Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 27 SEPTEMBER 1888

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LEGISLATIVE ASSEMBLY.

Thursday, 27 September, 1888.

Appropriation Bill, 1888-9, No. 2—Assent of Governor.—Questions—Fortitude Valley Railway—Normanton Railway.—Formal Motion.—The Case of Mr. Walsh.—Messages from the Governor—Appropriation Bill No. 2, 1888-9—The Judges' Validating Bill of 1888.—The Case of Mr. Walsh.—Ransome *v.* Brydon, Jones, and Co.—Injuries to Property Act of 1865 Amendment Bill—committee.—Employers' Liability Act Extension Bill (Seamen)—further consideration in committee.—Water Bill—committee.—Public Works Lands Resumption Bill—consideration of Legislative Council's amendment.—Ways and Means—resumption of committee.—Adjournment.

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

APPROPRIATION BILL, 1888-9, No. 2.

ASSENT OF GOVERNOR.

The SPEAKER said: I have to report to the House that I presented to the Governor the Appropriation Bill, 1888-9, No. 2, for the Royal assent, and that His Excellency was pleased in my presence to subscribe his assent thereto in the name and on behalf of Her Majesty.

QUESTIONS.

FORTITUDE VALLEY RAILWAY.

Mr. McMASTER asked the Minister for Railways—

Is it the intention of the Government to allow Messrs. McArdle and Thompson, the present contractors of the railway through Fortitude Valley, to continue the second section of the same, for which they originally tendered, and were the lowest tenderers; or will the Government call for fresh tenders?

The MINISTER FOR RAILWAYS (Hon. H. M. Nelson) replied:—

The matter is now under consideration, and it is not, therefore, for the public interest to make any definite statement.

NORMANTON RAILWAY.

Mr. GOLDRING asked the Minister for Railways—

1. How the sum of £500,000, included in the schedule to the £10,000,000 loan for the purpose of constructing a line of railway from Normanton to Cloncurry, has been expended?

2. Which lines authorised to be constructed out of that loan at the same time have been completed, and the progress made on others?

3. What extra cost is entailed on the colony by having the material for the manufacture of the steel sleepers imported to Brisbane instead of obtaining the sleepers at home and having them shipped direct to Normanton? Also the estimated extra cost per mile under present arrangements?

4. When the Government intend authorising the construction of the Normanton line towards the Cloncurry, across the Flinders River?

The MINISTER FOR RAILWAYS replied:—

1. The whole amount of £500,000 has not yet been expended; about £60,000 has been expended in purchases of material, surveys, and construction of the first twelve miles.

2. The information asked for would require a lengthy return, but the Commissioner's report contains all the information up to 31st December last.

3. On the 80,000 sleepers ordered, the extra cost is about £5,350. The estimated extra cost per mile is about £147."

4. Parliamentary authority has not yet been obtained for the construction of the line across the Flinders. The Government have not yet decided when they will ask for such authority.

FORMAL MOTION.

The following formal motion was agreed to:—

By Mr. POWERS—

1. That the Queensland Permanent Trustee, Executor, and Finance Agency Company, Limited, Bill be referred for the consideration and report of a Select Committee.

2. That such committee have power to send for persons and papers, and leave to sit during any adjournment of the House; and that it consist of Messrs. Groom, Cowley, Tozer, Murray, and the mover."

THE CASE OF MR. WALSH.

Mr. PAUL, in moving—

1. That a Select Committee be appointed to inquire into a case by which a Mr. Walsh has been deprived of a block of country on the Dawson River, in the Port Curtis electorate.

2. That such committee have power to send for persons and papers, and leave to sit during any adjournment of the House; and that it consist of Messrs. Murphy, Murray, Palmer, Morgan, W. Stephens, Mellor, and the mover.

—said: Mr. Speaker,—In moving this motion I wish hon. members to distinctly understand that I am doing so not as the representative of an elector in my constituency, but for a gentleman who is an elector of the Port Curtis electorate, which you, sir, have the honour to represent, and which duty you could not undertake. This case was brought up in the House during last Parliament by Mr. John Scott, and he took it up believing that a gross injustice had been done, and asked for the papers to be laid on the table of the House. That was done, but owing to the session coming to a close he could take no further action. I have taken up the case because I consider it is one that ought to be gone into strictly, so that we may see if any restitution can be made. The facts of the case are, briefly, that in 1872 Mr. Walsh made application for certain country on the Dawson River, which was refused because the railway was going out in that direction, and it was made a large reserve of twenty-five square miles. Ten years after, when the railway had extended west, and all settlement disappeared, Mr. Walsh again applied for a license, which was granted in the usual way by paying the rent for six years as a lessee, and this block of country appearing in the *Government Gazette*, a copy of which I have here, as a lease. When the 1884 Act came into operation Mr. Walsh was served with a circular notice asking him whether he would come under the Act. He replied that he would, and he received another circular notice informing him that Mr. Commissioner Harrison would divide the run. Some time after Mr. Surveyor Clements came on the run and began surveying selections. Mr. Walsh then wrote to the Lands Department, asking when Mr. Commissioner Harrison would be coming up, and also protesting against any surveys being made until the division of the run had been effected. He then for the first time received an intimation from the department that a mistake had been made—that he was not under the Act, but simply occupied under an occupation license, and therefore he could not take advantage of the Act. A great deal of correspondence then took place, which I will not go into now, and the result was that his protest was taken no notice of. The surveys were made, and they embraced two sides of this block of country and cut off every drop of water from the run, leaving him a perfectly useless piece of country. I have the receipts here, and these receipts are the same as are issued to all leaseholders, but in 1887, when he paid the rent hoping he would get compensation, and still protesting, he for the first time was given a receipt as the holder of an occupation license. Hon. members will understand that in the 1869 Act there is no such thing as an occupation license except for the first year. Lessees get a receipt for an occupation license, and then after that, application is made for the lease, which was done in due course by Mr. Walsh, and he went on under the impression that he was a lessee under the Act. The reserve which I have mentioned was cancelled, the license was granted, and receipts were issued as a lease, and he enjoyed the idea that he had a lease at this time. I do not wish to impute motives or repeat anything that I hear, but I say that this is a case which demands a searching inquiry, because it is said that this has all arisen through political feeling. I do not wish to make any charge until that has been proved; but still there is the broad fact that for six years this man had receipts year after year in the same form as that issued to a pastoral lessee. Year after year in the *Government Gazette* this country appears as a lease, and yet in 1887 Mr. Walsh is quietly informed that he is holding an occupation license, and therefore cannot come under the provisions of the Act of 1884. Notice was given to him to come under the Act. He came under it. He was advised that the commissioner would divide the run, and yet at the last moment this gross injustice is done by which every drop of water has been taken from him and the run made useless. I need not say anything further, because I hope that my motion will be passed. When I inform the House that Mr. Scott is not a man to take up things without going into them thoroughly, that the papers were called for and laid on the table of the House, and that there was no time to deal with the matter last session, I am sure that the motion will be allowed to pass.

MESSAGES FROM THE GOVERNOR.

Appropriation Bill No. 2, 1888-9.

The Judges' Validating Bill of 1888.

The SPEAKER read messages from His Excellency the Governor, conveying His Excellency's assent to the Appropriation Bill No. 2, 1888-9, and The Judges' Validating Bill of 1888.

THE CASE OF MR. WALSH.

The MINISTER FOR LANDS (Hon. M. H. Black) said: Mr. Speaker,—It is not my intention to oppose the appointment of this select committee. I have looked very carefully through the papers in connection with this case, which is one of those interminable cases that are very apt to be "hung up" by successive Governments. This case has been going on now for no less than sixteen years. I may say I had an opportunity, while sitting in opposition, of looking, at the request of Mr. Walsh, through the whole of the papers connected with his alleged grievance. At that time I did not consider that I would have sufficient justification in myself taking up the case. Since I have been in the office I now hold I have again looked through the papers. Mr. Walsh has interviewed me on several occasions, but I have utterly failed to convince him that the view held by previous Governments, and by this Government too, I may say, on this case is the correct one. He has now obtained a most able advocate in the member for Leichhardt, who is now bringing his case forward, and I think the way proposed is the only way to settle this interminable matter. One thing is quite certain, and that is, that the land which Mr. Walsh wishes to be reinstated in has already, under a subsequent Act, been put in the occupation of other people; so that if the select committee decide that an injustice has been done to Mr. Walsh, it can only be remedied, I assume, by a pecuniary grant to him by way of compensation. Under the circumstances I think the best way to end this matter is for the House to

consent to the select committee asked for, and then to decide upon the evidence which may be brought up.

The HON. SIR S. W. GRIFFITH said: Mr. Speaker,—I should not have said anything upon this matter, as I never heard of it before, but for the vague charge levelled by the hon. member for Leichhardt at somebody—he did not say who—of political animus. If the facts are as stated by the Minister for Lands, it is inconceivable to me how political animus can come in. How could successive Governments have been actuated by political animus against Mr. Walsh? From the statement made by the hon. member for Leichhardt, the only question would appear to be: Whether this land belonged to Mr. Walsh or not? If it did, he has been aggrieved; and if it did not, he has not. That is all there is in it; and there is no room for political animus at all. I only rose to say I do not think a charge of that kind should be so lightly made.

Mr. PAUL said: Mr. Speaker,—I did not make the charge, and I said I would not, as I had it simply from hearsay. I simply expressed a hope that this committee might be appointed to settle the question.

Question put and passed.

RANSOME *V.* BRYDON, JONES, AND CO.

Mr. MORGAN, in moving—

(1) That a Select Committee be appointed to inquire into an alleged miscarriage of justice in the case of Ransome *v.* Brydon, Jones, and Co., as set forth in the petition presented to this House on the 29th July, 1885.

(2) That such committee have power to send for persons and papers, and leave to sit during any adjournment of the House, and that it consist of the following members, namely:—Messrs. O'Sullivan, Hyne, Palmer, Groom, and the mover.

—said: Mr. Speaker,—This case, as most members who were members of the last Parliament are aware, has already been before the House on one or two occasions previously.

Mr. MURPHY: Four times.

Mr. MORGAN: Three, to be strictly accurate. It has been already three times before the House. In bringing it forward again I am acting at the request of the petitioner, Mr. Ransome, who thinks that, though the last Parliament refused to grant an inquiry into his case, there is still some hope that an inquiry may be granted by the present Parliament. There is no reason why the present Parliament should be guided in a matter of this kind by precedents set by a previous Parliament. I believe that Mr. Ransome is not actuated by vindictiveness against the defendants in the case or against the judge before whom it was tried. I believe he did not obtain substantial justice, and we want a committee to inquire as to how far that belief is true. If the committee is granted and after inquiry find that this view of the case is supported by the facts, it will be for Parliament to say what future action should be taken in the matter. I selected the members of the proposed committee indiscriminately, asking the first four members I met in the library, but in order to show that I have no desire to select a committee likely to take Ransome's view of the case, I would be glad to see the committee elected by the majority of the House. Ransome thinks he has been wronged and has not had justice done him in this matter. Of course I am perfectly well aware that all unsuccessful litigants take that view also, and notwithstanding the verdicts of judges and juries they think their view of the case is the right one. Mr. Ransome has the verdict of a special jury to support his view, and that verdict was endorsed by at least 700 people who petitioned this House for an enquiry into the case. Many of those people signing that petition had special knowledge of the matter referred to, and they were perfect strangers to Mr. Ransome. They signed the petition voluntarily, and asked for an inquiry into the case; and their request has some reason in it. In the petition presented to the House some years ago the petitioners stated that they were acquainted with the particulars of the case under notice, which was heard before the Full Court in Brisbane in 1885, and they considered the reversal of the verdict of the jury upon that occasion was a miscarriage of justice. They thought the appeal to the Full Court was not fair, for the reason that the Chief Justice had heard the case in Toowoomba; and also that the proceedings before the Full Court were at variance with the custom of the colony. They thought it was a mistake that the Full Court should reverse the decision of a jury and refuse a new trial. Mr. Ransome is a timber-dealer and has been engaged in that business in the Warwick district for nearly a quarter of a century, and knows the custom of the trade. He has bought and sold large quantities of timber, and I think his opinion as to the custom of the trade is worth something. He has always bought and sold cedar on the terms under which he offered this cedar to the defendants in the action under notice. The timber was sold in Brisbane for less than he paid for it in Warwick, and he, being a man who has a complete knowledge of the trade, would not be likely to send timber to Brisbane without instructions to protect his own interests, and that could be done by getting some higher price than that he paid in Warwick. Those were his instructions, and he urges that they were not carried out. He sued the defendants in consequence, and the case was tried before a special jury in Toowoomba, in the year 1885, the Chief Justice presiding. The Chief Justice instructed the jury that the case was one in which custom would prevail over law—the unwritten custom would prevail over the written law; and as men of business who were better able to decide facts presented to them than the Chief Justice was, the jury after hearing the evidence gave the plaintiff a verdict for £103 17s. 8d. The defendants appealed to the Full Court in Brisbane, asking for a reversal of the verdict of the jury; and without hearing any fresh evidence, the Full Court—composed of the Chief Justice and Mr. Justice Harding—refused to grant a new trial, and reversed the verdict of the jury. Mr. Ransome was deprived of the verdict the jury gave him, and he was liable for the costs in the case; and the result was that the man was not able to pay the demand made upon him for costs, and he had to assign his estate, to go through the insolvent court, and be sold out. The questions submitted to the jury in Toowoomba were essentially matters of fact, and I have no wish to bring in the large question as to whether judges should be allowed to override the verdicts of juries on matters of fact. But the jury having had to decide matters of fact, and being intelligent men—at least we are entitled to presume that they were intelligent men, they were special jurors—I think a great deal of weight ought to be attached to the verdict that they gave from the evidence. Even at the risk of wearying the House for a few minutes I will read a letter written by the foreman of the jury, who sets out the grounds upon which the jury based their verdict. Mr. McCleverty, a well-known Toowoomba gentleman, was foreman of the jury, and this is what he says:—

"DEAR SIR,—As requested by you, I now send you a few of the reasons which influenced or decided the jury (in the case of Ransome *v.* Brydon, Jones, and Co.) in giving a verdict in favour of the plaintiff. After a careful hearing of the evidence on both sides, the jury

thought they had a very easy case to decide—namely, to give a verdict for plaintiff. The jury were not only surprised but puzzled by the summing up of the judge, especially by his explanation of superficial measurement, when he said, 'It appears that in the timber trade superficial measurement means that boards shall be one inch thick.' The jury were of opinion that superficial measurement means measurement of the surface only, without regard to thickness of depth.

"I can only account for the summing up of the judge by the fact that he appeared to think the usage as to measurement of timber is different in Brisbane from what it is in Toowoomba or Warwick; but this is not the case; consequently his mistake.

"The judge further said to the jury, 'You, as business men, should know better than I do the usages of the trade, and therefore will be able to decide.' We (the jury) as business men did know the usages of the trade, not only in Warwick and Toowoomba, but also in Brisbane—namely, that all cedar boards under one inch should be paid for as one inch. And we were supported in this by several of the witnesses, who stated distinctly that cedar boards under one inch are always sold as inch. Even some of the defendants' witnesses proved so.

