Queensland

Parliamentary Debates
[Hansard]

Legislative Council

WEDNESDAY, 26 SEPTEMBER 1888

LEGISLATIVE COUNCIL.

Wednesday, 26 *September*, 1888.

Suspension of Standing Orders.—Public Works Lands Resumption Bill—third reading.—Message from the Legislative Assembly—Appropriation Bill 1888-9, No. 2—first reading—second reading—committee—third reading.—Australasian Natives' Executors, and Agency Company (Limited) Bill.—Sale and Use of Poisons Bill—committee.—Message from the Legislative Assembly—Judges' Validating Act of 1888—first reading—second reading—committee—third reading.—Adjournment.

The PRESIDENT took the chair at 4 o'clock.

SUSPENSION OF STANDING ORDERS.

The MINISTER OF JUSTICE (Hon. A. J. Thynne) said: Hon. gentlemen,—With the consent of the House, I shall amend this motion so as to admit of the passing of Bills through all their stages in one day. In explanation of what is undoubtedly an unusual motion, I would inform the House that a serious question has arisen with regard to the validity of Mr. Justice Mein's commission as a judge, and the Government have thought it well, as soon as possible, to introduce a Bill to remove the difficulty, and prevent the trouble that might ensue through that circumstance. The suspension of the Standing Orders is intended to apply, of course, both to the Appropriation Bill and to the Bill I have mentioned. I will take the opportunity, when the second reading of that Bill comes on, of explaining fully to the House the circumstances connected with the case; but I may say that the question which has arisen in connection with Mr. Justice Mein's commission is one which arises under the 12th section of the Supreme Court Act, which prohibits a judge from holding any other office or accepting other emoluments within the colony of Queensland. Mr. Justice Mein has held positions which are considered to come under that clause, and the Government, after giving the matter most careful and studied attention, have come to the conclusion that this is the only course open to them. I therefore beg to move, with the consent of the House, the following amended motion:—

That so much of the Standing Orders be suspended as will admit of the passing of Bills through all their stages in one day.

Motion, by leave, amended, and question put and passed.

PUBLIC WORKS LANDS RESUMPTION BILL.

THIRD READING.

On the motion of the MINISTER OF JUSTICE, the Bill was read a third time, passed, and ordered to be returned to the Legislative Assembly by message in the usual form.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.

APPROPRIATION BILL 1888-9, No. 2.

The PRESIDENT announced the receipt of a message from the Legislative Assembly, forwarding for their concurrence a Bill authorising the appropriation out of the Consolidated Revenue Fund of a further sum of £250,000 for the service of the year 1888-9.

FIRST READING.

On the motion of the MINISTER OF JUSTICE, the Bill was a read a first time.

SECOND READING.

On the motion of the MINISTER OF JUSTICE, the Bill was read a second time.

COMMITTEE.

On the motion of the MINISTER OF JUSTICE, the President left the chair, and the House resolved itself into a Committee of the Whole to consider this Bill.

Preamble postponed.

Clauses 1 to 4 and preamble passed as printed.

On the motion of the MINISTER OF JUSTICE, the House resumed, and the CHAIRMAN reported the Bill to the House without amendment.

THIRD READING.

On the motion of the MINISTER OF JUSTICE, the Bill was read a third time, passed, and ordered to be returned to the Legislative Assembly by message in the usual form.

AUSTRALASIAN NATIVES' EXECUTORS, AND AGENCY COMPANY (LIMITED) BILL.

The PRESIDENT: I have to report the following message from the Legislative Assembly:—

"Mr. PRESIDENT,—

"The Legislative Assembly having appointed a Select Committee to report upon the Australasian Natives' Trustees, Executors, and Agency Company, Limited, Bill, and that Committee being desirous to examine the Hon. William Draper Box, Esq., the Hon. Augustus Charles Gregory, Esq., and the Hon. Francis Thomas Gregory, Esq., members of the Legislative Council, in reference thereto, request that the Legislative Council will give leave to its said members to attend and be examined by the said Committee on such day and days as shall be arranged between them and the said Committee."

The HON. F. H. HART said: Hon. gentlemen,—I beg to move that leave be granted.

Question put and passed.

SALE AND USE OF POISONS BILL.

COMMITTEE.

On clause 11, as follows :—

"No owner or other person whatsoever in charge or possession of any poison shall leave it in any place (whether the same be ordinarily accessible to others or not) unless the bottle or package of whatever kind in which such poison may be contained shall be marked as 'Poison,' and be otherwise duly labelled in the manner provided by section nine."

The HON. P. MACPHERSON said he had an amendment to propose. He proposed to omit the word "nine," in the last line, with the view of inserting the word "ten."

The HON. SIR. A. H. PALMER said he would like to call the attention of the hon. member in charge of the Bill to the fact that there was a penalty of £20 for any breach of that Bill. How was a man who was laying out poison for native dogs to have the bottle or package labelled "poison," as required by that clause? They would prevent persons making use of poisons in various ways.

The HON. P. MACPHERSON said the clause dealt only with poison in bottles or packages.

The HON. SIR A. H. PALMER said that was all right, but clause 10 provided as follows :—

"No person shall sell any poison, either by wholesale or retail, unless the bottle or other vessel, wrapper or cover, box or case immediately containing the same bears printed thereon the name and address of the seller thereof, and also the word 'poison' printed conspicuously in red letters."

Under those sections they could not break a packet of poison to make use of it. That Bill was purely a chemist's bill, applicable to towns and to towns only. It was not applicable to the bush, as any man spreading poison on his run would be liable to a fine of £20.

The HON. P. MACPHERSON said he thought leaving the poison in any place according to the clause, meant leaving it for the purpose of keeping it—not for the purpose of using it; and when it was being spread over a run it was being used.

The HON. W. D. BOX said he hoped that clause would be negatived. To him it appeared that every person having any poison was liable to be punished by a fine of £20. The fact was labels were placed on with paste, and when bottles were placed in a cupboard in this country, where the silver-fish and cockroaches could get at them, the labels would soon disappear, and an innocent person might thus be rendered liable to that penalty. A policeman might come and examine the premises and find that poison. Nothing could be more conclusive than that clause, which stated :—

"No owner or other person whatsoever in charge or possession of any poison shall leave it in any place."

A person might leave it in his dressing-room or in his pantry, and still he would be liable to that penalty if the label were off. If the poison were properly labelled when it was sold that was all that was necessary.

The HON. P. MACPHERSON said a person was liable to a fine not exceeding £20. He might be fined a shilling or a penny; but he thought it was a man's duty to see that the labels were kept on the bottles.

