

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

FRIDAY, 4 OCTOBER 1889

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LEGISLATIVE ASSEMBLY.*Friday, 4 October, 1889.*

Formal Motion.—Motion for Adjournment—breach of the Totalisator Restriction Act.—Slaughtering Stations for Fat Stock in the Interior.—The “Hopeful” Prisoners.—Ann Street Presbyterian Church Bill—committee—re-committal.—The Sugar Industry—point of order.—Adjournment.

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

FORMAL MOTION.

The following formal motion was agreed to :—

By Mr. HAMILTON (in the absence of the Hon. Sir T. McIlwraith)—

That there be laid on the table of the House all correspondence between the Government Geologist and the Secretary for Mines and Works as to the removal of the chief geological office to Brisbane.

MOTION FOR ADJOURNMENT.**BREACH OF THE TOTALISATOR RESTRICTION ACT.**

Mr. UNMACK said : Mr. Speaker,— I wish to make a few remarks on an important subject, and I shall conclude with the usual motion. I desire to direct the attention of the Government to the fact that during this session we have passed a Bill for the restriction of the use of the totalisator, and I am very sorry to find, that in spite of the Bill having been passed and assented to, no action of any kind has been taken in the matter. In point of fact, in the city of Brisbane the gambling in the various tobacconists’ shops is carried on to a

greater extent than even before the Act was passed. When the Bill was going through the House I was assured by the leader of the Opposition that it was scarcely necessary, because he considered that the Gaming Act was amply sufficient for all purposes to restrict the evils complained of. The House evidently thought otherwise, and considered it good policy to adopt the measure. It is only necessary for anyone who takes an interest in this matter to walk through the streets, observe the different shops, and see the list of handicaps, consultation sweeps, and other devices which are openly paraded before the public as an inducement to gambling and other vices. I may say that I have on two different occasions broached this matter to the Chief Commissioner of Police, and on each occasion he has told me that it was under the consideration of the Law Officers of the Crown, and that probably some action would be taken. We have two Acts: viz., the Games and Wager Act and the Totalisator Restriction Act. Surely it would not take more than an hour at the outside to consider their bearing on the subject; and I wish to direct the attention of the Government to the matters now as one of serious importance to the welfare of the public. I understand that not only in Brisbane, but in all the other towns of the colony, the same system is being carried on without any check. I have taken the trouble to consult several legal gentlemen in the city upon the effect of both the Acts we have for the purpose of suppressing gambling, and they all assure me that under the two Acts all the different gambling schemes which are now being carried on in Brisbane and elsewhere could be put down. I hope, therefore, the Government will take the matter in hand and redress the evil by making one or two examples. I am quite sure, judging by the cordial support which was given by every member of the House to the Totalisator Restriction Bill, that their sympathies are with me in bringing the matter before the House. While I have no desire to delay the business of the House, I trust to have an assurance from the Premier that the subject will be taken in hand and vigorously prosecuted, so that we may really know our position; and if the measures we have are not sufficient to suppress the evil, then the Government will have ample time to submit some further Bill to restrict the gambling in our midst. I beg to move that the House do now adjourn.

The PREMIER (Hon. B. D. Morehead) said: Mr. Speaker,—This is the first time my attention has been directed to this breach of the law, and if the law enables the Government to deal with the matter which the hon. member for Toowong has spoken about, I will consult the Law Officers of the Crown and see what can be done. The Commissioner of Police has never mentioned the matter to me, nor did I know anything about it until the hon. member mentioned it.

Mr. HODGKINSON said: Mr. Speaker,—It is very singular that there should be any occasion to direct the attention of the Colonial Secretary to a fact that is patent to his own eyes.

The PREMIER said: Mr. Speaker,—I rise to a point of order. The hon. gentleman says the matter is patent to my own eyes. I have denied that I know anything about it, and the hon. gentleman should take my denial.

Mr. HODGKINSON: I certainly did not intend to impute falsehood to the Colonial Secretary. I said the fact was patent to his own eyes. I say so still. If that hon. gentleman chooses to walk down the street he cannot help seeing consultation sweeps in the window of every tobacconist's shop. I do not say that it is the duty of the hon. gentleman to go and see

them, but in saying that it is patent to his own eyes I conveyed no reproach. I merely intended to state a fact. It is patent to the eyes of the police in any case, and many other things also which they appear to neglect, and so long as certain establishments closely connected with the police are allowed to continue in undisguised operations in the immediate vicinity of the police station itself, we cannot expect them to interfere with other objectionable characters. I have myself called the attention of gentlemen connected with the police to this subject, and, owing to private reasons of delicacy, I have refrained from bringing it before the notice of the House, but unless steps are taken in reference to it, I intend to do so very shortly. So far as regards the system of general gambling in Queen street, it is a crying insult to the respectable portion of the community. All the blackguards in the district are associated together at these shops, and on the eve of or at the end of a race they are there, and offer temptation to all the idle loafers in the town, who gather round and insult and annoy passers by. If our law is not sufficient to deal with such self-evident abuses, the sooner the matter is taken in hand the better.

