Queensland

Parliamentary Debates
[Hansard]

Legislative Council

THURSDAY, 29 OCTOBER 1885

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LEGISLATIVE COUNCIL.

Thursday, 29 *October*, 1885.

South Coast Railway Extension.—Cairns to Herberton Railway.—Federal Council (Adopting) Bill.—Noble Estate Enabling Bill—committee.—Pacific Island Labourers Act of 1880 Amendment Bill—committee.—Licensing Bill—committee.—Undue Subdivision of Land Prevention Bill—consideration in committee of Legislative Assembly's message.—Licensing Bill.

The PRESIDENT took the chair at 4 o'clock.

SOUTH COAST RAILWAY EXTENSION.

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

1. That the plan, section, and book of reference of the proposed extension of the South Coast Railway from Beenleigh to Southport and Nerang, in length 28 miles 51 chains 60 links, as received from the Legislative Assembly by message 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.

CAIRNS TO HERBERTON RAILWAY.

The POSTMASTER-GENERAL said : I beg to move—

That the report of the select committee on the proposed railway from Cairns to Herberton be now adopted.

The HON. T. L. MURRAY-PRIOR said : Hon. gentlemen,—I cannot help thinking that we are going rather fast at the present time in regard to these railway motions, and it must be remembered that we are going on borrowed money, and that the pay-day must come. However, I am not going to oppose these railways, some of which are very desirable ; but the question is whether they are desirable at the present time or not. The onus of making all these railways now rests on the other branch of the Legislature more than on this Chamber, but I think time should be allowed for considering the evidence before we pass the motion.

The HON. A. J. THYNNE said : Hon. gentlemen,—I would ask the Postmaster-General to let the motion stand over till to-morrow, so that hon. members may have an opportunity of reading the papers on the subject. The papers were sent round only this morning ; and it is not right that we should be asked to adopt the report without proper consideration. A considerable amount of attention has no doubt been paid to the matter by the committee, and a great deal more evidence has been taken than is usual in matters of this kind ; therefore, I would ask the Postmaster-General to let the matter stand over till to-morrow.

The POSTMASTER-GENERAL said: If the hon. gentleman had had as much to do with the railway as the select committee have had he would be glad to get rid of it. The committee have worked hard ; great attention has been paid by us to the question, and I hope the House will either pass or veto the railway this afternoon. If the Hon. Mr. Thynne is prepared to take the responsibility of throwing it out, I am quite prepared to meet him on that ground. I understand it is the wish of the majority of hon. gentlemen that this House should close its business to-morrow evening if possible, and I hope we shall effect that object. This railway is one on which the select committee received special evidence—the technical evidence of the most skilled surveying engineer in Queensland, if not in Australia—and though there is a great deal of matter in the evidence irrelevant to the question submitted by this House to the committee, the reason for that will be apparent to anyone who reads the papers.

Question, by leave, postponed till to-morrow.

FEDERAL COUNCIL (ADOPTING) BILL.

The POSTMASTER-GENERAL said : Hon. gentlemen,—In moving the second reading of the Federal Council (Adopting) Bill, I do not propose to give any part of the history of the movement and the steps and actions taken from time to time by the several colonies on this subject, and out of which has been evolved the Imperial Act entitled the Federal Council of Australasia Act of 1885, which Act the Bill now before you is for the purpose of adopting so far as Queensland is concerned. I propose to make a few general observations with respect to the effect the measure will have if adopted in all the colonies, and one or two observations in regard to the provisions of the Imperial Act, which will be the subject-matter of the debate. Hon. gentlemen are aware that conventions have been held from time to time in Australia in relation to subjects of common concern with respect to the Australian colonies. At these conventions some very important work has been done, and matters of moment and of common interest to the colonies have been discussed; but no practical work could be done with respect to some of these matters, and it did not matter how seriously the members of the convention discussed a subject and brought it to a conclusion on what appeared to be a practical basis, all the colonies were powerless to adopt their conclusions, for the simple reason that there was no law subsisting by which they could act reciprocally in relation to matters affecting them generally as colonists. I do not propose to refer to these matters in detail, as many of them are recited in the Imperial Act. It may be admitted on all sides that the constitution of a federal council will promote and facilitate harmonious action amongst the colonies in reference to matters that are of common interest and utility. It is to be regretted that one colony—the mother colony of New South Wales—is the only one which stands out, as not having worked harmoniously in reference to this great subject of federation, which this Adopting Bill is now sowing the seeds of—seeds which may possibly ripen in generations to come into something of vast importance to the whole of the colonies, if not to the whole world. I say it is to be regretted that New South Wales has shown at least a lack of sympathy with the other colonies in their efforts to put this question on a broad and harmonious basis. The Bill before you is practically built on the basis of the draft Bill which was adopted by the Convention held in New South Wales at the end of the year 1883. It was brought about by a feeling that had subsisted for many years throughout the different colonies—that there were numerous matters of common interest to the colonies in regard to which general action would prove beneficial to each individual colony and be productive of general commercial morality in the whole group. Of course this Bill deals only, and properly so I think, with a limited number of subjects, because at this stage of the history of Australia it would be very undesirable to touch upon ground in respect of which some of the colonies have great delicacy of feeling. That point has, no doubt, been noticed by hon. gentlemen, as it has been referred to in the public prints in articles which have been written by some of the best thinkers in Australia, as well as the highest class of writers in the old country. It is, however, thought by the ablest men on this side of the world, as well as the other, that there are subjects which may be practically dealt with by the Federal Council of Australasia, and that the welfare of these great Australian communities would be benefited thereby. The proposed Federal Council, as it will be observed, is limited in its authority and in its powers, and its constitution is such that I think it will meet with the approval of this Chamber. To

summarise the measure shortly, it provides that there shall be two representatives for each colony under constitutional government, and one representative for every Crown colony. Every colony will, by its own legislation, determine the manner and mode of the appointment of its representatives, and also will determine whether its representatives shall be elected or nominated, and also whether their term of office shall be for a period of years during pleasure, or for life. The next principle in the Bill is that four colonies, at least, must adopt the Act before the Federal Council can be constituted, and the matters which it is proposed to refer to such Council will be found in clause 15 of the Imperial Act. They are these :—

"*(a)* The relations of Australasia with the islands of the Pacific;

"*(b)* Prevention of the influx of criminals;

"*(c)* Fisheries in Australasian waters beyond territorial limits;

"*(d)* The service of civil process of the courts of any colony within Her Majesty's possessions in Australasia out of the jurisdiction of the colony in which it is issued;

"*(e)* The enforcement of judgments of courts of law of any colony beyond the limits of the colony;

"*(f)* The enforcement of criminal process beyond the limits of the colony in which it is issued, and the extradition of offenders (including deserters of wives and children, and deserters from the Imperial or colonial naval or military forces);

"*(g)* The custody of offenders on board ships belonging to Her Majesty's Colonial Governments beyond territorial limits;

"*(h)* Any matter which, at the request of the Legislatures of the colony, Her Majesty by Order in Council shall think fit to refer to the Council;

"*(i)* Such of the following matters as may be referred to the Council by the Legislatures of any two or more colonies, that is to say—general defences, quarantine, patents of invention and discovery, copyright, bills of exchange and promissory notes, uniformity of weights and measures, recognition in other colonies of any marriage or divorce duly solemnised or decreed in any colony, naturalisation of aliens, status of corporations and joint-stock companies in other colonies than that in which they have been constituted, and any other matter of general Australasian interest with respect to which the Legislatures of the several colonies can legislate within their own limits and as to which it is deemed desirable that there should be a law of general application."

Then there is a proviso to the following effect :—

"Provided that in such cases the Acts of the Council shall extend only to the colonies by whose Legislatures the matter shall have been so referred to it and such other colonies as may afterwards adopt the same."

Hon. gentlemen will therefore see that all these matters are matters of import to the well-being of the several colonies, and, in fact, everyone that is specified embodies something in respect to which we have felt a want during the last twenty-five years, at any rate. It is very well known that a great deal of hardship and other evils would have been avoided if the matters mentioned in the clause which I have just read could have been dealt with in the mode proposed by this measure. It is very hard, indeed, to say what this colony has suffered by, for instance, the action of absconding debtors, especially between the years 1864 and 1875. There has not been so much cause for complaint of late years, but in that matter and in the desertion of wives and children the colony has suffered much through the want of united action. I may mention another matter as one of great urgency—the want of facilities for companies registered in the other colonies to carry on business in this colony; and, in illustration of the evil that exists, I may mention that it is impossible for companies registered in Victoria or New South Wales to hold land in this colony. That is a matter of great inconvenience indeed, and leads to southern companies, wishing to establish businesses in this colony, resorting to the expedient of buying land in this colony in the name of trustees. To sum up, hon. gentlemen, I may say that this matter has received, as you are well aware, considerable attention in the Southern Hemisphere and great attention in Great Britain; and it is believed on all sides that this step towards initiatory federalism of the Australian colonies will be productive of the highest benefit to Australasia generally. I think I need say no more, because, were I to dilate upon the subject at any length, I should only be repeating what has come before the eye and ear of everyone present in some shape or form during the last few years. I believe and trust that this is a step in the right direction, and I have every confidence that it will receive the support of this Chamber. I have very much pleasure indeed in moving the second reading of the Bill.