The HON. W. PETTIGREW said it appeared to him that was rather a curious clause. In using poison to put on timber the men engaged in that work must leave it in some place. Generally it was kept in a bucket, and used with a brush, and before they could put on the next board they must put the poison on one side. Would it require to be locked up? He thought the clause should not be passed. As the President had said it was well enough for the towns, but people lived in the country also, and had to build there, and that Bill required some alteration so as to allow people to use poison in order to keep out the white ants.

The HON. W. F. TAYLOR said they could not take too much care in dealing with poisons. Certainly objections might lie, as had been pointed out by the Hon. Mr. Pettigrew, but he thought he did not understand that that clause extended only to persons keeping poisons in places not for use—not to people using poisons in their work, as the hon. gentleman had suggested for putting on timber as a preservative against white ants. Persons using poison would be obliged to label it and do other things, but he did not think it was intended to apply to cases of the kind mentioned. That clause was intended to apply more particularly to poisons in houses and in stores. Those who were acquainted with the history of Australia knew of many instances of poison being mixed with flour and other things. He had been nearly poisoned himself once, on a station on the Murrumbidgee. At dinner he took what looked like ordinary salt and sprinkled it over a potato. He found that it had a bitter taste, and, thinking something was the matter with the potato, he put it on one side and took something else, which was also salted. That also had the bitter taste, and he then became alarmed, thinking that he had taken strychnine. He found out that the salt had been mixed with sulphate of magnesia, although, as a matter of fact, he might have taken strychnine, because on the mantel-shelf in the same room there were, along with the salt, little packages containing strychnine and sulphate of magnesia. That was only one instance, and he thought people could not be too careful in dealing with poisons, by seeing that they were properly labelled, and that some person should be responsible for their custody.

Amendment agreed to.

The HON. SIR A. H. PALMER said he could not allow that clause to pass without again warning the Committee of the act of injustice they were performing. No man would dare to have poison, or to use it for getting rid of vermin, which was its chief use in the bush, as he would be liable to that penalty of £20. Every time a man broke a bottle or packet of poison he could not label it.

The HON. J. SCOTT said if that clause were not intended to apply to poisons that were not in bottles or packets, it could not do much harm, and he thought it might be read in that way. If a man had poison that was not in a bottle or packet, he could do just as he liked with it; it was only a bottle or packet that was to be labelled.

The HON. SIR A. H. PALMER said that if a case came before a court the bench would not consider what hon. members had meant the clause to do when passing it. The previous clause provided that poisons should be kept in bottles or packages, and did not deal with loose poison at all. Everyone was liable to a fine of £20 under the Act for keeping any poison, or making use of it.

The HON. P. MACPHERSON said he thought the difficulty might be met by omitting the word "leave" and inserting the word "keep." The term was a loose one, and might be made to meet the difficulty suggested.

The HON. SIR A. H. PALMER said, that would do away with part of the objection in a sort of way.

The HON. P. MACPHERSON moved that the word "leave" be omitted, and the word "keep" inserted in its place.

The HON. F. T. GREGORY said he did not object to the amendment, but he thought it could not be inserted without recommitting the clause.

The CHAIRMAN said that in putting the motion it could only be done with the consent of he Committe.

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

Clause 12 passed with verbal amendments.

On clause 13—

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

The HON. SIR A. H. PALMER said he strongly objected to the clause. If a servant or any other person chose to keep poison about the house, the owner or occupier, without having any knowledge of the fact, would be liable to a fine of £20. The clause placed the public on the same footing as licensed publicans—every man, woman, and child in the colony—and that was very unfair, because the publican made a profit upon his business. He was astonished that his hon. friend should have brought forward such an Algerine clause. How would he like to be responsible if his blackboy—if he had one, and he would have one if he lived in the bush—chose to keep some poison upon the premises without his knowledge. He hoped the clause would be struck out.

The HON. P. MACPHERSON said he thought the hon. gentleman misunderstood the clause. It only referred to sales, and if he employed a blackboy to sell poisons for him, of course he would be responsible. The clause only applied to cases of sales.

The HON. SIR A. H. PALMER said the hon. gentleman said the clause only referred to cases of sales; but the proof of sale would be the delivery of any poison by a servant or any other person or a black gin about the place.

The HON. A. C. GREGORY said he had been advised by members of the Pharmaceutical Board that the clause originally drafted meant a totally different thing from the clause before hon. gentlemen, and the Pharmacy Board were decidedly opposed to the present clause. They considered it was not only useless, but pernicious, and for his own part he considered it ought not to be in the Bill at all. It seemed to be unreasonable, and the best thing they could do, therefore, was to negative it.

The HON. P. MACPHERSON said he felt strongly tempted, after the remarks of his hon. friend, to withdraw the Bill altogether. It was a great pity the Pharmacy Board did not intimate that matter to him when they interviewed him to-day. If it was the wish of the Committee that the clause should be negatived he was quite agreeable, but he was very sorry he had put himself to so much trouble over the Bill.

Question put and negatived.

On clause 14, as follows:—

"The Governor in Council may on the recommendation of the Board of Pharmacy, from time to time make any regulations as to the colouring of any poisons, or as to the sale or custody of the same, or otherwise as to carrying into effect the objects of this Act. Such regulations after publication in the *Government Gazette* shall have the same force and validity as if the same formed part of this Act; and a copy of the same shall be laid before both Houses of Parliament."

The HON. W. H. WILSON said that under the clause the Governor in Council would have no power to make regulations unless upon the recommendation of the Pharmacy Board. If it were desired that such should be the case, of course he had no objection; but it appeared that if the Board of Pharmacy did not recommend, the regulations would not be made, and that was not desirable. The Governor in Council should have full power to make regulations. He would move that the words, "on the recommendation of the Board of Pharmacy," be omitted.

The HON. W. F. TAYLOR said it was very necessary that the Board of Pharmacy, having a knowledge of poisons and any new drugs, should have the privilege of recommending that such should be included in the list given below. There might not be a chemist in the Council to keep them posted up. And in these days very strong poisons might be introduced and brought into use without the Governor in Council having any knowledge of the fact. It was very necessary that the Board of Pharmacy should have some privilege of recommending in such cases.

The HON. W. H. WILSON said there would be nothing in the clause to prevent the Board of Pharmacy making recommendations to the Governor in Council when they chose to do so, and the clause, with the omission that he proposed, would enable them to recommend to the Governor in Council any regulations that they chose.

The MINISTER OF JUSTICE said he quite agreed with the proposal to omit the words, as he did not think the Governor in Council should be limited in his regulations to recommendations made by the Pharmacy Board. It was not a proper position to put the Governor in Council into. The Governor in Council might find it necessary to curtail the privileges which the Pharmacy Board might claim. He hoped such a thing would never happen; but it was possible, and he thought the amendment should be adopted.

