Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY, 28 JULY 1886

LEGISLATIVE ASSEMBLY.

Wednesday, 28 *July*, 1886.

Question.—Formal Motions.—Gold Mining Companies Act Amendment Bill.—Pearl-shell and Bêche-de-mer Fishery Act Amendment Bill—committee.—Pacific Island Labourers Act of 1880 Amendment Bill—committee.—Justices Bill—committee.—Adjournment.

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

QUESTION.

Mr. GRIMES asked the Colonial Treasurer—

1. Who held the contract for the supply of leather for the year 1886-7?
2. Has such contract ceased?
3. If so, what firms have supplied leather since?
4. What quantity and value have each such firms supplied, and on what dates?

The COLONIAL TREASURER (Hon. J. R. Dickson) replied—

1. The leather company.
2. Yes.
3. S. H. Whichello and Butler Bros.
4. S. H. Whichello, February 3, 1886, £65. Butler Bros., May 14, 1886, £550 3s. 10d.

FORMAL MOTIONS.

The following formal motions were agreed to :—

By the PREMIER (Hon. Sir S. W. Griffith)—

That this House will to-morrow resolve itself into a Committee of the Whole to consider the desirableness of introducing a Bill to extend and regulate the liability of employers to make compensation for personal injuries suffered by workmen in their service.

By the MINISTER FOR WORKS (Hon. W. Miles)—

That this House will to-morrow resolve itself into a Committee of the Whole to consider the desirableness of introducing a Bill to amend the Mineral Lands Act of 1882 so far as regards mining for coal.

By the MINISTER FOR WORKS—

That this House will to-morrow resolve itself into a Committee of the Whole to consider the desirableness of introducing a Bill to amend the Gold Fields Act of 1874, so far as regards mining under reserves and lands excepted from occupation for mining purposes.

By the COLONIAL SECRETARY (Hon. B. B. Moreton)—

That this House will to-morrow resolve itself into a Committee of the Whole to consider the desirableness of introducing a Bill to impose restrictions on the sale of opium, and to prohibit its sale to aboriginal natives of Australia.

GOLD MINING COMPANIES ACT AMENDMENT BILL.

On motion of the ATTORNEY-GENERAL (Hon. A. Rutledge), it was affirmed in Committee of the Whole that it was desirable to introduce a Bill to amend the law relating to the incorporation and winding-up of gold-mining companies, and to amend the Companies Act of 1863 so far as relates to such companies.

The Bill was read a first time, and the second reading made an Order of the Day for Tuesday next.

PEARL-SHELL AND BECHE-DE-MER FISHERY ACT AMENDMENT BILL—COMMITTEE.

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

Question—That the following new clause be inserted to follow the last new clause as passed :—

The principal officer of Customs at any port may grant any such license, which shall be in the form in the schedule to this Act, and for every such license there shall be paid the sum of one pound, which shall be paid into the consolidated revenue.

Mr. NORTON said he had mentioned to the Colonial Treasurer on the previous evening that when the Bill was laid on the table of the House the hon. member for Burke communicated with some of his constituents interested in the matter, with the view of getting their opinion upon the measure ; and he would now suggest to the hon. gentleman that he should consider whether he would go on with the Bill or defer it until the hon. member for Burke had had an opportunity of hearing something from his constituents.

The COLONIAL TREASURER said the hon. gentleman had mentioned to him at the rising of the House on the previous evening the matter to which reference had just been made ; but he really did not see any necessity for delaying the consideration of the Bill. It was founded on information supplied by the former police magistrate at Thursday Island—Mr. Chester—and the Sub-collector of Customs, which was confirmed by the actual observation of the Premier and himself. He believed the only omission in the Bill at the present time was a penal clause referring to the stealing of pearls—a difficulty which was pointed out on the previous evening. The Bill would remove the disabilities under which those engaged in the pearl-shelling industry laboured, and that clause would give them substantial relief. He would remind hon. members that as they were commencing the financial year, and some licenses would have to be issued, it was desirable that the matter should be settled without any unnecessary delay.

Mr. BLACK said the Colonial Treasurer had stated that the Bill would give the pearl-shellers substantial relief. He would like the hon. gentleman to explain where it would give substantial relief. It rather imposed on the persons interested additional taxation.

The PREMIER : It is a reduction of taxation all through.

Mr. BLACK said he would also point out to the hon. gentleman that he was taking an unfair advantage of the want of representation of that part of the colony to which the measure would apply, in endeavouring to force the Bill through the Committee in the present state of affairs. There was nothing very urgent in the legislation proposed, and he really thought it would only be fair that the further consideration of the measure should be deferred for a short time, in order that hon. members might have an opportunity of getting the opinions of those interested in the pearl-shell industry on the subject. The Bill undoubtedly legalised taxation which the Government had hitherto been collecting illegally—that was, without the consent of Parliament. The Premier interjected just now that the Bill did not impose additional taxation. What the Bill did was to make legal taxation which the Government had hitherto been collecting illegally. The return of the Government Resident at Thursday Island — the Hon. John Douglas — which had not, very likely, received that attention from hon. members which it deserved, entered very fully into the legislation necessary to remedy the wants of that particular industry. In that report it was stated what was the revenue collected at Thursday Island during the year 1885. Hon. members would see by a perusal of it that the small number of the population there had undoubtedly been paying a larger amount in the shape of extra taxation than they ought to do. He pointed out the other evening that the contributions to revenue by the population north of Cape Palmerston amounted to £5 5s. 6d. per head, while those residing in the southern portion of the colony only paid £2 12s.—a little less than one-half. In the Bill before them taxation was proposed which certainly amounted to £1 per head on the people residing in the locality to which it would principally apply, and he would point out how he had arrived at that conclusion. In the report of the Government Resident at Thursday Island, it was stated that the revenue from pearl-shell and bêche-de-mer fishing licenses was £1,020 last year, and the census returns just published showed that the male population at Somerset and on Thursday Island was 1,096. It was clear, therefore, that the extra taxation which would be imposed by the measure on the persons resident in that portion of the colony and engaged in pearl-shell fishery would be £1 per head, and he maintained that that was entirely unfair and unnecessary. That was one of the grievances the northern portion of the colony was labouring under, and the Committee had now an opportunity of inquiring into the matter and

seeing that something reasonable was done to give redress, which he believed would be done by gentlemen living in the southern portion of the colony if the grievances were brought before their notice. He thought it was unfair that a measure affecting an industry a long way from Brisbane, should be hurried through committee without members giving it a little further consideration, or, at all events, without giving them an opportunity of getting the opinions of the people of Thursday Island on what was to them a very important subject, though probably only of comparative importance to the Colonial Treasurer.

The PREMIER said it appeared to him that the hon. member's arguments amounted to this: that the Committee was profoundly ignorant of the whole subject, and should, therefore, do nothing. The hon. member might be profoundly ignorant of the whole subject, but he did not think the hon. member ought to take his ignorance as a measure of the knowledge of the Committee. He (the Premier) did not think it likely that they would get any more information than they had at present if they were to wait for six months. For his own part, and he might also speak for the Colonial Treasurer, he had had information in his possession for years, and that information had been confirmed by a personal visit. He was quite certain that remonstrances were no more likely to be made in the future than they had already received. Before the commencement of the session of 1884, the matter had been brought under his notice. Since then, by consulting the Hon. John Douglas, Mr. Chester, and several people at Cooktown interested in the matter, as well as people resident at Thursday Island, he had got all the information he thought they were likely to obtain. The hon. member for Mackay got up and said, "I really know nothing whatever about the subject," and suggested that the discussion should be deferred; but the Government, and probably the rest of hon. members, knew something about it and would not feel much difficulty in dealing with it.

Mr. BLACK said the hon. gentleman assumed that he knew nothing about it.

The PREMIER: I said you said so.

Mr. BLACK said the hon. gentleman inferred that he knew nothing about it. He would refer to the ignorance shown by the hon. gentleman on the matter the previous afternoon. When he was asked whether the tax would be a continuous tax or not, the hon. gentleman said he was under the impression that the registration was a permanent one. The Colonial Treasurer, on the contrary, said it was an annual one. Had any hon. member displayed more culpable ignorance on the subject than the Premier and Colonial Treasurer? He (Mr. Black) knew a great deal more about the matter than either hon. gentleman.

The PREMIER said he was asked the previous day, when the Bill was under consideration, whether the payment would be a single or annual one, and on the spur of the moment he said it would be permanent. That was a mistake. Had anybody ever made a mistake like that before? He would not be ashamed to make a mistake of that kind every day of his life. Such a slip, on the spur of the moment, was absolutely nothing. One might as well put a catch question on the catechism, and say a man was profoundly ignorant because he could not answer it immediately. He was not aware of the boat licenses or divers' licenses imposed under the regulations of 1882, but what the Government were acquainted with were the wishes of the people connected with the industry. The particular form in which a tax that they did not object to was imposed seemed very immaterial. The Government knew what grievances were complained of, and it was those grievances the Bill was an attempt to deal with. They did not know about things that were not grievances.

Mr. SCOTT said he would like to know if it was the wish of the divers to pay that tax?

The PREMIER: No; it is the wish of all people not to be taxed.

Mr. SCOTT said the tax was contrary to the wish of the people. It seemed to him a monstrous thing that because a man wore a particular dress he should have to pay £1 a year more than anybody else. They might as well put a tax on a man for wearing a red or blue shirt, as tax a diver for wearing a particular dress.

Mr. LUMLEY HILL asked why should a miner pay for his miner's right? Why should a timber-getter pay for a license? Why should anybody pay any taxes at all? He took it that people looked for certain protection, and they were agreeable to pay for it. He himself had accompanied the Chief Secretary and Colonial Treasurer, and they got all the information about the business that was possible in a short space of time. There were hon. members in the House who were thoroughly acquainted with the whole business—the hon. member for Musgrave and the junior member for Townsville. They had been engaged in the business, and if any remonstrances were to be made, why did they not make them instead of the hon. member for Mackay, or the hon. member for Leichhardt, who probably knew as much about slug-catching or pearl-shells as pearl-shells knew about him?

Mr. SCOTT said he very likely knew as much about it as the hon. member. The hon. member asked why the timber-getter should pay a tax. Because he took timber off the country. The diver was one of a boat's crew, and got no more out of the sea than the rest of the crew. If he was accused of stealing pearls, and if the tax was the fee he had to pay for the privilege of stealing pearls, then it was intelligible; but otherwise he could not see why one member of the crew should be singled out. He could understand why a master should be licensed, but not why a diver, who wore a particular dress, should be licensed.

Mr. PALMER said he thought there was no definition of the term "diver." He believed all in the boat would be termed divers, and be required to pay the license fee. The term "bêche-de-mer diver" was used. Now, they went into shallow water for bêche-de-mer, so what was a diver?

The COLONIAL TREASURER: One who uses a diving apparatus.

The HON. J. M. MACROSSAN: What is a diving apparatus?

Mr. PALMER: By the Territorial Waters Jurisdiction Act of 1878, jurisdiction was confined to within a marine league from the coast. How would the Act affect offences committed beyond a marine league from the shore—at islands fifty miles away?

The COLONIAL TREASURER: Not at all.

Mr. PALMER: That was a fine loophole for the pearl-shellers. They had only to remove three miles from the coast, and they might do what they liked.

Mr. BROWN said the question resolved itself into this—to what extent the men were to be taxed. He thought that the fees to be paid by the divers or the men in charge of the boats might be reduced from 20s. to 10s.

Mr. HAMILTON said the Colonial Treasurer objected to making the alteration on the ground that substantial relief was afforded by the Bill to pearl-fishers. That was true, but what hon. members wished was to enable the Government to get additional *kudos* by making certain improvements in the Bill which they knew would be beneficial to the interests of the pearl-fishers. The tax was an unpleasant and an excessive one; the Government did not derive much revenue from it, and it was felt very oppressive by the few persons who were taxed. The Premier had suggested, as one reason why the tax should be imposed, that the various persons required to be registered; but that could be done at the cost of 1s. One hon. member asked why they should not pay that £1. They might as well ask why the miner should pay 10s. This was the only colony in Australia where a miner had to pay 10s.; in the other colonies he had only to pay 5s.

The HON. J. M. MACROSSAN: And in some less.

Mr. HAMILTON said he had had something to do with the pearl-shelling business. He knew it was anything but a profitable business, as was shown by the fact that the vessels were leaving Queensland and going to Western Australia. When they knew that the industry was not paying half so well as it used to do, they ought to give it every encouragement instead of assisting to drive it away by oppressive taxation.

The COLONIAL TREASURER said the Bill would give the men engaged in the industry every encouragement to remain, if that could be done by anything in the shape of reduction of taxation. But it was not the pressure of taxation that induced them to seek for "fresh fields and pastures new," but rather that the grounds were fresher, and more likely to yield an abundant harvest. Hon. gentlemen seemed to forget that the Bill made a great reduction in the taxation. At present every person in charge of a boat employed in the industry paid £1 per annum; and that was objected to because it applied not only to masters of vessels, but to every man in charge of a dingy or tender running from the ship to the shore. The Government had recognised that as a very unjust charge, and it was now proposed that only masters of vessels and divers should pay the annual tax. That, he asserted, was substantial relief. Some hon. members seemed to imagine that the pearl-shelling industry was more heavily taxed than the oyster-fishing industry in the South; but that was by no means the case. Every man engaged in the oyster industry, so long as he was on board a vessel or boat, no matter in what capacity, had to pay a license fee of 10s. per annum, in addition to the fee charged on the vessels. The fee chargeable on a pearl-shelling boat of ten tons under the Bill would be £3, whereas on an oyster boat of the same size it was £4 10s. If hon. gentlemen would bear those facts in mind they would see that the Bill gave very substantial relief to the industry.

Mr. NORTON asked whether the officer of Customs, whose duty it would be, as stated by the Colonial Treasurer last night, to periodically visit the fishing grounds, would be competent to issue licenses under the Bill?

The COLONIAL TREASURER replied that the "Albatross" had been specially purchased for police use in the Straits, and in her periodical cruises she would carry an officer of Customs who would be empowered to issue licenses.

The HON. J. M. MACROSSAN said the Colonial Treasurer had not yet given any sufficient reason why the proposed license fee should not be reduced from £1 to 10s., as suggested by the hon. member (Mr. Brown). The hon. gentleman claimed that the Bill was giving great relief to the pearl-fishers, but he (Hon. Mr. Macrossan) failed to see where the relief came in; and he was certain the pearl-fishers themselves would not view it in that light. The greatest grievance of the pearl-fishers was the pilfering of pearls, and as the Government had declared that they could not at present bring in a Bill to protect them from pearl pilferers, they ought to at least protect them from over-taxation. That those men were over-taxed, even the Colonial Treasurer, if he held the position of a private member, would be one of the first to admit. Then it must be remembered that in the industry in which the men engaged they had to undergo great difficulties and hardships. Mr. Douglas, in his report, spoke of the dangers attending it, and of the many fatalities that had occurred in the pursuit of it. Their taxation should be reduced to a smaller amount than was proposed by the Government. He did not see why those men should be taxed more heavily than men engaged in a similar industry in the South, only not so laborious and not so dangerous.

The COLONIAL TREASURER: I have already explained that the pearl-shell fishers are not taxed nearly so heavily as the oyster-fishers.

