resolution is carried it shall be adopted, whether either, or both, of the other two resolutions is or are carried or not;

(*c*) If the second resolution is carried, and the first is not carried, the second resolution shall be adopted, whether the third resolution is carried or not;

(*d*) If the third resolution is carried, and the first and second are not carried, the third resolution shall be adopted."

The HON. A. C. GREGORY said he did not see himself why they should require a two-thirds vote in the first resolution, and only a simple majority in the second. It would be far better if they were to retain a two-thirds vote in both the first and second resolutions. The two resolutions were so closely allied that he did not see why a less number should carry the vote in the one case than in the other. Before dealing with that part of the clause, however, he wished to draw attention to an earlier part, in which there was an important change from the present mode of voting by ratepayers. On line 56 they found that "every ratepayer entitled to vote shall have one vote for or against each resolution upon which the poll is taken." Under their municipal institutions, according to the amount of property a man possessed he had one, two, or three votes, and it was not at all clear that there was any reason why, in taking a vote for local option, the ratepayers should be deprived of votes which they had under the municipal institutions. He would move, as an amendment, to strike out the words "and every ratepayer entitled to vote shall have one vote."

The POSTMASTER-GENERAL said the Hon. Mr. Gregory said he was aware of no reason why the present system of voting in the case of municipal elections should not be adhered to. He felt quite sure he had only to refer to the very essence of the vote which was given under the Act to at once recall the hon. gentleman's mind to what he was intimately acquainted with, that the vote which was given according to the value of property in the case of municipal elections involved the question of taxation and expenditure; and that system was first established to enable ratepayers to control the ratio of taxation, the customary expenditure of a municipality. It would be absurd for him to take up the time of the Committee in expatiating upon the fundamental principle that lay broadly upon the face of local government Acts. The question before them was not one of money expenditure, or taxation, or rating, or anything of that kind. That was a social question, and they were giving the voters the same power as they gave to those who voted for the election of a member of the Legislative Assembly—each man had one vote. That was a broad and stable basis upon which to vote. In respect of questions involved in the Bill, he thought that the observations he had made would at once show the strong necessity for maintaining the clause in its present shape.

The HON. SIR A. H. PALMER said it struck him that the Postmaster-General had not read his own Bill. He said that the Bill did not deal with taxation or money in any way. But if he looked at clause 126 he would find that the expenses of taking a poll were to be defrayed out of the municipal funds. He thought that referred to expenditure and taxation, and if the amendment of the Hon. Mr. Gregory was carried the question would be still more one of taxation.

The HON. A. C. GREGORY said he would also point out to the Postmaster-General that in the statement he made that in returning members to the Legislative Assembly no person was entitled to more than one vote he was incorrect. They found that, practically, such was not the case. For instance, if they took the districts around Brisbane, they found that a man who resided just outside the boundary was always canvassed to go and record his vote when he was in the habit of driving his dray into the city. Practically, in virtue of his property, he got two votes—one for the city, and one for the district just outside; and, in that case, property to a certain extent was represented. He could not help thinking that the simpler form to adopt would be the ordinary form used by municipalities. If the Postmaster-General were to look through any municipal voters' roll he would find that the number of double and treble votes was very small, and, comparatively speaking, they were not worth mentioning. Those votes could not turn an election. He thought it would simplify the operation of the Bill if his amendment was adopted.

The POSTMASTER-GENERAL said if the clause was maintained in its present form it would certainly be more simple in its working. Nothing could be more simple than the system proposed in the Bill. By the mode suggested by the Hon. Mr. Gregory it would be requisite to discover all those who were entitled to double or treble votes, and that in itself would be a labour.

With regard to what had fallen from the hon. gentleman about the additional voting power held by electors having property in two electorates, he would point out that that would operate precisely in the same manner in the Bill. The ratepayers at Toowong, Brisbane, South Brisbane, Fortitude Valley, and Enoggera might all attend the polling place upon the same day. The system proposed in the Bill was certainly the simplest one that could be devised.

