Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY, 21 JULY 1886

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LEGISLATIVE ASSEMBLY.

Wednesday, 21 *July*, 1886.

Mulgrave Election.—New Members.—Elections and Qualifications Committee.—Petition.—Formal Motions,—Question.—Justices Bill—second reading.—Members Expenses Bill—committee.—Patents, Designs, and Trade Marks (Amendment) Bill—committee.—Labourers from British India Acts Repeal Bill—committee.—Marsupials Destruction Act Continution Bill—second reading.—Adjournment.

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

MULGRAVE ELECTION.

The SPEAKER said: I have to inform the House that I have received from the returning officer of the electoral district of Mulgrave the return of the writ issued by me for the election of a member, with a certificate of the election of Walter Adams, Esquire, as member for the said district.

NEW MEMBERS.

Mr. William Pattison was sworn in, and took his seat as member for the electoral district of Blackall.

Mr. Walter Adams was sworn in, and took his seat as member for the electoral district of Mulgrave.

ELECTIONS AND QUALIFICATIONS COMMITTEE.

The SPEAKER said: Members of the Elections and Qualifications Committee at present in the House are requested to come to the table to be sworn.

The following members of the committee—Messrs. Aland, Mellor, Buckland, Palmer, and Scott—thereupon presented themselves and were sworn.

PETITION.

Mr. BAILEY presented a petition from certain residents of Kilkivan and the surrounding districts, praying that the Kilkivan branch line might be completed; and moved that it be read.

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

Mr. BAILEY moved that the petition be received.

The SPEAKER said: I must inform the hon. gentleman that the petition is scarcely in accordance with the Standing Orders. It is the rule that an hon. member cannot present a petition from himself, and this petition bears at the foot of it the signature of the hon. member for Wide Bay (Mr. Bailey). The other signatures are then pasted on.

Mr. BAILEY: My name appears on the first sheet by mistake.

The SPEAKER: Of course, I do not wish to unnecessarily interfere with the right of petition to this House; but it must be understood that members must make themselves familiar with the contents of petitions and take care that they are in accordance with the Standing Orders. I cannot do otherwise than rule that this petition is contrary to the Standing Orders, and, in its present state, is informal.

FORMAL MOTIONS.

The following formal motions were agreed to:—

By the PREMIER (Hon. S. W. Griffith)—

That that this House will, to-morrow, resolve itself into a Committee of the Whole to consider the desirableness of introducing a Bill to further amend the Pacific Island Labourers Act of 1880.

By Mr. STEVENS—

That there be laid upon the table of the House, a return showing the amount paid each year by the Government as subsidy to the various boards for the destruction of marsupials since the beginning of the Act.

By Mr. MELLOR, in the absence of Mr. Bailey—

That there be laid upon the table of this House, a return showing—

1. Copy of report of Lands Commissioner *re* subdivision of Miva Run, in the Wide Bay district.
2. Copy of proclamation, as gazetted, of subdivision, and date of same.
3. Dates of applications by selectors for portions of the resumed half.
4. Copy of correspondence, &c., which led to the alteration of the boundary so as to exclude selectors.
5. Date of refusal of selectors' applications.

By Mr. FOOTE—

That there be laid upon the table of this House, a copy of the coal contract made by the Government with R. and J. Lindsay, coalmasters, of Bundanba, in the year 1883, and all papers and correspondence relating thereto.

By Hon. J. M. MACROSSAN—

That there be laid upon the table of this House—

1. A copy of the applications for, and registration of, the mining claims of the original shareholders of the Mount Morgan Gold Field, granted in accordance with the Gold Fields Act of 1874 and regulations thereunder.
2. Also a copy of the applications for, and registration of, the extended claims (if any) granted to the said shareholders on the said goldfield under authority of the said Act and regulations.

QUESTION.

Mr. JORDAN asked the Minister for Works—

Whether the plans for an extension of the South Brisbane Branch of the Southern and Western Railway into Melbourne street will be submitted for Parliamentary approval during the present session?

The MINISTER FOR WORKS (Hon. W. Miles) replied—

It is considered that the traffic on the South Coast line will necessitate a different route being taken into Melbourne street to that originally intended, and the Chief Engineer has been instructed to make fresh surveys accordingly. It is possible plans of the extension into Melbourne street will be submitted to this House for approval during the present session.

JUSTICES BILL—SECOND READING.

On the Order of the Day—Resumption of adjourned debate on Mr. Rutledge's motion, "That the Bill be now read a second time," being read—

Mr. CHUBB said: Mr. Speaker,—I think the Government may be fairly congratulated upon having introduced a measure of such considerable importance and practical utility as the Bill introduced to this House by the Attorney-General. For many years a measure of this kind has been foreshadowed, and, in fact, as we were informed by the Attorney-General as far back as the time of the late Chief Justice Sir James Cockle, this matter was taken in hand, but owing to circumstances which had occurred it had not taken any practical shape until the commencement of last session, when the head of the Government caused a Bill to be framed, which was introduced by my hon. friend the Attorney-General so late in the session that we were unable then to deal with it. This Bill will, I think, remain a monument to the ability and skill displayed by the Premier. It is an admirably digested measure, and, in my opinion, a capital consolidation of the existing law. The Attorney-General told us that there was not a great deal of new matter in the Bill. Neither is there, but that which is new is very important, and I think will be found to be very useful. I propose to criticise this measure in a broad view, and not to split hairs upon small points which I may not perhaps quite agree with. I will take the Bill as a whole, and

deal with those points I think most worthy of criticism. It may, perhaps, be divided into two or three parts. First, it consists of a consolidation of the existing law in relation to the administration by justices of that portion of the criminal law within their jurisdiction and in the summary disposal of minor offences. Then there is an amendment of certain portions of statute law, and an enactment also of certain portions of common law, the whole dealing with the administration by the inferior tribunal of justice of that department of law within their scope and functions. Passing over the interpretation clause with the remark that I think the meaning of the word "property" ought to be defined therein as there are some sections in the Bill referring to property, and I therefore think it desirable that the word should be defined in the interpretation clause—passing over that and coming to Part II., which deals with the appointment of justices of the peace: so far as I understand it, Part II. simply says in the form of an enactment what has hitherto been the practice prevailing in the appointment of justices of the peace. There is some new matter in it also. For instance, I observe that every member of the Executive Council and every judge of the Supreme and district courts are *ex officio* justices of the peace. I consider they ought to be, and think that a good provision. This part also deals with the resignation and removal from office of justices of the peace. The subsequent part—Part III.—deals with a point which has not yet given any trouble, but which has frequently occurred to me as requiring consideration. I allude to the question as to how far a justice of the peace, whose local jurisdiction is limited, can perform any act of his office outside the geographical limits of his jurisdiction. I see that is covered by the 32nd section, and wisely so, as it will obviate any question arising on that point. The next clause worthy of reference is clause 28, and there I see another disputed point has been settled by providing that a majority of justices are to determine a question, except in cases where the complaint is for an indictable offence, in which case a police magistrate, being one of the justices, may commit, notwithstanding the majority of the justices are of opinion that the accused should be discharged. I think it wise that the matter should be determined one way or the other, and in cases for committal the fairest way is that the majority should decide. I have therefore no fault to find with that clause. The next section which requires some slight reference to is the 30th, which deals with the powers of police magistrates. Some years ago a question arose before me, when I was Attorney-General, as to how far a police magistrate could exercise the functions of two justices or—which is the same thing—of a police magistrate at places for which he was not appointed. I may instance a case. The police magistrate at Aramac is appointed police magistrate at Aramac with the duty also of visiting Muttaburra. He goes to Muttaburra, though not appointed police magistrate there, in the discharge of his official duties, and sits as police magistrate. A question of that kind did arise some years ago, and there was great difficulty in determining the point. The case did not arise in that particular locality, but I instance that as an illustration of my meaning. I had occasion to have the *Gazettes* looked up, and I found the practice was not to appoint police magistrates for certain police districts, but to appoint a person "police magistrate at so-and-so." It is much better, and more consistent with reason, that they should be appointed for police districts. I know that under an old Act—the Clerks of Petty Sessions Act—the Governor in Council could give police magistrates, or stipendiary magistrates as they were then called, special powers at special places. This Bill, however, covers the ground, and provides that police magistrates may in all cases act anywhere in the absence of other justices. I am not quite sure, however, at the present moment whether the clause would give the police magistrate, say, of Cooktown the right of sitting as a police magistrate at Brisbane, if he happened to be here in the absence of the local police magistrates. The next section to which I shall refer is the 40th. That is a good clause, and provides that a penalty of £5 may be imposed upon any person insulting the justices sitting in the exercise of their jurisdiction, or interrupting their proceedings. I would like to see, in addition to that, the power given to the justices by this statute which they now possess to exclude a disturber. They should not only, I think, have the statutory power to fine a person disturbing the proceedings, but also to have him turned out of the court. Some justices might say, "We would not fine this man if we had the power to turn him out of the court, and we would rather turn him out." If that, however, were here stated there would be no misconception on the point, and the justices could take whichever course they thought fit. I think an alteration is required in the 56th section, which provides that there must be personal service of a summons upon the person to whom it is directed, or that it must be left at his last known place of abode. The second paragraph makes it necessary that the person who served the summons must, if it has not been served personally, attend before the justices to depose, if necessary, to the service thereof. The following paragraph provides that, in case of personal service, an affidavit of service is to be endorsed on the back of the service. Now, I shall point out a case which arose within my own knowledge. Some years ago a summons was issued in Brisbane against a defendant, I think, in Roma. The summons was sent through the post to the police officers in Roma. They did not serve it personally, and a constable had to come all the way to Brisbane to depose to the service of that summons. I do not see why an affidavit would not answer the purpose just as well. It seems to me that would be better than the clause as it stands here, though I know this is the law as it stands at present and always has been. I know cases where police officers several hundred miles out from Roma have had to come into Roma to prove the service of a summons. Look at the disturbance that must be thus caused to the police department, and the time and expense wasted. An affidavit on the back of the summons would obviate all that. The 64th clause is certainly new. As far as my research goes, it is the only place where the search-warrant can be said to exist. The books give information as to what may be done with a search-warrant, but they do not say how it is to be issued. We may say that here search-warrants are almost created. The 69th clause, of course, is a good one. No doubt hardship has arisen through a person not being able to get bail, in consequence of the difficulty of having him brought before the justices properly. The 112th clause, I must say, I entirely disapprove of, and I think I can show good reason why it should be altered. No doubt this is the law as it stands at present, that justices are not bound to hear evidence tendered by an accused person, but I believe they should be bound. The accused person has as much right as the prosecutor to have that evidence taken by the justices. I think it is of the first importance that the justices should have all the evidence before them, because then expense and hardship are minimised. An accused person may have a perfectly good defence, yet by

the caprice, or perhaps ill-feeling, of a justice he may be debarred from bringing forward his evidence till the trial; and then he may establish his innocence at considerable expense to himself. There are other reasons why I think justices should be compelled to hear evidence for the defendant. In the first place, the evidence of witnesses examined for the prosecution is taken in writing, and should a witness die before the trial his depositions can be read. Now, if one of the witnesses whom the prisoner would have called should die before the trial, there is no means of getting his evidence. The clause might work harshly, too, in another case. Suppose a poor man to be arrested in one of the western or northern districts, several hundred miles from the nearest district court, but not far from a court of petty sessions. His witnesses are close by, and their evidence might be such as would satisfy the justices that he is not guilty; but, under this clause, the magistrates might refuse to hear them, and he would have to bring them at his own cost to the district court. I am aware that, as the hon. the Attorney-General said, the magistrates are not to balance the evidence between the parties, but that, if the evidence for the prosecution raises a *primâ facie* case, their duty is to commit. That is no doubt an abstract statement of the law; but what the law actually says on the point is that if, after hearing all the evidence adduced on behalf of the prosecution, the magistrates are of opinion that it does not show sufficient grounds for putting the accused on his trial, they are to discharge him; while if the evidence raises a strong or probable presumption of his guilt they are to send him to trial. Now, although their duty is not as judges to put the evidence in the balance, yet, if the accused person can bring forward respectable, reliable witnesses who so describe the facts as to give a complete explanation of the evidence for the prosecution, then the justices may say that the evidence, read in the light of what the prisoner has brought forward—not contradicting the evidence for the prosecution, but explanatory of the doubtful positions or suspicious circumstances — does not raise a strong or probable presumption of guilt, and let the accused go. I know that, as a fact, justices do hear evidence in the great majority of cases, and, therefore, there can be no hardship in giving accused persons the right to adduce that evidence if they think fit. Another reason I might mention is this—that when a Crown Prosecutor, or the Attorney-General, had before him all the evidence in a case, that given for the prosecution and that given for the defence, he would be better able to say whether or not it was a case in which he should file a true bill. These reasons seem sufficient to me to advocate that this section should be so altered as to give an accused person the right of having his witnesses' depositions taken before the justices. The next section I wish to say a word upon is section 129. In this section there is a slight alteration made in the rate of payment for depositions. From 1½d. per folio it is altered to 2d., but it is not to be more than 4d., at which rate it may be fixed by the judges of the Supreme Court. I contend that the money paid for these depositions should no longer be a fee of office, but should belong to the Crown. Under the present system considerable abuses have taken place. I was informed some time ago that these depositions were farmed out, that the Secretary to the Crown Law offices—I do not allude to anybody who occupies that position now—used to farm out these depositions, he charging 4d. a folio, and allowing the copier half that amount.

The ATTORNEY-GENERAL: That is all abolished now.

Mr. CHUBB: I am very glad to hear it. The work should be done by the clerks in their office hours, and the fees should go into the Treasury. But I go further, and I say that an accused person ought not to pay for depositions at all.

The ATTORNEY-GENERAL: That is the law.

Mr. CHUBB: I know it is the law now, but we are trying to improve it. A person who is charged with an indictable offence has a right to make his defence as free as possible, and should not be compelled to pay 4d. a folio for the great mass of rubbish which many depositions contain. In a great majority of cases one-half of the depositions are perfectly useless. Witness after witness is called to prove the smallest facts which are not even disputed by the prisoner. I have seen four or five constables called to prove that they were present when some other constable arrested a prisoner. That is perfectly useless, but a prisoner who wants a copy of the depositions has to pay for it all. I say he ought not to pay anything at all; they should be given to him as a right. In many cases a man is too poor to pay the four or five guineas which are sometimes charged for depositions. Under the present system such a man does not get the depositions unless he makes, through the governor of the gaol if in custody, or through some solicitor if he is not, an application to that effect. If the Attorney-General is satisfied that the man is too poor to pay for the depositions he may order him to be supplied with a copy of them.

The ATTORNEY-GENERAL: In some cases.

Mr. CHUBB: If that is not done the judge may at the trial order him to be supplied with a copy. But what is the good of that, when perhaps five minutes afterwards he has to enter upon his defence? Therefore I say he should be entitled to have free copies of the depositions as a right; at any rate the fees for copying them should no longer be perquisites of office. The 137th section refers to persons committed to district courts, and it provides that—

> "When a defendant who has been lawfully committed to gaol to take his trial before a district court for an offence for which such court has jurisdiction to try him, is in gaol, and, before the day appointed for the sitting of such court, a circuit court or court of general gaol delivery is held in the place where the defendant is in gaol, the defendant shall not be discharged from custody by the last-named court."