The HON. SIR A. H. PALMER said that from the first time he entered Parliament, he had always opposed clauses in all Bills which gave the Governor in Council power to make regulations. The clause in question would take power out of the hands of the Houses of Parliament, and give it to the Governor in Council, who would be able to override the Act itself. He had seen it again and again. The only regulations the Governor in Council should be allowed to make were those necessary to carry out the provisions of the Act. Taking the present case: what did the Governor in Council know about colouring poisons, for instance? If Acts were allowed to stand for themselves, they would have far better laws, and they would be far better administered than at present. Allowing the Governor in Council to override Parliament had been the curse of the colony for years.

Amendment agreed to.

The HON. W. H. WILSON said, in accordance with the suggestion of the Hon. Sir A. H. Palmer that the Governor in Council should only be allowed to make regulations for the carrying into effect of the Bill, he proposed to omit the word "any" in the 2nd line of the clause, and the words "as to the colouring of any poisons, or as to the sale or custody of the same, or otherwise as to," in the 3rd and 4th lines. His intention was to make the clause read:—

The Governor in Council may from time to time make regulations for carrying into effect the objects of this Act, etc.

Amendment agreed to.

On the motion of the HON. W. H. WILSON, the word "for" was inserted before the word "carrying," in the 4th line.

Clause, as amended, put and passed.

On clause 15, as follows :—

"The Governor in Council may, on the recommendation of the Board of Pharmacy, direct the cancellation of the certificate as a dealer in poisons held by any person who is convicted of any offence against this Act, which renders him unfit, or who may be deemed unfit through habitual intoxication, or otherwise, to continue to sell poisons."

The HON. F. T. GREGORY said that by tha clause the Board of Pharmacy only could recommend to the Governor in Council that a certificate should be cancelled, and it was much more likely that a matter of that sort would be brought forward by someone else—someone who had observed that a person was not fit to hold a certificate in a district where the Board of Pharmacy could not know what was going on. It was much better that the Governor in Council should be unshackled in the matter, and not be able only to deal with cases where recommendation was made by the Board of Pharmacy. That would not prevent the Board of Pharmacy bringing a case under the notice of the Governor in Council, and therefore it was far better to eliminate the words "on the recommendation of the Board of Pharmacy." He moved the omission of those words.

The HON. W. F. TAYLOR said he did not think it advisable to omit those words for the reason that the Board of Pharmacy granted the certificates, and before doing so they would inquire into the character and suitability of the person applying for a certificate. They would perfectly satisfy themselves that the person to whom they granted a certificate was fit to sell poisons. If the board were to have the power to grant certificates, surely they should have the power to recommend that a person had proved himself unfit to sell poisons. A man might be totally unfit to have charge of poisons, and he could not see that any person other than the Board of Pharmacy, should be able to take cognisance of the behaviour of individuals holding the certificates from that Board. They could receive complaints from people who had any fault to find with a dealer of poisons, and could recommend to the Governor in Council that the certificate of such dealer be cancelled if necessary.

The HON. SIR A. H. PALMER said he thought the hon. gentleman forgot that certificates could also be granted by a police or stipendiary magistrate. A man did not need to get a license from the Board of Pharmacy, and the amendment would not prevent the Board of Pharmacy recommending to the Governor in Council. If the clause were left as it was, only that Board could make a recommendation, and he quite agreed with the Hon. Mr. Gregory that it should be in anyone's power, who could bring proof, to recommend the cancellation of a certificate.

The HON. W. F. TAYLOR said with respect to what the President had stated with regard to a medical practitioner or a police magistrate granting a certificate, that was not the case, as clause 9 only gave those persons the power to certify that a man was a proper person to receive a certificate from the Board of Pharmacy.

The HON. SIR A. H. PALMER : The Board has no option.

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

On schedule 1, as follows :—

"LIST OF POISONS.

"*First Part.*

Arsenic, its compounds and preparations containing same.

Cyanide of Potassium and all metallic cyanides, and preparations of cyanides of potassium and of all metallic cyanides.

Prussic Acid and preparations containing same.

Strychnine, its salts and preparations containing same.

Savin and its Oil and preparations of same.

Ergot of Rye and its preparations.

Chloral Hydrate and its preparations.

Tartar Emetic and preparations containing same.

Corrosive Sublimate and preparations containing same

Cantharides and preparations of same.

All poisonous vegetable alkaloids and their salts and preparations containing same.

Aconite and preparations of same.

Atropine and preparations containing same.

Phosphorus.

Nux Vomica and its preparations.

Every compound containing any poison within the meaning of the Act, when prepared or sold for the destruction of vermin.

"*Second Part.*

Oxalic Acid and all oxalates.

Chloroform.

Belladonna and preparations containing same.

Laudanum and preparations containing same.

Opium and all preparations of Opium and Poppies.

Essential Oil of Almonds, unless deprived of its Prussic Acid.

Nitric Acid or Aquafortis.

Sulphuric Acid or Oil of Vitriol.

Carbolic Acid.

Hydrochloric Acid or Spirits of Salt.

Oxides of Mercury.

Sulphate of Zinc.

Sulphate of Copper.

Sugar of Lead and preparations."

The HON. W. F. TAYLOR said he should like to know why the schedule was divided into two parts, because, according to the schedule as it stood, the provisions of the Bill only extended to the first part. The articles mentioned in the second part did not appear to come within the meaning of the Bill at all.

The HON. P. MACPHERSON said the provisions of clause 2 applied to the first part, and clauses 4, 5, 8, 9, 10, and 11, applied to all poisons. There were certain forms attending the sale of the poisons specified in the first part, because they were more dangerous.

The HON. W. F. TAYLOR said in the case of the poisons mentioned in the second part, it would not be necessary to apply the provisions of clause 2.

The HON. P. MACPHERSON said that it would not, because clause 2 expressly specified that it referred to the sale of the poisons appearing in the first part of the schedule.

The HON. W. F. TAYLOR said as it was merely a matter of having those poisons labelled that the division was made, that being so he thought the second part contained poisons quite as deadly as any in the first part—for instance, oxalic acid, which was largely used for cleaning purposes. It might be taken by mistake for "Epsom Salts," and it was very dangerous. He saw no reason why it should not be included in the first part. Then came chloroform, which was also a deadly poison if not properly used. Belladonna they all knew to be a deadly poison, and so were laudanum and its preparations, and opium and its preparations. He would move that all of those articles be included in the first part of the schedule.

The HON. P. MACPHERSON said the schedule was copied from the English list. They were going too far if a person could not purchase 6d. worth of oxalic acid without going through all the forms prescribed by clause 2. He would ask his hon. friend to reconsider his amendment.