The HON. T. L. MURRAY-PRIOR said: Hon. gentlemen,—I am very glad indeed that I can agree with the Postmaster-General upon this subject and endorse his remark that the measure is one of very great utility. The measure has been required for a long time, and it is one which has no doubt received the serious attention of most of us in this Chamber as well as in the country. As the Postmaster-General has explained the gist of the whole matter so well in the two Bills before us, I need not enter into that; but it is not this Bill that I take notice of—it is the outcome of the measure. It is what the Bill will lead to, and the very great questions which may arise under it. It may be that only the federation of the Australian colonies will be the result, but it might possibly be that this measure will lead up to the federation of the whole of the English-speaking races. In these times, when all nations maintain such large standing armies, when we continually hear of war being imminent among English-speaking nations, we are inclined to ask ourselves what would be the result of the complete federation of English-speaking people? When we look on the population of the British Dominions—I am speaking now of the white population, which amounts to something not far from 50,000,000—and when we consider that the remainder of the population under British rule amounts to about 250,000,000, we have a total population of one sort or another of nearly 300,000,000 people; and these 300,000,000 people will, I trust, some day be joined in federation and act together in matters offensive and defensive, and be the means of maintaining peace throughout the whole of the civilised world. I think if that great object can be attained, the whole of the military and moral phase of the world will be very much altered. At present this Bill will be found most useful. I, for one, have often thought of the subject; but I have seen so many difficulties in the way, such as the jealousy of one colony over another, and matters relating to revenue, that I hardly expected at this time to see a measure of this nature brought forward. I am glad the Bill has been so well considered, and I think that, although one colony stands out, there can be very little doubt that, before many years, the whole of the Australian colonies and New Zealand will be joined in this federation. It may take many years before we accomplish absolute federation—it may not be in our time—but the progress of the world in these days is so very fast that it is impossible to say what will be the outcome of this Bill. We may compare it to the child of the present day, but I have very little doubt that in years to come it will be the giant of the future, and I trust the result of the measure may be all that is anticipated.

The HON. F. T. GREGORY said: Hon. gentlemen,—In the observations which I am about to make on this Bill, I do not intend to confine them exclusively to the Bill or its immediate provisions. They have already been so

carefully considered and put before us in such clear form that I cannot doubt that the measure will pass this Chamber without any alteration whatever; but it is in regard to the more extended form, rather than what will be the ultimate result of this motion, that I am desirous of trespassing for a few minutes on your attention to bring forward, from the large mass of literature which has lately emanated from literary men at home, a few facts not only in regard to colonial federation, but the federation of the British Empire. This is a very large question to attempt to enter into within a limited space of time, and the present occasion is clearly not one to justify me in doing more than taking up the salient points. The consequences that are likely to result from the federation of the British Empire are something even beyond the most sanguine hopes of the deepest thinkers of the day, and the steps which are being taken to bring about that result are met with doubts by our ablest statesmen, our greatest lawyers, and our most accomplished politicians. The history of this question within the limits of Australia is comparatively recent, and yet if we look at the records we find that it was inaugurated by some of our earlier settlers more than twenty years ago. However, the question has been steadily pursued by men who were able to see ahead, and calculate the results which were likely to accrue, and I have very little doubt that Australian federation will now assume a practical form. I hold in my hand a few out of forty works or papers on this subject emanating from some of the ablest writers both in the Australian colonies and in the mother-country, and speeches which have been delivered by some of our most eminent statesmen at home. Perhaps, with my limited ability to do justice to the subject and the views I entertain, with my moderate power of giving full expression to all that I may think, it will be advantageous for me to adopt the plan of reading to you one or two extracts from the writers to whom I have referred. These extracts will, I think, show what has been the progress of the whole subject, and some of the very great difficulties which it has laboured under, in reference to its application, both to any group of British colonies and to the aggregation of the whole of the Empire. Among the writers who stand foremost in this matter is Mr. Francis P. Labilliere. His name is, I daresay, familiar to most of you, although possibly you may not all have had the opportunity of taking up and perusing his writings. In reading the various extracts, I propose to treat the question in something like the order in which the matter has progressed. I shall, therefore, commence with a paragraph from Mr. Labilliere's work on the "Political Organisation of the Empire," wherein he treats of intercolonial federation. In this work he says:—

"This, again, is a question more for provincial than for imperial consideration. Only under such circumstances as those which at present exist in South Africa, could any claim to a voice in the settlement of such a question be urged from without."

Here the writer is referring to the question of the Imperial Government interfering with the people, and forcing federation upon them, as they endeavoured to do in the case of South Africa, without first ascertaining the will of the country. Mr. Labilliere goes on to say:—

"If any colonies require external aid for protection against internal dangers, the Imperial Government coming to their assistance certainly establishes a right to be heard in recommending to the colonists confederation or any other kind of co-operation for the purposes of more effective internal defence. To colonies circumstanced like those of Australia, intercolonial confederation is simply a question of the most convenient arrangement of their common provincial affairs between themselves. It is, therefore, for them, and them only, to decide whether they ever will adopt it. Should they do so an Imperial Act would be required for the purpose, but that would be passed with even less difficulty than was presented in the case of Canada; for the confederation of that dominion involved some important points of Imperial concern, arising out of the proximity of the United States."

So far the writer points out what would be the difficulty in the case of certain colonies, but in regard to Australasia he says that we have a smooth and even way before us. Again, in a work entitled "Imperial Federation," in which is included a number of reports and conferences held in London, the question is discussed from a colonial aspect quite as carefully as from the point of view of the federation of the Imperial Empire. Indeed, I cannot conceive of any statesmen hoping to be successful in so great a scheme as the one which this refers to, unless they consider the wants and requirements of the colonies which will ultimately form a portion of so important and consequential a scheme as the federation of the whole Empire. It has been frequently pointed out by leading men of deep thought that the difficulties surrounding the question of federation would in all probability arise in the colonies, and not in the mother-country. In the mother-country, the changes would certainly be more radical; here, in joining together all our laws, sympathies, and circumstances, would be very harmonious. We may differ on certain points in politics, on the question of protection and freetrade, on the mode of dealing with our lands, and on a variety of other subjects, but these are not the questions which would ultimately tend to prevent the union of the Australian Colonies, particularly as it has been distinctly affirmed over and over again by everyone who has gone into the subject, that in forming such a federation in the first instance we should retain all our existing laws, customs, and tariffs. Everything would be accepted on the footing on which they now stand, and if ultimately altered it would only be with the consent of the whole of those interested in the matter. I will not further deal with this branch of the subject, because I look upon it as one that will tell its own tale, and any speculation on my part may really be at the present moment an undue waste of time. The next passage which I propose to quote is one which opens out one of the difficulties to which I have just referred. Mr. W. Gisborne, of New Zealand, in speaking upon the question, points out what he conceives to be some of the difficulties which will stand in the way of the federation of Australia. He says:—

"I see two great anomalies in the existing state of the relations between the United Kingdom and the colonies. These difficulties will only come into prominence when England goes into war with a great naval power. What will then be the case? The strength of a connection lies in the weakest part, and I wish to point out that, in the state of things which will some day happen, there will be a most defective link between England and her colonies. On the one side the United Kingdom will be paying for the naval defence of outlying parts of the colonies without any assured or regular contribution from those colonies (I am speaking of self-governing colonies), although in those colonies the average taxpayer is in a better position than the average taxpayer in the United Kingdom. But what will be the state of the colonies? The state of a colony would be much worse. The colony would not, like the United Kingdom, have had any voice in the origination of the war. It would have no voice in its prosecution, or in bringing it to a speedy and honourable termination. And yet the colony must, under any circumstances, be a serious sufferer. Trade would suffer, and in the event—a very possible event—of any sudden attack by an enemy on the colony the damage inflicted must be very grievous, and a great loss incurred both in life and property. I would not say one word against the loyalty and the patriotism of Englishmen, either at home or abroad. They are unquestionable. But I say there are hard practical questions which must not be left altogether to be regulated by an impulse of feeling."

This is what he considers would be the consequence if we ultimately federated with the

whole Empire—if, in fact, we joined in one grand Imperial Federal Union. But he gives this as a reason from his standpoint why the colonies, to a great extent, would be entering upon dangerous ground in attempting merely to combine among themselves. Mr. Gisborne continues :—

"There are duties and responsibilities involved attaching to all parties, which must be determined and adjusted each in its due proportion. What is the remedy for these anomalies? I say the confederation of independent groups of colonies, however useful for certain purposes, is no remedy for these anomalies. It may be questioned whether this confederation of independent groups is even an aid to the Imperial confederation to which we wish to attain. The only remedy consists in some sort of Imperial confederation—some kind of Imperial confederation for the external defence of the whole Empire. I believe in that will lie the true remedy for the anomalous state of the relations between England and the colonies, if England went to war with a naval power, and that in that lies the only approach to a permanent unity of the Empire. I believe, if that could be effected, anything which must be required to supplement or perfect that unity could be attained afterwards with perfect ease."

Here the speaker proposes that we should begin at the other end. The question of the federation of the whole Empire should, in his opinion, be considered before proceeding to discuss the details of the foundation of the whole question. It would be possible, certainly, to adopt that plan under certain conditions, but we are trying now to initiate what appears to be a more rational system by beginning federation among ourselves, and if this is carried out with a fair amount of success, at no distant date it is, I believe, bound to result in what is the desire of the league formed at home for the federation of the whole Empire. Mr. Gisborne further says—

"Let us approach the question, if possible, in that direction. Let us try by some means to put prominently this question of Imperial confederation for external defence before the public, so that it may elicit public discussion throughout the Empire, with a fair prospect of arriving at some practical conclusion. Once accomplish some such kind of confederation and I believe the danger of disintegration of the Empire would at once cease, and the process of incorporation would at once begin. This vast British Empire would never then become a disjointed or dissolving mass, but would become a living and coherent whole—an empire at unity in itself, and around which the course of time would only wrap closer and closer the bonds. I hold that the existence of such an empire would not only be of incalculable advantage to its own inhabitants, but would also be a material guarantee for the peace, order, and good government of the world and the advancement of the whole human race."

This is the field of thought which is opened out to us by the subject we have before us to-day. Whatever may be the immediate results of the decided action which has now been taken in the matter, it must inevitably benefit us as a people, both in regard to our political status in the world and our social and domestic welfare and prosperity. The *Morning Post* has some observations on the question of the danger of delay, which I shall read to the House. After speaking of the great strides made in the progress of the colonies and the rapid means we have for communicating with one another, it goes on to say :—

"And it is impossible for anyone to study attentively the relations which at present exist between the parent country and her dependencies without agreeing with Mr. Foster, that sooner or later there must be disintegration or federation. The question is not, as the member for Bradford put it, whether we shall keep our colonies, but how we shall keep them ; and although it would be premature to ask in what manner this end is to be accomplished, it is none too soon to invite discussion as to the best way of solving this problem."

