Queensland

Parliamentary Debates
[Hansard]

Legislative Council

TUESDAY, 30 OCTOBER 1888

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LEGISLATIVE COUNCIL.

Tuesday, 30 October, 1888.

Messages from the Legislative Assembly.—Suspension of Standing Orders.—Day Dawn Block and Wyndham Gold Mining Company's Railway Bill—third reading.—Railways Bill—third reading.—Chinese Immigration Restriction Bill—committee.—Message from the Legislative Assembly—Marsupials Destruction Act Continuation Bill.—Public Works Lands Resumption Bill—consideration of Legislative Assembly's Message of 24th instant.—Queensland Permanent Trustee, Executor, and Finance Agency Company, Limited, Bill—second reading.—Adjournment.

The PRESIDING CHAIRMAN took the chair at 4 o'clock.

MESSAGES FROM THE LEGISLATIVE ASSEMBLY.

The PRESIDING CHAIRMAN (Hon. T. L. Murray-Prior) announced the receipt of messages from the Legislative Assembly, forwarding the plans, sections, and books of reference of the following railways, for the approval of the Legislative Council:—Normanton to 13 miles; second section of the Bowen Railway, from 30 miles to 52 miles.

SUSPENSION OF STANDING ORDERS.

The MINISTER OF JUSTICE (Hon. A. J. Thynne) said: Hon. gentlemen,—Seeing that there is an absolute majority of the whole House present, I will, with permission, and if no objection is raised, submit the motion—

That so much of the Standing Orders be suspended, during the remainder of the session, as will permit of the passing of Bills through all their stages in one day.

We can hardly rely, under present circumstances, upon having an absolute majority of the whole House present on each day during the remainder of the session, and it will be necessary, towards the end of it, to cause no unnecessary delay in the passing of Appropriation Bills through all their stages. There is another Bill, which possibly may come under our consideration, to which this motion will also apply; I refer to the Brisbane Water Supply Bill. That may come to us to-morrow from the Legislative Assembly; and as an effort is to be made to close the session this week, it is desirable to press on with business. Those are the only two measures to which the suspension of the Standing Orders will apply. With regard to the other matters before the House, I will allow them to take their ordinary course.

The HON. B. B. MORETON said: Hon. gentlemen,—I think the last measure mentioned by the Minister of Justice, the Brisbane Water Supply Bill, is rather an important measure, and I do not think that it should be gone through too hurriedly. I do not wish to put any obstruction in the way of getting through the business of the House, but this is an important Bill, and I should not like to see it go through immediately after the second reading, without some further consideration.

The MINISTER OF JUSTICE said: Hon. gentlemen,—I may be allowed to explain that if the Brisbane Water Supply Bill comes up to us, I should undoubtedly feel it my duty to give sufficient time to hon. members to enable them to make themselves fully acquainted with the measure. But if, on the second reading, there is no objection raised, possibly the Committee may proceed. If there is any objection raised, I shall undoubtedly consult the wish of the House with regard to allowing time for the consideration of the Bill. After the Bill is passed through committee, there is nothing to be gained by postponing its third reading, and if we do not do that, it will save at least one day. If the Bill comes to us to-morrow, we can have the second reading on Thursday, and committal on Thursday or Friday, when the Bill will be completed; that is the course I propose.

The HON. T. MACDONALD-PATERSON said: Hon. gentlemen,—The motion before the House has my cordial support, and I quite accept the assurance of the Minister of Justice that any important matters that may arise within the next few days will not be unduly pressed forward. While I am on my feet, I would ask the hon. gentleman whether he has any hope of closing the session this week?

The MINISTER OF JUSTICE said: Hon. gentlemen,—I hope to have it closed on Friday, unless something unforeseen should happen in another place.

Question put and passed.

DAY DAWN BLOCK AND WYNDHAM GOLD MINING COMPANY'S RAILWAY BILL.

THIRD READING.

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

RAILWAYS BILL.

THIRD READING.

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

CHINESE IMMIGRATION RESTRICTION BILL.

COMMITTEE.

On the motion of the MINISTER OF JUSTICE, the Presiding Chairman left the chair, and the House went into committee to consider this Bill.

Preamble postponed.

On clause 1—"Interpretation"—

The HON. B. B. MORETON said he would repeat the question which he put to the Minister of Justice on the second reading of the Bill, in connection with the passing of the Bill by the South Australian Parliament, in the form in which it was agreed to by the conference. He had seen by the papers that some communications had passed between the Minister for Mines and Works and the South Australian Government. He did not know whether there was any truth in the statement that that hon. gentleman had sent a telegram to the Government of South Australia, but if so, possibly the Minister of Justice would be able to tell the Committee whether any answer had been received on the subject.

The MINISTER OF JUSTICE said communications had taken place between the Minister for Mines and Works, who represented Queensland at the conference in Sydney, and the gentleman who represented South Australia, Mr. Kingston, who was the present Attorney-General; but he could not exactly give the words of the communication. The latest information which he had was, that the Government of South Australia were in hopes of getting the original tonnage limitation still inserted by the Legislative Council of South Australia. The South Australian Government were in hopes that the Legislative Council would reconsider their amendment. That was the latest information he had. He might say further, that the

information which first appeared in the press, that the reduction proposed to be made by the Legislative Council of South Australia of from one Chinaman to every 500 tons to one Chinaman to every 50 tons was incorrect. So far as the present information went, the reduction was from 500 tons to 100 tons, which, of course, made a very material difference, and, under any circumstances, it put this colony in a very much better position than it had ever been in with regard to the Chinese question and the danger of an influx from South Australia.

Question put and passed.

Clauses 2, 3, and 4 put and passed.

On clause 5, as follows :—

"No ship shall enter any port or place in the colony having on board a greater number of Chinese passengers than in the proportion of one Chinese to every five hundred tons of the tonnage of such ship.

"The tonnage shall, if the ship be of British registry, be ascertained by her certificate of registry, and if otherwise, or if such certificate be not produced, then according to the rules of measurement provided by the Merchant Shipping Act, 1854.

"If any ship enters any port or place in the colony, having on board any Chinese passengers in excess of such number, the owner, master, or charterer of the ship shall, on conviction, be liable to a penalty of five hundred pounds, the amount whereof shall not be reduced by the justices, for each Chinese passenger in excess of such number; and in default of payment shall be liable to be imprisoned, with or without hard labour, for the period of twelve months."