The HON. J. SCOTT said he thought there ought to be some articles taken out of the first part, such as tartar emetic and cantharides.

No one under eighteen years of age could get any of the articles in that first part; and a chemist would not be able to give an ordinary fly blister to anyone under eighteen years of age. He thought some of those articles should be eliminated from the first part.

The HON. W. F. TAYLOR said that tartar emetic was very little used, and was a very deadly poison, and no chemist would ever send a dose of tartar emetic, but would give ipecacuanha wine or something of that sort. Tartar emetic was as deadly as arsenic. With respect to cantharides, which was a deadly poison, a person was not likely to use a blister to poison himself with.

The HON. A. RAFF said he thought it would add unnecessarily to the cost of simple articles,—such as sulphuric acid, nitric acid, and preparations of laudanum—if every person before he could get them had to comply with all the requirements of the Bill.

The HON. F. T. BRENTNALL said the object of the Bill was to protect the lives of the people. If that were not so the Bill was not necessary. It seemed to him that the Bill had been drawn up with a strict regard to the preservation of life. They were constantly reading of loss of human life by the careless use of poisons, and no safeguard could be too strict, and no provision too severe, which would save a single life. If that object would be still further secured by transposing the first five lines of the second part to the first part of the schedule, it was a simple matter to be done, and he thought if the first part required any elimination, that could be done too. They all knew that the articles mentioned in the first five lines of the second part were deadly poisons, and might be included in the first part.

The HON. A. C. GREGORY said that in the beginning of the schedule there was an anomaly. A person could not get Prussian blue except it were labelled as poison, as it came under the head of "metallic cyanides." It would be far better to omit the words "and all metallic cyanides." As a rule, metallic cyanides were not poisonous. Cyanide of potassium was specified separately, and therefore he moved that the words "and all metallic cyanides" be omitted after "cyanide of potassium."

Amendment agreed to.

The HON. A. C. GREGORY moved the further omission of the words "and of all metallic cyanides" in the 31st line.

Amendment agreed to.

The HON. A. C. GREGORY said "tartar emetic" was an article in common domestic use, and it was very important that it should be obtainable, as in case of poisoning no emetic was so energetic in its action as tartar emetic. He moved that the words "tartar emetic and preparations containing same" be omitted.

The HON. W. F. TAYLOR said he really did not know what grounds the Hon. Mr. Gregory had for his statement that tartar emetic was very largely used. He was surprised to hear that, as he had never known it before. He knew that antimonial wine was used by some people, but not tartar emetic, which was a deadly poison, even in small doses. He thought it would not do to let the remarks made pass, as people might think it was as harmless as ipecacuanha wine. He thought it would not do to allow those things to be used indiscriminately under the impression that they were harmless, when they were as deadly as arsenic or cyanide of potassium.

The HON. SIR A. H. PALMER said he could state that he had known tartar emetic prescribed for his own children in cases of croup.

The HON. W. F. TAYLOR said it might be prescribed as a medicine by a physician, but it would not do to use it indiscriminately.

The HON. P. MACPHERSON said tartar emetic was mentioned in the English Act as being a most deadly poison. The provisions of the Bill did not apply to poisons prescribed as medicines.

The HON. W. F. TAYLOR said that he had a work with him—"Squire's Companion to the British Pharmacopœia"—which said with regard to cases of poisoning by tartar emetic the antidotes were tannic acid, catechu, and vegetable astringents.

The HON. J. SCOTT said that every one knew that tartar emetic was a poison, and so was cantharides, but so were other drugs which were looked on as harmless. The only difference was that the latter had to be taken in larger doses. Tartar emetic was not a poison taken in ordinary doses. There was no doubt that antimony could be used as a poison in continual small doses, but that was systematic poisoning, while he referred to accidental poisoning.

Amendment agreed to.

The HON A. C. GREGORY said the next item he wished to exclude in the first part was cantharides. If that were left they should have to resort to some more unpleasant form of blistering. He moved that "cantharides and preparations of same" be omitted.

The HON. P. MACPHERSON said he greatly objected to the omission of cantharides, which they all knew was used for purposes of abortion. As regarded preparations of cantharides, they could hardly call a blister a preparation. The preparations which were referred to were those which could be swallowed. They could not poison a man by blistering him.

The HON. W. F. TAYLOR said it undoubtedly was a poison.

The HON. SIR A. H. PALMER said, if every article mentioned in the second part of the schedule was a poison why were there two parts at all?

Amendment put and negatived.

The HON. W. F. TAYLOR said oxalic acid, chloroform, belladonna and preparations containing the same, and laudanum and preparations containing the same, and opium and all preparations of opium and poppies were things which were daily and hourly used, and every precaution should be taken to see that their use was guarded in every possible way. They must bear in mind that the Bill was not only to protect against accidents, but against suicide and murder. Many cases of murder had occurred through the use of these poisons, and many cases of suicide, and the facilities for obtaining them ought to be reduced. He moved that those articles be added to the first part of the schedule.

The HON. A. C. GREGORY said he might suggest that the hon. gentleman should move the insertion of the first three articles he mentioned first, because there would be some debate in regard to the other two, and if all were put together, the fact of the fourth and fifth being negatived would negative the whole five. They had better dispose of the first three first.

The HON. W. F. TAYLOR amended his motion by moving that oxalic acid, chloroform, and belladonna and all preparations containing the same be added to the first list.

Amendment agreed to.

The HON. W. F. TAYLOR moved that laudanum and preparations containing the same, and opium and all preparations of opium and poppies be added to the first list.

The HON. A. C. GREGORY said there were several objections to these articles being added to the first list, as chlorodyne, for instance, would be included, which was not desirable. Of course people could poison themselves with laudanum, and it would be well to prevent its being handled by everybody, but at the same time it was kept by many persons living far away from any possible communication with the source of a direct supply, and there might be cases of emergency. He would therefore object to the amendment.

The HON. W. F. TAYLOR said it was not the intention to exclude those articles altogether from use, but only to allow them to be used under certain restrictions. They all knew that laudanum had been the cause of many accidents. One of the clauses of the Bill said that certain poisons should be kept in separate places and be properly labelled, and if that precaution were neglected there might be serious accidents through laudanum. The label might fall off a glass bottle, and laudanum might then be mistaken for black draught. They all knew, too, that laudanum-drinking was not an uncommon practice. Chemists would tell them that an astonishing quantity of laudanum was consumed in that way. Some persons would drink half-an-ounce of laudanum as they would drink a glass of bitters. Surely there ought to be some restriction placed upon that practice. If it were not included in that list a chemist could sell it to anyone who paid a shilling for his nobbler. No person was justified in drinking laudanum unless he had some knowledge of its effects as an anodyne. He hoped these articles would be allowed to be placed on the first list.