The feeling at home, as I stated on a previous occasion, is one of intense apprehension that the colonies will not ultimately fall in with the grand action which so many of the leading men have so deeply at heart. I cannot conceive that any really loyal colonies in this part of the world could ever desire to drift away—to use the expression so frequently employed in regard to this matter—from the mother-country under the impression that they would by themselves form a very important country and be indifferent to the ties of kindred. If united with our kindred at home we should be able to show a defiant attitude to the whole world ; not defiant in an aggressive sense, or in wishing to take to ourselves more than we are reasonably entitled to, but to ensure the continuance of peace and order. Further on, the journal from which I have quoted says :—

"Taking for granted—and we presume the proposition will not be disputed—that the unity of the British Empire is preferable to its disintegration, the question necessarily presents itself, whether we should not take advantage of conditions which at present exist, but which may possibly soon disappear, to effect that combination by which all will equally benefit."

There is no doubt that that refers, and very justly so, to the risk of delay in taking the necessary steps to carry out the objects which we have in view in passing the measure now before us, and trying to make a beginning, which I trust will eventually be productive of greater consequences than those which are even now anticipated. As I wish to lay both sides of the question before hon. members, I shall now call attention to a few lines of a speech delivered by the Hon. Evelyn Ashley. He thinks we should not turn our better judgment by trying unduly to hasten the consummation of the object which is so much to be desired. The hon. gentleman says :—

"Federation is the watchword in vogue. I care not for the name so long as the thing is done. But there are some few, who ought to know better, who call it utopian. Utopian! when within one short week Canada, New South Wales, Victoria, and South Australia, all flash through the ocean offers of their gallant sons as soldiers to fight for the mother-country. Utopian! when the Queen accepts their willing services, and we, their fellow-countrymen, grasp the hands held out to us, not so much because we at present need them but because of the loyal and friendly spirit of which they are tokens. Why, I venture to affirm that the day that Greater Britain sees her forces called from her various shores, marshalled side by side in face of the enemy, federation is an accomplished fact. All that will remain for us to do is, if necessary, to clothe this new embodiment in some garb of formality. We will do so, but let us not be in too much hurry about this. It must not be the hasty, though ingenious, work of some Abbé Sieyés, but the gradual creation of Anglo-Saxon loyalty and common sense—not a hot-house plant, but one of natural growth ; and we, perhaps, should be wise to remember that our own old unwritten Constitution has been more enduring, because more elastic, than many of the carefully mapped systems of some of our more logical neighbours."

That is a warning which, no doubt, we ought carefully to consider, with a view to not overstepping reasonable bounds ; but we can scarcely fear that, as the measure is not one which commits us to anything from which we shall wish to withdraw. There is a quotation I should like to make—if I am not detaining the House too long—a quotation which shows that men even of the highest reputation will sometimes say, and the extent to which they are ultimately proved to be mistaken through giving way to extreme views, whether in denunciation of a new idea, or adopting it too eagerly. In referring to a speech made by Mr. Bright, Lord Rosebery, in a speech made early this year at Epsom, said :—

"If we wish to remain the possessors of a great empire we must also have a colonial policy ; and here I am sorry for a moment to be at issue with the greatest man but one in our party. I mean John Bright. One feels such an unbounded respect and admiration for him that it is painful to differ from him even on one point. But the other day at Birmingham he attacked those who are anxious to bind the colonies closer to the mother-country, and he called their doctrine childish and absurd. I see your resolution seems to be that those doctrines are not childish and absurd. There is no harm in these words, and I do not object to them ; but, as far as I

understand Mr. Bright's arguments, they were three. The first was that all great empires have disappeared—the empire of the Great Mogul or of the Cæsars, or whatever it might be—and therefore that if we tried to have one we should disappear also. I do not know whether we shall do so or not, but I am quite confident that we are much more likely to disappear if we have not an empire. In this argument Mr. Bright is no doubt guided by precedent, and that is the difference between us. Now, I am not guided by precedent. I say there is no precedent for the British Empire, and you cannot find one for it. The British Empire is going on, it does not wait, the citizens of it must never be discouraged into believing it is going to fall because other empires have fallen before it. Then Mr. Bright says: 'Look at Ireland, you have tried to govern her for centuries, what is the use of trying to govern her any longer.' Well, my great reason for wishing to associate the colonies more closely with the mother country is that I am unwilling to be left alone in the world with Ireland. Mr Bright's third argument was that we cannot bind our colonies more closely to ourselves for purposes of defence, because they have not the same laws as we have. But I submit that that argument really means but very little more than this, that because the Australians are allowed by their law to marry their deceased wife's sister, and we are not, there is an insuperable barrier between us. I suppose the position of the Imperial Federation League is this The armaments of this country may have to be increased, in order to offer protection to our coaling stations and our colonies. In that case the colonies might wish to contribute, in some form or other, to the support of these armaments; and the contributions would be raised in any way the colonies thought fit, whether by a protectionist tariff or on free-trade principles. We have given them local government, and the contributions must be raised by tariffs or in such ways as they think best."

That, I think, is applicable to our present position, because, if differential tariffs would not stand in the way of federation with the mother-country, why should they stand in the way of colonial federation? The two cases are to a great extent analogous, notwithstanding the vast disparity between the powers they represent. The same principle is at the bottom, and the possibility of carrying out one is just as practicable as the other. The last quotation I propose to make is from a speech made by one who is, almost without exception, the ablest statesman we possess in the mother-country, though at the present time in consequence of his convictions — because, though a man of highly liberal and truly liberal views, his convictions did not go with the late Government, from which he withdrew—at the present time he is not taking any place in the Government at home. I allude to the Right Hon. W. E. Forster; and among those men who have at home studied the question of Colonial and Imperial Federation I know of none who has shown greater capacity, application, or a fuller knowledge of the wants of the colonies, and the necessity that devolves upon both the colonists and the mother country to use their best efforts to bring about the great cause they have in hand—that of federation. In referring to a speech of John Bright, at Birmingham, he made these observations, which bear more immediately on these colonies :—

"But what did Mr. Bright say on the 29th of January at Birmingham? — 'The idea,' he said, 'in my opinion is ludicrous, that the British Empire—that is, the United Kingdom with all its colonies—should form one country, one interest, one undivided interest for the purposes of defence.' They (that is the Federation League who proclaim these ludicrous notions), must be blind to the lessons of history. Yes, but history teaches many lessons now-a-days, and they follow so fast one upon another, that it is not always easy to learn them. It may be well for us all, Mr. Bright included, to study this last lesson of history. The Governments of the Dominion of Canada, of New South Wales, of Victoria, of Queensland, of South Australia, have declared that the United Kingdom, with all its colonies, do form one country for the purposes of defence. They have made this declaration on behalf of their people by the offer to give, not only their money but their men for the defence of the flag in a war of more than usual danger and privation, and their people have supported their Government in these offers with patriotic enthusiasm. The union of the mother country with her children is, thanks to this patriotism, more close and more intimate than it was a month ago, But is there more probability of its being permanent? The advocates of disunion, or perhaps it would be more fair to them to call them the believers in necessary disintegration, will tell us that this colonial enthusiasm is a temporary caprice, or at least but a passing feeling, on which no reliance can be placed. I am content to ask those who hold this view to learn the lessons which history will teach them; but may I venture to say one word to the friends of union. Some of them may perhaps think that this action of the colonies affords an opportunity of securing the permanent unity of the Empire by the immediate elaboration and definition of a scheme of federation. I would rather venture to say that this colonial action would seem to show that the time has not yet come for such definition, and for this reason, that no scheme which could be devised, and no system which could now be defined, would adequately express the feelings in men's minds. The idea of the permanent unity of the realm, the duty of preserving this union, the blessings which its preservation will confer, the danger and loss and disaster which will follow from disunion are thoughts which possess the minds of Englishmen both here and over the seas. These thoughts are expressing themselves in deeds: let this expression continue; at present it helps our cause far more effectually than any possible scheme."

Finally, he says :—

"I am not now pressing for a formal scheme of consultation with the self-governing colonies on foreign policy."

He made these remarks in consequence of a number of suggestions thrown out by various statesmen at home and many old colonists, who suggested that the colonies should be represented at home by a council of advice, by members of Parliament, or by making a number of colonial peers, all of which suggestions I heard discussed day after day while attending the meetings of the Imperial Federation League in London, where the subject was treated in the most free and open manner; where men of all shades of politics joined in one great cry, "Give way to any reasonable demand of the colonies so long as we can induce them to unite with us for our mutual benefit." He says—

"It may be, it probably will be, best that, as in defence, so in foreign affairs, deeds should precede words; but no Cabinet will in future allow that either Foreign Office etiquette or Colonial Office traditions shall make it possible for the Imperial Government to pledge itself to any foreign power upon any matter seriously affecting any self-governing colony without previous consultation with the representatives of such colony. May we not then hope that this year of 1885, which has opened so sorrowfully and so anxiously, may be the beginning of a new and glorious chapter in the records of our country, and may mark the era at which history will have declared the true meaning of the British Empire?"

I will not quote any further, as the various papers from which I have read can be obtained—many of them—in the colony, and any one who takes an interest in them I shall be happy to lend any portion of a mass of papers I brought out from home, and others I have received since. All I will do now is to say that, having perused the various clauses of the Bill—and I have perused it with great care—I see no reason for in any way altering or amending its general purport; nay, I am not aware that there is even a single word that need be in any way disturbed. I only trust that it will readily pass through the House, and will very soon begin to bring forth its fruits by achieving the object we have in view. If I may indulge in metaphor, I will say that the measure before us is like an acorn, from which will spring a royal oak, whose massive trunk, when arrived at maturity, will prove a bulwark against all our foes, and whose wide-spread branches will form a canopy under which Great Britain and all her colonies may congregate as one united family. I support the second reading of the Bill.