The HON. T. L. MURRAY-PRIOR said he could not help rising to give his humble opinion of the Bill. It struck him that, if they feared a great immigration of Chinese to the colony, which all of them would very much deplore, they might find other means than those attempted in the Bill of obtaining that object. They might treat them as a great nation and a friendly nation in a much more diplomatic way than was proposed, and still keep them out. He disliked the Bill and the mode of the Bill, and trusted that one or two clauses would be amended.

The HON. J. SCOTT said the clause appeared to be very severe indeed. There was no getting out of it by any means whatever. If a ship entered any port of Queensland with more than one Chinese passenger for every 500 tons of cargo, the owner or master of such ship was liable to a penalty of £500, which could not be reduced at the option of the magistrates. As he had said on the second reading of the Bill, circumstances might arise, such as stress of weather or mutiny, which would compel a captain to put in to a Queensland port, and then he would be liable to a penalty of £500 if he had more than his proper allowance of Chinese on board. The clause was too stringent altogether.

The MINISTER OF JUSTICE said the matter referred to by the Hon. Mr. Scott on the second reading of the Bill had not escaped the attention of the Government. But there was an exception in all maritime matters, which gave protection according to the rule of international law, which no country would venture to disregard. People who were driven ashore by stress of weather, except they were hostile enemies in war, should be received and treated with the consideration and justice necessary to their cases. It was impossible that justices could overlook cases of that kind; but it was always in the power of the Governor in Council to remit the penalty imposed. He did not suppose that it would be argued that the penalty was too severe in cases where an attempt was made to break the law. They had on their statute-book a large number of drastic penalties, such, for instance, as those in regard to the enforcement of the Customs laws. Very few hon. gentlemen probably ever landed from a steamer in Queensland, or any other colony, without technically rendering themselves liable to very severe penalties. How often did they take their ordinary carpet bags ashore without the permission of a Customs officer? Their statute-books were full of penalties, which were absolutely necessary to cope with dishonest people, who laid themselves out to evade the laws. He did not think it would be contended that the penalty would be too severe for a captain or shipowner who intended to defy the law. They were bound to give reasonable protection and shelter to people driven to their shores by stress of weather or other unfortunate circumstances; and they also had the power to remit the penalty under such circumstances.

The HON. A. C. GREGORY said the Bill from beginning to end was totally in disregard to any international law, and therefore, any attempt to justify it in the direction attempted was useless. The Minister of Justice said that where there was an intention to break the law the penalty might reasonably be imposed; but the clause involved cases where there was not an intention to wilfully violate the law. Turning to the succeeding clause they found in the 2nd paragraph the words "for the purposes of this Act any stowaway, being a Chinese, shall be deemed to be a Chinese passenger." That meant that if a stowaway happened to get on board a vessel the captain or owners would be liable for the penalty of having intentionally broken the law. That was very unreasonable, especially when they took from justices the power of reducing penalties which might be inflicted. The presence of a stowaway might be discovered when the vessel was far out at sea on her voyage, and he thought, under the circumstances, some captains would be very much inclined to allow the stowaway to fall overboard by accident. He disapproved of the clause altogether.

Clause put and passed.

On clause 6—"Master of ship arriving with Chinese to report to Customs"—

The MINISTER OF JUSTICE said, referring to the question of stowaways, it would no doubt be very hard upon a captain if he had a stowaway on board that he should be liable to a penalty, but they should look at the consequences on the other side. He could quite imagine that the Chinese might so arrange things that every package of goods landed should develop into a stowaway. The sentence relating to stowaways had been put in the clause purposely to prevent a loophole, which would be easily available for defeating the Act. It would be the duty of the captain to keep stowaways out, and he was responsible for what he carried in his ship, and it was his lookout if stowaways got on board. He had no doubt, when it was known what the consequences might be of allowing stowaways on board, no objection would be taken. The section would have to be left as it was, or there would be a loophole for defeating the whole of the Bill.

The HON. W. D. BOX said he hoped mercy would be shown to the stowaways. The object of the Bill was to restrict Chinese immigration, and the reason of that was that they feared the Chinese would come in such numbers that they would injure the people of Queensland. They wanted Australia for the Australians, but he did not think Australians had anything to fear from stowaways. The effect of the clause probably would be, as the Hon. Mr. Gregory had suggested, that the stowaways might fall overboard. It would be a terrible calamity for the captain or owner of a ship to be rendered liable to the penalties proposed in the Bill if he had unfortunately gone away to sea with one or two stowaways on board; whereas the only trouble possible to Queensland would be the arrival of one or two more Chinese.

If the Act were passed in its present shape the penalty on the captain would be fearful. He had already his duty to perform to his owners in regard to keeping stowaways off, and to have to pay £500 for everyone who happened to get on board would be outrageous. If there happened to be two or three stowaways on board the ship it would have to be sold to satisfy the law. He hoped some hon. members would do their best to improve the Bill by leaving out the words relating to stowaways. He did not think there was anything to be feared in the way of an inundation of stowaways.

The HON. T. L. MURRAY-PRIOR said he thought the Bill would defeat its own purpose. The whole of the Bill, as the Hon. Mr. Gregory had said, was contrary to the spirit of international law. He could not see how it could possibly become law. It was an Algerine, an un-Christian measure. If he remembered rightly, the Minister of Justice had given a list of the Chinese who landed in the colony, and of those who left the colony, extending over a series of years, beginning with 1884. He was sorry he had not those numbers with him, but, to his mind, it proved that the number of Chinese, instead of increasing in Queensland, was diminishing. That showed that the laws they had at present were sufficient to prevent the influx of Chinamen. It was stated that a number of Chinese had arrived in another colony in different ships, and extraordinary measures were taken to punish the shipowners, but in reality it was the fault of the Government to a very great extent, because they used formerly to wink at it, and then, when there was a great outcry because so many were arriving, they took extreme measures. If they had taken those measures in the first instance, and only permitted the number of Chinese allowed to come in each ship to land, very likely the Bill would have been deemed unnecessary. The whole of the Bill seemed to be against morality and justice. It had been got up at a time of excitement, and some more justifiable means would have been quite as effective. No people who lived in the colony, who had their families here, and who had made this country their home, wished to be overrun with Chinese; and if there were danger of being so overrun they would do all they could in every legitimate way to prevent them coming. But he certainly thought the present Bill was the outcome of excitement, and the laws they had at present were sufficient. He trusted some hon. member would move a few amendments in the Bill, as he would be only too happy to support any moderate amendment.