The HON. P. MACPHERSON said they might be going too far to include laudanum and opium in the first part of the schedule. Those articles would be found in almost every family medicine chest.

Amendment put and negatived.

The HON. A. C. GREGORY moved that all the words in the last two lines of the schedule be omitted.

The HON. W. F. TAYLOR said that would be rather too sweeping an amendment altogether. There was a poison which was known as "Rough on rats," which had caused a number of deaths, and such articles ought not to be sold without any restriction. All those insecticides contained either strychnine or arsenic, and a number contained phosphorous, and they ought to be very careful how those things were allowed to be sold.

The HON. A. C. GREGORY said it was very important that they should have the power of procuring antitermite, which was nothing more nor less than arsenic and potash, and was one of the most important elements they possessed for keeping their houses from falling down about their ears. He believed more people were likely to be killed through having their houses fall upon them than by taking the poison.

Amendment agreed to.

The HON. A. C. GREGORY moved that all the words after and including the words "essential oil of almonds," in the second part of the schedule, be omitted. Every one of those articles was in common use, and it was undesirable to restrict their local industries by throwing difficulties in the way of obtaining them. Essential oil of almonds was used chiefly for flavouring. Nitric acid was indispensable for a large number of their trades; sulphuric acid or oil of vitriol was also indispensable—they would not be able to have any aerated waters without it. Carbolic acid was indispensable, as they all knew, for sanitary purposes. Hydrochloric acid or spirits of salts was used in every building in connection with soldering spouting, tanks, etc. Oxides of mercury were not so important, and were not very dangerous. Sulphate of zinc was constantly used for lotions in families; and sulphate of copper was indispensable to the farmer to keep off rust. Sugar of lead and preparations of it were constantly used in various matters connected with the painter's art.

The HON. W. F. TAYLOR said before that amendment was put he would move an amendment consequent upon alterations already made. He moved that the words "oxalic acid and," "chloroform," and "belladonna and preparations containing the same" be omitted from the second part of the schedule.

Amendment agreed to.

The HON. A. C. GREGORY said that as the principal items in the second part had been transferred to the first part the best thing they could do was to omit the remainder of the second part altogether.

The HON. P. MACPHERSON said he really objected to the omission of those poisons from the second part of the schedule. All the Bill provided in reference to poisons contained in the second part was that they should be labelled and kept in a proper place, and he did not see what earthly objection there could be to that. The majority of sane people did it already without any legislation.

The HON. A. C. GREGORY said that if those articles were retained in the second part of the schedule it would seriously encroach upon the welfare and comfort and success of their trade institutions. Practically they had taken a portion of the second part and put it in the first part, and they proposed to do away with the remainder altogether.

The MINISTER OF JUSTICE said if that amendment were carried they would practically have to go through the whole of the Bill again, because in several clauses through it reference was made to the different parts of the schedule. He thought it was his duty to point that out, so that it should not be overlooked. However, that was a matter for the gentleman in charge of the Bill, who probably had more information upon the subject than he had. The first schedule was at present divided into two parts, and if the amendment were carried there would be no second part, and the body of the Bill would have to be altered accordingly. Clauses 2 and 3 at any rate referred to the "first part" of the first schedule, and some others. The hon. gentleman in charge of the Bill would have to examine it very carefully.

The HON. W. F. TAYLOR said he thought they should deal with all those articles separately, as all hon. members did not know whether they were all poison or not. He thought they should be dealt with seriatim.

The HON. A. C. GREGORY said he quite agreed with dealing with them separately.

The HON. W. F. TAYLOR said he would therefore move that each line be considered separately. Different drugs had different effects, although they were all poisons. They had liquid preparations and salts, and they had vegetable and mineral preparations, and that was one reason why they should be dealt with separately.

Question—That "Laudanum and preparations containing same" stand part of the schedule—put.

The HON. A. C. GREGORY said that in that case among the preparations of laudanum they would include the well-known medicine chlorodyne, which was used by a large number of people. It was one of the most valuable remedies for a great variety of illnesses—toothaches, and cases

in which persons were suffering from violent pains. If they were prevented from getting chlorodyne they might get something worse. He thought they should exclude chlorodyne.

The HON. P. MACPHERSON said that chlorodyne was included under the term "patent medicines."

The HON. T. L. MURRAY-PRIOR said he did not know whether the hon. gentleman had ever thought that nearly every one of those preparations was used commonly—such as opium, sulphuric acid, carbolic acid, sulphate of zinc, sulphate of copper, and sugar of lead, particularly the three last.

The HON. W. F. TAYLOR said, with respect to the Hon. Mr. Gregory's objection to laudanum and its preparations, he thought they should be in the first part of the schedule. If they were they could not possibly affect chlorodyne, which was both a "patent and proprietory medicine," and so was exempted. They knew that chlorodyne was a bush remedy in every case almost that could arise. He remembered many years ago, when chlorodyne was newly introduced into general use, a young gentleman coming up to him in the bush. He began to dilate upon the virtues of that medicine, and said that he took a dose nearly every morning and every night. If he felt the least pain he took a dose to relieve it, and if he took too much liquor at night, a dose set him right in the morning. No doubt chlorodyne was used freely, but, as he had said, it was exempted. Hon. gentlemen might not be aware that opium was very fatal even in small doses, but in a work he had with him—"Taylor's Manual of Medical Jurisprudence"—which was recognised as a text-book and an authority in courts of law, it was stated :—

"The smallest fatal dose of solid opium which has been known to prove fatal to an adult was in the case of a man *aet* 32, who died very speedily in a convulsive fit after having taken two pills, each containing about one grain and a quarter of extract of opium. This quantity is equivalent to about 4 grains of crude opium."

Then of laudanum, which was the tincture of opium, it was stated —

"The smallest fatal dose of the tincture in an adult that the author found recorded, is two drachms."

which was about 120 minims. Still it was proposed that that medicine should be not only allowed to be used, but to be used indiscriminately, and without any safeguard being provided. It was not to be labelled or put in a place by itself like other poisons, although two teaspoonfuls would prove fatal. He hoped hon. gentlemen would realise the gravity of the matter and see that opium and laudanum were included in the first part.

The HON. SIR A. H. PALMER said all medicines were poisons if taken in extreme doses. He remembered a case which occurred at Rockhampton, where a chemist some years ago was poisoned by taking an excessive dose of effervescing salts. The Hon. Dr. Taylor knew as well as anyone else that what was a large dose for one person was a small dose for another, and it appeared almost as if they could not legislate on the subject.

The HON. W. F. TAYLOR said the Bill only provided against the indiscriminate use of poisons. It would be a great pity if opium were not included in the first part.