"But the evidence as to Mr. McClay, a Brisbane purchaser, having offered 29s. per 100 feet for this same lot of timber, and to take it at full measurement—that is, all under inch to count as inch—was very important, and worthy of notice."

I would point out that the Mr. McClay referred to is an officer in the Education Department, and he buys the timber required by the department for use in State school buildings. His evidence was that cedar under an inch in thickness was bought as one inch and paid for as one inch. If he is wrong the State has been suffering for his acts all along. I do not think he was wrong.

"Our verdict was to a great extent based on this evidence, which clearly proved what is the usage of trade in Brisbane, where the transaction occurred. Another reason for the verdict we gave was the fact as elicited in evidence, that defendants wrote to plaintiff that the very best they could do was to sell the whole lot at 28s. per 100 superficial feet. Yet within a day or two they sold the lot by actual measurement, not in the usual way, but under special agreement for actual measurement, thereby departing from the usual custom, and reducing the quantity of timber to about 11,000 feet. They even completed the sale in very unseemly haste, without ever informing plaintiff as to the reduction in quantity, although they had repeated instructions from the plaintiff that the lot contained 22,000 feet of saleable timber. Further, the jury could not imagine that timber which was proved to cost £260 in Warwick, and also on which a good part of the railage was paid by plaintiff, should be sold fairly in Brisbane for £100 19s., with fifty odd pounds expenses thereon. My opinion is, that when an appeal was granted there should in such a case have been a new trial, if possible, before another judge and jury, as owing to the hasty trial it appears some important evidence was omitted, and which, no doubt, would have been produced during a new trial. I think the Chief Justice might have declined to sit a second time on a case (with only one other judge) on which he had already given a very decided summing up. The case might have been, with equal justice, referred back to the same jury, who no doubt would have given a verdict similar to that former one. The verdict of an intelligent jury is either worth something or juries are unnecessary. One juryman might be mistaken, so might even a judge in some cases; but it is not likely a jury of business men should be so far mistaken in a case which was purely a business one, and on which their verdict was unanimous."

That letter, Mr. Speaker, as I said before, was written by the foreman of the jury before whom the case was heard. He is a man who has no interest either way in the matter, and I think some weight ought to be attached to his opinion. At any rate, he sets forth pretty clearly the grounds upon which the jury based their verdict. I do not think it is at all necessary to go into the minor details further than they are set forth in the letter of the foreman of the jury. If that, and the bare fact that Mr. Ransome got his verdict from a special jury, is not sufficient to induce the House to grant an inquiry, I do not think going into the details will. On the previous occasion, when the matter was before the House, objection was raised to it on the ground that this House ought not to undertake the task of revising the decisions of the Supreme Court at the instance of every disappointed suitor. I daresay there is a good deal in that, but I hold that this House is the true supreme court of the colony, and that if injustice is done outside, no matter how or by whom, any citizen has a right to come here and lay his case before the representatives of the people. I notice that the decisions of the Supreme Court are reversed nearly every week by the Government, and sanctioned by the Parliament of the colony. There was a return laid before us only the other day which showed that the decisions of the judges had been overridden in scores of cases by the Executive of the day. Prisoners had been liberated, and that is pretty much in the nature of a revision of the decisions of the judges. In this particular case, the verdict of the jury having been reversed by the judges, and the amount at issue being under £500, Mr. Ransome, the plaintiff, was deprived of any further right of appeal to anybody else but to this House. He could not appeal to the Privy Council, the amount being under £500, nor could he in any case, being a poor man. So he is taking the only course open to him, and asks for what he believes he is entitled to—namely, an inquiry into the facts of the case by this House. The object of the inquiry is, as I said, to get at the facts. I am asking for no compensation for the man. I want the facts as to the custom of the trade laid down. If the facts elicited should seem to justify the opinion held by Mr. Ransome and his friends, the matter may very well be left to the House. I beg to move the motion.

The PREMIER (Hon. Sir T. McIlwraith) said: Mr. Speaker,—I have heard a great deal about this case for a number of years. When it was before the House on the first occasion I voted, I think, for the appointment of a select committee, because I thought at the time that there had been a substantial defeat of justice. The object of the committee at that time was merely to inquire into the facts; there was no idea of giving compensation to Mr. Ransome, and I understand the mover of this motion to disclaim that now. I have no objection to the appointment of such a committee. I was induced to give my support to it on the former occasion from the knowledge I had of the timber trade, and I know quite well from my extensive experience in the timber trade that I have always bought timber in the way in which Mr. Ransome was refused to be paid for. I think, therefore, there has been a substantial defeat of justice. What remedy he will get I do not know, nor whether the committee will reverse the verdict of the court; but, having voted for the appointment of a committee before, with the knowledge of the facts fresh in my mind, I cannot do other than vote for it now.

Mr. SMYTH said: Mr. Speaker,—I think it is rather unfortunate that this case should be cropping up every session and occupying the time of the House. Perhaps it would be as well, however, to have the matter settled once for all. Amongst the gentlemen nominated on the select committee, there is only one, Mr. Hyne, the member for Maryborough, who is thoroughly acquainted with the timber trade. If the member for South Brisbane, Mr. Luya, had been included, it would have strengthened it materially. I have gone through the facts of this case, and if any wrong has been done to Mr. Ransome it has been done by his agents, Brydon, Jones, and Co. There was some kind of a commercial misunderstanding

between the parties. Mr. Ransome sent down a certain quantity of timber for sale, and the agents sold it apart from the custom of the trade that all timber under an inch should count as inch timber. That custom is quite right when you come to look at the facts, because if you put an inch board through the saw you cannot get two half-inch boards out of it. If half-inch timber is sold at 10s. per 100 ft., inch timber would be sold at a different price altogether. You would have to take into account the labour and the sawdust, and you would have two boards to handle instead of one. The custom of the trade, as far as I am acquainted with it, is that the sliding scale is not in the thickness, but in the price. But supposing a committee of this House were to come to some other decision, I do not think it would be good in law. Its opinion may not weigh in other cases brought before the court. But there is another matter. Mr. Ransome is, I believe, an insolvent. What possible good could the committee do to Mr. Ransome? And although he has sustained a loss, I do not think this House has any right, seeing that the case has been before a judge at Toowoomba and the Full Court in Brisbane to grant him any sum by way of compensation.

Mr. MORGAN: We do not want compensation.

Mr. SMYTH: Perhaps the hon. member wants to establish a precedent. I will only ask him if, supposing the committee to have come to a decision, that decision or verdict will have any weight as far as the trade is concerned?

The HON. SIR S. W. GRIFFITH said: Mr. Speaker,—This matter was brought before the House in 1885. It was then fully discussed, and the motion for a committee was negatived. It was brought up again last year, and, after discussion, the motion was withdrawn. Mr. Ransome, as I pointed out on the previous occasions, is one of those importunate persons to whom it is much more convenient to say yes than no, and I am sorry that the Government have yielded to his importunity, for it really is nothing more. Very sound reasons were given on the previous occasions why this committee should not be granted. It can have no reasonable object except to give Mr. Ransome compensation. The committee is asked to inquire into an alleged miscarriage of justice. Although the hon. member who moved the resolution thinks it is a function of the House to act as a supreme court, that is not the opinion generally received. I think it would be most unfortunate if this House were to constitute itself a court of appeal from the decisions of the judges of the Supreme Court between individual suitors. It is the function of this House to alter the law if it is bad, but it is not the business of Parliament to intervene between particular suitors and say the decision of the judge was wrong, unless they are prepared to go further and alter the rights of the parties. On the previous occasions, when this matter was before the House, I quoted from a very eminent authority on constitutional law—Lord Palmerston—and I shall read the passage again. His opinion was given in a matter that arose in the House of Commons in 1856. A case of Talbot *v.* Talbot had been tried in Dublin before a court corresponding to our divorce court—called the Court of Delegates. It was said in that case that injustice had been done in the divorce suit in Ireland. A motion was moved by Mr. Phillimore for papers, I suppose preliminary to some further action being taken. Mr. Phillimore was a lawyer—an able one. He introduced the motion with an argument tending to show that the lady who was a party to the suit had been unjustly condemned by the court; and Mr. Whiteside, a very eminent lawyer—afterwards Lord Chief Justice of Ireland—who was on the other side, concluded his speech by saying—I quote from page 1484 of the 53rd volume of *Hansard*, from my own speech in fact—

"The motion itself was most unconstitutional and most mischievous, and he trusted that on this occasion he would have the support of Her Majesty's Ministers in maintaining a Court of Delegates appointed by the Lord Chancellor, and in resisting an attempt to injure and defame as upright and honourable a man as ever sat on a bench of justice."

Mr. Phillimore thought the judge was wrong, as we are told here that the judges were wrong in the Ransome case. Mr. Fitzgerald, then Solicitor-General for Ireland, now one of the Lords of Appeal in the House of Lords, said:—

"It was the province of that House, if a judge was accused of corruption, or if moral misconduct was imputed to him, to inquire into the charges, and, if necessary, to address the Crown upon the subject; but he denied that because a judge had made a mistake, or because there had been a failure of justice, that House was entitled to examine, as an appellate tribunal, into the conduct of a judge against whom no corruption or misconduct was charged."

Then Lord Palmerston, at that time head of the Government, said:—

"Viscount Palmerston hoped his hon. and learned friend would permit him to join in the request made by the right hon. gentleman opposite not to press his motion to a division. Nobody could have listened to the speech of his hon. and learned friend without doing ample justice to the feeling which had urged him to bring the case forward. He stated with a degree of eloquence that did justice to his ability, and with a degree of feeling that did credit to his heart, the views he had taken of the case. He would not attempt to lay down on the present occasion the functions of the House of Commons, but it was at all times desirable that they should not press these functions to their extreme confines in cases on which doubt might arise, whether they were not transgressing the limits assigned them by the Constitution. Now, an interference with the administration of justice was certainly not one of the purposes for which the House of Commons was constituted. He thought nothing could be more injurious to the administration of justice than that the House of Commons should take upon itself the duties of a court of review of the proceedings of the ordinary courts of law, because it must be plain to the commonest understanding that they were totally incompetent to the discharge of such functions. Even supposing they were fitted for them in other respects, they had no means of obtaining evidence, and taking those measures and precautions, by which alone the very ablest men could avoid error. Cases of abuse in the administration of the law might arise, it was true—cases of such gross perversion of the law, either by intention, corruption, or by incapacity, as to make it necessary for the House of Commons to exercise the power vested in it of addressing the Crown for the removal of the judge; but in the present case his hon. and learned friend could not single out any individual judge with regard to whom his observations principally applied as having acted in his sole and single capacity in pronouncing the judgment of which he complained. * * * For all these reasons he would suggest to his hon. and learned friend that he would best exercise his constitutional functions, as a member of the House of Commons, by abstaining from pressing his motion to a division."

Very few words, Mr. Speaker, will show how utterly incompetent it is for this House to review matters tried before courts of justice between two parties. One party is interested in setting forth one version of the facts, the other party is interested in showing that he is mistaken, and puts the case the other way. But what would be the mode of proceeding here? Is the committee simply to hear the plaintiff's story? I have no doubt that after a lapse of three or four years the plaintiff will be able to make out a very plausible story to the committee, possibly be able to show that he ought to have succeeded in the action. But what light will that throw upon whether a miscarriage

of justice has taken place? Who will represent Brydon, Jones, and Co.? Supposing the committee hear one side only, and find that that side ought to have succeeded, will that show that Brydon, Jones, and Co. were wrong? They will not be here. It will be a purely one-sided inquiry, and it cannot lead to any useful result. Supposing Mr. Ransome could make out to the satisfaction of the committee that he had a good cause of action, then it is his own fault that he did not prove it in court. Now, what are the facts of the case? The hon. gentleman who moved the resolution said very little about it. Evidently, from the tone of his speech, he has brought it forward because he has been bored into doing so.

Mr. MORGAN: No.

The HON. SIR S. W. GRIFFITH: I have no doubt that is the feeling by which he was actuated. He did not trouble to tell the House very much, but seemed utterly bored and tired of it, and so is everybody else.

Mr. MORGAN: No.

The HON. SIR S. W. GRIFFITH: I hope the House will not yield simply to the importunities of a troublesome petitioner. What is there for the committee to inquire into? Mr. Ransome complains that Brydon, Jones, and Co., who were his agents, had failed in their duty to him in the sale of certain timber, and he sought to establish the fact that there was a rule or usage of trade in Brisbane by which if you bought timber of any thickness whatever under an inch you had nevertheless to pay the same price as if it were an inch thick. I may just remark in passing that all the witnesses in the world could not persuade me that people would be such fools as that. I should like to hear the opinion of some hon. member who understands the business—the hon. member for South Brisbane, Mr. Luya, for instance. I am sure he does not pay the same price for timber half an-inch thick as he does for timber an inch thick. On the last occasion when the matter was before the House that contention was shown to be utterly absurd by quotations from the prices of timber in New South Wales, from which it was clearly proved that the prices vary entirely according to the thickness of the timber under an inch. The plaintiff undertook to prove to the jury that the custom, I have mentioned, prevailed in Brisbane, but what did the Supreme Court decide? They did not decide whether there was or was not; they simply decided that Ransome had not given any evidence to prove it. That was all. He gave no evidence whatever of any such custom existing in Brisbane, and the court decided that he could not recover. Where was the miscarriage of justice? There may have been a miscarriage of justice, inasmuch as he might have had a good case, but failed to bring evidence before the Court to prove it. The court having examined all the evidence given in his behalf, decided that he had given none to show that any such custom prevailed in Brisbane, and thereupon he failed. What is the House going to appoint a committee to inquire into? Are they to be asked to read the evidence given before the Supreme Court, and say whether they think there was evidence of a custom, or to inquire whether as a matter of fact there was such a custom, which is a different inquiry altogether? It is evident, from every possible view of the case, that the appointment of a committee can serve no useful purpose. It might result in the establishment of a precedent, which would be a very objectionable precedent, and I think it would be far better for the House to say at once—We will not allow ourselves to be importuned into doing what we do not believe to be right. I hope the House will not be carried away by a desire to get rid of a troublesome petitioner, and grant a committee, which may be set up as a precedent for many other inquiries into actions in the Supreme Court. If the question had been to decide any point of law upon which it was desirable that there should be an alteration in the law, there would be something in it, but the case decided nothing whatever, except that Mr. Ransome had not proved his case. If it were desirable to alter the law, and declare, for instance, that all timber less than an inch in thickness should be paid for as if it were an inch thick, then there would be a reason for appointing a committee to inquire into it; but they are asked to inquire into a miscarriage of justice, that miscarriage of justice being that the judges decided against Mr. Ransome.

The COLONIAL SECRETARY (Hon. B. D. Morehead): Was there not an appeal to the Full Court?

The HON. SIR S. W. GRIFFITH: Yes. The practice of the judges always is, when there is a doubtful point, to leave the case to the jury, and the question was left to the jury, who decided that there was such a custom. The Full Court afterwards considered the point, and decided that no evidence had been given of such a custom. The rule is that if a plaintiff fails in proving his case, the decision is given against him, and that was done in this case.