The MINISTER OF JUSTICE said he would remind the House that the Bill was intended to concur with similar legislation in the other colonies. The danger to Queensland was not so much from the number of Chinese who were coming directly to Queensland ports, but there were other places in Australia, such as the Northern Territory of South Australia, the population of which consisted of a great majority of Chinese, who would probably be visiting Queensland, over the border, in very large numbers before long. Having secured the co-operation of South Australia in the checking of the incursion of Chinese, he thought it was only a wise movement, in the interests of the Australian colonies as a whole, and in the interests of Queensland in particular, that they should adopt such legislation as would save them from any trouble hereafter. A great deal had been said from time to time about the impropriety of a measure of that kind. Persons enjoying the freedom which was permitted them in the Australian colonies were tempted to forget what the rights and privileges of different nations were. Going through continental states at various times a foreigner had to procure a passport. That showed at once that nations had the right to exclude strangers, and in China itself English subjects were not allowed to enter or occupy any place except within certain specified limits. If they did, there was a very heavy penalty. They were liable to be taken and put into a Chinese gaol for a certain period, so that there was nothing in the measure which was against the principles of international law, or anything likely to be repulsive to the Chinese Government, who themselves imposed in their own country restrictions of a similar nature. Every country had control of its own affairs, and the power, if it chose, to exclude from its limits any foreigners. That power was inherent even in the very existence of nationality. The British nation could exclude strangers of any kind that they decided upon excluding. Queensland was merely doing the same thing. It might be possible in future generations—he did not see any possibility of it at present—that a similar measure to the one now before the Committee might have to be passed for the protection of the people of Australia from incursions of other races.

The HON. W. D. BOX said the clause did not hurt the Chinese so much as the master of the ship, and it was the master's interests he was looking out for. If a stowaway got into a ship the clause made the master of the ship pay the penalty. No man liked to have stowaways on board his ship, and he had seen how they were treated. Even stowaways of their own race were treated badly, and he could hardly imagine the position of a Chinese stowaway. Still, a Chinese stowaway would cost the captain or owner of the vessel £500. The Minister of Justice had not told them whether the Bill had been accepted by the Legislature of South Australia. If it was, all he could say was that the Australian Legislatures were very rough on the Chinese.

The HON. T. L. MURRAY-PRIOR said he had been following the Minister of Justice, and there was one thing which he had not touched upon, and that was, that in the Northern Territory of South Australia the Chinese were encouraged in every possible way to come to that country. They were attracted there, and, in fact, it was held by the South Australian Government that without some labour different from European the Northern Territory would be perfectly useless. He was not afraid to say what he thought of the Bill. Hon. gentlemen who had lived long enough would find out that if Queenslanders wished Queensland to be a thriving and populous country, where a white population would flourish and be the superior race, they would have to admit Asiatic labour. He was perfectly convinced of that from his own knowledge of Queensland. All who knew him and knew his career would know that he had laboured in the country at every possible kind of work. He was not a weakling, and never was, and all he could say was that if he were a working man nothing would induce him to go to the North with his family to grow sugar, or any other tropical produce, unless he knew that he was not depending on himself or upon his family to produce that sugar—unless, in fact, he could be sure of cheaper and more reliable labour. That labour, instead of doing harm to the white population, would do a very great deal of good, and its presence would lead to the employment of a great number of white men. They should take a practical view of the matter. A man with his wife and family coming here from Europe, and wishing to settle in the tropics to cultivate tropical products, would, in the course of a few years, lose their health, and

become uneducated people, whereas, if the same persons were allowed to be assisted by Asiatic labour, they would rise in position in life, and attain happiness and position which they could never have without that labour. He only wished that working men could look at it in that way, and he believed, if they were not led astray by many of those who led them for political reasons, they would eventually come to agree with his view of the matter.

The MINISTER OF JUSTICE said: Hon. gentlemen must all admire the strength of character which the hon. the Presiding Chairman had shown in adhering to the opinions which he had held for so many years, and his courage in expressing them as freely and fully in the way in which he had done; but, at the same time, he did not think that the opinions expressed by the hon. gentleman would meet with much of an echo either in the House or out of it. In South Australia, undoubtedly, for a certain period, it was the interest of a great many people to encourage the introduction of Chinese labour into the Northern Territory, and that was for a time the policy of the South Australians; but he thought they could safely assume that the South Australians had changed that policy, or, if they had not completely changed it, that the time was not far distant when they would completely change it. Not only would it be the policy of South Australia to exclude the Chinese, but they would have no footing anywhere in any part of Australia. He trusted the time was not far distant when it would not be looked upon as essential to the progress of Australia that they should have either Asiatic labour, or that they should not find old respected colonists like the Presiding Chairman stating that in this colony a white man could not work successfully and maintain his health. Why the hon. gentleman himself had been one of the most hard-working men in the early days, and he defied any other part of the world to produce men who had gone through the same amount of hardships, and had preserved their health and vigour so well as the hon. gentleman and others had done. The hon. gentleman was not a solitary exception. Were the members present in that House men who had been idle, or who had taken their leisure easily? He was speaking as one of the youngest members in point of years, but he looked round and saw members who had gone through the most severe hardships. He need only refer to the Hon. Mr. Gregory and other noble men, and yet, considering their ages and the labours they had gone through, they preserved to a long old age their strength and vigour. And looking at the labourers of the country, could they not be compared with those of any other country in strength and health? He did not wish to enter further into the discussion, because it was, to a great extent, foreign to the measure. They were now on clause 6, and the question was one raised by the Hon. Mr. Box with reference to stowaways. He could only say, that if that provision was omitted, they should have cargoes, not of passengers, but of stowaways. That was the real danger.

The HON. T. L. MURRAY-PRIOR said he wished to put the Minister of Justice right, as he thought the hon. gentleman imperfectly understood him. By Asiatic labour he did not mean that they were to be overwhelmed with Chinamen. He was not alluding to them, although the Bill had brought them before his mind. He was quite satisfied that his hon. friend, Mr. Gregory, would fully support what he said, that in the Northern Territory the climate was such that a white man was physically unfitted to perform continuous and heavy manual labour.