Mr. MORGAN said: Mr. Speaker,—I think it may be easily understood that the Colonial Secretary might not be aware that this breach of the law is being carried on, and I do not know that he should be expected to know it; but I think the police ought to know it, and having power by Act of Parliament, passed this session, should put a stop to it. It is patent to everybody who reads the Brisbane newspapers. I have in my hand a paper published in Brisbane to-day, and dated to-morrow, in which I find quite a number of these consultations advertised. Here is one consultation on the Melbourne Cup of 1889; it is called the "Yabba Consultation," in which there are prizes ranging from £1,000 to £250. It is signed by William Mooney, 82, Queen street, Brisbane.

The Hon. P. PERKINS: Very likely you have a ticket on it yourself.

Mr. MORGAN: No; I have not a ticket on it. Then there is another, the "Charleville Consultation," in which £10,000 is to be distributed. There is still another advertised by a Mr. W. B. Steele, of Winton, who offers £5,000 for distribution. Now, these notifications, I am sure, could not escape the attention of the whole of the police force, and if they do not know that these things are in direct violation of the law which has been passed through this session and assented to, they ought to know it. If they do know it, they ought to take action. Some time ago private individuals instituted prosecutions against these law breakers, and the bench held that the law, as it then stood, did not warrant the punishment of those so offending. But there is no doubt that after the expression of opinion in this House, when the Totalisator Bill was going through, these "consultations" are now held to be a breach of the law; and the people who engage in them in defiance of the law ought to be prosecuted and punished. I have in my hand an extract from a city paper, which I will read to the House, to show how these people are dealt with in New South Wales. It is headed "Betting Houses Suppression Act," and is as follows:—

"At the Central Police Court, on Tuesday, Alfred Bennett, printer and publisher of the *Town and Country Journal*, appeared to answer an information charging him with committing a breach of the Betting Houses Suppression Act, in having published a certain advertisement in the issue of August 31, wherein it was made to appear that upon

application at the Square and Compass Club, care of Mr. Palm, No. 56½, George street, certain information relative to a horse race called the Metropolitan Stakes would be received. Mr. Wallace appeared for the prosecution, and Mr. Nathan was retained by the defendant. Senior-constable Murphy deposed to sending 5s. to the address stated in the newspaper, and receiving a ticket relative to a contingency on the race. For the defence it was sought to be shown that no offence under the Act had been committed, as it was contended that the advertisement alluded to contained no information relative to money to be paid on the result of the race. The magistrate, however, held that a breach of the Act had been committed, and he fined the defendant £10 with £2 7s. 6d. costs, in default one month's imprisonment. Notice of appeal was given. Henry Lazarus, of Nos. 157 and 159, Castlereagh street, was ordered to pay a fine of £50, and £2 9s. 8d. costs, or go to gaol for two months, for having committed an offence under the Betting Act in conducting a 2s. 6d. 'consultation' on a horse race."

These are very small consultations compared with those to which I have referred, and which are announced in the papers here every week. The cases alluded to in this extract are only two of a very large number that have engaged the attention of the police in Sydney during the last few months. We have a law here which enables the police to take similar action; but though it has been in force for some months, no action has been taken, in spite of the fact that offences against its provisions are going on openly. I think the hon. member for Toowong is quite justified in bringing this matter before the House; and though the matter may not have been brought under the notice of the Premier before, I hope that this discussion will have the effect of bringing it under the notice of the police, and showing them that this House expects them to take the necessary action to enforce the laws we pass.