The HON. J. M. MACROSSAN said that in the pearl-shelling industry every man who had a diving apparatus was taxed £1 a year. Now, a diving apparatus could not be purchased for less than from £100 to £150; consequently a man was taxed because he happened to be a small capitalist who chose to invest his money in that particular way. In order to give hon. members an opportunity of expressing their views on the question, he would move, by way of amendment, that the words "one pound" be omitted, with the view of inserting the words "ten shillings." It had been said by some hon. members that people, if they had their choice, would object to paying any tax whatever. That might perhaps be so, but there was a proper mean in all things. There was a time when gold-miners had to pay a license fee of far more than 10s. per head. He recollected when miners paid a great deal more than £1 or £5, and that tax was defended by the Government of those days upon the same grounds as the proposed tax was defended now; but people began to see that such taxes were unreasonable, and they were reduced, more especially as the mining industry began to fall off in its yield. The pearl-shelling industry was also falling off in its yield. Whatever might be the cause—whether from over-taxation or the working out of the fishing grounds—the men were going to Western Australia, and if they could induce them to remain by reducing taxation, not only in this direction, but in others, it was their duty to do so, because those people paid a large amount of duty to the Customs. A very large revenue was collected at Thursday Island when they considered the small population there, and he thought the Treasurer ought to be satisfied with knocking off the 10s. as he had proposed.

The COLONIAL TREASURER said surely hon. members would see that there was a very great reduction in taxation when an employer of that class of labour, instead of having to pay £20 per annum for twenty licenses, would only have to pay at the outside £2 per annum—£1 for himself and £1 for the diver. If the hon. gentleman were to base his amendment on the principle of the oyster fisheries, and charge 10s. for every person engaged in the industry, he would

not have so much objection to it; but he really could not see that the employer of a large number of men in this industry had anything to complain of, seeing that the annual charge upon them was reduced from, possibly, £20 to £2. Surely that was sufficient reduction. He would also ask hon. members to bear in mind that an additional charge of from £1,500 to £2,000 per annum would be incurred in connection with the vessel recently purchased for the purpose of maintaining police supervision. The expenses of administration would therefore be largely increased; and seeing that already a liberal reduction was made in taxation, he hoped the hon. gentleman would not press his amendment.

The HON. J. M. MACROSSAN said the hon. gentleman drew a comparison between the oyster fisheries on the coast down here and the pearl-shell fisheries, but he did not know that in the oyster fisheries there was very little skilled labour required, no danger was incurred, and very small capital was necessary, while in the other these things were required and there was also very great danger. The hon. gentleman had quoted the fact that he was doing something for the employer, but what hon. members on that side wished to do was to reduce the taxation upon the employé—the diver.

The COLONIAL TREASURER: The tax is paid by the employer.

The HON. J. M. MACROSSAN said it was not the employer they were considering, although he too should be considered, but the employés. They wanted to reduce the tax upon them. The amount raised at Thursday Island last year was £12,500 from a small population of 1,225, including females, and yet the Treasurer said there would be additional expenses in patrolling the seas by a police boat. That would be a mere bagatelle compared with the revenue received, and he certainly thought the hon. gentleman ought to give way on this question of taxation.

Mr. PALMER said reduction in this taxation was about the only way in which the Treasurer could relieve the people up there. They were taxed very heavily upon their chief articles of diet—tinned meats, biscuits, and rice. He understood that when pearl-shellers or bêche-de-mer fishers went to Western Australia there were important concessions made to them, by which they were free from taxation. Articles of consumption were allowed to them free of duty, so that they had considerable inducement to leave Thursday Island for Western Australia. Therefore the proposed relief was about the only one that it was in the power of the Treasurer to grant to them. Of course, if he could relieve them of some unnecessary taxation upon their food, he would also be doing the industry very great service.

Mr. SCOTT said perhaps the Treasurer would inform the Committee how many men were employed at Thursday Island as divers? He (Mr. Scott) spoke in ignorance on the subject, but supposed that there were not more than 100, and the difference between £100 and £50 was so small that he really thought the Treasurer should give way.

Mr. BLACK said the Government Resident in his report said the number of boats licensed last year under the Pearl-shelling Act was 195, and in the majority of cases the man in charge of a boat was the diver. So that really the concession the hon. member for Townsville was asking for was a very small one; but it was the principle involved in imposing this additional taxation that he objected to. The Treasurer had said it was not a new tax, but the fact was that the Government had, during the last four years, been illegally collecting a considerable amount of taxation from that portion of the North; and now, when they were attempting to legalise what they had been doing, he thought that the Committee were quite right in saying that this new legal taxation should not be unnecessarily severe. The hon. gentleman who had just sat down had referred to the revenue that had been derived from that part of the colony, and he (Mr. Black) found from the returns that since 1877 the Government had received from that comparatively small community no less than £48,338. And it must be borne in mind, too, for it was a most important point, that this was taxation without any representation at all. The hon. the Treasurer had referred to the cost of police protection that would be incurred by sending a vessel around the fisheries; but surely an industry of such importance as that was entitled to something in return for its large contributions to the revenue. What had the Government done for them? Nothing. £5,000 was voted some time ago for a jetty—a small concession that the people demanded—but nothing had been done. Again, another sum of £600 had been voted for pilot quarters, or something of that kind, but that also had not been spent. In asking that this small concession should be made, he did not do it for the amount that would be saved, but because it would show the people up there that the Government were really anxious to consider the interests of an industry that had been neglected for a considerable number of years.

Mr. ALAND said he should have taken considerably more notice of what had fallen from the hon. member for Mackay if he had not had an assurance from the Government that on the occasion of their visit to Thursday Island, during the recess, the point referred to did not form a matter of complaint by the parties residing there. All matters which had been complained of had been attended to.

Mr. BLACK: No.

The PREMIER: All of them.

Mr. ALAND said they had all been attended to, except perhaps the matter of the pilfering of pearls. That question was discussed pretty freely last night, and several suggestions, some of them very good, were made, and the Government had promised to take them into their consideration at a future time. He thought the tax was rather heavy, but when the Government assured him that no complaint had been made on the subject he did not think they need trouble about relieving them. If the residents of Thursday Island were satisfied he was satisfied, and should not strive to reduce the taxation.

The COLONIAL TREASURER said he must submit a further argument which had not been touched upon at all. It was not a local industry. A great number of the divers engaged in it belonged to the neighbouring colony of New South Wales, and why should they reap the harvest of these seas without having to pay for the privilege?

Mr. GRIMES said the hon. member for Burke had based his claim for a reduction of the fee on the fact that the people engaged in the industry in question were large consumers of dutiable goods—tinned meats and biscuits. But he believed that those articles were principally prepared in the colony, and therefore did not pay duty. It had been shown that concessions had already been made to those people, inasmuch as now they only paid for the divers that were employed, and not for the various boats used. The Colonial Treasurer had shown that a reduction of from £20 to £2 or £3 had been made,

which he considered a pretty fair amount, and he was surprised at hon. members opposite asking for further concessions.

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

AYES, 27.

Sir S. W. Griffith, Messrs. Miles, Dickson, Dutton, Rutledge, Moreton, Sheridan, Foote, Hill, Kates, Grimes, Isambert, Wakefield, McMaster, Bulcock, White, Jordan, Buckland, Campbell, Mellor, Smyth, Aland, Brookes, Murphy, Bailey, Midgley, and Higson.

NOES, 12.

Messrs. Norton, Macrossan, Chubb, Black, Palmer, Hamilton, Adams, Lalor, Scott, Philp, Lissner, and Brown.

Question resolved in the affirmative.

Clause put and passed.

The COLONIAL TREASURER moved that the following new clause be inserted to follow the last new clause as passed:—

If the holder of a license is convicted of an offence against the principal Act, the justices before whom he is convicted may cause the conviction to be endorsed on the license, and may suspend or cancel the license, as they may think fit. Any person holding a license, who, upon demand of the justices, refuses or neglects without sufficient cause to deliver up the same to them for the purposes of this section, shall be liable to a penalty not exceeding twenty pounds.

Mr. CHUBB said he thought it should be pointed out what the effect would be of having the conviction endorsed on the license. He did not see it referred to in the Bill. In some similar cases it was provided that on a second conviction the license should be forfeited, but there was no provision of that kind in the Bill.

The COLONIAL TREASURER said the clause would provide a record of the offence and conviction on the license, and that would be duly noted whenever a person so authorised demanded that the license should be produced. The authorities would know from the endorsement that an offence had been committed by the holder of the license, and would be guided accordingly in dealing with its renewal.

Mr. PALMER said that what the Colonial Treasurer said was contrary to common justice, because the man would be punished twice over. He would be punished by a fine or imprisonment for his offence, and would be again punished by having the conviction endorsed upon his license, so that he should come up for judgment at a future time. He noticed another discrepancy in the clause. Under section 9 of the principal Act, a master refusing to produce his license was liable to a penalty not exceeding £5, while the holder of a license under the new clause, on failing to produce his license, was liable to a fine not exceeding £20. Why should the master of a ship refusing to produce his license be liable only to a fine of £5, while the man who worked on the ship was liable to a fine of £20?

The COLONIAL TREASURER said the principal Act, as the hon. member would see, referred not only to ships, but also to boats, and that was one of the grievances complained of. At present every person in charge of a boat had to produce a license. The employers procured the licenses for their employés, and a man in charge of a boat might not have the license about him when called upon to produce it. The new clause he had proposed was one of the regulations found to work well at the present time, and it dealt solely with persons occupied as divers.

Question put and passed.

The COLONIAL TREASURER moved that the following new clause be inserted to follow the last new clause as passed:—

Notice of the suspension or cancellation of every license suspended or cancelled under this Act shall be posted in a conspicuous place in the shipping office and custom-house at every port at which such licenses are issued under this Act.

That was also one of the regulations now in operation.

Mr. BAILEY said a great many of the men affected by the clause could not read English. There were very few English divers employed there; most of them were Malays or other foreigners, who were not at all likely to see any notice placed in a conspicuous place. The Bill was a good one on the whole, but he strongly objected to Bills introducing taxation of that kind, and which were constantly inflicting penalties upon the people of the colony. The Bill before them was one of those Bills. The divers were not at all likely to see any notice posted in a conspicuous place, and they might be fined before they knew anything about it. They might not be able to pay the fine, and then they would be imprisoned and the country would have to keep them in prison. The Bill certainly did relieve the pearl-shellers and the people of Thursday Island of certain disabilities under which they at present laboured, but he considered that the imposition of a tax and penalty, in the way proposed in the clause, would lead to trouble, and the poorer and more ignorant class of men would be the men who would suffer by it.

The COLONIAL TREASURER said the notice of suspension was chiefly desired in the interests of the employers. They would see that a certain man's license was cancelled, and would accordingly inquire into the character of the man before employing him. It was for the protection of employers, and the hon. member would see it proposed no penalty.

Mr. PALMER said a man's license should not be cancelled without giving him an opportunity to defend himself. A man might have his license cancelled and be away working at the time.

The PREMIER: No. It is only upon conviction.

Mr. BAILEY said it might not be known to some hon. members that the divers were often in command of the ships, and they were generally Malays or foreigners, and not Englishmen. The diver might be in command of a boat and know nothing about the notices. All the crew were under his command, and if he broke down some other man whom he chose would take command, and thus there would be a great many complications arise under the clause. The vessels were generally in command of a Malay, with mixed crews of Malays and South Sea Islanders, and so on. An Englishman was very seldom found on one of those boats. He did not think those men received a fair chance under the Bill of knowing how they might be injured by it. The Bill, as he said, was a good one on the whole, but sufficient precaution was not taken to protect those men from an injustice which might be committed without their knowledge.

Question put and passed.

The COLONIAL TREASURER moved that the following new clause be inserted to follow the last new clause as passed:—

Every person who, being the owner of a ship or boat, or the agent or manager of or for the owner of a ship or boat, employs, or authorises or permits the employment of an unlicensed person as a diver, or employs, authorises, or permits an unlicensed person to take charge of a ship engaged in the fishery, unless he

holds a certificate of competency under the Navigation Act of 1876, shall be liable to a penalty not exceeding twenty pounds.

Question put and passed.

The COLONIAL TREASURER, in moving the following new clause :—

The principal officer of Customs at any port may issue a new license in the place of a license which is proved to his satisfaction to have been lost or destroyed, and for every such new license there shall be paid the sum of 5s., which shall be paid into the consolidated revenue"—

said that the same provision had been in operation for the last four years.

Mr. NORTON asked the Colonial Treasurer whether he was sure the principal officer of Customs at Thursday Island would go on board the "Albatross" in the trips of inspection which it was intended should be made?

The COLONIAL TREASURER said he was not prepared to say that the Collector of Customs or the chief clerk would accompany the vessel, but the person who would go would be authorised to deal with that matter.

Mr. NORTON: It was distinctly stated that the "principal officer of Customs" might perform the duty mentioned in the clause. If that officer was not to accompany the steamer, would it not be better to strike out the word "principal," and specify by whom the business might be done?

The COLONIAL TREASURER said he really did not see that it was a matter of necessity to state in the Bill who should issue the licenses. It was purely a matter of departmental management. The licenses would be kept in a book and issued therefrom, and the principal officer of Customs could depute his authority to some officer of his department, and would do the business in the way most convenient to the public.

Question put and passed.

On clause 6, as follows :—

"Any person who cuts down or injures any cocoanut tree, or other tree bearing edible fruit, growing on any land included in a license granted under the tenth section of the principal Act, shall be liable to a penalty not exceeding ten pounds"—

Mr. PALMER said he would like to introduce an amendment in that clause if permitted to do so by the Colonial Treasurer. He would like to see the tree known as the *Calophyllum inophyllum*, which he mentioned on the second reading of the measure, included in that provision. There were a few of those trees at Cooktown and further north as well as on some of the islands off the coast. In the South Sea Islands those trees were a source of great profit to the natives. The oil from them was sold at as high as £90 per ton, and was said to be a good remedy for rheumatism and other complaints. It was a tree of very great value indeed, and was considered by some as valuable as the cocoanut-tree itself, being useful as a timber from which canoes were made, and affording a handsome shade. He hoped the Colonial Treasurer would include that tree in the clause now before the Committee.

The COLONIAL TREASURER said that if the tree referred to was growing in the colony it would no doubt be well to protect it, but it would be no use legislating for trees which did not exist here at the present time.

Mr. S. W. BROOKS said he would support the hon. member for Burke in his suggestion. The tree was an old acquaintance of his, and was really an excellent tree. If it existed at all in the country they ought to encourage its growth. It was known to some as the *Tamanu* of Tahiti. That was the name by which it was known to many Europeans, but in Fiji it was known by, as he thought, the more euphonious name of *Dilo*, which was pronounced *Ndeelo*. The tree was of very high value, and the oil realised £100 per ton, and was said to be a specific for rheumatism. As a timber the tree was second to few, and he thought it would be wise on the part of the Colonial Treasurer to insert the *Calophyllum inophyllum* in the clause.

Mr. SHERIDAN said it would be a great pity if the tree was not protected, if for no other reason than that there were only a few in the colony. He believed he had seen from the deck of the vessel by which he was travelling several of those trees at Cardwell. They were covered with nuts which might be spread abroad and sown, so that the tree might be preserved and cultivated.

Mr. S. W. BROOKS said oil was extracted from the nut of the tree in the South Sea Islands—by a very primitive method, he would admit, and not to a very large extent; but still the tree was of such value that its growth should be encouraged.

The COLONIAL TREASURER said he thought it would be very desirable to protect the *Calophyllum inophyllum* if it grew at Cardwell, and he would not, therefore, object to the suggested amendment.

Mr. PALMER said he was glad to say that the police magistrate, Mr. St. George, had taken steps to protect a grove of the trees near Cooktown. The inhabitants were much obliged to him for it, as the Chinese were making raids on the trees, and would have destroyed them. He proposed to amend the clause by inserting the words "or any tree of the kind known as *Calophyllum inophyllum*."