The HON. T. L. MURRAY-PRIOR said that at present all those things were marked as poisons by the chemists on the bottle or package, and they would continue to do that even if opium were left out.

The HON. W. F. TAYLOR said he must read one or two sentences here :—

"The editor has known less than a grain of opium destroy life in an aged person. In connection with this subject it is important for a medical jurist to bear in mind that infants and young persons are liable to be killed by very small doses of opium ; they appear to be peculiarly susceptible to the effects of this poison. The syrup of poppies, paregoric elixir, Godfrey's cordial, Dalby's carminative, and a variety of soothing syrups owe their narcotic effects to the presence of opium. The symptoms and appearances which they produce, when taken in a large dose, are similar to those caused by opium or its tincture. One-sixtieth part of a grain of opium has thus destroyed the life of an infant."

The HON. A. C. GREGORY said there was one preparation of opium which the hon. gentleman had just reminded him of, and that was one well known as "balsam of aniseed," which large numbers of people used, and which contained a certain proportion of opium. Hon. members of that Committee should know that it was of great benefit to them by being taken in cases of catarrh, and so preventing those cases of catarrh being an annoyance to hon. members and interfering with the transaction of business.

The HON. W. F. TAYLOR said he would like to know whether a single case of catarrh had ever been cured by "balsam of aniseed?"

The HON. A. C. GREGORY : I will not say cured, but alleviated.

Question put and passed.

Question—That "Opium and all preparations of opium and poppies" stand part of the schedule—put.

The HON. A. C. GREGORY said the same arguments would apply to that as to the previous item. He admitted that opium was a dangerous poison, and one which should not be in the hands of ordinary people, because it might be improperly used, and if laudanum were available he did not see the necessity for admitting those preparations. He therefore moved that the words "and all preparations of opium and poppies" be omitted.

Amendment agreed to, and question put and passed.

Question—That "Essential oil of almonds, unless deprived of prussic acid" stand part of the schedule—put.

The Hon. A. C. GREGORY said that the essential oil of almonds, when combined with prussic acid, might be left in the schedule, because it was almost out of use, and so it was immaterial whether it was there or not. Benzoin had taken its place. He had no objection to allowing that to remain in the schedule.

Question put and passed.

Question—That "Nitric acid or aquafortis" stand part of the schedule—put.

The HON. A. C. GREGORY said nitric acid was an ordinary article of trade and use, and could not very well be done without. He did not think people would try to commit suicide by means of nitric acid, as it would be very unpleasant, and they would prefer to take something nicer. He proposed the omission of that line from the list.

The HON. P. MACPHERSON said he could not see why there should be any objection to that particular poison remaining there. What harm was there in legislating that that poison should bear a label, and be kept separate? It was a most dangerous poison.

The HON. W. F. TAYLOR said he would quote again :—

"The smallest quantity of this acid which is reported to have destroyed life is about two drachms. It was in the case of a boy aged thirteen ; he died in thirty-six hours. Death commonly takes place within twenty-four hours. Sobernheim relates a case of poisoning by nitric acid, which proved fatal in one hour and three-quarters."

He thought that proved it was sufficiently poisonous to be in the list.

The HON. A. C. GREGORY said nitric acid was as poisonous as hot tea. Cases had occurred of poisoning from hot tea. The skinning of the throat was one of the most fatal injuries anyone could suffer, and that was done sometimes by scalds or burns.

Question put and passed.

Question—That "Sulphuric acid or oil of vitriol" stand part of the schedule—put.

The HON. W. D. BOX said he did not know what connection there was between sulphuric acid and oil of vitriol. He knew the former was necessary for making soda water, but the latter was not. He thought they should be separate. Oil of vitriol ought to be a first-class poison.

The MINISTER OF JUSTICE said the principal object of including those articles in the second part of the schedule was to make it necessary that people keeping them or selling them should have them labelled or marked in such a way as would prevent them being taken as non-poisonous material. He did not see why people should not be compelled to mark such a dangerous poison as sulphuric acid in such a way that it would be recognised as a dangerous thing to use. It ought to remain in the schedule as it was.

The HON. W. F. TAYLOR said the smallest quantity of sulphuric acid which was described as having proved fatal, was in a case where a child was given half a teaspoonful in mistake for castor oil. The quantity could not have exceeded forty drops.

The HON. A. C. GREGORY said sulphuric acid was usually added to vinegar; in fact, vinegar would not keep without it, as a rule, and it would be awkward to have to label a bottle of vinegar "poison." Oil of vitriol was the same thing.

The HON. W. D. BOX said he had sold hundreds of pounds worth of sulphuric acid, but was ignorant that he was selling oil of vitriol.

The HON. A. C. GREGORY said oil of vitriol was the old alchemical term for sulphuric acid. The article was then made from vitriol. But afterwards when they came to establish a more correct and convenient system of nomenclature, they named acids after the bases from which they were prepared. This acid was then made from sulphur, and received the designation of sulphuric acid. The difference between the two was merely technical.

Question put and passed.

The words "carbolic acid," "hydrochloric acid or spirits of salts," "oxides of mercury," "sulphate of zinc," "sulphate of copper," and "sugar of lead and preparations" were allowed to stand part of the schedule.

The HON. W. F. TAYLOR said there were other poisons that ought to receive consideration, amongst them being nitrate of silver, lunar caustic, which was used for burning sores and corns and such. He moved that "nitrate of silver" be added to the schedule.

The MINISTER OF JUSTICE said he might call the attention of hon. gentlemen to the fact that there was provision made in the Bill, by which, by proclamation in the *Government Gazette*, any articles not at present included in the schedule might be added as poisons within the meaning of the Act. That clause—number 7—would leave room for correcting any omissions that might have occurred. It would take a long time if they were going to endeavour to include every poison in the Bill then.

Question put and passed.

The HON. W. F. TAYLOR said there was a substance called the "Calabar bean" which was very poisonous, and which ought to be added to the list. He moved that it be inserted in the schedule.

Question put and passed

On the motion of the HON. W. F. TAYLOR, "Cannabis Indica," "conium," and "croton oil" were included in the schedule.

The HON. W. H. WILSON moved that "lobelia" be included.

Question put and passed.

The HON. W. F. TAYLOR moved that "Nitro-benzine" be added to the schedule.

The HON. A. C. GREGORY said, if they added "nitro-benzine" to the list, what was to become of their confectionery? They could hardly have a blanc-mange upon their tables, and what about their brandy? If they included nitro-benzine there were other things of the same kind that would have to be marked poison. The fact was that nitro-glycerine, as contained in dynamite, was a far more poisonous material than almost anything mentioned that evening. If a person took the very smallest quantity upon his finger and swallowed it he would have a most formidable headache, one that it would puzzle their medical friend to relieve him of. Nitro-benzine was the ordinary almond flavouring.