The HON. W. H. WILSON said: Hon. gentlemen,—After what has been said, I do not propose to detain the House more than a few moments, but I think that when a Bill of such an important character comes before us it is only right that it should receive some attention at the hands of hon. gentlemen. I think that the Bill will have a distinct and important bearing on the future of these colonies. The creation of a federal council will have the effect of simplifying matters of government where the various Australasian colonies have similar interests and aims. We shall be enabled also to hold ourselves out to the world as a union, and perhaps receive that consideration to which a united Australia is entitled, considering its size, population, and commerce. The tendency towards decentralisation in these colonies, as shown in the agitation for separation and the demand for self-government, makes a central council all the more necessary to settle questions of common concern. The Federal Council will give a mouthpiece to Australia, and when Australia can speak as a whole perhaps her wishes will not be so uniformly disregarded in the future as they have been in the past. New South Wales, no doubt, will soon feel the loss of influence which her short-sighted policy has entailed upon her, and will yet find it best to join. The creation of a federal council will be an event of growing importance, and Queensland will always remember with pride the part her statesmen have taken in bringing this Council into being. I will not say anything upon the clauses of the Bill, because they appear to carry out the intentions of those who are in favour of federation as well as they can possibly be carried out. I have great pleasure in supporting the second reading of the Bill.

The HON. W. D. BOX said: Hon. gentlemen,—I rejoice that I am here to-day to give my vote in support of the second reading of the Bill which will bring about a federal council and strengthen Australia, and ensure to us the enjoyment of our homes and liberties. I think it is the very surest course we can adopt to make us a portion of Great Britain in reality. I believe that, under the shade of this Federal Council, the colony will grow and prosper, and that it will tend to operate against separation. I am sure that the establishment of the Dominion of Canada was a grand step for the Canadians. The adoption of this Federal Bill and the formation of a federal council will be of inestimable benefit to Australia. The matter has been very thoroughly discussed. We have all read about it, and I only speak to-day to testify the pleasure and pride I have that I am able to vote for the second reading of the Bill. I believe the movement will grow as the colonies grow, and that our strength and position in the world will be made known. If we are disunited we run the risk of being destroyed, but if we act under the shadow and advice of an able council, these great colonies may in a few years hope to defend themselves and assist the mother-country. I anticipate from the formation of this Federal Council the greatest possible good to the colonies generally.

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

NOBLE ESTATE ENABLING BILL—COMMITTEE.

On the motion of the HON. A. J. THYNNE, the President left the chair, and the House went into Committee to consider this Bill.

The various clauses and preamble having been passed, the House resumed, and the CHAIRMAN reported the Bill without amendment.

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

PACIFIC ISLAND LABOURERS ACT OF 1880 AMENDMENT BILL—COMMITTEE.

On the motion of the POSTMASTER-GENERAL, the President left the chair, and the House went into Committee to consider this Bill.

Preamble postponed.

Clauses 1, 2, 3, and 4 passed as printed.

On clause 5, as follows :—

"The sum to be paid by an applicant to the immigration agent under the provisions of the eighth section o f the principal Act shall be three pounds for each islander proposed to be introduced, instead of thirty shillings as therein provided. And the said eighth section of the principal Act shall hereafter be read as if the sum of three pounds were therein mentioned instead of thirty shillings, whenever the latter sum is therein mentioned."

The HON. T. L. MURRAY-PRIOR said he was not going to oppose the clause or try to amend it, but he simply rose for the purpose of expressing his disapproval of it almost entirely. He did not think there would be any use in trying to amend the clause as it would, as it were, be passed by main force.

Clause put and passed.

Clauses 6 and 7 passed as printed.

On clause 8, as follows :—

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

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

The Hon. F. T. GREGORY said he could not allow the clause to pass without again pointing out the very objectionable class of legislation that that was. It might be contended that the clause referred to a race that were unable to take care of themselves, and that, therefore, it devolved upon a paternal government to take care of them. A very nice paternal government, indeed! In that case, he hardly saw his way to amend the clause, without danger, unless express provision was made that the property of the islanders should be received and dealt with by the Curator of Intestate Estates, and that he should deal with it as with the property of any other deceased person, and that steps should be taken to satisfy the just claims of any person who might have a claim on the estate. In any case the amount would not be a very large one and they might be fighting for a principle with a small amount of solid basis to back it up, but still that did not alter the principle, and his object in speaking was to state that he utterly disapproved of the clause, and thought it introduced a new principle which was very decidedly objectionable, and that they ought to watch with jealous care over the introduction of any such principle, whether it referred to a kanaka or one of their own race.

The HON. T. L. MURRAY-PRIOR said there were certain islanders who were mentioned as being "exempt." He supposed they had received a ticket of some sort or another, and he wanted to know whether any person engaging an islander who did not possess a ticket would be liable to a fine?

The POSTMASTER-GENERAL: I do not see anything about them in the clause.

The HON. T. L. MURRAY-PRIOR said he simply took the opportunity of asking the question. For instance, say, an islander had been in the country for five years, he during part of the

period being in the bush, and not knowing anything about the exemption tickets—would that man or his employer be liable to fine or imprisonment?—the one for being without a ticket, and the other for employing him? Was the islander to be looked upon as a convict of former days—a ticket-of-leave man—and was he to be obliged to return to work only upon a plantation at £6 a year for three years?

The POSTMASTER-GENERAL said he did not know what clause or portion of the Bill the hon. gentleman referred to.

The HON. T. L. MURRAY-PRIOR said he did not refer to any particular clause, but seeing that reference was made to exempted islanders in clause 7, he asked whether an islander who had been a sufficient time in the colony but had unfortunately, from some circumstance or another, possibly from ignorance, not obtained his exemption ticket, would be liable to be treated in the same way as an islander who was not exempt?

The POSTMASTER-GENERAL said he would not be treated as an exempt islander.

The HON. P. MACPHERSON said he would ask the Postmaster-General another question, namely—Who was the next of kin to a deceased islander? How, in Heaven's name, was any Minister to find out who was the next of kin to a deceased islander? He believed that they were all brothers, that every islander was a full brother, but he did not know where the father came from. He thought that in order to remove from that clause the slight cloud of ridiculousness which hung over it some provision should be inserted to make clear what was intended. He thought it was simply an abuse of the English language to talk of the next of kin of islanders. He did not know their laws of consanguinity. Were they subject to the same laws of consanguinity as the people of this country? How was the next of kin to be proved—by a solemn declaration, or by pedigree? Or was it by the baptismal register? Where was the evidence of the marriage to come from, or how was the legitimacy of an islander to be proved? Who were his godfather and godmother? But, perhaps, he was asking the hon. gentleman too many questions. He would first ask, who were supposed to be the next of kin to a deceased islander within the meaning of that Bill?

The POSTMASTER-GENERAL said he could only reply that the next of kin were the next of kin. If the Minister for the time being was not satisfied that the persons presenting themselves and claiming the effects or property of a deceased islander were entitled to them, of course there would be an end to it. He could not go into the *modus operandi* of how that was to be determined. He greatly appreciated the observations of the Hon. Mr. Macpherson; they were very much to the point; but he thought that the clause should stand as it was. However, if he proposed an amendment, he would not offer strong opposition to it.

The HON. P. MACPHERSON said the words "proved to his satisfaction to be entitled to the same" ought to be sufficient. He thought that would give the Minister ample jurisdiction to deal with the matter, but the clause as it now stood looked almost farcical. He would not like to be the Minister who had to decide such a matter.

The HON. W. D. BOX said his feeling was that the clause would be better left out altogether. The existing law sufficiently provided for cases of intestacy. He did not see how they could amend the clause, unless, perhaps, they put an "s" in before the word "kin," and made it "skin," so that it should read "next of skin" instead of "next of kin."

The HON. A. RAFF said perhaps he could throw a little light on the matter. According to the present law, the Supreme Court must be applied to by the next of kin in order to obtain the money from the Curator, and that clause would dispense with the necessity of an islander going to the expense of applying to the court for the money if it could be proved that he was the next of kin to the deceased islander who had left any property.

The HON. T. L. MURRAY-PRIOR said he thought it was pretty plain who the next of kin was under that clause. They had a paternal Government, and they must be the next of kin.

The HON. A. J. THYNNE said no doubt the Hon. Mr. Murray-Prior had hit the right nail on the head. He (Hon. Mr. Thynne) would point out what seemed to him a peculiar thing in that Bill. Under section 7 islanders who had been registered as exempt under the 34th section of the Pacific Islanders Act of 1884 were not to pay capitation fees for hospital purposes, and he did not see why, when they were exempt from that, they should not also be excluded from the operation of the 8th clause of that Bill. Why should their little money be taken possession of by the paternal next of kin, the Government, for the purpose of easing off the burdens which ought to be borne by someone in the colony? Surely the man who was exempt should not be treated in the same way as a man who was not exempt. The proposal seemed to be wrong in principle. It was like publishing to the world that the Government of Queensland were taking advantage of the islanders and putting into their pockets the small amount of money which those men earned on the plantations—that they were absolutely benefiting by the death of the islanders. Of course the clause gave power to apply the money to other purposes, but he did not like the provision.

The HON. W. H. WILSON said he could not agree with the last speaker, for the reason that something must be done with the money and property left by islanders. If, for instance, an islander died, and he had a sum of money in the savings bank, or money about his person, he did not see how they could do better than provide that they should be paid into a certain fund created for that purpose. When it came to the question as to what should be done with the money the Colonial Secretary would inquire into the case and make an order. He thought the provision was a very good one, and he did not see how it could be improved.

The HON. A. C. GREGORY said he did not see any objection to that clause standing in the Bill, provided the necessary preliminary was also dealt with. No mention was made as to what was to be done in the case of a Polynesian who had property making a will, and many of those islanders were far more capable of intelligently devising their property than many of our European population. Let them suppose a case which might very easily occur. A Polynesian died leaving property by will to one of his friends or to some other person—it did not matter to whom. Under that clause, all the moneys in the savings bank would have to be handed over to the Minister, and applied to the next of kin. That would be the operation of the clause so far as the will applied to moneys in the savings bank. With regard to any other property left by an islander who died intestate, that, he presumed, would be received by the Curator and handed over to the paternal Government. He thought some provi-

sion should be made for dealing with cases in which islanders bequeathed what property they possessed to their friends. If that were done there would be some reason in the clause, and he would suggest—not in any spirit of opposition—that it should be amended in that direction.