That is new, but it is said to be requisite, because the judges of the circuit court, when they hold their courts of general gaol delivery, are bound to deliver the gaol of all prisoners then in custody. But there ought not to be any necessity for this section, because it is a principle of law that an accused person should be committed for his trial at the first court in point of time holden after committal. I know it is a very common practice to commit a man to a district court on account of the expense of sending him to the Supreme Court. That does not so much matter in the populous parts of the colony where we have courts sitting very often; but out in the distant parts where the courts only sit twice a year—every six months—a man may be committed to a district court which will not be held for five months, while a circuit court may be held within a month. I say the prisoner has a right to be tried at the first court, quite regardless of the question of expense. I know it is much more convenient to the prosecution and the Crown to commit a prisoner to the district court than to have to go 200 or 300 miles to an earlier circuit court; but these are considerations that ought not to be allowed to weigh, from the prisoner's point of view. The prisoner has a right to claim to be tried at the first court in

point of time after the date of his acquittal. Clause 173 provides the scale of imprisonment for non-payment of money. I hope the justices, when they get this Act, will understand that it does not follow that because they must not fine less than £1, as the case may be, therefore they are bound to give the full term of imprisonment set opposite the amount. The imprisonment is to be what the justices consider adequate to the offence, but not to be more than so much; but there is a danger of their falling into the error of reading the schedule as saying "£1 or three months' imprisonment." That is not, of course, the intention of the section. The portion of Part VII. dealing with offences by children is taken from a very useful English Act, and I quite agree with it. Part VIII., relating to surety of the peace and for good behaviour, is quite new here, and I consider it contains an excellent statement of the law on the subject. As the law is administered at present, a person may be bound over to keep the peace without giving him an opportunity of being heard as to why he should not be bound over. The new provisions are good, because they give a person a right to show cause against malicious prosecutions and proceedings without foundation. The 197th section I refer to chiefly as containing a good statement of what amounts to circumstances justifying the binding of a person over to keep the peace. It is an extremely good provision. The next part does not call for any comment. It is the law as it stands with regard to prohibition—the form of appeal which has been the law here for a good many years, and has worked fairly well. I may say that the 240th section is quite new, and, I think, a very good provision. As the law stands, when a prohibition is granted it has to be either confirmed by the court afterwards or discharged, and the question of costs—very heavy costs sometimes—comes up for consideration. This is a very good provision in that respect. It provides that if a person does not wish to dispute the point he may file a notice, and on the filing of such notice he shall not be liable for any more costs than have accrued up to that time. The only other way out of the difficulty was, as has been done sometimes, to agree to a consent order. Of course, that has not always been accepted, but this gives the party the absolute right of filing his notice; then if the other party goes on he must bear the extra costs. When I mention that the cost of a prohibition is sometimes as high as £50 or £60, it will be seen that this provision is very beneficial. The 225th section gives additional powers of appeal. It has been the law at home for many years, and is perhaps a simpler way of getting an appeal determined than the more dilatory or cumbrous process of prohibition. This provides for compelling the justices to state a case on questions of law for the decision of the superior court, which is to be determined by the judges, and the effect will be the same as their judgment upon a prohibition. The next part, commencing at section 236, is the present law with regard to appeals to the district court, as far as I have been able to make out from a cursory glance at it. There is one remark I would make upon this. In the event of an appeal by way of a case stated, the appellant has to give the grounds upon which he appeals. Under this mode of appeal to the district court he is not bound to give the grounds. I do not know whether that point was considered in framing this Bill. I do not see why he should not give the grounds of appeal under this mode of appeal as well as under the other, because very often an appeal to the district court, or even to the superior court, is successful on the most technical grounds, and I think the object of the House should be to discourage useless litigation as much as possible, and that appeals should only be allowed on matters of substance. The remaining portion of the Bill, providing for the protection of justices for acts done by them, is the same as the existing law. I do not observe that any amendment is proposed in that. Altogether the Bill may be said to be an extremely good one—very valuable to gentlemen who have to perform the functions of justices of the peace. I think the Government have succeeded in making a very simple measure of it, one in regard to which it can be said that "he who runs may read." I shall have much pleasure in giving it my support, leaving open for discussion those matters in which I think it might be amended with advantage.

Mr. NORTON said: Mr. Speaker,—I believe, with my hon. friend who has just sat down, that this Bill is a very desirable one to introduce and pass into law. There is no doubt that gentlemen who are unskilled in law, who have to try cases on the different benches throughout the colony, have great difficulty in ascertaining the questions which they have to decide, and I believe a Bill of this kind will be of very great assistance to them. I notice that it has not been said this year, as it was last when the Bill was before the House, that it is a matter with which lawyers had to deal, and which members, unless they understood a good deal about questions of law, had better leave alone. I think the hon. the Premier said on that occasion that in the House of Commons a Bill of this kind would be brought forward about 1 o'clock in the morning, so that other members might go home to bed, or somewhere out of the way, and then the legal gentlemen might take possession of it and do just as they pleased with it. What I object to about this Bill is that lawyers, when they get a prisoner, seem to regard him as a sort of thing to try experiments upon in all sorts of ways. Take, for instance, the 112th clause, by which it is provided that justices may not hear evidence which a prisoner might bring forward in his defence.

The PREMIER: That is the present law.

Mr. NORTON: Well, it ought not to be the law. I do not care whether it is or not. Why should it be left to the justices to refuse to hear evidence which a prisoner might produce in his defence? If he could prove an *alibi*, for instance, why should it be left to them to say, "We will not hear anything in your defence; we will commit you." If the prisoner proved an *alibi* they would be bound to dismiss the case, and why should anything more be necessary? I say that in all cases they should hear whatever defence a prisoner likes to make before he is committed. Let us remember what we have been so often told—that the law regards a man as innocent until he is convicted. Let us treat him, as far as we can, as an innocent man until he is convicted; and, taking that view of the case, I think we shall be inclined to treat a man apprehended upon any charge with a little more leniency than the lawyers propose to treat him in this Bill. I do not profess to know much about the law, but I know some cases in which the law is very—unnecessarily—harsh, and I believe that lay members who are not accustomed to regard matters from a legal point of view are apt to do a great deal of good when they look over a Bill like this. Things strike them as anomalies at once, and what legal gentlemen may be accustomed to regard as ordinary things from their point of view are the very things which ordinary people object to most strongly. I have gone through the greater portion of the Bill, and in addition to one or two clerical errors, which appear to have been overlooked, I think there are

some points in which, whether they are the present law or not, it is capable of amendment. I know there are some very important points, Mr. Speaker, which need not be referred to very particularly now. I can only say that if I can in any way assist the Government in the matter I shall be most happy to do so, and I think that if hon. members generally will take the trouble to go through the Bill it is quite possible that lay members will see defects, by pointing out which they will be able to assist the Government to make it a better Bill than even the lawyers can. Of course, it does not do to trust altogether to lawyers. We know that some Bills which we have entrusted to them have had to be amended. Amending Bills have had to be introduced to explain them, and experience goes to show that even lawyers are apt to overlook points, simply, perhaps, from the fact that they are so confident in the knowledge they have, and not unnaturally so; but they do overlook points which are of much importance, and a Bill is required to be brought in to explain them. I trust, on that account, that hon. gentlemen in this House will take the trouble to read the Bill through, in order to point out any defects which may strike them.

Mr. PALMER said: Mr. Speaker,—The Bill before the House has been lauded to the skies, as a simplification of the Acts relating to justices of the peace, and if all that is said of it is effected by the Bill it will be a great help to magistrates throughout the colony. I think an index will have to be provided for it when it is fairly through. There is one matter in connection with it that I have not found to my satisfaction, although I read through the speech of the Attorney-General very attentively, and that is, how far are the benches of magistrates subject to the fiat or will of the Attorney-General? A case came under my observation recently which I will not call one of prosecution, but of persecution, and which took place in the northern part of Queensland through the order of the Attorney-General, as I understand it, to a bench of magistrates, to come to a certain decision. Of course, benches of magistrates have a wholesome dread before them of having their decisions reversed by a higher court; in fact, an action may be brought against them, and public opinion may have a certain effect, also, upon their decisions. But in the case I refer to, if I understand it aright, the bench had no option but to commit two men for an alleged offence—the first officer and the boatswain of the "City of Melbourne." I was present when the evidence was taken, and so far as I could see there was not the slightest justification for the persons accused being taken in charge, or for one of them afterwards being committed to take his trial at Cooktown. The amounts asked for sureties were so enormous that it was a matter of wonder that the men were ever bailed out. £1,000 each was the amount of bail demanded by the order of the Attorney-General to the magistrates at Normanton.

The ATTORNEY-GENERAL: What is that?

Mr. PALMER: The amount of bail was £1,000 each for the first officer and the boatswain of the "City of Melbourne."

The ATTORNEY-GENERAL: I had nothing to do with that.

Mr. PALMER: The telegram of the Attorney-General said that that bail was to be demanded, and if I had not come forward with the agent for the A.S.N. Company the men would have been lodged in one of those northern lockups, which I can assure you, Mr. Speaker, are not by any means the most delightful places of residence. They are close and without ventilation, and those men would have had to stay there for possibly weeks or months. The evidence was so paltry that after three weeks' confinement the boatswain was allowed to go at large. But the first officer was really committed to take his trial, and I can refer to the remarks of Judge Cooper at Cooktown, when he gave his decision in the case, that there was not the slightest tittle of evidence whatever to convict the first officer of the "City of Melbourne" on the charge brought against him.

The ATTORNEY-GENERAL: Why did he let the case go to a jury then?

Mr. PALMER: The bench of magistrates had to commit the man; there was no option. Some pressure had been brought to bear upon the Attorney-General, possibly by the A.S.N. Company's manager in Sydney, and the magistrates were ordered to commit the man. There was no evidence, and I would like to know how it was the captain's evidence was not taken; possibly his evidence would have upset the whole thing. In most cases it would be impossible for men in a place like that to obtain bail of £1,000. I wish to know how far a bench of magistrates is subject to the will of the Attorney-General?

The ATTORNEY-GENERAL: What is the hon. gentleman trying to explain? I do not wish to interrupt him, but certainly he has been misinformed. I never gave any directions to the bench at Normanton as to what bail they were to take for the appearance of these men, and I had no communication with the police magistrate respecting them at all, with the exception of one, with respect to a difficulty he was in as to what should be done when some magistrates heard one part of the case which the others had not. The advice I gave him was in accordance with the law as it is understood in these matters. I gave no direction to them as to the exercise of their functions, and have never done so. When they are in a legal difficulty I have never refrained from giving them such advice as lay in my power.

Mr. PALMER: I understood that the amount of bail was specially mentioned in the telegram, that they were to demand £1,000 from each. I do not think the police magistrate was inclined to go to that length, as there would be great difficulty in finding such an amount of surety as that. It was my impression at the time that the police magistrate and the police were aware that the evidence was not sufficient to commit them, and I am still doubtful about the whole proceedings. I know that the Attorney-General was communicated with by telegram at the time; but in any case, after hearing the evidence, the men ought to have been released. I know this much: that the country was put to an expense of £700 for travelling witnesses and policemen backwards and forwards, and the unfortunate man was put to an expense of £200 to carry on his own defence, when there was no case established. I know that the matter of magistrates comes in the department of the Colonial Secretary; but how far benches of magistrates can be made amenable to the Attorney-General should be defined in this Bill.

The PREMIER: Not at all.

Mr. PALMER: Then the practice and theory are not alike.

Question—That the Bill be read a second time—put and passed, and the committal of the Bill made an Order of the Day for to-morrow.

MEMBERS EXPENSES BILL—COMMITTEE.

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

Preamble postponed.

On clause 1—

"1. Every member of the Legislative Assembly shall be entitled to receive and be reimbursed the expenses incurred by him in attending Parliament at the rates specified in the schedule to this Act.

"2. The allowances for mileage and passage money shall not be payable in respect of more than one journey to and fro in or for any one session, unless in the event of an adjournment extending over thirty days, in which case they shall be again payable after such adjournment.

"3. For every day on which the Legislative Assembly is appointed to sit, and on which a member does not give his attendance, there shall be deducted from the sum which would otherwise be payable to him in respect of the daily allowance in the schedule specified a sum bearing the same proportion to the whole of such sum as the number of days on which he fails to give his attendance bears to the whole number of days on which the Assembly is appointed to sit.

"4. The allowances aforesaid shall be payable at the expiration of each calendar month.

"5. Provided that no member shall be entitled to receive in respect of his attendance in any one session of Parliament a larger sum than two hundred pounds over and above the allowance for mileage and passage money."

Mr. NORTON said he would ask the Premier whether it would not be better at once to set aside the fallacy about the measure being a Payment of Members' Expenses Bill, and give members a salary for their attendance. He had pointed out a case on the previous day, in which under no pretence whatever could it be contended that the member to whom he referred was under any expense in attending the House. The member alluded to was in receipt of a retiring pension, lived almost opposite the House, and could go backwards and forwards in a couple of minutes, and also go home to every meal. If he were engaged in any business he might perhaps, with some show of reason, claim that he was put to some expense in attending the House. But that was not the case, and could they then pretend to believe that the hon. member referred to was put to any expense in connection with his attendance in Parliament? He (Mr. Norton) did not wish to refer to anyone personally, and he only mentioned that case as a peculiarly striking one, with the view of showing that it would be better to make the Bill before the Committee a Payment of Members Bill.

The PREMIER said the question raised by the hon. member had been considered as often as that Bill had been brought before Parliament, and the reasons for drafting it in its present form had been so often explained that he did not know whether anything would be gained by explaining it further. The reasons which had been given were that it was very undesirable to attach a fixed salary to the office of member of the Legislative Assembly, and that it was also very undesirable that a member who attended once during the session should receive the same sum as compensation for his expenses as the member who attended diligently every day, because the country did not receive the same benefit from his membership. The Bill before the Committee had been framed in such a manner as to meet every case as nearly as possible. No rule could be laid down that would work with absolute fairness, but the measure was, he believed, as near an approach to a fair system as could be attained, and he was therefore not prepared to accept the suggestion of the hon. member for Port Curtis.

Mr. NORTON said he could only say that if the system defined in the measure was the fairest that could be obtained, it was very hard to frame a fair one. Let them take the case of a Northern member, and compare his position with that of representatives in the southern part of the colony. The Northern member came down here, and during the whole of the time he was in attendance at the House he was absent from his occupation, whatever it might be, and at the end of three months he would be entitled to receive £200 under the Bill. Members who lived about here, and attended for a couple of minutes at each sitting, would also be entitled to receive £200. It did not matter to them whether the business was delayed or not, or whether they had short sittings and only sat a couple of days a week, but the Northern members were anxious to get the business done as speedily as possible so that they might not be compelled to incur expense for which they received no return whatever. It must surely be admitted that in their case there was no proper provision for the payment of actual expenses incurred. The positions in which Northern and Southern members would be placed under the Bill were entirely different; and he contended that in that instance the claims of the Northern members had not been fairly considered. He did not know whether that was one of the grievances of the North, but it was certainly one of those cases in which members in the North did not receive the same consideration as members who lived in the southern part of the colony. For that reason, he repeated that it was desirable that if payment of members was adopted it should be in the form he had suggested, and that members should be allowed sufficient recompense for the time they spent away from their homes.

The PREMIER said the hon. gentleman did not argue apparently in support of any particular views held by himself, but spoke rather for the purpose of making objections to the Bill. When a member had a particular view he could argue in support of it, but the hon. member did not use the same arguments consecutively. His first objection was that members should be paid the same all round—that the same sum should be paid to everybody; but when that was briefly answered the hon. gentleman rose and said his objection was that the payment was not more unequal. First, he argued that all members should receive the same sum, and then that Northern members did not get as much more than Southern members as they ought to do. Which of those arguments did the hon. gentleman wish to address to the Committee?

Mr. NORTON: Both.

The PREMIER: They were mutually destructive; and when arguments were mutually destructive it could not be expected that very great consideration would be given to either of them.

Mr. NORTON said he first suggested that it was desirable that the scheme of the Bill should be altered. The Premier said "No, I will not consent to that," and contended that the measure was as fair as it could be made. He (Mr. Norton) then said that if the principle of the Bill was not to be altered and payment was not to be given—if the Bill was to be a Bill for the payment of members' expenses—that members ought to get the expenses they incurred. The hon. gentleman did not bind himself to one argument. Ever since he (Mr. Norton) had been in Parliament he had known the hon. gentleman, when one argument was answered, to get up and use another.

The PREMIER: Not a contradictory one

Mr. NORTON said he was sure when the hon. member proposed an amendment which was not received hon. members were quite willing he should get up afterwards and propose other amendments, and that was what he now proposed to do. He suggested that if there was to be payment of members it should be plainly and openly admitted, and if they were going to adopt the other view—that there was to be payment of members' expenses—let only the expenses they incurred be paid to them. The two arguments he used did not clash. The first proposition the hon. gentleman would not accept, and as he had a majority to carry anything of that kind he could not force it on the hon. gentleman, and he was therefore willing to make a suggestion of a different character. If it was desired that the Bill should be a fair one, let them make it as fair as they could by paying all members as far as possible the expenses they actually incurred in attending Parliament.

