Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 12 AUGUST 1886

Electronic reproduction of original hardcopy

LEGISLATIVE ASSEMBLY.

Thursday, 12 *August*, 1886.

Report on the Mungar and Gayndah Railway.—Questions. —Formal Motions.—Local Authorities (Joint Action) Bill—third reading.—Manufacture of Locomotives and Ironwork for Bridges in the Colony.—Divisional Boards Bill.—Elections Tribunal Bill.—Offenders Probation Bill.—Message from the Administrator of the Government.—Adjournment.

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

REPORT ON THE MUNGAR AND GAYNDAH RAILWAY.

The MINISTER FOR WORKS (Hon. W. Miles) said: Mr. Speaker,—The hon. member for Mulgrave the other day called for the report of Surveyor North in connection with the Mungar and Gayndah Railway. I find there is no report from Surveyor North, so I presume the hon. gentleman meant the report of Mr. Phillips, the inspecting surveyor, which I now lay on the table. I move that the paper be printed.

Question put and passed.

QUESTIONS.

Mr. BUCKLAND asked the Premier—

1. If any additional correspondence has taken place between the Government and the Earl of Denbigh, or any member of the Transcontinental Railway Syndicate, in reference to the claims made by the said syndicate for a sum of money, or its equivalent in land, to cover costs said to have been incurred by them in perfecting their scheme for the construction of the said Transcontinental Railway—generally known as the Kimber agreement?
2. If so, will the honourable gentleman furnish the House with a copy of same?
3. Is it the intention of the Government to entertain any further claims that may be made by said syndicate?

The PREMIER (Hon. Sir S. W. Griffith) replied—

1. Yes.
2. I will lay a copy of the further correspondence on the table.
3. Certainly not.

Mr. PHILP asked the Minister for Works—

When he purposes calling tenders for the second section of the Cairns to Herberton Railway?

The MINISTER FOR WORKS replied—

It is expected that the necessary plans and sections will be sufficiently forward to enable me to invite tenders for the second section of the Cairns and Herberton Railway in October next.

FORMAL MOTIONS.

The following formal motions were agreed to:—

By Mr. STEVENSON—

That an address be presented to the Administrator of the Government, praying that His Excellency will be pleased to cause to be laid on the table of the House, all correspondence, including telegrams and Executive minutes (if any), in connection with the remission of fines imposed upon Messrs. Herzer, Erbacker, Searle, and Stenner, for selling wines on a Sunday.

By Mr. PALMER—

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

1. The amounts spent from votes for bridges on main roads for 1884-5 and 1885-6.
2. Where the various amounts were spent.

By Mr. ALAND—

That there be laid upon the table of the House—

1. Copies of the depositions taken before the police magistrate at Toowoomba at the inquiry held by him on the death of John Dalton, a railway employé.
2. The minute (if any) of the Attorney-General on the same.
3. All papers and reports from the officers of the Railway Department having reference to the death of the said John Dalton.

By the PREMIER—

That this House will, to-morrow, resolve itself into a Committee of the Whole to consider the desirableness of introducing a Bill to declare and define the rights to natural water, and to provide for the construction, maintenance, and management of works for the storage and distribution of water.

LOCAL AUTHORITIES (JOINT ACTION) BILL—THIRD READING.

On the motion of the PREMIER, this Bill was read a third time, passed, and ordered to be transmitted to the Legislative Council by message in the usual form.

MANUFACTURE OF LOCOMOTIVES AND IRONWORK FOR BRIDGES IN THE COLONY.

Mr. ANNEAR, in moving—

That, in the opinion of this House, the time had arrived when, from the number of skilled mechanics in the colony, an effort should be made by the Government to encourage the manufacture within the colony of locomotives and all rolling-stock in future required for our railways, and all ironwork required for our bridges—

said: Mr. Speaker,—In rising to bring this question before the House I know I have taken upon myself to perform a most important duty, and one that much affects the general interests of this colony. Many hon. members have asked me why I did not bring in or support a measure for protection all round. Well, in bringing forward this motion I do not want to discuss the question of freetrade *versus* protection; but, sir, taking no less an authority than the late John Stuart Mill, the greatest freetrader of his day and the greatest man who ever wrote on political economy, I find he advises that young countries should protect their industries in order to bring themselves into prominent positions amongst the countries of the world. The question may be asked—Why do I bring forward this motion at the present time? I think I can show that there is no more opportune time to bring such a motion forward than the present. I hold in my hand a copy of the report of the Engineer for Harbours and Rivers, Mr. Nisbet, for the year 1885. I find in that report that up to the present time the sum of £409,500 has been voted for the construction of steamers, dredges, barges, and for the carrying out of works in connection with the Department of Harbours and Rivers. We have constructed and repaired work in the colony for this department to the amount of £296,152 13s. 8d. I have made the calculation myself, and I have had the opinions of gentlemen better qualified to give a decision than I am as regards the difference between the cost of labour and material in carrying out this work, and they have told me that a fair estimate for this work is that two-thirds of the amount has been spent in labour. Such being the case, the work that has been retained in the colony—and has been effectually done, and is far superior to any of the work we have imported from home, and which has also proved to be a great deal cheaper—has necessitated the expenditure in labour of £197,435 2s. 5d.; while there went out of the colony for material £98,717 11s. 2d. The factories or foundries that have carried out this work are now in existence. They cannot be kept going for a very long time constructing work for the Harbours and Rivers Department. We shall in a little time have a sufficient number of dredges, steamers, and hopper barges for our work. What has the construction of this work in the colony been the means of doing? It has been the means of settling a class of mechanics and labourers amongst us, and by so doing has added greatly to the wealth of the colony. These people have settled here, have bought land and erected houses, and have become good citizens of the colony. I ask, is it our duty, or is it the duty of the Government, to do all they can to retain and to increase the number, as soon as they possibly can, of such a desirable class of people in this colony? I say, most undoubtedly it is. How are they to be retained here? By placing in their way the construction of works we are bound to do for the colony, and which we know can be done here. I think I shall be able to show that we have been very successful in the construction of dredges, steamers, and barges, and that we shall be as successful in the construction of locomotives when we commence. Since the year 1876 we have imported into this colony from England and America all our locomotives. The number that we have imported from England since 1876 is 125, at a cost of £258,900. From America we have imported thirty, at a cost of £57,450. We have imported three tram motors from England at a cost of £3,892. If we can retain the construction of these engines in the colony, all things being equal, we shall have to expend in labour £213,474 13s. 4d., as the total cost of these engines is £320,222. In the colony of Victoria they commenced the construction of locomotives long ago. The size of the cylinders of their largest engines is eighteen inches, and, as all hon. members know, the larger the cylinder the more boiler-power is required. Their engines are fully half as large again as ours, and their cost, when first contracted for in Victoria, was £3,500 per engine. They are now made by the Phœnix Foundry Company, at Ballarat, for £3,000 per engine, and that firm up to the present time have received from the Victorian Government over £600,000. Of that sum £450,000 have been spent among the mechanics of the colony, while £150,000 went out of the colony for material. The largest of our engines have cylinders thirteen inches in diameter, and their average cost during the last four years—when they have been obtained at a much cheaper rate than they were formerly—has been from £2,000 to £2,150 each. The Government do not pay any duty in connection with them, and the price I have mentioned does not include the cost of supervision in England. Some hon. members may think that if we adopt this principle it will be necessary to form a new department in this colony—namely, a department to supervise the construction of locomotives. But there will be no need to do that. We have at the present time a Chief Locomotive Superintendent in the person of Mr. Horniblow, who, I believe, is fully qualified to supervise the construction of locomotives; and in many of the towns of the colony—at Townsville, Rockhampton, Maryborough, Brisbane, Toowoomba, and Ipswich—there are officers who are called locomotive superintendents, all of whom are under the direction of Mr. Horniblow. And all those officers are qualified to do what the resident inspector in England does—namely, visit the works where the engines are made every day, and see that they are properly constructed. So that there will be no expense on that score. Some hon. members may ask the question whether, if the Government should adopt the plan I propose, tenders will be sent in. Well, when the late Ministry, during the time the hon. member for Townsville was Minister for Works, introduced the system of having rolling-stock manufactured in the colony, we at first paid what was considered a very high price. During the first twelve months only two or three tenders were sent in; but we now find that there are twelve firms in different towns of the colony who are constructing rolling-stock for our railways, and the price at the

present time is 100 per cent. less than it was when tenders were first called. A gentleman from South Australia, a railway contractor, whose opinion is worth having, and who has had twenty or thirty waggons built at the Nundah Carriage Works, recently said to me that from the way we turn out our rolling-stock here, and the prices charged, he thought it would pay to send waggons to the other colonies. He said that the work done here was equally good, and the price was much lower than in South Australia. When the firms in Victoria can make locomotives so satisfactory to the Government, I am sure similar work can be carried out here for the Government of this colony, as there are men in Queensland equally as good as those in Victoria. Now, I should like to say a few words in reference to what I consider is the false issue that has been put before the country by a portion of the Press, chiefly by the metropolitan Press. In speaking on this question, and on the iron industry of this colony in particular, they say that the proprietors or the men want the Government to introduce an innovation ; that they want the Government to find work to keep the men employed and the shops in full swing. They want nothing of the kind, Mr. Speaker. But that is not the question. As I have clearly shown, we have been able to send out of this colony £213,474 for labour in connection with locomotives, and this is the question that is put before the country — Can we not retain that money here? If it is decided that locomotives shall be manufactured in the colony, will that not retain an amount of money which will create wealth, and a class of people who will augment those who are here, and help to make this colony what we hope it will be, a great nation? Since the deputation of ironworkers waited on the Premier the other day, this question has been very much misrepresented by the *Courier*. To-day there is a letter in that paper, written, I think, by Mr. Sutton, which is as follows :—

"SIR,

"From the tenor of the leader in yesterday's *Courier* the public would naturally infer that the iron industries of Queensland had been fostered into existence and kept afloat by Government work. Now, I am not only speaking for myself, but, I think, for all the other employers in Queensland—that the rapid development and progress in this special line was due to the general progress of the colony in sugar, mining, and milling. Over two years ago we employed more men than we do now, and up to that time we had not done any Government work, being fully engaged on machinery and other work solely for private enterprise. This being now at a standstill, and future prospects not being encouraging, we, as well as the workmen, naturally ask, when we see such enormous sums of money being sent out of the colony for the purchase of what can so well be made here, why the Government cannot give us a chance, even if it does cost a trifle more?—I am, sir, &c.,

"J. H. S.

"Brisbane, 10th August."

With Mr. Sutton I entirely agree. Even if it does cost a trifle more to do this work in the colony—say, at the outside, it will cost 20 per cent. more—what will be the result? Why, the doing of this work in the colony will retain the people who are already here ; and it is to our interest, I think, to encourage all who will become good citizens to come here. But people will not come to the colony if there is not work. We have immigration lecturers in England telling the people what a grand country this is, and I think they are telling them what is true. Mr. Randall, the immigration lecturer at home, is doing a good work. He is sending out a splendid class of people who will make good colonists ; and it is our duty to help him and assist him to verify the statements he makes to the people of Great Britain. At the present time there are ten more engines on the water coming to this colony. I hope that after those are received the Government will pause before they give any further orders outside the colony. The colony is committed to the construction of a good many miles of railway throughout the different parts of the country, and locomotives will be required for working the lines. It is in this connection that I contend the Government are not asked to introduce any innovation. They are not asked to construct an article for which there is no use. We have gone to the London market and there borrowed a large sum of money for the construction of railways, a portion of which will be paid for locomotives. If those engines can be made in the colony at an advantage, I say they ought to be made here. I am sure it will be in the recollection of hon. members how the American Government took time by the forelock in this matter. When they saw that the trade went to other parts of the world and there was no work for their own people, at one stroke they put a duty of 30 per cent. on importations of locomotives and railway material. The result has been an enormous growth of the wealth of that country. At the end of the civil war I think I am correct in saying that the national debt of America was nearly seven hundred millions, and the national debt of England was about eight hundred millions. But how does freetrade England compare with protected America? The Americans have paid off their national debt, while the national debt of England is stationary, and remains at nearly £800,000,000. Before 1859 the people of America were the best customers for the English manufacturer. When this duty was imposed the American manufacturers competed with each other instead of against the English manufacturers, and what is the result? At the present time, besides supplying their own railways with all the locomotives and other materials at a minimum cost, they are competing with all the other nations of the world for a portion of its trade. Now, the Americans are a far-seeing people, and I think we cannot go far wrong if we follow them in some respects. I do not say we should put on 30 per cent. In moving this motion I advocate no duty at all on any imported article, but if it can be shown that locomotives can be made in the colony at a reasonable cost—and I think the Government are alive to that fact—then I believe that not only they, but this House in its wisdom, will adopt that principle. In France, in 1848 or 1849, the people revolted against the employment of foreign workmen and had them expelled, and at the present time France does all its own trade at home. Germany does the same, and even despotic Russia insists that not only its Government, but its people, shall manufacture all they can in their own country before they go into another market. I daresay hon. members will remember that only recently the Italian Government offered great concessions to Sir William Armstrong and Mitchell and Company, of Newcastle-on-Tyne, if they would establish branches of their establishments in that country, as they were desirous of introducing into Italy the class of work done by those gentlemen in England. The question is still under discussion, and I believe there is a probability of those two firms starting branches there. We are, no doubt, like the other colonies, accumulating a pretty fair debt. We saw the other day the result of the financial policy of Victoria. Mr. Gillies, in his budget speech, had this satisfactory news to tell the Parliament of Victoria—I have seen two accounts and cannot say which is the correct one, but I will take the lesser amount—he said that after paying all their liabilities they had a