The HON. A. RAFF said he regretted he could not agree with the Postmaster-General. He saw no reason for refusing the amendment of the Hon. Mr. Gregory. He thought the amendment would have the effect of increasing and extending the usefulness of local option.

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

CONTENTS, 7.

The Hons. T. Macdonald-Paterson, W. Pettigrew, J. Swan, W. H. Wilson, F. H. Holberton, J. Cowlishaw, and J. Foote.

NON-CONTENTS, 12.

The Hons. T. L. Murray-Prior, F. T. Gregory, W. Aplin, A. C. Gregory, W. Graham, E. B. Forrest, P. Macpherson, A. Raff, J. C. Smyth, A. J. Thynne, G. King, and W. G. Power.

Question resolved in the negative.

The HON. A. C. GREGORY said he had intended to move a further amendment in that clause with the view of increasing the number of resolutions for which a ratepayer could vote, but as the second resolution in clause 115 had been very materially altered, he did not see any necessity for doing so, and would not carry out the intention previously expressed.

Clause, as amended, put and passed.

Clauses 120 and 121—"Result of poll to be declared," and "First resolution if adopted"—passed as printed.

On clause 122, as follows:—

"If the first resolution is adopted, then from and after the date when it comes into operation in the area the following consequences shall ensue—

1. It shall not be lawful to sell, barter, or otherwise dispose of any liquor in the area;
2. Any person who, whilst the resolution is in force, sells, barters, or otherwise disposes of liquor in the area shall be liable to the same penalties as are imposed by this Act for selling spirits without a license;
3. All such liquor, whatever the quantity may be, and all measures, jars, or other utensils used in holding, or measuring, or conveying it, found in the possession or custody of any such person, shall be forfeited and shall be destroyed or sold subject to the provisions of this Act.
4. Nothing herein contained shall be held to prohibit the sale of methylated spirits for use in the arts and manufactures, or to prohibit the sale of liquor for medicinal use under the conditions following, that is to say—
   (*a*) It shall not be lawful for any person to sell in the area any liquor for medicinal use except on the prescription of a legally qualified medical practitioner, nor unless he is a pharmaceutical chemist registered under the Pharmacy Act of 1884, or any Act amending or in substitution for the same;
   (*b*) It shall not be lawful to sell any such liquor for medicinal use unless the bottle or other vessel in which such liquor is contained is distinctly labelled with the words "intoxicating liquors," and the name and address of the seller.
5. If any person sells liquor for medicinal use otherwise than is herein provided he shall be liable, for the first offence, to a penalty not exceeding five pounds, and for the second or any subsequent offence to a penalty not exceeding ten pounds."

The HON. A. C. GREGORY said he would call attention to the various subsections in that clause. If those subsections were passed all chemical works requiring alcohol must be excluded from a prohibited area. The 1st subsection provided that "it shall not be lawful to sell, barter, or otherwise dispose of any liquor in the area." Any person, therefore, disposing of liquor within the area would be liable to the penalties imposed by the Bill, and all such liquor would be forfeited and destroyed. To show that that was the intention of the clause, it was only necessary to refer to subsection 4, which stated that "nothing herein contained shall be held to prohibit the sale of methylated spirits for use in the arts and manufactures." Had that provision not been in the clause, one might have inferred that the use of alcohol in the arts would be allowed, but that having been inserted it was clear that the use of alcohol in the arts was excluded. That seemed to him to be a defect, but the defect was so broad that unless they completely knocked the Bill to pieces he did not see how they could possibly amend it in any useful way. The only thing they could do was to omit the word "methylated." If it was retained, then it would be impossible to carry on the various arts and manufactures which required alcohol for their different processes. The clause would affect the photographer as methylated spirits were totally unfit for his work. Further than that, to allow the use of methylated spirits was just as bad as to allow the use of any other spirits. He moved that the word "methylated" in subsection 4 be omitted.

The POSTMASTER-GENERAL said that if that word was omitted it would open the way to a great deal of abuse. The abuses under the present licensing system were something enormous, and the insertion of that word was the only protection they had to the revenue. It would not do to state that people could use spirits, other than methylated spirits, for the purposes mentioned in the clause.