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

Clause 7 passed as read.

The COLONIAL TREASURER moved that the following be the schedule of the Bill :—

THE SCHEDULE.

No.

These are to certify that is hereby licensed to take charge of the ship engaged in [*or* use a diving apparatus in] the pearl-shell [*or* bêche-de-mer] fishery, and that he has paid into the Treasury the sum of one pound for the said license.

Nationality :
Apparent age : years.
Colour :
Colour and description of hair :
" " whiskers :
" " beard :
" " moustache :
Height :
Special marks :
Any other peculiarity :

Principal officer of Customs
at the port of

Mr. PALMER said it had been the habit to designate the inhabitants of Thursday Island as the most dissolute and abandoned community in all the colonies, and there was a reflection of that opinion in the schedule. It was almost similar to a criminal supervision, having to put down the colour of the hair, the colour and cut of the whiskers and beard and moustache, and everything else connected with a man's appearance. Did the schedule apply to white men? If so, it would be a good amendment to have a photograph taken when the license was issued. Was it usual in any other occupation to take down such a minute description of a man—his age, special marks, height, and peculiarities? He supposed that if a man squinted that would be taken down.

The COLONIAL TREASURER said it was necessary to prevent the licenses being transferred to any other person. The men employed in the industry were not all Europeans, and it was desirable, as far as possible, to provide means for the identification of those to whom licenses were issued to prevent their being transferred.

Mr. LUMLEY HILL said he could not see what the objection of the hon. member for Burke was. If he looked at his policy of life insurance he would see a much more accurate description of himself than anything contained in the schedule. Did the hon. member anticipate that he might go into the business himself, and have to be described with a photograph appended? He (Mr. Hill) had seen the inhabitants of Thursday Island, and certainly did not agree with the description of them as abandoned and dissolute. They were very decent people, and he did not think any of them would be at all ashamed of their description, even if some of them were black, or brown, or yellow. They would not mind being described on their licenses.

Question put and passed.

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

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

PACIFIC ISLAND LABOURERS ACT OF 1880 AMENDMENT BILL—COMMITTEE.

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

Preamble postponed.

Clauses 1, 2, and 3 passed as printed.

On clause 4—"Employers to provide all labourers with medical attendance"—

Mr. BLACK asked whether the definition of "labourer," as laid down in the principal Act, had been extended in any way?

The PREMIER replied that it had been extended to all islanders in the colony, and as a matter of course included those who were exempt under the principal Act. That was the object of the clause.

Mr. BLACK: Then the term "labourer" now applies to exempt islanders even if they have engaged in other pursuits outside that of tropical agriculture?

The PREMIER: Yes.

Mr. BLACK: No matter what position they are in, their employer is liable for medical attendance for them?

The PREMIER: There are not many of them; the majority of them are still employed in agriculture. It is a monstrous thing that employers should deduct from their scanty wages for medical attendance. If they are in positions where they are receiving large wages, other arrangements will no doubt be made.

Clause put and passed.

Clauses 5 and 6 passed as printed.

Preamble, as follows, passed:—

"Whereas by the Pacific Island Labourers Act of 1880 it is declared that the term 'Pacific Islander' or 'islander' shall mean a native, not of European extraction, of any island in the Pacific Ocean which is not in Her Majesty's dominions, nor within the jurisdiction of any civilised power: And whereas by reason of the recent acquisition of territory in the Pacific Ocean by civilised powers it is necessary that the said definition should be amended: And whereas it is desirable to amend the Pacific Island Labourers Acts, 1880-1885, in other respects."

The House resumed, and the CHAIRMAN reported the Bill to the House without amendment.

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

JUSTICES BILL—COMMITTEE.

On motion of the ATTORNEY-GENERAL (Hon. A. Rutledge), the House went into Committee of the Whole to consider this Bill in detail.

Preamble postponed.

Clause 1—"Short title and division of Act"—put and passed.

On clause 2, as follows:—

"The several Acts and ordinances mentioned in the first schedule to this Act are hereby repealed to the extent in the said schedule indicated, but no proceedings or acts or things done under any of the said Acts and ordinances before the commencement of this Act shall be invalidated or affected by such repeal; and all proceedings initiated before the commencement of this Act shall be carried on, as far as practicable, according to the provisions of this Act, and subject thereto, according to the provisions of the said repealed Acts and ordinances respectively, which shall for that purpose be deemed to continue in force notwithstanding the repeal thereof; and all persons lawfully in custody or bound by recognisance, at the commencement of this Act, under the provisions of any of the said repealed Acts or ordinances, shall be deemed to be in lawful custody or to be so bound as aforesaid under the provisions of this Act, and may be dealt with accordingly"—

Mr. NORTON said he thought it would be as well for the Attorney-General to explain the clause to the Committee. One reading of it was that a person might be held liable for breaking a law which did not exist. A man might commit an offence under one Act and be tried under another.

The ATTORNEY-GENERAL said in an Act certain things were generally declared to be a breach of that Act, and upon the breach being proved certain consequences followed. There was no inconsistency between a breach of that kind under one Act and procedure for the recovery of the penalty under the provisions of the Bill.

Mr. NORTON: The clause, then, applied not to the nature of the offence which might be committed, but to the manner in which the person charged should be dealt with?

The ATTORNEY-GENERAL: Yes.

Mr. NORTON: That's all right.

Clause put and passed.

Clause 3—"Commencement of Act"—put and passed.

On clause 4, as follows:—

"*Interpretation.*

"In the interpretation of this Act, unless the context otherwise requires—

'Minister' means the Colonial Secretary or other Minister charged with the supervision of justices of the peace;

'Justices' means justices of the peace having jurisdiction where the act in question is or is to be performed, and includes one justice where one justice has jurisdiction to do the act in question;

'Clerk of Petty Sessions' means the clerk of the petty sessions at which the decision in question was made;

'Jurisdiction,' when necessary, means the place in which jurisdiction may be lawfully exercised;

'Indictable offence' means an offence which may be prosecuted before the Supreme Court, or other court having jurisdiction in that behalf, by information in the name of the Attorney-General or other authorised officer;

'Indictment' means an information for an indictable offence presented to a court having jurisdiction to try the accused person by the Attorney-General or other authorised officer;

'Simple Offence' means any offence (indictable or not) punishable, on summary conviction before justices, by fine, imprisonment, or otherwise;

'Breach of duty' means any act or omission (not being a simple offence or a non-payment of a mere debt) upon complaint whereof justices may make an order on any person for the payment of money or for doing or refraining from doing any other act;

'Defendant' means a person complained against before justices for an indictable offence, simple offence, or breach of duty;

The term 'complaint' includes the terms 'information,' 'information and complaint,' and 'charge,' when used in any Act, and, unless the contrary appears, means an information and complaint before justices;

Hearing' includes the examination of a person charged with an indictable offence;

'Summary conviction' or 'conviction' means a conviction by justices for a simple offence;

'Order' means an order made upon a complaint of a breach of duty;

'Decision' includes a committal for trial and an admission to bail as well as a conviction, order, order of dismissal, or other determination;

'Charge of an indictable offence' means charge of an indictable offence as such and in order to a committal for trial therefor;

'Municipal district' means a municipality or division established under the provisions of the Local Government Act of 1878 or the Divisional Boards Act of 1879 or other Acts amending or in substitution for those Acts respectively;

'Chairman of a municipal district' means the mayor or president of the municipality or chairman of the divisional board in question;

'Police officer' means any constable or other member of the police force;

'Oath' includes solemn affirmation or declaration when such affirmation or declaration may by law be made instead of taking an oath, and also includes any promise or other undertaking to tell the truth that may be made under the provisions of the Oaths Act Amendment Act of 1884, or any other Act relating to giving evidence in courts of justice;

When one word or phrase includes another the derivatives of the one include those of the other."

Mr. CHUBB said that on the second reading of the Bill he expressed an opinion that it would be desirable to insert a definition of "property," because there were some clauses in which that word was used. For instance, there was a clause giving justices power to order the restoration of property, and it might be a question whether "property" covered horses and cattle. No doubt it would as a general rule, but cattle-stealing and horse-stealing were distinct offences from ordinary larceny, and it might be as well to insert an interpretation of the word, so that no doubt should exist on the matter.

The ATTORNEY-GENERAL said it was unnecessary to define the word, because in the few clauses in which it occurred the phraseology was sufficiently explanatory to obviate any difficulty. Section 39 gave power to justices to order delivery of possession of goods alleged to have been stolen or fraudulently obtained, and in the custody of a police officer. That applied to any property capable of being stolen, and which a man was charged with having stolen, and was property the justices could deal with.

Mr. NORTON said he did not know whether the question was one worth discussing, but it had always struck him as an anomaly that the justices were not under the department of the Attorney-General. He did not see any reason why they should be under the Colonial Secretary and not under the Attorney-General.

The PREMIER said when he was Attorney-General, many years ago, he suggested that the change indicated by the hon. member would be a very desirable one to make, but the then Colonial Secretary did not think so, and he himself now doubted very much whether the change would be a good one, because the work of the Attorney-General was a great deal more than it used to be. After having had experience of the two departments, he was disposed to think that it was more convenient that the justices should be under the Colonial Secretary's department, because there was a great deal of administrative work connected with the different benches of the colony that could be more conveniently done there than it could be in the Attorney-General's department. He was therefore inclined to think the present system the more convenient, at any rate until they had a more completely organised department of justice than they had at present.

Mr. BROWN said he thought the term "clerk of petty sessions" should have a wider definition than that given to it. It should be made to include a person acting as substitute for that officer.

The ATTORNEY-GENERAL said, to make the matter perfectly free from doubt, he would move that after the first "the" in the definition the words "person acting as" be inserted.

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

Clause 5—"General saving of powers of justices"—put and passed.

On clause 6, as follows:—

"The Governor in Council may appoint such and so many justices as may from time to time be deemed necessary to keep the peace in the colony of Queensland, or in any municipal or other district therein.

"Such justices may be so appointed either by a general Commission of the Peace under the Great Seal of the colony in the form contained in the second schedule to this Act or to the like effect, or by a special appointment of the Governor in Council notified in the *Gazette*. In the latter case the justices so appointed shall be deemed to be included in the then subsisting general Commission of the Peace for the colony, or for such municipal or other district, as the case may be, from the time when they are so appointed."

Mr. PALMER said when the Government were introducing the present Land Act they laid particular stress upon the practice of leaving the administration of that Act to an irresponsible non-political board composed of two members. Now, he should like to ask the Attorney-General if he could not carry out—or what would be the consequences if the same principle were carried out with regard to the appointment of justices under the Bill; that was, if their appointment were taken out of the hands of the Governor in Council—which meant the Premier of the colony for the time being, he supposed—and was placed in the hands of the Supreme Court judges?

The ATTORNEY-GENERAL said the question had been dealt with upon more than one occasion, and it had always been decided that it was not desirable to make any change in the method of appointing justices; and it was not desirable to make it in the present Bill.

Mr. NORTON said he intended to have said something about that. He noticed a clause further on which stated that when a police magistrate sat with a number of justices he could overrule them.

The ATTORNEY-GENERAL: Only in one particular—that of committal.

Mr. NORTON said the Premier seemed to have a distrust of justices in cases like that. Were they not fit men to hold the office? He referred to the matter because he knew that when a Government revised the Commission

of the Peace there were a great number of political appointments. He could mention a case where nearly the whole of a candidate's committee had been appointed justices of the peace. He did not know how that could have a purifying effect.

The ATTORNEY-GENERAL said he explained on the second reading of the Bill that it was understood that, notwithstanding the dissent of his brother justices, a police magistrate could commit for trial. The law was not very clear or emphatic upon the point; there was really no power conferred upon a police magistrate to make it clear that he had a right to commit for trial even though his brother justices might dissent.

Mr. NORTON: No matter how many of them there may be?

The ATTORNEY-GENERAL: Yes; there were many reasons why that power should be exercised. As to the political appointments the hon. gentleman spoke of, he had heard of no appointments particularly. He had no prick in his conscience on that score. Of course, every elector in the colony had a political opinion, or leaning to one side or the other. He might say that the present Government had appointed many who were supposed to be their opponents.

Mr. NORTON said his experience was that all Governments were much alike in that respect. There was a great deal of human nature about the whole of them; but it would be a very good thing indeed if the appointment of justices were taken out of their hands altogether. It was much to be deplored that the power should be left in the hands of a Government which was, even only to a moderate extent, swayed by political feelings to appoint men simply for party purposes. The best men available should be appointed for the carrying out of the justice which they were supposed to dispense. There were many men totally unfit to carry out those duties, and who did not understand the simplest or shortest Act of Parliament. He knew men who had been appointed who really could not write ten lines without making several frightful blunders—men appointed lately. Really, when an instance of that kind came forward, and they were asked to re-enact the old system of appointment by the Governor in Council, it was time to call attention to the fact that that system worked very badly. He believed that every Government had been influenced more or less by party motives, and had been induced to make such appointments by the influence brought to bear upon them.

Mr. MIDGLEY said when the Attorney-General introduced the Bill he followed him in his review of it as attentively as possible, and on a subsequent reading of the Bill he had come to the conclusion that if it became law it would be a very useful measure to the class of men to whom it was intended to be of service. A chord had been struck by the hon. member for Burke that found a response in him at once. He saw a very grave and serious mistake at the outset that affected the very foundation of the whole structure—and that was that the method of appointing justices remained precisely the same as at present. He thought the Attorney-General and the Government had missed a grand opportunity of effecting a practical and much-needed reform in that respect. The appointments to the Commission of the Peace were mostly made after a general election when political feeling and party enmities and passions ran deep and strong, and there might be offences arising out of these political agitations which might be dealt with by those men who were appointed in that way. The result was that at the very outset many of those men, in their official positions as justices, were regarded and treated in the minds of such men with feelings of distrust and enmity. He thought the present system was an Americanism. It was a system which might be easily got rid of; but it was an adaptation of the American theory of the "spoils to the victors." He knew it was much more easy to exercise the critical than the creative faculty—much more easy to criticise a matter than to suggest how it ought to be done; but he thought some simpler and far more acceptable plan of appointing justices than by political preference and authority might have been suggested. While he felt thus with regard to that particular clause, he thought it became all the more objectionable that that power should be vested in the Governor in Council when it applied to the removal of justices of the peace. No man who had been appointed to the Commission of the Peace should be removed from that honourable position except for some misdemeanour, and now it was possible for a man to be removed merely on account of political enmities. He thought, as had been suggested, that everything connected with the administration of justice and the testing of judicial matters referring to members of the House should be removed entirely from the arena of politics; and that if the Bill became law those men should be appointed in some other way, and should pass some examination having for its basis, perhaps, the very Bill which they were discussing. It was not an answer on the part of the Attorney-General to say that the matter had been discussed before, and therefore there was no need to discuss it again. They were there to discuss the Bill, and make it as good as they possibly could. He noticed when the Attorney-General was going through the Bill what he considered two or three striking anomalies in several of the clauses which the hon. gentleman mentioned as improvements on the existing state of things. Believing, as he did, that the measure was the most important they would have to deal with during the present session, they ought to criticise it and make it as good as they possibly could, and he thought at the very outset it would have been much better to have proposed some better system for the appointment and removal of justices than that at present in vogue.

