Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY, 8 SEPTEMBER 1886

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LEGISLATIVE ASSEMBLY.

Wednesday, 8 September, 1886.

Question.—Formal Motion.—Health Act Amendment Bill—second reading.—Message from the Legislative Council.—Gold Mining Companies Bill—committee.—Opium Bill—committee.—Adjournment.

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

QUESTION.

Mr. PALMER asked the Minister for Works—

When the services of Mr. Jack, the Government Geologist, will be available to inspect and make a report on the Croydon and Etheridge Gold Fields?

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

It is expected that Mr. Jack is now on his way to the Etheridge Gold Field, after which he will visit the Croydon Field.

FORMAL MOTION.

The following formal motion was agreed to:—

By Mr. BUCKLAND—

That there be laid upon the table of the House,—

1. A return of all patents for inventions that have been applied for under the Act of 1884.

2. Also, the names of said inventions and the names of the examiners to whom they were referred.

HEALTH ACT AMENDMENT BILL—SECOND READING.

The PREMIER (Hon. Sir S. W. Griffith) said: Mr. Speaker,—When my colleague the Colonial Treasurer made his Financial Statement, he mentioned that the Government intended to ask this House to discontinue the endowment at present paid to local authorities under the Health Act, in respect of the general health rate. The health rate is authorised to be raised by the 121st section of the Health Act of 1884, which provides that—

"For the purposes of defraying any expenses chargeable on the municipal or divisional fund which that fund is insufficient to meet, the local authority shall from time to time, as occasion may require, make and levy, in addition to any other rate leviable by them under any Act, a rate or rates to be called 'General Health Rates.'"

And it is further provided that—

"The same endowment shall be payable and shall be paid to the local authority in respect of moneys raised by general health rates as is payable in respect of moneys raised by general rates under the said Acts respectively."

There are a great many matters chargeable upon municipal and divisional funds—minor matters such as supervision of premises, supervision of lodging-houses—matters which were no doubt contemplated by the House when that power was given; but in addition to them the 44th section provides that—

"A local authority may, and when required by order of the Governor in Council on the recommendation of the board shall, itself undertake or contract for the removal of house refuse from premises, the cleansing of earth-closets, privies, ashpits, and cesspools, and the proper cleansing of streets, either for the whole or any part of the district."

The practical operation of that has been what was never intended by Parliament. General health rates have been made, not for the general purposes of the Health Act, but for the purpose of cleansing earth-closets, privies, ashpits, and cesspools. I do not think it was ever intended by Parliament that the general revenue of the colony should be called upon to contribute towards the cost of performing such purely domestic work as that, and it was only by an oversight that the words of the 121st section were made so wide as to cover the expense of such work. I do not know whether anybody maintains a contrary view, but I maintain it is a self-evident proposition that the general Government are no more bound to pay for cleansing people's back-yards and ashpits than they are to bear the cost of washing their clothes or cooking their dinners. Those are matters which every man ought to do for himself, or, at any rate, which should be done at the cost of those for whom they are done. This Bill is brought in principally for the purpose of dealing with that subject. It proposes in the 3rd section to repeal the 5th paragraph of the 121st section of the Act authorising the payment of the endowment; but in order that no injustice may be done to local authorities which may have incurred liabilities on the faith of the payment of such endowment, it is proposed that the half-yearly instalment payable on 1st January next with respect to this year's rates shall be paid to municipalities, and half of the endowment payable in respect to this year's rates shall be paid to divisional boards. In respect to divisional boards the endowment is paid in one sum; in the case of municipalities in two sums; and it is proposed to put them exactly on the same footing, giving them one-half of the endowment with respect to this year's rates. I believe there is only one divisional board that has made any rate for this purpose. Having dealt with that, sir, there is then another matter which occurs to me as being also an oversight in the principal Act—that the rate for such purposes as I have indicated particularly ought not to be charged upon all rateable property in the district, but upon the basis of the inhabitants of the houses. It is therefore proposed to allow the local authorities to make a special rate, to be called a "cleansing rate"—that is as good a name as we could think of; it might be called a "sanitary rate," but "cleansing rate" sufficiently indicates the object intended—upon the basis of the number of persons reasonably expected to occupy the property, or upon the basis of the superficial area of the buildings, which would probably be practically the same—whichever mode may be considered most convenient. The object is to levy the rate upon the persons for whose benefit the work is done. The case of the cleansing of the streets, however, which is included in the same clause of the Health Act, could not be apportioned in that way, because the cleansing of the streets would not be dependent upon the number of persons living in the houses. Those are the objects of the 4th and 6th sections. The 5th section deals with a case that I know exists in the case of one local authority and may exist in the case of others—where a general health rate is made for purposes some of which fairly come within the objects for which endowment may be fairly claimed, and others which would really come under the heading of cleansing rates under this Bill—the cleansing of back-yards and other sanitary matters. In such cases they have a fair claim to endowment upon the rates raised for purposes upon which it is admitted that the endowment might be claimed. The 5th section therefore provides that a local authority, having made a general health rate for the purpose of defraying the cost of works such as for drainage, sewerage, and so on, in addition to defraying the cost of cleansing may make two rates, of the same amount as the general health rate already made, one being under the Local Government Acts and the other a cleansing rate, under this Bill. In such cases the moneys already raised will be apportioned in proportion to the amount of the rates made in lieu of the general rate, and the endowment will be paid on the rates for which endowment may be fairly claimed. The 7th and 8th clauses are merely formal clauses providing for by-laws as to cleansing rates, and the application thereto of the provisions of the Local Government Acts. The 9th section deals with a different subject. The Government have taken advantage of the introduction of this Bill, and propose in it to deal with the question of dairies. The attention of the Government has been called to this subject by the Central Board of Health. We have been afflicted many times with visitations of typhoid fever, and authorities on the subject are agreed, I think, that among the most fruitful sources of infection of typhoid fever are dairies. We know that dairies are dangerous sources of infection, not only of typhoid but of scarlet fever and many other diseases. The 9th section provides for the inspection of dairies, and where they are found to be unclean or unwholesome, or it is found that diseased cows are milked there, or if any person affected with an infectious disease is found in any part of the premises—under such circumstances the inspector may forbid the sale of any milk or product of milk from the dairy, and must proceed to make a complaint to a justice, and proceedings may be taken by the justices to have the provisions of the Bill carried into effect. I do not think that any serious objection can be taken to the provisions of the 9th section, or indeed to any of the provisions of the Bill. One or two local authorities have protested against the proposal to withdraw the endowment, and the council of the municipality of Brisbane, my own constituency, have

addressed the Colonial Treasurer upon the subject. Only a few moments ago I received a communication from the mayor pressing upon me the necessity for continuing the subsidy. I think, however, that the subsidy was granted under the principal Act by accident, because it is manifestly absurd to ask the general Government to subsidise a purely domestic and personal matter of this sort, and I think it right to remedy it as soon as possible. I beg to move that the Bill be now read a second time.

Mr. NORTON said: Mr. Speaker,—I think the Premier in his remarks upon this Bill omitted one thing he should not lose sight of, and that is that since the present Government have come into power they pass Acts in haste and amend them at leisure.

The PREMIER: What have other Governments done? They have passed Acts in haste and never amended some of them at all.

Mr. NORTON: Since they have been in power the present Government have brought in amendments to their most important Acts. The Land Act was amended last session, and it is proposed to again amend it this session. They have amended their Customs Act, as they found they did not impose taxation enough last year, and everybody knew that the taxation they imposed at the time would not be sufficient to meet the expenditure. They have already amended their Patents Act; they have amended the Elections Act; now they are going to amend their Health Act; and from what the Premier admitted to a deputation that waited on him lately, I suppose he intends to amend the Licensing Act; and they have further amended the Immigration Act which they introduced. It is all very well for the Premier to tell us that he believes this endowment was granted inadvertently. I do not believe that at the time the Act was passed the majority of the members of the House cared twopence whether the Act was passed or not, or whether the endowment would cover the matters referred to or not, as they were quite prepared to take the Premier's statements. The majority of the hon. gentleman's supporters never took the trouble to inquire into the subject to see whether it covered more than the hon. gentleman now says it was intended by the House to cover. I think we have good ground for complaint in this continual bringing in of amending Bills. The hon. gentleman asked what did the late Government do. They amended some of their Bills, certainly; but not in this way. They amended such a Bill, for instance, as the Divisional Boards Bill; but not in the session after it was introduced. I will point out another matter with respect to the endowments. This is not the only case in which endowments were unnecessarily granted. I forget now what Bill it was, but it was a Bill dealing in some way with municipalities, where hon. gentlemen on the Government side of the House insisted upon giving an endowment in a case where this side of the House said the people were not entitled to it at all.

The PREMIER: I do not know what Bill that was.

Mr. LUMLEY HILL: He says he does not know it himself.

Mr. NORTON: I think the junior member for Cook might keep his remarks to himself. I do not wish him to address me at all. I have tried my best to prevent him addressing me, but some people have no shame, and you cannot make those ashamed who do not know what shame is. As regards the principle of the Bill, I have been led to understand that some local authorities have already made rates in the good faith given by the passing of the Health Act that they would get the endowment on the rates they raised. Well, is it fair for them, immediately they have begun to collect the rates on the strength of that Act, that the endowment should cease? It is all very well for the hon. member to propose to give them half-a-year's endowment, but that is not a fair way to treat them. The hon. gentleman overlooked the matter in bringing in the original Bill, and I give him credit for having done so unintentionally; but he may as well admit that it was his own fault for not taking the care required in the introduction of such a Bill. A great deal of it was entrusted to him. Even members on this side of the House are inclined to accept Bills of that kind when they have been carefully drafted by the hon. gentleman; therefore whatever blame there is attaches to the hon. gentleman himself. Now, so far as the endowment goes, I think we are going too far at the present time; the tendency is to give more than a fair thing. While the Government had lots of money which had been accumulated by their predecessors, there was a disposition to give endowments and go in for expenditure which was not actually necessary. I do not intend to discuss the details of the Bill, because I think the whole matter hinges on the question whether it is fair play to those who have levied rates on the understanding that they were to get the endowment. So far as the additional provisions are concerned, I quite agree with them. I think it is most necessary that power should be given to inspect dairies, and to prevent milk or other produce being sent from those where typhoid or any other disease prevails. Apart from what the hon. gentleman said on the subject, which I think everyone admits, I saw in a paper yesterday that a French chemist believed he had made the discovery that scarlet fever not only was distributed by the distribution of milk, but that it actually originated with milking cows. An experiment had been made, which seemed to show that the theory was probably true, and further experiments were about to be tried, which were expected to prove whether scarlet fever actually originated in that way. So far as the dairies are concerned, I entirely agree with the Bill; but the principle of taking away the endowment which was only given two years ago, notwithstanding the fact that rates have been levied in anticipation of it, I must say I entirely disapprove of.

Mr. PATTISON said: Mr. Speaker, — I think the object of this Bill must certainly be to wipe out the Health Act as it at present stands. That will certainly be the effect it will have in Rockhampton. Some few months ago the Rockhampton Municipal Council agreed to a resolution to bring the Health Act into force. I opposed the resolution, and also opposed the levying of a rate; but a rate of 6d. in the £1 was levied on all rateable property in the municipality for the purpose of giving effect to the provisions of the Act. That rate has not yet been collected, and from a chat I had with the mayor of Rockhampton, who is now in Brisbane on a visit—I still have the honour to be a member of the council—I am satisfied that the effect of this amending Bill, so far as Rockhampton is concerned, will be that the council will rescind their resolution, and will not collect the rate. I was quite unaware, until I heard the Premier's speech, that the Act was intended to deal purely with the cesspits and back-yards. We had no intention of confining our operations within such narrow limits; we intended to interpret the Act broadly. We built on the endowment to carry out the Act in its entirety. A rate of 6d. in the £1 with the endowment would have furnished a moderately large sum of money, with which we would have been justified in undertaking the work; but now I can assure

hon. members that as far as the municipality of Rockhampton is concerned they will rescind their resolution. I am very sorry to see the Bill brought in now. I think it is an attempt at a very hasty piece of legislation. The Government ought certainly to allow us to endeavour to work the Act for two or three years, giving us the subsidy, and then, if we saw we could get along without it, well and good. I think it is too much to ask us to deal with a large town like Rockhampton without some subsidy; and we are perfectly willing to fall back on the old state of matters. I shall vote against the Bill.

Mr. FERGUSON said : Mr. Speaker,—When the Health Act was passed in 1884, it was passed chiefly with the intention of handing over to the management and control of the local authorities matters which had previously been dealt with by the Government, and the expense borne by the Government. The representatives in this House of municipal authorities supported the Bill, although they were well aware that it would saddle their local authorities with heavy additional expenses. They were quite prepared to take the responsibility, and tax themselves to provide the increased revenue required to carry out the Act; but then they understood that they were to receive a certain endowment from the Government. I remember perfectly well the force the Premier put on this clause in moving the second reading of the Bill. His words were to this effect: that the authorities would have power to strike a rate in the usual way, and the Government would see that they would receive endowment as on ordinary rates. He thought no member of the House would object to such a proposal; if they did it would be a very narrow view of the matter, and a very narrow objection. Therefore the representatives of those boroughs accepted the Bill and were satisfied; had the hon. gentleman spoken the other way the Act would not have passed. There would have been no use in passing it, because it would have put the local authorities to very great expense; and as the hon. member for Blackall said, if the endowment ceases the Act will simply fall to the ground. I think only one or two municipalities have yet put it in force. Brisbane has received a considerable sum of money under it; and if the reason for stopping the endowment is that the Government have been called upon for a large sum of money, then the Act should not have provided for that. There is another thing to consider. Endowment is given on drainage by the Divisional Boards Act and the Local Government Act, and drainage is as much a provision for the health of the public as the Health Act of 1884. I suppose that as soon as any rates are struck on drainage, and application is made for the endowment, the Government will deal with them in the same way as they are dealing with the health rate.

The PREMIER: We have been paying the endowment on drainage rates all along.

Mr. FERGUSON: The Premier said also on that occasion that the health rate was not a mere matter of pounds and shillings, but that it was worth more than money to preserve the health of the public. His words were very well received; and yet no sooner have the local authorities accepted the responsibility cast upon them by that Act, than he comes here and does away with the vital part of that measure—the very part which caused it to pass through without the smallest show of opposition. Every member approved of it, and assisted to make it as good a Bill as they could. It was accepted by the country through their representatives, and now it is to be wiped out, and the health of the public will suffer in consequence.

Mr. ADAMS said : Mr. Speaker,—I for one deeply regret the introduction of this Bill at the present time. The Health Act of 1884, as we are all aware, was one of those which gave the Premier such a grand name. It was held up as being one of the best pieces of legislation that ever were formulated in any of the Australian colonies. It was looked upon by municipal bodies as a measure calculated to do a vast amount of good, and it must be evident to all who have read the various local papers and the returns that have been laid on the table, that it has done a vast amount of good in diminishing the death-rate. It would have been well, therefore, if the hon. gentleman, at any rate, had delayed the introduction of this Bill for a time, until the colony got a little older. Some reference has been made to what the Premier said when he introduced the Health Act of 1884. I remember reading those remarks at the time, and feeling extremely proud to think we had a gentleman of such ability and able to see so far ahead at the head of the Government. One remark the hon. gentleman made when moving the second reading of that Bill was this :—

"I consider, sir, that it would certainly be worth our while to spend a little money and a great deal of attention to preserve the lives of people in the colony, considering that we willingly spend so much to bring them here."

Now, it appears, although we are still spending as much as ever in bringing people to the colony, the Act which was made law to preserve their lives is to be wiped out, and they are to be left to their own resources. If we want to preserve the health of those people whom we bring to the colony, it would be better to curtail their number than not to look after their health at all. Do not let them die out. While that Bill was going through committee, the Speaker, who, I presume, must have been on the floor of the House, said :—

"No mention was made in the clause with regard to the amount of the rate that the municipal council might levy. Municipalities were very heavily taxed as it was just now; what with the general rates, water rates, lighting rates, and loan rates, they were very heavily taxed indeed. That clause would place a very great power in the hands of local authorities."