The HON. SIR A. H. PALMER said, all the amendments made in that schedule would educate the people above any ideas they ever entertained before. People in the city of Brisbane would go and ask for these new poisons to see what they were like. They did not know they existed at present. He thought all these amendments would do a great deal more harm than ever, so far as the public health was concerned.

Amendment agreed to.

Schedule, as amended, put and passed.

Schedule 2 and preamble, passed as printed.

On the motion of the HON. P. MACPHERSON, the House resumed, and the CHAIRMAN reported the Bill with amendments.

The report was adopted, and the third reading of the Bill made an Order of the Day for Tuesday next.

The MINISTER OF JUSTICE said: Hon. gentlemen,—I beg to give notice, by leave of the House, that at a later period of the evening I shall move that the House sit again to-morrow, if necessary.

The PRESIDENT said: I shall resume the chair at 9 o'clock.

At 9 o'clock,

The PRESIDENT said: As there is no chance of the Bill coming up for another half-hour, I shall resume the chair at half-past 9 o'clock.

At half-past 9 o'clock,

The MINISTER OF JUSTICE said: Hon. gentlemen,—I regret that I have just received a message from the Printing Office, saying they will take about half-an-hour to complete the Bill, so that we can deal with it. I would therefore suggest that the hon. the President should resume the chair again in half-an-hour—that is, at 10 o'clock. I hope by that time, or a few minutes after, we shall be able to proceed with our work.

The PRESIDENT said: I shall resume the chair at 10 o'clock.

At half-past 10 o'clock,

The MINISTER OF JUSTICE said: Hon. gentlemen,—I would suggest that the President resume the chair in half-an-hour. I am sorry

that the disappointments have occurred, but under the circumstances I hope they will be taken in good part.

The PRESIDENT said: I shall resume the chair at 11 o'clock.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.

JUDGES' VALIDATING BILL OF 1888.

The PRESIDENT announced that he had received from the Legislative Assembly a message forwarding, for the concurrence of the Legislative Council, a Bill to declare the meaning of the 12th section of the Supreme Court Act of 1867 and to make valid all acts and things done by the Honourable Charles Stuart Mein while discharging the duties of a judge of the Supreme Court of Queensland, whether acting alone or jointly with any other judges or judge thereof, from the date of his appointment to the passing of this Act.

FIRST READING.

On the motion of the MINISTER OF JUSTICE, the Bill was read a first time.

SECOND READING.

The MINISTER OF JUSTICE said: Hon. gentlemen,—In moving the second reading of this Bill, it is my duty to offer to this Chamber some short explanation of the circumstances which have caused the introduction of this Bill. As I stated this afternoon, the measure was necessary owing to a question which had arisen in connection with the commission of Mr. Justice Mein as a judge of the Supreme Court. To explain the circumstances under which this question has arisen, I shall refer hon. gentlemen to the 12th section of the Supreme Court Act of 1867, which is embodied in the preamble of this Bill, as follows:—

"Whereas by the twelfth section of The Supreme Court Act of 1867 it is enacted that no judge of the Supreme Court shall be capable of accepting, taking, or performing the duties of any other office or place of profit or emolument within the colony of Queensland, except as thereinafter provided, and excepting such office as may be granted to such judge under Her Majesty's Sign Manual, or by authority granted under the Great Seal of the High Court of Admiralty of England, or as may be cast upon him by law, and that every such acceptance, taking, or performance of the duties of any such other office shall be deemed in law an avoidance of his office of judge and that his office and commission shall be thereby in full superseded, and his salary shall thereupon cease."

It came to the knowledge of the Government that His Honour Justice Mein held before his appointment and since that appointment the position of Lieutenant-Colonel in the Land Defence Force of Queensland, and in that capacity he was entitled to receive, and did receive, payment for his services. Attention is also at the same time called to a fact that has been discussed in another place—namely, that His Honour has acted, both before and after his appointment as a judge, in the capacity of a director of an insurance company having a branch in Brisbane. His appointment as a judge is recited in the second paragraph of the preamble, and the facts that I have stated as to his acting as an officer of the Defence Force and a director of the company referred to are set forth in the 3rd clause of the preamble. The fourth paragraph recites his continuance in the exercise of the duties of those offices. Now, the question is to be looked at from two different points of view. I do not think there can be any question as to whether a judge who holds any office of any kind under the Government for which he is entitled to, or does, receive payment, comes within the terms of the prohibition of the 12th section of the Supreme Court Act of 1867. I would call the attention of hon. gentlemen further to the wording of that clause which prohibits the accepting, taking, or performing the duties of any office or place of profit or emolument within the colony of Queensland. We are accustomed to those expressions in the Constitution Act; but in the Constitution Act there is a further expression of great importance in the three words, "under the Crown." Members of Parliament holding offices of profit under the Crown are, under certain circumstances, disqualified from holding seats in Parliament. This more extensive expression in the 12th section of the Supreme Court Act of 1867 raises the question whether a judge is at liberty to accept an office of profit of any kind, whether public or private, in the colony. The question with regard to the Constitution Act has been already under the consideration of Parliament, and in the Officials in Parliament Act, which was introduced shortly after the Defence Force Act of 1884 was passed, there was an express provision introduced to exempt or to exclude the officers in the Defence Force entitled to receive payment for their services from the list of officers which were forbidden by the Constitution Act. Under the circumstances it was for the Government to gravely consider the position. There was, to say the least of it, very grave doubt whether Justice Mein's commission had not ceased from the time almost of his appointment, because he continued to act as a Defence Force officer without interruption; and it became also a question whether his office was not vacated equally as much by the performance of a private office of profit, and the Government considered that, first of all, the difficulty could only be cured by the introduction of a special Act of Parliament declaring valid all his actions, and providing for the difficulty in a prompt and ready way. The danger which might arise from this difficulty becoming known before its solution was seen to be very great. The results might have been very serious, because, assuming that the doubt was well justified—and one may fairly assume that—it would have been competent for any person who had been convicted, or was now imprisoned under any sentence imposed by Mr. Justice Mein, to apply at once to the Supreme Court for his discharge. And Civil decisions in which his Honour took part were equally liable to be questioned, and it became, as hon. gentlemen will agree, the duty of the Government to have a Bill of this sort introduced and passed into force with the greatest expedition possible, to prevent the mischief which might have arisen if the ordinary course of legislation had been followed. As the Bill now stands the matter has been stated that doubts have arisen, and that it is considered expedient that these doubts should be removed and litigation with respect to the question should be prevented. The first clause of the Bill provides that the office of an officer or member of the Defence Force of Queensland, or any office or place of profit or emolument under any person or corporation, is an office of profit within the meaning of the 12th section of the Supreme Court Act of 1867. That clause has been introduced for the purpose of removing any doubt that may hereafter exist. It is essential, and I think hon. gentlemen will agree with me, that judges who have such important functions to perform should be in a position of complete independence—should be thoroughly free from subserviency, not only to the Government, but to any individual or any private concerns. The introduction of this section will remove in future all questions of doubt or difficulty on the subject. The 2nd clause is a long one, and it provides that all the acts and