The PREMIER said a good deal had been said on various occasions about the proposal to take the power of appointing magistrates from the Government of the day and to vest it in the judges of the Supreme Court. That was, he thought, the only other proposal seriously made. He did not think the proposition to elect them had ever been made in this colony. The hon. gentleman who had just sat down appeared to think there was something American in their present system. That was quite a mistake, as in America the magistrates were elected, while here they were appointed by the Government for the time being. In Great Britain they were appointed by the Lord Chancellor, who, although a judge, and the highest judge in the land, was also—and that should not be forgotten—a member of the Executive Government—a member of the Cabinet—so that practically the system here was the same as that in England. No doubt there had been great abuses in the appointment of magistrates, and possibly there always would be abuses in connection with their appointment; but those abuses arose from different causes, and generally from want of sufficient information concerning the persons appointed. He knew he had often recommended the appointment of persons as magistrates when, had he known what he learnt afterwards, he would never have submitted them to the Governor in Council. And so with others; many made recommendations

of the kind upon insufficient information, but the difficulty was inseparable from the condition of the colony. They would in no way avoid that difficulty by referring the appointment of magistrates to the judges of the Supreme Court. What information would the judges have on the subject which the Government had not? They would have none, and would have to rely absolutely and entirely upon the person recommending the appointments. As a matter of fact, some magistrates were now appointed by the judges of the Supreme Court or by the Chief Justice—he forgot which. For instance, those authorised to consent to the marriage of minors. But the practical working of that was that the Colonial Secretary recommended them.

Mr. CHUBB: Two judges appoint them.

The PREMIER: Yes, two judges appointed them. He forgot whether it was the Colonial Secretary or the Chief Secretary who now recommended the persons for appointment; but at all events the recommendations were made by an officer of the Government. The judges had no means of knowing or of finding out whether they were selecting suitable persons for appointment as magistrates or not. They must trust implicitly to somebody's recommendation, and the practical result would be that the recommendations would come from a Government department. Under the circumstances, if that system were adopted, there would be just the same room for complaints as at the present time. Apart from the practical working of such a system, he doubted very much whether it would be desirable to impose upon the judges of the Supreme Court the very responsible duty of saying whether a man should or should not be appointed a magistrate. Those were the reasons substantially why he thought the present system was better than the one suggested. As to the removal of justices from the Commission of the Peace, a little consideration would satisfy the hon. gentleman that it was very often desirable, here as elsewhere, that a man should be removed from the Commission of the Peace without any reason being given. There were very few instances where a man was left off the Commission without being perfectly aware of the reason, and really not one in a hundred asked why he was left off. It was true that sometimes men were removed or left off the Commission in error, and a case of the kind occurred a few weeks ago, when a gentleman's name was left off the Commission, who it never occurred to anyone should be left off. That was found to be owing to a mistake in the Printing Office, and was a case in which a man would naturally ask the reason for the removal of his name.

Mr. BROWN said the speech of the Premier convinced him that, before appointing men to the Commission of the Peace, those having the power to appoint them should have a recommendation from the police magistrate of the district in which they resided.

Mr. DONALDSON said that if that were done it would place the police magistrates in a very awkward position. He had seen the operation of that system in Victoria, and he hoped no such system would be introduced here. He would like to see the present system improved if possible. At present members of Parliament were often annoyed by being interviewed by friends to have them put on the Commission of the Peace. In making that statement it should be understood that he was in no way interested, because he had never been asked to recommend anyone, nor had he had the slightest difficulty in the recommendations he had made, as they were readily accepted. It was, however, a serious objection that pressure was brought to bear upon a member for that purpose, who might bring pressure to bear upon the Government; and there was not the slightest doubt that many of the appointments made were not as good as they might have been. He did not deny that the Government made the appointments in good faith, as many of the appointments would not have been made had they known the facts in all cases. With regard to the system of removal, good reasons might be given for that also; but great care should be exercised in such cases, especially as after people read the remarks of the Premier they would know that at all events in future a very good reason must be given before a man was removed from the Commission. He was not prepared to offer any amendment, though he still thought the present system was open to objection, and would like to see some more perfect system proposed.

Mr. MIDGLEY said the reason just mentioned by the hon. member was another reason which he meant to have alluded to. He knew that shortly after his election he suggested about a bushel of names, and they were all accepted and turned out first-rate, but he found out that there was no reason why he should not have suggested another dozen. He found out there was something invidious in it, and he did not know how many votes he had lost eternally because of his action. That was a position out of which a member of that House should be removed. What had fallen from the Premier was worthy of consideration. There were reasons why men should be dropped off the Commission, but would not those reasons, which the men in their own consciences knew to be good ones, apply equally well to another tribunal which might be appointed? The Government of the day might know certain facts affecting a man's public character, and conclude that in the interests of the Commission of the Peace that man should be removed. But that information could be supplied to the judges just as easily as to the Government, and they could act in precisely the same way. The present system left the door open to the possibility of political resentment and political punishment being brought to bear upon a man acting as a justice of the peace. The Premier would admit that that had been the case in this and other colonies at different times. A change of Government had often resulted in a lot of men being left off the Commission of the Peace purely for political reasons, and that was because the present system left the door open for its abuse, and was therefore objectionable.

The PREMIER said there was this difference between the judges and the Government—that the Government took their places in the House and answered for what they did, while the judges were irresponsible. If the Government did an unjust act in removing a man from the Commission of the Peace they could be brought to book, but the judges could not. He was quite sure that judges would not undertake to remove a man from the Commission except on evidence taken in open court, nor would it be desirable that they should do so, and it would be undesirable to try a justice of the peace in public for such matters, as that would probably needlessly injure his character. As to removing justices for political reasons, he thought that justices were sometimes left off the Commission because they had only been put on for political reasons.

Mr. ISAMBERT said it was admitted by everyone that there existed a difficulty with regard to the appointment of justices of the peace. The suggestion to transfer the power to

judges of the Supreme Court was very unsatisfactory, as had been pointed out by the Premier. But he (Mr. Isambert) thought there was a way out of the difficulty. The present method of appointing justices was no doubt the very best one that could be devised at the time it was adopted, but they were living in different times now. If the people could be entrusted to elect members of Parliament out of whom the Government of the country was chosen, and on whose recommendation justices of the peace were appointed, he thought the appointment of justices might safely be left to the same tribunal, and the scheme need not entail a single sixpence of expense. The difficulty would be removed by omitting clauses 6 and 7 and amending clauses 8 and 9. If a chairman of a municipality or divisional board was good enough to sit as a justice, why should not aldermen and boardsmen be good enough for the position? They were entrusted with the management of the affairs of municipalities or divisions, as the case might be, and that was, in his opinion, the best passport for occupying the honourable position of justice of the peace. It might be provided that a man who had been elected to the position of chairman of a municipal or shire council or divisional board should remain on the permanent list of justices. He admitted that by that scheme there would be the same danger as at present of unsuitable men being appointed, but that difficulty might be got over by reserving to the Government the power of omitting the names of such persons from the list. Formerly there were no divisional boards, but now that they had been established such a method could be introduced, and he believed it would act very well.

Mr. NORTON said he did not believe in that proposition at all. He would far rather see a board of examiners appointed to examine justices. He did not see why, when they made a point of having Civil servants examined, there should not be an examination of persons occupying a higher office and discharging higher responsibilities. They knew that at the present time there were many persons who would not act on the Commission of the Peace, and that had been the case for years. Some said they had not come so low as that yet. He did not agree with them, because he believed that the office was what a man made it; but he was, nevertheless, quite sure that at present the persons appointed had not always been the most educated men, or men the most capable of discharging the duties of the office in a satisfactory manner. Wherever they went they heard unfavourable remarks about some justices of the peace who took their places on the bench, and it was a matter for regret that that should be so. He could not say that he expected the Government to introduce any change in the mode of appointment in that Bill, but he thought it a very great pity that some better system had not been proposed.

Mr. W. BROOKES said he could not congratulate the leader of the Opposition for the suggestion that justices of the peace should be appointed by a board of examiners. The way it presented itself to his simple injudicial mind was this: The first question to be considered was, what did they expect from justices of the peace? The tendency of a board of examiners would be to bring to the surface the requirement of a great deal of law, but the quality which he thought most requisite in a justice of the peace was a good deal of experience of human nature. That was the most valuable quality a justice could have. There was a sense in which the less he knew about law the better. Justices' law was proverbial in the old country; there was no mistake about that. One could not take up an English paper without seeing illustrations of that. Indeed, from the time of Shakespeare, the phrase "a justice of the peace" was not exactly a synonym for all that was wise. There was just one other little matter he would refer to, and then he would close. He would like to know how it was that the member for Fassifern, who was not a warm admirer of lawyers or judges, was so willing to place the appointment of justices in the hands of the judges.

Question put and passed.

On clause 7, as follows:—

"A justice may be removed or discharged from his office either by the issue of a new General Commission of the Peace for the colony, or for the municipal or other district, as the case may be, omitting his name, or by an order of the Governor in Council notified in the *Gazette*, without any writ of *supersedeas* or other formal writ.

"A justice may at any time resign his office by writing addressed to the Minister, and upon such resignation being accepted by the Governor in Council and such acceptance being notified in the *Gazette* his office shall be vacated."

Mr. NORTON said that he would ask the Attorney-General's opinion as to what the Chief Secretary stated with regard to a justice of the peace being struck off the list without any reason being given by the Government?

The ATTORNEY-GENERAL said that it was not the practice of any Government to give that information. He remembered, when he was a private member sitting on the other side, a man being struck off the Commission of the Peace by the Government of which the hon. member for Townsville was a member, and he (the Attorney-General) was very anxious to get the information on his behalf, as to what had been the cause. The Government declined to give any reason, although the gentleman himself wished to know. He could not say it was the practice in all cases, or in a great proportion of cases, not to give information of that sort when it was desired; but he had understood the hon. the Premier to say that his experience in the Colonial Secretary's office had been that very seldom indeed did any person who had been struck off ask for the reason.

Mr. NORTON said that was why he asked. He could quite understand when a member of Parliament asked he would not get the information, but when the gentleman who had been left off the Commission went to the Colonial Secretary to inquire he did not see why he should not have the information.

The ATTORNEY-GENERAL: It was asked privately in the case to which I refer.

Mr. NORTON said that he did not care whether the last Government or the present Government refused to give information. He thought the mere fact of its having to be refused showed that the system was a bad one. When a man's name was left off the Commission there was a general understanding that there was something fishy about it. That was no doubt what the Chief Secretary meant when he said that a man who was left off generally knew the reason; but they had had a case referred to where a name was left off by mistake. If it were understood that when a man's name was left off he was to be regarded as rather a shady character, the same stigma would attach to that man. Then if it were to come out in the House that a man whose name was left off would not get any reason for it on applying to the office, that man whose name was left off by accident—perhaps a sensitive man—would not care to inquire; he would rather put up with the stigma.

The HON. J. M. MACROSSAN said he had not caught what the hon. Attorney-General said as to some man whose case he had inquired about.

The ATTORNEY-GENERAL said he was giving an illustration of the fact that the practice in question was not initiated by the present Government. During the previous Administration a gentleman who was a constituent of his had his name left off the Commission, and on his privately applying for the reasons they were refused. He (Mr. Rutledge) then brought the matter up in the House, and asked for information, and he too was refused. He did not know if any person had been refused an explanation during the present Administration; but, if so, it was only following a precedent that had all along been followed by every Government.

The HON. J. M. MACROSSAN said he had no recollection of the case the hon. member alluded to; but it had been the practice of all Governments, and he thought it was a very good practice. Any member of the House could see many reasons why the Government should not give the reason why an individual was left off the Commission of the Peace. It would lead to interminable correspondence, and probably more than correspondence. He quite agreed with the hon. the Chief Secretary, that men of that sort generally had some idea why they were left off, and made no inquiries; but he could not agree with what the hon. member said about men being removed for political reasons because they were put on for political reasons. He could tell the hon. member of men whose names were struck off for political reasons who were not put on for political reasons—very good justices of the peace—quite as honest and able as any justices left on the Commission.

The PREMIER: If any mistake of that kind has been made, I shall be very glad to correct it.

The HON. J. M. MACROSSAN said he believed the hon. gentleman knew of a case of the kind at Charters Towers, where a gentleman was left off because he was a friend of his.

The PREMIER: No.

The HON. J. M. MACROSSAN: There was a rumour in Charters Towers that that gentleman was left off at the instance of the Attorney-General, and another justice was so indignant that he resigned in consequence. The result was that now both the man who was left off, and the man who resigned because the other was left off, were *ex officio* justices of the peace. He would not give names; that was quite sufficient to indicate who the gentleman was. He hoped the Chief Secretary would admit that there was a mistake in that case. As to the appointments, he thought they were much better left with the Government than they would be in the hands of the judges. If the present system were altered, the only other system was the one indicated by the hon. member for Rosewood. They must either leave the appointments in the hands of the Government, who would be responsible for their acts to the House, or put them in the hands of the people. He did not think the elective system a bad one at all. He believed that in America, as far as the justices of the peace were concerned, it worked well; it was when it was applied to the higher officers of the law, the judges of the district courts, that it worked badly. He was not prepared to recommend the adoption of that system here; he thought the present system was better adapted to our social conditions. The Government were responsible to the House, and when they did wrong they could be called to account for it. He hoped the hon. the Chief Secretary would think over the case he had mentioned at Charters Towers. There were other cases elsewhere, but he mentioned that because it was a prominent one.

The PREMIER said he did not remember the case the hon. gentleman referred to. He would be glad if the hon. gentleman would tell him privately outside.

Mr. NORTON said he believed the elective system would be quite as good as the present one. He thought it would be almost better, because although, as the hon. member for Townsville said, they could call the Government to account for what they did with regard to the Commission, he was afraid all they might say would have very little effect. But there were cases where it had some effect. He remembered a case where a gentleman was left off the Commission of the Peace, and the Government on being pressed in the House last session would of course give no reason. They were quite satisfied that it was not desirable that his name should be left on, yet they had since re-appointed him. The impression he had come to was that politics had a great deal more to do with the matter than was desirable.

Mr. CHUBB said it seemed there were three opinions on the question: That justices should be appointed, as in the Bill, according to the old practice; that the appointments should be given to the judge of the Supreme Court; or that the justices should be elective. The existing system was without doubt the best. The judges of the Supreme Court would not have the same amount of information that the Government had. Appointments by the Government might perhaps occasionally be influenced by political feeling, but it would be better to leave them with the responsibility which attached to their action. The elective system would be open to the objection that the residents of any particular locality had no right to be entrusted with the duty of electing a justice of the peace for the whole colony; or, if such were not the case, the colony would have to be split up into districts, and the elected justices would have only a local jurisdiction, which also was objectionable. If they entrusted the Government with the government of the country they might very well entrust them with the appointment of justices of the peace. That was not, surely, too much confidence to place in a Government. Governments might do wrong, but on the whole they did fairly right. Cases had occurred where persons well qualified to be made justices were not so made, while other persons who ought never to have been made justices were put on the Commission; but in those cases he was inclined to believe that the Government acted in ignorance. Before he had anything to do with politics he was led to believe that the appointment of justices of the peace was a sort of cheap reward for political services to some candidates for Parliamentary honours. If that were so it was a pity, for a justice of the peace was an inferior judge, and ought to be fitted for the position, not only by education but by moral qualities — a man who could be looked up to as a person set in authority over them in a minor way. But whatever faults had been made, the Commission had on the whole been fairly carried out. The justices as a body were a very respectable class of men; they were a credit to the colony, and, with few exceptions, there was no fault to be found with them. Political feeling might sometimes enter into their minds, as was shown in a not very creditable instance a short time ago, where the two parties tried who could get the greatest number of justices on the bench. But an evil of that kind, as soon as it became known, was always quickly

dealt with by the Government. On the whole, the proposed scheme was the best for the present time. He had carefully considered whether there was any better alternative scheme, and, having come to the conclusion that there was not, he was prepared to accept the one now proposed.