balance of £329,000. Another report gives it at £186,000; and even taking the surplus at the lesser sum, I think it is convincing proof that the government of Victoria is carried out on proper principles—principles more beneficial to the people than those we see adopted in the sister colony. The New South Wales people pride themselves on being freetraders, and what is the result there? The result is that on the assembling of Parliament the Treasurer of that colony had to announce that there was a deficit of nearly two millions. That being the case, I do not think we should be very far wrong in attempting a little of the policy that has been carried out in Victoria. Now, we have another department in this colony called the Bridge Engineer's Department, and we have adopted the system lately of erecting iron bridges in this colony. Well, I am sure hon. members will bear me out in saying that no great skill is required in constructing the ironwork for iron bridges. It consists of cast-iron cylinders, either wrought-iron plates and angle iron, and rivets; or you can have steel plates if you like. The labour we have here, as there are hundreds of platers and boilermakers in the colony. I know the Minister for Works will say that the tenders sent in lately were so high and of such an unsatisfactory character that he could not accept any of them; and I should be very sorry to ask the hon. member to accept such high tenders as were sent in. The average price per ton for cast-iron work was £11 5s., and the average price for wrought-iron work £14 15s. of the accepted tenderer. To that has to be added the supervision at home—or in Belgium, where I think it chiefly comes from—and other charges. The local tenderers at that time had their shops fully employed. They had large contracts on hand and were under heavy penalties, and at that time they were unable to tender for the work at the price they could tender at now. I am sure I shall be borne out in the assertion I am about to make by an old contractor in the House—the hon. member for Rockhampton, Mr. Ferguson—that many a time when he has had a class of men around him accustomed to his work and who knew what was required, if he has had no work on hand he has taken work at a lower rate to keep the men together—perhaps 20 or 30 per cent. lower than he would have taken had the men not been in his employ. I know that many a time I have taken work and lost money on it to keep the men together. Now, all I ask is, that the Government should give the iron-founders of this colony at the present time an opportunity of tendering. Since the time I have mentioned, the department of the Bridge Engineer has had a bridge contracted for at Surat. The contractors are Messrs. Doyle and Gilbert. They came to Brisbane and privately got tenders for the construction of their ironwork from the different iron-founders. Messrs. Sutton and Co. were the successful tenderers, and they have taken the work at an average price for cast and wrought iron of £15 a ton. I have heard it stated in this House that the firms in the colony are not able to compete with the firms in the old country as regards the quality of the work they turn out. Now, Mr. Speaker, that I must, on their behalf, utterly deny. I have had a great deal of experience amongst the iron-founders of the colony. Speaking of the Brisbane shops, I may tell the House that a great number of engines have been made in those shops for several years past, and every particle belonging to them—excepting the production of the raw material—has been done in the shops. At Maryborough, where I was the other day, the firm of John Walker and Co. have at the present time a large contract under the Government for making barges, and every particle of the work is being done at the foundry, except the end plates for the boilers, the flanges for which are made in the old country. When that firm first began to do work of that kind, one of their number, Mr. W. F. Harrington, went to the old country, and he brought out a large number of first-class mechanics, chiefly, I believe, from Scotland. These men have been in Maryborough ever since; they have settled in the town, and still work there. Every one has bought land and erected houses, and some of them are the leaders in any public movement that now takes place in that town. That is one result that has been brought about by constructing works of this kind in the colony. As regards the quality of the work—the details will no doubt be given in the report of the Harbours and Rivers Department for 1886—I should like to know what those imported dredges have cost the colony to repair them and put them in proper working order since they came out, as compared with the dredges made in the colony. I believe it is 1,000 per cent. more. I am referring to the "Groper" and the "Platypus"; and I believe I am within the mark when I say that the "Groper" has cost very nearly 40 per cent. on her purchase money to repair her and make her efficient for her work. That is a sufficient answer to the assertion that the quality of the work done in the colony is not equal to that done in the old country. Why should not the work be done as well here? The workmen are as good, and the officers who supervise the work are on the spot to see that it is properly carried out. In calling for tenders for bridges, all things should be made equal. The class of work specified that is to be done in the colony should be the same as that specified to be done at home. To explain what I mean, I will refer to the Kilkivan bridge. The cylinders of that bridge were contracted for, I believe, in the old country, and were made in Belgium. As the cylinders came out in segments of three, a very large number of bolts are required. The bolt-holes of those cylinders are what is known as "cored." That is, they are cast to cores of the requisite size. But in the specifications of all the cylinders made in the colony, the holes have to be drilled, and that adds from 8 to 10 per cent. to the cost. I do not say the cored holes will not be as good, but they are not so complete, and they do not cost one-twentieth part to make. With regard to bolts, also, the specification for bolts made in the colony states that they have to be bolts turned in a lathe, while those we see coming from home for this particular bridge are only rough-hammered. I must say that the work I saw on the wharves the other day, that has been imported for the Mackay bridge, is equal to anything that could be done, on the same specifications, in the colony. One disadvantage, perhaps, we labour under in the colony, and that is with regard to the hours of labour. Every hon. member, when before his constituents, if asked, "Are you in favour of eight hours a day?" invariably replies that he is. In England and America, they work from nine to ten hours a day; but we have adopted the eight hours' principle, and I think we should carry it out, even if the doing so costs us a little more, so long as we get the work that is required done in the colony. There is another class of work, outside the mechanical work of locomotives, which, I think, should have been done here—that is, the girders for our railway bridges, the ironwork required for weigh-bridges, the cast-iron plates for iron tanks, and the signal posts on the railway stations. During the last four years £70,000 has left the colony to pay for that class of work. When hon. members hear that such is the case, I think they will agree with me that it is time an effort was made, at

any rate, to alter that system. Last year there was on the Estimates-in-Chief a sum of £204,841, which was afterwards increased by £6,500 on the Supplementary Estimates, for the education of the children of this colony. You can give your children a good education, but what is the use of that education if you have no mechanical shops in the colony where the boys can be put to learn a trade? We have at the present time in the colony an overcrowded Civil Service, and it seems to be the highest ambition—I will not call it ambition, because I do not see that they can go anywhere else—if a boy, when he starts to take his place in the world, has to go to a Minister or a member of Parliament, and try to get into the Civil Service, or into a bank, or a merchant's office. There is no better school to put boys to than an engineer's, moulder's, or pattern-maker's shop to learn a trade. But there is more than that in it. Looking round the neighbourhood of the Phœnix Foundry at Ballarat, within two miles of it, one is surprised and pleased to see such a number of most comfortable cottages, with every air of contentment, erected by the men who work in that foundry, to which, as I have said, the Government of Victoria has given work amounting to over £600,000. At the deputation which waited on the Premier last Saturday, Mr. Forrester, a most reliable authority, stated this to the Premier: That several persons had applied to have their boys indentured for three years, and were willing to give a premium of as much as £200; but Mr. Forrester's answer was that owing to the slackness of work in the trade it was impossible to take the boys on. Now, sir, I say let this House decide that the time has arrived when we should retain this work in the colony, so that our boys can learn a trade. Where I came from, in England, it is considered a very honourable thing for a boy to learn a trade; people are considered pretty well up in the social scale who can give their boys a trade, and here there is no difficulty in doing so if this work is kept in the colony. We know that in these colonies of Australia we depend very much upon one another. If one industry is depressed, it affects the whole of our industries; and should a depression, such as is looming in the distance, occur in the iron trade, it will give a severe check to the colony generally. By the establishment of these factories we shall make all important towns as we see a great many of the manufacturing towns in the old country. It will be far more pleasing for hon. members to hear in the morning the sound of the whistle and the ring of the bell from the various factories calling men and boys to their daily avocations than to hear, or rather see, as we do now, on a great many of the wharves of this and other towns of the colony, the sound of the auctioneer's hammer knocking down imported machinery, some of which is very "brummagem" in its character. Let us have those factories here, and I am sure that nothing but good will be the result. I am confident that there are many hon. gentlemen in the House who could have placed this question before the House in a much clearer and more forcible manner than I can. I sincerely hope that they will give it their most careful and earnest attention, and by that means I am sure that we shall arrive at a just and proper conclusion. I will now conclude by moving the resolution.

The MINISTER FOR WORKS said: Mr. Speaker,—I am quite sure most hon. members will concur in the motion that has just been moved by the hon. member for Maryborough, that it is desirable that all work that can be done in the colony should be kept here; but the question is one of cost. There is no doubt whatever that in constructing locomotives in the colony we will have to pay considerably more for them at the commencement; but taking into consideration the result of our experiments generally I think they have been a great success. No doubt at the commencement the rate charged will be a high one, but the number of firms that are now competing with one another in this direction is such that they are now able to produce rolling-stock at a reasonable cost. With the exception of locomotives, springs, wheels, and axles, I think that the whole of the rolling-stock required for our railways is now constructed within the colonies, and competition has brought the work now to a price which I believe is even less than that of the imported article. In fact, there is a firm now constructing sleeping carriages for the Government at something under the cost that they can be imported for from America; and seeing the success that has attended the construction of rolling-stock generally in the colony, I admit it would be a very good thing indeed if we were to encourage as much as possible the manufacture of locomotives. However, it will require a large order to be given to induce firms to erect the necessary machinery to manufacture locomotives. The hon. member referred to the works at Ballarat, but he must remember that the Phœnix Foundry has the contract for the whole of the Victorian rolling-stock. They had a monopoly of the work, and by that means were enabled to erect the necessary machinery. So it would be here. In the first instance we should have to give some firm a monopoly to induce them to undertake the building of locomotives, and I think myself that that would be a very good thing to do. I do not propose to follow the hon. member in his reference to what is done in America or England as regards the manufacture of rolling-stock, because I think the whole thing is in a nutshell—that it is desirable, if we possibly can, to get the work done in the colony. We have made considerable progress in that direction during the last two or three years. The whole of the ironwork necessary in constructing goods-vans is now done in the colony. Some two and a-half years ago, hon. members will remember, there was a great deficiency in the rolling-stock, and the Railway Department had to send a large indent for ironwork to England for the purpose of endeavouring to replenish that stock. That indent, however, was reduced by one-half, and some of the work given out in the colony, with the result that the work done here has been far superior to the imported work. The material is better, and the work in every respect is superior. That being so, I do not believe that any Government is likely to indent any more ironwork in the future. But the chief difficulty appears to be in the cost of manufacture. Now, some years ago the Government found it necessary to import coal from Newcastle for the Northern Railways, but have ceased to do that now, although at considerable cost to the country. The Newcastle coal is of a better quality, and can be delivered at the Northern ports much cheaper than Queensland coal; but still the Government considered it advisable to encourage the local industry and assist the coal-masters here. The consequence is that the practice of importing coals from Newcastle has been abolished. I am not in a position to give any information about dredges and barges, but I believe the work done in the colony is satisfactory; and though, in the first instance, the outlay is larger, I am sure it will be for the benefit of the country that the work should be done in it. As the hon. member said, we have a large population growing up, and there must be some employment for them, and I think that as time goes on we shall be able to manufacture the whole of the

material we require for our railways. During the passing of the Estimates last year there was a good deal of discussion about the woollen manufactory at Ipswich not receiving contracts. Now they are progressing; they have the contract for the supply of the whole of the clothing for officials connected with the Railway Traffic Department, and not at higher rates than would have to be paid for the imported article, but lower. In fact, their tender was accepted on its merits, and thi shows that as time goes on they are progressing; and there is no reason why the same remark should not apply to the construction of locomotives. As I said before, it will be necessary, in order to establish the manufacture of locomotives in the colony, to give a large order—a contract for not less than forty locomotives; in fact, a firm would require a monopoly to induce them to erect the proper machinery for their construction. The work could be done in the Ipswich workshops, but I do not think it desirable to extend them further; I think they ought to be kept more as repairing shops, Two or three locomotives have been constructed in Ipswich, and they have turned out remarkably well, but the cost was considerably over that of those imported. Of course those who have labour-saving appliances can do the work at a much less rate than those who do not possess such appliances. With reference to bridges, I do not think it possible that the Government could have taken any other course than the one they have hitherto taken. The hon. gentleman has already quoted the figures bearing on this question, and it is not necessary that I should repeat them. The hon. member for Maryborough explained that all the local ironworkers were fully employed and could not possibly tender for the bridge to which he referred, but I hardly think that is the reason. I think they had not the material, and that it was not possible for them to compete with the home manufacturers. Not many years ago one of the largest iron foundries in New South Wales was shut up; and I think a good deal of this depends on the workmen themselves. The moment a contractor gets a large contract the workmen combine for a rise in wages, so that it is out of his power to go on with the contract. The iron foundry belonging to Messrs. Russell was one of the largest in any of the colonies, and it had to be shut up simply on account of the demands made by the men. I do not think there will be any dispute about adopting the motion. It is simply a matter of cost. No doubt at the commencement the cost of locomotives made in the colony will be greater than of those imported, but eventually the colony will reap the benefit, and we may possibly get locomotives as we are now getting rolling-stock. The system of building rolling-stock in the colony, introduced, I believe, by the hon. member for Townsville, has been very successful; and seeing that it has turned out so well, I do not see why we should not also succeed in making our locomotives in the colony.

Mr. PALMER said: Mr. Speaker,—There is one item in this motion to which, I think, effect can scarcely be given. I have looked over the Railway Report for the year 1885, and I find that in that year all the rolling-stock was manufactured in the colony by various firms in various places—I believe there are twelve firms who are engaged in the manufacture—so that as far as the motion refers to rolling-stock the object seems to have been already attained. The rest of the motion refers to locomotives and the ironwork required in the construction of bridges. So far, I believe only one locomotive has been made in the colony.

Mr. NORTON: More than that. Three or four.

Mr. PALMER: Though the hon. member who introduced the motion disclaimed any idea of wishing to propose a protective duty, I believe there was a lurking desire in his mind that his motion should lead up to something of that kind. It looks to me like the thin end of the wedge of protection—just a feeler—as if some small protection is required to encourage the building of locomotives in the colony. And as for the ironwork required for bridges, I do not know when we shall be able to do that. The day has not arrived when that is likely to be manufactured in the colony, and will not arrive for many years to come. There is no doubt that that must be imported, and although the motion may have a savour of protection in it as against freetrade, as a freetrader myself I consider that it is within bounds—that it is not in any way departing from the principles of freetrade for the Government, subject of course to their responsibility to Parliament, to spend the public money in the best way they can for the public interests. It is not incompatible with freetrade principles to do so. Of course, the general interests of the colony must be conserved; still, when we take into consideration the benefits of local supervision, the freedom from freight and insurance, the question will be for the Government to decide whether it is cheaper to build locomotives in the colony or to import them and spend large sums of money in paying for their repairs. The hon. member for Maryborough instanced the dredge "Groper" as a case where the repairs amounted to 40 per cent. upon the original construction price. I think there is a great deal of blame to be attached to somebody in regard to the supervision of the construction of that vessel, because work at home, I consider, can be carried on as strongly and effectively as here. There must have been some remarkable want of supervision over the work of a vessel when, on being brought here, she should require 40 per cent. in addition expended on her to make her available for work. It could not be in the construction of the vessel herself. It must have been some want of control over her measurements and building. Referring to the ironwork of bridges, I would remind the hon. gentleman of the position in which the New South Wales Government were placed when they found it necessary to call for tenders for the largest bridge in the whole of the colonies, if not in the Southern Hemisphere—the bridge over the Hawkesbury River—out of the colony, the contract being taken by the Union Bridge Company of New York for £327,000. New South Wales with all her advantages had to go to another country to have that bridge constructed, and found it to her advantage to do so; so that there can be no hard-and-fast line laid down by which the Government shall be bound to support only these local industries. If this motion were carried out strictly and rigidly, I believe it would help to form a very large monopoly in the iron trade of the colonies, and would raise the prices, perhaps by combinations or rings, to an immense extent. I would be inclined to move an amendment upon this motion in regard to calling for tenders; but, on reading it over, I find it is so moderately worded that it does not affirm anything as absolutely necessary. It merely says, "An effort shall be made by the Government." If it were worded that it should be absolutely necessary that the Government should call for tenders in the colony and elsewhere, I think it would be a good suggestion if, in calling for tenders for large construction works, the work were made of such a character that it would extend over three or four years, or even five years, so as to give large firms an opportunity of contracting for them, and also make it

compulsory that the work should be constructed in the colony. I think that would meet the idea of the hon. member for Maryborough. There seems to be a pretty good supply of locomotives at present, although I think it was mentioned that there were ten or a few more now on the water, or ordered for use in the colony. The question now for hon. members to consider is—Are our present contractors able to carry out the construction of these locomotives, which are very expensive; are they in a position to carry out contracts at as reasonable a rate as the locomotives can be imported from other countries, always allowing a margin for the cost of freight, insurance, and so on? The hon. gentleman failed to assure the House with regard to that part of the question, but as the motion is not of an affirmative character, but is merely, I suppose, starting the question, it does not leave room for any amendment to be moved upon it.