The HON. A. C. GREGORY said that possibly the Postmaster-General did not know that methylated spirits in this colony were identical with gin; they consisted of spirit mixed with turpentine, methyl being so expensive in this country. Now and then it was mixed with kerosine, as some people preferred that. If the Government were anxious to encourage the use of that kind of spirits he would not stand in the way. With the permission of the Committee, he would withdraw the amendment.

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

The HON. A. C. GREGORY said he had now to move an amendment—a new clause to follow clause 122, which was as follows:—

Every holder of a license which may be terminated by reason of the adoption of the first or second resolution, shall be entitled to compensation for the termination or loss of his license, and the amount of such compensation shall be assessed by the licensing authority, and shall be paid by the local authority to the person to whom such compensation is awarded before the resolution shall have effect.

The expression "local authority" in that clause meant the municipal council or divisional board of the district as defined in the interpretation clause of the Bill. The term "licensing authority" of course referred to the licensing board. He thought it was very important that a principle of the kind embodied in the amendment should be adopted. If it was not adopted they would do a manifest injustice in allowing a certain number of people to destroy the business of a licensed victualler, and the value of the property of the owners. No doubt when a clause like the one he proposed existed in other places, there were some very elaborate provisions for carrying it out and determining the amount of compensation to be paid; and he believed it

would be found that generally the compensation extended not only to the licensee but also to the owner of the premises. However, he thought it would be sufficient to include as much as was included in that clause in order that some compensation might be awarded to those persons who had the value of their property destroyed. It might be argued that, as the licenses were only annual, and liable to be refused without compensation, there was no reason why compensation should be given when licensed houses were closed by the votes of the ratepayers; but he was strongly of opinion that, when licensees were subjected to a new liability in regard to a stop being put to their business, some compensation should certainly be given to those who suffered loss through the arbitrary proceedings of an authority newly constituted.

The HON. W. H. WILSON said that, apart from the question of compensation, he was of opinion that the clause could not be passed by that Chamber, because it had the effect of imposing a tax on the people. The 18th section of the Constitution Act said:—

"It shall not be lawful for the Legislative Assembly to originate or pass any vote, resolution, or Bill, for the appropriation of any part of the said Consolidated Revenue Fund or of any other tax or impost to any purpose which shall not have been recommended by a message of the Governor to the said Legislative Assembly during the session in which such vote, resolution, or Bill shall be passed."

The Bill was introduced into the Assembly by means of a formal motion as follows:—

"That the House will, at its next sitting, resolve itself into a Committee of the Whole to consider the desirableness of introducing a Bill to consolidate and amend the laws regulating the sale of intoxicating liquors by retail, and for other purposes relating thereto."

If there had been any question of taxation in the measure, it would have come down by message from the Governor, and he certainly did not think the new clause could be introduced in that Chamber.

The HON. A. C. GREGORY said that *primâ facie* the objection would appear as though it had some weight; but if they referred to "May" they would find it was an established rule that the special restrictions did not apply to the case of local rates or taxes, or when the amount was paid in compensation and did not go into the general revenue and was not part of the money accounted for by the Treasury. It was, therefore, clear that the new clause did not interfere with the rule which affected money Bills, because it was not a question of taxation but one affecting local rates. It had been laid down by a resolution of the House of Commons that in the case of local rates they did not insist upon any privilege as regarded restricting amendments, or alterations—or introduction—by the House of Peers.

The POSTMASTER-GENERAL said the Hon. Mr. Gregory would pardon him for differing from him as to the question of introduction; but the hon. member was quite right with respect to the other matters. He might remind the hon. gentleman, however, that the Bill did not come up with the question of compensation in it; if it had, his contention might have held water, but the proposed clause was the initiation of a matter involving taxation.

The HON. A. C. GREGORY: It is not.

The POSTMASTER-GENERAL said the question of compensation involved taxation, because the money must come from rates. Did the hon. gentleman mean to claim from a nominee council the right to initiate a subject which involved taxation? He did not propose to discuss the question now. The point had been raised by the Hon. Mr. Wilson and he hoped there would be an end to it. He did not think it was advisable to discuss the constitutional question now, and he was quite prepared to come to a division at once whatever the result might be.