The HON. P. PERKINS said: Mr. Speaker,—I am surprised to find an intelligent man like the hon. member for Warwick, who, I believe, conducts a newspaper, expecting the police to degrade themselves by doing such dirty work as they would be doing by going into Mooney's place to ferret out all that might be going on. What were the policemen appointed for first? They were called "Peelers" in Ireland, and used to be a kind of bailiff on a town land or boundary, in the olden times, about eighty or ninety years ago. Sir Robert Peel introduced the Act by which the police in Ireland came to be called "Peelers." Is there anything more degrading to a class of men who may be as upright as any other members of the community than to set them to do the work of spies? The members of this House, with the consent of the superior branch of the legislature, have asked the police to undertake the degrading duty of spies at the back and front doors of public-houses to listen to what people say; but what does the hon. member for Warwick invite them to do? He has invited them to spy into Mooney's place, but Mooney has not got a license and is not under the surveillance of the police, and he can kick them out of his place if they go there. The publican cannot do that, and that is the great difference. The police were appointed for our protection—to protect us from burglars at night, and we can protect ourselves in the daytime. It is degrading to expect the police to perform the functions indicated by the hon. member for Warwick. We require the police to protect us from garotting and robbery, and that we may know our wives and families are safe in their homes, and that our houses are not likely to be broken into; and anyone who asks them to undertake the duty of spy degrades them, and forgets the real object for which they were appointed. I fail to see how people are to be made honest by Act of Parliament,

or how you are going to make them pious by Act of Parliament. Why, Sir, who cares about the prayers you read here every day? I candidly confess I do not, and I do not know anybody who does. It is a mere matter of form to read them. You cannot force people to be moral, religious, or pious by Act of Parliament, and so long as a British community exists these matters to which the hon. gentleman has called attention will exist. It is degrading to ask the police to be spies and eavesdroppers and listen to everything that people say, because those things will be done while we, as a people, are that way inclined. I do not think it fair to occupy the time of the House with such a question, and, on behalf of the police, I say it is no wonder when they are asked to do such things that some of them are degraded and demeaned, and forget the proper duties for which they are appointed.

The MINISTER FOR LANDS (Hon. M. H. Black) said: Mr. Speaker,—I think it is the duty of the police to see that the law as laid down by Parliament is properly carried out. I do not quite hold with the hon. member who has just spoken that there is anything degrading in the police being expected to carry out the intentions of Parliament, which is supposed to represent the wishes of the country. I think that if the police are to be told that they are above carrying out the desires of Parliament, the sooner we have a reform of the police the better, and let it be distinctly understood that candidates for admission to the force must know that upon appointment they are to carry out the wishes of the country as embodied in the Acts of Parliament passed here. I think the hon. member for Toowong deserves great credit for having referred to the matter. I do not walk down Queen street often, and I know nothing from personal knowledge of these betting shops, but I understand that a system of gambling is carried on there almost to the same extent as before the passing of the Totalisator Act. I know that that Act, introduced by the hon. member for Toowong, was carried almost unanimously by this House, and it was the desire of this House in passing it, to do all it could to restrict the gambling propensities which were found to exist and likely to demoralise the youth of the colony. That was the wish of the House, and whether the Act is sufficiently comprehensive or not I am not prepared to say. We all know that it is almost impossible to make people moral by Act of Parliament, but we know what our intention was in this case, and if it is found that there is a defect in the law by which we are rendered unable to reach those who are now evidently trying to evade the intention of Parliament, we must amend the Act again. There are a great many lawyers in this House; and if the phraseology of an Act is so vague that it allows of evasion of the law, I blame the lawyers and not the laymen of the House. Knowing what the intention on both sides of the House was in this respect, if we find that the phraseology of the Act is so lax as to admit of evasion, we shall have to do our best, with the assistance of the legal ability in this House, to get it amended. The hon. member for Toowong is quite right in referring to this matter, and he can be perfectly satisfied that the attention of the Government having been directed to it, action will be taken as far as possible to carry out the wishes of the House, and to stamp out the evil if that can be done, and I believe it can. But I think the hon. member for Burke, Mr. Hodgkinson, has made a charge which was rather unfounded. At any rate, I trust it was unfounded. The hon. member led the House to believe that this evasion of the Act was carried out by certain establishments closely connected with the police.

Mr. HODGKINSON: No, no; I said certain other offences were committed in certain establishments closely connected with the police.

The MINISTER FOR LANDS: That this offence was committed in establishments closely connected with the police. What are hon. members to understand by that? Is not that an indirect charge of corruption against the police?

Mr. O'SULLIVAN: The hon. member said in the vicinity of the police.

The MINISTER FOR LANDS: The hon. member said in establishments closely connected with the police. I took the words down; they appeared to be so striking as to require explanation.

Mr. HODGKINSON: The hon. gentleman shall have a private explanation that will perfectly satisfy him.

The MINISTER FOR LANDS: I did not say that the hon. member made an unfounded charge, but if what he states is correct, the sooner the House is informed of it, and there is a reformation in the police, the better. I am not prepared to believe unless we get more substantial evidence on the subject, that such a thing does exist in the police. Such a charge requires the most searching examination, and the thing should be stamped out if it exists at all.