Mr. KATES said: Mr. Speaker,—I am sure the hon. member for Maryborough deserves great credit for bringing this motion forward to-day, and I should like to have some expression of opinion from the leader of the Government or the Colonial Treasurer upon this most important question. I will call the attention of hon. gentlemen to what is going on in some of the southern colonies, especially in Victoria, in connection with what are called protective measures. I shall not allude to the protection of ironwork, but to the protection of the agricultural industry; and to judge by the results, I must say that our Southern neighbours, by introducing such measures, have done a great deal of good for this and their own colony. From the "Victorian Year-book" of 1885 I find that, in 1877, 400,000 acres were under the cultivation of wheat in that colony——

The SPEAKER: I must remind the hon. gentleman that he is wandering from the question.

Mr. KATES: This is a question of protection.

HONOURABLE MEMBERS: No, no!

Mr. KATES: I submit to your ruling, Mr. Speaker. I can point out that protective measures in Victoria have brought their debentures in the old country to a higher figure than the debentures of any other colony—something like 107—and whilst other colonies have deficiencies in finance, they have a surplus. Of course, as has been pointed out by the hon. member for Burke, the motion introduced by the hon. member for Maryborough is one that should be accepted, as it only goes so far as to induce the Government to give as much employment to ironworkers in the colony as they possibly can. I had an interview with one of the owners of an iron foundry in Brisbane not long since, and he told me—I think I am in order in alluding to that, Mr. Speaker—that he and his firm were able and prepared to execute works such as the building of locomotives, and if the Government would give them a large order of something like twenty, they would be ready to introduce from the old country appliances and skilled labour to do the work, but it would never pay them to construct one or two locomotives only. They are also prepared to construct all kinds of rolling-stock, machinery, and plant of every description, cane-crushing and sugar-producing plant, open and vacuum pans, quartz-crushing machinery, boilers and engines of every kind; and for carrying out these orders it would only be necessary for them to import from England iron and steel plates, and bars and steel tires, and such like specialties produced cheaper and in large quantities in England. I hope hon. gentlemen will see their way clear to support the motion of the hon. member for Maryborough. It is a very simple one, and merely asks the Government to give as much encouragement to local industry in connection with established foundries as they possibly can.

Mr. BROWN said: Mr. Speaker,—I think, in the terms of this motion, it is desirable that the Government should make an effort to have this work done in this colony, but the question of cost must be taken into consideration by them. They are not, I hope, going to pay 50 or 100 per cent. more for locomotives to have them built in the colony. Another thing I would point out is that several locomotives will be required in North Queensland, and the Government will have to recollect that the freight upon them from Brisbane—because, I presume, they will be built in Brisbane—to Townsville or Normanton, will cost as much as the freight from London to Townsville or Normanton. It will be found if looked into that I am correct in saying that there will be very little difference in the cost of freight. In the aggregate, I think the resolution a good one. During the debate allusion has been made to the "Groper," and it has been stated in the House this afternoon, as a reason for having these works done in the colony, that the "Groper" has cost 40 per cent. on her original cost for repairs. I assume that is the total cost for repairs up to date. The "Groper" has been in the colony, I believe, for about ten years, and if a dredge or steamer can be kept in use for ten years there is no reason why the cost for repairs should not reach 40 per cent. As a steamship owner, I consider 6 per cent per annum is a fair estimate for a steamer for replacement, and a dredge should cost rather more—I should say 7 per cent. per annum; so that if the "Groper" has been in work for ten years she might have cost 70 per cent. on her original cost for repairs. There is another thing in connection with this motion of the hon. member for Maryborough to which I will direct the attention of the House, and I am very glad to see the resolution, for this reason. The question will naturally be asked why are these foundries and ironworks out of work, or why is there this necessity for increased work? If hon. members will look at the sugar industry they will see at once why there is a necessity for increased work, We are beginning now to realise the value of this industry. I do not want to raise a discussion on this matter, but merely mention it incidentally. The sugar industry had a great deal to do with the building up of these iron foundries and ironworks, and I mention that because the information may be of some use at a later period. I shall have no objection to support the resolution.

Mr. SCOTT said: Mr. Speaker,—It is said this question cannot be a question of protection, but some persons may look upon it in that light. Judging by the favourable manner in which the motion was received by the Minister for Works, I am inclined to think he is willing to do what he can to follow the motion. The hon. gentleman certainly made some reference to the question of cost, but very little indeed, and I would like very much to know what the Colonial Treasurer will have to say upon this matter. If this resolution is passed it may be possible that the Minister for Works—judging from the speech he made—will look upon this as an instruction from the House that locomotives and other work mentioned in the motion shall be made in the colony regardless of the cost. If these things are to cost 50, 70, or 100 per cent. more by being made in the colony than if they were imported, I think it will be a very bad motion to pass at all. If it is passed it should be with some limit as to the additional percentage to be allowed for work manufactured in the colony, not as a matter of protection, but as a general guide that the people

may know what we are doing. I am inclined to think, from what fell from the Minister for Works, that he is prepared to give a large contract to some firm here, and it would be well, before this motion is permitted to pass, to know to what extent above English prices the Government are prepared to go in giving these large orders.

Mr. BAILEY said: Mr. Speaker,—I take it that this is one of those abstract resolutions which are often inconvenient but sometimes turn out very useful. Resolutions are sometimes brought in by members as precursors of something to come afterwards, to test the feeling of the House and let members have an opportunity of expressing their opinions on certain points. This resolution goes no further. It is not an order to the Government to do certain things, and the passing of it will be simply affirming that it is the wish of the Assembly that a certain course of conduct should be pursued by the Government. Even if the resolution were made binding upon the Government, it would only have effect until the end of the session, when it would become a dead-letter. We all know this is a very useful way of bringing before the Assembly any new project or idea, so as to test the feeling of the House upon something that may come afterwards, or, as in this case, upon what the hon. member for Maryborough may possibly bring forward as a measure to be deliberated on at some future time. As to the wording of the resolution, I think it is very harmless, and that every member of the House will be found to agree with it. We all know perfectly well that if we are to have locomotives made in the colony a large order must be given to some firm, and they would practically have a monopoly of the work for some years. We cannot attempt to begin the manufacture of locomotives under any other circumstances, and if the Government can see their way clear to do that without any very great loss to the country I am sure no member could object to its being adopted. If it could not be done without great loss to the country, members would be perfectly warranted in refusing to carry out the object of the hon. member for Maryborough. One thing, I think, that hon. member had in his mind in addition to what he said is this: The question often arises in this colony with fathers of families, "What are we to do with our boys? where can we place them to work?" They will not stop upon farms or upon stations when they see boys and men in town getting on faster and better in life than they can. What can we see for them better than to make them good mechanics—ingenious and inventive mechanics—and bring about a state of things which was brought about in America some years ago? We want to bring our clever boys up to be something better than clerks in offices or drapers' shops. It is a serious thing to know what we are to do with boys who are capable of better things, and we have no opportunity of placing them at them. I know that in this town of Brisbane foundry masters have actually been offered large premiums to take boys into their foundries to work for nothing for four or five years as apprentices. Fathers wish to give them a trade, and the boys wish to work, and it is far better that they should learn trades than run about the streets and become larrikins, or that they should be sent selling newspapers or serving in drapers' shops. Let us give some chance to our boys. I am very glad the Minister for Works spoke as he did, and I am quite sure that if he has the opportunity he will afford some encouragement to a rising and very important industry in the colony.

Mr. FERGUSON said: Mr. Speaker,—I quite agree with the motion before the House, and I am pleased that the hon. member for Maryborough has brought it forward. It does not mean a great deal, and I would not mind if it meant a great deal more than it does. It will, however, have the effect of obtaining an expression of opinion from the House on this matter. I was very glad to hear the Minister for Works say he will do all he can to keep such work as is referred to in the motion in the colony; and I think that if he pays, as the hon. member for Maryborough suggested, even 20 per cent. more for it than the cost would be if the articles were imported, he will largely benefit the colony in the end. There is a large number of mechanics out of employment at the present time in Brisbane. Indeed, I am told there are many unemployed all over the colony, skilled mechanics who have been brought out from the old country, and who are now out of employment because there is not sufficient work in the colony to keep them going. The Government are in a sense large employers of this class of labour, but the contracts which they let are mostly given to persons out of the colony. It would be far better to keep those contracts here, because any work that can be done in the colony, if it is executed in the country, is a benefit not only to one class, but I believe to other classes employed in other industries. If the Government recognise this principle it will be a benefit to the colony. Let us look at New South Wales, and see what is going on there in what is considered a freetrade colony. When I was down there lately I attended several meetings, and I believe, from what I saw and heard, that the majority of the people are in favour of adopting a protection policy, which, I think, will soon be introduced into New South Wales. Victoria at the present time is the most prosperous of all the colonies, especially in regard to the working classes. There is no colony where the working classes are so well off as in Victoria, and that is the only protection colony in Australia; and the sooner we follow in her track the better for ourselves. This is a young country, and we must protect ourselves as well as other places. The hon. member for Maryborough, in introducing his motion, referred to Italy, and pointed out that workshops are being established there. Italy has found out that she must build her steamers, make her own guns, and do her own ironwork at home. The foreman of Sir William Armstrong's establishment was a passenger by the vessel in which I returned from England, and he was going to Italy to superintend large works which were about to be erected in that country. In fact, nine-tenths of the civilised population of the world are of the opinion that they must protect themselves, and in a very short time we will have to do the same.

The COLONIAL TREASURER (Hon. J. R. Dickson) said: Mr. Speaker,—There can be no doubt that it is highly desirable to encourage by every legitimate means the fostering of industries in the country; not only the iron industry, but all other industries that can be fairly encouraged without any disproportionate charge upon the general taxpayer. At the same time I am not disposed to sit quietly by and assent to a proposition that the general taxpayer should be assessed at from 25 to 100 per cent. upon the cost of an article produced by a particular class, and that no other section of the community should derive any benefit whatever; or rather, to put it in this way, that the whole nation should be taxed for the aggrandisement of a few. I distinctly disavow any such policy as that, and I trust it will never be the recognised policy of any Government with which I have the honour to be connected. I go to this extent, that as far as possible it is desirable to encourage by every legitimate means, and by no undue pressure upon the general

taxpayer, the establishment of industries in our midst; and I say that the action of the present Government has been to a very large extent to encourage local industries. But those industries must look to the fact that the time is arriving when they will have to walk without continuous Government support. They must be in a very unhealthy state of existence if they continue to require to be nursed by large subsidies from the public revenue. With regard to the iron industries and having the work of the Government done in the colony, I do hold that it is desirable, all things considered, that the work should be done locally, and I am quite prepared to say that it is highly desirable the work should be done in the colony, even at a moderate increase of cost over the imported article, because by adopting that course we know that we shall have immediate supervision over the manufacture of the article, and at same time we have the advantage of knowing that the money employed in its construction is being circulated in our midst and is providing sustenance for our industrial population. To my mind, that goes a long way to cover even a larger amount of expenditure in this direction than perhaps the article itself is intrinsically worth. At the same time I think it is a wise policy that competition should be offered to us by the manufacturers of the world—and especially by the manufacturers of Great Britain. I am not at all prepared to say that we should in every case accept the product of local artificers. I take it that this motion, which I agree with in the abstract, goes in the direction of requesting the Government to see that local manufacturers have a chance of competing for the production and for the manufacture of such articles in connection with our railways as will be continuously required. Hon. gentlemen should not, however, overlook this important fact: that at the present time the iron workers have the incidence of taxation in their favour, as bar, rod, and sheet iron are imported free of duty; and not only so, but there is also an *ad valorem* duty of 5 per cent. on all imported machinery; so that at the present time I do not see that they have any cause to complain. The present Government have certainly had a considerable amount of work done in the colony. The Department of Harbours and Rivers has for the past five years arranged for the construction within the colony of all the dredge plant that has been required. The department, however, sent home for one dredge, and that reminds me that circumstances may arise under which it is absolutely necessary, in the interest of progress, that we should have machinery manufactured in the home markets, as it will probably be constructed on later methods and be of a superior type to anything we possess locally. Therefore I contend it is highly desirable that we should look abroad—that we should look beyond our own limits, if necessary, and not be deterred from importing, if the prices asked here are so entirely outside the question as to increase the cost of the article to an unreasonable extent. I would ask hon. members how far our loan money would have gone in the construction of railways and maintaining them, if all the equipment had to be provided by local artificers at an increased expenditure of 20 or 30 per cent? Instead of there being so many hundred miles of railways in the colony at the present time, they would possibly have been circumscribed to one-half. I am not going to digress into a free-trade or protective speech, although several hon. gentlemen have shown a tendency that way; but I will say this with regard to Victoria: It may possibly be that her success has been in some measure due to the fact that she had a freetrade colony alongside her; we shall see whether she will progress so rapidly when the restrictive policy of New South Wales comes into operation. I have no doubt that the colony of Queensland, notwithstanding the drawback of adverse seasons, will contrast favourably with the other colonies in the south, possessing larger populations, which are so frequently referred to by hon. members who have just visited them, and who appear to have derived much information from their peregrinations. However, I wish to say this: that while I desire to see the iron foundries fully employed, still the owners must remember that it is not solely Government work which will keep them continuously employed. They must look to private requirements in the future. If we assist at the present time in increasing prices artificially to the extent of 30 or 50 per cent. above the English cost of production, we shall drive local enterprise to buy in the British markets what we might have produced ourselves. Therefore, in the interests of the establishments themselves, while I think it is desirable that we should assist them by buying from them articles which can be produced at a reasonable price, yet I do not think the Government ought to be fettered even by the direction of the House; and the establishments themselves ought not to imagine for one moment that the Government intend to grant them a monopoly which will be detrimental to the true interests of the ratepayers of the colony.