The HON. J. M. MACROSSAN said he did not wish it to be understood that in his opinion any Government had ever intentionally put any man on the Commission of the Peace who was unfit for it. Justices were nominated by members of Parliament chiefly, and mistakes had been made in appointing unfit men, but as soon as the mistake was discovered it was righted.

Clause put and passed.

Clause 8—"Chairmen of municipal districts to be justices"—passed as printed.

On clause 9, as follows :—

"The Governor in Council may prohibit any person who is a justice of the peace by virtue of such office of chairman of a municipal district from acting as such justice, and from the time of the notification in the *Gazette* of the order prohibiting such person from so acting he shall be and remain incapable of acting as a justice of the peace until he has been again elected to any such office of chairman or has been appointed by the Governor in Council to be a justice of the peace."

The HON. J. M. MACROSSAN said he took some exception to the clause as it stood. When once a man had been thought so much of by the people in the district in which he lived as to be elected chairman of a divisional board or mayor of a municipality, his name should be retained on the Commission ever afterwards, unless there was very good cause for its removal. To strike off such a man's name at the end of his year of office was a mistake, unless there was very grave reason indeed for so doing.

The PREMIER said he was disposed to think at one time that that would be a good system to adopt; but since he had been in office there had been two instances where a man who held office as chairman of a divisional board, if he had not resigned, would have been prohibited by the Government from acting as a justice of the peace.

The HON. J. M. MACROSSAN said those were very exceptional cases, and the Government had power to strike off their names at the end of the year.

The PREMIER said the cases to which he referred were of such a nature that the Government would have been compelled to take action before the end of the year.

Mr. NORTON said he could bear out the remarks of the hon. the Premier, because he knew of more than one case where men had become *ex officio* justices of the peace who were not fit for the position.

Clause put and passed.

On clause 10, as follows :—

"Every member of the Executive Council and every judge of the Supreme Court and of a district court shall, by virtue of his office and without any further commission or authority than this Act, be a justice of the peace for the colony of Queensland.

The HON. J. M. MACROSSAN said he would ask the Attorney-General about members of Parliament—what position would they be in?

The ATTORNEY-GENERAL said he thought most members of Parliament were justices. It might not be wise to make members justices *ex officio*, because men might be returned to the House who were not fit to be justices. The same objections that applied to mayors of municipalities might apply to members of Parliament in that respect.

Mr. NORTON said the Government should have the power to remove such members at any time if they did not behave themselves.

The HON. J. M. MACROSSAN said it was rather a slur upon their masters—the people who had sent them there—to say that they sometimes elected members of Parliament who were not capable of being justices?

The ATTORNEY-GENERAL : I did not say that.

The HON. J. M. MACROSSAN : The people elected the members of that House, and allowed a certain committee of those members to occupy the position of the Executive Government who actually appointed the judges, and yet they themselves were supposed, by what the hon. the Attorney-General had said, to be unfit to be justices. He (Hon. Mr. Macrossan) thought that as soon as a man became a member of Parliament he should be—*ex officio*, at any rate, if not always—a justice of the peace. There should be no distinction in that respect. He was certain that, as a rule, they were quite as fit to be on the Commission, he would not say as the judges, but as a great many others who were justices.

Question put and passed.

On clause 11, as follows :—

"The Governor in Council may appoint any justice to be a police magistrate."

Mr. CHUBB said the hon. the leader of the Opposition earlier in the evening suggested that the appointment of magistrates should be referred to a board of examiners. He (Mr. Chubb) had now in his hand a relic of old times which flashed across his memory at the time, from which it appeared that as far back as October, 1860, an Order in Council, which might or might not be in force yet, was passed requiring that all—

"Gentlemen who shall be selected to fill the office of police magistrate will be required, previously to their appointment to such office, to satisfy the Government that they possess sufficient knowledge of the following works:—

"Stephen's Commentaries on the Laws of England, 4th edition; vol. 2, book 2, chapters 1 and 5; vol. 2, book 3; vol. 4, book 6; such portions of vols. 2, 3, and 4 as relate to the rules and law of evidence. Sir John Jervis' Acts, by Nichols.

"The examination will be held during the month of December next, on a day to be hereafter notified.

"By His Excellency's Command,

"R. G. W. HERBERT."

That Order in Council was made twenty-five years ago. Whether it had ever been acted upon he did not know, but at any rate it was interesting to know that at as early a date as that in the history of the colony precautions were taken to see that police magistrates should have some knowledge of the laws they were going to administer.

Mr. SHERIDAN said he could testify to that Order in Council having been acted upon, because he knew a gentleman who had been for a long time on the Commission of the Peace, and being desirous of becoming a police magistrate he was told that he should have the appointment if he succeeded in passing the examination. He knew of his own knowledge that that gentleman studied hard for six months, reading and re-reading the works mentioned, but unfortunately he did not pass the examination, although he (Mr. Sheridan) had every reason to believe that the gentleman who did pass it did not know half as much as the other gentleman did.

The HON. J. M. MACROSSAN said he wished to know whether the clause was not unnecessary, because he understood that the Government had already power to appoint anyone to be a police magistrate. Surely, if they had that power, they had power to appoint a justice a police magistrate.

The PREMIER: Yes.

The HON. J. M. MACROSSAN: Then the clause is unnecessary.

The ATTORNEY-GENERAL said it was considered desirable in a Bill of that character to have the whole system complete. There was a similar provision in the Victorian Act.

The PREMIER said as the matter now stood police magistrates had certain powers in certain districts for which they were appointed; but by the Bill it was proposed to introduce a different principle—that a man should be a police magistrate for the whole colony, and should have those powers wherever he might happen to be. That was the real meaning of the clause. It would not be necessary to say that a man should be police magistrate for Brisbane, Townsville, Normanton, or elsewhere; he should be a police magistrate, and be able to exercise the powers of that office wherever he might be. He thought that would be found to be extremely convenient, because it often happened that it was impossible to get a bench together in some places—perhaps through the justices in the neighbourhood being interested or not caring to sit—and the Government had to send a police magistrate to act. Frequently a doubt had occurred to his mind whether a police magistrate had power to go and act in that way, and it would be much better and clearer to say that a police magistrate should be a police magistrate for the whole colony, as provided by the Bill.

Mr. SHERIDAN asked the Chief Secretary if it was intended to extend the double power to police magistrates when they sat with other magistrates on the bench?

The PREMIER: No.

Mr. SHERIDAN: He asked the question because he was aware that there were police magistrates now in the colony who thought they had that double power, and sometimes acted upon it. He was therefore glad that the hon. the Chief Secretary had thrown some light upon the subject, and said that they had not double power except when sitting alone.

Mr. PALMER said he inferred from the remarks of the Chief Secretary that there would be two classes of magistrates in the colony—police magistrates without salary, or without any locality fixed to them, and common justices also. Was that so?

The PREMIER: Yes.

Clause put and passed.

Clause 12—"Justices beyond the colony"—passed as printed.

On clause 13, as follows:—

"Justices of the peace shall have and may exercise within and for their jurisdiction the several powers and authorities conferred upon them by this Act or any other Act, or by a General Commission of the Peace."

Mr. NORTON said he understood provision was to be made further on for justices acting outside the place to which they were appointed.

The PREMIER: For certain purposes only.

Mr. NORTON asked if there were any justices confined to certain districts only?

The PREMIER said there were municipal justices. He would take that opportunity of referring to another question. In Great Britain there were no justices for the whole kingdom, but only for counties, and some only for boroughs; and it might be a question in this colony whether it would not be desirable to adopt that system some day. It had been adopted in Victoria, where a majority of the justices were only for particular districts. There were very few for the whole colony. In Tasmania there were a few for the whole colony; but the majority were only for particular districts. Members of the Executive Council, for instance, were justices for the whole colony; and a few others. The time had not, however, yet arrived for that system to be adopted here.

Clause put and passed.

On clause 14—"Acts done beyond the colony"—

Mr. NORTON asked if that was a new provision?

The PREMIER: Yes.

Mr. NORTON said he thought at the present time justices did act beyond the colony.

The PREMIER said they did; but it was very doubtful whether they had a right to do so.

Clause put and passed.

On clause 15—"Oath of office"—

The ATTORNEY-GENERAL said he had called attention the other night to some of the principal matters provided for by that section; but he did not draw attention to the fact that a very useful provision was contained in it in addition to those made for taking the oath or affirmation of allegiance. He referred to a provision by which a person appointed a justice of the peace might make the necessary oath or affirmation before a police magistrate. That would be found to work very conveniently indeed in the cases of magistrates appointed in the country districts.

Clause put and passed.

On clause 16—"Oath need not be taken a second time"—

Mr. NORTON said he would ask whether, in the event of a man's name being put on the Commission without his asking to have it put on, what position would he be in if he had not noticed it? Unless he resigned he would be a justice of the peace. He knew gentlemen who had been put on three or four times without asking or knowing it.

The PREMIER: He could not take the oath without knowing it.

Mr. ADAMS said he wished to know in a case where a person had taken the oath or affirmation of allegiance, and the oath or affirmation of office, and was put off the Commission for a valid reason, how the clause would affect him if he happened to be elected chairman of a divisional board, or any other similar office; he would then become a justice by virtue of his office.

The ATTORNEY-GENERAL said the clause met the case. He would not be subjected to the necessity of taking a fresh oath or making a fresh affirmation.

Clause put and passed.

Clause 17 put and passed, as printed.

On clause 18—"Letters 'P.M.' and 'J.P.'"—

The ATTORNEY-GENERAL said the letters "P.M." after a man's signature to any ministerial act would be *primâ facie* evidence of his being a magistrate, just as the letters "J.P." signified that he was a justice of the peace under the present Act.

Mr. NORTON said he did not know whether there were any water police magistrates in the colony.

The ATTORNEY-GENERAL said the police magistrates acted as water police magistrates.

Mr. NORTON: Would it be necessary to have the letters "W.P.M." also?

The ATTORNEY-GENERAL: No.

Clause put and passed.

Clause 19 put and passed as printed.

On clause 20, as follows :—

"All summonses, warrants, convictions, and orders (not being by law authorised to be made by word of mouth only) shall be under the hands and seals of the justices issuing or making the same."

Mr. CHUBB said he did not see the necessity of having the seal of the justice included. It was usually a little bit of paper fixed on with a wafer, and was of no practical utility.

Mr. NORTON said he was afraid the hon. member was becoming too generous, and wanted to do away with red tape. He regarded that seal in the same way as red tape.

Mr. SHERIDAN said he agreed with the hon. member for Bowen that the seal was quite unnecessary. It caused a great deal of trouble, and often was the cause of errors being made in documents. It was a remnant of past ages, and was totally unnecessary.

Mr. CHUBB said he remembered a case that occurred a good many years ago where the seal was lost, and objection was taken that the document was not sealed by the justice. The document was in proper form, but there was nothing to show whether it had been sealed or not. He moved the omission of the words "and seals" in the last line of the clause.

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

On clause 21, as follows :—

"Every act done or purporting to have been done by or before a justice shall be taken to have been done within his jurisdiction, without an allegation to that effect, unless and until the contrary is shown"—

Mr. MIDGLEY said he had heard country justices ask the question as to whether they were entitled to exercise their function in any part of the colony. In connection with a previous clause, the clause before them seemed to imply that their jurisdiction was limited. Were they to understand that their authority was limited to certain districts, or could they exercise their functions in any part of the colony?

The ATTORNEY-GENERAL said it was only in the case of *ex officio* justices, mayors of municipalities, and chairmen of divisions, who were, by virtue of their office, justices of the peace, that their jurisdiction was limited. The clause in no way limited the jurisdiction of those appointed justices of the peace for the colony.

Mr. MIDGLEY said if that were so it should be stated in the clause.

The PREMIER said that if it were not so provided, when a justice had but a limited jurisdiction it would be very inconvenient, as it would be necessary to have evidence given that he was acting within his jurisdiction. The fact that he acted was made *primâ facie* evidence that he was acting within his jurisdiction, and if anyone wished to raise the question the onus was thrown upon him of proving that the justice did not act within his jurisdiction.

Clause put and passed.

On clause 22—"Petty sessions districts"—

The ATTORNEY-GENERAL said that would be found a new and very useful provision. It was very difficult indeed to find out what were police districts, and the clause enabled the Governor in Council to appoint petty sessions districts, within which one or more courts of petty sessions might be held. It would simplify and improve the present condition of things.

Mr. NORTON : Are these to take the place of police districts?

The PREMIER : In effect. There is no authority to make police districts now. It will give legal authority to do what is now done without authority.

Mr. NORTON said there appeared to be a good many things done without authority. Would the petty sessions districts take the place of what were now called police districts?

The ATTORNEY-GENERAL : Yes, ultimately.

Clause put and passed.

On clause 23—"Existing police districts to continue under this Act until altered"—

The ATTORNEY-GENERAL said the clause was a provision by which the present police districts were to remain in force as such until petty sessions districts were appointed under the preceding clause.

Mr. NORTON asked if the police districts were to be abolished. He asked the question because they had so many districts now—police districts, sheep districts, marsupial districts, and so on—that it was difficult very often to know their boundaries. Were the police districts to be abolished under the clause?

The ATTORNEY-GENERAL : Ultimately. That was expressly provided by the clause. The present police districts would be in force as petty sessions districts, until the petty sessions districts were appointed. The petty sessions districts would ultimately supersede the present state of things.

The PREMIER said he might mention here what he had not an opportunity of saying before with respect to the boundaries of districts and the difficulties arising from them. When he went into the Colonial Secretary's Office he found there a schedule of police districts ready for issue, and knowing the confusion that existed, he kept it back for a long time and at length a commission was appointed, consisting of the Under Colonial Secretary, the Surveyor-General, the Registrar General, the Commissioner of Police, and the Under Secretary for Works, to, if possible, review the whole system of districts and try and harmonise them so as to have as far as possible only one set of boundary lines, and that minor districts should be parts of larger districts, such as electoral districts and divisional boards districts. That Commission sat a great many times and took a great deal of trouble—he himself was present at more than one of their meetings—but it was found impossible to do the work completely. A great many adjustments, however, were made so as to simplify the boundaries. The boundaries of the electoral districts and divisional board districts were taken as nearly as possible, and the same divisions were used the last census. Those districts would be observed until a better arrangement was made. He had hoped that they would be able to take the electoral districts as a basis, and make all the other districts subdivisions of them, but that was not found possible.

The HON. J. M. MACROSSAN asked whether the police districts would be allowed to exist for police purposes until petty sessions districts were established?

The PREMIER said they could not call the districts which would be formed under that clause police districts. That would not be a proper name in that Bill. As a matter of fact, police districts were established for the purpose of defining to what court a defendant must be brought. That was what they were supposed to be for, but there was no law to that effect. A man committing an offence in the police district of Brisbane might be brought before the court at Normanton, as far as the law was concerned. Of course that would not be done ; it would be very inconvenient to do such a thing ; but the law did not prohibit a man who committed an offence here or on the southern borders of the colony,

say, at Thargomindah, being brought before the court at Normanton. It was desirable that that point should be settled, and the clause before them and a subsequent provision defined before what courts a man might be brought in cases of summary conviction.

Clause put and passed.

On clause 24—"Acts by one justice"—

Mr. SMYTH said he would like to draw the attention of the Committee to the arrangements made for the administration of justice in Brisbane. In Sydney there was a central police court, a water police court, and several suburban courts; but in Brisbane there was only one police court, where all the business had to be transacted. It was a great hardship for a man to be taken up at night, locked up in the cells, and, because the police magistrate was overworked, be kept till 3 or 4 o'clock in the afternoon before his case was heard, and then perhaps he might be proved innocent of the offence with which he was charged. It appeared to him that the work in the metropolis was now too much for the police magistrate, and that a suburban court or courts ought to be established either in Fortitude Valley or South Brisbane as would be found most convenient. He (Mr. Smyth) had occasion to go to the police court at 3 o'clock on Saturday afternoon last, and found the police magistrate sitting there with a great amount of work still to do.