We have seen since that the local authorities have a great power; but they ought to have been informed at the time that it was not the intention of the Government to leave that Act in force, although no doubt they have been forced to pursue their present course owing to the Colonial Treasurer, in consequence of his deficit, wanting all the money he can lay his hands upon. I was always given to understand that the present Government was legislating for the many and not for the few; and now, although the many have to pay their share of the taxes, their health is no longer to be looked after. It would be far better to give the Act a somewhat longer trial. With regard to the endowment, I think it ought to be paid up to July next instead of January, because the Government have never, to my knowledge, paid the endowment upon any rate until six months after it was due. I believe the Bill is a mistake altogether, and in the interest of my constituents I am bound to vote against it.

Mr. FOOTE said : Mr. Speaker,—I am very glad to see this Bill introduced, and I think it is a very proper one. When the Health Act of 1884 was before the House, I made no observations upon it, but I thought it was a piece of over-legislation. An Act was being passed that was not required, or, at any rate, only required by certain portions of the colony, such as Brisbane and some of the larger towns on the coast. I do not mean to say that a Health Act is not needed, because I believe it is needed to regulate the sanitary affairs in municipalities and some districts.

The provision which this Bill proposes to repeal—namely, the endowment provision—ought never to have been passed in the original Act. I think it is quite time that municipalities should know what amount of money the corporations spend upon these matters, and that the general taxpayer should not be called upon to pay towards the expense connected with the sanitary works of towns. The endowment which is paid from the general revenue raised from taxpayers all over the colony, according to the proportion that each pays as a consumer of dutiable goods has simply been an inducement to corporations to carry out the provisions of the Health Act. I do not refer to large towns, such as Rockhampton, Maryborough, Townsville, and Brisbane, but to other corporations of a minor character, and I say the endowment has induced them to carry out the Health Act and levy rates under its provisions, while in many instances the previous Act was quite sufficient for all sanitary purposes if it had been properly enforced. I am very glad, therefore, that this Bill has been introduced, and I trust it will receive the sanction of this House, and be passed into law. I also think that if measures similar to this were carried out, and our municipal taxation was of a more direct character, it would be better for the inhabitants of municipalities generally. The ratepayers would thus know what amount of money was expended by the council, and would watch that expenditure with greater care and diligence than they do at the present time, when they know that it is easy to go to the Government for a loan of money and when they receive, as they do now, an endowment of £2 for every £1 raised by health rates under the Health Act of 1884. I regard the endowment provision of that law as having a very pernicious influence because it has caused corporations to be very extravagant in their ideas, and oftentimes not too careful of the money over which they have charge. They have a disposition to get into debt every time they get an opportunity to do so, and I have no doubt that they are trusting to Providence that at some future date an Act of Parliament will relieve them of their liabilities, which I hope will never be the case. I am sure that if a return were placed on the table of the House showing the moneys borrowed by municipalities, it would surprise the ratepayers of the colony, and they would wonder what has become of the money, and would be astonished at the amount of interest paid thereon. I regard this Bill with delight. I am pleased to see it brought forward, and I trust it will be carried and that it will be followed up by other measures of a corrective character in many other respects.

Mr. ANNEAR said: Mr. Speaker,—I cannot agree with the leader of the Opposition that it is not the duty of the Government whenever they have occasion, and they consider it necessary, to come down to the House with an amending Bill. I think it shows the wisdom of the Government if, when they know they are going wrong, they at once retrace their steps.

Mr. NORTON: I did not say that.

Mr. ANNEAR: As regards the remarks of the hon. member for Bundanba, I think it is perfectly true that the whole of the corporations throughout the colony have, on every occasion, faithfully carried out the obligations they have entered into in borrowing money. Municipal corporations annually pay back the interest and instalments of the capital in connection with all money borrowed. The hon. gentleman stated that he did not think it was the duty of the general taxpayer to look after nuisances or the general health of the people within municipalities. Well, it has been decided by this House that it is the duty of the general taxpayer to pay towards the cost of destroying marsupials. It has also been decided by the House that it is their duty to spend between £200,000 and £300,000 for the erection of rabbit-proof fences on our borders.

Mr. NORTON: How much?

Mr. ANNEAR: The general taxpayer pays for all that, and I quite agree with the hon. member for Rockhampton (Mr. Ferguson) that it is one of the first duties of Government to do all they can to preserve the health of the people. I do not say the endowment should be continued for all time, but the objection I take to this measure is that it has come too suddenly upon the municipalities which have come under the operation of the Act. It has been brought in too suddenly altogether, and I think more time should be allowed before such a Bill is passed. I know that the municipality of Maryborough has come under the operation of the Health Act. It does not confine its work to clearing out back-yards and emptying out cesspits. I think every person who owns or occupies property should do that at his own expense. But the work takes a far greater range than that. There are many other things to be attended to besides those two. For the reasons I have given I shall vote against the second reading of this Bill if the question goes to a division.

Mr. SCOTT said: Mr. Speaker,—I should like to draw the attention of the Premier to the curious power given by the 9th section of the Bill to justices of the peace. If hon. members will look at the first part of that clause they will see that it is provided that "any health officer or inspector of nuisances may, at all reasonable times, enter, inspect, and examine any dairy or place in which milk or any product of milk intended for the food of man is obtained from cows or other animals." Then, in the next paragraph it is stated that "if it appears to the health officer or inspector of nuisances that the dairy is in an unwholesome condition, or that diseased cows or other animals are milked in the dairy," or if any person affected with a contagious disease is found in any part of the premises, he may make a complaint and have the matter determined by two justices. These justices have the power to order the person affected with the contagious disease, whether he is the owner of the place or a member of the family, out of his own house. I admit that, as far as I can see, there are no penalties attached to the non-performance of that order, though there is a penalty for selling the milk from the dairy after that has been forbidden. Still, I suppose if the justices have power to order a person suffering from an infectious disease out of his own house, they can enforce their order? I simply wish to point out that as the clause now stands the justices have the power to order a person to do what I have described.

The COLONIAL TREASURER (Hon. J. R. Dickson) said: Mr. Speaker,—We can hardly expect hon. gentlemen who are connected with or have seats upon boards of local authorities to support a measure of this sort, but I am sure the general taxpayers of the colony and all those who are not connected with local authorities will consider this a very proper measure to introduce, particularly at the present time. The rate which has been levied for the purposes of the Health Act, and which carried an endowment, is now assuming very large proportions, and, as I mentioned in the Financial Statement, probably there will be a claim upon the Government of some £25,000 under that Act. I daresay that if Maryborough and Rockhampton come

under the Act, as I understand they intend to do, the claims will amount to about £25,000. I mentioned the matter in the Financial Statement for the purpose of pointing out to hon. gentlemen that the endowment upon the health rate is assuming very large proportions, and there is no foreseeing the extent of the liability of the Treasury in that respect in the very early future. I take it that the health rate is somewhat mixed up in hon. gentlemen's minds with the question of sewerage and drainage. The sewerage and drainage rates will, as before, carry endowment. There is no intention to interfere with those very necessary sanitary measures. The health rate, which has been levied in Brisbane and other districts that have come under the operation of the Health Act, has been devoted to purposes of a purely domestic character, and I certainly do not think that the general taxpayer ought to be expected to contribute to the cost of that service. These things ought to be fully provided for by local rates. I cannot sympathise in the feelings of the hon. member for Blackall when he says that an important centre of population like Rockhampton will go so far as to actually repeal the Health Act so far as it concerns them—that is, to repeal the motion for coming under it, and thereby lose the benefit of that very important measure simply because the ratepayers will have to provide an additional 6d. in the £1. I think the argument is very narrow and hardly worthy of consideration. This measure enables the municipal authority to obtain additional assistance from the ratepayers. They will be deprived of the Government endowment on health rates, and in lieu thereof they are enabled at once to raise the fund which will relieve them from any apprehension of a deficiency in the municipal treasury. Therefore, as it is transferring the service from the general taxpayers of the colony to the ratepayers of the district who are benefited by the provisions of the Act, it seems to me to be a very fair measure, and it is so framed as to avoid any unnecessary disturbance in the municipal accounts. I am sure that the general taxpayers of the colony will approve of the measure, and that it will also be a benefit to the municipalities themselves, because I am of a strong opinion that where there is a liberal Government endowment to municipalities there is a deficiency of that spirit of economy that would perhaps be practised if the whole of the moneys had to be raised by the taxpayers. In the several local bodies that have come under the Health Act, I am sure that if a spirit of economy were introduced and acted upon the services could be carried out with equal facility and efficiency as at present. As far as the argument goes for continuing the endowment for two years further, I am of opinion that the longer the endowment is continued the greater it will be missed when it is withdrawn. Therefore, if it is to be withdrawn, it had better be done at once. I may say that when the Health Act passed I was not so fully alive as I am now as to the calls upon the Treasury that would arise under it, and I know there were several hon. members in this House who did not see what would be its effect in the shape of the drain upon the public revenue that it has now become; otherwise, they might have regarded it in a different light at that time. However, I am not sorry that the Act did carry an endowment at that time, if thereby it has been an inducement to municipalities to come under it. I am not at all sorry that the payments up to the present time should have been made, because I think that the initiation of the Health Act has been and will be a very great boon to the people—a boon that the people will very gladly provide funds to maintain; and if they are not sufficiently alive to the essentials of sanitary conditions in the midst of a large population, and will, for the sake of saving an additional 6d. or so in the £1, forego these benefits, all I can say is—they deserve to lose them. But I do not anticipate for one moment that such will occur. There is too much good sense and public spirit amongst the citizens of the colony to allow municipal authorities to forego the benefits of, or retire from, the administration of the Health Act.

Mr. PATTISON: It will be done, nevertheless.

The COLONIAL TREASURER: I doubt the hon. gentleman's statement; I do not think it will be done in Rockhampton or in Brisbane. I do not think that, for the sake of an additional 6d. in the £1, Brisbane or Rockhampton or Maryborough will forego the benefits conferred by the Act. I am sure Brisbane will not. The passing of the measure may require municipal authorities to carry on their operations with a great deal more economy than they are endeavouring to do at present, and I do not think it would be an unmitigated evil if that spirit of economy were enforced. I advocate the Bill in the interests of the general taxpayer—I wish to relieve the Treasury at the present time. That is the "head and front" of the Bill, Mr. Speaker, and I do not wish to conceal my advocacy of it upon that ground. It is incumbent upon the House to pass this measure to relieve the Treasury of the increasing drain that is now made upon it, and which was never contemplated when the Act was passed.

Mr. McMASTER said: Mr. Speaker,—I do not know that I can altogether oppose this Bill, but I certainly do not agree with it in its present form. I think there is a misapprehension existing that the local authorities are obtaining an endowment upon sewerage and drainage rates. I can speak, so far as the municipal authority of Brisbane is concerned, and say that we get no endowment on the rates levied for sewerage and drainage. That is a special rate levied for a special purpose, and it is repaid —principal and interest—at so much per annum. The Treasury will not allow us endowment upon a special rate; we get the endowment upon the general rate; but if we borrow £20,000, as the municipal council of Brisbane has done, or more than that, for the carrying out of drainage — sewerage we have none — we get no endowments upon that. We levy a special rate for the purpose, and it is repaid in instalments to the Treasury. I confess when I saw the Health Act passed two years ago—it is two years this month since it was discussed in this House—I was not surprised that the Brisbane Municipal Council and other local authorities took advantage of it when it became law. I consider that they would have been great simpletons if they had not taken advantage of an Act that would give them £1 for £1 for the rates levied under the Health Act. Consequently, the city of Brisbane was proclaimed under the Health Act at once—the municipal council took advantage of it. Where I consider the hardship will come in now, will be if the endowment is taken from them in the middle of the year when they have fixed their revenue for the year. I hope that the Treasurer will see his way clear in committee to allow, at least, the endowment to remain till the end of this year. I am not certain but that the municipal council of Brisbane might probably agree with the Government in this matter; but to disturb the revenue of the council at present, in the middle of the year, would be disastrous.

The PREMIER: This will not disturb it.

Mr. McMASTER: It will disturb it in this way: We are getting the endowment for the six months past, and, as I understand the Bill, we will get the half-year's endowment on the 1st January next. That simply gives the endowment to the 30th June this year, and I would like to see the Treasurer, in committee, extend the time to the 30th June next year. That would allow the endowment upon this year's rates, which are fixed, and we cannot levy another rate this year. Next year it will be for the municipal council of Brisbane to take care that they levy a sufficient rate to enable them to carry out the provisions of the Health Act. I am quite certain that the municipal council of Brisbane will not give up the Health Act, but will carry it out at whatever the cost may be. I do not agree with the mode of rating in the Bill. The mode of rating in the principal Act is a very great hardship upon some people. I have myself said that the burden was laid upon the shoulders of the people best able to bear it, but I admit it is very hard that a person who has a place of business should have his property valued at the fee-simple and the health rate struck on that. I admit that it is hard that he should have to pay so much for the cleansing of closets and back-yards in the outskirts of the city. I admit, therefore, that the health rate does not fall equally upon those who have to contribute it, as it is clearly a hardship to owners of valuable properties, and who may have no more scavenging to do than those paying but a very small amount of rates. I hope the Premier will see his way to alter the basis of levying the rate. If it is to be carried out as in clause 4 of the Bill, I am quite sure there will be any amount of squabbling when the local authorities come to carry it out. One suggestion in the clause is to levy the rate on the basis of the probable number of persons that may reasonably be expected to be living in the house. The difficulty will be to find out how many persons are going to live in the houses. Then there is the measurement basis, and in that case the rate is bound to fall heavily upon the owners of valuable properties, and who may have little scavenging to do. The other expedient is something similar to the way in which the Board of Waterworks levy their rates. I think myself it would be much better if the Act gave power to local authorities prohibiting them from going beyond a certain amount, and allow them to make by-laws and throw upon them the onus of deciding how they shall regulate the rating. No doubt the Premier will consider this matter when the Bill goes into committee. I also hope that the Treasurer will extend the endowment for six months longer than is proposed, so as not to disturb existing arrangements for the year. We are getting to the end of the year now, and the local authorities cannot possibly levy a rate to recoup themselves for the loss of the endowment for this year. There is another provision in the Bill in clause 9 for the inspection, by the inspector of nuisances or some inspector, of dairies, and of the milk and products of the milk from those dairies. I think there will be great difficulty under this clause unless it is defined. For instance, the municipal council of Brisbane could not send their inspector out to Eagle Farm or Oxley, or any of those places a few miles out of the city, to inspect the dairies there, and a difficulty will arise about the milk brought in from them. I will give an instance of it: About twelve months ago the inspector of the municipality of Brisbane bought some milk from a cart in one of the streets, and had it analysed, and it was reported to be very inferior. The council issued a summons against the man, but it was dismissed on these grounds: The man declared on oath that although he sold the milk to the inspector it was not for sale to the general public. I do not know whether it struck the inspector that he was one of the general public or not, but the man made out his case by saying that he was taking the milk to the hospital. The bench of magistrates dismissed the case, because they said they had no right to touch the milk that was contracted for to be delivered to a certain party. The consequence was that the people at the hospital got this milk, and the municipal council had to pay the costs of the case.

The PREMIER: Magistrates make mistakes sometimes.

Mr. McMASTER: They do make mistakes sometimes. Some power should be given to local authorities, where they find inferior milk being supplied, to seize it, and they should have authority to inspect the dairies from which they know that milk is being sent for distribution in the city. I have no doubt the Premier will take care of that. I have given a case in point, though I cannot say what became of the patients in the hospital after drinking that milk. I hope the Government will see their way to accept my suggestion, and to extend the endowment for six months. I understood the Premier to say that the endowment had been granted by accident.

The PREMIER: The endowment for this particular object.