The MINISTER FOR LANDS (Hon. M. H. Black) said: Mr. Speaker,—I do not know that I have anything to add to the remarks of the leader of the Opposition; but I would say that, as far as we can, this House should adopt a finality in cases of this kind. This, to my knowledge, is the third time this case has been brought up. In 1885 it was brought up, and was defeated on a division. In 1887 it was again introduced by the hon. member for Darling Downs, Mr. Kates, who withdrew it without going to a division. All hon. members who sat in the House during the years I have referred to must be perfectly familiar with the case, and I think must conscientiously believe that Mr. Ransome has received justice at the hands of this House, whatever he may think he received at the hands of the court. It appears to me that he is not asking for any pecuniary reward, but, as the leader of the Opposition has pointed out in a very much abler way than I can do, he asks that the House will review the action of the Supreme Court. That is, I think, decidedly beyond our province. But the question then arises in my mind—What is the object of this? What is to be gained by asking for this inquiry? I think I can throw a little light upon the subject when I refer to what the hon. member for Darling Downs, Mr. Kates, said last year. It practically amounted to a threat. He then said:—

> "Whoever may be alive here next year, whether myself or someone else, this question will be brought on again and again until the law is remedied in this respect to prevent a recurrence of cases of this kind."

It appears to me that any candidate for election in that part of the colony has first to identify himself with this case. If he does that, he is certain to receive a number of votes—I take it from Mr. Ransome and his particular friends—and I think it is just as well that this House should understand that. It is a little bit of log-rolling, and we should do all we can to discourage it. I am opposed to this select committee being appointed. The hon. gentleman who brought this motion forward in a very able manner says he is not particular as to what committee we appoint. I have not the least doubt of that. I have no doubt that the hon. gentlemen whose names he has mentioned here are all very shy about getting on to the committee. It will not lead to

any good, and when some of the new members have been on select committees as often as I have been, they will see there is not much in it. I should advise them to keep very clear of such committees—they do not as a rule do much good, and there is a lot of trouble connected with them, and if the hon. gentleman wishes to have the committee appointed by ballot, as he says he is not particular about who form that committee, I think the hon. gentlemen who might be selected by ballot should have the opportunity of refusing to act, considering that this case has been heard twice or three times——

The COLONIAL SECRETARY : *Ad nauseam.*

The MINISTER FOR LANDS : And that the House is perfectly familiar with the facts, and that no useful purpose can be served by re-opening the case. I think we shall be establishing a bad precedent if we allow it to be brought here year after year. The House is perfectly satisfied, and I think there should be some better reasons given before a select committee be appointed.

Mr. MURPHY said: Mr. Speaker,—I quite agree with the leader of the Opposition in reference to this case. I think this is the third speech which that hon. gentleman has made in connection with this case, and he has proved most conclusively that it would be wrong for this House to entertain this case, because it would be making this House practically a revision court for the decisions of the Supreme Court. If this motion imputed misconduct to the judge, then there would be some reason why we should grant this inquiry. If the judge had been flagrantly unjust or corrupt in his decision, or the judges in the decision they gave, then would be the time for this House to step in and see whether the judge or judges should not be dealt with ; but there is no corruption imputed. The motion affirms that there was an alleged miscarriage of justice, but it does not impute any corruption ; therefore, it would be highly improper for us to appoint a committee, because, as has been pointed out by the Minister for Lands, the hon. gentleman who wants this inquiry has brought the motion forward simply because he wants to get the votes of Mr. Ransome and his friends. I cannot see what Mr. Ransome's object is in wishing to get this inquiry. What does he want to get? He is an uncertificated insolvent, and if the committee granted him what he does not ask for—that is, a sum of money—it would go to his enemies, Brydon, Jones, and Co. Now, what is his object in asking for this inquiry? Is it revenge upon the judges by getting their decision upset, or does he want to be revenged upon Brydon, Jones, and Co.? There is only one other reason—that is, perhaps this misguided gentleman thinks that a committee of this House, by finding that he had been unjustly treated, because his half-inch boards were not measured as inch boards, would thereby affirm that principle, and that that would have the effect of law, and would be binding on the community for the future; but he is very much mistaken, because any finding of the committee will not be worth the paper it is written on. No report of any committee appointed inside this House or out of it will be of any value. The findings of select committees, as the Minister for Lands has pointed out, are not as a rule worth the paper they are written on. Hon. members may laugh, but I will tell them why they are not of any value. It is because they are *ex parte* findings. The evidence taken before select committees is worth nothing in most cases, because it is only the evidence brought forward by the man who has applied for the committee. It is all one-sided, and is therefore of no value. A committee of that kind can never, or, at any rate, very seldom, arrive at the actual facts of the case. I do not think the House will grant this committee. At all events, I for one am determined to oppose it as I have opposed it before. If by the finding of the committee we are to settle Mr. Ransome's case once for all, then I would be perfectly willing to go in for an inquiry, but he has already had the matter put before the House, and if the committee brought up a report, I am quite sure that Mr. Ransome would not be satisfied, and the member for Warwick would next session bring it forward again in order to keep Mr. Ransome sweet. The hon. member would bring the matter up again and have another go for it. I shall oppose the motion.

Mr. LUYA said: Mr. Speaker,—I feel a certain amount of diffidence in speaking upon this subject, because I am somewhat acquainted with the whole circumstances of the case from the very beginning. In fact, as many hon. members are aware, I purchased the cedar in question from Messrs. Brydon, Jones, and Co., and consequently I am pretty conversant with the whole of the circumstances. Perhaps it will enable hon. members to come to a clear decision in the matter if I briefly recount the history of the transaction. On the 2nd of April, 1884, Messrs. Brydon, Jones, and Co. rang me up in my office by telephone, and asked me if I would look at some cedar which had come down by railway. I requested them to send over the specifications, and they replied that they had none, which was a most unusual circumstance, as whenever cedar is sent to the market it is the custom to send a specification with it. However, I went to look at the cedar. I found it was of such an inferior quality, and in sizes unsuitable for the market, having been through the fire and burned, warped, and twisted in all possible directions, that at first I declined to have anything to do with it. Messrs. Brydon, Jones, and Co., however, pressed me to make them an offer, and I offered them 28s. per 100 feet superficial measurement. My offer was not at once accepted, but was submitted to their principal. I believe that came out in evidence at the trial. The offer was afterwards accepted, and the cedar was taken away and measured. Even at that time there was no specification, and there was no specification until the case came on for trial at Toowoomba. Messrs. Brydon, Jones, and Co., as a matter of fact, were never supplied with specifications of the timber they were asked to sell. When the timber was measured it was found to contain 11,337 feet superficial measurement. If it had been measured full measurement, and all defects allowed for, which would be done, no matter who was the purchaser, the total measurement would have been 14,412 feet, so that by taking the superficial measurement there was only a difference of 3,085 feet. These are facts which never came out at the trial, because the information was never asked for, and as a matter of fact it was never asked what was the custom in Brisbane. The custom in Brisbane, according to my experience, has always been to sell such timber by superficial measurement. I have bought timber since then, and have never, under any circumstance, bought except on superficial measurement. On this occasion the price was low decidedly, but that was on account of the quality of the timber. If the quality had been good the price would have been a great deal more, but it was bought under the exact conditions of the market. The price, of course, depends a great deal on the quality of the timber, and also on the sizes into which it is cut. This particular lot of cedar was cut into all sorts of sizes, some of it being 6in. x ½in, some 6in. x ⅝in., and so on, and it was

in the market from the 22nd of March until the 3rd of April, and nobody in Brisbane would look at it, because it was unsuitable for any of their work. It had been submitted to the Government but they refused it, and it was offered to every builder in Brisbane, who also refused it. The only manner in which we could work it was by using it for small articles, otherwise it would never have been bought. Although we purchased the timber there was no question raised about the sale until some time afterwards. It came out at the trial that Messrs. Brydon, Jones, and Co. communicated with Mr. Ransome on the 4th of April, the day after the sale, telling him exactly what they had done; and about a fortnight elapsed before any action was taken in the matter. No evidence, as I said before, was brought by Mr. Ransome at the trial as to the custom in Brisbane. There was a certain amount of evidence given as to the custom in Warwick, but the sale took place in Brisbane, not in Warwick, and the witness who gave the evidence as to the custom in Warwick stated that a good deal depended upon whom you were dealing with, and how you made your bargain; implying that cedar was sold both ways in Warwick. The hon. member who introduced this motion read a letter from Mr. McCleverty, the foreman of the jury which tried the case, in which that gentleman states that 28s. per 100 feet was paid for actual measurement, clearly showing that he did not know what he was talking about, and that he was mixing the thing up completely. Mr. Ransome proved that he was unfitted for the business in which he embarked by the manner in which he sent the timber to market—by sending six trucks of timber to market without any specifications or specific instructions to his agents. I speak now only of the facts which came out at the trial. Mr. Ransome received full value, if not more than full value, for his timber; he received full justice in the measurements and in the whole transaction. I shall certainly oppose the motion.

Mr. MORGAN, in reply, said: Mr. Speaker,—I should like to say a word or two in reply. The last speaker is the gentleman who bought the timber, and he says that it did not bring more than 28s. per 100 feet, because it was not of good quality, and that had it been of good quality it would have brought a good deal more. Of course, that we all understand quite well, but we do not quarrel so much about the price; we maintain that Mr. Luya bought 100 feet of timber, and only paid for 50 feet. That is the trouble. He says that that timber remained in Brisbane from the 22nd of March to early in April, and that nobody could be induced to make an offer, but Mr. McCleverty says in his letter that it was proved in evidence at the trial in Toowoomba by Mr. McClay, one of the witnesses, that he had offered 29s. per 100 feet. How does he make those two statements agree? Is it not a fact that after Mr. Luya bought that timber Mr. Ransome, who came down to make inquiries why his instructions to his agents had not been carried out, went to Mr. Luya and offered him £50 to cry off the bargain he had made with Brydon, Jones, and Co. for this particular lot of timber? I am informed that is so, although I do not know it of my own knowledge.

Mr. LUYA: No; it is wrong altogether.

Mr. MORGAN: I am informed that that is so, but, of course, I accept the hon. member's statement. The leader of the Opposition, who has always been a consistent opponent of this motion, stated that, in the Full Court, when the case came on for appeal, there was no evidence to justify the finding of the jury; but it is clear from the verdict that the jury thought there was sufficient evidence, and I think that Mr. McCleverty has made it clear that there was evidence. As to there being no evidence offered to the Full Court, the judges distinctly refused to hear it. Mr. Real, who appeared for the respondent, offered to go into the box and prove to their honours exactly what Mr. Ransome contended—that boards of half an inch were bought and paid for as inch. Of course it is quite natural that the leader of the Opposition should stand by his brother lawyers in this matter. They always do, and I suppose always will, to the end of the chapter. They belong to what the member for Mackay called "the closest trade union" we have. The member for Barcoo also said a great deal about this case. He has been a consistent opponent of it, but he did not show any grounds against it, except that we should drop it. That is the gentleman who last night spent a great deal of time and eloquence endeavouring to pull a judge off his throne.

An HONOURABLE MEMBER: No.

Mr. MURPHY: Speak facts.

Mr. MORGAN: I do not believe that, if I continue discussing this until to-morrow, I shall make the least impression on members. I believe they have all made up their minds, and I will not waste the time of the House further. I still honestly think that Mr. Ransome has a claim to consideration; that his demand is not an unreasonable one; and that substantial justice has not been done. He has no other authority to appeal to but to this House. He is debarred the right to go to the Privy Council, debarred through no fault of his own, but simply because the amount involved is not sufficient to enable him to go there, and because he has no means. He happens to be a poor man, and therefore he is debarred; but he has chosen to appeal to this House. When I said that this House was in fact the supreme court of the colony, I did not mean that it should sit in judgment on every case in which a defendant felt himself aggrieved, but I do hold that the expression I used—that this House is the true supreme court of the colony—is perfectly justified. I think that, when a man who has a good case and feels himself aggrieved by the action of the judges or anyone else, he has a perfect right to come to this House and seek redress.

Mr. MURPHY: Will you bring it up next year?

Question put, and the House divided:—

AYES, 14.

Messrs. Morgan, Paul, Jordan, Watson, Glassey, Sayers, Allen, Agnew, Hyne, Isambert, Smyth, Annear, Buckland, and Grimes.

NOES, 34.

The Hon. Sir S. W. Griffith, and Messrs. Nelson, Morehead, Black, Donaldson, Macrossan, Pattison, Crombie, Lyons, Barlow, Archer, Dunsmure, Goldring, W. Stephens, Gannon, Macfarlane, Battersby, Murray, G. H. Jones, Cowley, Powers, Corfield, Jessop, Campbell, Philp, Mellor, Lissner, McMaster, R. R. Jones, Luya, Unmack, Smith, Aland, and Murphy.

Question resolved in the negative.

INJURIES TO PROPERTY ACT OF 1865 AMENDMENT BILL.

COMMITTEE.

On the motion of Mr. CORFIELD, the House went into committee to consider this Bill in detail.

Preamble postponed.

Clause 1 put and passed.

Mr. CORFIELD moved that the following new clause be inserted to follow clause 1 as passed:—

An offence against any of the provisions of the seventeenth, eighteenth, and nineteenth sections of the said Act shall not be deemed to be the offence of arson

within the meaning of the one hundred and seventeenth section of The District Courts Act of 1867, and a District Court shall have jurisdiction in respect of any such offence.

In giving his reasons for moving the insertion of the clause he would read the three sections named, offences against which were, perhaps, only triable before the Supreme Court. The 17th section was as follows :—

"Whosoever shall unlawfully and maliciously set fire to any crop of hay, grass, corn, grain, or pulse, or of any cultivated vegetable produce, whether standing or cut down, or to any part of any wood, coppice, or plantation of trees; or to any heath, gorse, fungi, or fern wheresoever the same may be growing."

The punishment provided under that section is penal servitude for from three years to fourteen years, or imprisonment not exceeding two years with or without hard labour. Section 18 reads as follows :—

"Whosoever shall unlawfully and maliciously set fire to any stack of corn, grain, pulse, tares, hay, straw, haulm, stubble, or of any cultivated vegetable produce; or of furze, gorse, heath, fern, turf, peat, coals, charcoal, wood, or bark; or to any steer of wood or bark."

The punishment under that section is penal servitude for from three years to life, or imprisonment not exceeding two years with or without hard labour. The 19th section was as follows :—

"Whosoever shall unlawfully and maliciously, by any overt act, attempt to set fire to any such matter or thing, as in either of the last two preceding sections mentioned under such circumstances, that if the same were thereby set fire to, the offender would be under either of such sections guilty of felony."