Mr. JORDAN said that twelve months ago, when addressing his constituents, he ventured to express the opinion that the time had come when a police court should be established in South Brisbane. In conversation with the Premier a few days afterwards, the hon. gentleman alluded to what he had said, and signified his approval of such an arrangement, and he (Mr. Jordan) had thought that before now they would have seen a police court in South Brisbane. He was glad the matter had been mentioned, and would take that opportunity of reminding the Premier of the conversation to which he referred. It would, he thought, be generally conceded that the police magistrate of Brisbane was overworked, and that there was too much business for one court. He believed that the chief difficulty in the way of establishing a police court in South Brisbane was the want of funds for that purpose; but that might be overcome by renting a building temporarily. It would certainly be a great public convenience to have a court in South Brisbane.

Mr. PALMER said the same idea had struck him for the last two years—namely, that the spread of the population on the south side of the river necessitated a division of the work with regard to the administration of justice in police courts in Brisbane. Drunks were dragged for miles and miles across the bridge to the lockup, and witnesses had to travel a long distance to the court to give their evidence, and often lost a whole day's work in consequence. He was sure the time had arrived when additional provision should be made for the administration of justice in the city.

The ATTORNEY-GENERAL said the hon. member for Gympie had referred to Sydney, but there was no comparison between the size of Sydney and Brisbane, and it was only within the last few years that there had been more than two police courts at Sydney. He would remind hon. members that, as he had stated before, there were two police magistrates in Brisbane, who were always employed if there was work to do, and had separate courts, and in addition to that he had known cases where a third court was held by the unpaid justices when there was a press of work. He had no information that the work had got so in arrears in connection with those courts as to make it imperative just at present to establish another court and lockup on the south side of the river. It was all very well to suggest that a temporary building should be rented for the purpose, but it would be necessary to have cells, a lockup-keeper's residence, and several officials, and those would entail very great expense. With regard to the remark which had been made that a man was sometimes kept a long time in custody before he was brought before the magistrate, hon. members would see that by clause 69 it was provided that a person taken up for an offence without a warrant must be brought before a justice as soon as possible after he was taken into custody, and that if it was not practicable to bring him before a justice within twenty-four hours after he was so taken he might be liberated on bail by an inspector or sub-inspector of police, or other police officer of equal or superior rank who was in charge of the police station. In that case no injustice could arise from long detention, as a man would only be in for a matter of a day.

Mr. CHUBB said that he wished to point out one matter in connection with the administration of justice in Brisbane, which would go a long way towards paying for the expense of an additional magistrate. There were two police magistrates, and only one case could be gone on with at a time by each of those gentlemen. Supposing they were both sitting, as he himself had seen them, from fifteen to twenty constables might be waiting to give their evidence, and that necessitated extra constables being on duty in the city, so that the expense in regard to the police force was enormous. If there was another police magistrate appointed, that would enable those constables to give their evidence and go about their business much sooner. Those constables were off patrol duty in attendance on the police court for some considerable time, and if that could be avoided there would be a saving that would go a considerable way towards paying the salary of another police magistrate. In addition to that, the police magistrates had other duties to perform. The police magistrate of Brisbane had to visit Woogaroo, he did not know how often in the year, and also the gaol. He had also to attend the police courts at Sandgate and at the Pine River; and he believed Mr. Day, who was also water police magistrate, had other duties to perform. Further than that, they had the petty debts court here having jurisdiction in cases of less than £30. In Sydney that bench had a jurisdiction only up to £10; and so the bench here had a great many more cases than in Sydney. In fact, he might say that that petty jurisdiction in Sydney had almost gone into disuse. He knew that there were two courts sitting, and, as the Attorney-General had said, sometimes three; and he thought it was very desirable that an additional magistrate should be appointed, and the Colonial Secretary would very soon see that the saving in the time of the police constables would supply a considerable proportion of the increased expenditure.

Mr. SHERIDAN said that as allusion had been made to the Sydney police magistrates, and to the court of petty sessions, he might mention that there were eight police magistrates in Sydney, and he thought they had eight separate courts over which they presided. They sat by themselves, and none of the justices of the peace ever sat with them under any circumstances. He had often sat in the court himself and seen how the business was carried on, and the consequence of their method was that the magistrates gave their decisions but never their reasons. They did not occupy the time of the court by a long rigmarole, and if the police magistrates were taken out of the company of the other

magistrates the public would be very much benefited by it. Let them give their decisions and never their reasons, as in nine cases out of ten the decisions would be right and the reasons wrong.

Mr. GRIMES said he quite agreed with the hon. member for Burke so far as the settlement of South Brisbane was concerned, as the city had been making rapid progress in that direction; but he did not agree with him that the rate of progress in misdemeanour and crime was in proportion with the increased population. He had reason to believe that on the south side of the river the people were more law-abiding, and he was confident that if a police court were established on the other side, and the business done confined to the cases that arose in South Brisbane, there would be very little for a police magistrate to do. The principal part of the work of the police magistrates in Brisbane came from the immediate neighbourhood of the police offices, and it was from the very centre of North Brisbane that the work here arose; and he hoped that for a number of years there would be no necessity for a police court in South Brisbane.

Mr. SMYTH said he thought that was the very reason why there should be a police court in South Brisbane. Although there was not more crime there, the gaol was there, and as the prisoners were often remanded for further evidence, it would be far less trouble to bring them up at South Brisbane than at the City Police Court.

Mr. McMASTER said that he supposed the people of Fortitude Valley would not object to a good building being put up there, but he objected to the remarks of the hon. member for Gympie, when he said that the work of the police magistrates came from the Valley and South Brisbane.

Mr. SMYTH: I beg to contradict the hon. member for Fortitude Valley; I did not say so.

Mr. McMASTER said he understood the hon. member to state that the police magistrate was over-worked, and he thought that a police court should be established in South Brisbane or Fortitude Valley, where most of his labour came from. That was what he understood the hon. member to say; and although he had no objection to having a good building, he thought the work came, as the hon. member for Oxley said, from the immediate neighbourhood of the police court. The place known as Cloudy Bay, near the police court, was where the work came from. He wished the police magistrate would only keep those characters in Brisbane, and not send them down to the Valley. That was where their supply came from. All those characters were kept at the Valley lockup for three or four days before committal to the Toowoomba Gaol; and kept there in a place which any Government ought to be ashamed of. The accommodation for the sergeant of police and the police in the Valley was something disgraceful, because the women committed to gaol were put in a cell where the sergeant and his family could hear the vile language used. If those people were only kept in North Brisbane, he did not think they would require a police magistrate in the Valley.

Mr. SMYTH said he begged to correct the hon. member for Fortitude Valley. He had not said that the work came from South Brisbane or the Valley, but that a police court should be established in one of those places, whichever place the work came from.

Mr. McMASTER: Exactly.

Mr. SMYTH: I did not say it came from th Valley.

Mr. CHUBB said that one remark of the hon. member for Fortitude Valley brought a matter to his mind that he intended to mention, and he took that opportunity of doing so; it was with reference to the lockup at Charters Towers. He had been there not long ago, and the accommodation was most inadequate. There were two small brick cells which he had been told sometimes had to accommodate fourteen prisoners, and the only way in which the police had been able to meet the difficulty had been to use some old wooden buildings at Millchester, three miles away.

The PREMIER: A new lockup is being built.

Mr. NORTON said he hoped the Government would not put courts all over the district. He believed it would be a great mistake, and that if additional courts were required it would be better to put them in one building. If they had separate courts the magistrate in one place might be continually employed, and another might have very little to do. The bulk of the work might be thrown on the one court; so it would be better for them all to work in the one building, each magistrate having his own court.

Mr. PALMER said there might be some difference of opinion with regard to the duties of police officers in different places, but there could be none with regard to the accommodation in the Brisbane police cells, as was evidenced by the fortitude of the *Brisbane Courier* reporter who proved how disastrous they must be to the people confined. Nine men were confined in a cell intended for one prisoner, and subjected to surroundings highly dangerous to health. There was little doubt that many lives were lost through people being confined in such places, and he thought that after the revelations made some months ago the matter would have been followed up and made a question of first consideration in the department.

Mr. BAILEY said that a year or two ago he drew attention to the state of the cells in lockups, and noticed the absolute cruelty with which prisoners were treated. But there was a more serious matter to consider, and that was the treatment of innocent persons in such places. The law presumed every person innocent till proved guilty, but it was a fact that innocent persons were treated in a most inhuman and cruel manner, not only for one night, but for days and weeks, subject to remands at the mere instance of the police. He thought that in connection with the quarters for prisoners there should be some special place where people presumably innocent should be confined, and not subjected to treatment worse than the treatment accorded to criminals. He had heard of a case in which a woman with a little child had to lie on the bare floor of a cell, being remanded from time to time. After being subjected to that degradation and cruelty for several days, she was found to be innocent. Such a thing was enough to shock any person of common feeling. There was no comparison between the treatment of prisoners in the cells of the Brisbane watch-house itself—he would not speak of outside lockups, or of the gunyahs where men were chained to logs—there was no comparison between the treatment of innocent people in the Brisbane cells and that of convicted criminals in the Brisbane Gaol or at St. Helena. He wanted some distinction made between persons presumably innocent—innocent in the eyes of the law—and those who had been convicted. The other day a man was arrested in Brisbane on a charge of fraudulent insolvency. Possibly he might be guilty; but, at any rate, up till now he was an innocent man. He was run in, as it was called, and locked up. He was not able to eat or drink

on account of the stench, and could not sleep because of the noise made by the drunkards; yet he was confined till he could get a friend in Brisbane—and a man coming from a distance often found that a difficult matter—to bail him out. A friend did bail him out, however, the next day. In the eyes of the law that man was still an innocent man, and what he (Mr. Bailey) complained of was, that innocent people were cruelly and inhumanly treated by being subjected to a punishment worse than that accorded to convicts.

The PREMIER said that, with respect to the Brisbane lockup, arrangements were being made to very materially improve the accommodation. The plans had been approved and were in the hands of the Works Department for carrying out the work.

Mr. ADAMS said the lockup accommodation in the town where he lived was the same as it was eight or ten years ago. He had known people remanded from day to day and after all proved to be innocent, as described by the hon. member for Wide Bay. Application had been made for better accommodation, but the place had simply been patched up, and it was almost a disgrace that they could not get anything done in the matter. He hoped the Chief Secretary would take steps to have the accommodation improved, for the lockup was very injurious, not only to the health of the inmates, but also to that of the general public. Sometimes four or five persons were put into a cell ten feet square when the next cell was occupied by females, though he was happy to say that was a rare occurrence.

Clause put and passed.

Clauses 25 to 27, inclusive, passed as printed.

On clause 28, as follows :—

"Except as hereinafter provided, when two or more justices are present and acting at the hearing of any matter and do not agree, the decision of the majority shall be the decision of the justices, and if they are equally divided in opinion the case shall be reheard.

"Provided that upon a complaint for an indictable offence a police magistrate, if he is one of the justices, may commit the defendant for trial notwithstanding that a majority of the justices are of opinion that the defendant should be discharged."

The ATTORNEY-GENERAL said the clause provided that on the hearing of any matter, if the justices did not agree, the majority should decide, but that when a person was charged with an indictable offence a police magistrate might himself commit the accused, though the other justices might differ from him.

Mr. CHUBB said he thought the section required a small addition. No doubt there was a power of adjournment, but a few words to that effect ought to be inserted. He therefore moved the insertion after the word "re-heard" of the words "at a time to be appointed by the justices."

Amendment agreed to.

Mr. GRIMES said he thought the Attorney-General should give some reason for the proviso.

The ATTORNEY-GENERAL said it was considered advisable that some such proviso should be specifically enacted. It was understood to be the law now, though it was not quite as clear as it might be, that one justice might commit notwithstanding what the others said. There were reasons why the police magistrate, who was responsible to the public for the proper discharge of his duties, should have the power to say if he believed a *primâ facie* case was made out against a man when the justices declined to commit. For instance, a man charged with some offence in the interior might be brought before a police magistrate, sitting with two justices who had a friendly feeling towards the accused man. They might refuse to commit him, perhaps not from any corrupt motive, when it would be perfectly plain that the ends of justice demanded that it should be left to a jury to determine whether or not he was guilty of the offence. Cases had occurred where benches of magistrates overruled the police magistrate and discharged a man, who was afterwards re-arrested, committed for trial, and convicted. In many cases in the interior, cattle-stealers might go free had the police magistrates not power to send the accused person for trial.

Mr. ALAND said that as the Attorney-General had power to order a fresh trial, there need be no fear of miscarriage of justice. He believed that there had been cases where benches were packed, and men discharged who should have been sent to trial, but it was in the hands of the law officers of the Crown to remedy that by ordering the persons to be put on their trial before the police magistrate either there or elsewhere. It was a very poor compliment to pay men who were qualified to be on the Commission of the Peace, to say that the judgment of half-a-dozen men was not to be placed in opposition to that of one man. They knew that police magistrates were not always men learned in the law; many of them knew nothing about the law, notwithstanding the examination to which the hon. member for Bowen had referred. One-half the police magistrates of the colony were men who had failed in their own business, and knew no more about law than he himself did, and that was very little. If men were competent to be placed on the Commission of the Peace, they surely were competent to give an opinion whether a man should be sent for trial or not. He hoped the Committee would strike out that part of the clause.

The PREMIER said that the proviso was an amendment introduced in another place last year. He confessed that at first he entertained serious doubts about it, but on further consideration he came to the conclusion that it was a valuable provision. It was very strongly advocated in the other House by a gentleman who probably had had more experience in the administration of the law in that particular than anybody else in the colony, and who had held the office of Colonial Secretary more than once. As a matter of fact, the better opinion at the present time seemed to be that a single justice might commit. The doubt ought to be removed. They should adopt what was in the Bill, or the opposite, to settle the question. No doubt occasionally cases had arisen where the bench was packed on purpose to discharge prisoners. It very seldom happened, but it did happen sometimes; and some cases not very long ago were notorious. The justices might of course be removed, but it would be very inconvenient to do so; whilst a police magistrate acted with the knowledge that it would involve the loss of his livelihood if he did not do justice. When the police magistrate was clearly of opinion that a prisoner should be committed for trial, it should not be in the power of any other two justices who only occasionally attended the court to discharge the prisoner. No harm could happen from the retention of the clause. It had been said that the Attorney-General could institute a fresh prosecution. So he could; but that would involve delay and expense, and perhaps the same result might follow. Weighing the balance of convenience, that seemed the most desirable arrangement that could be made, having regard to the present state of the law, and the necessity of either settling or altering it.

Mr. FOXTON said, with regard to the suggestion that the Attorney-General might institute a fresh prosecution, he would assume that such a state of affairs as had been described happened at Boulia or Birdsville. Considering the time that must elapse before the Attorney-General could give an opinion and order a fresh prosecution, where would the prisoner be? Over the border, where he could not be caught. This was a very different thing from a conviction; it was simply a statement that the opinion of the police magistrate should be conclusive as against the opinion of the other magistrates on the bench, that the man should go before a jury of his countrymen, who, if the man was innocent, would acquit him.