Mr. McMASTER: I noticed in the Premier's speech on the second reading of the Health Act he said, "We think it as well to spend a little money to keep the people alive, because when we have brought them here we have a right to look after them." I cannot say that I oppose this Bill altogether, because I fail to see that the people out west should have to contribute to the cleansing of the cities. Common sense would say that to any person; at the same time I hope existing arrangements of local authorities will not be disturbed

Mr. WAKEFIELD said: Mr. Speaker,—I quite agree with the principles of this Bill, but I would like the Premier to modify it somewhat in committee. I am connected with a municipality in which the provisions of the Health Act have been adopted, and my experience has been that a very large expenditure is incurred in commencing operations under the Act. I think it only fair, since several municipalities and divisional boards have adopted the health regulations, to allow the endowment to remain for two years after they first come under the provisions of the Act. That will give them an opportunity of recouping themselves for the large outlay they have had to make in commencing operations under the provisions of the Act. In the Sandgate Municipality I know they have had to erect fencing and buildings at a large expenditure, and it is only fair that the endowment should continue for the first two years.

Mr. BLACK said: Mr. Speaker,—I understood the Colonial Treasurer to state that this Act would only affect the cleansing of municipalities and divisions, and it was in no way intended to affect outlay upon the construction of works for sewerage and drainage. If it is intended to do away only with the endowment upon cleansing rates, the Government are justified in doing that.

The PREMIER That is all it is for.

Mr. BLACK: I do not think it is clearly set forth in the Bill that that is the intention.

The PREMIER: They may get endowment for works for sewerage and drainage under the Local Government Act.

Mr. BLACK: But sewerage and drainage are included in the Health Act of 1884,

The PREMIER: No; in the Local Government Act.

Mr. BLACK: The Health Act of 1884 specially includes drainage and sewerage, and allows the Governor in Council, in the event of any municipality refusing to put the Health Act of 1884 in force—gives the Governor in Council power to compel them to do it. The construction of sewers and the disposal of sewerage are contained in the Health Act of 1884. I would certainly like to know whether this amending Bill only intends to do away with endowment on the cleansing rates which have hitherto been raised in municipalities and divisions?

The PREMIER: That is the object of it.

Mr. BLACK: If it is intended to divide the health rate, which is allowed to be struck under the Health Act of 1884, into two classes, to stop the endowment on the cleansing rate, and continue it on the sewerage and drainage rates, then I consider the Government are quite justified; but that is not clear by this Bill. It says in clause 5:—

"When a local authority has, before the passing of this Act, made a general health rate for the purpose of defraying the cost of the works mentioned in the last preceding section"—

And so on. I take it that any municipality or board that comes under the provisions of the Health Act of 1884 after the passing of this Bill will certainly not be entitled to any endowment on health rates.

The PREMIER: No.

Mr. BLACK: Then they will not get any endowment on the rates they raise for sewerage purposes? The continuation of endowment on sewerage rates is only to apply to municipalities which have already taken advantage of the Act of 1884. Now, those are very few. There is no doubt that what has alarmed the Treasurer in the present state of the finances of the country is the enormous amount which has been paid to the municipality of Brisbane. I was amused by the remark that fell from the hon. member for Bundanba that the Act was an inducement to small corporations, but excluded such towns as Rockhampton and Brisbane. I do not think the hon. member really knew the municipalities which had taken advantage of the Health Act. I was curious enough to seek the information this morning, and I find that the municipality of Brisbane, which the hon. member mentions as one that has not taken advantage of the Act, has received no less than £12,044 as endowment. Mackay has put the Act in force, and received £682, Bundanba £623, the divisional board of Woollongabba, which may be considered an outskirt of Brisbane, £1,786. Now, with these four exceptions, no payments have been made. I believe other municipalities—Rockhampton for instance, and I suppose Ipswich—intend coming under the operation of the Act, but these three municipalities and one division are all that had really received any payment from the Treasury up to the date of my information—that is this morning. Now, I admit the Government have the right to do away with the endowment on cleansing rates, but unless it is clearly shown that they intend to continue the endowment on the sewerage rates they may just as well repeal the original Act. The Act says the Governor in Council may compel a municipality to come under the provisions of the Act, but if a municipality point-blank refuses, the Government cannot compel it unless they are fortified by the power which the endowment gives them. If there is no endowment, the municipalities simply will not do it. I remember when this Act was passed at the end of 1884—it has only been in force about twenty-one months—there was a perfect panic here in Brisbane about typhoid fever, and this House willingly assented to the provisions of the Act. It was considered the danger was a very grave one to the inhabitants of the capital, and the Bill was allowed to pass through the House. It was always expected that the Act would be an expensive one, but it was never expected that the endowment would be taken advantage of to the extent it has been—for cleansing back-yards and closets—and the Government have a right to try and stop that. But I think it is bad policy, now the panic has ceased, only to be renewed at some future time, to stop the endowment altogether, merely because the Treasury is in difficulties, for that is really the reason. The Treasurer has no objection to the principle of the Act except to the cleansing rates, but the Bill is going to be passed because the colony is hard-up and he has a difficulty in making both ends meet. It is merely an indirect way of adding to the taxation of the people. The hon. member had raised the *ad valorem* duties to 7½ per cent. He had great hesitation, I believe, about doing that; he would like to put them up to 10 per cent., but instead of that he adds by a side-wind to the taxation of the municipalities—in fact, of the country—by taking away this endowment on the health rates. That is not good policy—to sacrifice the health of the country to the exigencies of the Treasury. It would be far better for the hon. gentleman to admit the financial blunders of the past and try and retrace his steps in a straightforward and plain manner. We all know that the small amount which will be brought to the Treasury by the additional 2½ per cent. *ad valorem* duty and the probate duty will really be utterly insufficient to meet the necessities for the current year. By this amendment to the Health Act the Treasurer will only get temporary relief. £15,000 was paid last year in endowments under this Act; he anticipates that £25,000 will have to be paid this year. The year following there may be a relief to the Treasury, but at the sacrifice of the health of the community. I would like it made clear that it is merely the endowment on the cleansing rate that it is intended to do away with; it is certainly not made clear by the Bill. There is another thing I would point out. I see no reason why the municipal council are to receive full endowment on the rates they have levied for the current year, and the divisional boards only half the endowment.

The PREMIER: They will receive exactly the same. The municipality is paid in two instalments, and the divisional board all in one sum.

Mr. BLACK: It is a peculiarity about these Bills, sir, that you have to read them half-a-dozen times and then have them explained by the leading legal authorities of the country before you can possibly understand them. The 3rd clause says distinctly:—

"The fifth paragraph of the one hundred and twenty-first section of the principal Act—that is to say, so much of that section as is contained in the words following, namely—

'The same endowment shall be payable and shall be paid to the local authority in respect of moneys raised by general health rates as is payable in respect of moneys raised by general rates under the said Acts respectively'—

is hereby repealed, except so far as the same relates to the first instalment which would be payable in the year one thousand eight hundred and eighty-seven, under the said repealed enactment, to any local authority being a municipal council, and so far as the same relates to one-half of the amount which would be payable in that year, under the said repealed enactment, to any local authority being a divisional board."

I should think that that meant that the divisional board endowment was to be one-half, and the other the whole,

The PREMIER: If you will look at the Act, you will see that it is not so.

Mr. BLACK: I can only suggest to the Government that unless they undertake that the cleansing rate should be done away with, and that the endowment on the sewerage rate should continue, they might just as well have repealed the Act of 1884, because it will be perfectly inoperative, and the Government will have no power to enforce it.

Mr. KELLETT said: Mr. Speaker,—When the Health Act of 1884 was brought in I thought it was going a little further than was advisable. I was then, and am still, of opinion that the whole of the cleansing work mentioned in section 4 should be done at the cost of the people who want it done. In this country people should clean out their back-yards themselves. Unfortunately, in Brisbane they are not allowed to do so; it must be done by somebody else at from five to ten times more than it ought to cost. This cleansing rate has fallen very heavily upon Brisbane. Where they used to levy 6d. in the £1 for the purpose they will, after the passing of the amended Act, deem it necessary to levy 1s. in the £1, and it falls very severely on private individuals, who, if they were allowed, could clean out their own back premises for a very small moiety of what they have to pay now. I would suggest the insertion of a clause empowering persons to cleanse their own properties if they choose to do so, subject, of course, to inspection by the public health officer, whoever he may be; and if the work was not done properly it might be taken in hand by the corporation. Another objection I have to the cleansing rate is that it may be based either on the rental value of property or upon the number of persons thereon. Some of our aldermen are not very bright articles, and it would be unfair to the municipality to leave it to their discretion whether it should be levied on one basis or the other. The owner of the property should have something to say on that question. I know an instance in this town—a store where nobody lives, in which there is but one small closet cleansed once a fortnight by the authorities, and it is rated for that purpose at 6d. in the £1 on the rental value. That is a most monstrous charge; it is nothing less than downright robbery. The corporation might just as well go into a man's back-yard by night and steal his property as to charge the absurd rates for cleansing that they are doing now. I can tell an alderman's voice anywhere, and I hear an alderman behind me saying that they spend it all for the good of the city. I can only say that if they did our streets would be paved with gold or china, instead of being the worst of any city in the Australian colonies. I am glad to find that the Brisbane Corporation have got rid of their late valuator. If he had stayed here he would not have lived very long; somebody would have made away with him.

An HONOURABLE MEMBER: He is coming back.

Mr. KELLETT: If he does his life will not be safe. To return to the subject, no municipality or aldermen should be allowed to have this option. It should be fixed by the Act, and the owner should be allowed to say on which basis he wishes to be rated. I have only one objection to the Bill itself; and that is that although we only passed the Act levying a health rate in 1884, we are so soon going to radically alter it. On the other hand, I hope that when the Bill gets into committee provisions will be inserted allowing owners to cleanse their own premises, instead of being compelled to pay for those men who walk about the town with no end of lace on their coats and caps out of the cleansing rate. The other alteration is that the rating basis should be fixed, and not left to the option of not over-wise aldermen. With regard to the inspection of dairies, I cordially concur in what is here proposed. Fortunately for me, I have not to depend for my milk supply on the public dairies, but to see the places where the cows are milked and the way the milk is brought into town is sickening, and must convince anybody that they are responsible for a great deal of sickness in Brisbane. They certainly ought to be subjected to a most rigid inspection.

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

MESSAGES FROM LEGISLATIVE COUNCIL.

The SPEAKER informed the House that he had received a message from the Legislative Council returning the Members Expenses Bill without amendment; also a message stating that the Legislative Council agreed to the verbal amendment made by the Assembly in the Elections Tribunal Bill, on the report of the Clerk of the Parliaments; and a message returning the Mineral Oils Bill, with amendments.

On the motion of the COLONIAL TREASURER, it was ordered that the Legislative Council's amendments in the Mineral Oils Bill be taken into consideration to-morrow.

GOLD-MINING COMPANIES BILL—COMMITTEE.

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

Preamble postponed.

Clause 1—"Short title"—postponed.

Clause 2—"Repeal of 39 Vic., No. 9"—passed as printed.

On clause 3, as follows:—

"This Act applies only to joint-stock companies formed for gold-mining purposes only"—

The ATTORNEY-GENERAL said that when the Bill was before the House on the motion for the second reading it was suggested by some hon. members that it would be a good thing to make its provisions applicable to the case of companies working for minerals other than gold under the Mineral Lands Act of 1882. That suggestion commended itself to the Government, and it was proposed to accept the suggestion and embody it in the Bill. That would necessitate a series of amendments being made during its progress through committee. With the view, therefore, of giving effect to that suggestion he moved that the word "gold" in the 2nd line of the clause be omitted.

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

On clause 4, as follows:—

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

'Principal Act'—The Companies Act, 1863;

'Gold-mining purposes'—The purposes of obtaining gold by any mode or method whatsoever whereby the soil or earth, or any rock or stone, or other material, is disturbed, removed, carted, carried, washed, sifted, smelted, refined, crushed, or otherwise dealt with, for the purpose of obtaining gold therefrom, whether the material is the property of the company, or of the Crown, or of any person whomsoever;

'Gold-mining Company'—A joint-stock company incorporated under the principal Act or this Act for gold-mining purposes only;

'Warden's Court'—A warden's court established under the Gold Fields Act, 1874, or any Act amending or in substitution for that Act; or the court held by a justice of the peace (being a police magistrate) appointed to discharge the duties of a warden;

'Local Registrar'—The registrar of the warden's court for the goldfield in question, or the clerk of petty sessions acting at the court of petty sessions at which a justice so appointed to discharge the duties of a warden usually acts."

The ATTORNEY-GENERAL said there would be several consequential amendments in that clause. The first was the omission of the word "gold," at the beginning of the 3rd paragraph, which he now moved.

Amendment put and passed.

The ATTORNEY-GENERAL moved that the clause be further amended by inserting the words "or any other metal or mineral except coal," after the words "obtaining gold," in the 3rd paragraph.

Mr. MELLOR said he very much regretted that the word "coal" should be left out. He did not see why they should not make the laws relating to coal as easy and applicable as those relating to gold and other mines. He thought it would be very much better if the law were made to apply to the coal-mines that were to be begun under the present proposed Bill; that was, leasing from the Crown. It would facilitate the development of coal-mines very much. Miners would be encouraged if they could see that they could get out of the difficulty and expense of winding-up companies which existed under the present Act.

The ATTORNEY-GENERAL said there was no doubt that in the abstract it would be a good thing to provide for coal-mines. But the Bill was to make provision for gold-mines and mines under the Mineral Lands Act of 1882, and the circumstances under which coal-mines were worked were different from those of other mines; so that he did not think it would be possible to include coal. Coal-mining was a matter for separate enactment altogether. They had a statute dealing with mining for coal, and if coal were to be introduced into that Bill it would be necessary to make a great number of amendments, and alter its whole character, and he did not think it would be desirable to do so.

Question—That the words proposed to be inserted be so inserted—put and passed.

On motion of the ATTORNEY-GENERAL, the words "any metal or mineral except coal" were substituted for the word "gold" in the 10th line, and the word "gold" was omitted from the beginning of line 13 and the end of line 14.

The ATTORNEY-GENERAL moved that lines 16 to 25, inclusive, be omitted, with a view of inserting the following:—

"Gold Field"—A goldfield proclaimed under the provisions of the Gold Fields Act, 1874, or any Act amending or in substitution for that Act;

"Mining District"—A mining district constituted under the provisions of the Mineral Lands Act of 1882, or any Act amending or in substitution for that Act;

"Warden"—A warden appointed under the provisions of the Gold Fields Act, 1874, or any Act amending or in substitution for that Act; or a justice of the peace (being a police magistrate) appointed to discharge the duties of a warden;

"Commissioner"—A commissioner appointed under the provisions of the Mineral Lands Act of 1882 or any Act amending or in substitution for that Act, or a person lawfully authorised for the time being to discharge the duties of a commissioner;

"Warden's Court"—The court held by a warden;

"Commissioner's Court"—The Court held by a commissioner;

"Local Registrar"—The registrar of the warden's court or commissioner's court for the goldfield or mining district in question, or the person acting as such registrar.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 5 passed with consequential amendments.

Clause 6 passed with a consequential amendment.

Clause 7—"Companies so registered to have all rights of other companies"—put and passed.

On clause 8, as follows:—

"Upon the passing of this Act all memorandums and articles of association of companies registered under the said repealed Act, and all papers, documents, and records relating to any company registered under the provisions of that Act, shall be delivered by the registrar of the district court in whose custody they then are under the provisions of that Act to the local registrar for the goldfield on which the principal business of the company is carried on, or, if such local registrar is the same person as the registrar of the district court, shall be retained by him as such local registrar under this Act. And all such companies shall be deemed to be duly registered in the warden's court under this Act."

Mr. MELLOR asked if under the Bill it was compulsory for all companies formed to be registered in the local registrar's office?

The ATTORNEY-GENERAL said that all companies registered under the Act of 1875 would, by virtue of the passing of the Bill, be deemed to have been registered under it; so that all the advantages of being registered under the Bill would accrue to companies registered under the Act of 1875. Those provisions would not be applicable to companies not registered under the Act of 1875.

Mr. MELLOR asked if companies not registered under the Act of 1875 would have to make application to come under the Bill?

The ATTORNEY-GENERAL said there was no provision in the Bill to that effect. It did not touch those cases at all. He did not think there would be many that were not registered under the principal Act. The cases of the kind were very few indeed, and they did not require to make a special provision to enable them to come under the Bill.