The HON. A. C. GREGORY said, so far as the Northern Territory of South Australia was concerned, it did not matter what laws were passed, the place would either be finally deserted or foreign labour of some kind would have to be employed. He had resided in that part of the country for twelve months continuously. He knew what the climate was, and believed that the average European was unfitted for severe physical labour in such a climate. What would be the result if in Queensland such a climate prevailed. At sunrise the lowest possible temperature was 90 degrees. The heat then rose to 110 degrees at mid-day. It fell then to 100 degrees at sunset, and it was 95 degrees at midnight. It then cooled down to that delightful temperature of 90 degrees at sunrise. During the whole of the time there were constant showers of rain. It was preferable to be in the rain, because people could keep cool, but it was just as wet inside the house as outside. Fortunately, in Queensland they had a tract of country intervening between the Northern Territory of South Australia and Queensland which proved a much more serviceable and effective barrier against a Chinese invasion than two or three dozen such Bills as they had before them. As regarded the particular clause under discussion, the only real safeguard that masters and owners of ships would have would be to put up a notice at the port of departure to this effect:—"This ship will be fumigated with closed hatches the day after she leaves port." The result would be that there would be very few stowaways.

The HON. W. D. BOX said the clause not only affected captains of ships, but it affected the passengers also. It said, "Before any person shall be permitted to land," that was, any European or anyone travelling was affected by that unfortunate Bill, and had to stay on board until a certain declaration was made. He did not know what the feeling of the Committee was about stowaways, but he would like to see all reference to them taken out of the Bill.

Clause put and passed.

Clauses, 7, 8, and 9 passed as printed.

On clause 10, as follows:—

"Proceedings for the recovery of a penalty for an offence against the provisions of either of the two last preceding sections may be taken from time to time, and as often as may be necessary, and notwithstanding that a period of six months may have elapsed from the commission of the offence, until the whole amount of the penalty is paid. And, until such payment, it shall not be an answer to proceedings for the recovery of the penalty or any unpaid portion thereof that the defendant has already been convicted of the same offence, or that he has suffered imprisonment for default of payment of the penalty or any part thereof."

The HON. P. MACPHERSON said he took it that the meaning of the clause was that an offender, after serving his term of imprisonment of six months, could be imprisoned again and again, and over again, at the option of the authorities, until he had paid his fine. He believed he was correct in his interpretation of the clause. That being so, then he most decidedly objected to it. He would go further and say that he was ashamed of it, and that he believed the Minister of Justice, who had charge of the Bill, was ashamed of the clause. The clause was opposed to all notions of British law and British justice, and to all notions of natural law and natural feeling. It was decidedly opposed to a fundamental maxim of the criminal law of all civilised states—and he used the word "civilised" advisedly—that a man should be punished twice for the same offence. The clause not only provided for a man being punished twice, but thrice, half-a-dozen times, a dozen times, if he lived long enough. He could only refer to such a

clause as being preposterous in its character and unknown to their legislation; and he said that the Committee would be unworthy of the high privileges it possessed as a legislative Chamber if it sanctioned the clause. He had not the slightest doubt that the clause would be objected to in another place, and that it would have the effect of entirely nullifying the Bill elsewhere. In fact, with such a clause in it, he doubted if the Bill would be legal at all. He did not appreciate the grim ingenuity with which it was drawn. He should vote against it for the reasons he had given, and he believed the majority of hon. members present would vote against it. He confidently believed that, with the exception of the Minister of Justice, who was in charge of the Bill, they would all vote against it.

The HON. F. T. BRENTNALL said, before they proceeded any further with the discussion of the clause, he, not being learned in the law, was a little bit at fault, and should like to be put right. Were they to understand that the interpretation of the clause given by the Hon. Mr. Macpherson was the proper interpretation? Did the clause really mean that if a man had suffered six months' penalty for an offence that he was liable for the rest of his life to be brought up every succeeding six months and again suffer the same penalty until he had paid the fine, or so long as he might remain in the colony? Was that the meaning of the clause? He wished the Minister of Justice to put them right on that point. Or did the clause mean that, although a term of imprisonment might have been undergone, proceedings for the recovery of the money penalty only might still be taken?

The MINISTER OF JUSTICE said the clause was undoubtedly very stringent. It provided that, notwithstanding the fact of a Chinese coming here in contravention of the Act, and having been prosecuted and convicted and submitted to six months' pleasure of living in one of the gaols of the colony, he might still be liable to have proceedings taken against him afterwards if he had not paid the fine. No doubt, in the bulk of cases the fact would be, as the Hon. Mr. Brentnall had pointed out, that if, notwithstanding his imprisonment, he still refused to pay, the Crown would be able to enforce payment. The Crown must have the power of prosecuting for the non-payment of the fine, or, in default, a second term of imprisonment. The reason and object of the clause was to meet this difficulty: that six months' imprisonment was to the average Chinese who arrived here very light punishment. If the Chinaman got out of paying the £50 by serving six months' imprisonment he would consider he had earned good wages for six months. It was a great inducement to the Chinamen to offer them food and clothing for six months and then allow them to go free. The clause, of course, enabled the Government to prosecute from time to time, but they had all those clauses which were to be held *in terrorem* over possible offenders. The clause was one that need not, as a matter of course, be enforced, and it rested with the Government for the time being, as to whether they would continue to prosecute those men or not. Supposing there was a solitary instance of one man coming in, and there was no danger of his example being followed by others in large numbers, no Government in the world would attempt to prosecute a second time; but, at the same time, if there was an influx of a large number of Chinese, the Government would be in this position if that clause did not become law, that they would have to find accommodation for scores of Chinamen for six months, feed them and clothe them, and at the end of the term the Chinamen laugh at all the trouble that had been taken over them, and come in still greater numbers than before. The whole object of the clause was not to take an unfortunate Chinese and imprison him for ever, but it would let those people know that if they defied the law—if they tried to cheat the country to which they had come—there was a provision which would make it most uncomfortable for them. As a matter of fact, it would be impossible for any Government to enter into a system of unjust persecution, because the country would not stand it. There was the spirit and feeling of the country at their back, which would always be a perfect safeguard and perfect check against the undue use of any power of that kind. The Hon. Mr. Macpherson had, no doubt, taken a very strong view. He did not want a power to be given to the Government which he (Mr. Thynne) contended was a power that was absolutely necessary, not that it might be used, but that it might be held like the rod of a schoolmaster to show that it might be used if required. That was the whole and sole object of the clause. He trusted that hon. gentlemen would not strike it out of the measure. He hoped that it would be retained, and that they would see such unanimous legislation throughout Australia as would put the Chinese question, which had been one agitating the country for many years, virtually at rest. He was sure the sooner that was done, the better it would be for the country. The sooner it was done the better would be their relations with the Chinese people as a people. He did not know that he could add anything further to what he had said on the subject. The object with which he rose was to show that that was not a clause which was intended to be constantly used, but was to be held *in terrorem* over the Chinese to prevent them coming into the country with the intention of defeating the laws, and to show that if they did attempt any humbug which could not be expected to be submitted to, there was a power which could be put in force which would make it not worth their while to come here.