Mr. MIDGLEY said he thought when the Attorney-General was moving the second reading of the Bill that the clause in question was an anomalous one and an invidious one. Cases might happen, certainly, such as had been alluded to by the Premier, but they must be very exceptional, and it showed the necessity for some radical alteration in the administration of the law, such as the appointment of travelling stipendiary magistrates. The clause was anomalous, because it gave a man the power to override the judgment of either two men or twenty men who happened to sit on the bench with him; and men did not like to be snubbed too severely on the ground of their wisdom. It was also anomalous because it worked only one way. Supposing all the justices on the bench were in favour of a committal, why should not the police magistrate, in his superior wisdom, have the power to overrule them and say the man should be discharged? If they had to defer to his superior judgment in one case, why not in the other? That would, of course, do away with justices at the police courts altogether. Decisions on the bench, as elsewhere, ought to be decided by the majority, and if any error was made, it was better that it should be made on the side of mercy than otherwise.

The ATTORNEY-GENERAL said a case was hardly likely to arise where a police magistrate would attempt to override the unanimous opinion of a bench of twenty justices. But it was necessary to provide for extreme cases, where not twenty justices but two justices might override the decision of the police magistrate. Such cases had occurred, and were not unlikely to occur again; and it was to meet such cases that the clause was inserted. It was all very true to say that the Attorney-General had power to direct a fresh prosecution; but he had not the power to say that the justices should not override the police magistrate a second and even a third time. Under such circumstances the directing of a fresh prosecution would be the perpetuating of a farce.

Mr. CHUBB said the question was whether the police magistrate was more likely to be right than the justices. A police magistrate, it was presumed, was a man who had studied a certain amount of law; at any rate it was likely that he would be better up in the law than the justices who sat beside him. In the event of a difference of opinion arising no great hardship was done by committing a prisoner for trial. The only danger was lest the police magistrate should commit maliciously, although that was hardly likely to arise, and if it did it might be met by section 262 being extended so as to include a police magistrate who maliciously committed a prisoner for trial. Of two evils it was better to choose the least, and the least was the one proposed by the Bill. Some provision might be made enabling the dissenting justices to express the reasons for their dissent on the depositions, in which case they would come before the Attorney-General, who would see that there had been a majority of the bench in favour of an opposite course to that taken by the police magistrate. It would then be for the Crown law officers to decide whether the prisoner should be put upon his trial or not.

Mr. SHERIDAN said facts were stubborn things, and two cases had occurred in his own experience that highly illustrated the matter under discussion. One happened in New South Wales, at Port Macquarie, when Major Innes was police magistrate. A very serious offence had been committed, and there was a large muster of magistrates to hear the case. He believed there were twenty-one on the bench, twenty of whom were for acquitting the man, but the police magistrate took upon himself to commit him, and he received a very heavy sentence—seven years' transportation—for the offence. The other case occurred in Queensland, where a majority of the bench decided to acquit a man charged with an indictable offence, but the police magistrate, with whom he was very well acquainted, committed him for trial, and he was sentenced to a heavy penalty. He would ask the hon. Attorney-General to explain this: The subsection to clause 28 said:—

"Provided that upon a complaint for an indictable offence a police magistrate, if he is one of the justices, may commit the defendant for trial notwithstanding that a majority of the justices are of opinion that the defendant should be discharged."

Now, if there were no police magistrate present, what were the justices to do? They might be quite as well educated in the law and possess equal ability with the police magistrate, and yet if there were no police magistrate he supposed the culprit would escape justice.

The ATTORNEY-GENERAL said the special power referred to, being conferred upon the police magistrate, of course excluded other persons from exercising it. The first part of the clause provided that if the justices were equally divided the case should be re-heard. The second part conferred certain powers upon the police magistrate, and excluded that power from justices who were not police magistrates.

Mr. SHERIDAN: That is, if the police magistrate happens to be there?

The ATTORNEY-GENERAL: Yes.

Mr. GRIMES said he was glad to hear the reasons given by the Attorney-General, and was of opinion that good might come from the proviso, and not much harm could arise out of it. He could see plainly that if a police magistrate committed a man for an offence of which there was not sufficient evidence, the Attorney-General had power to refuse to go on with the case. He did not see how any harm could come out of that.

Mr. HAMILTON said there appeared to be a difference of opinion between the legal and other members of the Committee as to the meaning of the clause. It had been stated as a reason why the clause should stand as it was, that there had been occasions when the justices committed; and instances had been given on the other hand where the police magistrate had gone against a majority of the justices, the result being that the accused person had suffered. One instance was given by the hon. member for Maryborough, where a police magistrate committed a man against the opinion of twenty justices, and it was subsequently proved that the police magistrate was wrong.

HONOURABLE MEMBERS: No.

Mr. HAMILTON: Well, the hon. member was so mixed in his explanation that he (Mr. Hamilton) could not understand exactly what he meant. He thought hon. members, from their own experience, would agree that police

magistrates were just as liable to be influenced or biased by personal matters as justices. It had been stated that if a police magistrate acted improperly and showed malice he could be punished, but so could a justice of the peace be punished. The hon. member for Oxley stated just now that no harm could be done by the clause, because if a man was committed he had to go to trial afterwards; but if he were an innocent man he might be put to a great deal of inconvenience, and not only that but it would be a certain taint upon his character that he had been committed. He (Mr. Hamilton) certainly thought that police magistrates were as likely to be led astray by personal feelings as justices, and therefore, whatever Government was in power, they should take great care in making appointments of that kind, or to the magistracy, not to appoint persons unless they were well qualified in every way to administer justice, and were not likely to allow their feelings to influence them in favour of or against the prisoner. It appeared to him rather strange that if justices were properly qualified men a police magistrate should be able to override the opinion of half-a-dozen of them in a question of that kind. If that was to be the case, the justices would be simply a respectable figure-head—nothing more.

Mr. MIDGLEY said that if the clause was to be maintained he still contended that to make it consistent the power he had mentioned should be given—that if a police magistrate had power to commit when the other justices wished to discharge, he should also have power to discharge when the others wished to commit. There had been many instances in which justices had abused their position maliciously—had used it to wrong their neighbours. So much had that been the case that they had passed a law in that House prohibiting certain justices from sitting and adjudicating in certain cases. There might be two or three justices in a district who had had some unpleasantness with a neighbour, and it was just as easy to imagine a conspiracy to have a man committed as to have a man discharged. One was just as likely as the other. There had been many cases of wages, of trespass, and disputes of that kind in which justices had banded together for the sake of procuring a committal or punishment of a man.

The ATTORNEY-GENERAL: Those are not indictable offences.

Mr. MIDGLEY: Well, cases where they banded together for a common purpose. He thought, to make the clause at all consistent, they should give the police magistrate power to veto whatever was done by his brother magistrates.

Mr. CHUBB said one matter that appeared to have been overlooked was that provision was carefully made for what a police magistrate might do when he was present and a majority of the justices were of a contrary opinion to him; but supposing there was no police magistrate present and the justices were equally divided—say two and two—what would happen?

The PREMIER: That is provided for in the first part of the clause.

Mr. CHUBB: That clearly refers to summary jurisdiction.

The PREMIER: No.

Mr. CHUBB said if that were so of course his remarks had no weight; but it seemed to him that they did apply.

Mr. PALMER said that the strict reading of the clause amounted to this: that ordinary justices were precluded from adjudicating in indictable offences. The arguments of the Attorney-General were a moral reflection upon all the justices in the colony. The Premier said cases occasionally arose in which a police magistrate should overrule; but so very rarely did they arise, according to his own argument, that it was not worth while to cast such a reflection upon all the justices of the colony as the clause did. Furthermore, how about those wandering police magistrates who had no local abode? If one of them sat upon the bench and a conflict of opinion occurred between him and the local police magistrate, who would decide then?

The ATTORNEY-GENERAL: The case would be re-heard.

Mr. BROWN said it appeared to him that the clause ought to stand as it was. If a man were improperly convicted the Attorney-General would find no true bill, and he would be at once released.

Mr. NORTON said there were cases where a police magistrate should have that power, as a police magistrate had a training that few justices had. There were some justices who had as sound a knowledge of the law as a police magistrate; but, as a rule, the great bulk of them had not that knowledge. It seemed to him that justices should not sit for indictable offences, unless there was no police magistrate. The Attorney-General had just referred to cases where there was a muster of justices with the undoubted object of coming to a particular decision, and he was reminded of the old times when publicans' licenses were dealt with by ordinary benches, and when there used to be an enormous roll-up. Where usually there would be an attendance of not more than two or three justices, there would be an attendance on such days of thirty or forty justices, in order to grant licenses or to prevent them being granted. He believed that, notwithstanding all the perjury that had been spoken of, if the licensing were handed over to the ordinary bench again they would have the same proceedings as before. There was a great deal of human nature about justices of the peace, particularly when they were appointed as at present. Perhaps it would be as well that the clause should be allowed to stand; but an addition might be made to it by which it should become compulsory for the police magistrate to attach a memo. to the effect that the decision had been given by him notwithstanding the opposite view entertained by the justices present.

The ATTORNEY-GENERAL: A departmental instruction would be sufficient.

Mr. NORTON said undoubtedly it would, if the magistrates were reminded of it in the Act itself. If that was not done, and was overlooked, of course all the Attorney-General would have before him would be the paper sent down. If such a memorandum were attached it would have undoubted weight, and enable the Attorney-General to arrive at a decision as to whether the man was committed properly or not.

Mr. DONALDSON said he was not willing that the clause should pass as it stood, because it gave too great a power to the police magistrates, and he was unwilling that they should have power to overrule five or six other magistrates as honest as themselves or even more so. He did not think that all police magistrates were capable men; he believed the majority were not so, and were as much prejudiced as anyone else. There would be some sense in the clause if they could overrule two or three justices; but over ten or twelve justices they should not have so much power. It was true that the Attorney-General, on reading the depositions, might find no true bill; but the accused would be put to a great inconvenience,

or he might have entered a defence which would cost him a great deal of money. He would like to see a limitation put to that power.

The PREMIER: Then there would be a greater roll-up.

Mr. DONALDSON said he considered that remark a reflection upon the magistrates of the colony, and he was sorry to hear the Premier make it. He had seen occasions in this and other colonies where a roll-up had taken place; but he did not believe it was the rule. He thought justices were, as a rule, as much guided by justice as any police magistrate. He would prefer to accept the suggestion of the hon. leader of the Opposition, that when there was a police magistrate justices should not have a right to sit at all on indictable offences.

The ATTORNEY-GENERAL said that probably after all it would be more satisfactory if provision were made by which the dissent of the justices who did not agree with the magistrate should be expressed. He proposed, therefore, to add after the word "discharged" the words "in any such case a memorandum of the dissent of the majority of the justices shall be made upon, or attached to, the depositions."

Amendment put.

Mr. HAMILTON said the amendment was certainly an improvement, but he still thought it undesirable to give police magistrates the power proposed under the clause. He agreed with the hon. member for Warrego, that if it was considered that the opinion of a police magistrate was worth more than that of an ordinary justice of the peace there should be a certain limit fixed, and let the police magistrate override the opinions of two or three justices; but it was undesirable to allow the clause to pass as it was at present. He did not know that police magistrates were qualified to give better decisions than justices of the peace. If there was greater care taken in the selection of them or they were paid higher salaries than at present, there might be some reason in it, but his experience was that they could expect as fair decisions from ordinary justices as from police magistrates. The Premier said that if the police magistrates had the power proposed only in a limited degree it would mean a muster of justices to discharge a prisoner. That he considered a very grave and unjustifiable reflection upon the magistrates of the colony. If justices of the peace were guilty of such conduct as that, the proper course would be to strike them off the roll at once. It had been argued that no harm would be done, and that the prisoner would simply be committed. It might, however, cause him a great deal of injury, as he might not be able to get bail and might have to suffer from being immured in some of those cells so graphically described by the hon. member for Wide Bay and other hon. members, until the day of his trial.

Mr. FOXTON said he did not think hon. members met the matter fairly when they said those instances were not likely to occur. They were not likely to occur, but they did occur sometimes, and it was to meet exceptional cases that the section was required. An hon. gentleman stated during the debate that the lawyers were divided on that point. He would point out that the lawyers were unanimous on that point, and although they had no interest in the matter, it must be admitted that they had some experience. They were all, as far as he was aware, of the same opinion. That those exceptional cases had arisen was well known to many lawyers, and he knew of cases where magistrates travelled long distances—he might say avowedly—for the purpose of acting on the bench in the endeavour to procure an acquittal in a ministerial case. He knew of a case in which a magistrate travelled 200 miles for such a purpose. If the clause would only prevent miscarriage of justice, such as was contemplated in that case, once in twenty years, it would do good service.

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

On clause 29, as follows:—

"Where a complaint must be heard and determined, or a conviction or order must be made, by two or more justices, such justices must be present and act together during the whole of the hearing and determination"—

Mr. NORTON said he thought there was a mistake in the clause. It intended to provide that where two magistrates commenced a cause they must sit throughout the case; but, according to the wording of the clause, if more than two commenced a case they would all be obliged to sit throughout the case.

The ATTORNEY-GENERAL: It provides that as many as are present for the conviction must have sat throughout.

The PREMIER: It will meet the objection to insert the words, "the justices making the conviction."

On motion of the ATTORNEY-GENERAL, the clause was amended by the substitution of the words "the justices making the decision" for the words "such justices," in the 2nd and last lines.

Clause, as amended, put and passed.

Clauses 30 and 31 passed as printed.

On clause 32—"Justices may act outside jurisdiction"—

The ATTORNEY-GENERAL said that that provision was not found in the existing law. It provided that no act done by a justice should be invalidated merely because it had been done outside his jurisdiction.

Mr. NORTON said he would like to know whether there was any provision for dealing with a case in which a justice having limited jurisdiction purposely acted outside his jurisdiction.

The PREMIER: He is liable to an action; that restrains him from doing it intentionally.

Mr. NORTON: Is there a provision to that effect in the Bill?

The ATTORNEY-GENERAL: Yes.

Clause put and passed.

Clauses 33 to 36 passed as printed.

On clause 37—"Summons or warrant not avoided by death of justice"—

The ATTORNEY-GENERAL said that was a declaration of the existing law. It was at present a matter of doubt whether, in a case where a justice issued a warrant against a man charged with an indictable offence, in the event of his death the warrant was not avoided, and it was desirable that the law on the subject should be stated definitely and clearly.

Clause put and passed.

On clause 38—"Order in lieu of *mandamus*"—

Mr. MIDGLEY said he would like some information on that provision for the benefit of the public, and country justices especially. The question he wanted to put was whether a justice of the peace was liable to any penalties in the shape of fine or monetary loss of any kind if he wrongfully discharged his duties in any way, such as by misinterpreting the law, but not doing it maliciously? He asked that question because a case, the details of which he did not know, had occurred in his electorate in which two justices adjudicated on a matter,

and through some mistake on their part—it was nothing more, and was never supposed to be anything more — they suffered very great hardship and pecuniary loss. The consequence was that, although centrally and conveniently situated, they had since refused to act as justices.

The ATTORNEY-GENERAL said the practice of the courts was never to make an order for costs against justices in respect of any matter in which it was clear that the justices had acted in good faith. He knew a little about the case to which the hon. member referred, as the facts came before him, and he had read the affidavits of the parties who moved for a prohibition in the matter. The case was such that he advised the justices, who came to him expecting that he would appear for them in his official capacity, that they had no alternative but to throw themselves on the mercy of the court, unless they could persuade the court that the evidence in those affidavits, that they had not acted in good faith, was untrue. There was evidence that they had not acted in good faith, that they had had private quarrels with the individual whom they subjected to a penalty in their magisterial capacity. Where, however, justices acted in good faith, the court, as he had already said, protected them against costs.