The PREMIER said it would be rather inconvenient to compel them to register in the Supreme Court and to have all the records sent down to the local offices. They could not well draw a distinction and say that some should be and some should not be sent down. There were only a few after all, and it would be very inconvenient to say that all the records should be sent down. He thought the provisions of the 14th section met the case. When a petition was presented for winding-up a company, the Supreme Court might direct that the subsequent proceedings should be taken in the warden's or commissioner's court. It was only in the case of winding-up companies that any question would arise. It might be provided that every petition for winding-up a mining company should be presented to a warden's or commissioner's court, but they could not do that, because it was not every warden's court or commissioner's court that could hear it.

Mr. MELLOR said the reason he asked the question was that he knew some companies which had been in liquidation—voluntary liquidation—for the last ten or twelve years, and the winding-up was not completed yet.

The PREMIER said a voluntary liquidation did not require the assistance of the court at all, unless the court were appealed to for aid in cases

where something had to be enforced. Then, on application to the court, the papers would be sent to the warden.

Clause put and passed.

On clause 9, as follows :—

"Companies having their capital divided into shares may be incorporated under the principal Act or this Act for gold-mining purposes on a system to be called the 'no-liability system.' Every company so incorporated shall, instead of adding to its name the word 'limited,' add to its name the words 'no liability.'"

The ATTORNEY-GENERAL said he had pointed out on the second reading that the no-liability principle was at present confined to gold-mining companies. Whether it was desirable to extend the principle to companies incorporated for purposes other than gold-mining was a question upon which hon. members might think fit to express an opinion.

Mr. NORTON asked how many no-liability companies there were?

The ATTORNEY-GENERAL: Ten: six at Charters Towers, three at Gympie, and one at Cairns.

Mr. NORTON said he thought the same privilege ought to be extended to other mines as well as to gold-mines.

The HON. J. M. MACROSSAN said the Attorney-General had said there were five no-liability companies at Charters Towers.

The ATTORNEY-GENERAL: I said there were six registered at Charters Towers.

The HON. J. M. MACROSSAN asked if the hon. gentleman knew whether they were in existence now?

The ATTORNEY-GENERAL said he could not say. Five of them were registered in 1876, the year after the Act first came into operation, and one in 1884. Those in Gympie were registered in 1880, and that in Cairns last year. He was given to understand that the system would have been much more largely availed of, had it not been for the provision in the Act of 1875 making it compulsory to advertise the forfeiture of shares in the *Gazette;* he believed that had operated to minimise the beneficial effects of the system. Hon. members representing mining constituencies had not expressed an opinion with regard to the matter; but the hon. the leader of the Opposition had expressed the opinion, which seemed a sound one, that the principle should be extended to companies mining for other minerals than gold. He therefore moved the omission of the word "gold."

Mr. NORTON said they had so little information with regard to no-liability companies that it was scarcely possible to say whether it was desirable to take much notice of them or not; but they might assume from the fact that ten companies had been registered that they were considered to have some value, and therefore the provision ought to be extended to other classes of mining as well as that for gold. That was the reason he had made the suggestion.

Mr. SMYTH said most of the mining companies in Victoria were on the no-liability system. The reason of that was that persons of means objected to going into a company unless there was a certain amount of paid-up capital. In a no-liability company they ran no risk; they were not liable for debts incurred, and the company got no credit from the bank. It was to a great extent a protection for capitalists against persons who might perhaps land them in debt. The system had been tried here, but had not worked well, chiefly, he thought, because the scrip did not change hands.

Mr. LISSNER said the system had not worked at Charters Towers at all. He thought the companies under it had all collapsed.

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

Clause 10 passed as printed.

On clause 11—"Application of principal Act to no-liability companies"—

Mr. SMYTH called attention to subsection 4, as follows :—

"Any share upon which a call is unpaid at the expiration of fourteen days after the day appointed for its payment shall thereupon be absolutely forfeited without any resolution of directors or other proceeding"—

and moved that it be amended by substituting "twenty-six days" for "fourteen days" in the 2nd line. The present custom was to allow twenty-eight days, but it was found very inconvenient; the directors only met once a fortnight or every four weeks, and it was always a question whether the twenty-eight days had elapsed or not. Twenty-six days would be much more convenient.

Mr. BUCKLAND suggested that the time should be extended to twenty-eight clear days.

Mr. MELLOR said he thought fourteen days was quite long enough. That gave a man six weeks in which to pay. To extend the time to two months—which would be the effect of the amendment—would be far too much, and would cause great inconvenience to directors.

The ATTORNEY-GENERAL said he thought fourteen days was rather too short a time, especially in the case of shareholders living at a distance—say, in New South Wales or Victoria. He therefore proposed to accept the amendment of the hon. member for Gympie.

Mr. CHUBB pointed out that the hon. member (Mr. Mellor) seemed to have misconceived the clause. The time for the payment of calls was fixed by the articles of association: it might be a month, or it might be so short a time as seven days. The subsection added fourteen days to that period—whatever it might be—before the directors could declare the shares forfeited for non-payment. Indeed, no such declaration was necessary; the secretary could at once deal with them without any further authorisation. Certainly, the longer the time given to shareholders to pay, the longer the company would be without its capital.

Mr. HAMILTON said it was desirable to increase the term to twenty-eight clear days—a "clear day" being defined to be "any day other than a public holiday or a Sunday." That was the time allowed in Victoria.

Mr. MELLOR said he would remind hon. members that they were now dealing with no-liability companies, of which there were very few in existence. He believed there were two at Gympie and perhaps three at Charters Towers. The other companies were not affected by the clause.

Mr. HAMILTON said he was referring to no-liability companies, and personal experience had taught him that the time should be extended to twenty-eight clear days. He was interested in several mining companies in Victoria, and but for that allowance would frequently have been compelled to forfeit valuable shares, either from oversight or from letters not reaching him at the proper time.

Mr. SMYTH said he still held that the best term would be twenty-six days. When directors met every twenty-eight days there would always be a difficulty as to whether the full period of twenty-eight days had elapsed on questions of that kind.

Mr. CHUBB said the hon. member for Gympie had stated that when the directors of gold-mining companies met the question arose whether twenty-eight days had elapsed before they could decide upon the forfeiture of shares, but under that clause shares upon which a call was not paid at the expiration of a certain period after the day appointed for its payment were *ipso facto* forfeited without any resolution of the directors, and had to be sold. At the same time he would say that if, as was pointed out by the hon. member for Bulimba, there were cases in which under the articles of association only seven days' notice of a call was required, twenty-eight days would not be too long a time to allow. If the amendment was adopted then whatever time might be fixed by the articles of association shareholders would have in addition twenty-six clear days for the payment of their calls, and people resident in Victoria or any other colony would have ample time to pay them.

Mr. MELLOR said he would not like it to go forth that he was opposing plenty of time being given to people to pay their calls. At the same time he thought it would be well not to pass anything that might hamper the companies in their operations. With regard to the time allowed by the articles of association, he would point out that the time fixed for the payment of calls in many instances was fourteen days, and another fourteen days' grace was given after that, so that the real time allowed for the payment was twenty-eight days. He would like to know whether the amendment, if adopted, would apply to the first fourteen days, or whether the twenty-six days were to be allowed after the expiration of the fourteen days of grace?

The ATTORNEY-GENERAL said that if the articles of association provided that the days of grace should be included in the time at the expiration of which the calls should be payable, of course it would be twenty-eight days, and not fourteen; but there was nothing in the clause to prevent companies from fixing their own time; and as had been pointed out, while some fixed twenty-eight days others allowed only seven. Possibly twenty-eight days might be too long a period to allow, but a couple of days might make a very considerable difference in the operations of a company. The directors, he was informed, met every fourteen days.

The HON. J. M. MACROSSAN: Their meeting does not affect this matter.

The ATTORNEY-GENERAL said he knew that, but the directors who met fortnightly might want to pass some resolution consequent upon the forfeiture of the shares at the end of twenty-six days, whereas if the shares were not forfeited the directors could not take any steps in respect of the forfeiture.

Mr. ADAMS said he was personally interested in gold-mining matters, and had frequently had calls sent to him fourteen days after they were actually due. He therefore thought it would be wise for the Committee to give the question thorough consideration, and say whether it would not be better to allow a day or two more than a day or two less.

Mr. SMYTH said the hon. member should bear in mind that in a no-liability company the calls should be paid sharply, because the company had no credit. It was very necessary that every member should pay his calls promptly.

Amendment put and passed.

Mr. SMYTH said he wished to move another amendment in subsection 4—namely, to omit the words "*Gazette* and a," with the view of inserting the words "the nearest." It would then read that "the share when forfeited shall be sold by public auction, advertised in the nearest local newspaper not less than twenty-one nor more than twenty-eight days before the day appointed for the sale," etc. His reason for proposing that alteration was that there were many fields where the people never saw the *Government Gazette*. For instance, it was doubtful whether the people on the Croydon and Etheridge Fields ever saw the *Gazette*, and hon. members knew that a newspaper was generally published in such places. He therefore thought advertising in the nearest local newspaper was the best means of giving publicity to those matters.

The ATTORNEY-GENERAL said there seemed to be reason in the amendment proposed by the hon. member for Gympie. Similar reasons had been given to him by some of his constituents at Charters Towers with regard to advertising in the *Government Gazette*. Although it seemed a small thing to persons living in a centre of population, it was represented to him that it was a very serious matter to miners on goldfields, who never saw the *Gazette*, but who were more or less readers of local newspapers. Besides that, if the sale had to be advertised in the *Gazette* the advertisement would have to be sent to Brisbane, and that, in the case of distant places, would take a week. Then another week would elapse before the *Gazette* in which it was published reached the place from which it had been sent; so that altogether a fortnight would elapse before the advertisement could be seen.

Mr. DONALDSON said that although he did not take any interest in that matter personally he would like to point out, before the amendment was passed, that the *Government Gazette* was a universal paper, and was frequently seen in the neighbouring colonies when local newspapers were not, as people often consulted it when they wished to get correct information of that kind. For that reason he thought it would be unwise to leave the word "*Gazette*" out of the clause as now proposed. As he had stated, he had no personal interest in the matter, and merely wished to call the attention of hon. members to the amendment before it was accepted by the Committee.

Amendment agreed to.

The ATTORNEY-GENERAL moved, by way of amendment, the insertion after the word "newspaper," in the 6th line, the words "generally circulating in the district." The amendment would meet the case of a goldfield in which there might be no local paper; and whether there was a local paper there or not, the notice should be given in a newspaper generally circulating in the district.

Mr. MELLOR thought it would be better if something were inserted in the clause compelling the company to give notice to parties whose shares had been forfeited. It would improve the clause very much if something of that sort were added.

The PREMIER pointed out that where shares were forfeited the owner was no longer very much concerned in the matter. All he could do was to attend the sale and buy the shares if he wanted to get them back again. The intention of the scheme was that the company should be kept going by ready money paid regularly by calls. A shareholder got notice of the calls, and when he did not pay up he lost his right; it was gone. The shares were then sold, and if he wanted to buy them back he must make some arrangement with a friend to purchase them or do so himself. The practical result was that if a man was interested in a mining company of this sort he should have a friend in the district to see that his shares were not forfeited, or, if they were, to

buy them up again. The importance of the notification of the sale was to secure a sufficient number of persons to attend at the sale and buy the shares. He did not think there should be any provision requiring a company to give notice to a shareholder when his shares were forfeited.

The HON. J. M. MACROSSAN: He is not entitled to it.

The PREMIER: No; his right is gone.

Amendment put and agreed to.

Mr. SMYTH moved, by way of further amendment, that the words "twenty-one" on the 7th line be omitted, for the purpose of inserting "fourteen." He thought that fourteen days was quite sufficient time to give for sale after forfeiture, otherwise there might be a good deal of heartburning afterwards.

The ATTORNEY-GENERAL said he did not think that the amendment would be objectionable to any person who had any right, title, or interest in the shares. He did not see that there was anything to be gained by preferring twenty-one days to fourteen days.

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

Mr. SMYTH moved the insertion, after clause 11, of the following clause, which he said did not apply specially to gold-mines, but to mining companies generally:—

> When a share in a mining company has been declared forfeited for default in payment of calls, or for any other cause prescribed by the articles of association of the company as a cause of forfeiture, any action against the company or any person in respect of such forfeiture shall be commenced within sixty days after notice of the resolution of the directors declaring the forfeiture has been served upon the holder of the shares, or sent to him by post in a prepaid letter addressed to him at his usual place of address, or if the holder is out of the colony then within ninety days after such notice is so served or posted.

The reason why he asked the insertion of this clause was that a law case from Gympie on the point had cost a great deal of money to the shareholders of a company, and also to the persons who entered into the lawsuit. A person holding shares in a company stated that his shares had not been properly forfeited. He did not take action at once, for the shares were then not worth more than 1s. But some time afterwards gold was struck, and the shares became very valuable—went up to about £2 a share. This person then brought his action against the company, and, he believed, gained it. The action cost the shareholders over £1,000. He wished to insert this clause to prevent people "lying by" with the intention of going for the company as soon as gold had been struck. He thought it a very necessary provision.

The HON. J. M. MACROSSAN said he would like to ask the Premier whether this new clause would carry out the intention of the proposer or not—that was to prevent a shareholder, as he described, from commencing any action against a company after they had struck gold, and succeeding in getting valuable shares returned to him which really he had forfeited according to all the laws of evidence? He had his doubts about it.

The PREMIER said he thought the clause was quite sufficient for that purpose. It was framed in the same language as the section of the statute of frauds and limitations providing that an action must be commenced within a certain time. They might insert the words "and not afterwards" to make that perfectly clear.

The ATTORNEY-GENERAL said he was going to suggest to the hon. member for Gympie, if the hon. gentleman would accept it from him, that the words "and not afterwards" be inserted afte the word "address" in the last line but two, and also the addition of the same words at the end of the clause. That would remove any ambiguity there might be. He begged to move the first amendment.

Amendment put.

Mr. LISSNER said he did not think that ninety days was a sufficient time to allow anybody outside the colony for the right of action. There were many shareholders in mines who were not only out of the colony, but were in England, and the time mentioned in the clause would not be enough to get notice from an agent in the colony of what had happened. Sufficient time should be allowed to write home and receive an answer. There were many shareholders in mines at Charters Towers and Gympie who were not in the colonies. He would suggest that the time should be extended to, say, six months, which would give ample time for letters to go home and replies to come out. That was a reasonable demand. They must give as much safety to investors as they could, and he wished to see fair play given to them. He hoped the hon gentleman would accept the suggestion of six months. There were shareholders in England now who had left very loose instructions behind them. If the time were not extended there would be no encouragement to investors.

Mr. MELLOR said he thought the time mentioned in the clause was quite long enough. If shareholders in a company went away to England or to any other country they should authorise agents to look after their interests. It would not be wise for mining shareholders to go away unless they left representatives. In most cases they were represented, and had left powers-of-attorney with parties to act for them, and they acted for them as if they were here. But while the clause took away the right of any person to claim anything from a company, he would like to know whether something should not be done in reference to the liability of shareholders. A company might become insolvent within twelve months, and the shareholders would be put down as contributors if there was a deficiency. He believed that could be done within a certain time—that up to twelve months a contributor could be put upon the contributory list. They were liable, he did not know how long—until the whole affair was wound up, and when that probably would take place it would be hard to say. There were cases in the Supreme Court in which there was no finality. There had been calls made; but whether the whole thing had been settled or not they did not know. He had been unfortunate himself in several claims to a very large extent, and after he had ceased to be a shareholder for nine or ten months—after he had surrendered his shares and paid up—he had been called upon by the Supreme Court to show cause why he should not be put down as a contributor, and he had had to pay his proportion. Something should be done to protect the persons who went into those companies against liabilities over which they had no control whatever. He thought it would be an act of justice, and would put gold-mining generally upon a better footing. It would give people greater confidence in speculating, and he should like to see something of that sort done.