Mr. BLACK said that, as the leader of the Opposition had pointed out, the Bill drew a distinct line between members living close to Brisbane and members living at a greater distance from the House. He went so far as to say it proposed one law for the southern and another law for the northern part of the colony. In point of fact, it said that any hon. member coming from the North, and who was naturally put to greater expense than a member living in the more southern portion of the colony, was entitled to remuneration—or expenses, if the Premier chose to put it that way—for three months, and after that time had elapsed his services were not considered worthy of any further remuneration. Take the case of a Southern member: if mercenary motives were to be considered in the matter—and he submitted that view had some weight with many members—it was to his interest to protract the session as long as possible in order that he might draw the full amount of £200 provided by the Bill. They had clearly two antagonistic elements here—Northern members would be anxious to get away and make the session as short as possible, and it would actually be the pecuniary interest of Southern members to make it as long as possible. To have it at all fair, after three months neither Southern nor Northern members should be entitled to remuneration. He would like to hear the opinions of hon. members on that point, and he would like to hear some reasons assigned why members coming from the North were not to be entitled to any remuneration for their services after three months had elapsed, whilst a Southern member was entitled to pay for six months. One of the chief arguments in favour of the Bill, when originally introduced, was that it was for the purpose of putting members from different parts of the colony on an equal footing. Let them have equal justice to members representing the different constituencies in the colony, and he would be satisfied. If the Premier would accept an amendment, that after three months no member should receive any remuneration, that would be perfectly fair and equitable, and he (Mr. Black) could not raise any objection to it. Otherwise, let the remuneration paid to each member be sufficient to defray his actual expenses, no matter what the length of the session might be.

The PREMIER said he did not know whether the hon. member wanted more. It was quite clear that in any system of payment of members in proportion to the number of days they were absent from their homes, or in attendance at Parliament, there must be some maximum fixed. £200 was laid down because the Government considered it a fair maximum to fix, and that was the reason always given for it. They could not in any Act of Parliament do absolute and complete justice in a matter of this kind. They could not take each member and say, "This man is hard-up, and is a man of expensive habits, and £500 will only be enough for him"; or say of another man, "He is well-to-do, and his habits are inexpensive, and £100 will do for him." They could not discriminate in that way. Did the hon. member wish to have a geographical line drawn, and say that persons living north of that should draw more than those living south of it, for sometimes his argument led to that? As a matter of fact the distinction was not between the North and South at all. The member whose remuneration came to most last session represented a constituency on the southern border of the colony; and as a matter of fact no member living near Brisbane received as much as £150, whereas a great many others received the maximum of £200. In a session of ordinary length it was thought that that would be found to work fairly. When it happened that Southern members, or members living near the metropolis, were found to be unduly protracting the session for the sake of getting two guineas a day—a motive which to the hon. member appeared a very powerful one—it would be time enough to alter the system.

Mr. LUMLEY HILL said he rose principally to ascertain where he usually resided, as he had been rather pointedly alluded to as having by trickery last session got rather more than he was entitled to.

Mr. JESSOP: By trickery?

Mr. LUMLEY HILL said that was the expression used by his friend the member for Normanby. He did not know whether he was playing a trick or not, as the only dwelling-place he happened to have as his own at that time was at Rosebrook, about 100 miles south of Winton, and where he once resided for a fortnight. He had accordingly said that was his place of residence. He represented one of the most distant electorates of the colony, and usually resided in Brisbane, because he happened to be a member of the House. That necessitated his residing in Brisbane, and it was no great disadvantage, he presumed, to Brisbane that he was compelled to reside there. He had to attend to the wants of his constituents even during the recess, as the Minister for Works and the Colonial Treasurer could testify. He thought it would be much fairer and easier for members to put themselves on a right footing if they were allowed their expenses by the constituencies which they represented. If an amendment of that kind could not be brought in, he would be glad to be told where he usually resided. He had usually resided in Brisbane for the last six or eight months; but had he not been a member of the House he certainly would not have resided there.

Mr. SCOTT said there was a good deal of force in the arguments of the junior member for Cook. There were several members of the House who resided in Brisbane simply because they were members. He himself had resided in Brisbane since he became a member of the House, but he never resided there before. If any amendment was to be made in the schedule, it should be in the direction the hon. member suggested.

Mr. NORTON said he would point out to the Chief Secretary where the real inconsistency of the Bill lay. Members whose homes were at a distance would receive payment—what they called their expenses—for the first three months; and at the end of that time no further notice would be taken of them, while town members would go on drawing their pay.

The PREMIER said that was one of the difficulties which could not be avoided, but he did not think any injustice arose from it. On an average, he thought three months would in future be the length of a session; and he was sure that when a country member had drawn the full amount, his sense of patriotism—seeing he had received £200 for his services—would keep him a little longer.

Mr. DONALDSON said he admitted that the question was surrounded by difficulties, and that it was hard to draw any line which should not be an arbitrary one. But the point which had been raised was quite a valid one. A member from a country constituency residing continuously in Brisbane during the session would only have to remain about fourteen weeks to earn the maximum amount provided in the Bill. What he was going to say had no reference to the present session or to the present House; but how did they know that in the future members might not be returned for town constituencies who would look upon the emolument of two guineas a day as a very great consideration? They knew how evening after evening could be wasted by two or three members combining for that purpose; he had himself seen several evenings wasted by an hon. member who chose to have a little sport, and had felt very much disheartened and disgusted at it. They had no guarantee that in the future members would not combine to waste time solely for the purpose of getting the pay. For that reason he would like to see the measure brought in in such a way that the maximum might be earned more equally. He did not care whether it was reduced or increased; but he did not think it at all fair that one member should have to sit twenty-five weeks with an average of four evenings a week before he could earn the maximum, while another member had only to sit three months. With regard to country members, their business as representatives had brought them to Brisbane, and they had perhaps found it desirable to fix their residence there altogether. If the Bill were intended to provide for the expenses of members only, then he contended that the town members were entitled to no remuneration, since their expenses were almost *nil*, while country members were really at considerable expense. With regard to his own case, the Premier had alluded to him, though not by name, as having received more money last session than any other member of the House. Now, it must be remembered that he had to live at an hotel and in lodgings, and he had no hesitation in saying that the money he received did not cover his actual expenses. The session before that lasted about six months, and his expenses were considerably more than he would have received had the Bill been then law. That certainly was unfair. There should be an amendment in the schedule providing either a larger maximum or limiting the payment to three months. If that were the case, there would be no inducement to protract the session. Certainly he did not think any hon. members in the present House would be so unworthy as to prolong the session for the sake of the pay, but there was no guarantee for the future. He felt sure the Premier could devise some means to reduce the inequality.

Mr. LUMLEY HILL said he regretted he had received no suggestion from the Premier as to where he usually resided.

The PREMIER: I am waiting till we get to the schedule.

Mr. LUMLEY HILL said he thought the schedule might be taken as read, and he considered it better to start early.

Mr. SHERIDAN said he was a member who lived in Brisbane, not because he had any desire to do so, but because it brought him nearer to the scene of his duties, and put him in a better position to represent his constituency during the recess, which was quite as important as during the sittings of the House. He could safely say that were he not a member of Parliament he should not reside in Brisbane, and might perhaps choose to live in another colony. But being a member of Parliament he found the place he lived in convenient and suitable for that position. Giving, as he did, the whole of his time, both during the session and during the recess—as the various members of the Government could testify to—he considered—and he spoke for others in a similar position—that the fact of his residing in Brisbane should be no bar to his receiving the expenses which the Bill provided for. As to what he chose to do with the money when it became his own private property, he would not condescend to say, as some hon. members had done by way of lauding their charity. He had received it honestly, and he was alone responsible for the manner in which he disposed of it.

Mr. NELSON said that, as the principle of the Bill had been accepted, it was fair to argue that there was something in the contention of the hon. member for Mackay that the clause operated very largely in favour of town members. But it could be easily got over. The present limit was fixed at £200. Why not strike out the 5th subsection of the clause, and trust to the honour of hon. members that they would get through the work as quickly as possible? There was no need to fix any limit. Let each man get what he was entitled to. With regard to the point raised by the hon. member (Mr. Lumley Hill), it was not a very important one, and might be met by the insertion of a new clause providing that vagabonds—under which heading that hon. member would apparently come—should not receive anything. He moved, by way of amendment, that subsection 5 of the clause be omitted.

The PREMIER said hon. members must, of course, understand the effect of the omission of the paragraph. It involved the rejection of the Bill, because a larger sum could not be appropriated than had been recommended in the message of His Excellency. Parliament was asked to sanction payment to a certain amount—not to exceed £200 to each member. The effect of the amendment would be to ask them to increase the amount to an unknown extent; and that the Government were not prepared to do. Let hon. members fight the matter fairly and openly. There were many ways to do that without professing to object to the principle of the Bill, and at the same time trying to increase the vote, which he observed no one was too proud to take.

Mr. NELSON said the Premier's remarks were extremely ungenerous. He had proposed the amendment in good faith, because he believed it would do good; and he did not fight against the principle of the Bill now that it had been affirmed by a majority of the House on the second reading. As to the Government authorising the appropriation, they all knew what that meant. It did not limit them to any particular amount. Besides, hon. members might be actuated by so high a public spirit as with the help of the Administration to get through the business within six weeks or two months. Why not trust entirely to the honour of members, if they were to be trusted at all?

Mr. BROWN said he saw a way by which the difficulty might be easily got over. Subsection 5 fixed the maximum at £200, exclusive of travelling

expenses. Put country members and town members on exactly the same footing as regarded their actual daily attendance in the House, but let country members have a little more consideration in the way of travelling expenses, which might be done by allowing them a more liberal mileage from their constituencies.

The PREMIER said that since the hon. member had made that suggestion to him yesterday he had considered it and worked it out. Such a system would work very unfairly. Take the case of the hon. member himself, who sometimes lived in Townsville and sometimes in Brisbane: his colleague (Mr. Macrossan), who lived sometimes in Brisbane and sometimes in Sydney, would be entitled to exactly the same amount of travelling expenses. Then there was the junior member for Cook, who, he thought, lived in Brisbane. That hon. member would be entitled to the same allowance for travelling expenses as a member coming all the way from Cooktown. Take the case of the hon. member for Leichhardt. The place of nomination for his electorate was not half as far away as that of the hon. member for Burke. Under that system one would get twice or three times as much as the other, although both lived in Brisbane. Of course, one object of any system of payment of members, or of paying them their expenses, was to encourage local representation. That was one great object.

Mr. NORTON: That is what we want.

The PREMIER: If, for the purpose of encouraging local representation, they based the remuneration a member received upon the distance of the place he represented, that would encourage people living in Brisbane to represent the more distant constituencies. The result of the proposition the hon. member had just made would be that town and country members would be placed on exactly the same footing. That, he thought, would be very unfair, because if he represented Burke instead of Brisbane he ought to get no more for his attendance. It would make the amount depend upon something that had nothing to do with the question.

An HONOURABLE MEMBER: You have to visit your constituency.

The PREMIER: Sometimes; but it was not necessary for a member to be there all the year round. What the hon. member suggested, as he (the Premier) understood it, was not the travelling allowance proposed in the Bill, but a very much larger sum, which would represent the residence in Brisbane for a whole year of a member who would otherwise reside in the North or West. That, he believed, would not be found to work fairly. On the other hand, the principle of the Bill was this: That country members must necessarily be absent from their homes to attend the House; they therefore proposed to pay them for every day they were so absent, with the safeguard that if they did not attend the House regularly they should lose a proportionate amount of the sum. Then the question came, what should be the maximum? and £200 was considered to be a reasonable and convenient figure to fix. He supposed that if they made the amount £300 hon. members opposite would not object. It was a question whether members should get more than £200.

Mr. NORTON said the hon. gentleman stated that the object of the Bill was to encourage local representation of distant parts of the colony, but he defeated his own object, because if the House continued to sit more than three months the local representatives would have to bear their own expenses beyond that period. It was no encouragement to local men who were not well off to come down to town when they knew that by so doing, if the session lasted over three months, they would have to bear their own expenses; so that in that case as well as in unfairness to country members, as compared with town members, the Bill actually defeated the object intended.

The PREMIER: The question was simply this, was £200 fair remuneration for a country member attending the House during a session of ordinary duration? If hon. members thought it was not, then they could ask for more. The Government thought it was. Supposing a session lasted four months, it was at the rate of £600 a year.

Mr. LUMLEY HILL said if the Premier put that question to him he would tell him that he did not think £200 was enough for the session, which might last three, four, or five months. A member might have to come from Rockhampton, Normanton, Cooktown, the Warrego, or Thargomindah, and the rate of £200 for the session, which, in his experience, generally lasted at least five months——

The PREMIER: No; four and five.

Mr. LUMLEY HILL: At any rate, he did not think £200 was enough for the session. As they had to swallow their principles, he did not see why they should not get better paid. He should like some more himself, and should be quite ready to account for it when he got it. He would take as much as ever he could if he had to take it, they might depend upon that.

Mr. STEVENS said one point lost sight of by hon. members who were averse to payment of members was this: It had been generally stated by the opponents of the Bill that it would have the effect of inducing an undesirable class of persons to become representatives in that House. If that were the case, he did not see why they should offer greater inducements to those people to become members, which would be the effect of increasing the rate of mileage. He was totally opposed to the Bill, and would certainly not vote for anything calculated to offer additional inducements to an undesirable class of persons to enter the House.

Mr. KELLETT said the hon. member for Cook had let the cat out of the bag. It would be remembered that when the Bill was before the House last session an amendment was moved by some hon. member opposite to increase the amount to, he thought, £350, and the strange part of the business was that, with one or two exceptions, a large majority of the members who voted against the Bill voted for the extra remuneration; thus showing the utter fallacy of their arguments now. The hon. member for Cook, who had just spoken, had been in communication with those hon. members; he had lived a long time amongst them, and evidently knew their sentiments on the question. All the trouble would be got over if the amount was increased.

Mr. DONALDSON said perhaps he was one of the members alluded to, but he had no recollection of the amendment referred to having been proposed. He wished to point out that there had been no attempt made by the Premier to answer the questions he had put to him; or rather he had pointed out the inequalities of the Bill, and wished to see it amended in that direction. At the present time a country member would have to reside here continuously for only fourteen weeks to earn the maximum amount allowed, and he had pointed out the danger in the future of members residing in Brisbane wasting the time of the House. They had seen how time had been wasted in New

South Wales and Victoria; and although it had not been done here to any great extent, there was the danger that in future country members would be kept here much longer than necessary. Last session lasted nearly five months; the one before nearly six; they did not know how long the present would last, and if country members had to reside in Brisbane three months longer than they were paid for, by town members protracting the session, they should try and meet the difficulty in some way. He thought £200 was quite sufficient for the session, and had never asked that it should be more. What he wanted particularly to refer to was that the hon. the Premier had made no reference to the irregularities and defects that he had pointed out in the Bill.

The PREMIER said the hon. member could not have been listening, because he (the Premier) had answered all his arguments. He had answered them a great many times last year, and again this year. He was ashamed of repeating the same arguments again and again. He had pointed out that in any system of payment of members, by daily attendance, there must be a maximum, and that that maximum should be a sum which would, taking the session as of ordinary duration, fairly indemnify a member for his attendance. The Government thought £200 was sufficient for that purpose. Then, as to the principle. It would be estimated on the time the member was obliged to be away from his home. Of course, it would happen sometimes that all members would get the maximum. That was an inevitable defect.

Mr. DONALDSON: Country members will be here three months without pay.

The PREMIER said the country members would get £200. The hon. gentleman said it was enough for a session, and why should he cry out if another hon. gentleman got nearly as much as he did? He seemed to say, "What is proposed to be given me is quite sufficient, but I object to anyone else getting so much." That was not a sound argument. Surely £200 was a fair remuneration for a session, and two guineas a day for actual attendance was also a fair thing. No human legislation could be absolutely perfect, and deal with every case, unless they took into consideration the circumstances of each hon. member separately. Admitting those defects, the proposal of the Government was likely to cause less inequality and less unfairness than any other that could be devised. Weighing the conveniences and inconveniences, and the advantages and disadvantages of the different systems, the one before them, on the whole, would work the most fairly. The Committee had confirmed it a great many times, and if they considered it for several years more very likely they would not improve upon it. He would point out that it would be no doubt a great convenience and assistance to the opponents of the measure if it appeared that the Government or the House did not know their own minds on the subject. If some hon. gentleman could only induce them to make different propositions to the other branch of the Legislature every year, they would say, "Really, when you have made up your minds, we shall know what to do with you." The Government would send the same proposals to the Council this year that they did last year.