The HON. P. MACPHERSON said he wished to explain that he was as much against Chinese immigration as anybody, but he did object to such a clause as that being allowed to appear in the statute-book. For his own part, he should have very much preferred to have seen the term of imprisonment twelve months, instead of the liability to be imprisoned, and re-imprisoned and imprisoned again. He would have preferred a poll-tax of £50 being imposed, rather than such a clause should be introduced. Such a provision was abhorrent to his nature, or rather he should say to his education.

The HON. A. C. GREGORY said the arguments used in favour of the clause appeared to be hardly supported by the context in other parts of the Bill. It was said that it was indispensable that there should be such a power as that contained in clause 10, but if a similar provision to that contained at the end of clause 9 had been added to clause 8, the case would have been met. The concluding portion of clause 9 said:—

> "And shall further be liable, pursuant to any warrant or order of the justices, to be removed or deported to the colony from which he has come."

That was all that could be desired, and then there would have been no necessity at all for clause 10. Clause 10 was diametrically opposed to what they professed to call constitutional law—the law that governed our so-called grand British institutions. But the clause undermined all that. In England, under our judicial government, it was an axiom that no man could be convicted twice for the same offence. When a Chinaman arrived here and could not pay his £50, he was sent to gaol for six months; at the end of that term he would be asked to pay again,

and on refusal would be convicted again, and so it would go on for an indefinite period. That was so un-English, and so contrary to constitutional law, that he thought if the Bill was not disallowed when it was sent home for Her Majesty's final assent, that they should get a message of such a nature that would make them feel small in their own estimation. An equally stringent provision might be agreed to which would be within their constitutional limits. It was a simple matter that could be arranged in two or three minutes, and they would then have a much better Bill than the one before them. He very much disapproved of any attempt at legislation containing a provision such as that in the Bill.

The HON. J. SCOTT said on the second reading of the Bill he had indicated that he disapproved of the clause, and the more he studied it, the worse it appeared. The result to an unfortunate Chinaman would be that he was liable to a fine of £50 if he came here contrary to the law; if he had not got the money, he was imprisoned. He could not possibly raise the money during imprisonment, and at the end of the term he was no better off than before. That could go on for all time, and, in fact, it meant perpetual imprisonment. It seemed to him that the provision was something like that which was enforced against debtors in the old times. When a man could not pay a sum of money he was sent to gaol, where he was allowed to rot for the rest of his life. He was scarcely provided with food, but the Chinaman would be better off in that respect. He would be provided with food but deprived of his liberty so long as the fine was unpaid. The clause said distinctly that that was the case. It said:—

> "It shall not be an answer to proceedings for the recovery of the penalty or any unpaid portion thereof that the defendant has already been convicted of the same offence, or that he has suffered imprisonment for default of payment of the penalty or any part thereof."

He thought the clause was un-English, and he should vote against it.

The HON. W. D. BOX said he thought the clause might well be omitted, because it was not in the Bill as agreed to by the conference. Under the Bill as it stood it was impossible for a Chinese to come by water. Even a stowaway would not get here by water, because the measure was so drastic and the penalties so dreadful. He thought they could do without that clause. It was contrary to the spirit of all their laws that a man who had paid the penalty for an offence should be liable for that offence still. It would be better to keep them in gaol for six months if they could not find the £50, and then deport them to their own colony.

The HON. F. T. BRENTNALL said it was almost unnecessary for him to say that he was as strongly opposed to the introduction of Chinese to compete with Europeans in Queensland as any hon. gentleman in the Committee. But he did not think their measures of self-protection should lead them to do an injustice to the people against whom they were endeavouring to protect themselves. It had been said that they were legislating under excitement, but he would say rather under a kind of a panic, and there might or might not be any sufficient cause for that panic. Nevertheless, they seemed to be possessed of a terrible fear lest they should have undue competition in their labour markets by that alien race. That was really at the bottom of all that agitation and all those measures of self-protection. He was bound to say it was the most melancholy kind of legislation he had had anything to do with. It was a miserable business, and a business apparently forced upon the Legislatures of the colonies, and those of other countries where the Anglo-Saxon race predominated. He used the words "forced upon them" advisedly, because he thought it was necessary that they should resort to some strong measures for the exclusion of Chinese competition with their European labour. He differed, therefore, from one or two hon. gentlemen who had spoken in favour of the employment of that kind of labour. They were legislating to do away with Chinese competition with European labour where it had been proved that the latter was equal to all the necessities of colonial life. So far they might, without injustice, protect themselves from a possible injury. But in such legislation there should be an avoidance, if possible, of penalties in excess of justice and in excess of the circumstances against which they were providing. He would not say anything about the clause they had already passed. It was somewhat analogous to the clause before them; but it seemed to him that in the former they had provided for the punishment of the innocent for the offence of the guilty, and in the latter they proposed to exceed what the instincts of their natures, as well as their education, taught them was fair justice. They should not tolerate that. If they were dealing with a white race he did not believe they would legislate in a manner anything approaching such a drastic character as that proposed in the clause. He did not think they would pass such legislation in that Committee as would inflict, under any circumstances conceivable, a penalty similar to that proposed, upon a white man. What was justice for a white man was justice for a man with a yellow skin or a black skin. They could not alter the principles of justice because they had a different race of mankind to deal with. Underlying all that kind of legislation, they must admit that there ought to be a principle of justice, and much as they might dislike the Chinese, and much as they might be determined to have as little as possible of them, they must recollect that they should deal with them as they would wish to be dealt with by that race in China. They knew it was common enough for the Chinese inhabitants of that celestial land to refer to foreigners as "foreign devils" and "outer barbarians," but were Christians to treat them as "foreign devils" and "barbarians?" They were compelled to speak in strong language when their convictions were strong. They made it their proud boast that they belonged to a country upon the soil of which when a man stood he was a free man, and upon the soil of which every man was welcome. The Minister of Justice had just said that the British Legislature could exclude any race that it thought fit. Of course it could, but did it? Was it the principle of British legislation that foreign races were to be excluded because it was afraid of competition in trade? Had not that British nation about which that remark had been made forced itself and forced its trade upon even that Chinese race against which they were now asked to legislate? He did not wish to go at greater length into an abstract argument; but rather than hold over a man's head a penalty liable to be repeated an indefinite number of times during the term of a man's life, he would send him out of the colony. When the cry of "Down with the Chinese" was made, he did not think it was meant that they should put the Chinese into a place where they would have much more comfortable lodgings than they had in those wretched huts they generally occupied. Even the Minister of Justice, in his advocacy of the clause, admitted that it might perhaps be a benefit to Chinamen to lodge them for six months at the public expense. At any rate it was a far greater benefit to their pockets to have six months' boarding at the