The ATTORNEY-GENERAL said that was a different subject altogether from that mentioned by the hon. member for Gympie. The provisions with regard to liabilities were contained in the principal Act, and besides that there were the rights of creditors to be considered as well as those of the shareholders. The hardship the hon. member had pointed out was one that obtained in regard to the

hareholders in any other company. It was a very wide question, and did not appear to be involved in the new clause proposed by the hon. member for Gympie.

Mr. SMYTH said there was a great deal in what had been said about the liability of members. It was very hard that a shareholder in a mining company, after ceasing to be a member when the company did not owe more than £100, and nine or ten months afterwards the company was run into debt to the extent of several thousands of pounds, should be called upon to pay a proportion of those thousands, instead of his proportion of the £100. He had had an idea of bringing forward a suggestion to rectify that, but upon consulting several hon. gentlemen he was told that it could not be done, as it was against the spirit of the present Companies Act. He would have suggested something like this:—

A shareholder in any company working under this Act may surrender his shares and the directors shall accept the surrender of the shares if the owner or his agent pay up all calls owing by him and his proportion of the liabilities of the company, and the said shareholder shall be exempt from any claim against him after he has ceased to be a member of the company.

It was a very wide question, and could scarcely be dealt with at present; but it should be optional with the directors of the company to accept a person as a buyer into that company or not. If a man wished to get rid of his liabilities he might transfer his shares to a man of straw—a man who had nothing at all—and he thought something should be done in the direction of allowing a man to clear out of a company by paying what he owed, and the directors should be compelled to give him a clear receipt. That would give confidence to people who were shy of going into mining. He thought the Premier or the Attorney-General might put in some provision that would help them through the difficulty. Such a provision would meet with the approval of the mining community. He also thought it could be worked by making a provision of this kind:—

If a member of a company disposes of his shares, the person to whom he has sold his shares shall be responsible for any liability that the seller of the shares was liable for. But the directors may refuse to accept the buyer or give him a transfer of the shares to his name in the share register, and hold the person responsible whose name appears in the share register.

But the directors shall place the buyer's name on the register if he pay up his proportion of the liabilities of the company.

Something like these two clauses which he had drawn up might, he thought, be accepted. It seemed a very wise provision to hold a member responsible for twelve months, but he thought there was more to be said against it than for it. The clause before them he considered a good one. He did not know if the Attorney-General would be willing to accept another new clause such as he suggested, and if not he supposed he would have to bow to the decision.

The PREMIER said the hon. member need not be alarmed on the question of the liability of the members of a company. It was true that when a member retired from a company he was liable for twelve months, but only for the debts due when he ceased to be a member of the company. That was provided for in the 37th section of the Companies Act, the 2nd subsection of which provided that—

"No past member shall be liable to contribute in respect of any liability of the company contracted after the time at which he ceased to be a member."

It was only fair that he should be liable for the debts due while he was a member of the company, and if he was not to be liable—and he was not—for debts contracted subsequently to his retiring from the company, he did not think he had much to complain of. As to his being allowed to retire from the company, he could do that by seeing before he joined it that the articles of association were worded in that way. It was a very common thing in the articles of association of mining companies to provide that a shareholder might by paying up all his liabitities to the company and surrendering his shares retire from it. That was a very common clause in mining companies' regulations; it did not require the law to be altered to deal with it, and the other matter to which the hon. member had referred was dealt with, as he had shown, in the Companies Act.

Mr. SMYTH: If he surrenders his shares he is still liable for twelve months.

The PREMIER said he was liable for the debts of the company at the time he surrendered them. He was only liable for his own debts as a member of the company during the time he was a member of the company.

Mr. LISSNER said that most of the companies working on Charters Towers had the regulation referred to by the Premier in their articles of association. A member could always pay up his calls, and by giving notice to the secretary surrender his shares. He had not heard any argument upon his suggestion to extend the time mentioned in the clause to six months. He considered they should give a longer time than the clause provided to members living in England or out of the colonies. The case that happened in Gympie where shares rose from nothing at all to £2 would not always happen, and, by extending the time, they would give greater security to people outside investing in their mines.

The ATTORNEY-GENERAL said there was danger in allowing too long a time. He thought in these days when they had communication with England by cable, where very large interests were at stake, advantage would be taken of it, and no danger would result from the time stated in the clause being too short.

Mr. SMYTH: They might strike gold in six months.

The ATTORNEY-GENERAL said that six months seemed a very long time. Even by the Torres Straits route they could get an answer from England in a little over three months, and he was certain they could get an answer by the P. and O. route within that time. He did not think it was desirable to extend the time beyond three months. Most capitalists residing in England, who were shareholders in mining companies here, had their representatives in the colony, who were authorised to take action for them in a case of the sort.

The HON. J. M. MACROSSAN said that if the clause was intended to apply to shareholders in England he was quite certain the time was too short; and if intended to apply to shareholders in the colony it was too long. There was no doubt that when a man residing out of the place had a large interest in mining shares he appointed an agent; but there might be a point upon which the agent would require instructions, and he certainly could not get instructions from England within ninety days. If it was intended to apply the clause to England, so as to induce English investors to invest their capital in mines here, the time should be extended a little further; but perhaps six months, as was suggested, would be too long.

Mr. SMYTH said he thought the time mentioned in the clause was quite long enough. If the time was left over to six months it would only mean that the claim would be hung up and the ground would not be proved. During the

whole time mentioned in the clause the company would be working and proving the ground. Any member living in any part of Great Britain could be written home to to tell him that his shares were forfeited. It was not a very vital question after all, because he would not actually own the shares. He could protect himself also by giving instructions to some lawyer in Brisbane to act as his agent in the cause of action and give notice of action for him. He thought ninety days, therefore, was quite long enough.

Mr. LISSNER: You will not float many companies with these rules.

Mr. HAMILTON said that, in view of the fact that they were getting capital from England at present, they should not introduce any measure which might have the effect of deterring the introduction of that capital. He therefore quite agreed with the hon. member for Charters Towers that it was advisable that the time should be extended to at least four months. The time proposed by the hon. member for Gympie was too short.

The ATTORNEY-GENERAL said there was this about it. He did not think that the capitalist who allowed calls to remain unpaid was really deserving of serious consideration at all. The persons who would be chiefly benefited by the extension of time would be those who would deliberately allow their calls to remain unpaid, and then, on hearing that something had happened which might improve the prospects of the mine, they benefited by the extension of time, and shared in the discovery.

The HON. J. M. MACROSSAN: Why give them ninety days, then?

The ATTORNEY-GENERAL said it was fair they should have a certain time.

The HON. J. M. MACROSSAN: Is there any charm in ninety days that is not in 120 days?

The PREMIER said he thought it would meet the case and remove all objections, if they amended the clause in this way:—

> If the holder is out of the colony, and within the Australasian colonies, within ninety days; and if the holder is beyond the Australasian colonies, then within six months.

And moved that the clause be further amended by the insertion of the words "and within the Australasian colonies" after the word "colony."

Amendment agreed to.

The PREMIER moved that the clause be further amended by the insertion of the words "or if the holder is beyond the Australasian colonies, then within six months" after the word "days."

Amendment agreed to.

On the motion of Mr. MELLOR, the clause was further amended by the addition of the words "and not afterwards," at the end of the clause.

Mr. MELLOR said he had scarcely satisfied himself with reference to the explanation about winding-up companies. When parties had been in a company up to a certain time they should not be responsible for liabilities incurred afterwards. The liquidators could put them down on the contributory list, and make them pay their proportion of the liabilities—in fact, more than their proportion of the liabilities. He knew he had had to pay a great deal more than the liabilities he was liable for when he surrendered.

The PREMIER: It was your own fault.

Mr. MELLOR said he did not think it was. He was one of the contributories in the cases mentioned by the hon. member for Gympie, and he had to pay very smartly for a great deal more than was owing by the company at the time it went into liquidation. He thought that in such cases when a man paid his proportion he should be released. In those instances he had paid up his calls and surrendered his shares, and if there were any liabilities at that time he was willing to pay his proportion; but instead of that it was put into the Supreme Court for liquidation, and he was mulcted in very heavy expenses; in fact, about one twenty-fourth of the shareholders had to pay one-fourth of the whole amount. He thought something should be done to alter that. Those who had suffered knew what it meant.

Clause, as amended, put and passed.

Clauses 12, 13, and 14 were passed with consequential amendments.

Mr. SMYTH asked whether it was intended to make any provision in the Bill for the appointment of liquidators? Under the voluntary winding-up system the parties could appoint their own liquidator. Now that the cases went into the warden's or the commissioner's court, it was important to know how the liquidator was to be appointed.

The ATTORNEY-GENERAL replied that the warden or commissioner in those cases would have the power of the court with regard to all matters connected with the winding-up of companies.

The ATTORNEY-GENERAL moved that the following new clause be inserted after clause 14, namely:—

> When a winding-up is proceeding in a warden's court or commissioner's court, the Supreme Court may, on the application of any person interested, remove the whole or any part of the proceedings into the Supreme Court upon such conditions as the court may think fit.

Mr. MELLOR said he thought that clause was not wanted. He did not see why they should leave it in the hands of any man to take a case into the Supreme Court, and put other men to expense who could ill afford it. The Bill would be very much better without the clause, which put too much power in the hands of a party who wanted to give a lot of trouble. A person who was flush of money could, under that provision, almost persecute another man who had not got so much.

Mr. SMYTH said he thought the provision made in the 13th clause, which gave persons who did not feel satisfied with the decision of the warden's court the right to appeal to the district court, was quite good enough. If a man went through the warden's court and through the district court, he would have quite enough law without being put to the expense of going to the Supreme Court.

The ATTORNEY-GENERAL: There were very good reasons sometimes why a proceeding should be removed into the Supreme Court. It did not follow that, because some person made an application, a matter would be removed into the Supreme Court. The court was not so fond of taking work which by statute was given to other people to do, and very good reasons indeed would have to be shown why the Supreme Court should remove a matter out of the warden's or commissioner's court before that step would be taken. And if it was taken, it would be with such conditions as to costs as would not prejudice any person who ought not to be prejudiced.

Mr. MELLOR said the power was given to any person interested to remove the proceedings into the Supreme Court.

The PREMIER: Anybody can ask.

Mr. MELLOR: Any person can ask the Supreme Court, and the Supreme Court is then bound to remove the proceedings.

The PREMIER: Oh, no!

Mr. MELLOR: Well, the Supreme Court may do so.

The ATTORNEY-GENERAL: When any good cause is shown.

Mr. MELLOR said he did not see anything about good cause being shown, and he liked to be able to understand a thing as he ran—to read it plainly. As far as he understood it, the new clause put it into the hands of any person to remove a matter into the Supreme Court. Anybody who had a suspicion that the warden would not favour him might say he was not satisfied, and he supposed that would be considered good cause for taking the matter into the Supreme Court.

The ATTORNEY-GENERAL said persons were sometimes dissatisfied with a jury such as they were likely to obtain in a particular locality and applied for a change of venue, but he did not think the experience of those who did that was in favour of making applications of that sort. It did not follow as a matter of course that a person who applied for a change of venue would get it. So with an application under this section, the court would require to be fully satisfied that there were circumstances to justify such an application before it would be granted. The court must be trusted to do what was just. Where one man was proceeding in the warden's court and another man with more money wanted to take the case to the Supreme Court, if, upon application, it was made to appear to the court that the proceedings ought to go to the Supreme Court, the judge had power to make such conditions as were just in the matter, and they would not allow a poor man to be oppressed.

Mr. FOXTON said he could quite understand that occasions might arise when it would be advisable that the company should be wound-up in the Supreme Court instead of in the warden's or commissioner's court. In reply to the objection of the hon. member for Gympie, that probably a man would have quite enough law after he had gone through the warden's court and the district court, he would point out that many cases might occur in which it would be very much cheaper to go to the Supreme Court direct and get the company wound-up there than have it wound-up in the warden's court and have endless appeals therefrom which would involve considerable expense.

Mr. SMYTH said that if they were to indulge in the luxury of going to the Supreme Court—and he thought it was a luxury—it should be stated in the clause that the matter should be taken to the nearest Supreme Court. They had already provided that advertisements should be inserted in the nearest newspaper, and he thought that they ought also to provide that if the proceedings were removed from the warden's or commissioner's court they should be removed to the nearest Supreme Court.

The PREMIER: The clause means that.

Mr. SMYTH: It might mean that, but it did not say so. If a matter was taken to the nearest Supreme Court it would save a good deal of expense.

The PREMIER said that in no other case that he knew of was it stated that matters should be taken to the nearest Supreme Court. The Supreme Court at Bowen had jurisdiction over all persons and things within that part of the colony, and persons could go there if they liked. It was not necessary to state that in the Bill. They must presume that persons reading the Bill knew what the general law of the colony was.

Mr. MELLOR said he really would like the Attorney-General to alter the clause. He did not think it should be allowed to pass in such a form that upon the application of any person proceedings might be removed to the Supreme Court. Full scope ought not to be given to any person, no matter how interested he might be, to do that, because it might prove very detrimental. Why should a person not show cause why a case should be removed to the Supreme Court? He believed that they all understood that the Bill was for the purpose of lightening the expenses of winding-up companies, but he was afraid that the new clause would give such facilities of going to the Supreme Court that very little difference would be made in the expense of winding-up companies. The Bill was really a very good Bill, and he was glad it was introduced because it would be a great benefit to the mining community, but he did not like the last clause, and he hoped the Attorney-General would alter it somehow. If a person applied to have the proceedings removed to the Supreme Court, the other parties would be put to the expense of showing cause why they should not be removed there.

The PREMIER said that many difficult cases might occur which could only be settled in the Supreme Court, and it was far better that power should be given to go to the Supreme Court at once in such cases. For instance, a hundred persons might be in the same position in regard to a question of law, and it would be much more convenient that a test case should be taken at once to the Supreme Court, where the matter could be disposed of once for all. Another thing to be considered was that the powers of wardens were limited; it might happen that the shareholders were out of the colony, and the powers of the Supreme Court might be needed to enforce payment of the debts. If power were not given in proper cases to go to the Supreme Court it might prevent the winding-up of companies which ought to be wound-up. Again, a warden might be interested in the company, or might be related to some of the shareholders or persons concerned; and in such cases it was desirable that the matter should be disposed of at once by the Supreme Court. But a strong case would have to be made out in every instance before the Supreme Court would interfere with the work of the warden's court. A general power of supervision over the inferior courts was possessed by the Supreme Court. A case might now be taken out of the district court by the Supreme Court, but he knew of only one instance in the colony in which it had been done. The case was one of great difficulty, and it was desirable that it should be tried at once by the Supreme Court. It was desirable that such a power should exist, but the hon. member for Wide Bay was mistaken if he thought the Supreme Court was eager to mop up all the small matters taken to the other courts. On the contrary, they were extremely disinclined to do work which could be done by the inferior courts, unless they were obliged to do so.

Mr. HAMILTON said it was very desirable that the clause should be passed, and he had not heard one tangible argument against it.

Mr. MELLOR said he thought the provision contained in clause 13 was sufficient. Any person who was not satisfied with the decision of the warden might go to the Supreme Court.

The ATTORNEY-GENERAL said it was more satisfactory, as well as more economical in many instances, that people should be able to go direct to the Supreme Court without their cases having to filter through two or three tribunals. The hon. gentleman appeared to think that anybody who was dissatisfied with the decision of the warden or of the district court would, as a matter of course, be able to put

other people to unnecessary expense, and get the Supreme Court to undertake unnecessary work. But he was mistaken.

Mr. FOXTON said the hon. member for Gympie was wrong in supposing that the shareholders would have to show cause why the cause should not be removed from the warden's court to the Supreme Court. It was for the person seeking to remove the cause to give reasons why it should be removed, and to satisfy the Supreme Court that there were matters which could not fairly be left to the warden's court. If he failed to prove that, he would fail in his application, and probably be mulcted in costs ?

Mr. SMYTH asked whether, if a person made application to the Supreme Court against the wishes of the rest of the company, that person would have to give security for costs.

The ATTORNEY-GENERAL said that of course he would. The clause said so.

Clause put and passed.

On motion of the ATTORNEY-GENERAL, consequential amendments were made in clause 1, the preamble, and the title.