The HON. J. M. MACROSSAN said: Mr. Speaker,—I do not think the hon. gentleman need be afraid of the Government being fettered in any way by this resolution, which is of a very mild and abstract character. I think the mover might have given us a little more information than he did as to the number of skilled mechanics in the colony who could be employed at this kind of work—the manufacture of locomotives—and he might have told us the probable comparative cost of the colonially manufactured locomotive and the imported article. We would then have been much better able to judge of the importance of the motion. I think that might have been done by the Minister for Works, who approved of the motion so heartily. Now, I approve of the motion itself, but I would point out a danger which has been overlooked by all the speakers. The Minister for Works told us he would have to give an order to one firm for about forty locomotives, and establish a monopoly by so doing. Now, if we do that where is the competition to come in that will reduce the price of these locomotives to us afterwards? It has been said—and rightly too—that the competition induced by the late Government in getting rolling-stock minus locomotives—of course, outside British workshops—has reduced the price to even less than that of the imported article; but then that competition was brought about by getting the work done in the different towns in the colony. If the Minister for Works gives this all to one firm, we should have no competition and no reduction of price; we should be depending upon one firm, and paying more for our article than we have been paying hitherto. The article may be as good—it certainly will not be better; and if it costs 30 or 40 per cent. more, with no expectation of a reduction, it will be a very bad bargain. I think if the Minister for Works does give out a tender it should not be for more than about ten locomotives, and he should try and get two or three firms to go in for the work. There are large manufacturing firms in Maryborough and also in Brisbane, and I think the work could be done in both places. That is the only way we can get fair competition; if you give the work to one firm in Brisbane or Maryborough, it will be good-by to competition and good-by to a reduction in price. As the Colonial Treasurer says, the taxpayer will be paying for the aggrandisement of a very small

number in the colony. That is the only danger I see in connection with this motion, and I think it should be taken into consideration by the Minister for Works if he attempts to carry the resolution into effect.

Mr. FOOTE said: Mr. Speaker,—I do not see any danger in this resolution. Notwithstanding that, the observation which fell from the hon. member for Townsville was a very good one indeed. He rebutted the argument brought forward by the hon. the Minister for Works to the effect that he would have to give a very large contract in order to get firms to undertake the construction of locomotives. The cost of importing the machinery necessary for making those locomotives would be so immense that they would require a very large contract. Now, I think, Mr. Speaker, this very fact shows that there are no firms at present existing in the colony of such a standing that they could afford to enter into the necessary expense for what we may term a small contract, such as ten locomotives. I believe, too, that they would have to rely upon the system of importing certain articles which they could not make here, and consequently it would be simply the fitting up of these locomotives that would take place here. Now, sir, I think this motion is of more value, not as it refers especially to locomotives, but with regard to bridges and other such things required by the Government. It has not been shown, except in connection with one firm that exists at Ballarat, that locomotives have been succesfully manufactured by contractors in the colonies. The Minister for Works himself alluded to a firm—Messrs. Russell and Company—who were prepared to enter into a very large contract, but could not enter into it in consequence of a very great change in the labour market. The labour market is of a very erratic and changeable character; and manufacturers are in constant dread of interruptions to their contracts through the labour movements which are continually taking place in almost all the colonies; and they would be afraid to undertake a large contract. I think, Mr. Speaker, that there is a great deal of importance to be attached to that side of the question—more perhaps than appears at first sight. In the course of conversation with many whom I meet when travelling from place to place, I find there is a great indisposition amongst capitalists to enter into any industry where much labour is absolutely required. They preferred, in consequence of the great agitation in the labour market, to place their capital in such a position as to accept a lower rate of interest for it, rather than risk it in enterprises where labour is the principal element; and I am not surprised at it. No doubt this will have a tendency, in a very great measure, to prevent the introduction of manufactures which might otherwise be established in the colony. The mechanics and artisans engaged in those pursuits are only injuring themselves, because they prevent those large enterprises from being entered upon; and, that being the case, they cannot possibly be employed. This motion is certainly a very mild one, and one which, as has already been said, it is scarcely possible to disagree with. It affirms nothing. It simply invites the Government of the day to entertain favourably anything that will encourage the labour market of the colony, so that employment may be given and the money retained in the colony and there circulated. I go with the motion in every particular. There are many industries in the colony which the Government might very well foster, with a view to encouraging trade and employing labour; and this seems especially necessary in view of the great influx of immigrants into the colony, which might be largely increased if necessary. Then there is our loan system. We borrowed last year in the London money market a large sum — I forget how much, but I think a quarter of the ten-million loan that was voted by the House. Upon inquiring into these matters, I find that a great deal of that money never comes to the colony, although no doubt we get value for it in some shape. By fostering industries within the colony, wherever the Government could legitimately do so, a very much larger proportion of that borrowed money would come out to the colony and be spent here. I may say that I am opposed to the large expenditure on iron bridges now going on in many places where wooden structures would do. I am aware that iron will stand much longer than wood, and that it is far more ornamental for those purposes; but these iron bridges are being erected at a very great cost to the taxpayers of the colony, and, considering the abundance of timber of all descriptions we have within the colony, it might be advisable in most instances to construct our bridges of wood instead of iron for, at all events, several years to come, and so avoid the great expense we are now incurring. The country would be greatly benefited thereby. I also think, with regard to articles which the Government have to import largely from England, that if they can get them manufactured in the colony at an advance of even 10 per cent. they would be justified in accepting contracts at that rate. At the same time, I am quite aware that locomotives could not be manufactured in the colony at that rate at the present time. With regard to the cost of putting the dredge "Groper" into proper working order after her arrival in the colony, I well remember the discussion that took place here on the subject at the time. It was discovered that she had been very badly built, and it was also shown to the House that the person appointed to inspect the work received pay from both parties. No wonder she turned out to be the structure that she was! It has since been proved that dredges can be built within the colony as well, and as suitable for our purposes, as in England, and at a very reasonable cost. That is one of the items to which I should like to pin the Government down—that all contracts for dredges should never go out of the colony. I do not intend to enter upon the subject of free-trade *versus* protection. That is a very large subject, which may crop up on some future occasion, possibly by a direct motion during the present session. There is another matter that I will allude to before sitting down. I understood the hon. member for Townsville to take credit to himself for having reduced the cost of works by contract very much in consequence of the system which he set in motion. I must say that this is new to me. I think that before ever that hon. member became Minister for Works the contract system had been adopted. It has certainly been carried out more extensively since, because a great deal more work has been required. But there was one thing that occurred while the hon. gentleman was in office, and that was, a great scarcity of rolling-stock; and what was obtained was of such a character that it was impossible to meet the demands upon the lines. That would show that at that time there was a great necessity for improving the system of contracts. No doubt the hon. gentleman did improve the system, and I believe his efforts in that direction gave a great deal of satisfaction. The results have been very good and satisfactory to the colony, and I believe are of such a character that it is not the intention of the Government to go outside the colony to let such contracts. There is no doubt that large indents for ironwork have been sent out of the colony—ironwork that could be made in it—that the

founders here were prepared to contract for. That is one of those things which this motion embraces, and to which the Government are requested to give attention. I presume the last of these contracts has been let outside of the colony for many years to come. I was glad to hear the Minister for Works say that one indent had been cut down to one-half, and a great deal too much even then was sent out of the colony. There were men in the colony at that time who were comparatively idle, and who would have entered into contracts for the supply of what was required if it had been offered to them; and I think, when we are expending such large sums annually on immigration, it behoves the Government to see that they do what they can to foster local industries.

Mr. W. BROOKES said: Mr. Speaker,—The debate on this motion is to me a very significant one. I have listened with very great pleasure to what has been said by the mover, the hon. member for Maryborough. I think he introduced the subject with very great ability, and that he placed the motion as clearly before the House as it could be placed. I have often wondered how such a motion would be received by this Assembly, and I may say that I am perfectly satisfied. It shows to me that hon. members who profess to represent the public mind are beginning to discern between freetrade and protection. Now, this motion, while very harmless, yet, at the same time, a deal lies in it. It does not bind the Government to do anything, but, if I can judge from the feeling of the House, the Government will feel themselves free to go as far as this, with the consent of the House—I am sure they will have the consent of the public—that work of the nature mentioned must be kept in the colony.

Mr. BULCOCK: Oh, no!

Mr. BROOKES: A gentleman here is very much disposed to interrupt me, sir. I very seldom hear his pleasant voice in the House, and he will oblige me very much if he will hold his noise. Now, the question of cost has been spoken of two or three times—spoken of by the Minister for Works, spoken of by the Treasurer, and spoken of by other hon. members. I only wish to say this, that cost is a relative term—entirely relative. It is quite evident that hon. members are aware of this, and the idea is in their minds as much as it is in mine, because it is universally admitted that if the expense of manufacturing locomotives in the colony allows them to be manufactured then they should be manufactured here. Surely that is a departure from the hard-and-fast line—it surely is a departure from the foundation of the freetrade axiom, to buy in the cheapest market. When the deputation waited on the Chief Secretary, Mr. Forrester made this remark, and it will meet what was said by the hon. member for Townsville: He said that his firm, if they could get a contract for twenty locomotives——

HONOURABLE MEMBERS: No; ten.

Mr. BROOKES: Well, I know he said twenty, but he modified it afterwards. If he could get a contract for ten locomotives he could undertake to supply them at an advance of 10 per cent. upon what the Government were paying. That is what he said. Now, some ten years ago I had a conversation with Mr. Smellie, of Smellie and Company. He is not in business now, so that what I say can do him no harm; but he told me that no one could make locomotives in this colony unless he has a plant which would cost £20,000. But times are different now to what they were then. Mr. Forrester's remark was a different one to Mr. Smellie's; and I see no difficulty whatever in having a locomotive foundry at Toowoomba, another at Townsville, and another here or in Maryborough. I agree with the member for Townsville and other members who look with jealousy at Brisbane being the great centre. I am not in favour of that. I only want to see the principle acknowledged that all articles required for the public service, which can be made to begin with at a reasonable advance upon the imported article, should be so made in the colony. But I go further than that; I go as far as the Colonial Treasurer. I am not in any way anxious to bolster up every industry. I am with the Treasurer there. I would not care to have them developed by being continuously bolstered up with Government pay. I think that is the ruin of the idea—but I do say this: that I am satisfied with what I see in this House. The feeling is—well, there is a disposition to foster local industries. Something has been said about loan moneys, and the member for Bundanba made a very significant remark. Under this principle of getting all our wants supplied from Great Britain, it is undoubtedly true that, although we vote a nominal loan—vote nominally ten millions—I do not believe we get four millions of ready money out of it. And that opens up another question. How long are we going to borrow money in this reckless way? There must come an end to it, and unless we have our local manufactories—unless we have our manufacturing population—it is certain to end in dreadful disaster. There has been reference made to the labour market and to strikes. The hon. member for Bundanba spoke of them, and it is true that capital is often deterred from entering into enterprises here on account of the uncertainty of the labour market, but that is where the old angry strife comes in between capital and labour. There is no one who observes the signs of the times but must have observed that labour is very much more intelligent now than it ever was before. What is the position in England? Why, sir, five-and-twenty years ago I remember that labour strikes in England completely dislocated trade; but it is not so now. Hon. members are very well aware that three members of the House of Commons — Messrs. Burt, Mundella, and Broadhurst — whenever there is a strike one or other of them is called in, and the matter is arbitrated. The fact of the matter is that this disagreement between capital and labour in a great country like England never was so well understood as it is now, and a strike is very often averted by the men themselves. Reference has been made to Russell and Co. in Sydney having shut up, and given up business on account of a difficulty with the men. I may say that when I heard it at the time I did not think it was so, and the evidence we have heard since makes it look very unlikely. Suppose Russell and Co. did go out of business, there were others who went in, so that the business of the foundry did not cease because Russell and Co. went out of it. And I am not afraid of the intelligent artisans of Brisbane. They have their organisations; and I am very glad they have. I consider that those organisations tend to peace and quiet—tend to the interests of the masters as much as the interests of the men—and that instead of greedy and hungry demands being made on an employer because he has a large contract, or an order for twenty locomotives, such demands will cease to be made. It only remains for me to say, that I trust this motion will pass, and I think I can promise hon. members that they will hear of this subject again. At all events, we are right so far. We have the opinion of the House with us; we have the feeling of the Government with us; even the Colonial

Treasurer is in great sympathy with this motion, and he is perfectly right so far as he goes. I would like to say a word with regard to the term "monopoly." I do not think that giving a contract for twenty locomotives would be a monopoly, and I think the term has been unjustly used. Why should the Government give a contract for five years or for the construction of twenty locomotives? Why not invite tenders for five or less at a time? Simply for the reason that unless they make it worth while for a firm to get the necessary plant they will receive no tender. Therefore, instead of saying that enabling a firm to make ten or twenty locomotives is to grant that firm a monopoly, I would say, in the language of ordinary business, "If you will make twenty locomotives, I will make it worth your while to make them." Of course, tenders could be invited in all the towns in the colony—Maryborough, Townsville, and Brisbane—and they would be sent in. The reason I object to the term "monopoly" is that the freetraders have used it as a kind of label—a nickname; and it is considered that anything in the shape of a "monopoly" must be something wrong, wicked, selfish, and injurious to everybody else. But I do not think so, I will not call it a "monopoly." I would say rather that it is giving a premium to the firm who will undertake to make ten or twenty locomotives as the case may be. To my mind, the motion is very satisfactory. I have long hoped that the time would come when we should come to our senses in this matter, and see the wisdom of beginning to make things in this colony so as to justify the immigration we are inducing, and provide a future for the children—the boys and girls—who are growing up around us. I have just been reminded that Mr. Forrester said that if such a contract were given to him—a contract for twenty engines at an advance of 10 per cent. on the English price—when he had made them he could make the next at the English price.

Mr. NORTON said: Mr. Speaker,—I think the hon. member who brought forward the motion need have been under no apprehension as to how it would be received, because I believe every member in the House is in favour of the principle he has laid down. Of course, the difficulty likely to arise is as to the means by which the principle is to be carried out. Of course, some hon. members look at a motion of the kind with a certain amount of apprehension, because they believe in freetrade, and think this is the introduction of the thin end of the wedge of protection. I think, on that account, some would probably hesitate to accept the motion as it stands; but, for my part, though I do not believe in protection—what we ordinarily call protection—I think that, in regard to the construction of locomotives, arrangements may be carried out by which protection may be given, but not protection of the ordinary kind. I prefer, in a case of this kind, to speak of the assistance given under the name made use of by the hon. gentleman who last spoke, and call it a premium for the construction of these works. I believe it is quite possible that locomotives can be constructed in the colony by giving, say, 10, 15, or 20 per cent.—I am not prepared to say what it should be—but I believe that by giving a moderate percentage on the cost of locomotives landed here from England we could get them made at the foundries in the colony without any trouble. I would point out to hon. members who have doubts on the subject that we are not in the same position that we were five or six years ago. The foundries are now fixed on a firm foundation. They have established themselves well, and are in a position to increase the works they now hold by carrying out works of this kind. The Colonial Treasurer, when he spoke, gave a warning to those concerned in iron foundries when he said that they must not depend on the Government for supplying them with work. It was, perhaps, right that a note of warning should be sounded. At the same time, I think, judging them by the past, there was scarcely any occasion to give a warning of that kind to them, because the mere fact of their being in the position they are is attributable to private enterprise rather than work supplied by the Government. I believe a proposal of this kind might have been carried out some years ago, except for the fact that it was private enterprise which put the foundries into the position they now occupy. A few years ago it was impossible for the Government to get contracts completed by the foundries within contract time. Whatever Government contracts were given were taken by the foundries more to keep them going when private work was slack than with a desire to do Government work. They were fully occupied with private work of different kinds, but they took Government contracts and kept shoving them off, and the consequence was that the Government never got their work completed within contract time. There are dozens of cases of that kind. In the first place, the Government did not wish to press them too much, and I believe that in most cases at first no fines were imposed; but after a time it became absolutely necessary to do so to induce them to carry out the work. I point to that to show that although a few years ago it might have been impossible to undertake anything of this kind, it would be much more possible to do so now. With regard to what fell from one hon. gentleman—I forget who it was—as to the cost of making locomotives in the colony, I believe that Mr. Forrester, in the statement he made the other day, was quite correct—that if he received an order for twenty locomotives at an advance of 10 per cent. upon the English prices landed here, he would afterwards be able to construct them at the ordinary English price. It is quite possible to do that. In the Ipswich workshops there have been some locomotives put together—three or four, I think.