Mr. DONALDSON said that, as it seemed to be the intention of the Government to force the matter through, he did not desire to discuss it further. He had pointed out inequalities, and, notwithstanding the manner in which the Premier had replied, he would say that they still existed. The Premier had pointed out that it was possible that there might be sessions when every member would earn the maximum. Supposing that was the case, country members would have to reside in Brisbane for upwards of six months. Would the allowance made them pay their expenses during that time?

The PREMIER: No.

Mr. DONALDSON: Town members who were not put to any expense in attending would receive a very nice honorarium. According to the Premier's own answer, he did not think hon. members would be equally paid, provided that the session lasted beyond a certain time. If the session only lasted three months the system would be perfect, because the country member would receive a fair sum for his attendance, and so would the town member, considering that he had to pay no expenses. On the other hand, when town members earned anything like the maximum amount the country members would be at a very great loss.

Mr. JESSOP said the Committee appeared to be drifting into the position of seeing who could make most money out of it. Some hon. gentlemen wanted to be paid for every mile they travelled and every hour they sat there. The best plan would be to alter the Bill altogether, and make it a lump sum. Some hon. members might argue that there would be no attendance, but he could see very little difference since the present system of payment of members had been introduced. An hon. gentleman's constituency would soon call him to order if he neglected attendance at the House. Let it be £100 or £200, or anything else, it would be the best way of getting out of the difficulty. It was not necessary, of course, that an hon. gentleman should be in his place every hour the Parliament was sitting to represent his constituency properly.

Mr. ANNEAR said it had been stated last night, and repeated that afternoon, that some hon. members were returned without it costing them anything whatever. If such were true, it was unknown to him. He knew that his election for Maryborough was a very severe expense to him, and he paid it all himself. No one in the colony had paid one sixpence for him up to the present moment. He believed in the Bill because it was a new principle, and would bring men into the House who might not have wealth. He had yet to learn that wealth gave a man a preponderance of brains. Men of wealth were able to give nice cups for regattas, or for horse-racing, for two or three years before an election came off, and made themselves very popular men in the electorates for the representation of which they intended to become candidates; but the present Bill would do away with that system altogether, and would introduce a class of men who would be elected by the intelligent electors of the colony—men quite as intelligent as those who could give cups for regattas or for horse-races, or make themselves popular by being free with their pockets. The proposed system was a very good one, and country members would be very fairly treated.

Mr. DONALDSON: Are you paid as a country member?

Mr. ANNEAR said the hon. gentleman was very fond of interjecting. There were many opportunities while in committee to get up and say what he had to say. The remark had been made that the proposed system would be the means of lengthening the debates; but that had not been proved by the facts up to the present time. Who were the hon. gentlemen who had been the means, up to the present time, of lengthening the debates? Had it been the "low democracy," as they were termed? No; it had

been the very reverse. No gentleman in the position he was in had attempted to prolong the sittings of Parliament, and he most emphatically said that no man with the spirit of a colonist, or a man who called himself a Queenslander, would ever attempt to lengthen the debates in that Assembly for the paltry sum of two guineas per day.

Mr. NELSON said that after listening to the speech of the Premier he thought it would be judicious to bow to the majority, and with the permission of the Committee he would withdraw the amendment.

Mr. ADAMS said that as a new member he would like to express his opinion on the Bill. It had been said by a member on the other side of the Committee, that although the Opposition members opposed the Bill for payment of members they were not too proud to receive pay. On looking round the Chamber he saw as many black-coated gentlemen on the Government side of the Committee as he did among those who sat in opposition, and he had not the slightest doubt that the former sought payment quite as much as members of the Opposition. Perhaps he might be one of the poorest members there, yet he intended to vote against the Bill, as he believed it would be the means of bringing in professional legislators, or, if they liked to call them so, professional spouters. Many gentlemen in the colony had far more time at their disposal than agriculturists, and he was sorry to say that the agriculturists, who were the backbone of the colony, were not represented in that Chamber as they ought to be. Among agriculturists there were not many who had a slippery tongue, and some man who had, and who was a professional spouter, would go among them and get their confidence if payment of members was adopted. He believed that if the Bill passed it would not be a blessing, but, on the contrary, a curse to the country.

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

Clauses 2 and 3 passed as printed.

On clause 4—

"This Act shall be styled and may be cited as 'The Members Expenses Act of 1886,' and shall commence and take effect on and from the first day of July, one thousand eight hundred and eighty-six."

Mr. NELSON said he would like to move an amendment in the clause, which would not prevent but would rather facilitate the passage of the Bill through the other House. That clause contained one of the constitutional principles of the Bill. A point of order was raised last session as to whether hon. members could sit there and vote money into their own pockets, and the chairman being, he presumed, duly instructed, ruled that it was a matter of State policy. It seemed, however, to him (Mr. Nelson) to be quite contrary to constitutional usage that members elected by the constituencies, with no agreement whatever for hire or payment, should, after being endowed with the powers and responsibilities of members, make use of their privileges for the purpose of voting money into their own pockets. He would ask the ruling of the Chairman on the point of order.

The CHAIRMAN: The hon. member must state distinctly what is the point of order.

Mr. NELSON said the point of order was, whether it was constitutional for the Committee to make the Bill apply to the present Parliament?

The CHAIRMAN said the hon. member had referred to the ruling he gave last session. The ruling he gave then he was prepared to give now. But he must take exception, and he thought he was justified in doing so, to the remark that he had been duly instructed to give that decision. He had no instructions whatever in the matter. The question was raised by the then member for Mulgrave without the slightest notice; and without consulting anyone and being guided only by the Standing Orders of the House, he (the Chairman) gave his ruling, and that ruling he was prepared to give still—namely, that regarding the question as one of State policy, hon. members were justified in passing this Bill.

Mr. NELSON said he sincerely apologised for what he had stated. He did not mean it in the light the Chairman had taken it, but meant that the chairman was well advised, that he had considered the matter and did not give his decision hastily. But, accepting that ruling, he wished to move as an amendment that all the words after the word "effect" be omitted and the following inserted—"from the dissolution of the present Parliament." He did not intend to go over the grounds in favour of such an amendment. He had stated one already which he thought was a very forcible one—namely, that it would remove what a large majority in the other Chamber considered a strong constitutional objection. It would place the whole matter on a better footing, and hon. members would be able to go before their constituents and the world and say that they had not made any misuse of the power with which they were entrusted. Moreover, the objection he referred to would not affect the next Parliament in any way, as the members of it would be elected on the understanding that they were to be paid, or, if the people gave their mandate to the contrary, the measure could be repealed by the next Parliament. The Premier had said that only one member on the Opposition side of the House refused to take the money voted last year. He presumed the hon. gentleman referred to himself, but he never refused to take the money. What he refused to do was to send in a Bill with a detailed claim. He received a letter from an officer of the House asking him to furnish a bill, to send his claim. He had spoken to several other members on the subject, and found that his was entirely an exceptional case, and that none of the other members was asked to furnish a claim. He looked upon that as a downright insult as far as he was concerned, particularly as he opposed the Bill on principle, and also as a matter of expediency. He received a letter asking him to furnish a claim, which it was impossible for him to do, had he been ever so willing, because he kept no record of when he came into the House. What details he could give that were not recorded in the House he was at a loss to know. He did not consider himself more virtuous than his fellowmen, but he objected to send in a bill of that kind.

The MINISTER FOR WORKS: Why did you not send your voucher?

Mr. NELSON said he was not in the habit of drawing public money, and he did not think it was necessary for members on his side of the House to send in a bill for it. He understood it was to be paid to him, and he sent in no claim. He begged to move the amendment he had stated.

Amendment put and negatived. Clause, as read, put and passed.

Schedule and preamble put and passed.

The PREMIER moved that the Chairman leave the chair and report the Bill to the House without amendment.

Mr. LUMLEY HILL said he had a few words to say with regard to the schedule. He had not yet ascertained where he usually resided, or whether, as he was compelled, by

representing a Northern constituency, to reside in Brisbane, he was to be considered a resident of Brisbane, and to be treated as such, and not treated on the more liberal terms on which country members expected to be treated.

The PREMIER said the hon. member's usual place of residence was certainly not Rosebrook. If he were to ask him as a juryman where he thought his usual place of residence was, he should say it was in Brisbane. If the hon. member said he had no usual place of residence in Queensland, the result would be the same, as he would get no travelling expenses.

Mr. STEVENSON: Has the Premier no means of making the hon. member refund what he got last year, and what he ought not to have been paid?

Mr. LUMLEY HILL said he begged leave to represent to the Committee that he did not get any travelling expenses last year. He did not apply for them. He merely stated that his place of residence was a very long way from Brisbane. He should not reside in Brisbane were he not a member of the Assembly. He was compelled to reside in Brisbane for that reason, but he did not see why that should cause him to be put on the same platform with members who, perhaps, were never out of Brisbane in their lives or beyond the gutters of their own streets. He was very fond of travelling, and resided sometimes in Sydney and in Melbourne.

Mr. STEVENSON: No doubt the Premier would like to set you travelling now.

Mr. LUMLEY HILL said Brisbane was his enforced place of residence, because he happened to represent a far distant constituency. He wanted to know whether there would be any objection taken to his representing himself as a resident of Cooktown?

The PREMIER: A strong objection.

Mr. LUMLEY HILL said he got through on Rosebrook last session, and he intended to try Cooktown the next time. He did not see why he should not get as much money as he could. He would not state what he was going to do with it, but if anyone wanted to know what he did with it, he would be prepared to produce a balance-sheet next session.

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

PATENTS, DESIGNS, AND TRADE MARKS (AMENDMENT) BILL—COMMITTEE.

On the motion of the PREMIER, the House went into Committee to consider this Bill in detail.

Clauses 1 to 3 passed as printed.

On clause 4, as follows:—

"Where an application for a patent has been abandoned, or becomes void, the specification or specifications and drawings (if any) accompanying or left in connection with such application shall not at any time be open to public inspection or be published by the registrar"—

Mr. NORTON said he did not see why an application should be kept a secret, if the applicant abandoned it. He could understand that there might be circumstances under which an applicant wishing to put in a fresh application should be protected; but if he did not go on with it there was no advantage in keeping it a secret any further.

The PREMIER said he did not think they could make a distinction between the reasons which induced a man not to go on with an application.

Mr. NORTON: When it is voluntary.

The PREMIER said the specification was required to be such a description of the nature of the invention as would enable a person ordinarily conversant with the subject-matter to understand it. Suppose a man thought he had discovered a valuable invention, made out a specification in the best way he could, and while the thing was going through the Patent Office, found that the specification was defective. He might see that he was on the right track, though his specification would not do, so he would take more time to consider the matter. Now, the information given in his specification would put any other intelligent person on the track; and that person might make use of the applicant's brains, and work out the idea completely before the applicant was able to do so. That, no doubt, was the reason the clause was proposed in the Imperial Parliament; it was a very good reason at any rate, and therefore he would ask the Committee to adopt the clause.

Mr. NORTON said the Premier's argument was a good one, but the case he had mentioned would be easily met by allowing the application to be withdrawn. If the applicant totally abandoned it, there did not seem any sound reason why his invention should be protected.

The PREMIER said that if that alteration were made the effect would still be the same, except that a little more trouble would be given. The specification and design sent in with the application would have become part of the records of the office, and it would be inconvenient to let them go out, so that when the application was withdrawn the effect would only be to prevent the papers from being open to inspection. As the clause stood the matter was in this position: When an application was made and followed by the granting of a patent, the papers were open to the public; if the application were not proceeded with they were not open to the public. The applicant might live a long way off, and there was no reason why he should be called upon to go through the form of withdrawing the application. The only result of adopting the hon. member's suggestion would be that the applicant would have to take a further step—and why should he do so? The right of the public to inspect did not begin till the patent was granted, and up to that point the proceedings were confidential.

Mr. NORTON said his idea was that if a man wished to amend his specification, or take more time to consider it, he should withdraw his application, and then all information on the subject should be kept perfectly secret. But if he found it was not worth while getting his invention registered, then there was no good reason why it should not be made public. They ought not to keep a register to protect the rights of a man who did not think it worth while to go on, after making an application, and giving all the trouble connected with it, in the way of inquiry, and so on. Such a man had no right to expect any protection whatever. If he found he had applied too soon, let him withdraw his application and the matter be kept a secret.

Mr. GRIMES said that if a man had to withdraw his application it left it open to anyone else who got an inkling of what he had been working at perhaps for years, to put in an application, get it through, and thus forestall the real inventor; whereas, if the application remained in the office, the applicant would have the prior claim to the invention. For that reason it was advisable to let the clause remain as it stood.

The HON. J. M. MACROSSAN said the contention was that when a man abandoned his application for a patent he abandoned all right to it, and that the public should not be debarred

from benefiting by it as far as it went, leaving it to some other inventor to carry it on and perfect it. He considered the suggestion of the hon. member for Port Curtis a good one, more especially as the inventor could not possibly suffer by it.

The PREMIER said the question was, to whom did the invention belong? Certainly to the inventor, and to no one else. Why should he, for any reason, be compelled to make it public?

The HON. J. M. MACROSSAN: Because he gives it up.

The PREMIER said he did not see that that was any reason. An inventor might become insane, or die, or might not have money enough to pay the fees or get the complete specifications perfected. The suggestion of the hon. member was that, in order that a man might be protected in the enjoyment of his own property, he should take some additional step which it might be impossible for him to take. His (Mr. Griffith's) contention, on the other hand, was that until a man had got a protection for his invention the public had nothing whatever to do with it. The object of the Bill was to encourage invention by protecting the inventor; and in that view, why should his invention, the work of his brain, be made public until he had got the protection he required? The plan proposed appeared to have found favour in Great Britain, the idea being that the invention belonged to the inventor, and to nobody else, until it was perfected.

Mr. NORTON said that even if an inventor died or went mad before he had carried through his application, that was no reason why the invention should be buried for ever, why it should not be made known for the benefit of the public. The argument of the hon. member (Mr. Grimes) did not apply, because in the event of a second application of a similar kind being made it could not be registered, inasmuch as, on the ground provided in section 6, it would not be novel.

The PREMIER said that supposing a man made an application for a patent and did not go on with it, and another man independently and by a different course of reasoning arrived at the same conclusion, he would have just as much right as the first applicant to the benefit of his invention. But if it was once open to inspection nobody could afterwards patent it, for it would then have been made public.

The HON. J. M. MACROSSAN said that cases of that kind were just barely possible, and it was hardly necessary to legislate for them.

The PREMIER: They are very likely indeed to happen.

The HON. J. M. MACROSSAN: If the hon. gentleman could tell the Committee what was the practice in America—where there had been more mechanical inventions than in all the rest of the world put together—on that point, it would be a very good guide for them to follow.

Mr. NORTON said that in the instance suggested by the Premier, where a second man had been struck with the same ideas as the first, and although by an independent course of reasoning had arrived at the same invention, the invention could not be registered, because it would not fulfil the first condition of clause 6—namely, that it was a novel invention.

The PREMIER: But supposing it to be an entirely independent invention?

Mr. NORTON said it would be impossible to show that it was an entirely different invention. If a good invention was made, and if the inventor, for any reason, failed to register it after putting in his application, it would be disadvantageous to the public if it were not made known. Supposing that had been the case with some great invention, such as the application of electricity, it would have been locked up for ever, and the world would have lost the benefit of it. It would be wrong to prevent the world from enjoying the benefit of an invention, simply because the inventor did not choose to register it.