The HON. W. D. BOX said he could not understand why there should be one law for him and another for an islander who had saved money. If an islander died intestate there were the provisions of the Intestacy Act, which told him how his relatives could get the money. He presumed the object of the clause was to save the islander expense; but he thought if an islander was able to save money he should also know how to deal with it; at any rate, he would be sufficiently protected by the Intestacy Act.

The HON. T. L. MURRAY-PRIOR said he hoped the Postmaster-General would accept the suggestion made by the hon. A. C. Gregory. It would not in any way injure the Bill. He had had a slight experience of islanders. On one occasion an islander in his employ died, and there was another islander whom he had always called brother, and who laid claim to his money. It was, however, handed over to the Government, though fortunately the new Act, which was passed at that time, not being in force, he (Hon. Mr. Murray-Prior) eventually succeeded in getting it back and paying it to the surviving islander. He remembered another extraordinary thing that happened. His manager at the time sent to the registrar the papers required in such a case. Those papers were, however, returned two or three times, and on the last occasion with a threat of certain pains and penalties if the manager did not fill in the maiden name of the mother of the deceased islander. One could hardly believe that such a ridiculous thing could happen, but it was a fact nevertheless.

The POSTMASTER-GENERAL said that the case suggested by the Hon. Mr. Gregory, where an islander left a will, would not be affected by that Bill.

The HON. A. C. GREGORY: It would, as the clause now stands.

The POSTMASTER-GENERAL: No; by no means.

The HON. A. C. GREGORY said that a later enactment overrode a previous law, and that clause distinctly stated that money deposited in a savings bank to the credit of a deceased islander should be taken possession of by the Minister and paid to the next of kin or to the Pacific Islanders' Fund; and even if the islander made a will, that provision would over-ride it as far as money in the savings bank was concerned. He did not mean to say that if an islander left other property that the clause would affect that because it might be left by will. He had offered a suggestion to the Postmaster-General, and he thought if the hon. gentleman would consider the matter he would see that it could not interfere with the efficiency of the Bill or its expressed intention.

The POSTMASTER-GENERAL said that the suggested amendment would be of no use whatever; it would simply be surplusage. If the hon. gentleman moved the amendment he would go to a division on it. Suppose an islander left a will, which was of course an exceptional thing, and that will was proved to the satisfaction of the Minister, he would make an order for the property to be handed over to the parties interested immediately.

The HON. A. J. THYNNE: No; it must be paid to the next of kin.

The POSTMASTER-GENERAL said the will would override that clause. If an islander was able to make a will they might depend upon it that he would take care to have executors who would look after his property. It was all very well to make a little joke about the paternal Government grabbing the poor islander's cash, but they were dealing with persons who should not have to go a roundabout way in order to get any money that might be payable to them. Of course every Minister was a Minister of a paternal Government, and he presumed the Hon. Mr. Murray-Prior applied that term to all Governments. The hon. gentleman was several times a member of a paternal Government, and would therefore appreciate the adjective as much as any hon. member present. He (the Postmaster-General) was very much obliged to the Hon. Mr. Gregory for his suggestion, but he hoped the hon. gentleman would not trouble the Committee with moving an amendment on the subject.

The HON. A. C. GREGORY said the shortest way of dealing with the matter was to move an amendment. He moved that after the word "dies," in the 2nd line of the clause, there be inserted the word "intestate." He thought that would make the matter clearer.

The HON. A. J. THYNNE said he could not quite agree with the Postmaster-General that the amendment was not necessary. They were dealing with people in the colony, who, in many respects, were under great restrictions. Islanders could not give receipts for their wages except in a certain specified way, and if no provision was made, as suggested by the Hon. Mr. Gregory, any money which they might have saved would be paid to the Government whether they made a will or not.

The POSTMASTER-GENERAL: Does the hon. gentleman say that this provision would actually override a will?

The HON. A. J. THYNNE: I say that it would.

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

On clause 9—"Money recovered on bonds to be paid to Pacific Islanders' Fund"—

The HON. W. D. BOX said that, according to the clause, the money was to be paid into the Treasury, and placed to the credit of the Pacific Islanders' Fund. What was the reason for the change?

The POSTMASTER-GENERAL said the change was a matter of convenience, and would not affect the disposal of the fund.

Clause put and passed.

Clause 10—"Application of Pacific Islanders' Fund"—passed as printed.

On clause 11, as follows:—

"Every complaint of a breach of the provisions of the Pacific Island Labourers Acts, 1880-1885 shall be heard and determined by a police magistrate, and no other justice shall hear or determine or take part in hearing or determining any such complaint."

The HON. F. T. GREGORY said he strongly objected to the clause when speaking on the second reading, and there was no doubt that it was utterly uncalled for, and could have no other effect than censuring the whole bench of magistrates. The effect of the clause was to say that the magistrates were not fit to hear an ordinary case, merely because it was between Pacific Islanders and white employers instead of between one European and another. To pass such a clause would be to impose a downright indignity on the bench of the colony. He was surprised that the clause ever got so far as that Chamber. The minds of hon. members must be easily made up

on such a question. His mind was made up, and he intended to divide the Committee, even if he stood alone. He felt almost too indignant to speak to the question. He should certainly vote against the clause. If any hon. gentleman with a legal mind thought it necessary, he was prepared to introduce the usual clause providing that two justices should be competent to adjudicate in such cases as were provided for in clause 11. He saw no reason, however, why the clause should not be expunged.

The POSTMASTER-GENERAL said there was good ground for the adoption of the clause, because it was a fact that the bench had been packed in one case for the purpose of hearing a case similar to those which would come under the operation of the clause ; and, instead of being an indignity to the magistrates, it was understood by the country generally that magistrates were desirous of being relieved of the functions of justices in regard to such cases. They knew very well that police magistrates were more practised in the functions of the magistracy than justices of the peace. They also knew that justices of the peace had crowded on the bench when they had not been there for months before, and it was believed, for excellent reasons, that in the best interests of cases that might come under clause 11, the police magistrate alone should adjudicate. He did not want to enter into the matter fully, but as a matter of sound policy it was wise that the clause should remain as it stood.

The HON. T. L. MURRAY PRIOR said he was really perfectly astonished at the Postmaster-General. If he had an accusation to make against any magistrates, why not say who they were? Was the hon. gentleman to insult the whole magistracy of the colony by saying that a bench had been packed? What proof had the hon. gentleman that such was the case?

The POSTMASTER-GENERAL : I said it was believed.

The HON. T. L. MURRAY-PRIOR : The hon. gentleman believed, and on his simple belief——

The POSTMASTER-GENERAL : It was believed.

The HON. T. L. MURRAY-PRIOR said, upon the simple belief of some person, the whole magistracy of Queensland were insulted—for it was nothing less. As a magistrate he considered himself insulted, because the inference to be drawn from the clause was that he could not do even justice when called upon to do so. He did not know of any case, as far as he was concerned, and without proof he would not believe any case of packing the bench had occurred for the purpose of condemning a kanaka. He did believe that injustice had been done by the present Government—that they had used means under certain circumstances which no magistrates would have used ; and he wondered very much at the Postmaster-General speaking as he had. By the same argument, no magistrate ought to be allowed to sit on a case under the Masters and Servants Act, for the oath of a magistrate to do even justice appeared to be nothing. The Hon. Mr. Gregory need have no fear of standing alone, and he trusted there would be a great majority of the Council with him, because it was not a political matter, but a matter of simple justice ; and he thought that when it was put into a public Bill after what had occurred, it became their duty to express their feelings, and vote in accordance with those feelings.

The HON. P. MACPHERSON said he also should vote against the clause ; and he was surprised to see it in the Bill. He looked upon the clause as a most unwarrantable condemnation of the unpaid magistrates of the colony. It was a declaration by the lower branch of the Legislature that, in their opinion, the unpaid magistrates were so incompetent or so biased as not to be fit to deal with such cases as would come under clause 11.

The HON. W. D. BOX said he could not understand how the clause came into the Bill. The Postmaster-General must know that, though police magistrates were honourable men, they were liable to make mistakes, and he must also know that they were appointed by the governing powers. As far as he could understand, it was the desire of the present Government to crush out Pacific Island labour in the colony altogether ; and the only judge allowed to deal with the matters referred to in clause 11 would be a judge appointed by the Government of the day. They deprived the litigants of any chance of justice, besides publicly offering to the magistrates of Queensland a most direct insult. It was as much as to say, "You are not fit to judge a case when a Pacific Islander is interested. A nominee of the Government is the only man who can try such a case." He should certainly vote against the clause.

The HON. W. H. WILSON said it was almost too much to say that all the police magistrates in the colony were appointed by the present Government, but that appeared to be the insinuation made by the Hon. Mr. Box. He could see why the clause was introduced ; and if they recollected the way in which benches used to be packed in the old licensing days, they could see the reason the framers of the Bill had for requiring that the cases referred to in the clause should be determined by a police magistrate. For his own part, he should prefer to have justices who would not be biased either by their own feelings or by business connections in the district in which they resided. He thought the clause ought to be passed as it stood.

The HON. F. T. GREGORY said the Hon. Mr. Murray-Prior had briefly alluded to the Masters and Servants Act, and he might be excused for again referring to it. If the clause ought to remain then they ought to place the consideration of every transaction where there was collision between masters and servants on the same footing. Why not? The analogy was perfectly sound. If a magistrate was directly or indirectly concerned in a case he would not sit, and the same might be said of employers of kanaka labour if they were magistrates and were interested, but if a magistrate was capable of adjudicating upon a case in which he was personally interested, and it came to the knowledge of the Executive of the day that he had done so, and had acted in an improper manner, it would be their duty to at once remove him from the Commission of the Peace.