The punishment under that section was penal servitude of from three to seven years, or imprisonment not exceeding two years, with or without hard labour. Then the clause went on to refer to the 117th section of the District Courts Act of 1867, which is as follows :—

"No District Court shall try any person or persons for any treason, murder, or capital felony, or for any felony which, when committed by a person not previously convicted of felony, is punishable by penal servitude for life under the Offences Against the Person Act or for any of the following offences—that is to say,—"

No. 10 in that list of offences was arson. It was for that reason that he had brought in that clause, so that those offences might be dealt with in the District Courts. Most of those cases occurred on the Western districts of the colony, which were far removed from the places where Supreme Courts were held, and by introducing the clause it would enable witnesses to attend the District Courts without inconvenience, and it would also cause a saving to the colony in not having to pay extra expenses to those witnesses for taking them to a Supreme Court. Another reason was that no loophole would be left for offenders through witnesses being reticent in giving information to the police. In the case at Winton three witnesses were station managers, and they desired to have the case tried at a District Court, so that it would not necessitate their travelling a distance of 600 miles to attend a Supreme Court. Before he sat down he wished to tender his thanks to the hon. leader of the Opposition for the valuable assistance he had given him in framing the clause.

Mr. GOLDRING said he had very much pleasure in supporting the Bill brought in by the hon. member for Gregory. It had been a great loss to the people out West that such a Bill had not been introduced before. The hon. member in charge of the Bill had already told them that most of the cases dealt with in the Bill occurred in the Western districts, where the perpetrators of the mischief imagined themselves out of the reach of justice. Even people interested in those matters did not like to be called away some 500 or 600 miles from their abodes to give testimony against persons who had set fire to the grass, and therefore, in many instances, where it was known that the grass had been wilfully set on fire, the perpetrator had been let off free. They often could not afford the time to travel such long distances to act as witnesses. In many instances the would-be prosecutors would be better off by remaining at home, and allowing the criminal to escape, than to travel such a great distance to prosecute him. The subject having on the former occasion been looked at from all points, it was hardly necessary for him to say more upon it now; in fact, there was very little more to be said than had been already said by other hon. members. The absence of such a measure had been greatly felt not only by the graziers, but by the working men. The fact of the grass being burnt threw hundreds of bushmen out of employment. The squatters had no grass to feed their stock with, and their fences were destroyed by the fire; and it was impossible for men to go and repair those fences and carry the material with them, because there was no grass to feed their horses. Living, as he did, in a pastoral district, he knew that hundreds of bushmen had been thrown out of employment through the acts of scoundrels such as the one whose name had been mentioned. He felt confident the Bill would commend itself to every member of the Committee.

Mr. REES R. JONES said the Committee ought to proceed carefully. It was now proposed to give District Courts power to try offences punishable with penal servitude for life.

The HON. SIR S. W. GRIFFITH: They have it already, in every case except offences against the person.

Mr. REES R. JONES said he had no objection to offences under the 17th section, but they ought not to have the power under the 18th.

The HON. SIR S. W. GRIFFITH: What is the difference?

Mr. POWERS said that, it was to the interest of the colony that such power should be extended to District Courts, and by all means let it be done. The juries would be drawn from the same class as the Supreme Court juries, and the District Court judges, who had given great satisfaction, would interpret the law properly. It might safely be left in their hands.

New clause put and passed.

Preamble put and passed.

The House resumed, and the CHAIRMAN reported the Bill to the House, with an amendment.

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

EMPLOYERS' LIABILITY ACT EXTENSION BILL (SEAMEN).

FURTHER CONSIDERATION IN COMMITTEE.

On this Order of the Day being called, the House went into committee to further consider this Bill.

Question—That clause 3, which had been amended as follows :—

"When within the jurisdiction of Queensland a personal injury is caused to a seaman—

(1) By reason of any defect or unfitness in the condition of the spars, tackle, machinery, or other apparel or furniture, of the ship; or by reason of the absence of any necessary spars, tackle, machinery, or other apparel or furniture

(2) By reason of the negligence of any person in the service of the employer of the seaman, to whose orders or directions the seaman at the time of the injury was bound to conform, and did conform, if such injury resulted from his having so conformed:

the seaman, or, in case the injury results in death, the legal personal representatives of the seaman, and any persons entitled in case of death, shall have the same

right of compensation and remedies against the employer as a workman or his legal representative or such other persons would, under the provisions of the principal Act, have in like cases against his employer."

stand part of the Bill—put.

The HON. SIR S. W. GRIFFITH said when the Bill stood adjourned last week a question had been raised as to what would happen if an injury occurred to a seaman which was not caused by his conforming to the directions of his superior officer, but by some other seaman conforming to them. Of course, what was intended was, that the employer should be held responsible for accidents arising out of circumstances over which he had control. The second paragraph of the clause provided for cases when the injury was caused—

"By reason of the negligence of any person in the service of the employer of the seaman, to whose orders or directions the seaman at the time of the injury was bound to conform, and did conform, if such injury resulted from his having so conformed."

The man who had had the instructions given to him, and conformed to them, might not be the man injured, as had been pointed out by the hon. members for Port Curtis and Enoggera. He proposed to remedy that by an amendment. He doubted, too, whether, after all, the clause as it stood would cover all the cases that ought to be covered. Under the principal Act an employer was liable for injury to workmen

"By reason of the negligence of any person in the service of the employer who has any superintendence entrusted to him whilst in the exercise of such superintendence."

That applied to workmen, and he proposed to make it apply also to seamen. He therefore proposed that the clause be further amended by inserting, after line 17, the following words:—

"By reason of the negligence of any person in the service of the employer who has any superintendence entrusted to him, whilst in the exercise of such superintendence; or."

Amendment agreed to.

The HON. SIR S. W. GRIFFITH said he had a further amendment to move—to omit the words "at the time of the injury" after "seaman," in line 20, and insert "or any other person in the service of the employer." The reason for omitting the words was because by leaving them in the sense of the clause might become ambiguous. The meaning without them was just the same as with them. There was no advantage in keeping them in so far as the substantial meaning of the clause was concerned, and they would lead to ambiguity. Although the man who obeyed the order might not be injured, a man standing alongside of him might, and he should have the same remedy as the person who obeyed the order.

The COLONIAL SECRETARY said he would ask the hon. the leader of the Opposition how the Bill would affect seamen who were injured outside the jurisdiction of Queensland, which was limited to within three miles of the coast. If a steamer was going to Sydney and a seaman was injured, say four miles from the coast, would he have a remedy under the Bill?

The HON. SIR S. W. GRIFFITH: No.

The COLONIAL SECRETARY: Then they would have to be continually on the look out for the time and place the injury took place.

The HON. SIR S. W. GRIFFITH said they could not help that. They had no jurisdiction over the high seas or over British ships except within three miles of our coast.

Mr. AGNEW said the amendment proposed to omit the words "at the time of the injury," and he would like to know how that would apply in a case of this kind: Instructions might be given by a person who went away and was not present at the time of the injury. Some other person might be in charge at that time, but the accident might arise from the instructions previously given. Could the man who was injured claim that he was acting upon those instructions? The clause was slightly ambiguous. If those words were to be omitted, the instructions might have been given the day before by a superior officer who was not there at the time of the injury, and the man at the time of the injury might be working without any control, but he might claim that he was working under the instructions given by that person perhaps the day before, though he was not present at the time the injury was sustained. If the words were allowed to remain, the clause would not be so ambiguous as if they were omitted. As he had pointed out, a man might contend that he was working under instructions received the previous day, although the officer who had given those instructions was not present at the time of the injury. He was afraid he had not made himself clear.

The HON. SIR S. W. GRIFFITH said the clause prescribed certain things which must concur in order to render an employer liable. First, there must be a person who was in the employment of the employer of the seaman in a controlling position—a person to issue orders which the seaman was bound to conform to; then there must be the injury received from having conformed to those orders; and there must be negligence of the person giving those orders. It seemed to him that if those three things concurred—the person in a controlling position whose orders the seaman was bound to conform to, the injury through the performance of those directions, and the negligence of the person who issued the orders, it did not matter whether the person giving instructions were present at the precise time of the injury or not, if the orders had been given previously. As the clause stood, the words "at the time of the injury" qualified only the obligation of the seaman to conform to the instructions. He thought the words should be omitted. However, by transposing them, they might be allowed to remain—by making the clause read—

"To whose orders or directions the seaman or any other person in the service of the employer was, at the time of the injury, bound to confirm."

The only reason he saw for retaining the words was that they were in the principal Act, and if they were left out it might seem as if some difference were intended in dealing with seamen.

Mr. REES R. JONES said he should like to ask the leader of the Opposition to explain the necessity of inserting the words—"or any other person in the service of the employer." Section 3 provided:—

"When within the jurisdiction of Queensland a personal injury is caused to a seaman."

What was the necessity of putting in those words?

The HON. SIR S. W. GRIFFITH said he thought he had explained that. The point had been raised last week, that, supposing two seamen were standing together on a ship, and instructions were given to one of them to do a certain act, and through the carrying out of those instructions the other was injured, as the clause stood he would not be entitled to relief, because it was not his conforming to the instructions that caused the injury; but it was the other man's conforming to the orders that caused the injury. It was a clear omission in the Bill, and he took the opportunity of putting it right. On further consideration he thought it would be better to leave those words "at the time of the injury" in the clause and transpose them.

Amendment, by leave, withdrawn.

The HON. SIR S. W. GRIFFITH moved that after the word "seaman" in the 20th line, the following words be inserted:—

"or any other person in the service of the employer was."

Amendment agreed to.

The HON. SIR S. W. GRIFFITH moved that the word "was" at the end of the 20th line, be omitted.

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

The HON. SIR S. W. GRIFFITH said he would move the insertion of a new clause to follow clause 3, in consequence of a suggestion made by the hon. member for Enoggera last week. He would move the following new clause:—

For the purposes of this Act the word "workman" whenever used in the principal Act shall mean and include a seaman.

Clause put and passed.

Preamble passed as printed.

On the motion of the HON. SIR S. W. GRIFFITH, the House resumed, and the CHAIRMAN reported the Bill with amendments.

The report was adopted; and on the motion of the HON. SIR S. W. GRIFFITH, the third reading of the Bill was made an Order of the Day for Tuesday next.

WATER BILL.

COMMITTEE.

On this Order of the Day being called,

The HON. SIR S. W. GRIFFITH said: Mr. Speaker,—It is scarcely worth while going on with the Bill at this hour, and I therefore move that this Order of the Day be postponed till Thursday next.

Question put and passed.

PUBLIC WORKS LANDS RESUMPTION BILL.

CONSIDERATION OF LEGISLATIVE COUNCIL'S AMENDMENT.

On this Order of the Day being called,

The PREMIER moved that it be postponed till after the consideration of Order of the Day No. 2.

Question put and passed.

WAYS AND MEANS.

RESUMPTION OF COMMITTEE.

On the motion of the COLONIAL TREASURER (Hon. Sir T. McIlwraith), the Speaker left the chair, and the House resolved itself into a Committee of the Whole to further consider the Ways and Means for raising the Supply to be granted to Her Majesty.

The COLONIAL TREASURER said he intimated to the Committee the other night that he would move the items seriatim. He now moved—

That there be raised, levied, collected, and paid on—Arrowroot, gunpowder, pearl barley, rice, sago, split peas, starch, shot, tapioca, and vermicelli—per reputed pound—1d.

The HON. SIR S. W. GRIFFITH asked why the hon. gentleman proposed to raise the duty on shot. The present rate of duty was only 2s. per cwt. The hon. gentleman proposed that it should be raised to 9s. 4d. per cwt., which was a very large increase. Shot was not made in the colony, and there was no probability of its being made for some time.

Mr. MURPHY: Why not?

The HON. SIR S. W. GRIFFITH said there had been one or two factories started in one of the neighbouring colonies, but they had not been successful. The hon. gentleman might, he thought, fairly include shot under the heading of ammunition on which he did not propose to levy any additional duty.

The COLONIAL TREASURER said he thought it quite probable that shot towers might be established here, and he saw no reason why they should not. He thought the duty proposed was a fair tax to put upon shot.

Mr. UNMACK said that, as a new member unaccustomed to the rules of procedure, he rose to ask that he should be instructed as to the mode in which the Committee would deal with the tariff. He wished to know at what stage of the proceedings they should propose either decreases or increases on articles which did not appear on the list of the proposed tariff. He was sure the Colonial Treasurer had no wish that members should be prevented from doing what they intended to do from want of knowledge upon some technical point of procedure. With all respect he desired also to make a suggestion, which he trusted would meet with the views of the Treasurer and the Committee, with a view to facilitating and shortening the discussion upon the tariff. He desired to suggest that the Committee should first consider the whole of the proposed increased duties in the proposed tariff, and those suggested or intended to be proposed by hon. members, such as the excise on beer and the increased duties on spirits, and the increased duties to be proposed by the Northern members, the proposed duty on salt, and on agricultural produce. If those proposals were adopted by the Committee they might mean £100,000 or £120,000 additional taxation. It appeared to him that if the Colonial Treasurer found that the Committee would grant those increases he might then be in a position to deal more liberally with hon. members as regarded any decreases which might be proposed. He trusted the Colonial Treasurer would give himself and other new members the instruction he had asked for, and would answer the inquiries and suggestions he had made.

The COLONIAL TREASURER said amendments involving increases or decreases on fixed articles not mentioned in the proposed tariff could be proposed after they had dealt with the items included in the tariff. It was open for any hon. member to propose them at any time, but it would be more convenient to propose them when the Committee had considered the proposals he had put before the Committee than at the present time. He would move seriatim the various articles as they appeared in the proposed tariff, and any member having an amendment to propose upon any of those items, could do so when they got to the paragraph in the tariff in which they were mentioned. As to whether they should discuss *in globo* the lot of articles on which increases were proposed——

Mr. UNMACK: No, seriatim.

The COLONIAL TREASURER said he would see, as the tariff went on, whether the Treasury lost or gained by the amendments made, and he would be able, very likely, from hour to hour, or at all events from day to day, to say exactly how much the Treasury lost or gained by the amendments carried on his proposals. That was the usual plan adopted, and, he thought, the best plan for dealing with the matter. They had to put the articles together in a heterogenous way very often in the tariff, but there was that difficulty always in dealing with a tariff. He had adopted the best precedent he could find, and hon. members would have ample opportunity for moving any amendments they

thought fit to move. The question now before the Committee was the adoption of the first paragraph of the proposed tariff.

Mr. UNMACK said he was afraid the Treasurer did not quite understand what he wished to convey. There was a proposal to increase the duty on spirits, which would bring in at least £50,000. According to what the hon. Treasurer said, that increase would not be considered until they reached nearly the end of the list, and he wished to show that there were decreases proposed almost at the commencement, which the Treasurer would be in a better position to deal with if he knew what excess of revenue was to be, so to speak, forced upon him. Nearly all the decreases were on the first and second sheets, while the increases came towards the very end. As those increases involved an amount of something like £120,000 or £130,000, he had thrown out the suggestion he had to facilitate business and save discussion.

The COLONIAL TREASURER said if they adopted the suggestion of the hon. member it might have quite another effect. When they reached the item of spirits, he would be in a position to judge what was to be done. He was not going to leave it in the power of any hon. members to work out the tariff exactly as they liked; but intended to propose the articles item by item.

Mr. GRIMES said there was another matter which it would be well to have an understanding about. The leader of the Opposition had referred to shot. If an amendment were moved in regard to that, would it shut out any amendment that an hon. member might wish to propose upon an item previous to that.

The HON. SIR S. W. GRIFFITH: Of course it would.

Mr. GRIMES said it was as well that the new members should understand that at first, as it would save any confusion.