The HON. A. C. GREGORY said that even the House of Commons by one of its resolutions had laid down that it did not consider as taxation questions of local rates, the creating of which would depend entirely on the action of the locality itself, and would not be imposed upon the people unless the people saw fit. Perhaps the best way would be to set aside for the present the question as to whether the clause could be introduced by that Chamber, and take into consideration the expediency or otherwise of the clause. He was satisfied that they would be acting within their powers in passing the clause, but he did not wish to press for the acknowledgment of that right from other hon. members until they had an opportunity of referring to authorities on the subject.

The POSTMASTER-GENERAL said he thought the proposition of the Hon. Mr. Gregory a reasonable one, and he thought the question of compensation itself had better be left to the same discussion. It should be remembered that the subject was very well discussed elsewhere; and though it had been said that they should not be guided in any degree by what took place in the other branch of the Legislature, he had no sympathy with that opinion. He thought that as the question of compensation had been kept out of the Bill by those most concerned, it would be practically a waste of time to enter upon it now. He would promise, however, to allow the Bill to be recommitted to enable the Hon. Mr. Gregory to introduce the clause again, and in the meantime hon. members would have an opportunity of maturing their views in reference to compensation, and as to whether that Chamber would be acting within its rights, as alleged by the Hon. Mr. Gregory, in passing the clause.

The HON. T. L. MURRAY-PRIOR said he understood that the Hon. A. C. Gregory wished to go to a division now, and recommit the Bill, if necessary, afterwards. He rose principally in answer to the Hon. Mr. Wilson, who stated that there was nothing in the Bill relating to money or taxation. On turning back he found reference made to fees in clauses 51 and 52; so that money matters were connected with the Bill.

The HON. W. GRAHAM said he thought the Hon. Mr. Wilson, when he pointed out that the clause related to taxation, imagined that the objection was a clincher of which some members were not aware, but he was sure that the Hon. Mr. Gregory and a great many other hon. members were aware that it might be considered to come under that category. The Hon. Mr. Gregory, however, had given his reasons—apart altogether from the 18th clause of the Constitution Act—and quoted authorities, which showed that it was competent for that Chamber to deal with the clause, and he had heard no arguments from the other side to refute the arguments of the Hon. Mr. Gregory.

The POSTMASTER-GENERAL said it was stated by the Hon. Mr. Gregory that the House of Commons had agreed that the House of Lords could modify and alter Bills relating to local rates, and the hon. gentleman added the word "introduce"; that was to say that the House of Commons had agreed that the House of Lords might introduce new matter into a Bill as regarded local rates; and that was the point of difference between himself and the Hon. Mr. Gregory. He agreed with the hon. gentleman as to the other part of his observations on the con-

stitutional question—that the House of Commons overlooked certain action of the Lords in respect to altering some trifling matters with regard to local rates, but not as to the initiation of local rates such as the proposed new clause would involve. If his contention was correct—and he was only speaking from memory, as the Hon. Mr. Gregory had done—the matter would be set at rest by taking a little time to look into the point. He did not wish to go into the subject-matter of the clause, and it would not be of any use to go into the constitutional question after the amendment had been disposed of. He was quite willing either to take a division now or to leave the matter to be discussed after the hon. gentlemen had looked up the constitutional point raised by the Hon. Mr. Wilson.

The HON. T. L. MURRAY-PRIOR said he thought it would be as well to postpone the clause so that they might look into the constitutional point which had been raised.

The HON. A. C. GREGORY said he was quite prepared to adopt the view of the Postmaster-General and consider the clause afterwards, as there might be some little difficulty in dealing with the question if the minds of hon. gentlemen were not made up. It was to be clearly understood, however, that the Bill was to be recommitted to allow the clause to be considered. There were several consequential amendments to be made if the new clause was adopted. In clause 126, after the word "poll" they would have to insert the words "or the amount of compensation for the termination of the licenses." Then there would be an amendment at the end of the clause, where the following words would have to be inserted—"and the local authority may levy a separate rate to defray the same." He would for the present withdraw his new clause with a view of having it considered later on.