The HON. A. J. THYNNE said he believed the clause had been introduced on the ground, that in some places in the colony—Bundaberg he believed—it was the belief, as the Postmaster-General carefully put it, that the bench had been packed, but he thought if any packing was done on that occasion it would be found that the magistrates of long standing who attended in more than usual numbers, attended on account of the number of newly appointed magistrates who had been put on the Commission of the Peace in that neighbourhood. He did not wonder if one were to take some of the names that had been put on the Commission of the Peace during the last two or three years—that the Government had not complete confidence in their doing justice, because some of the appointments which had been made were

not creditable ones; but was it because some people thought that one, two, or three magistrates had made a mistake, and had not done perfect justice—was that a sufficient reason why they should attack one of their most important institutions, the administration of justice. He said that every attempt which was made to lower the standard or dignity of the office of justice of the peace was a thing to be very much reprobated, inasmuch as it struck at the respect in which the judicial institutions of the colony were universally held. In the interests of police magistrates themselves he said that clause ought to be omitted, because they might be put in a most invidious position when matters relating to Polynesians were brought before them and when they were forced by Act of Parliament to hear those cases. Of late years it was a very well-known fact that the Polynesian question had been one very much mixed up with political parties, and he would pity a police magistrate who, being called upon to decide a case of that kind, did not give a decision in accordance with the political views of the dominant party for the time being. He did not think it would put police magistrates in a fair or proper position to make them undertake alone the decision of matters of that kind, when a vindictive Minister or Government might resolve, in consequence of their action, to remove them, or treat them in such a way as they would suffer pecuniarily.

The HON. T. L. MURRAY-PRIOR said he thought he could answer the Postmaster-General when he asked about benches being packed. He thought the packing was done on the other side. He might draw attention to the way in which the commissioners had been sent up north to inquire into the doings of certain ships; and he thought they heard a great many things which were not in accordance with facts. In illustration of that there was the "Forest King" case. That ship was taken by the Government on false pretences. The case was brought before the Admiralty Court, and the embargo was taken off. A committee of the other branch of the Legislature was appointed to examine into that case, and they found that no guilt was established, and recommended that a sum of money should be paid to the owners of the ship. Now, he held if a mistake could occur in the case of one vessel many mistakes might occur in other cases. Those who had any knowledge of kanaka boys knew that they were not fools; they could accomplish their object as well as white men. They wished to be free, and of course they would tell their own story. Not only that, but everyone knew the style of men who were brought as witnesses in the cases he had referred to; one in particular, whose name he should not allude to; they knew what he was. It was his firm belief that not only in the case of the "Forest King," but in the case of some other vessels, the owners were unjustly dealt with; and that was all accomplished by the political animosity of the present paternal Government, who wanted to stamp out one of the best industries of the country. That was his opinion, and he was satisfied he was not far wrong. If men engaged in the kanaka trade committed cruelty let them be punished; and he was perfectly satisfied that if they were brought before any of the magistrates in the colony justice would be done. In talking of paternal Governments, the Postmaster-General thought a short time ago that he was making a great point in turning upon him (Hon. Mr. Murray-Prior), but he could assure the hon. gentleman that when he spoke he was thinking of the paternal Government which existed at the present time. He (Hon. Mr. Murray-Prior) had not belonged to a paternal Government. He had belonged to a just Government, which did what was right, and he could not help thinking that in a great deal he had said in reference to the matter under discussion and other matters the Postmaster-General could not help agreeing with him.

The POSTMASTER-GENERAL said if the hon. gentleman was in a less captious mood he would not speak as he had done. The hon. gentleman showed the keenly susceptible state in which his mental fibre was in when he took notice of a whisper on that side of the House and took no notice of the louder tones of hon. gentlemen on his own side. The hon. gentleman was in a susceptible state and would persist in assuring the Committee that he had not been a member of a paternal Government—that he was a member of a just Government. Well, all he could say was, that if the hon. gentleman wished to attack the Government in the vicious manner he had adopted, let him table a motion on the subject, and they would have it out. There was no reason why they should not have a first-rate field-day on the subject. It would give him the greatest pleasure in the world to have a little change of mental diet, and he hoped the hon. gentleman would take the opportunity, on the earliest possible occasion, to give notice of want of confidence in the Government; but he did object to wandering away from the business before the Committee. What had that clause got to do with the "Forest King"?

The HON. T. L. MURRAY-PRIOR: Everything.

The POSTMASTER-GENERAL: What had it got to do with the appointment of justices of the peace? He did not think there was any slur cast on the justices by that clause, because the great majority of them did not want to adjudicate upon cases of that kind. One hon. gentleman had said that police magistrates would be put in a most invidious position if they gave decisions against the dominant party of the day, but he did not think for one moment that any police magistrate in the colony had any such feeling, no matter what Government were in power, and if he had then he (the Postmaster-General) pitied the man with such a spirit, because if a police magistrate discovered for one moment in his own conscience that he would be affected as to his position in the Civil Service by any Government in power he should be the first man to throw up his position and declare the reason for it in public and seek some other position. No honest man would retain the position of police magistrate if his conduct on the bench was to be controlled by the Government of the day. That was his opinion. He held police magistrates in a much higher respect than the hon. gentleman did. Justices of the peace, he said, had better not deal with cases of that kind. That was the opinion of the Government—the paternal Government, as the hon. gentleman called them—which was not only the opinion of the Government, but it was the opinion of a great majority of the members who supported them, and going back still further it was the opinion of the great majority of the people of the colony whom the Government represented.

HONOURABLE GENTLEMEN: No, no!

The POSTMASTER-GENERAL said the Hon. Mr. Thynne had said that some very bad appointments had taken place during the last two or three years, but he (the Postmaster-General) would go back further again and say that some very bad appointments had taken place within the last seven years, and if necessary he should name them. To attempt virtually to insinuate that the only bad appointments to the magistracy were made by a Liberal Administration when in power was the height of nonsense, and unworthy

of the members of that Chamber. He should advise hon. gentlemen to stick to the business before them, and, as the Hon. Mr. Gregory said, let them take a division upon the question. The question was not worth fighting about. He did not see how the magistracy could be insulted when it was remembered that the line was drawn in certain cases where it was said that magistrates should have no jurisdiction, and that certain matters should be dealt with only by the Supreme or District Courts. The people of the colony were of opinion that those matters should not be adjudicated upon by unpaid magistrates, but if hon. gentlemen thought otherwise, by all means let them come to a division and settle the question.

The HON. T. L. MURRAY-PRIOR said he had made an allusion to a member speaking while he was speaking, but the reason was that he was addressing the Postmaster-General at the time, and he wanted him to listen. The hon. gentleman had accused him of saying something against police magistrates, but he had never said anything against them. He had the very highest respect for them all; but with regard to what fell from the Hon. Mr. Thynne, it was nothing more than human nature that police magistrates should act in the way he suggested. There could be no doubt, and the hon. gentleman could see himself that police magistrates were, to a certain extent, under the thumb or rule of the Government of the day. The Postmaster-General had said that if a police magistrate thought that he had to give up his own ideas and play into the hands of the Government he ought at once to throw up his post, but the hon. gentleman knew very well that police magistrates, as a rule, were not a wealthy class. In fact, they would not be police magistrates if they were, and it was not such an easy thing for a gentleman to throw up any position he might occupy and get another instead. He had said nothing derogatory to the police magistrates, but he thought the clause was an insult to the magistracy. As far as bringing a vote of want of confidence, the Postmaster-General knew perfectly well that he thought it would be perfectly useless to do any such thing, because even if it were carried it would not have much effect. The hon. gentleman accused him of being very warm—warm he really was when the thought that justice was not being done, and an insult offered to anyone—but he thought the hon. gentleman had displayed a good deal more warmth than he had done.

The HON. G. KING said that, without going into the merits and demerits in the appointment of magistrates, the difficulty would be met by inserting the words "three other magistrates not interested in the case," instead of the words "any other magistrates."

Clause put and negatived.

On clause 12, as follows :—

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

The HON. F. T. GREGORY said that on the second reading of the Bill he took exception to that clause, but at the same time intimated that he did not intend to oppose it, and he was now only drawing the attention of hon. members to it, as it struck him still more forcibly that the Government, in limiting the period during which kanakas could be introduced were unintentionally doing an act of mercy towards the planter. By a quick despatch they were relieving the unfortunate planter of his miseries. At that moment an illustration flashed across his mind, which he thought aptly described the action of the Government, and which he hoped he would not be considered irreverent in quoting, and that was —it was like "the tender mercies of the wicked king." He thought that was particularly applicable to the case.

Clause put and passed.

Preamble passed as printed.

The POSTMASTER-GENERAL moved that the Chairman leave the chair and report the Bill to the House with amendments.

Question put and passed.

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

LICENSING BILL—COMMITTEE.

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

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

Question put and passed, and the House resumed.

On the motion of the POSTMASTER-GENERAL, leave was given to sit again after the consideration of Order of the Day No. 5.

UNDUE SUBDIVISION OF LAND PREVENTION BILL—CONSIDERATION IN COMMITTEE OF LEGISLATIVE ASSEMBLY'S MESSAGE.

On the motion of the POSTMASTER-GENERAL, the President left the chair, and the House resolved itself into a Committee of the Whole to consider the message of the Legislative Assembly in reference to this Bill.

On clause 4, in which the Legislative Assembly disagreed to the proposal of the Council to add the words "and the Real Property Act of 1877"—

The POSTMASTER-GENERAL moved that the Committee do not insist upon their amendment in that clause.

Question put and passed.

On new clause 5, as follows :—

"It shall not be lawful to erect a dwelling-house fronting a street or lane laid out after the passing of this Act at a less distance than thirty-three feet from the middle line of such street or lane, or to use as a dwelling-house any building erected after the passing of this Act, and being at a less distance than thirty-three feet from the middle line of a street or lane, unless in either case the building is at the corner of a street and a lane, and is distant not less than thirty-three feet from the middle line of the street."

—in which the Legislative Assembly proposed to omit in the 2nd, 3rd, and 6th lines, the words "street or," and omit also, after the word "lane" in the 7th line, all the remaining words of the clause—

The POSTMASTER-GENERAL moved that the amendment be agreed to.

Question put and passed.