The COLONIAL TREASURER said hon. members who had only been in Parliament for a few days would understand that. He intended to move the first two lines in the proposed new tariff, and any hon. member would be competent to move an amendment. If the amendment relative to shot were put first, previous amendments could not be put.

The HON. SIR S. W. GRIFFITH said he did not intend to say much, but he thought the increased duty on shot was rather excessive, and would affect a class of people who could not afford it.

The COLONIAL TREASURER said he thought it was a very fair increase, and hon. members opposite, who had talked so much about the working man, could not accuse him of being unjust to them in that particular item, at any rate. The man who paid 9s. 4d. per cwt. on shot could not complain that it was an injustice to him, no matter how keen a sportsman he was.

Mr. ALAND said shot was an article very much used by working men—men who earned their living by marsupial destruction, and also by farmers.

Mr. MURPHY: They use very little shot.

Mr. ALAND said they bought the shot and made their own cartridges. It was only gentlemen sportsmen who could afford to import cartridges from home which had the shot in them. But marsupial destroyers bought the powder and shot and filled their own cartridges. The duty upon shot was out of all proportion to its real value. The price of shot in England was not above £17 10s. per ton, and there was very little difference between that and the price of lead. As a matter of fact, the price of lead piping was almost the same. If shot were taxed 9s. 4d. per cwt. it made an increase of 50 per cent., which was out out of all proportion considering the amount of shot used in the country; that heavy duty was not likely to encourage the establishment of shot factories. During the past year the amount of shot imported was only a little over 67 tons, and the duty was £134. Certainly the Colonial Treasurer might reduce the proposed tariff on that article.

Mr. ALLAN said he hoped the Colonial Treasurer would reconsider the matter, as the proposed increase would be very hard upon the working men, at all events, in his part of the country. Many of them spent half their time in killing marsupials. They used No. 3 A shot, and that was the size mostly used in the colony. If it would simply affect sportsmen he could understand the duty, but that was not the case. It seemed an anomaly they should be paying men so much for marsupial scalps, and then put a 50 per cent. duty upon shot, and it would come to more than that at 1d. per pound. Taking the Registrar-General's own statistics, 67 tons 5 cwt. and 2 qrs. of shot, valued at £1,266, or 1¼d. per lb., were imported into the colony last year. He considered the young men who worked in his part of the country deserved every encouragement for many reasons, not only for killing off marsupials. They were men who would turn out to be the backbone of the country some day. They were all born bushmen, at home in the saddle, and, as the saying was, they could live on the smell of an oiled rag. They went out to places like Warroo, and got 100 cartridges from Mr. Bracker, and came back with 95 scalps. There was no sense in paying men to bring in kangaroo scalps and then charge them 50 per cent. duty on the shot they used. He did not want to interfere with ordinary sporting shot, but thought No. 3 A shot, which was principally used by the men he had referred to, should be exempted from the proposed increase, if not admitted altogether free.

Mr. SALKELD said he objected to heavy increases of duty being put on articles that there was no reasonable prospect of having made in the colony. He especially alluded to articles of food. Under the old tariff pearl-barley was charged 7½ per cent. *ad valorem*, and now that duty was to be increased to 25 per cent. The increased duty was fully 25 per cent. He moved that the words "pearl barley" be omitted from the paragraph.

Mr. ISAMBERT said he wished to refer to an item that came before "pearl barley"—namely, "gunpowder." Every argument that applied to the omission of shot from the paragraph applied equally to gunpowder. It was largely used in the destruction of marsupials, and the Colonial Treasurer might very well except both gunpowder and shot from increased duty.

Mr. DRAKE said he wanted to say a word now in order to save time hereafter. From the remarks made by the Colonial Treasurer on Tuesday night he thought the hon. gentleman did not exactly understand the attitude taken by protectionists on that side of the Committee. The Colonial Treasurer had put them in this position: that if they voted to increase any item in the tariff he would say they were not sincere in their desire to lessen the burdens on the working classes; and if, on the other hand, they voted to decrease any item on the tariff, he would say they were not true protectionists. He (Mr. Drake) desired generally to vote for all items on the tariff that would have a protectionist operation, and if necessary, to increase them. Apart from that, his desire was to reduce the duties on articles of food as much as possible, in order that the burden put upon the people of the colony,

more especially upon the working classes, might not be unduly increased. What he wanted to know was, what were the burdens that were going to be put on the people through the Custom-house for the purpose of introducing a protective tariff? He was anxious to see the tariff as protectionist as possible, while, at the same time, he did not want to see a great burden thrown on the working classes. With regard to the paragraph they were now discussing, the tariff on gunpowder and shot was certainly not of a protectionist nature, and would not assist, for a long time to come, in establishing the local manufacture of those articles. On the other hand an objection was raised to the duty on pearl barley. But, although pearl barley might not be produced in the colony, there were other classes of food that might take its place. What he desired to know now was, was there any way by which they could get an idea as to what protective duties would be proposed—duties which would have a protective operation, without at the same time increasing the burdens on the people?

Mr. MURPHY: It is all in the paper before you.

Mr. DRAKE said they did not know what would be carried and what would not be carried.

The HON. SIR S. W. GRIFFITH said, with regard to the amendment, that pearl barley was largely used as food, and, according to the hon. member for Toowong, it was proposed to increase the duty on a common article of food to something like 60 per cent.

The COLONIAL TREASURER said that what the hon. member for Toowong said was not correct. According to the information he had from the Custom-house, the duty was now only 20 per cent.

Mr. SALKELD said that, according to his calculation, it was 25 per cent. There was no reasonable likelihood of pearl barley being manufactured in the colony, and it was an article of food used by all classes.

The COLONIAL SECRETARY asked if he understood the hon. member to say that pearl barley could not be produced in the colony, but must all be imported?

Mr. SALKELD said there was no reasonable prospect of its being produced in the colony at present.

The COLONIAL SECRETARY said that according to the statistics the importation of pearl barley last year from the United Kingdom was 27 tons, from New South Wales 10 tons, and from Victoria 22 tons. He was under the impression that what New South Wales could produce, Queensland could produce also.

Mr. ALAND said that no doubt the imports from New South Wales and Victoria also came from the United Kingdom in the first instance.

Mr. UNMACK said he must set the Colonial Treasurer right as to the increased duty on pearl barley. He held in his hand the most authoritative quotation on the subject, and it was there stated that the cost of the best kiln-dried pearl barley was 13s. per cwt., or less than 1½d. per lb. So that the proposed duty was 66⅔ per cent. instead of 7½ per cent. as it was before.

The HON. SIR S. W. GRIFFITH said that in Victoria the duty on pearl barley was 5s. per cental, which, he supposed, was about half the amount proposed here.

The COLONIAL TREASURER said he did not think the thing was worth talking about, seeing that the whole population of the colony would only be taxed to the extent of £560.

Question—That the words "pearl barley," proposed to be omitted, stand part of the clause—put.

The Committee divided:—

AYES, 39.

Sir Thomas McIlwraith, Messrs. Morehead, Nelson, Black, Donaldson, Pattison, Macrossan, Murphy, Agnew, Crombie, Dunsmure, Lyons, Watson, Adams, Corfield, Rees R. Jones, Campbell, Lissner, Luya, Hamilton, O'Connell, Paul, O'Sullivan, Archer, Allan, Smith, Philp, Palmer, Murray, Plunkett, G. H. Jones, Little, North, Cowley, Powers, Stevens, Gannon, Dalrymple, and Goldring.

NOES, 23.

Sir S. W. Griffith, Messrs. Jordan, Annear, Isambert, Groom, Aland, Wimble, Unmack, Hyne, McMaster, Mellor, Smyth, Buckland, Foxton, Macfarlane, Sayers, Salkeld, Grimes, Drake, Barlow, Glassey, Stephens, and Morgan.

Resolved in the affirmative.

Mr. BARLOW said that split peas stood in very much the same position as pearl barley, the increase being from 7½ to 33 per cent. He moved that "split peas" be omitted.

Mr. WIMBLE said he had an amendment to precede that. As the tariff was framed on the lines of protection, and as he proposed to move the increase of a duty, he hoped the matter would receive some consideration at the hands of the Premier. He referred to rice. That article produced a revenue of £32,000, and was very largely—principally—consumed by Chinese. It did not seem to be generally known that rice was now being cultivated very successfully in the North. In his own district this year there had been turned out by two mills something over 100 tons of very fine rice, and if the duty was further increased by ½d. per lb. it would yield a substantial increase of revenue, and at the same time give a fillip to the industry in the North. The Premier had stated that as the tariff was framed he did not expect it would benefit the North so much as the South, but by increasing that duty he maintained that it would give a very substantial benefit to the North. He was certain that if they put another ½d. a lb. on rice there would be a large number of rice-mills established within the next twelve or eighteen months. He thought the matter worth considering; and he would therefore move that the word "rice" be omitted with the view of inserting it in the 3rd line.

The COLONIAL TREASURER said he was sure the hon. member had not given a satisfactory reason for the increase, even from a protectionist point of view. The importations last year were valued at £43,000, and the duty paid amounted to £32,000—that was 75 per cent.—and he thought any further increase would be absurd, as it was protected enough already.

Mr. COWLEY said the hon. member for Cairns had stated that in his district there were 100 tons of rice grown. He would ask that hon. gentleman whether it was not a fact that all of that was grown by the Chinese?

Mr. UNMACK said he would object to the proposed increase, inasmuch as the present amount of protection upon rice amounted to 100 per cent. The London price for Rangoon rice—which was almost the sole quality used in the colony—was at present 9s. 9d. per cwt., and a duty of 1d. a lb. was quite sufficient. His reason for objecting to it was that it was an article of food largely used, and it was quite dear enough at present.

Mr. WIMBLE said that, with the consent of the Committee, he would withdraw his amendment.

Amendment, by leave, withdrawn.

Mr. BARLOW moved that the words "split peas" be omitted from the paragraph.

The COLONIAL SECRETARY said he thought the hon. the senior member for Ipswich must have had running in his mind that very pathetic ballad written by Thackeray, which he and most hon. members would remember, where certain gentlemen went to sea, and were at length reduced to such a state of want of food and abject misery that they came to the last split pea. The names of those gentlemen were "Gorging Jack," "Guzzling Jim," and "Little Billee." He thought the hon. gentleman must have had that in his mind when he moved that that item be interfered with. He did not think, when they looked at the statistics they had before them, that "split peas" could be called an article of great importance to Queensland. He saw that the consumption of flour in Queensland was something like 50,000 tons a year, while he found that the consumption of "split peas" was something like 22 tons. It could not be a matter of very material importance. The whole duty only amounted to £210. He thought that was really dealing with the tariff in an infinitesimal way, like the three gentlemen who had had the last split pea for their food. He would recommend the hon. gentleman to read that interesting little ballad, if he had not done so already, and get a copy of it hung up in his library.

Mr. BARLOW said he was exceedingly obliged to the Colonial Secretary. He confessed he had not the immense fund of anecdote and jest that that hon. gentleman had; but he might say that those amendments were being moved upon a definite plan, and that definite plan had been in his mind when he proposed that amendment. The plan was simply this—and it was just as well that people should know it through the columns of *Hansard*—that those articles which could not be produced in the colony, but which were used as food by the working classes, should be, as far as possible, exempted from duty. He was exceedingly sorry that he had not brought his jest-book to the Committee, but he would do so in future.

Amendment put and negatived.

Mr. ALAND moved that the word "shot" be omitted. He would afterwards propose, if that were carried, that it be allowed to remain as at present under a duty of 2s. per cwt.

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

AYES, 33.

Sir T. McIlwraith, Messrs. Nelson, Black, Morehead, Macrossan, Donaldson, Pattison, Murphy, Crombie, Agnew, Dunsmure, Lyons, Watson, Adams, Plunkett, Rees R. Jones, Murray, Corfield, G. H. Jones, Cowley, Battersby, Little, Campbell, North, Palmer, Powers, Stevenson, Stevens, Smith, Gannon, Dalrymple, Archer, Philp, Lissner, O'Sullivan, O'Connell, Hamilton, and Luya.

NOES, 27.

Sir S. W. Griffith, Messrs. Jordan, Drake, Isambert, Groom, Aland, Wimble, Foxton, Unmack, Hyne, Mellor, M'Master, Smyth, Buckland, Annear, Tozer, Macfarlane, Morgan, Stephens, Goldring, Paul, Allan, Grimes, Barlow, Glassey, Sayers, and Salkeld.

Question resolved in the affirmative.

Mr. UMNACK moved the addition of the word "maccaroni." Vermicelli was exactly the same as maccaroni, and he did not see why one should be charged 1d. per lb. and the other 2d.

The COLONIAL TREASURER said he would suggest that the hon. member move that the word "vermicelli" be left out and insert it again in the 3rd paragraph.

Mr. UNMACK said the only difference then would be that he wanted to make "maccaroni" 1d per lb. and the Treasurer wanted to make it 2d. Certainly he was not going to be very pressing, because it was a matter of small importance, but at the same time he thought 1d. per lb. was sufficient.

The COLONIAL TREASURER: Is it the same as vermicelli?

Mr. UNMACK: Exactly the same article in a different form.

The COLONIAL SECRETARY said the Colonial Treasurer's suggestion was the proper one, though even the hon. member for Ipswich, Mr. Barlow, might assert that vermicelli was a necessity. He thought it might certainly be called a luxury and could well be put in the 3rd paragraph

The HON. SIR S. W. GRIFFITH said they ought to keep to some definite principle as far as possible, although, as he had pointed out, there was not much principle in the tariff. At present both those articles were 1d. per lb., and there was no reason why one should be charged more than another. They were both common articles of food, and the principle they should adopt was not to tax common articles of food which they could not produce themselves.

The COLONIAL TREASURER said he fancied that both maccaroni and vermicelli could stand 2d. per lb. He learnt for the first time that they were the same article, and as they would not lose anything by the change he moved that "vermicelli" be omitted.

Mr. MELLOR said the Colonial Treasurer was making a mistake in saying that vermicelli was a luxury. He thought it was a very common food which was largely used, and as it could not be produced in the country, on that ground it should not be charged more than 1d. per lb.

Mr. MACFARLANE said he hoped the Premier would not press his amendment to alter vermicelli from 1d. to 2d. per lb. The two articles—vermicelli and maccaroni—were the same, only one happened to be manufactured in the shape of small tubes, and the other in larger tubes. Maccaroni was more easily manufactured than vermicelli, he should say. Besides, it was an article that was altogether made from flour. Vermicelli was used by the working classes in the shape of puddings, and was very frequently recommended by medical men to delicate invalids. Instead of removing vermicelli from the 1st paragraph to the 3rd, maccaroni should be removed to the 1st paragraph, and made 1d. per lb. 1d. per lb. was quite sufficient.

The COLONIAL TREASURER said that knowing that the articles were similar, he thought they ought to be charged 2d. per lb. The hon. member for Ipswich was another exponent of the views of the working classes. He said maccaroni and vermicelli were very much used, whereas the whole population of the colony last year only used one ton of maccaroni, and of vermicelli less than one ton. Those articles could not, therefore, be very much used by the working classes.