Amendment withdrawn.

Clauses 123 to 127 passed as printed.

On clause 128, as follows :—

"No information, summons, order, conviction, warrant, or other proceeding under this Act shall be quashed or avoided for want of form only, or be removed by *certiorari* into the Supreme Court.

"No conviction shall take place under this Act upon any information or complaint which is not exhibited or made within three months next after the commission of the offence charged.

"Every defendant, other than a person charged with drunkenness or disorderly conduct under this Act, and the husband or wife of any such defendant, shall be a competent witness on his or her behalf."

The HON. A. J. THYNNE asked if there was any good reason for altering the law with respect to the period within which an information might be laid. The longer the period was extended the greater the danger of injury to a person accused of an offence against the Act. If an offence had been committed the sooner the information was laid the better. He remembered a prosecution which took place in Ipswich some years ago for sly grog-selling. The parties were obliged to lay their information within a month. They gave their evidence, and it ended in their being sent to St. Helena for perjury. He was quite sure that if the parties had not been obliged to lay their information within a certain time they would have escaped, and the people against whom the information was laid would have been convicted. That was one instance where advantage had been derived through having the period a short one, and he saw great danger in making the period longer.

The POSTMASTER-GENERAL said he remembered a discussion which had taken place on that point, but he had forgotten the reasons which led to the alteration. However, he would nquire, and if he was not able to afford satisfactory reasons for the change the clause would be recommitted.

Clause put and passed.

Clauses 129 to 137, inclusive, and schedules 1, 2, and 3, passed as printed.

On schedule 4—

The HON. A. J. THYNNE moved the omission in the 5th form of the words "and for which I intend hereafter to apply for a licensed victualler's license under the Act."

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

Schedules 5 to 9, and preamble, passed as printed.

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

On the motion of the POSTMASTER-GENERAL the President left the chair, and the House went into Committee to reconsider certain clauses in the Bill.

The POSTMASTER-GENERAL moved that the CHAIRMAN leave the chair, report no progress, and ask leave to sit again.

Question put and passed.

The House resumed, and the Committee obtained leave to sit again to-morrow.

UNDUE SUBDIVISION OF LAND PREVENTION BILL.

The PRESIDENT announced that he had received the following message from the Legislative Assembly :—

MR. PRESIDENT,

The Legislative Assembly having had under consideration the Legislative Council's amendments in the Undue Subdivision of Land Prevention Bill,—

Disagree to the amendment in clause 4—

Because it appears to be unnecessary, the Real Property Act of 1877 being merely an amendment of the Act of 1861;

Agree to the omission of clause 5;

Agree to the new clause in substitution for clause 5, with the following amendments :—

Omit in the 2nd, 3rd, and 6th lines of the clause "street or";

Omit after the word "lane" in the 7th line all the remaining words of the clause:

In which amendments they invite the concurrence of the Legislative Council.

Disagree to the first amendment in clause 8 for reasons above advanced;

Disagree to the second amendment in clause 8—

Because it would tend to put it out of the power of persons of small means to acquire a freehold for themselves, and the minimum area of sixteen perches proposed by the Bill will probably be sufficient to prevent undue subdivision of land;

Disagree to the first amendment in clause 9 for the same reasons;

Agree to the proposed subsection 6 of clause 9 with the following amendments :—

After "map" on line 3 of the subsection insert "or plan";

Before "Registrar" in same line insert "Registrar-General or";

Omit "passing of this Act" in line 4 and insert "fifteenth day of October, one thousand eight hundred and eighty five";

Omit "conveying" in lines 4 and 5 and insert "the transfer of";

Omit "such" in page 5 and insert "the";

After "subdivisions" add "comprised in such map or plan";

In which amendments they invite the concurrence of the Legislative Council.

And agree to the transposition of subsection 9 of clause 9 to follow the new subsection 6.

WILLIAM H. GROOM,
Speaker.

Legislative Assembly Chamber,
Brisbane, 28th October, 1885.

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

The House adjourned at fifteen minutes to 10 o'clock.