On clause 8, in which the Legislative Assembly disagreed to the proposal of the Council to insert the words "and the Real Property Act of 1877"—

The POSTMASTER-GENERAL said those words were inserted under a misapprehension. It was a mere formal matter, and he moved that the Committee do not insist upon their amendment.

Question put and passed.

The POSTMASTER-GENERAL said there was another amendment in that clause to which the Legislative Assembly disagreed—namely, the

omission of the word "sixteen" with a view of inserting "thirty-two." The Legislative Assembly disagreed to their amendment—

"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."

He did not think he need say anything on the subject beyond repeating a sentence or two used before by several hon. gentlemen. The clause, as it stood originally, was a step in the right direction, and fixed the minimum area for an allotment at 16 perches. There were thousands of allotments in the colony at the present time of less area than that, and, unless that measure was passed there were likely to be thousands more. If 16 perches was found to be too small they could afterwards remedy the matter by bringing in an amending Bill, but hon. gentlemen knew that in the city of Brisbane, and in other towns in Queensland, as well as the other colonies, there were many cosy, happy, and comfortable homes fulfilling all the sanitary conditions in the very best way on 16-perch allotments. The Bill was not a measure simply to fix the minimum area of allotments at 16 perches, but it dealt with other important matters, to which he would not now advert. He moved that the Committee do not insist on their second amendment in clause 8.

The HON. W. PETTIGREW said he was very sorry that that amendment had not been agreed to by the other Chamber. The reason given by the Assembly for their disagreement to the amendment—namely, "that it would tend to put it out of the power of persons of small means to acquire freeholds for themselves"—had no force whatever; it had no foundation, in fact. The clause, as it stood, would enable people to cut up their land into very small allotments and get more money out of those people with small means. The Government of the country, by a Bill passed last session, were not allowed to sell town allotments—not country allotments, such as would be affected by that clause—in smaller areas than 40 perches, and he did not see why private individuals should cut up their land into smaller portions. As he had already stated, in order to keep a community in good health it was essential that trees should be planted, and that could not be done on allotments of 16 perches. Wooden houses were much more healthy in this country than brick houses, and there should be a space between wooden buildings in order to prevent the spread of fire. A man also required an entrance by the end of his house to the back, and other conveniences were necessary to enable the family to live under conditions of health, and those things could not be obtained on an allotment of 16 perches. As the Postmaster-General had stated, the Government could bring in a Bill, at a future date, still further limiting the size of allotments; but when they were dealing with the matter he thought they should fix the area at 32 perches, which was quite small enough. He considered it was not a right thing for any legislature to allow the land to be cut up as it had been lately in Queensland. Hon. members must understand that land would not be cut up in small allotments in one or two places, but all over the country; and he considered it was the duty of Parliament to fix a minimum area which would be sufficient to allow of the conditions of health being observed. He was sorry that the amendment was not agreed to; but as there were several good things in the Bill he would not like to endanger the measure by pressing the amendment. He hoped, however, that hon. gentlemen would think twice before they came to a decision on the matter.

The HON. A. J. THYNNE said that when the Hon. Mr. Pettigrew moved his amendment on that clause he offered the hon. gentleman his support, and, with him, he regretted very much that the amendment was not accepted in another place. The hon. gentleman having withdrawn his opposition to the original clause, he intended to follow his lead, because he believed there was some little good in the Bill although it was not much. He must congratulate the Government on one thing—namely, that they had been able to discover one industry in this colony which they would not attack. They were prepared to allow, or rather to assist, people in land-jobbing, and in extracting money from the poor people, who bought those small allotments at fictitious values. They were not prepared to put their foot on that industry, although it did no good to the colony.

The HON. F. T. GREGORY said the reasons given by the Postmaster-General for not insisting on the amendment were fallacious, because it was not the poor man who would be benefited by the smaller areas but the capitalist. Then the hon. gentleman said that if the Act were found not to work well it could be amended; but that simply meant locking the stable door after the steed was stolen.

The POSTMASTER-GENERAL said that, of course, the Committee must observe the covert sneer the Hon. Mr. Thynne was at times unable to repress. In regard to the Government having discovered an industry which they were prepared to let alone, he might say that if they had wished to leave it alone they would not have brought in the Bill. But the Government had the courage of their convictions and were determined to stamp out the practice of subdividing land into allotments containing less than 16 perches. If the Government had made 32 perches the minimum, he believed the Hon. Mr. Thynne would have advocated its reduction to 16 perches in the interests of the poor man. With respect to capitalists, the reasons he had given were perfectly sound, because the capitalist would lease his allotments if he could not get the price he wanted for them; and most people who could not afford to buy allotments with 66 feet frontage and 2½ chains deep, were quite content with 16 perches. On the books of divisional boards there were 16-perch allotments with buildings valued altogether at £25; and it was only in such a climate as that of Queensland that the working classes could live in such comfort in such small houses. On behalf of the Government, he repudiated the idea that they were playing into the hands of any individual or class of individuals.

The HON. A. J. THYNNE said the Postmaster-General was not aware of the history of the origin of the Bill. It was introduced in fulfilment of a promise extracted, at his request, from the hon. gentleman's predecessor by the Hon. A. C. Gregory. The Postmaster-General must bear in mind that though he had a great interest in preventing the improper subdivision of land, it was for no other purpose than the public good. They had been told that the Bill under consideration originated out of the Health Act, and that a Building Act would follow. They would see whether the Government had the courage of their convictions and would bring in a measure dealing with buildings, and whether the consequences of the undue subdivision of land would fall on the people who bought small allotments or on those who cut up the land.

The POSTMASTER-GENERAL said he hoped that whatever Government happened to be in power they would have the courage of their convictions, and bring in the measure referred to by the Hon. Mr. Thynne. But for that hon. gentleman to ask the Committee to swallow the statement that the Bill originated in that Chamber was too much. It was a subject of comment among people in Brisbane and elsewhere for years before it was introduced.

Question put and passed.

The POSTMASTER-GENERAL moved that the Committee do not insist on their first amendment in clause 9.

Question put and passed.

The POSTMASTER-GENERAL moved that the Committee agree to the amendments made by the Assembly on the Council's other amendment in clause 9.

The HON. A. C. GREGORY said that, having introduced the additional subsection, he had much pleasure in saying that the amendments made by the Assembly were an improvement.

Question put and passed.

On the motion of the POSTMASTER-GENERAL, the CHAIRMAN left the chair, and reported the resolutions to the House. The report was adopted, and the Bill was ordered to be returned to the Legislative Assembly with a message intimating that the Council did not insist on those amendments to which the Assembly disagreed, agreed to the amendments in new clause 5, and agreed to the amendments on their amendments in clause 9.

LICENSING BILL.

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.

Preamble put and passed.

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

The POSTMASTER-GENERAL moved that the President leave the chair, and the House resolve itself into Committee to consider clause 107, the proposed new clause to follow clause 122, clause 126, and clause 128.

The HON. A. J. THYNNE moved that clauses 14, 15, 16, 17, 19, 20, 29, 33, 34, 87, 114, and 128, and schedules 2, 4, 6, and 7, be added.

The POSTMASTER-GENERAL said he certainly objected to the recommittal of the Bill on any other clauses but the clauses promised to be recommitted. He would make no further observations, because it appeared to him that if they recommitted so many clauses they would never get through the Bill. He did not think the matters referred to by the Hon. Mr. Thynne were at all important; if they were, he would offer no objection to their being considered. He hoped hon. gentlemen would negative the amendment.

The HON. A. J. THYNNE said, although the number of clauses were large, there was really only one important amendment, the other amendments being consequential ones.

Question—That the clauses proposed to be added be so added—put and negatived.

Question—That the Bill be recommitted for a consideration of clause 107, the proposed new clause to follow clause 122, and clauses 126 and 128—put and passed.

On clause 107, as follows :—

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

The POSTMASTER-GENERAL said hon. gentlemen were aware of the circumstances which had led to the recommittal of that clause. The words, "and all wines and other liquors found on his premises shall be forfeited," had been omitted, and it was the intention of the Hon. Mr. Thynne to substitute the words, "and all liquor other than wines found on his premises." Every hon. gentleman present understood the point, but it was right that an opportunity should be taken to state that it was very advisable in a sparsely peopled colony like this, where wine-sellers were not under very close supervision, that the penalty should be high and be a terror to law-breakers. He would, therefore, move that the words "and all wines and other liquors found on his premises be forfeited" be inserted at the end of the clause.

The HON. A. J. THYNNE moved as an amendment that the words "wines and other liquors" in the proposed amendment be omitted, with the view of inserting the words "liquors other than wines." He thought the forfeiture of all wines found upon the premises was too serious a penalty to be inflicted upon a wine-seller who committed a breach of the law, and who was convicted under circumstances under which he was little to blame.

Question—That the words proposed to be omitted stand part of the amendment—put.

The HON. SIR A. H. PALMER said the question could not be put in that way; the amendment had not been carried or negatived. The whole of the original motion must be put first, and no words could be omitted from an amendment that had not been carried.

The HON. A. J. THYNNE said it appeared to him that when a clause was proposed for the consideration of the Committee, that clause had not yet been dealt with, and yet motions were made for the insertion and omission of words, and if that was done the clause was adopted. It appeared to him that that was a similar case.

The HON. SIR A. H. PALMER said the proper method of putting the question was to move the words it was proposed to insert. No word could be omitted from a question that had not been carried. If the Hon. Mr. Thynne wanted to put his amendment he must move the whole of it as a substitute for the amendment proposed by the Postmaster-General.

The HON. A. J. THYNNE said he would move that, instead of the words proposed by the Postmaster-General, the following words be inserted: "and all liquor other than wines found on his premises shall be forfeited."

Question—That the following words be inserted: "and all liquor other than wines found on his premises shall be forfeited"—put.

The POSTMASTER-GENERAL said he would respectfully submit that the Chairman was putting the cart before the horse. His motion should be taken first, and if it was negatived then the Hon. Mr. Thynne could move his motion.

Question—That the following words be inserted at the end of the clause, "and all wines and other liquors found on his premises shall be forfeited"—put, and the Committee divided :—

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

NON-CONTENTS, 11.