The MINISTER FOR WORKS: Three.

Mr. NORTON: It is quite a mistake to think that their price was much higher than the price of those imported. I do not recollect the figures; but I believe the first was put together with a very small additional cost, and I believe also that those engines worked quite as well on the railway as those imported. I am sorry, Mr. Speaker, that I cannot put my hand upon the figures now, but I remember that the cost of the engines that were put together in the Ipswich workshops was a very small percentage indeed over the cost of the imported ones. I do not intend to occupy the time of the House in discussing this question, because I think there is nothing to dispute in it. We all seem to be perfectly agreed upon the point that it is desirable to have this work done here. I do not think the Minister for Works quite meant what I understood him to mean, when he spoke of giving a monopoly to persons to undertake work of this kind here. I believe it would be better to establish two or three smaller works, than to have one very large one where all the engines of the colony would be turned out. I believe that the argument that applies to the manufacture of locomotives applies also to iron work of other kinds.

Mr. LUMLEY HILL said: Mr. Speaker,—We all seem to be a very happy family over this matter. No dissentient voice has been raised respecting the motion, and I certainly am not the one who is going to do it. I thoroughly approve of the motion, and should have been perfectly prepared to support it if it had gone a

great deal further. I would not only support the principle of protection in the direction that is taken here, but I would carry it far further into other branches of industry which can be established and promoted in this colony. As for the figures quoted, in connection with Mr. Forrester's proposal to build twenty engines at an advance of 10 per cent., I consider it a most moderate and profitable proposal, and one which would benefit the colony; and I sincerely hope that the Minister for Works will take it into his serious consideration. If one foundry of the kind is started, and finds it is able to go ahead under the circumstances—for twenty engines is not a monopoly at all—others will spring up in competition with it, and the industry will become an established one throughout the colony. I perfectly agree with what has fallen from hon. members about our loan money—our borrowing £10,000,000 and getting about £4,000,000 cash. Twenty engines with 10 per cent. added means getting eighteen in the colony instead of twenty; but then we keep the whole cost of those eighteen engines in the colony, and it is spread amongst the different people in the colony. That is the point. In the other case we get twenty engines, and the whole of the money goes out of the colony. I much prefer to have the eighteen engines and the money they cost kept in the colony. I recognise myself that this question is opening up a very broad field—the field of labour as opposed to capital—which forms an awkward ingredient. I can perfectly understand strikes in the old country, where capital might be said to have got the upper hand of labour and ground it down. But here there is ample room for both labour and capital, and I do not see why they should come into collision at all. We want money as well as men to develop this great country, and so long as things are fairly prosperous here, there are always good wages for men, and lots of employment for capital, too. Although nobody can be more pleased than myself to see men doing well and getting high wages, I have no idea of encouraging them to enter into a strike against capital. Capital is just as necessary to them as they are to capital; the two should go hand-in-hand together. I have a great objection to those people who set class against class, and object to some men because they happen to be better off than others. I am glad nothing of the kind has been introduced into the discussion. I have spoken to many workmen, and have found them as sensible as any people in the world, and they see perfectly well that the interests of capital and labour are identical. That that is so, I have no doubt myself. I am indirectly interested—or rather pretty directly interested, although you may not think so—in this industry. I was supposed to be a squatter and nothing else; but I have a great many irons in the fire besides squatting. I am a foundry proprietor to a certain extent, and I am obliged to endeavour occasionally to disabuse this Assembly and the people of the colony of the idea that I am simply a "pure merino," because it is a sort of crime which is laid at my door that I have been a squatter. Though I do not care about talking about my own affairs, I must admit that I have that industry at heart, and the interest of the colony in every direction is mine.

Mr. BLACK said: Mr. Speaker,—This is a matter of very great importance, and I do not think that the time has arrived when the debate should be closed, as several members desire to speak.

At 7 o'clock,

The SPEAKER said: In accordance with the sessional order, the private business which has been under discussion now stands adjourned until after the consideration of Government business.

DIVISIONAL BOARDS BILL.

The PREMIER said: Mr. Speaker,—I beg to move that you do now leave the chair, and the House resolve itself into a Committee of the Whole to consider the desirableness of introducing a Bill to consolidate and amend the laws relating to local government outside the boundaries of municipalities. I have to inform the House that I have it in command from His Excellency the Administrator of the Government to acquaint the House that His Excellency, having been made acquainted with the provisions of this Bill, recommends to the House the necessary appropriation to give effect to it.

Question put and passed.

On the motion of the PREMIER, it was affirmed in Committee of the Whole that it was desirable to introduce a Bill to consolidate and amend the laws relating to local government outside the boundaries of municipalities; and on the House resuming, the Bill was read a first time.

The PREMIER said: I beg to move that the second reading of the Bill stand an Order of the Day for Tuesday next.

Mr. CHUBB said: Mr. Speaker,—When this Bill was first introduced and copies sent round to hon. members, I noticed a head-note to the effect that the marginal references were not to be taken as an indication that the clauses to which they were attached had not been altered. This is a very long Bill of nearly 300 clauses, and I think it would assist hon. members very much if the alterations made were printed in italics.

The PREMIER: It would take about ten days to do that.

Mr. CHUBB: It is a great deal to ask of hon. members that they should read the whole of the Local Government Act and compare it with the Bill. That will be not only an enormous loss of time, but of labour. If the clauses are only slightly altered and a large portion of the Bill is simply a consolidation of existing law, it would save a great deal of time if what I have suggested could be done.

Mr. NORTON said: Mr. Speaker,—I think also that it will be a very heavy tax upon hon. members to follow the alterations without some such assistance. There will be very great difficulty in understanding what the changes are; many of them are minor changes.

The PREMIER: It would take a long time, and I am not sure that there is sufficient type in the Government Printing Office to do what the hon. member proposes.

Question put and passed.

ELECTIONS TRIBUNAL BILL.

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

Clause 15—"Notice of trial to be given to parties"; and clause 16—"Elections judge to appoint day for choosing assessors";—put and passed.

On clause 17—"Mode of choosing assessors"—

Mr. CHUBB said the word "their" was printed in error for the word "three" in the clause.

The PREMIER said he was obliged to the hon. member for calling attention to it. He moved that the word "three" be substituted for the word "their," in the 4th line of the clause.

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

Clauses 18 to 21, inclusive, put and passed,

The PREMIER said that appeared to be the place in which to insert a provision about the tribunal not sitting when the House was sitting. He begged to move that the following new clause be inserted to follow clause 21 as passed :—

When the trial of an election petition or reference is held or continued on a day on which the Assembly is appointed to sit, the trial shall not be proceeded with after the hour appointed for the meeting of the Assembly.

New clause put and passed.

Clause 22—"Trial to be public"—passed as printed.

On clause 23, as follows :—

"Upon the trial of an election petition or reference the tribunal shall be guided by the real justice and good conscience of the case, without regard to legal forms and solemnities, and shall direct itself by the best evidence it can procure, or which is laid before it, whether the same is such evidence as the law would require or admit in other cases or not. And the assessors present, or a majority of them, or, if they are equally divided, the elections judge, may determine to receive or reject, as they or he may deem fit, any evidence tendered to the tribunal.

"And in particular it shall be competent to the tribunal, if it thinks fit, to receive affidavits relative to any of the matters in question before them, taken before any justice (which affidavits such justice is hereby authorised to take)."

Mr. NORTON said there had been some misunderstanding among persons outside in connection with that portion of the Bill, and, he believed, also among some members of the Committee. The clause stated that the tribunal should be guided by "the real justice and good conscience of the case." Of course, the same provision existed under the present system. But there was an impression that by that provision the tribunal could take whatever evidence they liked, and that the evidence they received would guide them in the decision they were about to give, and that was what led to the misunderstanding with reference to the Burnett election petition. The Premier stated the previous evening that the trial in that instance was decided upon a dry question of law. The difficulty some of the public felt with regard to that was, what was the use of giving the tribunal power to take evidence not usually taken if the case was to be decided upon a technical point—a dry point of law? A good many people supposed that because evidence was taken in the way proposed it was not necessary to decide a matter upon a dry point of law, and that the evidence ought to be sufficient to enable the tribunal to decide the case without reference to legal points. He mentioned the matter because he thought the Premier could explain it clearly, and that he would do some good by doing so.

The PREMIER said there was a great difference between deciding a point of law and determining the mode in which the facts were to be proved which raised that point of law. A point of law was, of course, a point of law. If a statute said that a certain thing should happen when certain facts were proved, that thing must happen. On the facts being proved, in the trial of an election petition, to the satisfaction of the assessors, the judge would declare the legal consequences. As to the mode in which the facts were to be proved, the assessors would be allowed to receive any evidence they thought should be reasonably received. Of course, the rules of evidence receivable in a court of justice were, in great part, technical; and those rules were different in various countries. The rules of evidence in Scotland were essentially different from those in England. In England the rule was that hearsay evidence was not admissible, with a few exceptions. He thought the rule might be correctly stated with respect to Scotland, that hearsay evidence was admissible, with a few exceptions. A great deal might be said with regard to either rule. He was not a Scotch lawyer, and he might not be quite correct in his definition; but he thought he was not far out in saying that that was the essential distinction between the English and Scotch systems. In ordinary life they acted on hearsay evidence. Every man conducting his own affairs did not insist upon having all his evidence first-hand. It would be impossible to act in that way in ordinary life. An immense number of their statutes provided for very important matters being proved upon what was substantially hearsay evidence. In the case of an election petition, sometimes it would be a proper thing to receive hearsay evidence as to the matter in dispute; but in a case affecting the character or rights of a man, that might be a very improper proceeding. That, it was thought, should be left to the discretion of the tribunal, assisted by the judge. He was quite sure that if the tribunal was advised by the judge not to receive a particular kind of evidence they would not receive it; and, on the other hand, if he advised them to receive certain evidence, it was probable that they would receive it. He thought he might illustrate the matter again in this way. The rules of evidence were of a highly technical character and very strict: Until lately, if the smallest fragment of evidence was admitted in the course of a trial contrary to the strict rules of evidence, that vitiated the trial, and the verdict must be set aside and a new trial take place. They had altered that now in this colony and in England; and if the judges were of opinion that no substantial injustice had resulted from the admission of such evidence, a new trial would not be granted. The same sort of principle was intended to be applied with regard to the elections tribunal. It was not for him to give an exhaustive description of the causes that might arise, nor did he at the present moment think of any particular instance that he could give as an illustration, but he hoped he had shown the distinction between deciding points of law upon admitted facts and applying strict rules of evidence in respect to the proving of those facts.

Mr. NORTON said he quite followed the hon. gentleman, and had taken that opportunity of getting the explanation just given, as he, among others, had been misled, and he thought it was desirable that the matter should be cleared up. It was rather unfortunate that people who had to form their opinions as members of that tribunal should be left under any misapprehension as to the manner of obtaining the evidence which induced them to give the verdict they arrived at. With regard to the Burnett election petition, as far as he recollected, the whole question depended upon seven votes. There was no question that the seven voters were entitled to vote, and since they had recorded their votes in such a way as to win the election in the other direction, there was a general feeling of dissatisfaction that upon a dry point of law a decision had been given which disfranchised the electors and returned a gentleman who had not the highest number of votes. That was the reason he had brought the matter forward, because it was just as well to understand, in passing a Bill with a provision of that kind, that they were not departing from the ordinary rule by which law was still law. That was what he thought it was essential everybody should understand as fully as possible—that whatever evidence was taken there was no departure from the law as law.

Clause put and passed.

On clause 24—

Mr. FOXTON said he thought that was the proper place to suggest the insertion of a clause similar to one in the English Act, which struck him as being a remarkably good one. The case of the Burnett election, to which the hon. leader of the Opposition had referred, was one in which it would have been very valuable. In that case the seat was claimed by the petitioner on the ground that he was entitled to certain votes, and the inquiry became, as far as that petition was concerned, a scrutiny. Evidence was given during the trial tending to show that the petitioner himself was guilty of bribery. He would state, by the way, that it only tended in that direction, because the petitioner, Mr. Stuart, was clearly absolved from any such charge. However, the evidence tended in that direction, and the question was raised whether, as the committee were there for the purpose of trying the petition of Mr. Stuart against the return of Mr. Moreton, they could consider evidence which, if it were completed and all it was intended to prove were proved, would certainly disqualify Mr. Stuart from sitting. The hon. member for Mackay at the time called it a side issue, but it appeared to him (Mr. Foxton), and the majority coincided with him——

Mr. NORTON: Of course.

Mr. FOXTON: That the committee should receive such evidence. Had they excluded it, and had Mr. Stuart succeeded in his petition, they would have had no course open but to declare Mr. Stuart elected, while the rejected evidence might have shown that he had been guilty of bribery and ought not to occupy the seat. He thought they should insert a clause giving the tribunal power to inquire into evidence in support of what would be very like a counter-claim in courts of law.

The PREMIER said he quite agreed with the hon. member's suggestion. He thought the proper place to insert the new clause would be before clause 24, which he would therefore withdraw for the purpose.

Clause, by leave, withdrawn.

Mr. FOXTON moved the following new clause to follow clause 23 :—

On the trial of an election petition complaining of an undue return and claiming the seat for some person, the respondent may give evidence to prove that the election of such person was undue, in the same manner as if he had presented a petition complaining of such election.

Clause put and passed.

Clause 24 passed as printed.

On clause 25, as follows :—

"An appeal shall lie to the Full Court from every decision of the elections judge upon a question of law.

"When notice has been given of an intended appeal, the judge shall postpone the granting of the certificate hereinbefore mentioned until the determination of the appeal by the Full Court."