expense of the State than to pay a penalty of £50. He quite saw that by the same rule of reasoning it would be an infinitely greater blessing to a man to keep him in prison for the rest of his life. If that was what was meant let them provide it. Without that they might step in as soon as they discovered he had saved a few pounds and demand them from him; but he thought they should either imprison him until the penalty was paid or send him out of the country. Of course, the best thing was to deport him. He could easily see why the same termination was not made to the 8th clause as to the 9th clause. A man might come from the sea and they might not know where he had come from; but if he came by land he could be sent back. They could not kick a man into the sea and tell him he might go where he liked. Why could not those men be put into prison until there was a ship going to China, and then send them back? That would be dealing mercifully with them, much more mercifully than holding over their heads the perpetual liability to a penalty for an offence for which they had already paid the penalty of imprisonment. He thought he understood the Minister of Justice correctly when he said that the full penalty would still hang over the offender. He might have served six months in prison, and would still be liable not only to be sued for the £50, but, in default of payment, to be again imprisoned for six months, and so on *ad lib.* That did not agree with his notion of what was right and equitable and just, and on that ground he objected to the clause. He would vote for everything else in the Bill, but did not see that they should be going the right way to keep the Chinese out by undertaking to do for them what was admittedly a good thing in their estimation—to lay hold of them and give them six months' board and lodging at the expense of the State. While it would be an injustice from their standpoint, it might be no grievance to the Chinaman, because he might prefer to do that rather than work. He did not think they were called upon to legislate for a lot of Chinese loafers. The best thing was to get rid of them with the utmost despatch by sending them back to their own country, and letting their own country provide for them.

The MINISTER OF JUSTICE said he did not want to prolong the debate, but he thought he ought to point out to the hon. gentleman who had last spoken that he did not quite appreciate the source of that Chinese question. The hon. gentleman attributed it to the matter of wages. He differed from that hon. gentleman in that respect, and considered that it was a matter between two classes of civilisation, the European and the Chinese, as to whether they could co-exist in the colonies. It was not merely a matter of wages alone, but a matter of two systems of existence, and of two systems which could hardly combine together. They could not maintain in those colonies their system of education, and their other systems of a useful character, having a tendency to develop the best qualities of their people, while they had amongst them a civilisation of a character such as the Chinese had been for generations imbued with. He looked upon it as a conflict between two different systems of existence. The hon. gentleman had drawn a distinction between what Queensland would probably do in the way of legislation in dealing with the Chinese or with any other nation. The effect of the Bill was directed more against British subjects than against any others. It was intended to attack the British colonies who sent the refuse of their people by steamers to Queensland. They were the people they had reason to complain of in the past, and they were the people against whom they wished to take precautions. He had no doubt in his own mind that when that Bill was passed, even with that so-called Algerine clause in it, not only would it be accepted by the Crown, but it would lead to an immediate stoppage of Chinese immigration from British colonies which had given so much trouble in the past. They were legislating at the present moment chiefly against Chinese who were British subjects, and came from Hongkong, Singapore, and such places. It was not a question between the Chinese nation and another nation, but a question between the Australian colonies and other parts of the British Empire. The text of the Bill was cabled to Lord Knutsford when it was adopted at the conference in Sydney, and he could safely say that that Bill, as cabled, would meet with immediate acceptance. He had no doubt upon that point, although, of course, he could not pledge himself to that effect. He had no doubt, either, that the 10th clause, which they were now discussing, would be accepted. The effect of their legislation would be to place the colonies in an independent position. So far as their dealings with undesirable immigrants were concerned, the principle did not apply to the Chinese alone, as they might find it necessary hereafter to apply it to any British subject whom the people of the colony might consider it undesirable to have. In America at the present moment they were adopting very strong measures and deporting British immigrants who went to America without the means of supporting themselves. They did not allow them to land, and there was no difficulty in sending them back, because it was known what part of the world they came from. There was one more remark he wished to make. He distinctly wished to avoid any misapprehension. It had been used as an argument that their dealings with a clause of that description might lead to the failure of the Bill, but he, as much as any other hon. member, repudiated the use of such an argument in the nature of a threat. It was his duty to point out that there was a small section of representatives in another place who were anxious for an opportunity of placing obstruction in the way of that Chinese legislation passing into law. He mentioned that simply as a bare fact, and did not wish it to be used in a way which hon. members would not think he wished to use it. But still it was a matter of consideration with hon. gentlemen. There was some danger that the Bill might not pass if it were delayed. Hon. gentlemen were quite capable of estimating the extent of that danger, and he could only say that the Government were sincerely desirous of passing the Bill into law during the present session.

The HON. F. T. BRENTNALL said he should like to refer to one point that the Minister of Justice had dealt with. If he had been speaking on the main question as to whether it was advisable for them to admit the Asiatic races, he would have taken precisely the same view as the hon. gentleman did. They were legislating against a people whom they did not like to associate with, with whom they had no affinities, and who could not participate in the responsibilities of their legislation—a people who had nothing in common with them, whose instincts were dissimilar to their own, and whose nature seemed to be dissimilar to theirs on account of their early education and associations. The object of his remark was to show what had given rise to the present agitation in favour of that severe anti-Chinese legislation. He thought that it was mainly a question of labour competition. As to the risk that might be run of losing the Bill, the Minister of Justice was perfectly right in making reference to that. But he thought they were all sufficiently convinced of the necessity for some kind of legislation, and they would sufficiently appreciate the

advantages of uniformity in legislation to induce them to see their way to forego their own convictions to some extent, in order that the Bill might become law, and pass through all its stages before Parliament closed. There still remained the question, however, whether, for the sake of expediency, an injustice should be done, and he did not think there should be a liability to any further imprisonment, although there would be a liability for the payment of the fine. He would vote for a clause which would render a man liable still for a money penalty which ought to fall upon him if he intruded his presence where he was not wanted; but he could scarcely see his way to approve of a clause which insisted upon a man suffering over and over again the penalty of imprisonment in addition to the payment of a fine.