Mr. W. BROOKES said he thought the hon. the leader of the Opposition and the hon. member for Townsville did not lay sufficient stress upon the property of the inventor in his invention. They seemed desirous that some way should be opened by which the public should be benefited by a discarded invention. That was where the danger came in. He thought it was more consonant with English ideas that the property of an inventor in his invention should continue to the very last. He did not remember what the practice in America was further than this: that there patents had been made so cheap that they were often discarded. He had read that the number of patents and inventions of which no further notice was taken was very large every year. He believed the spirit of the English law was to make it possible for a poor man to get a patent. Now, supposing the American law were in operation there, and the inventor had not much money, by patenting his invention he secured his property; and yet it was quite possible under the American law for a person to investigate that patent and ascertain exactly how far it reached, and he could then get another patent for a slight improvement which an inexperienced person would not be able to appreciate at all, but which made the difference between one patent and another. But here it was proposed to lay it open to public inspection—that if an invention was abandoned it should become public property. He thought that was not quite right to the inventor. They could not tell what might have operated upon him to cause him to abandon his invention. It had been said that he might die or become insane, but those were exceptional cases. The majority of cases would be of this kind, probably: that the inventor had his attention called away from his invention, or it might be that he was really unable to proceed further in the prosecution of his inquiries. He should like the invention to be left in the patent office as the property of the inventor. They knew that the world was full of hungry individuals anxious to eat other people's bread, who would take hold of a neglected invention, give a finishing touch to it, which would never have occurred to them if they had not seen the invention, and in that way run away with what it had taken the inventor perhaps years of patient toil and labour to produce. He did not think that any improvement to the Bill would arise from what had been suggested by the two hon. members opposite. Of course they all wished to do what was right for everybody, but so far from the suggestion made being an improvement he thought it would operate decidedly as a discouragement to inventors. He might be mistaken, but he preferred the Bill as it stood.

The HON. J. M. MACROSSAN said that the hon. member scarcely did justice to himself or the hon. the leader of the Opposition in imagining that they wished to infringe in any way upon the property of the inventor and his invention. They all knew that an inventor had an abstract right to his invention, and the community gave him a concrete right to it by registering the patent, which was limited to a certain number of years. It was not to last for ever; and the same community which gave him that right, and

limited the extent of it as to time, had power to say equally as well, "If you abandon this then it shall become our property; it shall no longer be yours." That was all that he and the hon. member for Port Curtis wished to see provided for in the Bill.

Mr. W. BROOKES said he was not quite satisfied, because if the clause were altered in accordance with the wishes of the hon. gentleman the effect would be that an inventor would not go near the patent office until he was perfectly satisfied in his own mind that he could complete the patent. That was one case. There might be a case in which an inventor went to the patent office, deposited specifications and everything necessary, and made the prescribed application, and yet some further idea might occur to him, or he might from some cause which he could not control—he might be called out of the colony or led away by other pressing business—be prevented from proceeding further, and then it would be held that his application was abandoned. Why should that invention be thrown open to the public?

Mr. NORTON: He does not abandon it; he withdraws it.

The PREMIER said the point was whether the applicant should take the additional steps of formally withdrawing his application. He did not see any object in imposing that obligation upon him. It was simply a question of saying "I shall not go on," or not going on. If it were decided at any time that it was desirable to throw those things open to the public, of course it could be done. He was sorry that their experience was not so large in those matters as to enable him to speak with authority as they could in Great Britain, where the number of patents registered was very great indeed. With respect to the inquiry of the hon. member for Townsville, he held in his hand a copy of the patent law of every country in the world where there were such laws, but could find no reference to the subject in the laws of the United States.

Mr. NORTON said he would point out to the hon. member for North Brisbane, Mr. Brookes, that under the law as it at present existed, in the case to which he had referred, the application might be abandoned, and the new clause was being put in to protect all abandoned patents. Under the existing law, when an application was put in it was referred to the examiner, and then the registrar had the power to refuse the application, or require its amendment. Then, according to the 11th clause of the Act of 1884—

"If the applicant does not leave a complete specification with his application, he may leave it at any subsequent time within nine months of the date of application."

That was the time required to complete the specification.

"Unless a complete specification is left within that time, the application shall be deemed to be abandoned."

He did not think it proper to protect a man who did not complete his application. If he wanted protection, when he did not intend to complete the application, there was no reason why he should be specially protected, or why the public should be deprived of the consequences of his own neglect to register his own property. They did not wish to take protection away from a man who ought to have it, but merely from the man who did not appear to want it.

Mr. BROWN said he wished to ask the Chief Secretary whether, if the clause remained as it was, the applicant would be at liberty to withdraw his application, in the event of his having to abandon it?

The PREMIER: He need not.

Mr. BROWN said a case of this sort might arise. An applicant might not have means to carry his invention through and would have to abandon it. It would be his property, and he should be able to withdraw it, and get back his drawings and specifications. That would put him in a position to sell his invention to somebody who was in a position to go on with it.

The PREMIER said the applicant would be in possession of it—nobody else would—and nobody else would be able to make use of it. He could sell it to anybody, or join with anybody to raise sufficient means. Of course, if anyone was allowed to look at it, his right would be gone, or would at least be very seriously infringed. The clause was proposed for the benefit of an applicant who, for many reasons, might not be able to go on with his application. If a man did not go through with his application, his invention, according to the proposition of hon. members opposite, would be published to all the world. There was no fairness in that.

The HON. J. M. MACROSSAN: Then let him go through the form of withdrawing it.

The PREMIER: Why should he have to go through that form at all? What does the public gain at all? They do not get the invention.

The HON. J. M. MACROSSAN: Not if he goes through the form.

The PREMIER: The hon. gentleman seems to be content to make the inventor go through an idle form.

The HON. J. M. MACROSSAN: It is not an idle form.

The PREMIER: What good would it do to anybody? Was there an extra fee to be paid? Supposing he was a day late in withdrawing it, he would have lost his invention. The more the matter was discussed, the less advantage he could see.

Mr. NORTON said the hon. gentleman suggested the idea of allowing him to withdraw it. He suggested it when he said that if a man put in an application, and it was found to be something like something else, and he might be able to improve it, he would wish to be protected. In that case a man should have a right to withdraw it. If he did not withdraw it, it would be supposed that he had made up his mind that it was not worth while to look after it, and the public should then be allowed to make use of it. There was no good in keeping it locked up in the Patent Office and buried until some future time—some fifty years afterwards, perhaps, when an applicant for a similar invention might be found. Under the Act of 1884 there was a distinct understanding that when a man put in an application he would have to complete it within a certain time. That was not only understood, but it was one of the conditions of the Act. Under the amending Bill they might extend that power, so that such applicant would have every opportunity of completing it. What was the object of extending the time if the application was not to be completed within that time? He took it that the whole object of the clause was to meet the case that the Chief Secretary had raised that, when a man found that under some circumstances he could not complete his invention, and he wished to have more time, more time must be allowed. If there was a difficulty in regard to money, he could get somebody to go in with him.

Mr. BROWN said he thought the difficulty might be met by a very short addition to clause 4. If the words "for the period of two years" were inserted it would meet the case. The

contention of the hon. member for Port Curtis was that, if an applicant failed to make use of a discovery within a certain time, that discovery might be given to the public in some shape or other. If they made the clause to read that an invention should not be published or open for inspection for a period of two years, it would allow ample time for the applicant or his heirs-at-law to make use of it; and if they did not do so within that time, the public should have access to the invention.

The PREMIER: That suggestion is certainly better than the other one, but I think two years would be too short a time.

Mr. BROWN: Then make it three or four.

The PREMIER said it often took longer than that to complete an invention. The question was, "Whom did the invention belong to?" It belonged to the inventor. The mere fact that the man had only got half-way through it ought not to prevent his being deprived of the right to that invention. They often heard of men occupying more than ten years over an invention before it was complete. How many inventions for flying machines had there been, for instance? Well, they might come out right some day. But if the suggested amendment were adopted, and a man made his application for a patent, and afterwards found his invention would not work, yet was satisfied that he was on the right track, he would lose his right to the invention if he did not go on with his application. The man would not abandon it in his own mind. But what abandonment meant in that clause was not going on with the application. Perhaps the applicant might not be able to pay the extra fee required to have the patent granted. Then it all came back to this: must the applicant go through the form of putting another piece of paper in the office? Why should he?

Mr. GRIMES said he was about to suggest a similar amendment to that recommended by the hon. member for Townsville (Mr. Brown), but he would certainly make the period a little longer. Two years was hardly sufficient for an individual who had an invention for an intricate piece of machinery to carry his work to completion, and he therefore thought it would be advisable to extend the term to, say, four years.

Mr. SHERIDAN said he quite agreed with the last speaker, and thought five years short time enough to give to a man to complete his invention. He would like to ask the Premier what would be the effect of two persons arriving at the same conclusion and applying for a patent. That was quite possible, for such things had occurred.

The PREMIER: Frequently.

Mr. SHERIDAN: They knew that at the same time, and without the knowledge of each other, two gentlemen wrote the life of the Duke of Wellington, and also that, at the same time, and without the knowledge of each other, two gentlemen dramatised "Lalla Rookh." He would, therefore, like to know what would be the effect of two gentlemen arriving at the same conclusion independently of each other and applying for a patent?

The PREMIER said he had pointed out that one of the effects of the amendment suggested by the hon. member would be that the second inventor would lose his right. It had often happened that two persons were on the same track, and had arrived at the same conclusion about the same time. Suppose one of those put an application in the patent office, and the other man, never having heard of it, applied for a patent, perhaps two or three years afterwards, his application would be of no use, the previous application in the patent office having been open to the world, so that the second applicant would lose his invention. That was one of the most serious objections to the proposed amendment, and he did not see any advantage at all in the proposal.

Mr. NORTON said it was no use discussing the matter any further, but he would point out that it continually happened that applications were put in for the same inventions, or inventions so similar as to be almost the same.

Clause put and passed.

On clause 5, as follows:—

"Whereas doubts have arisen whether under the principal Act a patent may lawfully be granted to several persons jointly, some or one of whom only are or is the true and first inventors or inventor: Be it therefore enacted and declared that it has been and is lawful under the principal Act to grant such a patent."

Mr. NORTON said he thought the clause was a very unnecessary one, as similar provisions were already made in the 8th clause of the principal Act. The 2nd subsection of the clause he referred to provided that—

"An application must contain a declaration to the effect that the applicant is in possession of an invention whereof he, or, in the case of a joint application, one or more of the applicants claims or claim to be the true and first inventor or inventors, and for which he or they desires or desire to obtain a patent; and must be accompanied by either a provisional or complete specification."

There was provision made there that where one of the joint applicants was the inventor—they need not all be inventors—a patent could be obtained by going through a certain form which was specified in the 13th section of the Act. It seemed to him, therefore, the height of absurdity to insert a clause like that, when the matter appeared perfectly plain in the principal Act.

The PREMIER said that when he moved the second reading of the Bill he stated that no doubt had occurred to his mind in respect of that provision, but that a difficulty had occurred in the minds of learned persons in Great Britain—so much so that it was thought necessary in the Imperial Parliament to introduce a clause similar to that before the Committee; and, bowing to their superior wisdom, the clause had been inserted in the Bill. The doubt had, he believed, arisen in England amongst persons conversant with the patent law.

Clause put and passed.

On clause 6, as follows:—

"Whereas doubts have arisen whether under the principal Act an examiner may report that an invention in respect of which application is made for a patent is not novel, or is in use, or has been published, or has been already patented in Queensland, or whether the registrar may refuse to accept the application, or to accept the complete specification, or to recommend the grant of a patent, on the ground that the invention is not novel, or is in use, or has been published, or has been already patented in Queensland: Be it therefore enacted as follows:—

"1. It shall be the duty of every examiner to whom an application for a patent is referred under the ninth section of the principal Act, or to whom a complete specification is referred under the twelfth section of that Act, to report in addition to the matters in those sections mentioned whether, to the best of his knowledge, any of the following conditions exists with respect to the invention, that is to say—

(*a*) That it is not novel;
(*b*) That the invention is already in the possession of the public, with the consent or allowance of the inventor;
(*c*) That the invention has been described in a book or other printed publication, published in Queensland before the date of the application, or is otherwise in the possession of the public;
(*d*) That the invention has already been patented in Queensland.

"2. When an examiner reports that any of such conditions exists with respect to the invention, the registrar may refuse to accept the application, or to accept the complete specification, or to recommend the grant of a patent in respect of the invention, unless the case is one which falls within the provisions of the forty-second or the eightieth section of the principal Act, or unless, in the case of a prior patent having been granted, the registrar has doubts whether the patentee or the applicant is the first inventor.

"3. When the registrar refuses to accept an application, or to accept a complete specification, or to recommend the grant of a patent, for any of the reasons aforesaid, he shall give notice of his refusal to the applicant, and the applicant may appeal to the law officer.

"4. The law officer shall, if required, hear the applicant, and shall determine whether the application or the complete specification ought to be accepted, or whether the patent ought to be granted, as the case may be.

"5. The law officer may, if he thinks fit, obtain the assistance of an expert, to whom the applicant shall pay such remuneration as the law officer shall appoint."

Mr. BLACK said he referred to a matter on the previous day with respect to the position of the examiner. He then pointed out that, as far as the inventor was concerned, the examiner was an unknown person, and the decision which he gave might interfere very seriously with the rights of the inventor. In the event of an examiner—whom nobody knew and in whom nobody, except perhaps the law officer, the Attorney-General, had any confidence, from the fact of his being an unknown individual—reporting against the merits of an invention, it appeared to him the power of appeal the inventor had was a very insufficient one. Subsection 2 of the clause provided that:—

"When an examiner reports that any of such conditions exists with respect to the invention the registrar may refuse to accept the application or to accept the complete specification, or to recommend the grant of a patent in respect of the invention," &c.

The only redress the inventor had was contained in subsection 4—

"The law officer shall, if required, hear the applicant, and shall determine whether the application or the complete specification ought to be accepted, or whether the patent ought to be granted, as the case may be."

He did not think that tribunal a sufficiently competent one. On one side they had the applicant, and on the other the Attorney-General, fortified with the report of the examiner against the applicant. In subsection 5 the Attorney-General might obtain the assistance of an expert to support his side of the case, but he thought it was the applicant who should be allowed the assistance of an expert.

The PREMIER: He has that right.

Mr. BLACK said it did not say so in the Bill. When a question had to be tested by the applicant before the law officer it should be decided conclusively and satisfactorily. Too much responsibility was thrown upon the law officer of the Crown, who could not be supposed to be versed in the matters he was called upon to decide. The tribunal should be a more competent one than that provided by the Bill.

The PREMIER said it had been the practice in Great Britain since the patent law was introduced, that the law officer of the Crown, who was the Attorney-General, or in his absence the Solicitor-General, should be the tribunal to decide those matters. He did not know of any other tribunal that would be more convenient for dealing with an administrative matter such as that than the legal officer of the Government. In England the Attorney-General in his own chambers, he believed, sat as a court to determine those matters, and the most eminent counsel were often retained on either side to argue the matter before him. The registrar received the report of the examiner upon the application, who might report that it was not new, and how could it be decided if the applicant protested, except by evidence; and he did not think anybody could be suggested better than the law officer to deal with it, and if he pleased he could get the assistance of an expert to aid him in coming to a just conclusion. That was the practice laid down by the principal Act with respect to objections under the 14th section, and he believed the same provisions were suitable in this case, and he did not know anything better that could be substituted. In case an examiner, on an application being sent in, reported that the invention for which the patent was applied for was either not new or was useless or impracticable, his report would be communicated to the applicant. He might protest and say that the examiner was wrong, and they would have to argue it out. When he (Mr. Griffith) was in charge of the department, all he could do was to read the report of the examiner and the argument of the applicant and come to his own conclusion. No better tribunal could be suggested for hearing an appeal from the registrar.

Mr. BLACK said it was intended that the Bill should be an improvement on the existing Act, and while he thought it quite possible that the view the Premier held was correct, he was not satisfied that it was clearly stated in the Bill. What he would like clearly to understand was this: Subsection 4 said "The law officer shall, if required, hear the applicant, and shall determine," and so on; but he wanted it to be clearly understood whether the applicant had a right to employ experts to argue his case before the law officer. He was not prohibited by the Bill, but in the next subsection it was distinctly stated that "the law officer may, if he thinks fit, obtain the assistance of an expert"; but the applicant would have to pay the expenses of the expert. The law officer—he took it from that—might obtain the services of the examiner who reported against the applicant.

The PREMIER: No.

Mr. BLACK said he might, because, as he pointed out, so far as the applicant was concerned, the examiner was an unknown individual. Again, the examiner might be chosen by the law officer as being the only available expert he was aware of.

The PREMIER: That is very often the case.

Mr. BLACK said he wished to point out to the Committee that that put the applicant at a very serious disadvantage. The examiner might not be infallible. If the Premier told him that the applicant could have the assistance of an expert he would be satisfied, as he wanted to see that the applicant was not to be placed at a disadvantage, and that the examiner who had already reported against his application would not also be the expert upon whom the Attorney-General or law officer would have to depend in deciding the case.