Mr. MACFARLANE said the Colonial Treasurer must remember that they were very light articles. There was nothing at all to laugh at. A very little quantity went a long way.

Mr. ISAMBERT said he was inclined to support the Colonial Treasurer's amendment.

Mr. MURPHY: The only man on your side with courage.

Mr. ISAMBERT: Vermicelli and maccaroni could be very easily manufactured in the colony, and he felt confident that before twelve months were over they would be manufactured in the colony. A good housewife, who was not lazy, could make a far better article with eggs and flour.

The COLONIAL TREASURER said he wished to correct a mistake. Ten tons instead of one ton of maccaroni, as he had stated, were used last year.

Mr. MACFARLANE: Where is the laugh now?

The COLONIAL TREASURER: Against the hon. gentleman who excused himself by saying that vermicelli was a very light article.

Mr. UNMACK said in deference to the wishes of the Treasurer, and as maccaroni was not an article of very large consumption, he had no objection to withdraw his amendment. He did so solely for the purpose of not unduly prolonging discussion on small items, but he wished to point out that the duty the hon. gentleman proposed to put on maccaroni and vermicelli amounted to fully 50 per cent.

Amendment, by leave, withdrawn.

Question—That the word "vermicelli," proposed to be omitted, stand part of the paragraph—put and negatived.

Mr. UNMACK said he would move the addition to the paragraph of the words "salt beef," and if it would save time he would move the addition of the words "mess pork" also.

Mr. MURPHY suggested that the hon. member should move the items separately. Hon. members might agree to the one who would not agree to the other.

The COLONIAL SECRETARY said that a gentleman who had given so much time and attention to the consideration of the tariff as the hon. member for Toowong had evidently given ought not to put those amendments in that way, but should have included them in the printed schedule of amendments he had supplied. He could not account for the hon. member's sudden antipathy to salt beef.

Mr. UNMACK said the Colonial Secretary was not happy in the charge he had made against him. He was endeavouring in the present instance to alter an *ad valorem* duty to a fixed duty, for the purpose of avoiding fraud in the Customs. A penny a lb. would be about the same thing as the *ad valorem* duty proposed by the hon. Treasurer. The hon. member would find those items in the list of amendments he had printed.

The COLONIAL TREASURER: I have no objection to the amendment.

Amendment agreed to.

On the motion of Mr. UNMACK, the words "mess pork" were added to the paragraph.

Mr. UNMACK moved that the words "jams, jellies, and marmalade" be added to the paragraph.

The COLONIAL TREASURER said the hon. gentleman had given no reason for his proposal, and he stood by the tariff on those articles as stated further on.

Mr. UNMACK said his reason for the alteration he proposed, was that the raw material for those articles could not be produced in the colony, except to a very limited extent. It was said those articles were being manufactured here, but that was not strictly correct, because the whole of the fruit was being imported in pulp, and the duties proposed to be levied upon it by the Colonial Treasurer would leave too great a margin for the maker, who simply boiled the imported fruit with a little sugar and put it in tins. The article of pulp imported into the colony was supposed to pay a duty of ½d. a lb. Making a very liberal allowance indeed, they knew that it would not take more than half-a-pound of pulp to make a pound of jam, when they considered the sugar and syrup added to it, to say nothing at all of the melon and other ingredients with which it was adulterated. That would mean a duty of ¼d. a lb. only, and it was proposed in the tariff to give a protection of 2d. a lb. Those articles were very extensively used by rich and poor, and the duty would amount, he believed, to something like £6,000. He might take that opportunity of saying that whatever reductions he proposed he also intended to propose a full equivalent for them in the shape of increases on other articles.

Mr. MURPHY: You want to make a tariff of your own.

Mr. UNMACK said the hon. member for Barcoo might allow him to have an opinion of his own, and to bring his business knowledge and experience to bear on the subject. He did not endeavour to interfere with the hon. gentleman who, with his great knowledge, would probably presently tell the Committee what they did in Victoria. He was not interfering with the hon. member, and he hoped the hon. member would leave him follow his own road. He was quite sure the hon. gentleman would not be in a position to give a fair, honourable, and straightforward contradiction to any statements he would make.

Mr. MURPHY: You have great faith in your own honour.

Mr. UNMACK said he did not say a word about honour. He left that to other people to speak about.

Mr. MURPHY: You spoke about my honour.

Mr. UNMACK said he never mentioned the word. The tariff he proposed in those articles was very reasonable, taking the cost of them into consideration. As he had pointed out the duty which would have to be paid upon pulp would be about ½d. a pound, and on the quantity required to make a pound of jam it would be about ¼d., while under the proposed tariff of the Colonial Treasurer the makers would have a protection of 2d. a pound.

The COLONIAL TREASURER said the hon. member seemed to think he was putting a reasonable proposition before the Committee when he said that if he proposed a reduction he intended to propose an increase to balance it. That was really an unreasonable thing to say, as only the majority of the Committee could make an increase on any item. The hon. member could only try to make a corresponding increase. If he (Sir T. M'Ilwraith) was to make such a proposition as that made by the hon. member the Committee would laugh at him. How could the hon. gentleman then say that he could do it?

Mr. UNMACK: I do not say so.

The COLONIAL TREASURER said tha what they had to deal with then was the on question before them, and it could not be com plicated by anything the hon. gentleman was going to do afterwards. He thought the tariff he intended to propose on those articles was reasonable, and he would resist the alteration proposed by the hon. member. He intimated before that pulp fruit and green fruit, which were preserved in acids, and came into the colony for the purpose of being manufactured into jam, would be put at a certain price which he had not named. Whether it would be ½d. or 1d. per lb. he had not calculated. Twopence per lb. upon what could not be called an article of necessity was not an unfair thing at all.

The HON SIR S. W. GRIFFITH said he was not very sure that jam was not an article of necessity. There were a great many people in

the colony to whom jam was a necessity, and in a great many parts of the colony it was the only substitute that could be obtained for butter. On the other hand the colony was capable of making a great deal of jam itself, and that had to be taken into consideration. From what the hon. member for Toowong said, it appeared that the charge of ½d. per lb. upon pulp fruit, and 2d. per lb. upon jam, would raise the price of jam for the benefit of the manufacturers. The hon. member ought to propose an increased duty upon pulp as well.

The COLONIAL TREASURER said, when an industry was established in the colony they should do as much for it as they could.

The HON. SIR S. W. GRIFFITH said the hon. Treasurer evidently did not understand the theory of protection. He was only a protectionist in name, without knowing the meaning of the word. He (Sir S. W. Griffith) had never heard that it was part of the duty of a protectionist to raise the price of food. That was not part of the theory of protection.

The COLONIAL TREASURER said he was a protectionist, and knew that protection did increase the price of food. He admitted that. Everyone had to pay for protection; but he held that it would do a great deal of good outside of that.

Mr. GROOM said he agreed with the Colonial Treasurer that, if they wished to introduce a protective policy, not only articles of food would have to be taxed, but other things as well. He agreed with the tariff the hon. gentleman had put upon jams, of 2s. for a dozen reputed pounds. The hon. gentleman should have gone still further and included marmalade.

The COLONIAL TREASURER: I did not know it was left out. I am glad to receive the suggestion.

Mr. GROOM said he had tasted as good marmalade made in the colony as any that could be made anywhere, and he could say the same in regard to jam. What the sincere advocates of protection wished to accomplish was, by the imposition—he did not mean to say, of excessive duties, but moderate duties—to give encouragement to the establishment of new industries. There were jam manufactories in the colony already, and a slight increase of the kind proposed would cause many more to be established. He did not believe the price of jam would be increased 1d. The expected increase in price was one of the fallacies they had to contend against. He was prepared to increase the duty upon jams. If a man wanted to keep his children from being drones in the Government service, and to teach them to be taught trades, he must expect to pay for that privilege. Family men were obliged to pay a premium of 100 guineas to have their sons articled to lawyers for instance, or taken into offices, and it was of the highest consequence that in a country like Queensland they should see if they could not establish industries which would give employment to people. At any rate, that was the view which he would endeavour to infuse into the Committee, and, if he could not do that, he would have the satisfaction of knowing that he had done his duty. The tariff proposed by the Colonial Treasurer upon jams was quite moderate enough.

The COLONIAL SECRETARY said he intended to support the proposed tariff, although he was not a protectionist. His reason for doing so was, that they were simply dealing with the jam industry as they dealt with the sugar industry in the past. That was to say they were protecting it amongst themselves, as the sugar industry was protected, by charging no excise. Through that they rapidly became an exporting colony, and then of course the duty ceased, and it would be the same with jam. They had the fruit, and they had the sugar, and in a short time they would be a jam-exporting community and the duty would cease to exist.

Mr. ISAMBERT said he had thought that the Colonial Treasurer knew all about protection, but it seemed he did not. He had a little more to learn yet. He was of opinion that putting a duty upon articles that could be produced in the colony increased the price of them. He (Mr. Isambert) differed from the hon. gentleman. They knew how the duty upon stearine candles had reduced the price. It was a case of over-production, and nothing affected the price of an article so much as over-production, in favour of the consumers. The stearine trade had been in the hands of the importer, but as soon as the local article was manufactured the price was reduced. A protective duty upon jam would cause the manufacture of jam in the colony, and the price of the article would be reduced in favour of the consumer. The storekeepers were very sorry when they lost the trade in stearine. He would recommend the Colonial Treasurer to take that lesson to heart. A duty of 20s. per ton upon flour would affect the price of that article in favour of the consumer. Wheat would be imported, and the flour would be made in the colony. He should support the higher duty on jams and jellies.

Mr. MACFARLANE said he was astonished at the speeches of the hon. members for Toowoomba and Rosewood, who tried to make out that the higher the duty imposed on an article was the cheaper it would be to the consumer. If hon. members would confine themselves to talking about things they understood, business would be got through much more quickly. He would inform those hon. members that, since the publication of the new tariff, the price of jam had actually risen a shilling a dozen, or a penny per tin. He believed in encouraging native industry, but not at the expense of the people.

Mr. MURPHY: What about the Ipswich woollen factory?

Mr. MACFARLANE said they were not talking about the Ipswich woollen factory, but about jams and jellies. It was well known that almost the only kind of fruit grown in the colony and manufactured into jam was the pie-melon. That was the principal foundation of half the jams manufactured in the colony. He knew what he was speaking about, and he was giving the Committee facts. The other day the hon. member for Toowoomba said they ought to put such a tax on imported goods as to compel people to use the local productions. He (Mr. Macfarlane) did not wish to compel people to buy things which were nasty, although they might be cheap.

Mr. ANNEAR said the hon. member for Ipswich was very inconsistent. He was willing to accept as much protection as they liked to give him for the tweed factory at Ipswich; that was all right enough; but when they talked about protecting another great industry the hon. member would not have it at any price. The hon. member did not seem to be aware that oranges were grown at Ipswich. At Maryborough, one firm had made last season between £6,000 and £7,000 worth of wine, from oranges grown by them in and around that town. Already, in Brisbane and its suburbs, there were hundreds of people employed in the manufacture of jam; and there were other factories in the colony. The Maryborough firm that he had referred to was that of Brennan and Geraghty, and it was quite a picture, during the orange season, to see the number of men employed by them in the manufacture of wine and the cultivation of

the fruit. That was already an important industry, and would soon assume large proportions if the proposed duty was put on.

Mr. SALKELD said he hoped the Colonial Treasurer would increase the duty on pulp fruit, by way of giving increased protection to the manufactured article. The hon. member for Ipswich, referring to jam made from the pie-melon, said he did not believe in making people pay for things that were nasty, and asserted that that was almost the only fruit used in making local jams. The hon. member was quite mistaken. One of the very best of jams was made from the rosella. Indeed, it was a shame that they had to import any jam whatever into the colony. His only objection to increased duties was where they would not encourage native production. He believed the higher duty now proposed would encourage native production, and he should therefore support it.

Mr. GROOM said the remarks of the hon. member for Ipswich ought not to go forth unchallenged. Very good jam, as he knew personally, could be made from the pie-melon. But he might inform that hon. member that during January, February, and March of every year as much fruit could be produced in the districts of Toowoomba, Allora, Warwick, and more particularly in the mountains about Killarney, as would supply the entire colony with jam for twelve months. But, owing to there being no local manufacture on a large scale, the growers could not get a reasonable price for their fruit, and he had seen hundreds of thousands of bushels of the most magnificent peaches thrown to the pigs for food. Those resources should be utilised and turned into wealth, as was the case in America. It was not right for the hon. member to say that all their colonial jams were made out of pie-melon, whilst at the same time there was an abundance of fruit—plums, peaches, pears, apricots, and other sorts of the choicest description, grown on the Downs. It would be wrong to let it go forth to the world that the colony was incapable of these things. They had a magnificent district, the resources of which were almost inexhaustible, and all that was necessary was to get jam factories erected to create a spirit of competition, and thus enable the farmers to get a reasonable price for their produce.

Mr. MURPHY said it would be well if those hon. members on the other side of the Committee who called themselves protectionists would assist those on the Government side who were protectionists in reality. Here was an opportunity of protecting an article that might be almost called a natural product, seeing that they could grow the fruit and the sugar necessary for the manufacture of jam. And yet the leader of the Opposition, who called himself an opportunist protectionist—he supposed this was an example of his opportunism—opposed the very first item in the tariff that savoured of a thoroughly protectionist policy. That showed that the hon. gentleman was not sincere in his protectionist policy. And as for the hon. member for Toowong, who thought he was the only honest critic in that Committee, he would soon find out that he would not be allowed to take possession of that Committee and dictate what duties he would put on and what he would take off.

Mr. UNMACK rose to a point of order. He distinctly denied having used the word "honest," in any shape or form. He had denied it once before, and he thought that out of common courtesy the hon. gentleman should accept his denial.

Mr. MURPHY said he accepted the hon. member's denial with this explanation—that he said "honourable" instead of "honest."

Mr. UNMACK: I said "honourable." I certainly never said "honest."

Mr. MURPHY said the hon. member might have said "honourable criticism;" he would leave that to be decided by *Hansard* to-morrow. At all events the hon. member would find before very long that he would not be allowed to lead that Committee, that there were members there who had a better financial ability than himself, that they had their own views and opinions, and would enforce them quite as well as the hon. member, and equally as well as the hon. the leader of the Opposition. With regard to the arguments of the hon. member for Ipswich against protecting fruit, he would point out that that hon. member had got a high duty upon the tweeds produced in the woollen factory at Ipswich, and that, with the usual selfish policy that characterised Ipswich, he would not allow anyone else to enjoy the advantages he gained from that protection. If the hon. member thought they were going to impose duties to encourage him, and not to encourage other producers, he was very much mistaken. If he were thoroughly unprejudiced, if he were not sitting there as the representative almost of an already protected industry, he would not object to the protection of other industries. He did not think the hon. member had given his honest convictions when he accepted protection to the industry with which he was connected.

Mr. GRIMES said, with regard to the matter of jam, he hoped that when they came to pulp, the Premier would encourage the importation of what were called "Irish bog oranges," commonly termed in the old country "murphies," to assist in developing the jam industry. He liked consistency and common sense, and should be pleased to know how the hon. member for Maryborough was going to encourage the jam factories in Brisbane in making jams, and at the same time raise revenue by the tariff. That was a puzzler to him, because, if they increased the production of an article in Brisbane, it would not come in from abroad, and therefore they reduced the revenue.