The ATTORNEY-GENERAL moved that the Chairman leave the chair, and report the Bill to the House with amendments and an amended title.

Question put and passed.

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

OPIUM BILL—COMMITTEE.

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

On clause 2, as follows :—

"In this Act—

The term 'opium' means and includes opium laudanum, or any preparation of either;

The term 'pharmaceutical chemist' means a person registered as such under the Pharmacy Act of 1884."

Mr. HAMILTON said that the object of the Bill according to the title was to place restrictions on sale of opium, and prohibit its sale to the aborigines of Australia. The Colonial Secretary, when the Bill was last discussed, said that it had been introduced solely for the purpose of preventing opium being sold to the natives for smoking purposes. It was therefore outside the province of the Bill to interfere with any preparation of opium which could not be used for smoking purposes. According, however, to clause 2, as it now stood, it did interfere with preparations which could not be used for smoking. The clause read : "The term opium means and includes opium, laudanum, or any preparation of either." Well, laudanum could not be used for smoking purposes. Of all the preparations of opium only one was used for smoking purposes. He therefore proposed that all the words in the seventh and eighth lines after "includes" be struck out, with the view of inserting "any preparation of opium ordinarily used for smoking." There was only one preparation of opium ordinarily used for smoking, and that was a liquid extract. That was obtained from gum opium, which was also imported into the colony. Two pounds of gum opium would make only a little over one pound of liquid extract of opium, while the duty on both was 20s. the lb. Chinamen therefore would not bring in two pounds of gum opium on which they would have to pay 40s. duty in order to get one pound extract, for which if they imported it as extract they would only have to pay 20s. duty. If the clause was amended as he proposed, it would read : "The term opium means any preparation of opium ordinarily used for smoking," and that, he fancied, would meet the object of the Bill.

The COLONIAL SECRETARY said that the hon. member was perfectly correct in stating that the intention of the Bill was to restrict the sale of opium to the aboriginal natives of Australia. But he did not think the hon. gentleman quite understood, although he supposed he should do, that they might be able to get opium in a state fit for smoking from any preparation of opium.

Mr. HAMILTON : No.

The COLONIAL SECRETARY said he had been told so by many pharmaceutical chemists. He had been making inquiries and had been told that if anybody wished to obtain opium for smoking it was perfectly possible to do so. He did not say they could get it at the same cheap rate as the liquid extract which was commonly used, but opium for smoking could be obtained from any preparation of opium that was known. Therefore he thought it was better to leave the clause as it stood at the present time. It was just possible that the word "laudanum" might be left out and let the clause read, "the word opium means opium or any preparation of opium."

The PREMIER said that the serious objection pointed out at the second reading of the Bill was to the inclusion of the term "laudanum" in the definition of opium ; not so much that it was desirable to encourage the free sale of laudanum, as because the restriction in the 8th clause of four ounces should not be applicable to laudanum. It was said that the Bill intended only to deal with opium used for smoking ; but opium was used for other purposes. There were opium-eaters and opium-drinkers, as well as opium-smokers. He was quite certain that persons who made use of opium for the purpose of paying for work done for them would find means of evading the law if the amendment were agreed to. For instance, if the blacks could not get opium to smoke, they would resort to eating it instead ; and if they could not get it to eat, they would be taught to drink it; and if they could not get it that way, they would be taught to use it as a subcutaneous injection. He believed one way was as satisfactory as another to persons used to it. If they could not get it to smoke, they would be content to eat it, or to drink it, or to take it with a syringe. The latter way was the way in which opium was consumed to a very great extent at the present time. It was, he believed, used not only for the purposes of removing pain, but for purposes of intoxication. It was no use to leave a loophole. He was inclined to say "Let opium include any preparation of opium except laudanum," and then, when they came to deal with quantities, let them fix a large quantity of laudanum, such as might fairly be kept in country places for medicinal purposes. That would meet the objections urged at the second reading of the Bill.

Mr. HAMILTON said the Colonial Secretary had stated that many pharmaceutical chemists had told him that smoking-opium could be obtained from any preparation of opium. Of course he knew perfectly well the pharmaceutical chemists wanted to restrict the sale of all kinds of opium to themselves, because that would increase their custom. The preparation of opium for smoking was made in China. In Hongkong the Government received tenders from persons wh

wished to get the sole title to make the liquid extract of opium for a certain period, and one firm there paid as much as £40,000 a year for the right to make this liquid extract of opium and dispose of it. Just fancy using tincture of opium to make a preparation for smoking! It was simply absurd. Then, again, it was stated that laudanum only should be excluded. There was wine of opium, which was used for the eyes in great quantities on stations, and many other places. There was also confection of opium, which was in a solid form; also a solid form used for plasters. Even if it were possible to extract opium for smoking from them, it would not pay. The Colonial Secretary had stated the other night, in answer to his question, that it was simply intended to prohibit the sale of opium for smoking purposes. He had to ask that question before he knew what line to take, and now the Premier stated virtually that the gentleman who introduced the Bill did not understand his own object, because he now stated that it was proposed to introduce it for the purpose of preventing the consumption of opium in any way. He thought that was unadvisable, because it was quite enough to legislate for evils that existed without considering those that did not exist. If they were legislating for evils that did not exist, and if the Colonial Secretary was incorrect in stating that it was introduced solely for the purpose of preventing opium-smoking, the Bill would have to be altered in a great degree. Morphia was one preparation that was consumed largely by opium-eaters. The clause as it stood at present would not include morphia, because morphia was not a preparation of opium; it was only one of the principles contained in opium. There were many principles contained in opium. Some had therapeutic effects and some had none; but not one of them, according to the clause, were preparations of opium, but only substances contained in opium. Therefore the one of those substances used more than any other by opium-eaters—morphia—would not be included in the clause as it stood. On the other hand, many other preparations which could not possibly be used for smoking were included. Numerous preparations containing opium were prohibited by the clause, although they were never eaten or smoked. Then, again, the Premier stated that if blackfellows could not get opium to smoke they would eat it. They only obtained it from the Chinese, and in that regard he could bear out the statement of the hon. member for Barcoo. No English firm introduced the liquid extract which was consumed in the colony; only the Chinese firms, and the blacks obtained it from them. Eating opium had not the same effect that smoking it had. The Chinese did not eat it, and he would venture to say that although over 21,000 lbs. of opium was smoked every year in this colony, not one pound was eaten by the Chinese, although it was by white men. The clause as it stood was undesirable, whether it was for the purpose of preventing opium being smoked or for the purpose of preventing it being consumed in any way. The only evil that was complained of now was opium-smoking, and the only persons who supplied the blacks with opium were the Chinese, who did not take it in any other form. He fancied it would be sufficient to legislate for the evil which existed, and which the Bill was expressly introduced for the purpose of preventing.

Mr. MURPHY said the object of the Bill was to prohibit the sale of opium to aboriginals, and it was not likely that chemists would be employed to extract opium from patent medicines, or from any other preparation of opium, in order to give it to the blacks in payment as wages. As he had said before, the blacks got their opium from the Chinese entirely, and it was not true at all that station-owners paid them for their services in opium.

The PREMIER: Yes, it is.

Mr. MURPHY: It was not true. He knew from his own knowledge that the blackfellows got opium from Chinese gardeners and cooks, and others employed upon the stations. It was false and untrue to say that squatters or any other white men, so far as he knew, paid blackfellows for their services in opium. He thought perhaps the amendment suggested by the Premier would meet the case—namely, that neither opium nor any solid preparation of opium should be allowed to be kept. They must take into consideration that they would prevent a great many patent medicines that were compounded with opium from being used, and they must also remember that in the far West people were only able to get their supplies once or perhaps twice in the year; and if they were restricted to four ounces of laudanum they would not be able to get sufficient medicine for their purposes. He could well understand pharmaceutical chemists being in favour of the Bill, for the simple reason that people would have to go to them for every single drop of medicine they required; and on stations many lives would be lost—because they must all know that patent medicines and laudanum were very valuable in certain cases, and saved many lives in the course of a year. They could not possibly do without them; and if the Bill were passed in its present shape a great deal of mischief would be done.

The COLONIAL SECRETARY said he was afraid he had been misunderstood, both by the hon. member who had just sat down and by the hon. member for Cook. He had never said anything to lead either of those hon. gentlemen to consider that pharmaceutical chemists were in favour of the Bill for their own ends. He had only said he had private conversation with one or two whom he knew, and they had given him that information; and he believed it to be correct that a preparation for smoking purposes might be made from any preparation of opium. The hon. member for Mitchell said that no squatters had ever paid the blacks in opium, but he (the Colonial Secretary) could positively assert that it had been done in one portion of the colony, and he had just heard of a case where the diggers on the Cania Gold Field had used the blacks for getting bark and other things, and had given them opium in payment. He had received a letter only the other day from a squatter up in that locality, who told him that was the case.

Mr. MURPHY: The miners may do it, but the squatters do not.

The COLONIAL SECRETARY said the hon. member had said "white men," but he knew cases where squatters had done it, and he was sorry to have to say it.

The HON. J. M. MACROSSAN said he did not profess to know anything about the preparations of opium which could be smoked, or eaten, or drunk, but he was inclined to agree with the hon. member for Cook—who, he believed, did understand the subject—that the statement made by the Colonial Secretary was something like what he had read years ago about the possibility of gold being got from seawater. However, he did not believe that would pay. He thought they might very well adopt the hon. member's suggestion.

Mr. HAMILTON said the Colonial Secretary, in speaking of pharmaceutical chemists, stated that they told him that opium for smoking

could be extracted from any preparations of opium, which was not true; but, even admitting that that could be done, was it not absurd to restrict the sale of those preparations on that account? In twenty ounces of laudanum there were eleven drachms of opium and twenty ounces of spirits of wine. Just fancy going to the expense of obtaining a solid extract of opium from the twenty ounces of spirits of wine! The aboriginals would have to import two or three chemists at some thousands a year to carry out the operations. That was about as absurd as the argument of the Premier when he proposed that no solid preparation of opium should be sold, because blackfellows might use opium by subcutaneous injections. Fancy blackfellows knocking around with hypodermic syringes! Even then that clause would exclude morphia, the very substance used hypodermically, because morphia was not a preparation of opium but merely one of about fifteen substances contained in opium.

Mr. GRIMES said the object of the Bill seemed to be to restrict the sale of opium and prohibit its being used by aboriginal natives. He did not see why they should attempt in the Bill to meet evils which had not yet arisen. They had not heard of laudanum or any other preparation of opium supplied to the blacks as yet. He thought the amendment proposed by the Premier would meet the case. It would prohibit the use of opium in its solid form as used for smoking. That, he thought, would meet the desire of those resident in the far West, who certainly could not do without some preparation of opium, such as laudanum, which, it had been pointed out, was used not only for human beings but for stock. If the amendment suggested by the Premier was accepted he thought it would meet the case.

The PREMIER said he did not think the amendment proposed by the hon. member for Cook would do. It would be sufficient to prevent the sale only of the particular form of opium ordinarily used for smoking, and to say that they restricted the sale only of certain quantities of solid opium would be absurd, as he thought the ingenuity of Chinamen would be sufficient to enable them to evade the law. They might as well throw the Bill on one side as simply to provide that they should not sell that particular kind of opium. People who were abandoned enough to destroy the aboriginals by giving them opium to smoke would not hesitate to give it them in some form to eat or drink. The form in which the clause should be put deserved some consideration. He thought it should read, "and any solid or semi-fluid preparations thereof."

Mr. HAMILTON: What is a semi-fluid?

The PREMIER: That would include opium or any preparation of opium that could be eaten or smoked. As to the laudanum used in the country, he understood it was not very hard to make laudanum. It was not an expensive or difficult process, he believed, to make it, or to make something that would have exactly the same effect. He thought that the definition should be amended so as to exclude laudanum. If the amendment of the hon. member for Cook, which was to leave out all the words after the word "opium," were carried, it would make it impossible to make a further amendment; and he thought it would be better to take the definition a word at a time, and if the hon. member would withdraw his amendment that could be done.

Mr. HAMILTON said he had no objection to withdraw the amendment, because he did not wish to burk an expression of opinion from the House on the subject; but if his proposition was absurd, as the Premier stated, the proposition of the Premier was far more absurd. The hon. gentleman proposed to amend the definition of opium by inserting the words "no semi-fluid preparation of opium." He did not know of any preparation of opium that was termed a semi-fluid preparation. It did not include morphia.

The PREMIER: That is a solid.

Mr. HAMILTON said it was a solid, but not a preparation of opium, but it was one of the active principles of opium, and the hon. member's amendment would not include it, although one of the active principles of opium, in the form of morphia, was taken in injurious quantities internally and hypodermically to a far greater extent than in any other way.

Amendment, by leave, withdrawn.

The COLONIAL SECRETARY moved that all the words after the second word "opium" down to the word "either" should be omitted, with the view of inserting the words "and any solid or semi-liquid preparations thereof, or extract therefrom."

Mr. HAMILTON said he would like to understand why semi-liquid preparations were prohibited and liquid preparations were not prohibited. Opium mixed up with a small amount of water would be a semi-liquid preparation, but if the clause was introduced to prevent the sale of opium because it was thought that persons might sell it in that form, they could simply add a little more water or spirit, and make it a liquid extract. It seemed to him rather an absurd definition.

The PREMIER said the stuff used for smoking was a sort of viscous substance, which might be called semi-liquid or fluid. It was neither solid nor liquid, and it was not exactly a fluid. He thought "semi-fluid" would be as good a definition as any. The preparation used for smoking was something like treacle, which might be called semi-liquid.

Mr. HAMILTON said that if Chinamen were as ingenious as the Premier had stated, they could get over the difficulty by adding a little more water, so as to make the substance liquid, and subsequently evaporate the water and get back the original consistency.

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

On clause 3—"Sale of opium prohibited except by certain persons"—

Mr. MACFARLANE asked how the clause would affect homœopathic chemists? Would they be prohibited from selling opium without a license?

The PREMIER: The license fee will be made small.

Clause put and passed.

On clause 4, as follows:—

"A police magistrate may grant or renew a license to sell opium, which shall be in the form contained in the schedule hereto. No such license shall be granted or renewed, except under the following conditions:—

(1) The applicant must give not less than fourteen days' notice to the police magistrate or to the principal officer of justice at the place where he desires to sell opium of his intention to make the application;

(2) The applicant must prove to the satisfaction of the police magistrate in open court that the sale of opium at that place is necessary, and that it is intended to be sold for medicinal purposes only;

(3) The license shall specify the house at which opium may be sold under the license;

(4) The license shall be in force until the thirty-first day of December after the day on which it is granted, and may from time to time be renewed, on like application, for a further period of twelve months;

(5) A fee of five pounds shall be paid to the clerk of petty sessions for every license or renewal of a license."

The COLONIAL SECRETARY moved the omission of the word "or" in line 6 with a view of inserting "and."

Mr. HAMILTON said if the clause was allowed to stand as at present the sale of opium for smoking purposes would be totally prohibited, and he did not believe that was the intention of the Colonial Secretary, because subsection 2 stated :—

"The applicant must prove to the satisfaction of the police magistrate in open court that the sale of opium at that place is necessary, and that it is intended to be sold for medicinal purposes only."

Therefore, according to the clause, opium could not be sold for any purpose other than medicinal. That totally prevented the smoking of opium throughout the colony, and he felt perfectly certain that that was not the intention of the introducer of the Bill. Opium was not smoked for medicinal purposes any more than tobacco was smoked or spirits drunk for medicinal purposes, and if the clauses passed the revenue would be seriously affected. That was one of the absurd instances in which the Government were getting into difficulties through their want of business capacity. During the financial year ending on the 30th June last, 21,641 lbs. of opium were introduced into the colony. Now, he had taken the trouble to go to Messrs. Berkley and Taylor and Elliott Brothers, who supplied the whole colony with opium for medicinal purposes, and he found that out of the 21,641 lbs. imported last year, they imported 240 lbs. of gum opium, 36 lbs. of powdered opium, and 2 lbs. of medicinal extract—not the Chinese extract. That was 278 lbs. they had imported for medicinal purposes. Giving the other chemists throughout the colony—although the retail chemists were supplied by the wholesale ones he had mentioned—about 60lbs. more ; taking 341 lbs. of opium out of the 21,641 lbs. introduced into the colony last year, and that left 21,300 lbs. weight of liquid extract of opium introduced into the colony last year for smoking purposes. If the clause were allowed to stand, and the sale of opium prohibited except for medicinal purposes, the £21,000 odd which was paid per year for smoking-opium would be lost to the revenue.