The PREMIER said there was no doubt the applicant was entitled to call any expert he thought fit as a witness if he could find one. As to the other point, that there was nothing to say that the law officer could not call in as an expert the examiner who reported against the application, that was not necessary, because it was so manifestly unjust and improper. It was as much out of the question as to ask a man to decide a case in which he was personally interested. A tribunal sitting as a court of appeal did not call to its aid in arriving at a decision the court below from which the appeal was made. The hon. member need not be afraid of that.

Clause put and passed.

On clause 7—

"And whereas by the 6th section of an Act of the Imperial Parliament called the Patents, Designs, and Trade Marks (Amendment) Act, 1885, it is enacted that in subsection 1 of the 103rd section of the Act of the Imperial Parliament called the Patents, Designs, and Trade Marks Act, 1883, recited in Part V. of the principal Act, the words 'date of the application' shall be substituted for the words 'date of the protection obtained': Be it therefore enacted as follows:—

"In subsection 1 of section 80 of the principal Act the words 'date of the application' shall be substituted for the words 'date of the protection obtained.'"

Mr. S. W. BROOKS said that before the Bill escaped the Committee he should like to make one or two remarks on what had occurred in his own experience. The first thing he should like to say was that complaints had been made about the unusual delay in the issue of patents; and when it was remembered that the protection of inventors dated from the date of application it seemed to him that the matter should be pushed through as quickly as possible. A case had been brought under his notice that day where an application had been in the hands of the officers for ten weeks, and a letter he held in his hands stated that the official registrar of the Act had written to the examiner urging him to expedite the business. Another point was, that he hoped the Government would see their way next session to make an addition to the Bill in the direction of protecting the productions of the brains of men in the shape of literary products and fine arts and copyright. In the course of his business he had received letters from Melbourne a few weeks ago asking if he would make inquiry as to copyrighting a pamphlet. He was informed, on going to the Patents Office, that there was no provision in the Act for such action. They said that the writer of the pamphlet could patent the title-page. Of course, he saw at once that it was—as any hon. member might see—a sarcasm to tell any man, when he had written a pamphlet and wished to secure it to himself, that he might register the title-page. Hon. members, acquainted with the New South Wales Act of 1879, might know that it was called a Copyright Act, and covered very largely the matters contained in the Bill before them, and also gave copyright or protection to literature and the fine arts. He hoped the Government would see their way clear to introduce some provisions for such protection, as he thought it very important that the productions of the brains of a man in that direction should receive some protection just as well as the production of his brain in designs or mechanical contrivances. Those were the only points he wished to draw attention to, although it might have been better had they been dealt with on the second reading. He had not, however, received the information until that day, and therefore could not call attention to them before.

The PREMIER said that he had not been aware that any complaints had been made until that day. It was not very easy to get examiners in this colony. He dared say that they were sometimes rather long in making their reports, but he was surprised that ten weeks was considered a long time, seeing that in Great Britain and America, where they had more facilities for finding examiners, they took very much longer as a rule. With respect to copyright, he was very glad the hon. gentleman had mentioned it. The English Copyright Acts already protected colonial productions, provided the copyright was registered in Great Britain. A paper had been laid on the table last week — correspondence respecting a proposed International Copyright Union—and an Act had since been passed, according to the telegrams, amending the law with respect to international copyright. It protected copyright in the colonies, and authorised for local registration. The Imperial Government sent the Bill out to the colonies to know whether they had any objections to it. The papers only reached the Colonial Secretary's Office on the 2nd June, and he did not see them until the 7th, on his return from his trip to the Gulf, but upon the 8th the opinion of the Government was telegraphed to the Secretary of State, and this colony was now included in the provisions of the Imperial Act. Under that Act Her Majesty's Government had power to make arrangements with any other country, or with the colonies. Hon. members would find in the papers the argument adopted by the international convention held at Berne for the protection of literary and artistic works. He was sorry that the attention of the House had not been called to the subject before, but he was very glad the hon. member had given him the opportunity of saying those few words by referring to it.

Mr. S. W. BROOKS said he would like to ask the Premier if that Bill, if put in force here, would provide for local registration of a local product? The Premier did not see the point he was driving at. Would anything produced in Brisbane or Melbourne, or Sydney, be protected? That was the main point. The Imperial Act simply dealt with international copyright. He saw no provision made in that Act for the local registration of the local product. He had looked through it, and he might say he could not find any provision in that direction.

The PREMIER said that there was provision made for it in the Imperial Act. In the 8th section of it—he presumed the Bill was passed as sent out—it provided:—

"1. The Copyright Act, shall, subject to the provisions of this Act, apply to a literary or artistic work first produced in a British possession in like manner as they apply to a work first produced in the United Kingdom:

"Provided that—

(*a*) The enactments respecting the registry of the copyright in such work shall not apply if the law of such possession provides for the registration of such copyright; and

(*b*) Where such work is a book the delivery to any persons or body of persons of a copy of any such work shall not be required."

That Act would, he presumed, come out to them as soon as the mail could bring it, and it was the intention of the Government, as soon as they received it, to take advantage of it, and introduce the necessary measures to give effect to it here.

Question put and 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.

LABOURERS FROM BRITISH INDIA ACTS REPEAL BILL—COMMITTEE.

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

On clause 1, as follows:—

"The Act passed in the twenty-sixth year of Her Majesty's reign, intituled 'An Act to give the Force of Law to Regulations for the Introduction and Protection of Labourers from British India,' and the Indian Immigration Act Amendment Act of 1882, are hereby repealed."

Mr. NORTON said he could hardly think the hon. gentleman was serious in bringing forward this old Aunt Sally again. He thought the stuffing had been knocked out of it long ago Was the hon. gentleman so very apprehensive that coolies would be brought into Queensland? The hon. gentleman deliberately shut his eyes to

the hundreds brought here without any regulation whatever. They all knew very well that this was simply a scheme of the hon. member to maintain his popularity; and he could only say that if the hon. gentleman's popularity and that of his Government depended on devices such as that, it must be a very poor popularity indeed. They had two means adopted by the Government in order to make a good show before the people. One was the way in which the Colonial Treasurer represented a balance to the credit of the Government account which did not exist, by arranging his accounts in a way the Auditor-General condemned and said was adopted purposely with the object of concealing actual facts; and the other was this device to show their intense desire to protect the white labour of the colony from the competition of black labour. They knew very well that ever since they had been in office coolies had been coming into the colony without any regulation whatever; yet they deliberately shut their eyes to what everyone else knew, and brought up that wretched old Coolie Bill, which was not likely to do any harm, simply that they might say they had wiped the coolies off the Statute-book. Let them wipe them off, but let them not make any pretence that they were endeavouring to protect white labour against the competition of black labour. The Government knew perfectly well that Malays and Javanese were coming in by hundreds without any regulation whatever to protect the white men from their competition.

The PREMIER said that he found the following paragraph in the Speech delivered from the Throne in 1883, when the hon. member who had just sat down was a member of the Government:—

"Correspondence has been continued with the Indian Government in reference to the regulations under which eligible labourers from that country may be introduced for the more effectual prosecution of tropical agriculture in this colony. The difficulty has been to frame regulations which, while meeting the views of the Indian Government, would furnish ample safeguards against injurious competition with European labour, and secure the return of the labourers to their own country. These objects, my Government considers, have been at length secured, and the regulations will be submitted for your approval."

In face of that—the last Speech delivered from the Throne by the party represented by the hon. member—he did anticipate danger at the earliest opportunity. He had never heard the hon. gentleman repudiate those sentiments. He anticipated great danger, and he thought the sooner those Acts were repealed the better. He was not going to answer the hon. member at length. The public knew perfectly well what were the intentions of the Government. The Government had been steadfastly aiming at the same thing all through, in which they had been baffled in various ways by hon. gentlemen opposite and their friends. The Government had had one object in view all through, which they had steadfastly pursued and intended steadfastly to pursue. The Government were perfectly aware that coloured labourers were coming in from Asia at the present time, and they would be prepared to deal with the matter as soon as they had the necessary materials in their hands. He was of opinion that all Asiatic labour in the colony must be the subject of legislation so long as there was any here at all; and at the present time the Government had taken all the steps in their power to put themselves in possession of the information necessary to enable them to deal with the subject. As soon as they had that information they would be prepared to act upon it. The Government would pursue steadfastly exactly the same course they had always pursued.

Mr. NORTON said he thought the hon. gentleman's explanation showed the necessity of an Act such as that now on the Statute-book. The hon. gentleman had pointed out that the late Government proposed to submit regulations which had met with the approval of the Indian Government. Those regulations would have been liable to be amended or thrown out by either House; but what would be the effect of repealing these Acts? If a Government should be in power who were anxious to introduce coolies, there would be nothing to prevent them from making arrangements with the Indian Government, and agreeing to the conditions the Indian Government might propose, in order that coolies might be brought to the colony.

The PREMIER: There is only one thing to prevent that; and that is, they cannot do it.

Mr. NORTON: I think they would very soon find a way if they wanted——

The PREMIER: They would have to get both Houses to agree.

Mr. NORTON: And if private individuals wanted to do it, they would very soon find a way. At the same time he would point out that, while the Premier was professing to be so anxious for the repeal of these Acts, he knew perfectly well that numbers of coolies from different places had been coming in, and yet he had made no attempt at legislation. One would have thought that when the hon. gentleman found that the Act which he passed some time ago, by which the planters were to be supplied with a class of labour to do all the ordinary work now done by kanakas, had turned out such an utter failure, he would be glad of anything that would enable him to let the matter drop, and let the planters satisfy themselves as best they could. In keeping up the cry against black labour the hon. gentleman had been acting in direct contradiction to his practice. The hon. gentleman last night said he did not object to the colour of a man's skin, and yet his great cry had been that under no circumstances should black men be allowed to displace white labour. The hon. gentleman seemed very much put out when he (Mr. Norton) referred to the black men employed on board the "Lucinda." He did not wish the hon. gentleman to discharge those black men and employ others; he simply wanted to show that if the hon. gentleman carried out the principle which he was always advocating, instead of employing black cooks or whatever they might be, on board the "Lucinda," he ought to have employed white men, of whom there were many at present who would only be too glad to get the employment.

The PREMIER said he had just one word to say. If the hon. member wished the Acts to remain on the Statute-book let him vote against the passing of the Bill. But the hon. member had not the courage to say whether he objected to the repeal of those Acts or not.

Mr. NORTON: I objected to it last night.

The PREMIER: If the hon. member had any opinions on the subject he (Mr. Griffith) did not know what they were, for the hon. gentleman always spoke both ways. It was part of the business of an Opposition to oppose a Government, but it was not the whole function of an Opposition. When they had to deal with great interests it was the duty of an Opposition, and especially of its leader, to form opinions, express them, and act accordingly. If they did not, they would very soon cease to exercise any influence either inside the House or out of it. The question of black labour was not the question of the colour of a man's skin. It was a great social and political question affecting the future history of the colony. The hon. member seemed to fail to understand that; he (Mr.

Griffith) did not think it had ever dawned upon him—that he had the remotest notion now—that it was of the slightest consequence to the future social and political welfare of this colony whether it was populated by Asiatics or Europeans. The hon. member was unable to grasp the question, and the hon. member and some of his followers who were in a similar state of mind must regard him (Mr. Griffith) and his friends with a sort of pitying contempt because they did not regard the subject from the same point of view that they did—namely, that there was a lot of immediate money in it. He and his friends laid that aside and looked at something else, and the other side must look upon them as either fools or hypocrites for maintaining those views. He assured the hon. member that if he would look a little deeper he would see that there was some sense in what they said. They might be right or wrong, but those were the grounds on which they maintained the position they had taken up. The question was one of the greatest social and political importance to the colony; one, in fact, on which the whole future history of the colony depended. They did not ask the hon. member to agree with them, but they did ask him, in debating the matter there, to treat it as a question worthy of being considered seriously. He should not answer the hon. member about the colour of the men on board the "Lucinda," because he did not care whether a West Indian or a Chinaman was engaged there as cook, although for his part he preferred to employ Europeans. The matter was not worthy of being answered. He was not annoyed at the hon. member referring to it last night, but he was annoyed that a gentleman occupying his position should deal with a subject of that importance in such a manner. The question was whether those Acts should be repealed or not, and it was open to the hon. member to vote for their retention if he thought proper; and he trusted that both the hon. member and his followers would show by their votes that they had the courage of their opinions.

Mr. NORTON said it was impossible for anyone to express an opinion more clearly than he did last night, that by repealing those Acts they were taking away a protection which they had against coolies being brought from India into the colony. He said that distinctly last night, and he repeated it distinctly now, that he believed the repeal of those Acts would have the effect of taking away a protection which they now had. If the Act of 1862 was the only one, he should not have objected to its repeal, because it afforded no protection; but the amending Act passed a few years ago gave a protection, and for that reason should not be repealed. That was his opinion, and he supposed the hon. gentleman had no objection to his having an opinion of his own. As to the Opposition not treating the matter seriously, as one affecting the future welfare of the colony, the Premier seemed to think that no one had a right to entertain an opinion different from his own. Did the hon. gentleman suppose that because he (Mr. Norton) and his party differed in opinion on the subject, therefore they were fools and hypocrites? He might as well say the same to the Premier and his party. There was no man in the House who was such an utter fool as not to see that there was much more in the question than the mere making of money, and that it was one which would very largely affect the social and political condition of the colony. He knew that perfectly well, and he did not believe there was a single man in the House who was so ignorant and so foolish as not to see it. The hon. gentleman might try to talk down members on that side, but it would not do. They would express their opinions just as freely as he had done. He felt sure the hon. gentleman did not believe all he had said. In his unusual warmth he forgot what he was saying in attributing such motives to them as he had done. The hon. gentleman knew perfectly well that they did understand the question, and that they did treat it seriously. The fact was the hon. gentleman did not like to be rubbed up, as he wished to keep the matter continually before the public. The whole thing was only a bogey held up to frighten people. He stated last night that if the repeal of those Acts would have the effect the Premier said it would have he should support the repeal. But he did not think it would have. He believed that whether the Acts were allowed to remain on the Statute-book or not it did not matter much. But he objected to the matter being continually brought forward, and used as a cry for political purposes. He thought that by doing that the hon. gentleman did himself great injustice, and at the same time he was doing a great deal of harm throughout the country, which he (Mr. Norton) believed eventually he would be very sorry for.

Mr. ADAMS said he rose principally for the purpose of getting information. He had always been given to understand that until the regulations in question were framed, coolies from British India could come into the colony in any numbers. He had been given to understand also that those regulations were framed for the express purpose of limiting that power. He was not a young colonist; he was old both in years and as a colonist, having come out in 1849, and in 1852 he remembered that two shiploads of those very people came to New South Wales without let or hindrance, and he then saw so much of them that he was perfectly satisfied that they were not suitable colonists—that they were not fit to become Queenslanders, at any rate. He therefore persuaded the whole of his friends to do all they possibly could to keep that class of labour out of the colony, and if he thought for one moment that the repeal of those Acts would be the means of keeping them out of it he would be only too happy to vote for the Bill. But believing, as he did, that those regulations were framed for the express purpose of limiting the number that came to the colony, he could not see his way to vote for it. He knew there had been a great cry for a long time that they would not have any more black labour, but that they should have white labour. It was said that they could get any amount of white labour at 10s. a week. That, he believed, came from the hon. gentleman at the head of the Government. Well, he had been in the habit of employing labour, and he and others had applied to the office on several occasions to try and get the immigration agent at home to engage that labour for them. They said that they were quite prepared to pay a certain proportion of the agent's salary, whatever it might be—so much per head for every immigrant who came here from the South of Europe, and what was the result? It showed on the very face of it that the Government never intended to give them any labour of that kind, because they turned round and said, "No, we won't do that; if you want labour of that description you will have to appoint your own agents in Europe; you will have to engage the labour there, and then that agent will have to submit the matter to our agent, and if he does not like it you shan't have it." That was the consequence. With regard to the Bill, as he said before, he believed the regulations were framed for the express purpose of protecting the working men of the colony; therefore he could not vote for it.

The PREMIER said he rose for the purpose of assisting the hon. gentleman who had just sat down, who had evidently been deluded by somebody. Let him tell the hon. gentleman exactly what the position of things was in that respect. The Indian Government would not allow their subjects to emigrate to Queensland unless the laws of this colony made special provision for their protection when they came here; and so long as there was nothing on the Statute-book dealing with the subject, so long the Indian Government would not let them come. Therefore, the best safeguard they could have was to have no provision on the Statute-book at all. The only effect of the law being on the Statute-book was to facilitate their introduction. That was the exact state of the facts, and if anyone had told the hon. member anything else he had been deluding him.