Mr. ANNEAR said the hon. gentleman's remarks showed the weakness of the arguments of those who posed as freetraders. They raised revenue by having a large population in the colony who were consumers. Then revenue was raised chiefly through the Customs duties, which were paid by the consumers. He thought that was an answer to the hon. gentleman.

The COLONIAL SECRETARY said he would ask the hon. member for Oxley whether, when the sugar industry in Queensland was protected to the extent of over £5 a ton, he objected to that?

Mr. SMYTH said the tax under discussion would largely affect the outside districts, and especially the mining community. It would even affect the constituency of the hon. member for Burke, also béche-de-mer fishers—in fact, all people who could not get butter or some substitute for jam. He had been through the largest jam factory in Brisbane, Peacock and Sons, and found that they imported pulp very largely from Tasmania and other places. He would like to know if they were going to tax the people all round—and the Colonial Treasurer said it was necessary, and that the people must accept it—what about the Civil servants? Of course, the idea of protection was to benefit the whole community by finding work for the people; but they could not find more work for the Civil servants, and if they were compelled to pay an increased cost for living, were they going to increase their salaries?

Mr. SAYERS said some hon. members had spoken as if they had such a quantity of fruit in Queensland that they did not know what to do

with it. In his district it was next to impossible to grow fruit, and if there was such an abundance in the South, as the hon. member for Toowoomba had described, he wondered they did not send some of it up North. He should be prepared to agree to the proposal if they had such a quantity grown in the colony that they did not know what to do with it. He thought there was a market in the North for all the fruit that could be produced in the South in a green state; and he was certain that in the North, where there was no butter to be had, jam was the staple commodity that people used. He had travelled the colony from one end to the other, and had had to take jam with him, and there were thousands of people in the colony who had to live on jam, salt horse, and damper. If they had to pay 2d. a lb. on the jam it was simply taxing one class, and he objected to taxing food. In many parts of the colony butter was not obtainable, and he had known cases where families bought raspberry jam by the dozen tins, as they got it 1d. a tin cheaper. If 1d. a lb. were put on it would increase the cost of living, and he could not see that the people would get anything in return for it.

Mr. MACFARLANE said he wished to say a word with reference to what the hon. member for Barcoo had stated. That hon. member had been charging the hon. member for Toowong with using the words "honourable" and "dishonourable," and so forth; but he had spoken of his (Mr. Macfarlane's) honesty. He did not think the hon. member for Barcoo had any reason to doubt his honesty. The hon. gentleman had said that he (Mr. Macfarlane) had obtained additional taxation on Ipswich tweeds—or rather Queensland tweeds they should be called. He had not asked for that duty, and he did not approve of it. Seven and a-half per cent. was quite sufficient to carry on the Ipswich mill and make a profit, so that, so far as he was concerned, the hon. member's remarks were uncalled for.

Mr. GOLDRING said he was not a protectionist, but he certainly thought the tariff proposals should be supported. With all due deference to the hon. member for Charters Towers, he could not agree with the remarks he had just made. That hon. member had said that people took raspberry jam because they got it 1d. a tin cheaper. They would buy colonial jam, because they could get that cheaper than the imported article. From his experience, there seemed to be as much colonial as English jam used in the North. He knew that butter was very scarce, and that jam was used instead, but he still believed that the duty on imported jam would not deprive them of that luxury.

Mr. McMASTER said there was no doubt that before the tariff got through the free-traders would learn a good deal. He was very much surprised at the remarks of the hon. member for Toowoomba in reference to jams—that the increased duty would add in no way to the cost to the consumer. As a matter of fact, the price had risen 1s. a dozen immediately the tariff was announced—that was 1d. a lb.

The COLONIAL TREASURER: That is the duty—there is the additional 1d. put on.

Mr. McMASTER said it was an addition of 1s. Before it was 1s., now it was 2s.

The COLONIAL TREASURER: There was an additional 3d. put on, but that went to the middleman—the grocer.

Mr. McMASTER said he could inform the Colonial Treasurer that unfortunately the retail grocer was the man who suffered most, except the consumer. He was speaking of a parcel of jam which he had bought from the largest wholesale house in Brisbane. He was not speaking of what he did not know. He maintained that jam was more used by the working classes than butter, as working people could not afford to pay 3s. and 3s. 3d. a lb. for butter, and went in largely for jams.

The COLONIAL TREASURER: Hear, hear; colonial jams.

Mr. McMASTER said there was very little difference between colonial and imported jams. There was no doubt that jam was made in Brisbane, but the fruit was nearly all imported, with the exception of pie-melons. There was another item which could be obtained in the district represented by the hon. member for Toowoomba—that was, pumpkins—which were not used in the manufacture of English jams. He maintained that by putting on the additional 1d. a lb. they were inflicting an injury on men who could ill afford to pay it. The higher classes who could afford to pay more went in for English jams, which cost a little more. The hon. member for Toowoomba had told them of the large quantity of fruit grown on the Darling Downs, and which could be made into jam. He had heard that hon. gentleman telling them not long ago that the fruit on the Darling Downs—the peaches in particular—for that season was all an illusion, and asking the Government to send up a gentleman to see what could be done in order to preserve the peaches from an insect. He knew that it was very seldom that one could get a ripe peach of a certain sort without finding an insect inside. It was very undesirable that jam could not be manufactured without cooking live stock. He intended to support the amendment of the hon. member for Toowong, as that was a commodity which they ought to get at as low a price as possible.

Mr. POWERS said he did not intend to speak on all the items, as he intended following the course adopted by most hon. members—and that was, only to vote on the subject. The question before them was a very important one, and the only way they could get through was to do as he had said. They had to raise revenue, and as other things were taxed sufficiently, a further duty of 1d. a lb. was put on jam, as they were still going to the bad, the expenditure being more than the revenue. He took it that they had to get more revenue, and jam was a fair thing to put a duty on. Even from a protective point of view they could not put it on anything better. That was the first debate on a tariff in which he had taken part, and at present he could not see what hon. members meant. He found that the hon. members opposite who had objected to the duty on pearl barley, split peas, shot, vermicelli, and jams were in favour, according to their notices of amendments, of taxes on flour, butter, salt, bacon, and honey. Pearl barley and split peas were used for the rich man's soup, the shot for his game, and the vermicelli for his puddings and tarts. Could not those articles be taxed better than such articles as flour, butter, salt, bacon, hams, and honey? He could not understand it.

Mr. ALAND said he only rose to say that it appeared to him that the hon. member for Fortitude Valley had taken it into his head that no good thing could come out of Queensland, more particularly that part of it which he (Mr. Aland) represented. The other evening the hon. member, in speaking on the tariff question, exhausted all the language of which he was capable in running down everything that could be produced on the Darling Downs. Now he took it into his head to run down the fruit

produced in that district. He (Mr. Aland) thought the hon. member, with all his information about freetrade and his ideas about selling behind his counters, should get outside the pettifogging ideas of retail men—he included himself among the number—when they were discussing an important question like the tariff. When they came there they should get rid of shop. He (Mr. Aland) agreed that the proposed duty should be imposed on jam, because it might have the effect of inducing more thrifty habits on the part of housewives in the colony. If the people of the Darling Downs who had the maggoty fruit the hon. member spoke about, and the people of Brisbane who had, he supposed, superior fruit without maggots, would set to work in the fruit season and manufacture jam for the use of their households, they would not hear so many complaints when butter was 3s. 6d. or 3s. 9d. per lb. He knew many families in the town he represented who husbanded the fruit during the fruit season and preserved it in bottles, and he could guarantee that one might go into almost any house in Toowoomba all the year round and be supplied with a plate of peaches which had been preserved by the woman of the household. That was the kind of thing he would like to see elsewhere, and he believed that raising the tariff on jam would certainly have that effect. A good deal had been said about the pie-melons which came from the Darling Downs. Well, they made preserved ginger out of pie-melons. And what did the Chinese make chow chow out of, which the hon. member for Fortitude Valley possibly sold over his counter at 6s. a jar? What was it composed of? Why, pie-melons and other vegetables. If they could only manufacture that here it would be a benefit to the colony and would keep the Chinese article out of the market. As to English jams, of what were they composed? The foundation of those jams was turnips, mangel-wurzel, and lucerne, and they were just flavoured with a little strawberry to make the consumer think it was strawberry, when all the time it was nothing but turnips and lucerne.

Mr. DRAKE said he should like to say a word in defence of pie-melon. The hon. member who introduced pie-melon into the debate spoke of it as being used largely to adulterate jam. The other evening he (Mr. Drake) tasted a compound described as melon and lemon marmalade manufactured in one of the local establishments, and he might state that he did not desire to have any better jam than that. It was as near perfection as he could imagine. With regard to that proposed increased duty on jam, it seemed to him that a protective duty had had the effect of establishing jam manufactories. It had, in fact, put an important industry on its feet. They found, however, that jams were still coming in from outside and competing with the local article; and it appeared to him that the probable effect of imposing the increased duty would be to keep out the foreign article and give the local manufacturer a better chance. The result would very likely be that the present works would be extended, and that other men would also engage in the industry, and if the increased competition that would arise in the colony was not sufficient to keep down the price he would be very much surprised. He was inclined to think that the effect of the duty would be to make the local article better and cheaper than before.

Question—That the words proposed to be added to the paragraph, be so added—put, and the Committee divided:—

AYES, 14.

Messrs. Philp, Barlow, Mellor, Macfarlane, Unmack, Glassey, Grimes, McMaster, Palmer, Sayers, Cowley, Smyth, Hamilton, and Lissner.

NOES, 51.

Sir T. McIlwraith, Sir S. W. Griffith, Messrs. Groom Rees R. Jones, Jordan, Black, Donaldson, Pattison, Macrossan, Agnew, Nelson, Stephens, Aland, Lambert, Wimble, Foxton, Murphy, Stevenson, Hyne, Morehead, Archer, O'Sullivan, Battersby, Corfield, Buckland, Murray, Dalrymple, Amear, Campbell, Little, Tozer, Powers, Laya, G. H. Jones, Goldring, Adams, O'Connell, Stevens, Smith, Lyons, Salkeld, Dunsmure, Allan, Gannon, Paul, Watson, Crombie, Plunkett, Drake, Morgan, and North.

Question resolved in the negative.

The HON. SIR S. W. GRIFFITH said he wanted to ask the hon. gentleman at the head of the Government what he proposed to do with respect to pulp fruit? That was *apropos* of the question of jam which they had just discussed.

The COLONIAL TREASURER said he was not prepared to say how much would be put upon it, but, as he explained the other night, the duty would be taken off green fruit altogether, and a certain smaller duty than he proposed put on pulp fruit and fruit prepared by acids. There was a large quantity of fruit coming in just now as fresh fruit, which was preserved fruit, and he meant to catch that along with pulp.

Mr. UNMACK moved the addition of the word "blue" to the paragraph.

The COLONIAL TREASURER said before the hon. member moved that, that although he knew the hon. member had a strong desire to facilitate the business of the Committee, he saw now that they had made a mistake in allowing the last amendment to come in, because it would properly have come in under fruits, bottled or in tins or jars, lower down the page. They had thus laid themselves out for a double discussion, because jams would be discussed over again. That was a mistake, but he did not notice it. The hon. member would see, therefore, that the amendment he had just mentioned would come in properly when they were discussing the 3rd paragraph. His object, no doubt, was to reduce the duty on blue from 2d. to 1d. per lb. The hon. member could move his amendment, but it did not matter on what item, because that would be arranged afterwards when the Bill was brought in.

Mr. UNMACK said he was quite satisfied, and would withdraw the amendment.

Amendment, by leave, withdrawn; and paragraph 1, as amended, put and passed.

The COLONIAL TREASURER moved—

That there be raised, levied, collected, and paid on—Twine, tallow, and stearine—per reputed lb., 1½d.

Mr. ALAND said he wished to offer a suggestion concerning twine. He did not think it would make any alteration in the amount, but it would be fairer to the importer and the purchaser of twine if it was placed on the *ad valorem* list.

HONOURABLE MEMBERS: No.

Mr. ALAND said: With honest tradesmen it would be a fairer plan. They all knew that twines were of very different values. They could buy one kind in the English market at 5d. a lb., whilst certain other kinds would cost 2s., and more. Now, he thought a duty of 1½d. a lb. on common twine was not equal to 1½d. on twine of a very much superior quality. If the importers' invoices were honestly made out an *ad valorem* duty on twine would be quite fair, and it would make but little difference in the amount that would be received in twelve months. The twine most largely imported was seaming twine, and a fair value for that was about 10½d. a pound, and 1½d. on that would be about 15 per cent. There were other twines very much dearer no doubt, but there were also some at 5d. and 4½d. a

pound, and large quantities of them were imported. To make the duty *ad valorem* would make but little difference in the amount that would be received, and it would be fairer in comparison to the values of the article.

The COLONIAL TREASURER said the same argument could be used for bringing almost everything back to the *ad valorem* duties, and of course, in theory, the *ad valorem* duties were best. Twine was under a fixed duty at present.

Mr. UNMACK said he had no objection to the three articles mentioned in the paragraph, but he would like to know whether the Colonial Treasurer intended to propose a duty of 2d. or 3d. a pound on candles?

The COLONIAL TREASURER: Twopence.

Mr. UNMACK said he would like to know what duty was to be proposed upon the empty cases used for packing them? He knew, as a fact, that though the industry had been established here for years, those engaged in it were indecent enough to import the packing cases for their candles, and he would like to know what duty was to be put on those cases.

The COLONIAL TREASURER: We can consider that when we get to the item of candles.

Mr. ISAMBERT said he thought the word "lard" ought to be added to the paragraph.

The COLONIAL TREASURER said he had no objection to that. The item was in the *ad valorem* list now, and was increased in the ordinary way to 15 per cent.

Mr. ISAMBERT moved the addition of the word "lard."

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

The COLONIAL TREASURER moved—

That there be raised, levied, collected, and paid upon—Biscuits, blue, dried fruits, dynamite, gelatine dynamite, glue, honey, maccaroni, maizena, corn-flour, maizemeal, peel (dry and drained), pork (not including mess pork), writing paper (cut), and cakes—a tariff of 2d. per reputed pound.

Mr. UNMACK moved that the word "blue" be omitted from the paragraph.

Mr. DRAKE said he would like to hear some reason for taking blue out of that list and putting into the 1d. list; and whether or not there was a chance of the article being manufactured in the colony.

The COLONIAL TREASURER said it was not worth while spending much time over it. It was only used for gentlemen's shirts, so far as he knew, and he was for one quite willing to bear the brunt of the additional tariff.

Mr. SAYERS: The old washerwomen will have to pay for it.

The COLONIAL TREASURER said that if the hon. member for Charters Towers could travel as he said he did, without butter, he might not have much difficulty in getting on without blue. Hon. members knew they wanted money, and he thought that was one of the items they could increase the duty upon.