Mr. FOXTON said the point seemed worth considering, how the costs of the appeal were to be governed—whether they were to be included in the £200, or whether that sum was simply to cover the costs of the trial before the elections tribunal.

The PREMIER said the intention of clause 45, with regard to costs, was that the £200 should cover all the proceedings, including the appeal should there be one; so that if a person entered upon an enterprise of that kind he might know exactly what it would cost him in the event of failure to prove his case.

Mr. STEVENS said there was no direct mention in clause 45 of the costs of an appeal, and as far as he could make out it only applied to the trial before the tribunal. There would, of course, be further costs, and they might be very heavy, for an appeal to the Full Court.

The PREMIER said that under the 45th clause £200 was the maximum amount to be paid by any one party. It covered the costs of the appeal and everything else. If the costs of the trial and the appeal amounted to, say, £500, the unsuccessful party would still have to pay only £200. Clause 45 made that quite clear.

Clause put and passed.

Clause 26 passed as printed.

On clause 27, as follows :—

"Where a charge is made in an election petition of any corrupt practice having been committed at the election to which the petition refers, the elections judge shall, in addition to the certificate hereinbefore mentioned, and at the same time, report in writing to the Speaker as follows :—

(*a*) Whether any corrupt practice has or has not been proved to have been committed by or with the knowledge and consent of any candidate at such election, and the nature of such corrupt practice ;

(*b*) The names of all persons (if any) who have been proved at the trial to have been guilty of any corrupt practice ;

(*c*) Whether corrupt practices have, or whether there is reason to believe that corrupt practices have, extensively prevailed at the election to which the petition relates.

"The elections judge may at the same time make a special report to the Speaker as to any matters arising in the course of the trial, of which, in his judgment, an account ought to be submitted to the Assembly."

Mr. PALMER asked how that clause could be affected by clause 29, which provided that—

"The Assembly, on being informed by the Speaker of any such certificate and report or reports, if any, shall order the same to be entered in their journals, and shall give the necessary directions for confirming or amending the return, or for issuing a writ for a new election, or for carrying the determination into execution, as circumstances may require."

Was the Assembly bound by those special reports, or was it open to the Assembly to accept or to reject them, as it thought proper ?

The PREMIER said the English law on the subject was much wider. After setting out the details contained in the three subsections of the clause under discussion, it stated that the House of Commons might make such order on the special report as it thought fit. The House of Commons had much larger powers than that House, and might order that no writ should be issued for a borough in which corrupt practices were shown to prevail ; or it might order a commission of inquiry to issue, the cost of which would fall upon the electoral district where the corrupt practices prevailed. The present Bill contained no provision of that kind, nor was it desirable. But it might be very desirable that if corrupt practices were proved to prevail in an electorate the House should be informed of the fact. Under the present system, the proceedings of the Elections and Qualifications Committee were reported to the House. It was desirable that the House should have the same means of getting information on the subject as it had at the present time, and that was all that the clause provided. If the fate of a petition turned on the fact that there had simply been an error in the counting of the votes, it would not be of great interest to the House, and the finding of the court that one man was not really elected, and that another was, would be sufficient to determine who was to take the seat. But those additional facts might be very useful to the

House, and it seemed desirable therefore to incorporate the provisions of the English Act in that Bill; but not for the further purpose of casting expense on the district, or for the other purposes to which he had referred.

Mr. CHUBB said if his memory served him, the practice of the House of Commons was that the House, in constituting a tribunal, still reserved the right to deal with its members. It did not absolutely transfer its rights and powers to the tribunal. The tribunal was to deal with the facts, and the House of Commons dealt as it pleased with its members; but invariably, he believed, they acted upon the report sent in by the judge. The English Act provided for certain consequences which might follow upon a report being to a certain effect. Where corrupt practices had extensively prevailed, provision was made for the House to disfranchise the electorate for a time. In this colony they had no provision of that kind, but the provision in clause 29 might be useful in some respects. For instance, there would be nothing to prevent the House, upon receipt of a report that corrupt practices had extensively prevailed, to direct the prosecution of the offenders, or to take such other steps as might be thought advisable. He saw no objection to clause 29, as no consequences could follow under it. The House might possibly suspend the issue of the writ for some time, or might affix some punishment on the electorate where the corrupt practices had prevailed.

Mr. PALMER said, from the explanation given by the Chief Secretary, one would infer that the whole question was liable to be reopened in the Assembly after the report was received.

The PREMIER: No! Look at section 24.

Mr. PALMER: How did clause 29 read with that? It said the Assembly might either confirm or amend the report, and even if it were possible for them to discuss the question they would require more evidence. The report made by the elections judge was merely a report made to the Speaker. No provision was made for it being acted upon in any way, and the Assembly might set it aside or amend it, or they might proceed to any kind of action they liked.

The PREMIER said the 24th section provided that the certificate should be "final to all intents and purposes"—that was as to the election of members; and then the 29th section provided that the Assembly might give the necessary instructions for carrying that into execution. Suppose A was elected, and the judge decided B was the person who should have been declared elected, then the Assembly might direct the return to be amended, and it would be amended accordingly. If the report said that the election was void, the House would order the issue of a new writ if it thought fit, and so on.

Mr. NORTON: How if a majority of the Assembly decide otherwise?

The PREMIER: A majority of the Assembly could not determine otherwise, because the clause said the "determination shall be final to all intents and purposes."

The HON. J. M. MACROSSAN said: What would be the result, supposing that the election tribunal did not return a certificate at all? He remembered a case where the returning officer did not return the writ, and the House took upon itself to return the member without the writ. What would be the result in a case such as that?

The PREMIER said it was very hard indeed to say what would happen in a case like that; there was no way of compelling a judge to give judgment, in this country at all events. In California he believed it was provided that no judge could draw his salary at the end of the month if there were any judgments in arrear for more than a month, or two months, he was not sure which. That was the only country where he had heard of any provision being made to insist on judgment being given. He remembered a case in which a Lord Chancellor began a judgment to the following effect:—"After entertaining doubts upon the construction of this will for upwards of twenty years, I think it idle any longer to delay giving judgment." He did not believe any judge in modern days was likely to commence a judgment in such terms as that.

The HON. J. M. MACROSSAN said the idea entertained by the hon. member for Burke was not so far wrong as to the power of the House to amend a return, in spite of clause 24. The words of the late Elections Act about the returning officer making his return to the Speaker were quite as plain as the words of the clause under discussion; but the returning officer he referred to was brought into the House—brought up to the table by the direction of the hon. gentleman, he thought; and he point-blank refused to make a return; and, in spite of the point-blank refusal, the House by a party vote seated the member.

Mr. STEVENS said he must confess to be quite as dense as the hon. member for Burke. If the decision of the judge was final, why was the word "amending" contained in the 29th clause?

The PREMIER said the House might amend the return by striking out the wrong name and putting in the right one. The hon. member for Townsville referred to an occurrence which took place in the year 1875. He remembered it very well, and he was not at all sure that the House did not act rightly on that occasion. The returning officer absolutely refused to make a return! What was to be done? There was no doubt who was elected, but the returning officer declined to make a return. He did not know whether the action of the House was right or wrong; at any rate, occasions of that kind were not provided for in the Bill. Possibly it would have been better had that case been sent to the elections tribunal, but it was not worth while discussing now whether the House did right or wrong in 1875.

Clause put and passed.

Clauses 28 and 29 passed as printed.

On clause 30, as follows:—

"On the trial of an election petition or reference, unless the elections judge otherwise directs, any charge of a corrupt practice may be gone into and evidence in relation thereto may be received before any proof has been given of agency on the part of any candidate in respect of such corrupt practice."

Mr. CHUBB said the clause stated that any charge of corrupt practice might be gone into. Now, the judge might make a rule allowing any charges to be brought, although they were not included in the petition.

The PREMIER said the clause was a purely technical one. According to strict legal rules agency must be proved before the act was proved. That might be very inconvenient, and even under existing circumstances the judge very often allowed it to be assumed that one man was the agent of another upon counsel giving an undertaking that he would prove it during the progress of the case.

Clause put and passed.

Clause 31—"Acceptance of office not to stop petition"—put and passed.

On clause 32, as follows :—

"The trial of an election petition or reference shall not be proceeded with after the prorogation of Parliament"—

Mr. STEVENS asked whether, in the event of a trial not having been concluded at the prorogation of Parliament, it should be adjourned till the next meeting of the House, or whether it would have to be commenced *de novo?*

The PREMIER said it would be adjourned until the next meeting of Parliament. As long as the tribunal consisted of members of Parliament that would have to be the case, because after the prorogation members would not be present. It was the same with the Elections and Qualifications Committee—the panel was gone as soon as Parliament was prorogued, but if a case remained unfinished it might be concluded during the next session.

Mr. NORTON said that would be inconvenient.

The PREMIER said there was no help for it.

Mr. NORTON said they might make provision for an unfinished trial to be concluded after the prorogation of Parliament.

The PREMIER said that the members forming the tribunal would have to be kept in town.

Mr. NORTON said they were in town while Parliament was sitting, and he did not see why they should not remain a month or so afterwards in order to finish a case, rather than postpone it till Parliament met again.

Clause put and passed.

Clause 33—"Service of petition"— passed as printed.

On clause 34, as follows :—

"Two or more candidates may be made respondents to the same petition, and their case may, for the sake of convenience, be tried at the same time, but such petition shall be deemed to be a separate petition against each respondent"—

Mr. PALMER asked how joint respondents would be affected by costs?

The PREMIER said that costs might be given against more than one person, but the costs against any one person must not exceed £200. A petitioner might be successful against one respondent and not against the other.

Clause passed with a verbal amendment.

Clauses 35 and 36 passed as printed.

Clause 37 passed with a verbal amendment.

Clause 38—"Elections judge may summon and examine witnesses"—passed as printed.

On clause 39, as follows :—

"The reasonable expenses incurred by any person in appearing to give evidence at the trial of an election petition or reference, according to the scale allowed to witnesses on the trial of civil actions in the Supreme Court, may be allowed to such person by a certificate under the hand of the elections judge or of the prescribed officer, and such expenses, if the witness was called and examined by the elections judge, shall be deemed part of the expenses of the court, and in other cases shall be deemed to be costs of the petition or reference."

Mr. SHERIDAN asked who was to pay the expenses of witnesses, or from what fund they were to be paid in the event of a dissolution during the hearing of a case?

The PREMIER said that, in the event of a dissolution during the hearing, the trial would never be finished. It would be the same as if the parties died while the case was being tried. He did not think the case was so likely to happen as to make it worth while to make provision for it in the Bill.

Mr. SHERIDAN said it might very possibly arise, and in such a case he wished to know what would become of the money deposited.

The PREMIER said that would be determined by the elections judge, subject to the provision contained in the 10th clause.

Clause put and passed.

Clauses 40 to 42, inclusive, passed as printed.

On clause 43, as follows :—

"If before the trial of an election petition any of the following events happen in the case of the respondent, that is to say—

(1) If he dies;

(2) If the Assembly resolves that his seat is vacant;

(3) If he gives, in and at the prescribed manner and time, notice to the court that he does not intend to oppose the petition;

notice of such event having taken place shall be given by advertisement in the electoral district to which the petition relates.

"In the two first-mentioned cases such notice shall be given by the Clerk of the Assembly, and in the last-mentioned case it shall be given by the registrar.

"Within the prescribed time after the notice is given, any person who might have been a petitioner in respect of the election to which the petition relates may apply to the elections judge to be admitted as a respondent to oppose the petition, and such person shall on such application be admitted accordingly, either with the respondent, if there is a respondent, or in place of the respondent; and any number of persons not exceeding three may be so admitted."

Mr. NORTON said he did not understand the meaning of the second paragraph—"If the Assembly resolves that his seat is vacant." He supposed that provided for cases of resignation or insolvency?

The PREMIER: Yes; or acceptance of office, or if he becomes a contractor.

Mr. NORTON said the effect of that would be that the proceedings against the sitting member would be stopped.

The PREMIER: As far as turning him out of his seat is concerned.

Mr. NORTON asked if it would not reach beyond that. It occurred to him that if the sitting member were petitioned against, and his seat were declared vacant, the petitioner who might be legally the sitting member would have to be seated by another election.

The PREMIER: No.

Mr. NORTON said it seemed so to him.

The PREMIER said that what the clause provided was this: If the sitting member died or resigned and the petitioner claimed the seat, some other person, by applying to the elections judge, might be admitted as a respondent to oppose the petition. The latter part of the clause said that anybody who might have been a petitioner might make such application.

Clause put and passed.

On clause 44, as follows :—

"A respondent who has given the prescribed notice that he does not intend to oppose a petition shall not be allowed to appear or act as a party against such petition in any proceedings thereon, and shall not sit or vote in the Assembly until the Assembly has been informed of the report on the petition, and the elections judge shall in all cases in which such notice has been given report the same to the Speaker"—

Mr. NORTON asked if a respondent who declined to oppose a petition would be allowed to give evidence?

The PREMIER said: Yes, in all cases. Anybody may give evidence as in a criminal court.

Clause put and passed.

On clause 45, as follows :—

"All costs, charges, and expenses of and incidental to the presentation of a petition, and to the proceedings consequent thereon, with the exception of such costs, charges, and expenses as are by this Act otherwise provided for, shall be defrayed by the parties to the petition in such manner and in such proportions as the elections tribunal may determine, regard being had to the disallowance of any costs, charges, or expenses which may, in the opinion of the tribunal, have been caused by vexatious conduct, unfounded allegations, or unfounded objections on the part either of the petitioner or the respondent, and regard being had to the discouragement of any needless expense by throwing the burden of defraying the same on the parties by whom it has been caused, whether such parties are or not on the whole successful.

"The determination of any questions as to such costs, charges, and expenses, shall be made by the majority of the assessors present, or, if they are equally divided, by the elections judge.

"But the total amount of costs which may be ordered to be paid by any one party shall not exceed two hundred pounds.

"The costs may be taxed in the prescribed manner but according to the same principles as costs between solicitor and client are taxed in a suit in the Supreme Court of Queensland, and such costs may be recovered in the same manner as the costs of an action at law, or in such other manner as may be prescribed.

"Such taxation shall be subject to review by the elections judge."

Mr. NORTON said the wording of the clause was not distinct with regard to the expenses to be defrayed by the parties. It should be compulsory, he thought, for the tribunal to determine how they should be awarded.

The PREMIER : Suppose they make no order as to costs ?

Mr. NORTON said they should make an order that no costs should be allowed.

The PREMIER said that came to the same thing as doing nothing.

Mr. NORTON said that it was the same thing; but it was a satisfactory way of doing nothing in some cases. In that case it assumed that they would make no order, and there was nothing to compel them. If they did not decide anything, the money would be returned.

The PREMIER said he did not think it worth while to depart from the ordinary phraseology. Sometimes a judge said "Each party to pay his own costs"; and sometimes "No order as to costs." Costs could only be recovered by virtue of an order, and if no order were made none could be recovered. He did not think there was any difficulty.