Mr. NELSON thought it a great pity that the Government should think it necessary to keep whipping up this dead horse.

The PREMIER: Why don't you let us repeal the Act, and have done with it?

Mr. NELSON: So they would. They were going to move the suspension of the Standing Orders, pass it through at once, and have done with it. He sometimes went to the theatre—not often—and occasionally they would see a country squire come on to the stage and begin denouncing profanity in a speech interlarded with some thundering oaths, or a very tipsy Scotchman or Irishman would come forward and expatiate upon the virtue of temperance and sobriety. What had been going on just now reminded him very much of that, because everyone knew by this time that, treating the matter on the very lowest ground, and taking the choice of evils, the present regulations and legislation were a protection to the colony. But while hon. members opposite kept whipping up the coolie, they did not say a word nor take the slightest steps to legislate for the Javanese and other Asiatics, who were coming into the colony without any regulations whatever. If they had immigration from British India, the coolies could not come from there without medical examination, without registration, without their hours of labour being strictly defined, without being passed by a high official in India, who was called the "Protector of Emigrants," and they could not come unless there were very good and strict quarantine laws in the colony. The Indian Government looked after all these things, but the Government here allowed coolies from other places where no protection of that kind existed—the whole colony was thrown open to them without any regulations whatever. Coolies could come from Java or China, because the term "coolies" did not apply merely to those from India; they could come from Java or anywhere else without the slightest restriction. That was where he thought the Premier described the thing very well, when he said they must be either fools or hypocrites. He would allow the hon. gentleman to take his choice of the two expressions, whichever suited him best. It seemed to him that the Bill was altogether unnecessary. It was simply introduced to maintain a sort of fictitious and undeserved popularity.

Mr. W. BROOKES said he was very glad to find that the conversation had got into a little wider channel than a duel between the hon. the Premier and the leader of the Opposition. He wondered if the time would ever come when the hon. the leader of the Opposition would give them something new. The last speaker who addressed himself to the subject expressed the view which was, no doubt, taken by those who had a leaning towards coolie labour. He described them as being between the two horns of a dilemma—one of the horns being the introduction of coloured labour by proper enactments from British India, and the other the clandestine introduction of Javanese and sundry other foreign races in the way in which he said it was going on just now. But they were not bound to accept either. There always would be gentlemen in that House of that mind, because at the bottom of those empty speeches was the secret wish to have coolie labour. That was all. Now, had not the Premier said as plainly as the English language would allow him to say, that his attention had long been directed to those Cingalese and Javanese and Malays who were coming into the colony, and had he not told the Committee that as soon as the information was sufficient to enable him to act he would act? He (Mr. Brookes) would like to know what would satisfy hon. members on the other side. Nothing, certainly, that the Premier could say would ever satisfy them. No statement that the Premier ever made was accepted by them, because they saw night after night that the discussion took precisely such a shape as it might be supposed to take if the Premier had never spoken one single solitary word. The hon. the leader of the Opposition got on to that black cook again, and he (Mr. Brookes) really thought the hon. member was ashamed of it.

Mr. NORTON: I think the Premier was ashamed of it.

Mr. BROOKES said he wondered whether the hon. gentleman really thought that he was commanding the esteem of the Government side, or doing anything to retain the esteem of his own side, by talking such paltry nonsense. Now, he would tell the hon. gentleman something, and it was as though he was teaching him the alphabet. Let him tell the hon. member that the black cook on the "Lucinda" was an educated, intelligent man, fit to sit in that House; and it was a mere attempt to throw dust in the eyes of the colony to rank him as an Indian coolie. There was as much difference between an Indian coolie or an agricultural labourer and the black cook on the "Lucinda" as there was between the leader of the Opposition and an aboriginal. Now, would that satisfy the hon. gentleman? He could not put it plainer than that. What would be simpler than to accept the proposition of the Premier and to take a vote upon it? If hon. gentlemen did not like it, they could pose by means of their votes before the colony as advocates of black labour. They in that Chamber were clearly divided into two parties, or rather into three, for there were two parties on the other side of the House. Let them go to a vote, and then it would be seen who were the sheep and who were the goats. He would remind hon. members on the other side that every time they raised this question of black labour they only showed, as the hon. the Premier well put it, that they were willing to trifle with the very foundations of the colony in order to gain a little immediate money. That was all, and the working class, that hon. members opposite were so fond of talking about, understood the question perfectly well. Did they think there was any working man in the colony—any white European man—who did not see that the professed friendship of the Mackay planters was downright humbug? Did not every working man know that that professed friendship was a sort of organised hypocrisy? Hon. gentlemen opposite were not sincere. If they could only be believed it would make a difference. He (Mr. Brookes) did not quarrel with them because they did not think as he did, but because they wished to commit a greater crime than it would be to tamper with the currency of a great country like England. They were like

children playing with a beautiful porcelain vase, not caring whether they smashed it or not. They were like children trying to find out what was inside a pair of bellows. Why could not they go to a vote? for let him tell hon. gentlemen opposite that they would not deceive the colony. The leader of the Opposition laid great stress on the assertion that they were not fools. No, he did not think hon. gentlemen were fools, but he would remind them that there was another class to which they did belong, and they on the Government side preferred fools to that class. He (Mr. Brookes) did not for a moment think they were fools. He should be very sorry to make such an accusation, but he hoped to goodness that he should not have to stand up again in that House and talk about black labour for many years. This he would say, that the question of coloured labour was being considered by the working men all over the country, and they in that House could not allow, and the old country would not allow, this colony to be handed over to a few absentee proprietors or to a few resident proprietors who would make themselves absentees as soon as they got the chance, and leave this colony populated with a class which would be a source of constant irritation. It was so utterly impossible to mix coloured labour with our own countrymen that the presence of black labour would be a very running sore. It was like having a splinter in one's hand. It must be extracted to restore peace. They might as well expect a splinter to amalgamate with the cellular tissues, and to become a part and parcel of the hand, as to expect coloured labour to amalgamate with the white population of Queensland. They would have two sets of classes if it were permitted, and they would have to have two sets of laws, one for each. He could not compliment the hon. member for Mulgrave upon his speech upon coloured labour. He had a lot to learn yet. He spoke of his being advanced in years but he was a little baby—a mere infant, and a sucking one—upon this question. The hon. member appeared to think that the case was met by limiting the number. What nonsense that was ! Let him (Mr. Brookes) tell that hon. gentleman that they did not go in for imitation. They were not going to have the number limited; they were going to have black labour excluded altogether. Not one should land on the soil of Queensland if they could help it. He only wished now to go to a vote, in order to get the question thoroughly settled.

Mr. BLACK said the hon. gentleman who had just spoken reminded him, in the simile he had used, of the bellows. He (Mr. Black) was not in a very great hurry to see the question go to the vote, though hon. gentlemen on the other side seemed in a great hurry to get through the debate. He wanted a little information. No doubt the Premier was somewhat irritated at the criticisms which the Opposition thought fit to pass on what he did. He would like to pose before the Committee in the same way as he had in Hobart, where he was looked upon as a heaven-born statesman ; but the bump of veneration was not so well developed on that side of the House. The Opposition wanted good sound reasons for what the Government did ; they were not such blind followers as the members on the other side of the House. He thought it was the duty of the Government to build up industries rather than destroy them. He was not going to refer specially to the coloured labour question, which had already been freely discussed. He did not suppose the hon. gentleman who had just spoken would ever have his opinions on the subject altered; but he seemed at the same time to think it most extraordinary that a member on the Opposition side should hold views which his experience had taught him to be correct. The Government since they had come into office had been singularly unfortunate in destroying the industries of the colony. The sugar industry, which was the only agricultural industry of any magnitude possessed by the colony, one-third of which was in the southern portion of Queensland, had suffered very much from the action of the Government. It was very bad policy on the part of the Premier to show himself so vindictive against that industry. Everything he did in connection with it seemed to be done with a view to discredit the industry and destroy it; but it would be far better for a gentleman who aspired to be somewhat of a statesman to devise some means to develop that industry. The agricultural industry, they knew, was going to the bad; the pastoral industry was also suffering from depression ; they had both been seriously affected by the action of the Governmcnt since they came into power. The timber industry, which afforded employment to a large number of the population, had been severely depressed by the action of the Government ; the mining industry had been seriously affected by the imposition of the duty on machinery ; in fact, every action of the Government since they came into power had been antagonistic to the producing interests of the country, and he defied anyone who had studied the question in an impartial manner to prove the contrary. He thought last session that they had arrived at an amicable solution of the vexed question of coloured labour, and he was prepared to let the thing rest, subject to the experiment of sugar-growing with European labour, which was to be tried. He did all he could to induce his side to assist in passing the vote of £50,000 for central sugar-mills. A most able report on the establishment of those mills had been furnished to the Government, and he thought that before the question went to the vote it was only fair that the Premier should give the Committee some information as to what steps the Government intended to take in that direction. That would probably be the means of solving the vexed question as to whether it was really practicable to grow sugar or other tropical productions in the tropics with European labour. The Premier had to-night given notice of some further amendment of the Polynesian Act. No reference was made to that in the Governor's Speech, and he had not the least knowledge of what was intended to be done; but he thought that the Committee were entitled to be in possession of more information on the subject than they had at present.

Mr. NORTON said he did not wish the hon. member for North Brisbane (Mr. Brookes) to run away with the idea that everything said on the Opposition side was in favour of the introduction of coolie labour. Could he not understand that some people sincerely believed that the Acts which it was proposed to repeal were a protection against the introduction of coloured labour from India without regulations?

The PREMIER : I cannot.

Mr. BROOKES : I cannot.

Mr. NORTON said he was sorry for those hon. gentlemen, and it was evidently very little use arguing with them on the subject; he believed those Acts were a protection to the colony; he thought so honestly and sincerely, and because he thought so he was opposed to the passing of the Bill now before the Committee. He had never had any connection with the sugar industry. He had purposely avoided, when strongly recommended, and when he was in a position to do it—he had purposely avoided going into the sugar business, and deliberately refused to listen to any such

suggestion, because he had made up his mind that he would never have anything to do with coloured labour in any shape or form. He had not stated that in the Assembly before, and he thought the hon. junior member for North Brisbane would give him credit for his action. The attempt was strongly made some years ago to induce him to take up sugar lands ; but, as he had said, he deliberately refused. It occurred upon more than one occasion, and the recommendation was made by more than one of his most intimate friends. The junior member for North Brisbane, who had been so ready to find fault with his actions, would do him the justice of saying that when he was outside that Chamber he did not attribute the motives he did inside of it. He had had many conversations with the hon. gentleman, and could only say that if he did not give him credit for being a reasonable and honourable man he had far better have had nothing to do with him. He was sure that the hon. gentleman got a little bit off his head when the subject of black labour cropped up, and they should not attach too much importance to him. He felt it necessary to express his views, and thought it was desirable to call the attention of the country to the fact that, although the Government who professed to be most inimical to the introduction of black labour in any form had been two years and a-half in office, they had allowed Malays to be introduced without interference. They were talking about what they were going to do, and that was the way they prevented the introduction of black labour. They had not the information, or all the facts, or something or other ; but when they had they would take action. That was the drift of the hon. gentleman's argument. It was actions like that which made him distrust the hon. gentleman so much as he did, and it could not be wondered at that he, or those who thought with him, were ready to doubt the hon. gentleman's sincerity in bringing the matter forward now. It made him think it was done for the purpose of raising the question and ingratiating himself with the colony. He could not help entertaining that opinion ; but he was guided in forming it from what he already knew of the different matters brought forward in the House.

Mr. BROOKES said the hon. member for Mackay seemed to think the crucial question was whether sugar could be grown by European labour. He thought that if that were settled satisfactorily it would settle the coolie question before anything. The question was not whether sugar could not be grown without black labour. Supposing it could not, then they would have no sugar. He really appreciated the kindly expressions of friendship uttered by the leader of the Opposition towards himself. He reciprocated them. He had a very high opinion of the leader of the Opposition, and had had many nice chats with him in the smoking-room. But somehow that hon. gentleman got under the glamour of the infatuating opinions of the hon. member for Mackay. What did he mean by saying that the hon. the Premier for some years had been saying the same thing, and yet it was out of the power of the leader of the Opposition apparently to impute any other motives to him than a desire to ingratiate himself with the public ? That was a weak motive, surely. The hon. gentleman misstated facts. He might as well say that all he (Mr. Brookes) had said about black labour had been said for the purpose of catching the North Brisbane constituency. It was as true in one way as in the other. The Premier had laid down his plans plainly enough. Queensland was to be a white man's country, and they were not going to have any humbug about it. He suspected the Acts proposed to be repealed, and if hon. gentlemen were sincere, why all that talk about purging the Statute-book of them ? They might go on talking till the Day of Judgment.

Mr. NELSON said he thought they were all agreed upon the question—that was to say, so far as concerned the end they had in view. It was simply a question as to whether the proposition provided the means to do it. The last speaker, if he had listened to what the Premier said, would have seen that the Premier himself brought forward the very argument which they were now advocating, because he distinctly said that it was absolutely necessary, with regard to Asiatic labour of all sorts, that there should be legislation, and to admit it freely without any restriction would put them in a most perilous position. The repeal of those two Acts would leave them in the same position ; there would be no legislation. It was no use attributing motives, in the way that the last speaker did, to gentlemen on that side of the Committee. It was simply like a fanatical people who got very much excited about the drink question, and taking the blue ribbon, or something of that sort. They would not give anyone credit for being so opposed as they to dissipation and drunkenness. A man might, however, be just as sincere in his endeavours to put a stop to intemperance as they were, and yet disapprove of the particular mode by which they proposed to accomplish their object. If the Premier would say that he was going to bring in some legislation to restrict coolie labour, the matter would be very much simplified. But the whole action of the Government from the very first in regard to the labour question had been entirely of a negative character. They were returned to power very much upon that question, and the country expected them to find a solution of the difficulty. Up to the present time, however, they did not know what that solution was ; all the Government did was to repeal or attempt to repeal existing Acts. What was the plan by which they proposed to supply the colony with the needful labour ? Hon. members on that side of the Committee wanted that put before them. It was useless talking about hordes and inundations of coolies without making some provision regarding their introduction. People who talked like that must do so in the greatest ignorance of what the regulations were. They were like conduits or pipes with a locked gate at each end, through which not one coolie could pass without the permission of the authorities. It would be time enough to talk about the repeal of that law when the Government had submitted some definite proposals for legislation on the subject to the Committee.

Mr. GRIMES said he should not think the hon. member who had just sat down was so dull of comprehension as he pretended to be. The very fact of removing the Acts from the Statute-book would prevent any coolies coming to the colony, simply because they would not be allowed to come from the other side. There were two sides to the bargain. The Indian Government would not allow coolies to come here unless there was some Act in Queensland under which regulations for their introduction and protection could be made, and the hon. member knew that very well ; but for the sake of carrying on the debate he pretended to want information as to what restrictions were to be placed upon those people coming to the colony That proved unmistakably the insincerity of hon. members opposite in the whole matter. It was said by those who opposed the Bill that the Government and their party continually held that question before the country so as to get cheap popularity. If hon. members really thought that, why did they not remove the

ground from under their feet by removing the Act from the Statute-book, and then the Government would have no ground for getting that cheap popularity. To his mind the way in which hon. members clung to that Act and opposed its repeal proved unmistakably that they had some lingering hope in their minds that they would get coolies yet. That leaked out in the debate on the previous evening, and one member speaking on the second reading of the Bill now before the Committee said the Act was introduced with the idea that some individuals might try the experiment of employing coloured labour. There was no intention, very likely, of trying it in the South, but some persons might try it elsewhere. It had not been tried, however, because they had been able to obtain their labour otherwise; but he thought that there was some hope that if the Act remained on the Statute-book the experiment might yet be tried, and that, he thought, was the strongest argument in favour of the repeal of the Act. They said it was on the Statute-book as an advertisement inviting people to come to the colony, and by the assistance of coolie labour to carry on the sugar industry in the northern parts of Queensland. The country wanted no advertisement of that kind. He thought if it was to stand as an advertisement in that way they had better wipe it off the Statute-book, and have done with the whole business. They would have done with the kanakas in 1890, he hoped, and let them have done with that also, and not deceive capitalists in the future if they had done so in the past. It had been said times without number in that House that they had deceived capitalists by allowing that statute to remain, and had led people to believe that coolies could be introduced under regulations.