Question—That the clause stand part of the Bill—put, and the Committee divided :—

CONTENTS, 7.

The Hons. A. J. Thynne, F. H. Holberton, J. C. Foote, B. B. Moreton, J. Cowlishaw, A. C. Gregory, and J. T. Smith.

NOT-CONTENTS, 7.

The Hons. F. T. Brentnall, J. Scott, J. S. Turner, P. Macpherson, W. Aplin, T. L. Murray-Prior, and W. D. Box.

The ACTING CHAIRMAN said that there being a tie it was his duty to give a casting vote, and he would give it with the "Contents."

Question resolved in the affirmative.

Clauses 11 to 17, inclusive, and preamble, passed as printed.

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

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

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.

MARSUPIALS DESTRUCTION ACT CONTINUATION BILL.

The PRESIDING CHAIRMAN announced the receipt of a message from the Legislative Assembly, forwarding, for the concurrence of the Council, the Marsupials Destruction Act Continuation Bill.

The MINISTER OF JUSTICE said : Hon. gentlemen,—I take this opportunity of intimating that this measure simply consists of three clauses. The first one extends until the 31st December, 1889, and thereafter until the next session of Parliament, the Marsupials Destruction Act of 1881, the Marsupials Destruction Act Continuation Act of 1885, and the Marsupials Destruction Act Amendment Act of 1887. The 2nd section of the Bill provides that the term "marsupial" shall include bandicoots, and that the bonus payable in respect of the scalps of bandicoots shall be 2d. I move that the Bill be read a first time.

Question put and passed; and the second reading of the Bill made an Order of the Day for to-morrow.

PUBLIC WORKS LANDS RESUMPTION BILL.

CONSIDERATION OF LEGISLATIVE ASSEMBLY'S MESSAGE OF 24TH INSTANT.

On the motion of the MINISTER OF JUSTICE, the presiding Chairman left the chair, and the House went into Committee to consider the Legislative Assembly's message.

The MINISTER OF JUSTICE said the message which had been received from the Legislative Assembly on that Bill was as follows :—

"The Legislative Assembly having had under consideration the Legislative Council's amendment in the Public Works Lands Resumption Bill, beg now to intimate that they disagree to the amendment, because section 34 of the principal Act deals with the question of costs in a more equitable manner than that proposed by the Legislative Council's amendment.

The 34th section of the principal Act was as follows :—

"All the costs of any such arbitration and incident thereto to be settled by the arbitrators shall be borne by the constructing authority, unless the arbitrator shall award the same or a less sum than shall have been offered by the constructing authority, in which case each party shall bear his own costs incident to the arbitration, and the costs of the arbitrator shall be borne by the parties in equal proportions."

The late Mr. F. T. Gregory moved an amendment in the Bill, which appeared as the 4th clause, printed in black letter. The 34th section was repealed by the amendment, and the following was substituted for it :—

"The costs of and incident to every arbitration shall be settled by the arbitrators at the time of making the award, and shall be borne by the constructing authority unless the arbitrators shall award the same or a less sum than shall have been offered by the constructing authority, or unless they shall award a less sum than fifty pounds, in each of which cases each party shall bear his own costs incident to the arbitration, and the costs of the arbitrators shall be borne by the parties in equal proportions."

The amendment was contained in two portions of the new section. The first one was directing the arbitrator to settle the costs at the time of making the award, and the second amendment was depriving the owner of the property resumed of any right to costs in those cases in which a less amount than £50 was awarded. The reason why the hon. gentleman proposed his first amendment was that his experience in relation to divisional boards showed him the difficulties encountered in relation to costs. A divisional board with which he had been connected had been called upon to pay an unusually large sum by way of costs, and to pay them in a somewhat unusual manner. It was some twelve months after the arbitrator had settled the amount, and before he gave any certificate for the amount of costs that the account was rendered, and the costs in that particular case did not seem to have been submitted to any authority for assessment. The arbitrator simply awarded a somewhat arbitrary sum as costs. As a rule the costs allowed by an Act of Parliament were liable to be assessed or taxed by the proper officer connected with the courts, whose duty it was to settle matters of that kind, and, as a rule, the courts did not give judgment for any sum that was claimed as costs except subject to the usual taxation. The reason on which the second portion of the amendment was based was that under another section of the Act a party claiming a sum less than £50 as compensation could, under the 21st section, have his claim settled by two justices without the delay or trouble of arbitration. The amendment was based upon the reason which he had stated—that in cases where £50 was suitable compensation, then the party claiming it ought to take the simple and cheap remedy of suing before two justices. Those were the arguments on which the amendments were based. They were adopted by the House and submitted to the Legislative Assembly, but they considered that the provisions of clause 34 were more equitable than the proposed amendment. In some, and probably the majority of cases, that would be so. People claiming compensation, who were awarded only £50, or a sum a little short of it,

usually thought they were entitled to more than £50 compensation, and they could scarcely be blamed if they made some slight mistake in the valuations of their properties, and if they claimed the usual arbitration. In any case some costs had to be incurred. Now, in those cases in which there was less than £50 claimed, there were to be no costs, according to the amendment, and in that respect he was inclined to think that the Assembly had taken a more strictly correct view of the matter than they did in passing the amendment. There was, however, one thing in connection with the amendment which would make him wish sincerely that the clause might be agreed to, and that was that it was the last act performed by the hon. gentleman who had introduced it to the House. It was the last occasion on which he took an active part in the business of the House, and for that reason he (Mr. Thynne) should really have liked, if he saw no difficulty in carrying out the hon. gentleman's views, to have seen the amendment carried into law. At the same time, the matter was not one of very vital importance. The difficulty with divisional boards, which had given rise to the amendment, would arise very seldom, and since the amendment had been submitted to the Legislative Assembly, he thought they might now very properly withdraw it. He would, therefore, move that the Committee do not insist upon their amendment.

The HON. A. C. GREGORY said although he sincerely thought that it would be desirable that the 4th clause as it stood should be retained, and that it would be an improvement on the principal Act, yet at so late a period of the session they had scarcely a suitable opportunity of discussing the merits of the case with the other House. The principal Act when examined into, from a working point of view, was so full of defects and unworkable provisions, and showed such want of knowledge on the part of those who drew it, that he was satisfied before very long they would have another amending Bill to further amend the principal Act, and that then possibly they would have a better opportunity of discussing the question involved in the 4th clause. Perhaps, therefore, it would be better to defer the discussion on the question to a later date, and not to insist upon the amendment in that instance. When doing so it must be thoroughly understood that he deemed it very important that the provision that had been inserted should be added to the principal Act, because great difficulties had arisen in connection with the working of the Act. Under the circumstances he would not vote for their insistance on their amendment.