Mr. NORTON said he saw it was provided for in the next paragraph.

Clause put and passed.

On clause 46, as follows :—

"The judges of the Supreme Court may from time to time make, and may from time to time revoke and alter, general rules and orders for the effectual execution of this Act and of the intention and object thereof, and the regulation of the practice, procedure, and costs of election petitions and references, and the trial thereof, and the certifying and reporting thereon.

"Any general rules and orders made as aforesaid shall be of the same force as if they were enacted in the body of this Act.

"Until any such general rules and orders are made the elections judge may give such direction in any case as may be necessary or expedient, and any such directions shall have the same effect as a general rule or order.

"Any general rules and orders made in pursuance of this section shall be laid before Parliament within three weeks after they are made, if Parliament is then sitting and if Parliament is not then sitting, within three weeks after the beginning of the then next session of Parliament."

Mr. FOXTON said it appeared to him that the powers given to judges in the clause were very wide. The concluding paragraph provided that—

"General rules and orders made in pursuance of this section shall be laid before Parliament within three weeks after they are made if Parliament is then sitting, and if Parliament is not then sitting, within three weeks after the beginning of the then next session of Parliament."

There it ended, and he thought some provision might be added to the effect that the House might disapprove of those rules and send them back for revision.

The PREMIER said there was no difficulty in inserting a paragraph to that effect if desired. There was a similar provision in the Judicature Act. He questioned whether it was worth while, but he had no objection if the hon. member pressed it.

Mr. FOXTON said he thought it was advisable. It must be apparent to everyone that the power of judges to make rules was very wide indeed. In fact they could enact anything, so long as it was not contrary to the provisions of the Bill. They might make, in the words of the clause :—

"General rules and orders for the effectual execution of this Act and of the intention and object thereof, and the regulation of the practice, procedure, and costs of election petition and references, and the trial thereof, and the certifying and reporting thereon."

Everything which was not provided for in the Bill might be provided for by the rules of court; and the House should reserve to itself the right of vetoing any such rules of court should they not be in accord with the Bill. He moved the insertion of the following new paragraph at the end of the clause :—

If an address is presented to the Governor in Council within thirty days after the said rules and orders are laid before Parliament praying that any such rule or order may be annulled, the Governor in Council may thereupon by Order in Council annul the same, and the rule or order so annulled shall thenceforth become void and of no effect, but without prejudice to the validity of any proceedings which may in the meantime be taken under the same.

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

On the schedule—

Mr. PALMER said he would like to ask the Premier before the Bill was actually passed if it provided, in the case of a malicious prosecution—which might happen after a hotly contested election—that power should be given for a civil action to take place afterwards ?

The PREMIER said he did not see why that should be provided for. He did not know of any law in existence by which a man could bring an action against another for bringing an action against him. If a man was successful in defeating a petitioner he had the satisfaction of being victorious. He did not see why he should bring another action against the petitioner. There was no principle of law at the present time allowing an action of that sort to be brought, and he was not disposed to introduce the principle.

Mr. FOXTON said the hon. member had missed his vocation. He should have been a lawyer; the multiplication of suits would have suited him.

Schedule put and passed.

On the motion of the PREMIER, the House resumed ; the CHAIRMAN reported the Bill with amendments, and the third reading of the Bill was made an Order of the Day for to-morrow.

OFFENDERS PROBATION BILL.

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

Preamble postponed.

Clause 1—"Short title"—passed as printed.

On clause 2, as follows :—

"In this Act, unless the context otherwise indicates, the following terms have the meanings set against them respectively (that is to say)—

'Court'—The Supreme Court, district court, or justices by or before whom a person is convicted;

'Minor Offence'—Any offence punishable on summary conviction before justices, with or without the consent of the accused person, or any offence, of whatever nature, for which, in the opinion of the court, a sentence of penal servitude or imprisonment, with or without hard labour, for a shorter period than three years is an adequate punishment;

'Offender'—A person convicted of a minor offence;

'Court of Summary Jurisdiction'—Two or more justices in petty sessions having jurisdiction to try persons charged with offences punishable on summary conviction."

The PREMIER said that, in moving the second reading of the Bill, he suggested whether it would be desirable to put in qualifications as to the class of offences in respect of which the proposed leniency should be shown. He had endeavoured to see whether some offences for which the maximum punishment was not more than three years ought not to be excluded, but he confessed that he did not see his way to do it. The maximum punishment in some cases of aggravated assault upon women was not more than three years. But on consideration he had come to the conclusion that the only way to put in any qualification would be to schedule the crimes and insert the schedule in the measure, but the list would be so elaborate and the exceptions so many that he had come to the conclusion that it would be better to leave it to the discretion of the judge. He did not think a judge would exercise that lenience in any case in which a sharper punishment was desirable. Even if the offences to which this provision of mercy might be applied were scheduled, there would still be a difficulty, as the circumstances of each case differed so much that the leniency might properly be exercised in some instances of almost any offence. In all cases except offences punishable with death, the discretion left with the court was from nominal imprisonment to penal servitude for a longer or shorter period, as cases varied so much. He therefore proposed to leave the matter to the discretion of the judges, and, after all, it was only another punishment that might be inflicted instead of those now authorised. On the whole, therefore, he should not propose any amendment in that clause.

Mr. NORTON said it would probably be inconvenient to make an arrangement of the kind suggested in that Bill. He would, however, point out that the judges were often very much wanting in discretion, and sometimes passed extraordinary sentences. Frequently very different punishments were inflicted for similar offences. He would point to what had lately taken place in an adjoining colony. There were two cases that had occurred in New South Wales, which he thought would raise anyone's doubts as to the discretion of judges in the sentences they sometimes inflicted. Of course, they did not generally show themselves wanting in discretion. There was one notorious case—that of Holt, a bank manager. He was convicted of an extraordinary crime, and sentenced to four years' imprisonment. There was another unfortunate man in the Railway Department who had been in receipt of a lower salary, who was convicted of stealing a sum of £200 or £300; the sentence he received was ten years. Was it not extraordinary that two judges—he believed that the same judge had not tried both cases—who were supposed to be exercising discretion, should give sentences disagreeing so extraordinarily one with the other. As had been pointed out in New South Wales, if there was any occasion to give ten years to either man the one who received four years should have received ten, and the one who had received ten years should have received four.

The PREMIER : That was not altogether the fault of the judge.

Mr. NORTON said perhaps it might not have been the judge's fault altogether ; it might have been the jurors' fault as well.

The PREMIER : It is often the fault of the Attorney-General in charging a prisoner with an offence for which the maximum penalty is very low.

Mr. NORTON said he did not understand that, and he owed the gentleman an apology. He hoped if ever the hon. gentleman was a judge he would take care that he exercised his discretion well.

The PREMIER said there was no doubt that most extraordinary sentences had been passed by judges. In the particular case the hon. gentleman referred to, the light sentence was owing, to a great extent, to the Attorney-General accusing the prisoner of several offences, and proceeding with the lighter offence first, for which the maximum penalty was four or five years' imprisonment. The man pleaded guilty to that charge, and then the other cases were withdrawn, so that the discretion of the judge was exercised within a very narrow limit. He supposed that it was known pretty well beforehand that the accused would plead guilty. He quite agreed that such cases were a scandal and a shame. Suggestions had been made to secure uniformity in sentences in various places and in different ways. In Victoria lately it had been suggested that sentence should be passed only by two or three judges, and it was hoped in that way to get uniformity ; but so long as they had separate judges they must trust them with responsibility. There were some judges in this colony who thought the best means of suppressing crime was to give a severe sentence for a first offence, and there were others who thought that was the worst way, and that they should pass a light sentence for a first offence and give a man a chance. The judges had expressed their opinions to him in that way. It would be impossible to lay down any definite rules in the case of assault, for instance, as to the punishment that should be inflicted. The worst forms of aggravated assault might require the very heaviest punishment short of death, whilst some cases might be fully met by a very light punishment.

Mr. MIDGLEY said perhaps the remedy for the erratic difference in the sentences of judges might be found in having different degrees for the same kind of offences, the same as he believed they had in France different degrees of murder. It should be left to the jury to say what was the degree of the offence, and the punishment for an offence of that degree should be absolutely fixed by law. He thought it would have been wiser to have introduced something of that kind instead of the Bill. As he said before, he thought there was an element of danger in the proposal. He was sure it had been painful, almost beyond endurance, to many members of the community to notice the erratic conduct of judges in inflicting sentences. If the degree of punishment were

absolutely fixed for each offence, and not left to the disposition of the judge, he believed that would be far more satisfactory than the present state of things.

Mr. BLACK said he thought the Committee should consider the clause very carefully before allowing it to pass in its present state. The Chief Secretary had said that only judges would have the right of making a concession in sentences; but the justices had equal power, and he was inclined to think they would have very few committals at all when the Act became law in the case of first offences. The country justices, he believed, would be inclined to be lenient in almost every case, and there was the danger that, instead of repressing crime, that would have the effect of making some of the larrikins a little more reckless than they would otherwise have been. They would commit a crime hoping to get what might be called a ticket-of-leave, and there was nothing to prevent their going then into another district. Of course, they were supposed to report themselves periodically, but they would evade that, and who would look after them? The police would have no control over them. He thought the most dangerous element in the proposal was that serious offences, such as those against women and children, were going to be treated with the same consideration as more trivial offences, such as petty larceny. There were certain offences, such as those he had specially referred to, that should receive no concession of that sort. He would like to see the punishment of those crimes made more stringent than ever. He would like to see the larrikins who assaulted helpless women and children subjected to the lash to a much greater extent than at present. He would hold out no hope to them of getting a ticket-of-leave because it happened to be a first offence. He believed that in many cases a first offender should have the opportunity that Bill was going to afford, of reformation without the contamination of gaol; but he would like it to be provided that in all cases of offences against women and children there should be no hope of the ticket-of-leave system being extended to the offenders. That class of criminal or incipient criminal was not likely, he was afraid, to be reformed by the leniency the Bill would hold out.

The PREMIER said it was true the powers under the Bill were extended to justices, but they had only a limited jurisdiction. The maximum penalty they could inflict was six months, except in cases under the Cattle-stealing Prevention Act. Ordinarily it was only small sentences they give, and he did not think there would be any danger in entrusting them with the proposed power. He did not think the justices were likely to be so lenient as the hon. member thought; some justices were rather Draconian than otherwise. With regard to offences against women and children, he confessed he did feel some serious doubt as to whether discretion should be given in those cases; he was quite sure, however, that it would never be exercised if it were given. The difficulty was in framing the exceptions.

Mr. ISAMBERT said most of the remarks of hon. members with regard to judges seemed to call in question the wisdom and impartiality of the judges, especially of one judge. He thought it would be safer to leave it to the Full Court to say whether any offender should receive the benefit of the Act, particularly as they were led to believe that in the multitude of counsellors there was wisdom. Where one judge might fail, perhaps the Full Court would not fail. On the whole the judges were very well paid, and could well afford the extra labour which would be cast upon them.

The PREMIER said he had now tried once more to exclude the cases which they wanted to exclude, and not to exclude those which they wanted to include, but he did not see how to do it. He had thought of making the amendment read "not being an offence against the provisions of the Offences against the Person Act relating to women and girls," but in writing it out a number of offences against women, or relating to women, had occurred to him in which mercy might properly be shown. Bigamy was one, concealment of birth another, what was called abduction, and taking away an heiress were others. Cases of that nature might occur in which severe punishment would be perfectly ridiculous. On the whole, after giving the matter a great deal of consideration, he had decided not to move any amendment.

Mr. CHUBB said the cases excepted might be "assaults on women and children."

The PREMIER said he had thought of that, too; but there were offences against women which were not technically assaults, such as an attempt to commit a rape. The only way would be, as he had said before, to go right through all the Acts and pick out the sections bearing on the question, but that would make it so cumbrous as to be very inconvenient.

Mr. BLACK said he was sorry that the Chief Secretary could not see his way to frame such an amendment as he had suggested. He thought the hon. gentleman could frame a law to meet any case that came before them. The number of laws introduced during the last two years led him to believe that the hon. gentleman was thoroughly expert in framing clauses to meet every possible emergency. Yet here was one of the most important matters that had ever come before them—a matter affecting the entire community—and the hon. gentleman, he regretted to say, was utterly unable to grasp the importance of it.

The PREMIER said he grasped the importance of it, but that was not sufficient. He also grasped the difficulty of it, which the hon. member did not seem to be able to do.

Mr. ISAMBERT said the remarks that had been made showed that it was necessary to provide against the caprice of any one man, and the safest way to do that was to leave the sentence to the consideration of the Full Court. They might even go a little further, and provide that any sentence above three years, involving the liberty of the subject, should be left to the consideration of the Full Court. It was well known that people had been convicted and sentenced to long terms of imprisonment who were actually innocent, and it was all the more necessary that sentences should be examined and confirmed by the Full Court—not only sentences under the Bill, but whenever they exceeded a period of three years. No such power should be allowed to any one man.

The PREMIER said that if the sentencing of prisoners was left to the Full Court he was afraid they would be left in gaol a long while before being sentenced, and the object of the Bill would be entirely defeated. The judge who tried the case—unless the prisoner pleaded guilty—had an opportunity of hearing the evidence and knowing all the circumstances connected with it, and would therefore be in a better position to pass sentence than those who had only read the evidence. They might as well remit all sentences to a Board of Punishments, which would deal with them periodically, but that was not what was contemplated by the Bill.

Clause put and passed.

On clause 3, as follows :—

"When a person is convicted of a minor offence, not having been previously convicted of an offence for which he was sentenced to penal servitude or imprisonment for a period exceeding three months, the following provisions shall have effect :—

(1.) The court shall proceed to pass sentence upon the offender in the usual form.

(2.) The court may, if it thinks fit, suspend the execution of the sentence, upon the offender entering into a recognisance in such amount as the court directs, such recognisance being conditioned that the offender shall be of good behaviour for a period from the date of the sentence equal to the term of the sentence, or for such longer period as is not less than twelve months, and shall not during the like period do or omit to do any act whereby the recognisance would become liable to be estreated under the provisions hereinafter contained.

(3.) When such recognisance is entered into the offender shall be discharged from custody, but shall be liable to be committed to prison to perform his sentence if, during the period specified in the recognisance, any of the conditions hereinafter specified happen with respect to him.

(4.) When an offender is so committed to prison the sentence shall begin to run from the date of the original sentence."

The PREMIER said it had been suggested on the second reading that it ought to be stated whether it was meant that a person had been previously convicted in Queensland or elsewhere. He moved the insertion of the words "in Queensland or elsewhere" after the word "convicted."

Mr. NORTON said the clause ought to say where a person had been previously convicted of an offence for which he was liable to be convicted—whether a man had been convicted of the offence for which he was then liable to be sentenced. The clause appeared very awkward as it stood. He would suggest the insertion of the words "liable to be" between the words "was" and "sentenced."