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

Question resolved in the negative.

The HON. A. J. THYNNE moved that the following words be inserted at the end of the clause—"And all liquor other than wines found on his premises shall be forfeited."

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

On the proposed new clause to follow clause 122, namely:—

Every holder of a license which may be terminated by reason of the adoption of the first 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 HON. A. C. GREGORY said that on the previous day he referred to the custom and practice of the House of Lords and the House of Commons with regard to measures touching fees and penalties. He then spoke from memory, but now he would give the actual quotation. It would be found in the eighth edition of "May," at page 599. First of all there was recited that the House of Commons found that the rules then established were far too stringent, and that the business could not proceed. The House of Commons then passed the following resolutions in 1849, so that they were not very old ones, namely:—

"That with respect to any Bill brought to this House from the House of Lords, or returned by the House of Lords to this House, with amendments, whereby any pecuniary penalty, forfeiture, or fee shall be authorised, imposed, appropriated, regulated, varied, or extinguished, this House will not insist on its ancient and undoubted privileges in the following cases:

"1. When the object of such pecuniary penalty or forfeiture is to secure the execution of the act or the punishment or prevention of offences;

"2. Where such fees are imposed in respect of benefit taken or service rendered under the Act, and in order to the execution of the Act, and are not made payable into the Treasury or exchequer, or in aid of the public revenue, and do not form the ground of public accounting by the parties receiving the same, either in respect of deficit or surplus;

"3. When such Bill shall be a private Bill for a local or personal act."

He held that those resolutions would be quite sufficient to cover the amendment which he had proposed in introducing that new clause. He did not go further now, because, although he contended that they had the right under the Constitution to introduce such an amendment quite irrespective of the practice of the Houses of Parliament in England, still he did not wish to imperil the Bill, and he would prefer to deal with the matter upon the rules of the Imperial Parliament. He did not enter into the argument with regard to their undoubted power to deal with such an amendment irrespective of what might be said in "May" or in any other constitutional writing which was not based on their own Constitution. He maintained that the clause which he now proposed did not go beyond the limit set forth in the resolutions quoted from "May"; it certainly did not go beyond what had frequently been done by that Committee. It especially came under the clause—"Where such fees are imposed in respect of benefit taken or services rendered," etc. A certain benefit was taken, or assumed to be taken, by establishing local option. If, however, they took the other part of the resolution, it would come under the 1st clause—"When the object of such pecuniary penalty or forfeiture is to secure the execution of the Act." But he did not think it necessary to detain the Committee very long in discussing the subject. They had the resolutions before them, and he thought they would be satisfied that they might fairly introduce the clause he had proposed without any difficulty or any serious risk of coming into collision with the other Chamber on a constitutional question which might imperil the passing of the Bill that session.

The POSTMASTER-GENERAL said he hoped that the good sense of hon. members present would lead them to adhere to the clause as it stood, and not attempt a contest on a constitutional question which might be raised by the adoption of the amendment proposed by the Hon. Mr. Gregory. He would follow the example of the hon. gentleman, and say very little indeed. He thought it would be wise not to attempt a discussion of the constitutional point; and he respectfully reasserted what he had said in regard to their powers when discussing the local government matter which was before them a month or two ago. He stoutly adhered to the opinions he expressed on that occasion—that the Committee had not the authority claimed by the Hon. Mr. Gregory. It was unfortunate for the hon. gentleman's argument that the resolutions which he had quoted were Standing Orders for 1849. "May" observed that an agreement with the House of Commons took place in 1858—nine years later—in reference to taxes being imposed by the House of Lords, and said:—

"In regard to private Bills, however, the Commons agreed, in 1858, to an important relaxation of their privileges; and will accept 'any clause sent down from the House of Lords which refers to tolls and charges for services performed, and which are not in the nature of a tax.'"

That was the whole case. The amendment proposed by the Hon. Mr. Gregory was in the nature of a tax. He would not, however, argue the matter. They had gone over the whole ground before, and would possibly have an opportunity in time to come of arguing the question on a more important matter than the one now before the Committee. The proposal for compensation had been practically scouted elsewhere; and it would be very peculiar indeed if the people of Queensland or any other colony in Australasia were to accept an amendment of that character from a Chamber constituted as that Legislative Council was. If compensation was to be paid, there must be some provision made by creating a fund for that purpose, and that provision could only be made by a tax on the ratepayers. The sooner they came to a division on the question the better. He thought the hon. gentleman had made up his mind upon the subject. He did not discuss the matter on a constitutional ground; he discarded that view altogether. He would ask whether it was desirable at that stage to introduce a new element into the Bill which had been eschewed altogether in another quarter, where it should have received attention if it was intended to place it on the Statute-book?

The HON. SIR A. H. PALMER said that, without going into the constitutional question which had been raised on the amendment, he would say that he could not support the new clause. At present the licensing board could refuse a license or the renewal of a license to any house in the colony, and no compensation was allowed for that. Why, then, should they bring in that clause giving compensation to a man whose license might be refused in the future? He thought such a provision would introduce a dangerous element into the law. The licensing board at the present time could refuse a license without giving any reason for doing so, and under no existing law could the person whose license was refused get compensation. Why, then, should he get it under the new law?

The HON. A. C. GREGORY said that on the previous day, in discussing that question, he admitted that the licenses were liable to termination at the present time without compensation,

but then that condition was pre-existent from the time when the licensed victualler first obtained his license. He also stated that he had no doubt that in assessing compensation the uncertainty of the tenure of the license would be taken into consideration. He contended that if any person caused a licensed victualler to lose his license the licensee could bring an action for damages against the individual who caused that loss; and in the case under discussion it would be the action taken by a certain section of persons under the local option clauses which would cause that loss, and the license would be taken away, not on any ground of State policy such as would influence the licensing authority in refusing a license, but simply because it pleased a certain section of the community. He did not suppose that the amount of compensation would be above one-fourth the actual pecuniary loss sustained by the licensee through the closing of his house. In his opinion the licensee might fairly claim compensation, and, as the matter would be fairly put before the ratepayers should that clause pass, all parties would be dealt with justly. Those were his views on the matter, and whether the amendment should or should not be adopted was a question for the Committee to decide.

The HON. A. J. THYNNE said the Hon. Sir A. H. Palmer was quite correct in stating that the license was renewable from year to year, but at the same time it was understood that unless some good and substantial reason was given to the licensing board for the cancellation of the license it would be granted. In fact, the law was this: that, unless an hotel-keeper received notice from the police that there was some objection to him or to his premises, or the manner in which his business was conducted, he was not required to attend the licensing court to make his application for the renewal of his license; the renewal was granted as a matter of course. That was the spirit of the law at the present time. Under those circumstances, as a matter of equity and fair dealing, he thought that the man who was made the subject of experiment by a number of the ratepayers, in the direction of philanthrophy, ought not to be the victim to be offered up for that object. The cause which it was intended to further must be in a bad plight if it could not succeed without doing what was undoubtedly a very serious wrong. He scarcely thought that any man advocating temperance would be prepared to advocate that they should do a wrong to an individual—such as taking away a man's bnsiness from him—for the sake of the probability of doing good in another way.

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

CONTENTS, 10.

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

NON-CONTENTS, 10.

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

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

The POSTMASTER-GENERAL moved that clause 126, as read, stand part of the Bill.

The HON. A. C. GREGORY moved that the clause be amended by the addition of the words "This part of the Act shall remain in force until the end of the year 1888 and no longer." The effect of the amendment would be that the operation of the local option part of the Bill would cease in a little more than three years When that time came a continuation Act could be passed if its operation proved beneficial, and if not its operation might be allowed to cease altogether.

The POSTMASTER-GENERAL said he might object to the amendment being put on technical grounds, because it was understood that certain clauses would be recommitted for a specific purpose, and not for the purpose of making the proposed amendment; but he would not do so.

The HON. SIR A. H. PALMER: I do not think you can. The Committee have merely to reconsider the clause.

The POSTMASTER-GENERAL said that the other amendments were printed, and they were prepared to consider them; but now they were treated to a surprise. If the amendment were carried the scheme of local option would be placed in a most anomalous position. If hon. members turned to the part relating to the poll they would find that three years must elapse after one poll had been taken before another could be taken, and it was impossible to see how local option would work if the proposed limit were put upon its duration. How many polls would there be in three years? In some places it would be four or five years before the people thought of demanding a poll; and if the amendment were adopted it would then be out of their power to do so. He was quite prepared to go to a division at once; but he trusted the good sense of the Hon. Mr. Gregory would lead him to withdraw the amendment.

The HON. A. C. GREGORY said the Postmaster-General had shown that the amendment would make the clause unworkable in some cases, and it would better to extend the time till 1890. In the meantime they would be able to see how the scheme of local option worked, and in what respect it required amendment, or whether it should be discontinued altogether.

The HON. SIR A. H. PALMER: There will be three Licensing Bills introduced before that time.

The HON. A. C. GREGORY said he supposed they would be brought forward annually, like amendments to the Land Act. With the permission of the Committee he would alter his amendment by substituting "1890" for "1888.'

Question—That the werds "This part of the Act shall remain in force until the end of the year 1890, and no longer" be added—put, and the Committee divided :—

CONTENTS, 10.

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

NON-CONTENTS, 10.

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

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

Clause put and passed.

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 drunkeness 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 moved that the words "one month" be substituted for the words "three months" in the 2nd paragraph of the clause. He thought it was very desirable to preserve the term within which information could be laid as enacted by the present law.

The POSTMASTER-GENERAL said he had made inquiries as to the reason for the alteration, and had found that while the period of six months, which was the customary time mentioned in existing statutes within which information could be laid, was considered too long a period, the term of one month was considered too short, and it was thought advisable to adopt a medium.

The HON. A. J. THYNNE said it was very seldom that prosecutions were frustrated in consequence of shortness of time. In the Ipswich case he had mentioned last night justice was done because the informers had to lay their information within a month. If the longer term were adopted witnesses for the defence might be out of reach. If the hon. gentleman would accept a compromise he would be willing to move that the word "two" be inserted instead of the word "three."

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

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

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