Mr. CHUBB : Not at all ; see clause 12.

Mr. HAMILTON said clause 12 did not alter that. It said :—

"Nothing in this Act shall apply to persons selling opium to be delivered from a bonded warehouse, or keeping opium for sale in a bonded warehouse."

The Chinese kept opium for sale hundreds of miles up the country—at Stanthorpe, away on the Palmer, and places where there was no bonded warehouse.

Amendment agreed to.

Mr. NORTON said he could not help thinking it would be a good thing if opium-smoking were stopped altogether, even if they had to pay a little more taxation. He did not believe in opium-smoking by whites any more than by blacks. He knew some unfortunate people who were addicted to opium-smoking, and the consequences had been deplorable. No one who had seen anything of the fascination of opium-smoking could but hope that it should cease in the country. For his part, though he did not like the *ad valorem* duty, he would rather see the Colonial Treasurer put a little more on the *ad valorem* duty to make up for the £21,000 which would be lost, if they could stop it altogether, and induce the Chinese, who were the greatest consumers, to go away and smoke it. If any measure passed in the House had the effect of inducing them to go somewhere else and do their smoking, the great bulk of the people would be very well satisfied, even if they had to pay a little more taxes.

Mr. SMYTH said he thought it was a good thing to suppress the sale of opium as much as possible. He could refer to two sad cases which had come under his own knowledge—two valuable men, one of them a gentleman of station and superior education. He blew his brains out in consequence of his opium-smoking. He (Mr. Smyth) would go so far as to name him.

HONOURABLE MEMBERS : No, no !

Mr. SMYTH : Very well ; he would not. The second case was that of a man on a gold-field some distance from Gympie, who was addicted to opium-smoking. He used to run away into the bush, and a man had to be paid to look after him, and see he did not go astray. He had since died ; he was a splendid fellow until he took to opium. One of those men had, he believed, been to the Oxford University—a man of superior station. He (Mr. Smyth) had been in that man's room, and been shown the whole process. The man told him how he took to it, and that when he once took to it he could never break it off. He told him that he used to smoke nineteen or twenty pipes of opium a day.

Mr. HAMILTON : That is considered very light smoking.

Mr. SMYTH : He reduced himself to nine pipes a day, in the hope of gradually breaking off the habit, but it had such a firm hold of him that he could not break it off. Those were two cases he (Mr. Smyth) knew of ; how many cases were there he did not know of ? He had heard that the blacks in the Burnett district had taken to opium-smoking instead of drink. The laws could not be too stringent on the subject ; if they lost all the Customs revenue that came from opium, it would be a good thing, no matter what would have to be done for revenue purposes. It was a great deal worse than drink. In New South Wales some degrading cases had come to light ; he would not go into particulars, because he would not like to see them in *Hansard*. One enlightened Chinaman in New South Wales, Quong Tart, was doing all he could to suppress opium-smoking amongst his own countrymen. He hoped the House would do all in its power to prohibit the use of opium for any other than medical purposes.

Mr. HAMILTON said the same arguments would apply to the suppression of the sale of spirits throughout the colony.

Mr. SMYTH : It is worse than drink.

Mr. HAMILTON said in his opinion it was not worse than drink, and he thought that was the general opinion of experts. He recollected some horrible tales about the effects of opium, especially the effect of the first few pipes, and he experimented on himself to see if it had those effects. He found it had not ; it had the effect he was told by experts it would have—sharpening the faculties for the time and preventing sleep. For every one case that could be mentioned where opium could be shown to have the effect of causing people to blow their brains out, fifty cases could be mentioned where drink had had that effect ; and if they prevented the sale of it on the principle that it was undesirable that prejudicial effects should accrue from opium-smoking, on the same principle they should prohibit the sale of spirits throughout the colony. However, if it were intended to prevent the sale of opium for smoking, a Bill should be introduced for that purpose. The Bill before them, according to the title, was introduced for the purpose of preventing the consumption of opium by aboriginals, but that clause prevented the consumption of opium for smoking purposes by anyone.

Mr. SMYTH : And quite right.

On the motion of the COLONIAL SECRETARY, the word "police" was substituted for the word "justice" in the 1st subsection.

The COLONIAL SECRETARY moved the omission of the following words in the 1st subsection, "desires to sell opium of his intention," with the view of inserting the word "intends."

Amendment put and passed.

Mr. HAMILTON moved, by way of amendment, that the following words be omitted from subsection 2, "necessary, and that it is intended to be sold for medicinal purposes only," with the view of inserting the words "not undesirable." As the clause now stood, opium or any extract thereof could only be sold for medicinal purposes, which virtually prohibited the sale of opium for smoking, not only to aborigines but to everybody. If the magistrate to whom the power was given considered that it was not desirable, on account of the character of the people or the presence of aborigines, that opium should be sold for smoking purposes in that vicinity, let him exercise his discretion in the matter.

Amendment agreed to.

The COLONIAL SECRETARY moved, by way of further amendment, that the words "five pounds" in subsection 5 be omitted, with the view of inserting the words "one pound."

The HON. J. M. MACROSSAN asked the Colonial Secretary if he really supposed that the 21,000 lbs. of opium now yearly consumed in the colony would not be consumed if the Bill became law? Did he think the Chinese would not obtain opium if they wished to do so? Unless that could be prevented there was no use in making a law for the purpose.

The COLONIAL SECRETARY said he did not suppose they could entirely prevent the Chinese from getting it. They would be able to get it in certain quantities from the chemists.

Mr. HAMILTON said the Colonial Secretary appeared to misunderstand the effect of the clause when he said that a chemist could sell opium for smoking purposes. That was prevented by subsection 2.

The PREMIER: That does not apply to chemists at all.

Mr. HAMILTON said that a person who got a license to sell opium was only allowed to sell it for medicinal purposes. Opium that was used for smoking could not be said to be used for medicinal purposes, therefore this clause virtually prohibited the sale of opium for smoking to everyone. Of the 21,641 lbs. of opium imported last year into the colony 21,300 lbs. were used for smoking purposes; and the sale of that was now absolutely prohibited, and prohibited, strange to say, in a Bill introduced, as the title stated, solely to prohibit the sale of opium to aborigines.

Mr. FOOTE said the action of the Government seemed very inconsistent. When he proposed the other night to amend the Colonial Treasurer's budget by the remission of the few hundred pounds received as duty on wheat, the Government said it was inconsistent that they should impose new taxation with one hand and take it off with the other, although it was shown that they would get far more revenue by taking it off. That was straining at a gnat and swallowing a camel. It was now proposed to pass a measure which would not be a source of revenue to the colony. It was a prohibitive measure to prevent the sale of opium for smoking purposes. What was the use of importers and wholesale chemists importing opium if they could not sell it? Nobody would buy it. The opium could not be sent up the bush in bond. Was it the intention of that Bill to limit the sale of opium to chemists? If it was, then a chemist was licensed, and he could sell it without any prohibition, and the measure was a protective one. If on the other hand it was simply intended to take the trade from Chinamen, the object would certainly be frustrated. Chinamen would manage to get opium, and they would also supply it to aboriginals. If the sale of opium was restricted to chemists, any person could go to them, purchase the article, and give it to blacks; and if the sale was totally prohibited by the measure, the Treasury would sustain a loss.

Mr. CHUBB said it appeared that hon. members did not appreciate that Bill. It was not a Bill to prevent the sale of opium to Chinamen, but only to blackfellows. He supposed it would be sold to the former on the sly. It seemed to him that they were all a set of humbugs. They were trying to be moral like Pecksniff. They were nothing if not moral. They were trying to prevent the sale of opium to blackfellows, and allowed it to be obtained by Chinamen.

The PREMIER said the 6th clause of the Bill contained what was really the one important provision in it. But the 6th clause standing by itself would be entirely inoperative. If they simply said to a man "You must not supply opium to blacks," they would never catch the man when he offended. The way to prevent opium being supplied to blacks was by closing up the avenues leading to the carrying on of the business, and by providing that opium could only be kept in stock under certain specified conditions. The conditions in the 4th clause were introduced to make the 6th clause effectual—to prevent it being inoperative.

Mr. NORTON said they might be trying to be moral like Pecksniff; but be that as it might, he thought they were attempting by the measure to accomplish an object in which they would not succeed. He did not believe that any Act of Parliament would prevent blacks being supplied with opium. The intention of the measure was a very good one, but he did not think it was possible to carry it out successfully, as blackfellows would always be able to get opium from Chinamen. The Bill would no doubt prevent the owners of stations supplying it to blacks. He had every reason to believe that opium was now supplied to aboriginals by lessees, but the blacks would continue to get it from Chinamen.

The PREMIER: How will they get it?

Mr. NORTON: Well, the Chinamen will get it, and the blackfellows will get it from them in spite of any Act we may pass.

The PREMIER: How will blacks get it from Chinamen?

Mr. NORTON said of course Chinamen would not give it to them for nothing, but when one was anxious to get rid of the opium and another was anxious to buy it, some means would be found of effecting a sale, and he did not think there was much chance of it being detected. He did not believe that any Act passed by the Legislature would have the effect of preventing them getting it. One of the greatest difficulties in the way was that opium was comprised in so small a compass that it could be carried about with great ease and could be easily concealed. At the same time, he was of opinion that if, by passing a measure of that kind, they could even limit the sale of opium they would be doing some good.

Mr. CHUBB said the Premier had asked how the blacks would get the opium. A case had just occurred to him which happened about five years ago in the very district mentioned by the

Colonial Secretary—the Gladstone district. A Chinaman and a blackfellow were being tried—the one for stealing, and the other for receiving, nuggets and wearing apparel which had been stolen from the houses of miners on the Calliope Gold Field. It was proved that the Chinaman employed the blackfellow to commit the robberies and paid him in opium.

Mr. MURPHY said he was quite sure that the Bill would be a dead-letter. They knew perfectly well that publicans were prohibited from supplying blackfellows with liquor, yet if anyone went to any town in the interior he would find drunken blackfellows everywhere. The publicans evaded the Act, and if a blackfellow had money he could get grog. And in the same way, if he had money he would be able to buy opium. He sympathised with the object of the Bill, and would like to see the sale of opium restricted, but he was quite satisfied, as he said before, that the Bill would prove a dead-letter, as it would be impossible to detect Chinamen who would supply blacks with opium.

The MINISTER FOR LANDS said, what was the state of things now? A Chinaman, or any other person, might go on a station with opium and distribute it among the blacks as he chose, and there was no power to do anything to him except kick him off the place. That was a very unsatisfactory state of things. In the district where he lived the blacks on his station were the only ones who were not addicted to opium-smoking, and he believed that was because it was known that if anyone introduced opium there a penalty would have been inflicted which would be quick and effective. In many instances squatters had, in spite of what the hon. member for Barcoo stated, been in the habit of supplying their blacks with opium. He did not mean to say that they cultivated the taste for opium in the first instance; but, as soon as they found that the blacks had acquired that taste, and that the only way to get them to work was by giving them opium, they gave it to them. The hon. member was probably quite correct in his remarks so far as the district he came from was concerned, but he did not know the whole colony. He (Mr. Dutton) happened to know other parts where the practice had been going on for some time. If a Bill of that kind was introduced, it could only be effectual, he admitted, in those districts where the people took sufficient interest in the blacks to put the measure in operation. There were districts where the squatters would, he believed, take advantage of the provisions of the measure, and enforce the penalties if they found persons transgressing it. If they would do that the sale of opium would be very much restricted, though it might be got from Chinamen occasionally. The sale would be reduced almost to a minimum, and the use of opium would be prevented from spreading to localities where it had not yet taken hold of the blacks.

Mr. McWHANNELL said he had been a resident of squatting districts for twenty years, but he never saw opium used by the blacks in those districts. It appeared to him that the Bill was only applicable to the Burnett and the coast districts; and if passed, its operation should be restricted to certain districts, or provision should be made for the provisions of the Act being applied to certain districts when necessary. In many of the Western townships there were Chinamen's stores where opium was sold to Chinamen for smoking purposes—in fact, he had seen it sold—and he thought the restriction of the sale of opium would do away in a great measure with that class of labour. He was not an advocate of Chinese labour, but it was a very useful class, as there would be very few gardens in the Western districts if it were not for the Chinamen. The Bill should be made to apply only to those districts in which opium was used by the blacks.

Mr. GRIMES said the object might be difficult to attain, but still if they never made an attempt they certainly would not succeed, but they might succeed if they passed the Bill. There was no doubt it would restrict the evil in a great measure, even if it only restricted it in the same proportion as the sale of drink had been restricted by the imposition of fines. There was no doubt that it would be in the hands of those who took an interest in the aboriginals, and they could prevent it being used by them to any great extent. There was no doubt it would be inoperative unless those in the district took the matter in hand, gave information as to where they knew it was sold, and pressed for the fines.

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

Clause 5—"Penalty for sale by unlicensed persons"—passed as printed.

On clause 6, as follows:—

"Every person who supplies or permits to be supplied any opium to any aboriginal native of Australia, or half-caste of that race, shall be liable to a penalty not exceeding fifty pounds and not less than twenty pounds, or to be imprisoned with or without hard labour for any period not exceeding six months and not less than one month, and if he is a pharmaceutical chemist his name may be removed by the pharmacy board of Queensland from the pharmaceutical register of Queensland, and if he is the holder of a license under this Act the license shall be cancelled and he shall be disqualified from holding a license under this Act for five years from the date of conviction."

Mr. CHUBB moved the insertion of the words "or the Pacific Islands" after the word "Australia." That would bring kanakas within the operation of the Bill.

Amendment agreed to.

On the motion of Mr. CHUBB, a consequential amendment was made in the clause.

Mr. FOXTON said the clause was a penal one, and he thought it was desirable that there should be some provision defining what should be sufficient evidence of the recipient of the opium being a native of Australia or of any of the Pacific Islands. Failing any such evidence, it seemed to him that the conviction might be upset. Unless some provision were made it would be somewhat difficult to prove where the recipient was born.

The PREMIER said the suggestion of the hon. member for Carnarvon was quite right, and he therefore moved that there be added at the end of the clause the following paragraph:—

Upon any prosecution for an offence against the provisions of this section, the averment in the information or complaint that any person mentioned therein is an aboriginal native of Australia, or of the Pacific Islands, or a half-caste of either race, shall be sufficient evidence of the fact until the contrary is proved.

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

On clause 7, as follows:—

"The delivery of any opium, either by the owner, occupier, or other person in charge of any house or place, or by his servant or any other person therein, shall in any proceeding under this Act be *primâ facie* evidence of such opium having been sold, and of the sale and delivery having been made by the authority of such owner, occupier, or other person in charge.

Mr. MURPHY said that this clause was also very objectionable, because the owner of any place was made responsible for the acts of his servants. Now, upon a station the Chinese gardener was a servant, and yet he lived a considerable distance away from the station—sometimes two or three miles—where he was quite

beyond the control or supervision of the owner, and where he might sell opium to the blacks in spite of that law or any other law. Yet the unfortunate owner would be prosecuted under clause 6.

The PREMIER said let them leave out the clause, and then see how the hon. gentleman's speech would fit. A station-owner might say, "I did not know any man was selling opium on my station," and yet opium might be sold and distributed absolutely freely. The station-owner was just the man who could stop such sale if he wanted to stop it. If he was a man that did not want to stop it, but to encourage it, he might say he knew nothing about it. If they omitted the clause they would never catch anyone.

Mr. MURPHY said that a man on an out-station was equally a servant of the owner, as one at the head-station, and although the out-station might be twenty miles away, the owner would be responsible. He had a Chinese gardener at his out-station, more than twenty miles from the home-station, and that man was entirely out of his control in so far as secret acts were concerned. It was very hard that he should be made to suffer for the acts of a man over whom he could exercise no supervision whatever.