The PREMIER said that for a common assault a man could be sentenced to six months' imprisonment, and it was very difficult to lay down a general rule. A man might be convicted of manslaughter, and, as he had seen, sentenced to a fine of 1s., which the judge had paid out of his own pocket. For that offence a person was also liable to penal servitude for life. It would be very hard to brand that man as a hardened criminal. The clause laid down a sort of rough-and-ready rule.

Mr. NORTON said the hon. member for Bowen suggested to him that the clause might be worded thus, "not having been previously convicted and sentenced."

The PREMIER : That would mean exactly the same as it means now.

Mr. NORTON said it would make the clause more clear than at present. It was rather awkwardly expressed as it stood.

Mr. CHUBB said it might make the section more simple if the words "convicted of a minor offence" were left out.

The PREMIER said he did not quite grasp the difficulty that hon. members felt. Would it make the clause any clearer to insert "and sentenced upon such conviction"?

Mr. NORTON : Yes.

Amendment proposed, and agreed to.

The PREMIER moved the omission of the words "for which he was," with a view of inserting the word "and."

Mr. MIDGLEY said he was only just beginning to grasp the meaning of the very suppressed conversation that had been going on. It was not fair to members sitting so far away as he was for others to speak in such a low tone. The leader of the Opposition was the greatest offender in that respect. He had only just got the drift of the long conversation. He wished to say that there would be a danger in the Bill arising from the fact of criminals coming from the other colonies. Where was the onus of proof of its being a man's first offence to lie? He could understand their being careful to give the children of citizens or people they knew in Queensland another chance, but they knew very well that in Queensland there were a great number of offenders who found their way from the other colonies, and under the clause it might be possible for them to get off with a very light punishment although they were hardened offenders. He should like to know how they were to ascertain whether it was the prisoner's first offence or not. He believed that the police in Brisbane had the greatest difficulty with self-imported offenders, and that class might endeavour to get off by pleading that it was their first offence. They would have to guard against encouraging their own citizens to presume on such a Bill. They would also have to guard against offenders coming from other colonies and committing their depredations and crimes in this colony.

The PREMIER said that the onus would be upon the person who claimed the benefit of the Act to prove that he came under its provisions. He might say that it was his first offence, and claim the extension of mercy towards him, and the justices or judge might believe him or not; but he would certainly have to prove that he was entitled to the benefit the Bill proposed to give. The clause was not a direction to the justices that they were never to sentence a person upon a first offence. He thought the police generally knew pretty well whether a man was a first offender or not. While he was Attorney-General he always got information as to whether an offender had been previously convicted or not.

Mr. FOXTON said there seemed to be a good deal involved in the question raised by the hon. member for Fassifern. It was somewhat difficult for a man to prove a negative; and if the onus was to lie on the defendant of proving that he had not been previously convicted, it became a question what evidence the court—the sentencing justices, or the judge—would deem sufficient proof of his not having been previously convicted. Was his own *ipse dixit* to be taken? If not, how was it to be proved?

The PREMIER said that the defendant might claim the benefit of the Act, and say it was his first offence, but the judge might say, "I do not believe you; at any rate, I shall pass sentence." Then the defendant could not complain. Hon. members seemed to look on the Bill as a measure to prevent people being sentenced for a first offence, but that was not its object. The law would take its ordinary course, but if the judge saw fit he would exercise mercy when satisfied that he was dealing with a first offence.

Amendment put and passed.

On the motion of the PREMIER, the words "upon such conviction" were inserted after the word "sentenced," in line 10.

The PREMIER said it was suggested on the second reading that notice ought to be given to the offender of the conditions he must perform in order to keep out of gaol. That was a reasonable suggestion, and he intended to insert after the 3rd paragraph a provision to that effect. He moved now that the words "if the term of the sentence is less than twelve months, then for the period of" be substituted for the words "for such longer period as is not less," in the 20th and 21st lines.

Amendment agreed to.

The PREMIER moved that the word "forfeited" be substituted for the word "estreated," in the 24th line.

Amendment agreed to.

The PREMIER moved the insertion of the following words, after paragraph 3, "Written notice shall be given to an offender upon his discharge specifying the conditions under which he will become liable to be committed to prison."

Amendment agreed to.

The PREMIER said there was a matter open to question in the last paragraph of the clause, and that was the date the sentence was to run from. If it were to run from the date of the original sentence, and the sentence were for less than twelve months, or say for six months, if the offender did not commit an offence for that period he would be free altogether, and he (the Premier) did not think that ought to be. The offender must give recognisance for twelve months, which was the minimum, and it would be fairer to say that the sentence should run from the date of the committal, and not extend beyond the period of the recognisance. In the case of a long sentence, the term for which he behaved himself would count as part of the sentence, and the sentence would expire with the original sentence. He would therefore move that all the words after the word "the" in the 31st line be omitted, with a view of inserting the words "term of the sentence shall not extend beyond the period specified in the recognisances, and upon the expiration of that period the offender shall be entitled to be discharged."

Mr. BROWN said he would like to know from the Premier if he saw his way to include some provision by which justices should have discretionary power to discharge a first offender before committing him?

The PREMIER: That they can do already upon bail.

Mr. BROWN said that if justices could discharge a man after he had been sentenced, surely it was more necessary that they should have power to discharge him, subject to the same provisions, when he had not been sentenced.

The PREMIER said justices could discharge a man on bail if they pleased; but they must take some security for his reappearance. That could not be made any lighter.

Mr. MIDGLEY said he would like to know how subsection 4 stood now; he wished to know clearly what it meant. Supposing an offender committed himself merely upon the matters that were mentioned in the 5th clause. That, he supposed, meant if he failed to report himself or was found guilty of any of the offences set forth in that clause.

The PREMIER said that if during the period specified anything mentioned in the 5th clause happened—if he failed to report himself or to give his address and occupation—if he got his living by dishonest means, if he was convicted of vagrancy or of any indictable offence—then the court might send him back to prison to serve out his original sentence, or so much of it as remained unexpired. The 4th subsection had been amended to read that the sentence should begin to run from the date of his committal. He was sorry the hon. member had not heard that, as he had spoken, he thought, rather loudly so that members should hear him.

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

On clause 4, as follows:—

"Every offender so discharged shall, once at least in every three months during the period specified in the recognisance, report his address and occupation to the principal officer of police at the place in which he was convicted, or at such other place as the commissioner of police may appoint.

"Such report may be made either by the offender personally attending at the place aforesaid, or by post letter signed by him and addressed to the principal officer of police at that place, unless in any case the commissioner of police directs that the report shall be made by the offender personally, in which case it must be made in that mode only."

Mr. NORTON said he did not like the provision that the commissioner of police might direct the report to be made personally. His objection to the commissioner of police in the clause was that it was considered that the police sometimes dogged the men. It would be better if they did not give that power to the commissioner of police or anyone connected with him.

The PREMIER: To whom will you give it?

Mr. NORTON: Let it be dealt with by the justices or by the court. He could not imagine any circumstances where it would be necessary to direct that the report should be given personally, where it would not be necessary to apprehend the man. It would be better that he should be apprehended at once in such a case. He should always be very suspicious of putting that power in the hands of the police.

The PREMIER said it would not do to leave it with the justices. A man might be convicted in Brisbane and be directed to report himself at Normanton. The commissioner of police was mentioned in the clause, as he was an executive officer under the direction of the Colonial Secretary. He had explained that on the second reading of the Bill. The report must be made to some responsible officer of the Government.

Mr. NORTON said he would rather see the Minister put in than the commissioner for police. He moved the omission of the words "commissioner for police" in the 2nd paragraph with the view of inserting the words "Colonial Secretary."

Mr. ADAMS said he saw one difficulty in the clause to which he would call attention. In a place like this colony, where people went about from place to place seeking for employment, how were they to be asked to report themselves to the commissioner of police? They might have to go a very considerable distance to do it, as they might not be able to write. They should, he thought, be allowed to report by a marksman, or else be allowed to report to a justice of the peace.

The PREMIER said he did not know that it was necessary to make a special provision for the case; it would not do to provide that the man should report himself to an ordinary justice of the peace; it must be to some responsible officer of the Government.

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

On clause 5, as follows:—

"If, during the period specified in the recognisance—

(1) It is proved to a court of summary jurisdiction that an offender so discharged has failed to report his address and occupation to the person, at the times, and in the manner, prescribed by the last preceding section; or

(2) If, on his being charged by an officer of police with getting his livelihood by dishonest means, and being brought before a court of summary jurisdiction, it appears to such court that there are reasonable grounds for believing that he is getting his livelihood by dishonest means; or

(3) If, on being charged with an offence punishable on indictment or summary conviction, and on being required by the justices before whom he is charged to give his name and address, he refuses to do so, or gives a false name or a false address; or

(4) If he is convicted of any offence against the Act of the Governor and Legislative Council of New South Wales, passed in the fifteenth year of Her Majesty's reign, and numbered four, entitled 'An Act for the more effectual Prevention of Vagrancy and for the Punishment of Idle and Disorderly Persons Rogues and Vagabonds and Incorrigible Rogues in the Colony of New South Wales,' or is convicted of any indictable offence or of any offence punishable on summary conviction and for which imprisonment for a period exceeding one month may be imposed;

then, and in any of such cases, the court before which the offender is charged or convicted may estreat the recognisance and direct him to be committed to prison to serve the sentence as aforesaid or so much thereof as remains unexpired, and he shall be so committed accordingly. And the court may grant any necessary warrant for his committal.

"But if during the period aforesaid none of the aforesaid events happens, he shall be discharged from the sentence; and the conviction on which the sentence was imposed shall not on any subsequent conviction against him be deemed to be a previous conviction for the purposes of any Act under which a greater punishment may be inflicted upon a person who has been previously convicted."

Mr. NORTON asked if it was necessary in the 2nd paragraph to retain the words "officer of police"

The PREMIER said he did not think a charge of that kind was likely to be brought by anybody but an officer of police. It was very much like a charge under the Vagrancy Act, and prosecutions of that kind were always conducted by the police.. He did not think they should allow anybody else to interfere but a responsible officer of the Government. There were some amendments in the latter part of the clause he had to move if the hon. member had none to move.

Mr. NORTON said the difficulty was that a man might be known to be living by dishonest means by someone who was not an officer of police, and that person ought to be allowed to lay a charge against the man. If an offender, for instance, was "soldiering," or stealing, or planting horses, why should not a person who knew that lay a charge against him?

The PREMIER said the only reason that occurred to him then why those words were put in was, that it would not be desirable to allow any person to bring a charge of that sort against an offender. Suppose a man was allowed to do so and had a spite against an offender, he might bring a charge against him, have him arrested and brought before the court, and the advantage of the system would be lost, as he would be publicly proclaimed a ticket-of-leave man. It would put a man in the power of a person who had a spite against him. He moved that the word "estreat" in the 2nd line of the 5th paragraph be omitted, with the view of inserting the word "forfeit."

Amendment put and passed.

Mr. MIDGLEY said he would like to ask if there was no room for more discrimination in the provisions contained in the four subsections of the clause. A person who had been sentenced might, according to those provisions, be guilty of different kinds of offences. One was failing to report himself—his address and occupation—"to the person at the times and in the manner prescribed by the last preceding section." The man might have committed no other offence than that, though the police might suspect that his failure was due to some wrong motive. He thought that in a case like that, where a man was only proved guilty of neglect or inadvertence, or forgetfulness, he should not be put in the same category as the offenders enumerated in the other subsections.

Mr. BAILEY said that he thought it was possible to err too much on the side of mercy. A more merciful Bill than that had never been introduced in any Parliament in the world, and the least they could require from convicted offenders was that the provision to which the hon. member referred should be complied with. It could not be too strictly enforced. It was, as he had said, a most merciful Bill, and he hoped it would turn out well. It was only an experiment, and they ought not to err too much on the side of mercy, or they might inflict an injury on society by so doing.

The PREMIER moved that the words "serve the," in the 3rd line of the last paragraph but one, be omitted with a view of inserting the words "perform his."

Amendment agreed to.

The PREMIER said there was another alteration necessary in the 4th line of the same paragraph in order to make it uniform with the 4th subsection of clause 3. He moved that the word "unexpired" be omitted with a view of inserting the words "to be performed under the provisions hereinbefore contained."

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

On clause 6, as follows:—

"In any case in which the Governor is authorised on behalf of Her Majesty to extend mercy to an offender under sentence of penal servitude or imprisonment, with or without hard labour, he may extend mercy upon condition of the offender entering into a recognisance conditioned as prescribed in the third section of this Act. And such offender shall thereupon be liable to the same obligations, and shall be liable to be dealt with in all respects in the same manner, as a person discharged upon recognisance under the said third section"—

Mr. MIDGLEY said he would like to know whether that provision referred to the exercise of that mercy to anyone already under sentence for a first offence and now in gaol?

The PREMIER said the clause would extend to any case in which the Governor was authorised to extend mercy—that was to any case whatever. That was a form which was always used in describing the exercise of the prerogative of mercy. In any case where the Governor chose to exercise his prerogative of mercy he could now do so, but he could not make it a condition that a man should enter into recognisances of that kind. The man might enter into them, but if he broke them no consequences would follow. At present, if a judge passed sentence on a man the Governor had power to remit it, or any part of it, and it was desirable that if the Governor thought a man should be discharged under recognisances when the judge had not done so he should have that power also. In fact, it was a necessary corollary to the rest of the Bill.

Clause put and passed.

Preamble put and passed.

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

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

MESSAGE FROM THE ADMINISTRATOR OF THE GOVERNMENT.

The SPEAKER announced the receipt of a message from His Excellency the Administrator of the Government, transmitting the Estimates-in-Chief for the year ending 30th June, 1887.

The COLONIAL TREASURER moved that the Estimates be printed and referred to the Committee of Supply.

Mr. NORTON: May I ask the hon. gentleman when he will be prepared to make his Financial Statement?

The COLONIAL TREASURER: Some time next week—on Wednesday or Thursday.

Question put and passed.

ADJOURNMENT.

The PREMIER said: Mr. Speaker,—I understand it will suit the convenience of hon. members generally that the House should not meet to-morrow. I think that certainly after this week we must expect to meet on Fridays. I understand that the hon. member who has a notice on the paper for to-morrow is willing to defer to the convenience of hon. members generally, and I am therefore justified in moving that this House, at its rising, adjourn until Tuesday next.

Mr. NORTON said: Mr. Speaker,—I think that, if the hon. member is going to bring in many more long Bills like those connected with the divisional boards, we shall have to sit seven days in the week, unless we are to sit till Christmas.

Question put and passed.

The PREMIER: I move the House do now adjourn. It is proposed on Tuesday, after the introduction of the Water Supply Bill, which will not take long, to take the second reading of the Divisional Boards Bill; after that the Gold Mining Companies Bill; and after that the Employers Liability Bill.

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