The HON. J. M. MACROSSAN said the hon. gentleman showed that he must be ignorant of Queensland history or he would not talk such historical nonsense. When the Bill was introduced there was practically no North at all—that was, no North beyond Rockhampton. Then how could the Bill have been introduced for the people of the North to try experiments? It was introduced for the people of the South—for people south of Brisbane—for the Logan and other districts round Brisbane. Let the hon. gentleman read up the history of Queensland before he attempted to instruct the Committee upon the question.

Mr. GRIMES said he was quite aware of the reason why the Act was introduced. It was not introduced with the idea of coolies being employed in sugar cultivation, but in cotton-growing; but since then hon. members had stated that it was an advertisement for people to engage in the sugar-growing industry with the expectation that they would get black labour. The hon. member for Mackay referred to it on the previous evening, and his remarks were reported in *Hansard*. The hon. gentleman said:—

> "We know what has been the result—how large sums of money amounting to several millions have been invested in Queensland on the strength of that Act being on the Statute-book. It has not been availed of up to the present time, simply because the planters have been able to get labour which they considered more suitable than coolie labour."

Was that not referring to the Act as an advertisement for capitalists to come here and grow sugar with coolie labour? He thought he was quite justified in making the remarks he had made. The same thing had been said repeatedly. He knew why the Act was introduced as well as the hon. member for Townsville, and was quite as conversant with the circumstances.

The HON. J. M. MACROSSAN said, then why did the hon. gentleman misstate the fact? He (Mr. Macrossan) took no exception to what the hon. member said about the Act being an advertisement, but to his saying that the Bill was passed for the people of the North.

Mr. BULCOCK: He did not say so.

The HON. J. M. MACROSSAN: He did say so.

Mr. BULCOCK: No, he did not.

Mr. PALMER said the Premier had carefully refrained from answering the question put to him by the hon. member for Mackay as to what he really intended to propose as a substitute for the labour which he admitted was necessary for the cultivation of sugar. The hon. gentleman himself stated that the man who could solve that question would deserve well of his country. Every session there had been some tinkering with the labour question and legislation enacted to deal with it. The Premier's reliefs and substitutes had been many and various, and they would now like to know decidedly what further programme the hon. gentleman had. They all knew that the European cheap labour substitute was not a signal success, nor were various other substitutes. The report upon the central sugar-mill experiment, he did not think, would lead anyone to suppose it would have any great results, and now the question put by the hon. member for Mackay as to what the hon. gentleman intended as his last substitute had been very cleverly fenced by the Premier, and as no one but a lawyer could well do it.

Mr. ANNEAR said that the hon. member for Northern Downs stated that the action taken by the Government was to negative the supply of labour to the sugar-planters. He maintained that the reverse of that had been the action taken by the Government. They had supplied labour to the planters which they never had before. The planters stated that Polynesians were the men they wanted on their plantations, and what was the result? At the present time they were fully supplied, and from Townsville north, and at Maryborough, Bundaberg, and Brisbane, they could not give any orders to ship-owners. As soon as the present Government came into power they framed regulations, and the result had been that whereas for years previously the courts throughout the colony, and especially the Supreme Court in Brisbane, were occupied in hearing different cases, they had not had a case since those regulations came into force. The planters could now get labourers about 25 per cent. cheaper than they could before. Wherefore those complaints? Was the Government to be blamed for getting them men on better terms, and saving them a large amount of money in lawyers' fees in defending cases? There were no cases and no convictions now, and there were plenty of both years ago. He did think that when they had six or seven years to run for the supply of Polynesians, and they were amply supplied with labour at present, there should be no objection to wiping that Act off the Statute-book.

Mr. NELSON said there was one question he would ask the Premier, and that was whether it would be safer for Queensland that they should depend upon foreign legislation or upon legislation of their own? Suppose they repealed that Act, what guarantee had they that the Imperial Government or the Indian Government would not amend their law on the subject? They could alter it at any time without referring to the Queensland Government at all, and leave it open for coolies to come here in immense numbers; and if they repealed that Act they would have no regulations to stop them. That legislation of their own was the only safeguard they had.

Mr. ALAND said they would then require different legislation altogether to what they had on their Statute-book. That was a sufficient answer to the question put by the hon. member for Northern Downs. If that difficulty did arise, no doubt Queensland would be in a position to meet the case. He quite agreed with hon. members who had spoken that evening, that it was high time they got rid of the coolie business. It had been before the House since he had had the honour of a seat in it. What struck him was that, from the time the coolie was first mentioned in the House, the advocates for that class of labour talked of how the sugar industry was being crushed for the want of suitable labour. If that were so, it must be a very elastic industry indeed, as it had managed to survive over five years, and yet the question had not been settled.

Mr. NORTON: What labourers are they getting?

Mr. ALAND said he did not know what labour they were getting, but he presumed they were still producing sugar in as large quantities as hitherto; in fact, the sugar industry was progressing, and he presumed, therefore, that there could be no lack of labour for the production of the sugar. Why, then, was there all that bother in the matter? He was not disposed to congratulate the hon. member for Maryborough on the speech he had just made. It was not altogether complimentary to the leader of his party, because it might be construed into a statement that the leader of the Government had done all in his power to provide the planters with black labour. The hon. member would not be pleased that a suspicion of that kind should rest upon him, and if he had been instrumental in providing the planters with black labour nobody would be more surprised to hear of it than himself. It was not the fault of the Government side of the House that the question was continually coming before them. Hon. members opposite would no doubt tell him that they passed a Bill last session to repeal that Act. True, they did; but it went to the Upper House, and the friends of hon. gentlemen opposite in that House refused to have the Act repealed. Let hon. members opposite instruct their friends in the Upper House to let the Bill go through this time, and he could assure them they would hear no more on the coolie question.

Mr. HAMILTON said he agreed with the hon. member who had last spoken that the Premier would not be pleased if such a suspicion as he referred to should rest upon him, particularly as the suspicion would be founded upon fact, as they must all agree that what the hon. member for Maryborough had said was true, that the planters were getting the labour they required. They were getting Javanese, and they were better than kanakas, and were obtained at a far cheaper rate. It was perfect nonsense to say that the Opposition were opposing the repeal of the Act because they wanted coolies. He did not want any coolies, nor was he opposing the repeal of the Act. What they were doing, however, was simply showing the motives of the Government in bringing forward the measure. If they thought it desirable they could have repealed the Act two years ago. The Opposition objected to the time of the House being wasted year after year by having the coolie scarecrow brought before them; at the same time they said distinctly that if the Act were repealed they would destroy one of the safeguards against the introduction of coolies, because that was the Act which would control their introduction, and the British-Indian Government would not allow them to come without such an Act. Suppose that a famine occurred in India and they thought it desirable to get rid of their surplus population, and the Act there dealing with the matter were to be repealed, so long as the Government of Queensland had the Act which the Government now proposed to repeal they would be able to prevent coolies from coming here. If, on the other hand, the Indian Act were repealed, and they were to allow the exodus of coolies, then the repeal of the present Act would leave no safeguard, and the planters would be able to obtain coolies in any quantity they chose.

Clause put and passed.

The House resumed; the CHAIRMAN reported the Bill without amendments, and the third reading was made an Order of the Day for to-morrow.

MARSUPIALS DESTRUCTION ACT CONTINUATION BILL—SECOND READING.

On this Order of the Day being called,

Mr. HAMILTON said: I rise, sir, to move the adjournment of the House——

The SPEAKER: The Order of the Day having been called, the hon. member is not in order in moving the adjournment of the House.

The COLONIAL SECRETARY (Hon. B. B. Moreton) said: Mr. Speaker,—In moving the second reading of this Bill I shall not take up the time of the House for very long, as it is a short Bill, and in fact the same that has been passed several times. Perhaps it may be information to some hon. members who have lately come into the House, if I inform them what has been done in the matter of the Act concerning the destruction of marsupials. In 1877 the first Act was passed, and that ran out in 1880, when an amended Bill was passed through this House and stopped in the Upper House. A new Bill was brought in in 1881, and since that time it has been twice renewed. In 1884 a Bill almost similar to this one was passed, and last session a renewal of the Marsupials Destruction Bill was passed with a few amendments. Those amendments were of some importance, but we have hardly had time yet to see their effect. There is no doubt that these Bills have done some good in the destruction of a pest which had a great deal to do with deteriorating the feeding properties of the country. Hon. members will see by the report of the Chief Inspector of Stock that 5,538,856 kangaroos and wallabies have been destroyed at a total cost of £136,176. The total amount of endowment paid by the Government towards that sum was £74,770. Of that endowment £16,874 was paid under the Act of 1877, and under the Act of 1881 and the continuing Act there has been a sum of £57,896 spent. The fact that these Bills have passed during the last two years shows that members of this House have deemed it advisable to still continue the destruction of this pest, and I am sure the figures shown by the Chief Inspector of Stock have an encouraging aspect. There has been a great deal of work done, and if we continue a little longer we shall be able to overcome the pest entirely. Some hon. members may have an objection to this Bill, but I do not think so, because it was passed very unanimously last year with its amendments. The Government do not intend to make any amendments in the present Bill, because they wish to see what has been the effect of the amendments made last year. At the present time we can hardly tell whether they have had a beneficial effect or not. I believe they have. It is only within the last few days that some boards have come under the

operation of section 5, relating to the destruction of dingoes. I think there are twenty-eight boards already under that section. Several boards have availed themselves of section 4, dealing with the destruction of the paddamelon, of which very few have as yet been destroyed. I believe there will be just as much said in committee on the one clause, where I suppose most of the discussion will occur, as could be said now, so that it is unnecessary for me to take up any more time. I therefore beg to move the second reading of this Bill.

Mr. NORTON said : Mr. Speaker,—So far as I am personally concerned, I do not care very much whether the Act, which is only a temporary measure, remains in force or not. In my own district there are gentlemen opposed to it, and others who are very much in favour of it ; and under those circumstances I am bound, at any rate, not to oppose the passing of the Bill now before the House. Throughout the colony there seems to be a feeling in favour of the continuance of the Act, especially in those districts which have benefited most from it. There is no doubt that during the drought a great number of marsupials died off from starvation and want of water, and numbers more were killed with very little difficulty. The fact of the Act being in force during the drought has enabled those engaged in the work of marsupial destruction to carry it out much more effectually than they ever did before when the seasons were less favourable for it. One objection to allowing the Act to lapse is that a large number of men in different parts of the colony are now earning fair wages by the destruction of marsupials, and many others, who do not make it a regular means of livelihood, make extra money in that way ; and it would be very hard, at the present time, when there is a scarcity of work in the country, to deprive those men of their means of living by allowing the Act to lapse. They deserve some consideration, and when there is so much difficulty in finding employment it would be hard upon those men to have their livelihood taken from them. A number of hon. members intend, I believe, to speak on this question at full length, and I will therefore not occupy the time of the House any longer at present. There is much to be gained by discussing a measure of this kind year by year, and the debate now opened will do good.

Mr. DONALDSON moved the adjournment of the debate.

Mr. HAMILTON said : Mr. Speaker, —Since it has been proposed to adjourn the debate I shall take advantage of the motion to say a few words with respect to a matter that occurred last night——

The SPEAKER : On a motion for the adjournment of a debate on the second reading of a Bill, the hon. member cannot introduce a subject that is foreign to the debate.

Mr. PATTISON said : Mr. Speaker,—I am one of those who have come a long distance to attend to their parliamentary duties, and I am prepared to give all reasonable time and attention to them. I have no intention to waste the time of the House, and I trust that no hon. member will waste my time or that of others. I should like to see this Bill discussed fully, fairly, and reasonably to-night, and I see no reason why we should not actually take a vote upon it within a very short time. I have been a director under the Marsupial Boards Act from the initiation of the measure up to the present time, and now hold office as a member of the Gogango Board. I am fully impressed with the great good the Act has done, not only in my own district, but in the district which the leader of the Opposition represents, and those immediately surrounding it. Although, as the Colonial Secretary has pointed out, the working of the Act has cost the country a large sum of money, it has brought in three or four times as much. Many stations for which the Government are now receiving rent would otherwise have had to be abandoned on account of their being overrun by this pest. Only seven or eight years ago the whole of the Peak Downs district was so overrun with marsupials that the pastoral tenants found it impossible to keep either cattle or sheep or horses there ; and not only Peak Downs, but almost the entire Central district, until you get to the Western country, was almost useless. Even the settlers would have been driven out had not such a measure been passed. I have seen the benefits which have been derived from the working of that Act in many districts, and I am greatly impressed with the importance of its continuance ; and although on this question my vote will be given as against the party with which I sit, yet I shall have the pleasure of voting with the Government, as I shall always, when I consider their measures will tend to the welfare of the country. On general political questions, the Opposition will have no more staunch supporter than myself ; but at my election I said that I should hold myself free to support any motion which I considered for the good of the country, quite irrespective of party. On this particular question I shall give my vote to the Government, because I believe the continuance of the Act will be a benefit to the colony.

Mr. STEVENSON said : Mr. Speaker,—I have to congratulate the hon. member who has just sat down on the manly and independent speech he has just made. If I could see any prospect of this Bill coming to a vote within a reasonable time to-night I should be very glad that the debate should go on, but I have heard that there is likely to be a great deal of discussion upon it, and that there is no chance of coming to a division to-night. I am one of those, like the hon. gentleman who has just sat down, who are going to support the Bill. I believe in it, and shall give it all the support I can ; but as there is likely to be a good deal of opposition to it, and if we did come to a division to-night the Minister who introduced the measure would lose several of those who intend to support it, I would strongly advise him to agree to the adjournment. It is a fair hour—10 o'clock—at which to adjourn. Why, sir, we are rushing Bills through so fast that we do not know where we are. We are not prepared to pass Bills so quickly. No member had any idea yesterday that we would have got the length we have this evening, and many were not prepared for the discussions that have arisen. I am perfectly satisfied that it would be wiser and more judicious for hon. members to agree to the adjournment.

Mr. LUMLEY HILL said : Mr. Speaker,— I quite endorse the views expressed by the hon. member for Normanby, although I hold views entirely opposed to his with regard to this Bill, as I intend to oppose it as far as I can.

Mr. STEVENSON : You oppose every measure the Government bring in.

Mr. LUMLEY HILL : I listened with great interest to the very favourable introduction that the hon. member for Blackall made of himself to this House. But he is new to the business, otherwise he would have known perfectly well that an important measure like this, early in the session, at all events, does not command the attention that it is entitled to, after 10 o'clock at night, and we are accustomed—in the early part of the session, at all events—to adjourn at about 10 o'clock, and not discuss any important measure

after that hour. If it is a matter of duty, and sitting up stonewalling, and that kind of thing, then I can stay as long as anyone else; but in the meantime I think it would be well if the House adjourned, and gave us time to think over what has passed about the Bill this evening, and discuss it in cold blood to-morrow; give us time to look up our references, and be prepared to bring forward our arguments when it comes on again. I do think that there is great danger in too hasty legislation. I do not want to see Bills go through this House flying.

An HONOURABLE MEMBER: Prolong the session.

Mr. LUMLEY HILL: No; I do not wish to prolong the session any longer than is absolutely necessary to do the business of the country; but I want to see all the measures brought before this House fully discussed and carefully debated. I hope the House will adjourn now.

The COLONIAL SECRETARY said: Mr. Speaker,—The Government have every desire to meet the wishes of hon. members as regards debating this Bill, and it was understood from the leader of the Opposition that hon. members opposite were prepared to go on with the debate.

Mr. NORTON: Hear, hear!

The COLONIAL SECRETARY: If it is the wish of the House that the debate should be adjourned, I shall be happy to move the adjournment.

Question—That the debate be adjourned—put and passed, and resumption of debate made an Order of the Day for to-morrow.

ADJOURNMENT.

The PREMIER, in moving that the House do now adjourn, said: I believe there is no private business on the paper for to-morrow except formal motions. The Government business to be proceeded with will be the further discussion of the Marsupials Destruction Act Continuation Bill, and after that I think we shall be able to dispose of the Elections Tribunal Bill.

Question put and passed, and the House adjourned at five minutes past 10 o'clock.