Mr. SAYERS said they knew the hon. gentleman wanted money, but, unfortunately, he proposed to get it from the usual articles of food. He did not propose to get it from the land or anything in that way, and yet all around Brisbane they could see placards asking the electors to "Vote for McIllwraith, who is the working man's friend."

The COLONIAL TREASURER: There never was a truer placard stuck up.

Mr. ISAMBERT said he did not see why blue should be omitted. It had been manufactured in Victoria ten years ago, and as its manufacture was a simple process there was no reason why it should not be manufactured here.

Mr. UNMACK said his reason for proposing the decrease was simply that he did not believe in protection to the extent of 66⅔ per cent., and that was what the tariff proposed amounted to.

The COLONIAL TREASURER said the hon. gentleman was very inconsistent. He actually proposed an amendment to put the same duty upon salt beef.

Mr. GROOM: Do I understand the hon. gentleman intends to move amendments in this particular paragraph?

The COLONIAL TREASURER: Yes; but not before "blue."

Mr. GLASSEY said it was not worth while to waste the time of the Committee upon such a paltry matter as blue. It would not be an extraordinary tax upon the country, and it might be allowed to go. He was neither a violent free-trader nor a violent protectionist.

Mr. AGNEW said he agreed with the remarks of the hon. member for Bundanba. At the rate they were going on it would take twenty-seven and three-quarter days to get through the tariff.

Mr. ALAND said the hon. member for Nundah need not be afraid that they would be kept there till Christmas because they happened to be skylarking about the new tariff at present.

The COLONIAL SECRETARY said the question of blue was rather important. He believed blue, last year, cost the community an average of 1½d. per head.

Mr. ANNEAR said the matters they were discussing were matters which affected the whole of the people of the colony. It took them four weeks to discuss the Budget in Victoria, and three weeks to get as far as that Committee were at present. After that the Government there had to ask Parliament to allow them to pass an Electoral Bill, and they withdrew the tariff altogether. He did not think the Committee had much to complain of. It was the first real treat they had had during the present session of Parliament to see the hon. Colonial Secretary in his old form. He had thrown off the trammels of office, and appeared in the congenial form they remembered of old. The hon. gentleman was a powerful exponent of any part he might take, and he welcomed him to the ranks of the protectionists. It was something worth considering to have the hon. gentleman with them, and he was sure that with that gentleman's amiable manner and powerful assistance they would soon get through the tariff and have nothing to complain of.

Mr. UNMACK said, after the able financial explanation of the Colonial Secretary, it was a pretty blue lookout for his amendment, so, with the consent of the Committee, he would withdraw it.

Amendment, by leave, withdrawn.

The COLONIAL TREASURER said the amendment he had proposed was in connection with dynamite.

Mr. MACFARLANE said before they came to that he wished to say that he thought dried fruit, such as raisins and currants, ought to be removed from the list and charged 1d. per lb. Those articles occupied a very important position in regard to the working classes, and it would meet the wishes of the country if they were omitted.

The COLONIAL TREASURER said he hoped the hon. member would reconsider the statement he had made. The tariff was being

altered to raise money, and the object of the hon. member seemed to be to prevent its doing so. Dried fruits were to be charged the same as before.

Mr. MACFARLANE said he was quite willing to tax anything in the shape of a luxury; but the duties on necessaries of life should be reduced to a minimum. He called vermicelli and maccaroni luxuries, the working classes did not use much of them; but they used a great quantity of dried fruits. All things that could be done without should be taxed; but not those which formed the principal part of the food of the people.

The COLONIAL TREASURER said he supposed the hon. member wished to get back to the subject of beer. He intended to move the omission of the words "dynamite" and "gelatine dynamite." He had intimated his reasons the other evening, so he need say no more.

The HON. SIR S. W. GRIFFITH: Where do you propose to put them?

The COLONIAL TREASURER said he proposed to strike them out at present. He believed some hon. members wished to put them in the exemption list; but when the time came he would answer the question.

The HON. SIR S. W. GRIFFITH said it had been suggested to him that certain other explosives should be included with dynamite, such as lithofracteur and rack-a-rock.

The COLONIAL TREASURER said they would come in at 7½ per cent. There was no difficulty in the designation; they were in the tariff at present.

Mr. SMYTH said it would be better to place a fixed duty of 1d. per lb. upon those articles.

The COLONIAL TREASURER said he was prepared to hear any discussion that might be initiated from those who had given him notice that they proposed to place those and other similar compounds in the exemption list. He would consider that when they came to them. In the meantime he moved that they be omitted.

Question—That the words proposed to be omitted stand part of the paragraph—put and negatived.

Mr. ALLAN proposed that the duty on honey be increased from 2d. to 3d. per lb. He did so because the colony was well able to supply itself with honey if it was encouraged for a short time, and even to make it an article of export. In the mountains about Killarney, there was one apiarist who was producing as much as ten tons of honey a year at the present time. Samples of that honey had been sent to America, France, and London, and it tested better than any other honey that was produced in any part of the world. It was a most healthy article of food; and the local article was better than any that could be imported.

Mr. ISAMBERT said he should support the amendment for the additional reason that honey was largely imported, and that such honey was adulterated with glucose. He would have preferred seeing the duty increased to 4d., but, in order to avoid discussion, he should content himself by supporting the amendment.

Mr. HAMILTON said he quite agreed with the amendment. Honey was an article which was being produced all over the colony. In the Cook district one individual obtained from £100 to £150 a year from honey alone, in addition to which he made mead. The import tables for last year showed that 24,566 lbs. of honey were imported into the colony. That could all be produced locally, and, therefore there could be no objection to supporting the amendment.

Mr. STEVENSON said he might inform the hon. member for Darling Downs that not four miles from the Parliamentary buildings he could buy tons of honey, as good as was produced in any part of the world, for 6d. a pound.

Mr. PALMER said he could buy honey in Brisbane for 3d. a pound, better than any that could be imported. It had been offered to him at even less than 3d.

The COLONIAL TREASURER said he did not object to the amendment. But the effect of it in the Treasury would be, that whereas he got £218 now from honey on a 2d. tariff, he would get nothing at all from it under a 3d. tariff.

Amendment put and agreed to.

On the motion of the COLONIAL TREASURER, the word "vermicelli" was inserted after the word "maccaroni."

Mr. GROOM said that, with regard to the article "pork," what he was about to say was from hearsay only, and he therefore spoke under correction. He was given to understand that the duty on bacon was evaded by sides of pork being brought into the colony in large casks as pickled pork. As soon as it reached the colony it was taken out of the casks, dried, smoked, and sold as bacon. In that way the duty was evaded, and the article came into an unfair and unjust competition with the colonial product. From the statistics it appeared that in 1887 the salt pork imported into the colony amounted to no less than 783,479 lbs., and it came from the following places:—From the United Kingdom, 2,340 lbs.; from New South Wales, 220,858 lbs.; and from Victoria—the particular colony where, as he was given to understand, that evasion of duty had been going on for a long time, and to which the late Colonial Treasurer's attention was called, by questions, on more than one occasion—from Victoria, 432,355 lbs; while the quantity of bacon imported from Victoria during the same time was only 55,115 lbs., or eight times more salt pork than bacon. The Colonial Treasurer proposed to increase the duty on pork by only 1d. a lb., so that it would be 2d. a lb. as against 3d. a lb. on bacon. That would still give the Southern importers an inducement to continue their plan of evading the duty on bacon in the way he had described. He suggested that, in order to give the farmers of the colony a chance of competing with the imported article, that a duty of 4d. per lb. should be imposed upon salt pork; or it should be put under the same classification as bacon and hams. That would have the effect of stopping the evasion of duty that was going on, and at the same time assist the farmers of the colony.

Mr. ARCHER said he was going to give protectionists a lesson in protection. He thought 2d. was a very high duty to put upon pork, and he was astonished to hear a protectionist come forward and ask that duty to be increased because the tax was evaded. It appeared from the hon. gentleman's statement that the article was brought here as pork, and that a certain amount of work had to be done before it became the more valuable product—bacon; that work must be done in Queensland, and if the duty were raised the result would be that the people engaged in the industry would be deprived of work. That was not protection. He hoped the Colonial Treasurer would defeat any attempt to increase the duty, and that he would also resist the extra tax to be proposed on bacon.

Mr. MACFARLANE said he was glad to be able to agree, for once, with the hon. member for Toowoomba, and could corroborate what he had said with regard to the great loss the revenue

sustained through bacon being imported under the name of pork. They had several manufacturers of bacon in the farming districts of the colony, and he thought imported pork should be taxed as high as bacon, but he would not make it higher. He might explain, in reply to the remarks of the hon. member for Rockhampton about destroying an industry, that the industry simply consisted of taking the pork out of barrels and hanging it up to smoke. In the other way they would encourage farmers, who would be profitably employed in raising pork, a better price would be got for maize, so that it would work beneficially in every way.

Mr. CAMPBELL said he wished to explain, in reply to what had fallen from the hon. member for Rockhampton, that there was little or no labour employed in the industry he referred to. The pork when it reached here was cured in pickle, and the only work to be done was drying and smoking.

The COLONIAL TREASURER said what the hon. member for Toowoomba had said was very nearly, but not exactly, correct. The pork that came here from Victoria was, no doubt, as nearly bacon as it was possible to make it, so as to come in at the lower rate. That was done by the late Colonial Treasurer, Mr. Dickson, in this way: Pork sent here having been put through a process that cured it pretty well towards the condition of bacon, Mr. Dickson decided to allow it to come in, under the then existing tariff, as a half-manufactured article, at half the duty on bacon, which at that time was 2d. Therefore it came in at 1d. He did not think that was a fair thing, but was of opinion that it should come in as bacon.

Mr. UNMACK said he thought the proposal of the hon. member for Toowoomba was hardly fair. An industry had been established here for some time, the proprietors had spent some thousands of pounds for machinery, and they certainly manufactured an article vastly superior to anything of the kind that had ever been produced in the colony before. He thought they ought not to stifle an industry of that description, which promised to be of immense value to the colony, because it would certainly not interfere with the raising of pigs or the manufacture of pork. The factory to which he referred had obtained most expensive machinery, which was really well worth inspection, and he thought the Committee ought to consider seriously before they stifled it, because the inevitable result of putting the same duty upon pork as upon bacon would be that those men must close their doors. It was an industry capable of immense development, and in place of stifling it, it ought to be encouraged.

The COLONIAL TREASURER asked if the hon. gentleman thought because they were going to put on 3d. instead of 2d. a lb. on pork, that there were going to be no more pigs grown here? The only difference would be that they would use the Queensland pigs instead of importing them.

Mr. GROOM said that was the very point he was going to raise. He was very much pleased in looking over the statistics to notice that, as far as supplying pork was concerned, the farmers were devoting their attention to breeding pigs, the returns for the year 1887 showing something like 13,000 or 14,000 pigs in the colony already. Why should they not utilise them instead of sending to Victoria for bacon, when they could manufacture it themselves? He did not think he would be committing a breach of confidence if he stated that the hon. member for Moreton, Mr. Battersby, had told him of one farmer in his district who had delivered into the establishment referred to by the hon. member for Toowong, 150 pigs that season. If that establishment went to the West Moreton and Darling Downs they would be able to get all the pork necessary. What was the use of inviting people to settle on their public lands if they were going to send to Victoria and New South Wales for farming produce? There was not the slightest fear of the industry referred to by the hon. member for Toowong being stopped. They could go to the Downs and to West Moreton, where they could get from the farmers all the material for manufacturing bacon. He was obliged to the Colonial Treasurer for accepting his amendment. He was quite sure it would confer a benefit upon the farming community, as the farmers would devote a large portion of their soil to growing maize for fattening purposes. He hoped that the difficulty mentioned by the hon. member for Toowong could be met, and he thought he could get as much pork as he wanted without going to Victoria for it.

Mr. McMASTER said that a large quantity of pork was imported in a half-manufactured state. He knew that there was great difficulty in keeping Queensland bacon during the summer months. It could be cured as well as any bacon imported from Victoria, but as soon as the hot summer months came in, for some reason or other, it could not be kept. There was a fly which got into it, and almost before one knew the bacon was bad. He knew persons who used to kill the pigs on their farms and bring the pork into the manufactories during the winter months; but during summer no pork was brought in, so that the climate was against their manufacturing bacon, although Queensland bacon was far superior to the imported article from Victoria and New Zealand. He was not aware of what kind of a climate Chicago had, but he found it was impossible to keep Queensland bacon in summer. It could be dried, smoked, and placed in the market in a fortnight or three weeks after it was brought to the manufactory, but there was the difficulty of keeping it. That duty of 3d. a lb. meant, together with the loss of weight on the pork, that it would be equal to 4d. a lb.

Mr. GROOM said that to facilitate matters he would move that the words "pork, not including mess pork," be omitted.

Amendment agreed to.

Mr. BARLOW said there was a matter he had been requested to bring under the notice of the Colonial Treasurer, with respect to the proposed duty of 2d. per lb. on cut writing-paper. The duty on that under the old tariff was $7\frac{1}{2}$ per cent., but under the list of exemptions they found paper with raw edges in the free list. He was informed that the proposed tariff of 2d. a lb. would encourage about three people to supply the whole colony. He could not vouch for the facts—they had been given to him by a professional man, and if he were wrong he could be contradicted; but he had been informed that one guillotine could cut sufficient paper for the present wants of the colony, and that the tax would have the effect of throwing the trade into a few hands in Brisbane—probably one or two houses, because country stationers would find it cheaper to buy from them than to import for themselves. The duty, he was told, was an increase from 9d. to 3s. 6d. a ream. He thought that putting on an *ad valorem* duty of 15 per cent. would make it about 1s. 6d. a ream, and would enable country stationers to import instead of being obliged to go to the cutter in Brisbane.

The COLONIAL TREASURER said when the Government had made up their minds to let in rough paper free, there was some paper which ought to be exempted, and amongst

the paper to be exempted was rough paper. They followed the advice of the other colonies, and fixed a certain duty. He thought 2d. a lb. was immaterial, and was not oppressive to anyone. He did not think it would have the effect of causing a monopoly in paper. If it did so it could easily be remedied, but he did not think it would have that effect.

Mr. MORGAN said that the remarks of the hon. member for Ipswich were not well grounded. That writing paper was manufactured in the old country, and could very well afford 2d. or 3d. a lb. duty, as it cost very little. The duty would be about 66⅔ per cent., but it could well afford it, as it was not an expensive article, and as to the cutting getting into the hands of one or two persons and creating a monopoly, it could be cut all over the colony. But in the exempted article, which they would come to later on, he thought the Treasurer would see from the facts that would be placed before him that he had followed an unfortunate example in copying the New Zealand tariff on that point. It was, however, only a matter of the size of the paper, and could be easily rectified.

Paragraph, as amended, put and passed.

Mr. ALLAN moved—

That there be raised, levied, collected, and paid upon —Honey, per reputed lb., 3d.

Question put and passed.

On the motion of the COLONIAL TREASURER, the House resumed, and the Committee obtained leave to sit again on Tuesday next.

ADJOURNMENT.

The PREMIER moved that the House at its rising adjourn till Tuesday next.

Question put and passed.

The PREMIER moved that the House do now adjourn.

Question put and passed; and the House adjourned at twenty-four minutes past 10 o'clock.