Mr. BAILEY said he remembered the time, not so long ago, when the servants at Government House were in the habit not only of selling opium but of smuggling it; and the Government would have been in a very awkward position if they had had to prosecute the employer of those servants—the Governor of the colony. It was hard that a man should be made responsible for a fault committed by his servant without his knowledge or consent. If the knowledge or consent were proved, that, of course, would be different, but where the knowledge or consent was not proved it was pushing the matter too far, not only to fine the employer, but to bring a certain measure of disgrace upon him.

Mr. CHUBB said that, notwithstanding the remarks of the last speaker and of the member for Barcoo, there was not much fear of the honest station-owner being convicted. In the first place he could give all his Chinese servants notice in the presence of a respectable person that the sale of opium to blacks was prohibited, and, in the second place, he could be a witness in his own behalf under the Justices Act, and could give his own testimony. If this clause were not in the Bill it would be impossible to catch offenders in many cases. The same clause occurred in many statutes of a similar kind, such as the Publicans Act—namely, that delivery was *primâ facie* evidence of sale, and that it lay on the party accused to prove his innocence. He did not think the hon. member for Wide Bay was really in earnest in saying that the Government House servants had smuggled opium. The opium might have been passed in as stores to Government House, which they all knew came in free.

The HON. J. M. MACROSSAN said that the objection of the hon. member for Barcoo might be obviated. Instead of employing Chinese servants he should employ Europeans.

HONOURABLE MEMBERS: Hear, hear!

Mr. McWHANNELL said he thought they were over-legislating altogether. He believed that Chinese was a very useful class of labour in some parts of the colony, and it was a very great hardship indeed that in many of the townships where they had stores the Chinese were liable at any moment to be pounced upon by the police. The best way was to keep Chinese out of the country altogether, or to let them have opium to smoke. If the Bill became law it certainly ought to be restricted to certain districts in which it was known that blacks were supplied with it. They were simply legislating for a little corner-hole of the colony, about the Burnett or Dawson. The Bill would affect the Western districts in this respect: that it would prevent Chinamen from having opium to smoke, and in that way they would be deprived of a great deal of that labour which was found to be very useful in regard to washpool work. It had been proved over and over again that they stood the water in cold weather much better than Europeans, and he submitted that if the restriction against selling opium to them was to extend over the whole colony it would be better for the Government to put a poll-tax upon them that would exclude them entirely—one sufficiently strong to keep them out of the colony altogether. There were more ways of keeping Chinamen out of the colony than by restricting the smoking of opium.

Mr. McMASTER said he agreed with the hon. member that it would be better to keep Chinamen out of the colony altogether. To restrict the operation of the Bill to the coast districts, as the hon. gentleman suggested, would not prevent the evil the Government wished to prevent. It was in the inland districts, which they could not get at easily, that the Bill aimed at putting a stop to it.

Mr. McWHANNELL said there was no opium given to blacks in the interior.

Mr. McMASTER said the hon. member for Townsville had proposed a most excellent remedy. Send the Chinamen off the stations; give them notice at once that if they were found selling opium to the blacks they would have to go. That would very soon stop them selling opium if they wanted to keep their situations. He did not think that the clause ought to be struck out. If it were, they would be inflicting a very great hardship. Under the Employers Liability Bill the employer was responsible for the action of his servants, and if the clause were omitted they would just be asking hon. members to spend their time here, and the stations inland would sell opium to blacks all the same. He would have the Chinamen cleared out altogether.

Mr. SHERIDAN said it had been stated that this pernicious habit was confined to coast blacks. He had lived twenty-five years in a part of the colony where the aborigines were still more numerous than in any other place that he was aware of. There were hundreds still living in the district of Wide Bay; when he went there first they were there in thousands, and he could assure hon. gentlemen that in all his experience he never knew a single case of a black smoking opium, and no one was more intimate with them than he was. Nevertheless, he believed, from what he had heard, that it was a common practice in the interior amongst the blacks. There was a great deal of sentimentality about the Bill. Why not suppress grog-drinking? There had been as many persons killed with rum and whisky as with opium, and he had seen some bad cases of opium-smoking, where young men, well born and bred and educated, had killed themselves with it. He thought the Colonial Treasurer might take a hint from the discussion, and as his finances were not very flush he might gain a little. It appeared that £21,000 duty was paid upon opium last year. Why not have £42,000 next year by doubling the duty? It would be just as easy to prevent its being smuggled if the duty were £2 instead of £1, and they would thus be able to make John Chinaman pay his share of the revenue. There would be no extra difficulty in collecting it, and as a means of prohibition it would be effective. He would correct a

statement made by the hon. member for Cook about the description of opium that came here, and how it came. He believed that some liquid opium did come ; but as a rule it came in round balls, packed in chests and half-chests, which had a commercial value. Those persons who had been in the Customs Department knew well how it came in. He knew the greater part of it came in round balls, and there was no difficulty in carrying them from place to place. He hoped the Bill would pass, because any little measure of kindness to the aborigines had his support.

Mr. HAMILTON said the hon. member for Maryborough had made a slight mistake when he stated that the greater part of the opium imported into the colony was in round balls. The wholesale chemists who imported it ought to know ; and the amount of opium obtained by the two wholesale chemists, who informed him that they supplied practically the whole colony—Messrs. Berkley and Taylor, and Elliott Brothers—in round balls last year was 240 lbs. weight ; the amount they obtained in powder was 36 lbs.—the joint amount ; and the amount they had obtained in an extract form was 2 lbs. One Chinaman had informed him that he paid £4,000 duty per annum on liquid extract of opium. The quantity of opium which was introduced by Chinamen last year, for smoking purposes, was 21,300 lbs. weight. That was according to the Customs revenue return. He agreed with the hon. member for Maryborough that if it were proposed to prevent opium-smoking by Chinamen they ought not to proceed to do so sideways like a crab, but face it manfully. According to the title of the Bill it was introduced for the purpose of preventing the consumption of opium by smoking among the aboriginals ; but it equally prevented it among the Chinese. By the manner in which those clauses were worded, the Ministry appeared to be very unsophisticated, and to have been "got at." For instance, the Colonial Secretary had been told by pharmaceutical chemists that laudanum could be converted into extract of opium, which could be used for smoking purposes. Now, any person having merely a superficial knowledge must be aware that that was absurd from the way laudanum was prepared. It was made by putting a certain quantity of gum opium, or powdered opium, into a quantity of spirits of wine, letting it digest for seven days, then filtering the liquid off which contained the active principle, and throwing the solid residue away. How on earth could they make the extract of opium, which was used for smoking, when one of the portions of which that extract was composed has been thrown away—the solid residue? That was just as absurd as the statement which the confiding Premier had made—that if powdered opium were not interdicted the aboriginals would go fooling around with hypodermic syringes in order to produce the effects attained by smoking opium.

Mr. FOXTON said be believed there was a good deal in the suggestion about increasing the duty upon opium. From all the information he had been able to glean he understood that the passage of the Bill would very materially restrict the consumption of opium, and consequently there would be a very material falling off in the revenue derived from that import. He was entirely with those hon. members who approved of such a result, but he thought that anything which would tend to the elimination of Chinamen from their midst would be in the right direction. He understood that the restriction to four ounces mentioned in the 8th clause was exactly half the ordinary tin of opium referred to by the hon. member for Cook—he understood those tins held half-a-pound.

Mr. HAMILTON : Six and a-half ounces.

Mr. FOXTON: The balance was made up by the tin, and he thought as a matter of fact that the tins were about eight ounces gross. That, however, was immaterial, as in either case in order to comply with the law they would have to cut the tins. That was looked upon by "John Chinaman" as the great hardship under the Bill, and he thought it might result in what many of them would like to see, and the hon. member for Mitchell and other gentlemen who employed those very valuable servants would have to get rid of them altogether.

Mr. MURPHY said he would like to correct the hon. gentleman. He was not the hon. member for Mitchell but the hon. member for Barcoo. He had been styled the hon. member for Mitchell three or four times that night, and his hon. friend the member for Mitchell would get the credit for his acts. He wished also to say that he was no friend to the Chinamen. He would like to see them banished out of the country altogether. But as they had them here now, and they were useful men, because they were the only men who had been able, so far as they knew, or had tried to grow vegetables for them out west, they employed them, but not for any other work. They only employed them for that work for the sake of the health of the men. He would continue to employ them for that purpose, but he did not wish it to be thought he was a friend of the Chinaman or encouraged him in any way. He hated them, and would like to see them banished altogether.

Mr. SHERIDAN said that he was for five-and-twenty years concerned in the landing of opium, and he saw very little of it imported in tins. It was imported, as he had said, in balls, and was not all imported by Berkley, Taylor, and Company, or any other chemists. It was also imported by merchants, who sold it as they sold brandy or cigars, or any other article they imported, and on which duty was collected.

Clause put and passed.

On clause 8, as follows :—

"The keeping of more than four ounces of opium in any house or place shall be *primâ facie* evidence that it is kept for sale."

Mr. HAMILTON said this certainly appeared to him to be the most ridiculous and contradictory Bill he had ever read. He felt certain, if it was not very much altered in the Upper House, the Government would, before the session came to an end, do what they had had to do with nearly every Bill they had introduced—namely, bring it in in an amended form. The clause would have the effect of prohibiting the smoking of opium throughout the colony, although the Government only professed to desire to prevent it being smoked by aboriginals. He would make no proposition with regard to the clause, because he was sure the Bill would have to be amended ; but he would show how absurd the present clause was. It said :—

"The keeping of more than four ounces of opium in any house or place shall be *primâ facie* evidence that it is kept for sale."

The liquid extract of opium, which was the only kind of opium used for smoking purposes, was sold in six and one-half ounce tins, and was sent into the interior hundreds of miles in those tins, so that the Chinamen who obtained the smallest quantity of opium that he could get for his own purposes was liable to be fined under the clause. They would have to get the opium from the coast, because, according to clause 12, it could only be delivered from or kept for sale in a bonded warehouse in large quantities. Sometimes one man smoked as much as one and a-half ounces of liquid extract of opium in one day ; that would be a heavy smoker, but many smoked an ounce

a day; so that many men smoked more than six and a-half ounces in a week, and as they had to get it from the coast and take it into the interior for several hundred miles, the Bill would virtually prohibit those persons from smoking opium. That would be a very good job if that was the intention of the Bill, but the intention of the Bill, according to the title, was merely to prevent aboriginals getting opium.

Clause put and passed.

Clauses 9 to 12, inclusive, put and passed.

On the schedules—

Mr. HAMILTON said it appeared to him that now they had got the Chinese they should get justice as well as a white man, and a rank injustice was being perpetrated under the Bill upon Chinamen. When the Bill was passed no Chinaman would be allowed to have more than four ounces of opium in his possession. They had to pay 20s. per lb. duty for the opium they got, and they generally got thirty or forty tins at a time. They paid in duty alone on thirty tins about £15. Many of them had now in their possession quantities of opium from which the Government had already extracted the duty. In what position would they be? The Government had legalised their action in obtaining the opium by charging a heavy duty upon it, and they were now going to fine them heavily unless they did away with that opium.

The COLONIAL SECRETARY moved the omission of the words "and that there is no pharmaceutical chemist carrying on business within the distance of twenty miles from that place" after the word "necessary," in the 2nd line.

Amendment agreed to.

The COLONIAL SECRETARY moved that the schedule be further amended by the omission of "£5" with a view of inserting "£1."

Amendment agreed to.

Mr. McWHANNELL said he would like to know whether the Bill was intended to apply all over the colony? Were the police to be instructed to seize all the opium they could find in the stores in the interior?

The COLONIAL SECRETARY said, of course, when the Bill became law, it would be applicable to all parts of the colony.

Mr. HAMILTON said he thought that was a very unjust proceeding. He had no affection for Chinamen, but he believed in giving fair play. He believed it was nothing less than a swindle when the Government actually accepted high duty from Chinamen, and then fined them for possessing the article on which they had paid duty.

Mr. MURPHY said surely it was not intended that the Chinamen who had opium in their stores should, the moment the Bill became law, be liable to have it seized and themselves fined! In addition to that the owners, whose servants they were, would be fined. How were they to find out what opium was in possession of those men? The whole thing appeared to him to be very unjust.

The PREMIER said all Bills of a restrictive nature must be made stringent, but the Government had ample power to remit any penalty that might be inflicted unjustly. It was necessary, just as in the Customs Bills, to make the meshes of the net much smaller than was apparently necessary. The hon. gentleman might be quite sure that no Government would do an injustice in administering the Act; but to provide, as had been suggested, that the Bill should only apply to opium which persons might purchase in future would provide a loophole through which anyone might escape. The only way in cases of that kind was to make the provisions as stringent as possible, and then administer the Act with justice.

The HON. J. M. MACROSSAN said the question was not as to the stringent nature of the Bill, but as to its retrospective character. He thought himself that the Bill should come into operation upon a fixed date, giving sufficient time for the storekeepers in the interior who had any opium on hand to sell or dispose of it in some way in the meantime. Like the hon. member for Cook, he had no great love for Chinamen, but still he would like to see justice done even to them. The question put by the hon. member for Barcoo was a very pertinent one—that was as to the retrospective nature of the measure.

The PREMIER: Suppose we make it come into force on the 1st of January?

Mr. CHUBB said there appeared to be no provision in the Bill for punishing a licensee who sold opium contrary to the provisions of his license. Of course he would not be able to get his license renewed, but he might sell a tin at a time for medicinal purposes.

Mr. HAMILTON said he should be satisfied if it was decided that the Bill should not come into operation until January, because he was sure that before that time an amending Bill would be introduced. He was certain that Ministers would by that time perceive the absurdity of some of the clauses they had passed.

The HON. J. M. MACROSSAN said one part of the Bill had escaped his attention, and he was sorry for it. The 9th clause, which passed through very quickly, was taken great exception to on the second reading. It gave power to police officers to enter premises in search of opium between the hours of 6 in the morning and 12 at night. He thought the time should be reduced to at least 9 or 10 o'clock at night, which would give the police officers the whole day and the earlier part of the night in which to make searches.

The PREMIER: There is no objection to that.

Schedule, as amended, put and passed.

On the motion of the COLONIAL SECRETARY, the title was amended by the addition of the words "and Pacific Islanders."

On the motion of the COLONIAL SECRETARY, the House resumed, and the CHAIRMAN reported the Bill with amendments and an amended title.

Report adopted.

On the motion of the COLONIAL SECRETARY, the Speaker left the chair, and the House resolved itself into Committee of the Whole to reconsider clause 1, and the 1st paragraph of clause 9.

Clause 1, as follows:—

"This Act may be cited as the Sale of Opium Act of 1886"—

was amended, on the motion of the COLONIAL SECRETARY, by the insertion after the words "this Act" of the words "shall commence and take effect on and from the first day of January, one thousand eight hundred and eighty-seven nd.

On clause 9—

The COLONIAL SECRETARY moved the omission of the word "twelve," with the view of inserting the word "ten,"

Mr. CHUBB said he would like to point out that if the amendment were accepted the constable might have the door shut in his face at 10 o'clock, and then the Chinamen could light up and smoke away without fear of interruption till next morning.

Mr. HAMILTON said he would point out that the Government had already commenced to amend their own Bill only three minutes after the Bill had practically passed.

The PREMIER said there was something to be said in favour of leaving the time as it was. As far as the Chinese were concerned, it was probably after 10 o'clock they were most likely to be found. But perhaps 10 o'clock was late enough.

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

On the motion of the COLONIAL SECRETARY, the House resumed, and the CHAIRMAN reported the Bill with further amendments.

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

ADJOURNMENT.

The PREMIER said: Mr. Speaker,—I beg to move that this House do now adjourn. The Government business to-morrow will stand in the following order:—First, the two third readings, then the consideration of the Council's amendments in the Mineral Oils Bill, and then as in the paper to-day—Health Act Amendment Bill, Settled Land Bill, and Gold Fields Act Amendment Bill.

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