proceedings which Mr. Justice Mein has done or has taken part in, either alone or jointly with any other judges, shall be as valid and binding upon all persons as if no question had been raised about his commission, or as if his commission had been perfectly valid up to the present time. The 3rd clause provides that any person who, by any act or omission, in the course of any judicial proceedings before Mr. Justice Mein as a judge, would have been liable to prosecution or punishment, if these offices had not been questioned, shall be as liable to that prosecution as much as they would if no question had arisen in the matter at all. Then the 4th clause provides indemnity to Justice Mein for any judgment or decree he has made, and for all persons acting under or in pursuance of his judgments or decisions. The 5th clause provides for the acknowledgment of expenses or payments of salary or allowances made to his honour Mr. Justice Mein, as good and effective payments made by the Government departments. And the 6th clause provides :—

"It is hereby declared that the said office and commission of the Honourable Charles Stuart Mein as a judge of the Supreme Court of Queensland shall be deemed to have continued and shall hereafter continue in as full force and effect from the date of his said appointment to the said office as if the same had not been avoided and superseded."

I have to state further that his honour Mr. Justice Mein has to-day resigned the position which he has held as an officer of the Defence Force, and also as a director of the company, which are, I believe, the only offices that gentleman has held up to the present time, and in justice to him I think I ought to state that his resignations of both those offices were sent in some time ago. Owing to some delay and difficulty in getting a successor to his position in the Defence Force, and at the request of the company with whom he was connected, the operation of those resignations has been delayed hitherto. Now, of course, the resignations have been sent in positively to-day, and his functions in those offices have ceased. I think that I have touched on the material points relating to this Bill, but if I have overlooked any matter I have not done so intentionally, and I shall be only too glad to give any further information if it is desired ; but under the circumstances I submit to the House that we have taken the only course that was open to us in introducing this Bill, and in asking both Houses to pass the Bill through all its stages in the one day. If one day had intervened between the introduction of the measure and its passing through both Houses, the mischief which we wished to avoid might have been incurred. With these remarks, at this late hour of the evening, I will content myself with moving that the Bill be now read a second time.

The HON. T. L. MURRAY-PRIOR said: Hon. gentlemen,—I cannot allow this Bill to pass without making a few remarks. The Minister of Justice referred to the suspension of the Standing Orders for passing an Appropriation Bill through all its stages in one day, and I must say I was very much taken by surprise when another Bill was allowed to be brought forward. It came on us like a bomb, and at the time I could not see the propriety of bringing in a Bill, without one word being said beforehand, in the manner in which this Bill was brought forward. Since then some little time has elapsed, and hon. members have had an opportunity of hearing and examining the Bill, and of knowing the reasons for its introduction, and under the circumstances there is no doubt that a very great need existed for the passing of this Bill; but, at the same time, I cannot help expressing my surprise that among the gentlemen possessing all the legal lore of the colony, it has been allowed to remain as long as it has. I shall ask the Minister of Justice, when the Bill goes into committee, one or two questions; and I certainly think that it is very difficult for us to decide when doctors disagree, as they apparently have disagreed in this matter, for if it had been patent to those gentlemen that they were beyond the law in the matter, it would have been brought before us previous to the present occasion. I shall make no opposition to the Bill.

Question put and passed.

COMMITTEE.

On the motion of the MINISTER OF JUSTICE, the President left the chair, and the House resolved itself into a Committee of the Whole to consider the Bill in detail.

Preamble postponed.

On clause 1, as follows :—

"The office of an officer or member of the Defence Force of Queensland, and any office or place of profit or emolument under any person or corporation, is an office of profit within the meaning of the said 12th section of the Supreme Court Act of 1867."

The HON F. T. GREGORY said he only rose to make a passing remark upon the clause. At such a late hour he had not intended to speak on the second reading, but he would remark to the Committee the fact that the clause directly affirmed that there was no abrogation of the existing law. In fact, it re-affirmed that it was of the utmost value and importance to the Legislature of this country that its Act should not in any way be rendered liable to doubt. The clause would prevent the possibility of the introduction of what would otherwise be a very lax system of legislation. At such short notice there had been very little opportunity of considering the matter; but he thought they should be very well satisfied with the form that it had assumed, more especially after the explanation of the Minister of Justice. That hon. gentleman had fully explained what was confirmed after reading the Bill, and he merely wished that the Committee should feel the importance of the subject.

The HON. T. L. MURRAY-PRIOR said he would like to ask the Minister of Justice who first discovered that matter and brought it forward?

The MINISTER OF JUSTICE said the question was one he did not anticipate being asked, but he might say that, in studying the Supreme Court Act, he came across the 12th section, and knowing the facts of Mr. Justice Mein's connection with the Defence Force, he perceived the difficulty, and then took the earliest opportunity of bringng the matter before his colleagues.

Clause put and passed.

Clauses 2 to 5, inclusive, passed as printed.

On clause 6, as follows :—

"It is hereby declared that the said office and commission of the Honourable Charles Stuart Mein as a judge of the Supreme Court of Queensland 'shall be deemed to have continued and shall hereafter continue in as full force and effect from the date of his said appointment to the said office as if the same had not been avoided and superseded.'"

The HON. T. L. MURRAY-PRIOR said he would like to know if, by doing certain things, Mr. Justice Mein had forfeited his position as a judge of the Supreme Court of Queensland; did that clause entirely reinstate him and make his position valid *ab initio?*

The MINISTER OF JUSTICE said it did, as it continued the commission of the judge in full force and effect, both up to the present time and hereafter to the same extent as if no question had arisen with regard to its validity.

Clause put and passed.

Clause 7—"Short title"—passed as printed.

Preamble passed.

On the motion of the MINISTER OF JUSTICE, the House resumed, and the CHAIRMAN reported the Bill without amendment.

The report was adopted.

THIRD READING.

On the motion of the MINISTER OF JUSTICE, the Bill was read a third time, passed, and ordered to be returned to the Legislative Assembly by message in the usual form.

ADJOURNMENT.

The MINISTER OF JUSTICE moved that the House do now adjourn.

Question put and passed, and the House adjourned at twenty-eight minutes to 12 o'clock.