Mr. MIDGLEY said he knew the men of whom he spoke, and he believed them incapable of acting otherwise than in good faith. He thought the onus of proof should have been thrown on the other parties. It should have been for them to show that the justices did not act in good faith.

The ATTORNEY-GENERAL said the onus was thrown on them, and they made affidavits which were not answered.

Mr. MIDGLEY said the result was that those men had suffered serious pecuniary loss, and why should they, unpaid officials giving their services to the State, if guilty of an error of judgment or a misinterpretation of the law, suffer pecuniary loss? A judge might make a mistake and there might have to be a new trial, and his decision might be reversed, but the judge had not to suffer ; the country had to bear the consequences of his mistake.

The PREMIER said that judges must determine cases according to the evidence. If a case was brought before them showing that a magistrate, acting from malice, said he would go on the bench and slate the defendant, and though there was no evidence against the defendant, went there and slated him in violation of all law, and the magistrate gave no evidence in answer, what could the judges do? If a man pleaded guilty all the judge had to do was to pass sentence. Where the magistrate made no attempt to answer the charge brought against him, even though he might be innocent, if he did not take the trouble to assert his innocence the judges were bound to decide against him. No magistrate acting *bonâ fide* was in the least danger.

Mr. MIDGLEY said he believed the justices acted under the guidance of the Government official at the particular place to which he referred. There were matters on which they were not well informed, and they objected to go any further on account of the legal expenses. They thought the first cost would be the least.

Mr. NORTON said he wished to know whether a justice might not resign after having refused from a conscientious scruple to do any particular act relating to the duties of his office. Even justices of the peace sometimes had conscientious scruples, and such a case might occur.

Clause put and passed.

On clause 39—"Power to order delivery of possession of goods charged to have been stolen or fraudulently obtained, and in custody of police officer"—

The ATTORNEY-GENERAL said the provision was similar to one contained in the Towns Police Act, but that Act was only in force where it was proclaimed to be in force, whereas the provisions contained in the clause would be applicable to the whole colony, irrespective of the Towns Police Act. The clause provided that justices might order the delivery of stolen property in the possession of the police to persons who appeared to be the rightful owners.

Mr. NORTON said he presumed there were reasons why the Towns Police Act was passed in such way as to apply to certain places only, and the question arose whether the clause under consideration would not be inapplicable to some places.

The ATTORNEY-GENERAL said the magistrates acting in country towns were quite on a par, in point of intelligence, with the magistrates acting in more populated places, and there was no reason why the provisions of the clause should not apply to all parts of the colony.

Mr. CHUBB said there was a provision in the Larceny Act providing for the restitution of property to the righful owner by order of the judge, and asked whether the clause did not interfere with that provision ?

The ATTORNEY-GENERAL : No.

Mr. CHUBB asked whether it would not be better, in cases where there was a doubt, to give the judge power to order the delivery of property to whoever appeared to be the owner ?

The ATTORNEY-GENERAL said they declined to have their time taken up in such matters.

Mr. CHUBB said that Parliament could compel them by putting the provision in the Bill.

The PREMIER said Parliament could say the judges should do a thing, but could not make them do it.

Mr. ADAMS said he knew of a case in which some money was stolen some time ago. A friend of his happened to take it in the course of business, and, suspecting the person from whom he received it, informed the police, and gave the money to them in order that it might be identified. After the case was over and the accused person committed, the man could not get his money back. He wanted to know whether the clause provided for a case of that sort, where a person gave up money simply for the purpose of prosecution.

The ATTORNEY-GENERAL said that if a person honestly gave up stolen money to the police he could not complain that he, not being the rightful owner, did not get it back again.

Mr. ADAMS said the hon. gentleman misunderstood him. The money in question, with the exception of 1s., did belong to his friend, as he had taken 1s. out of £5 and given £4 19s. in change.

Mr. NORTON said that an order might be hastily made in favour of a person who appeared to be the rightful owner, but turned out afterwards not to be the owner. What remedy had the real owner in such a case ?

The ATTORNEY-GENERAL said he could get damages against the person who received the property.

Mr. NORTON said it might happen that the person who received the property was not able to pay, and that damages could not be recovered ; and in such a case he thought the rightful owner ought to have a remedy against the Government.

Mr. CHUBB said he had known cases where justices, in making an order, were doubtful who was entitled to the property, and had taken security from the person to whom it was delivered. He thought a few words might be inserted in the clause empowering justices to take such security. But, before going on to that, he would like to see an amendment giving the judge at the trial power to make an order for the delivery of the property.

The PREMIER said that would be going beyond the scope of the Bill, which dealt with justices and not with judges.

Mr. CHUBB said the judge, having heard the evidence, would certainly be in a better position than the justice to know who was the rightful owner. The justice could not hand the property over to anybody who came forward and claimed it; he would have to hold an inquiry, either formal or informal, and take evidence before he could decide who was the owner.

The ATTORNEY-GENERAL said he did not think any good could come from enlarging the power of the judges, when they would not exercise the power they already had. Many of them declined to go into the question of the ownership of property. All they had to do was to try the case before them. The consequence was the Attorney-General was always troubled with applications, which he had no right to receive at all, to say what was to be done with property.

Mr. CHUBB said the clause only made it optional for the justice to make the order. He might refuse to make the order, and the property would remain in custody of the police.

The PREMIER said that often it was impossible to discover to whom the property belonged.

Clause put and passed.

On clause 40, as follows :—

"Any person who wilfully insults any justices sitting in the exercise of their jurisdiction under this or any other Act, or wilfully interrupts the proceedings of justices so sitting, may be summarily convicted by the justices on view, and on conviction shall be liable to a penalty not exceeding five pounds and in default of immediate payment to be imprisoned for a period not exceeding seven days.

"No summons need be issued against any such offender, nor need any evidence be taken on oath, but he may be taken into custody then and there by a police officer by order of the justices, and called upon to show cause why he should not be convicted."

The ATTORNEY-GENERAL said he proposed to amend the clause. Hon. members would see it was an entirely new provision. In many cases evil had resulted from justices not having the power to enforce decorum in the court. It was the law that justices could require persons guilty of disorderly conduct to give sureties for their good behaviour, but the law was not clear, and magistrates hesitated to exercise the power. The clause would put into the hands of the justices a very moderate power which he thought was not likely to be abused. It was hardly likely to be enforced except in extreme cases. He would move, as an amendment, the insertion before the words "summarily convicted" of the words "excluded from the court by order of the justices, and may, whether he is so excluded or not, be."

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

Clause 41—"Accessories"—passed as printed.

Clauses 42 to 46, inclusive, passed as printed.

On clause 47, as follows :—

"The description of any offence in the words of the Act, order, by-law, regulation, or other instrument creating the offence, or in similar words, shall be sufficient in law."

The ATTORNEY-GENERAL said that clause was new to the law of this colony, and was taken from an English statute. It would be found a very useful provision indeed, and would assist persons who had to make statements of offences to be brought before the bench.

Clause put and passed.

Clauses 48, 49 and 50 passed as printed.

On clause 51, as follows :—

"When it is intended to issue a warrant in the first instance against the party charged, the complaint must be in writing and on oath, which oath may be made either by the complainant or some other person.

"When it is intended to issue a summons instead of a warrant in the first instance, the complaint need not be in writing or on oath, but may be verbal merely, and without oath, whether any previous Act under which the complaint is laid requires it to be in writing or not."

Mr. NORTON said he had some doubt about the system of making verbal complaints.

The PREMIER : That is the law at present. The summons must be in writing.

Mr. CHUBB said a difficulty might arise under the clause. A complaint might be made verbally and the summons might be for some offence which the offender had committed, and there might be a dispute as to whether the informant made that complaint or not. The magistrate might take the complaint down wrongly through carelessness, and by-and-by, if the informant was brought up for malicious prosecution, there would be a dispute, and he would say, "I never gave that information." He knew that as the law stood at present the complaint might be verbal, but a difficulty would be got over if every complaint had to be in writing.

The PREMIER said it would not be worth while in small criminal cases to have the complaint in writing. A man was charged with being drunk and disorderly; it surely would not be necessary to have the complaint in writing. The case suggested by the hon. member was not very likely to arise. Of course, where cases were complicated, the magistrate would put the complaint in writing. He never heard of any abuse of the system of receiving verbal complaints, and he did not think it worth while to alter the law.

Clause put and passed.

Clauses 53, 54, and 55 passed as printed.

On clause 56, as follows :—

"A summons must be served upon the person to whom it is directed by delivering a copy thereof to him personally, or, if he cannot be found, by leaving it with some person for him at his last known place o abode.

"The person who serves a summons must, within three days after service, endorse on the summons the day and place of the service thereof, and his signature, and must, unless the summons has been served on the defendant personally, attend before the justices at the time and place mentioned in the summons, to depose, if necessary, to the service thereof.

"If the summons has been served on the defendant personally the person by whom it was served may attend before any justice and depose in writing, on oath, to the service thereof. Such deposition shall be endorsed on the summons, and on production to the justices before whom the complaint is heard, shall be sufficient proof of the service of the summons on the defendant."

Mr. CHUBB said there appeared to be no time limit for the appearance of the defendant.

The PREMIER said that was dealt with in the default clauses, 103 and 141.

Mr. CHUBB said that under the present system the time might be anything, from twenty-four hours to seven days, or even a month. It would be almost as well to follow the practice in the Supreme and district courts, and fix a minimum time. He knew a case in which the

present Minister for Works was concerned some years ago, and which was decided in his absence. The case was taken to the district court, and the decision was very properly overruled on the ground that sufficient time had not been given the defendant to appear. The Minister for Works was in Brisbane on that occasion, and the writ was served at his station to appear on the following morning, which was impossible. That was the only case of the kind he knew of. Perhaps it would be better to fix a minimum, say not less that twenty-four hours or forty-eight hours. But he did not rise so much to refer to that matter as to the 2nd paragraph, which provided that the person serving a summons must within three days thereafter endorse its service. What was the use of endorsing it, when it might have been disposed of twenty-four hours before?

The ATTORNEY-GENERAL: He might endorse it half-an-hour after service if he chose.

Mr. CHUBB: Then why not omit the words "three days after service"? Supposing the man did not endorse it, what effect followed? There was no penalty, and it did not affect the proceedings. The real objection to the clause was the attendance before a justice to depose on oath that a summons had not been personally served. Would not an affidavit do in both cases, on which the justice would be entitled to proceed? The object was to satisfy the justices that the summons had come within the knowledge of the defendant. In the superior courts it was the practice that where in the absence of personal service of a summons there had been reasonable service effected, proceedings might then follow.

The ATTORNEY-GENERAL said the law with regard to the service of writs in the Supreme Court was that it must be personal service, and there could only be other than personal service by order of the judge. With regard to the question of affidavits, as suggested by the hon. member, cases of great hardship might arise if that free-and-easy way were allowed. Only last week a case occurred in which an individual charged with the serving of a writ of the Supreme Court made an endorsement on it in writing that he had personally served it on the defendant. A judgment summons was taken out, and even allowed, and then it turned out that the defendant had never been personally served at all. He did not think any hardship would arise; he had not heard of any having arisen from requiring, in cases where default was made, the person serving the summons to come and give evidence and be cross-examined, if necessary, by the party as to how he made the service.

The PREMIER said the clause was inserted on the advice of a police magistrate of very large experience in the colony, whose advice and assistance the Government sought when framing the Bill last year. At the present time an enormous amount of money was wasted in bringing police officers to prove service, and so far as that could be avoided it was desirable to avoid it. Where a summons was served personally it was a very simple matter, but where the service was not personal there was great risk, as his hon. colleague, the Attorney-General, had pointed out. Disobedience to a summons would involve a man in arrest. It might be put under a door, in at a window, or served in any other careless way, and it would be a very dangerous thing to allow a warrant to be issued upon service of that kind. When writs were issued in the Supreme Court it must be shown how the service had been made, and even then the party had to get leave from the court to proceed. The person making the service had to show exactly what had been done—what was the nature of the service—and the court had to be satisfied. He doubted whether police officers could be trusted to prepare affidavits describing the mode of substituted service. In the Supreme Court they were prepared by a lawyer, and it was for the judge to be satisfied if the service was right. There were a lot of rules laid down in the books of practice as to how it was to be done, and he thought it would be a great risk to allow it to be done without the officer who made the service appearing. It was simply a question whether they could trust them or not. He knew that the Government would be delighted if they could avoid the expense necessary in such cases. That was the reason it was not proposed to go further. He was quite open to conviction on the subject, and so, he believed, was his hon. colleague.

Mr. FOXTON said he thought it highly necessary, unless personal service had been effected, that the person making the service should be present to be examined by the justices, to ascertain exactly what had taken place when the service was effected.

Mr. NORTON said that in many cases a very great hardship might arise in the bush. For instance: On stations very often the only persons left in the house were women, and there would be no means of communication with the proprietor or manager, who might be out camping for four or five days together. A summons might be served at his residence, and of course the justices might come to the conclusion that he had lots of time to attend. In a case like that it might possibly result in very great hardship to the parties concerned.

The MINISTER FOR WORKS said that the case alluded to by the hon. member for Bowen was one of very great hardship. He (Mr. Miles) was summoned for something that had been done by his manager. He himself was in Brisbane at the time attending to his parliamentary duties. They did not summon the party who had committed the alleged offence, but they summoned him. The summons was delivered at his residence at Dulacca, which was some 250 miles from Brisbane, ordering him to appear on the following morning at 10 o'clock. The summons was made returnable at 10 o'clock, but the constable who served it at his residence did not arrive at the police court until half-past 4 o'clock in the afternoon. But so anxious were the justices to proceed with the case that they immediately proceeded with it, and decided against him. It was a very remarkable thing, however, that the plaintiff had spent the whole of the preceding day—Sunday—teaching the justices. He had got a copy of "Pring's Statutes," and instructed them as to the decision they should give, before the case was heard at all. He (Mr. Miles), of course, wired, and appealed against the decision, and he was perfectly satisfied that the plaintiff would never try that game on again, because he (Mr. Miles) made it warm for him before he had done. There was no doubt that in that case the magistrates were coerced by the plaintiff. The hon. member for Bowen knew that very well, but it was not a bad thing for him, as he got a tolerably good fee out of it.

The PREMIER said he might mention a case which had happened in his own experience in connection with the subject of substituted service. He remembered, many years ago, when engaged in a law office in town, that an unfortunate man came in to consult Mr. Macalister under the following circumstances: He was a surveyor in the office of the Commissioner for Railways or some other department in the Government service, and had been employed at a considerable distance from town for two or three months.

On coming back to the office to draw his salary, he was informed that it had been paid away under an order of the Supreme Court. On inquiry at the Supreme Court, it was ascertained that a person whom he did not know, and had never heard of, had brought an action and obtained a judgment against him for a sum of money. An affidavit had been put in of substituted service on this unfortunate man, stating that various inquiries had been made at his house, and that, finally, the summons was left there. Upon that, judgment was signed, execution was issued, and an order obtained from the Supreme Court attaching his salary; and when he went to draw it he found it had been paid to a man whom he had never seen, with whom he had never had any dealings, and that the man had left the colony. That case struck him (the Premier) very much at the time, and ever since then he had been very much afraid of substituted service.

Clause put and passed.

On motion of the ATTORNEY-GENERAL, the CHAIRMAN left the chair, reported progress, and obtained leave to sit again to-morrow.

ADJOURNMENT.

The PREMIER, in moving the adjournment of the House, said: The first business on the paper to-morrow will be the further consideration of the Justices Bill in committee, and I hope we shall be able to make considerable progress in it.

The House adjourned at twenty minutes past 10 o'clock.