Question put and passed.

The House resumed, and the CHAIRMAN reported that the Committee did not insist on their amendment.

The report was adopted, and a message ordered to be returned to the Legislative Assembly to that effect.

QUEENSLAND PERMANENT TRUSTEE, EXECUTOR, AND FINANCE AGENCY COMPANY, LIMITED, BILL.

SECOND READING.

The HON. A. C. GREGORY said: Hon. gentlemen,—In rising to move the second reading of this Bill, I wish to draw attention to the importance of the question which is involved in it. We all know what immense interests are involved in the disposal of the property of deceased persons. Difficulties may arise from the defective manner in which the wills are drawn up, and from more defective administration. It must be patent to almost every member of this House how frequently it occurs that persons are anxious to make provision for their families, and to divide their estates that they may be put to the greatest advantage after their demise, and the question is put, "How shall I proceed to prepare my will?" That may be very easily answered, and then there is the next question, "And who am I to appoint to carry it out?" Now, generally, when men begin to think seriously of making their wills, they are past the middle age, and they naturally appoint as executors persons of about the same age as themselves, because they are the ones whom they best know, and whom they have most confidence in. What is the result? We find, when the testator dies, that his executors may also have passed away. Trustees and executors are provided so that the wishes of deceased persons may be carried out, but still difficulties arise, especially where there are any defects in the original form of devise; and the estates are frequently mismanaged or wasted, or not put to the greatest advantage. Now, the Bill before us provides for the very important question of perpetual succession. It provides that where the company are appointed executors, the company shall continue to be executors, and it does not depend upon the actual period of life of any individual in that company. When one passes away he is replaced by another without any disturbance to the business. When we come to look through the Bill, I think we shall find that ample provision has been made for the protection of those who may employ the company to carry out their trusts. It is provided also that the court may step in upon the movement of any person interested, and make very careful investigations, and give such orders as may prevent any impropriety, or want of proper action on the part of the company. Now, we must all have noticed in cases that have come within our own knowledge, how many estates have been abused, sometimes through ignorance, more frequently through neglect, and, I am sorry to say, in many instances, through absolute malversation of the property. Unfortunately, most of these cases of malversation occur in families who do not choose to bring the matter before a legal tribunal. Now, one of the particular points upon which the company will differ from an ordinary executor is that it will deposit a large sum of money with the Colonial Treasurer as security. At present whenever probate of a will is taken out it is necessary for the executors to enter into a bond, but under the Bill it will be necessary for the company to deposit £20,000 with the Colonial Treasurer to satisfy any claims against the company. Clause 13 is a very important one, and some amendment has been made upon it since it came before the Legislature. There has been ample provision made that trustees may not, of their own free will, hand over their trusts to the company. Clause 17 limits the handing over of such trusts to the company to those cases only where the court shall so approve. I think that will impose a sufficient restriction against any improper transfer from an individual to the company. Then the Bill makes provision for the trust funds being kept separate—they are not to be devoted to any undertakings of the company. All the moneys received must be placed to trust accounts, and not thrown into the general account with which the company may speculate. Clause 18 makes provision for estates in which there may be a subsequent trust, and necessary provisions have been made for requiring proper returns, and for a due amount of the capital of the company always being retained, so that shareholders will be liable, because a limited liability company, of which the whole of the shares are paid up, is not altogether a safe company to

deal with. In this case it is provided that one-half of the capital is not to be called up except for the purpose of winding-up the company and paying its debts. Consequently the public will always be aware that they have at least half the capital of the company to meet any crisis that may occur. In clause 22 we have the very useful provision that no member of the company shall hold more than 5,000 shares, except the number is increased by an increase in the capital. That was very desirable, to prevent the company being too much under the control of one individual. Reasonable provision is also made for the cases of unclaimed money; such amounts will not go to the company, and that will prevent the company making a movement to secure moneys which are in its hands, and not giving sufficient publicity or information to persons interested. Then there are very necessary provisions requiring the company to make returns, and to give a proper declaration as to the accuracy of those returns. Clause 30 provides that the sum of £20,000 is to be held by the Treasurer as security for the due performance by the company of the offices of executor and administrator under any grant obtained in pursuance of this Bill, and shall, in the event of the winding-up of the company, be applied in satisfaction *pari passu* of any claims by any persons entitled to the same. I think that is substantial security for the proper administration of the assets. Taking it altogether, this will be a great improvement upon the existing law, although it may trench a little upon the profits and advantages of the legal profession; but like the Real Property Act, it will give great facilities for business, and even the legal profession may derive a legitimate profit from the increase of business. I beg to move that the Bill be now read a second time.

The HON. P. MACPHERSON said: Hon. gentlemen,—I beg to move the adjournment of the debate.

The HON. A. C. GREGORY said: Hon. gentlemen,—I think it would be preferable for us to proceed at once, and when we get into committee there will be a full opportunity of discussing the matter.

The MINISTER OF JUSTICE said: Hon. gentlemen,—I would point out a circumstance to which my attention has been called, and that is that the Standing Orders have been so suspended that a Bill may be passed through all its stages in one day. Therefore, it would be almost better that any discussion upon the Bill should be taken upon the second reading, and the Bill may be considered in committee immediately afterwards. I do not think the course suggested by the Hon. Mr. Macpherson will defeat the object the Hon. Mr. Gregory has in view.

Question—That the debate be adjourned—put and passed.

On the motion of the HON. A. C. GREGORY, the resumption of the debate was made an Order of the Day for to-morrow.

ADJOURNMENT.

The MINISTER OF JUSTICE said: Hon. gentlemen,—I move that this House do now adjourn. I would be very glad if any hon. member will move an amendment which will delay the meeting of the House for a short time. There is a lady, for whom every member of this House has a great respect, leaving the colony to-morrow afternoon, and I know it is the wish of several hon. members to have an opportunity of seeing her leave.

The HON. P. MACPHERSON said: Hon. gentlemen,—I beg to move, as an amendment, that the House adjourn until 4 o'clock to-morrow, instead of half-past 3 o'clock.

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

The House adjourned at five minutes to 8 o'clock.