Mr. HODGKINSON: You must be singularly unobservant if you do not see it every day.

The MINISTER FOR LANDS: I am not unobservant, and I do not believe that the police in this colony are demoralised to the extent and in the way indicated by the hon. member. I trust that the matter will not be allowed to rest, and that if it is found that the police are in any way conniving at this evasion of the law, very prompt action will be taken to alter the supervision of the police force of the colony. But at the present time I am not prepared to endorse what the hon. member says, and I hope he will bring forward evidence—if the thing be true—to show that the police are in collusion with those betting men who are trying to evade an Act of Parliament.

Mr. HODGKINSON said: Mr. Speaker,—I object to the hon. member misquoting my remarks. I have a perfectly good memory, and have had considerable practice in reporting, and I know what I said. I stated that we could not expect the police to take steps to carry out legislation passed by this House, so long as certain members of the force were connected with an establishment quite as much open to obloquy as betting houses. The establishment, situation, and proprietor I will name to the hon. gentleman.

Mr. SMYTH said: Mr. Speaker,—It seems strange that I should to-day, before this question was brought on, have met one of the most respectable tobacconists in Queen street, and had a conversation with him about these consultation sweeps. I asked him, "How is it you do not exhibit totalisator or sweep programmes in your window now?" He replied, "I do not put them in my window since Mr. Unmack's Totalisator Bill was passed by Parliament." "But," I said, "there are any amount in windows in Queen street." He answered, "I never mind what others do; I have withdrawn them from my window." Many of the tobacconists who exhibit these programmes of consultation sweeps in their windows, could not get an existence without the 10 per cent. they receive on their sweeps. We know very well that many of them live upon these sweeps. It is not what they sell in the way of business, but it is what they get from the sale of tickets to boys and men who are foolish enough to buy them, that keeps them going. The man to whom I have referred keeps

a most respectable tobacconist shop, and he says he is willing to obey the law; but he would be agreeable to pay a heavy license of £100, £150, or £200 a year for the right to run a totalisator or sweep, and exhibit the advertisement in his window. I must own that I do not thoroughly understand the Act with regard to the exhibition of advertisements in shop windows of consultation sweeps, but I know that I walked down Queen street to-day, and saw placard advertisements in nearly every tobacconist's shop. I believe that sweeps on the Melbourne Cup, the Caulfield Cup, and other races are frequently advertised in this way. I think the law should be enforced. We know that when the Totalisator Bill was before the House it was mentioned that even boys combined and put their sippets together to buy a ticket, going to the extent sometimes of stealing stamps for the purpose from the offices where they were employed. It has been stated that that has been going on, with the result that these boys have been led astray, and have committed embezzlement. If the law is a good one—and the House approved of it as being such—the quicker we enforce it the better.

Mr. GRIMES said: Mr. Speaker,—I am very pleased that the hon. member for Toowong has brought this matter before the attention of the Premier and of this House. It is quite time that the Totalisator Act was put into force. I cannot agree with the hon. member for Cambooya, when he said that it was degrading for the police to carry out the provisions of the Act. Such a statement is a reflection upon the members of this House, that they passed—and they did so almost unanimously—an Act which it would be degrading for the police to enforce. The sooner the matter is attended to the better. We know that everyone feels this evil to be a blight on the community, and I trust that now the hon. member for Toowong has brought the matter forward it will be taken notice of, and that the Act will be put in force.

The HON. SIR S. W. GRIFFITH said: Mr. Speaker,—There appears to be some misunderstanding in the minds of some hon. members in respect to consultation sweeps, as they are called. The Totalisator Act does not deal with them at all. Our law is very defective in that particular. That was pointed out on the second reading of the Bill, and it was also pointed out that in New South Wales and Victoria they have very stringent laws prohibiting these betting houses, and prohibiting the publication of advertisements in newspapers, and the sending of them through the post. Those are very useful provisions indeed, and Parliament should certainly take the matter in hand here, and pass a similar law. The Totalisator Act is quite right, as far as it goes; but, as the hon. member who introduced it stated, it only deals with one particular branch of the subject. A private member could scarcely deal with the whole of the complicated subject of suppressing betting.

Mr. GROOM said: Mr. Speaker,—On the second reading of the Totalisator Bill I pointed out that it did not apply to consultation sweeps, and, within the past week, hundreds, if not thousands of circulars have been sent through the post, from the Southern colonies, to persons living in the different towns in Southern Queensland. Where the sender obtained the addresses I do not know, nor am I aware whether it has been done as a joke; but I know that circulars, giving particulars of a consultation sweep which is to be held in Sydney, have been sent round, no doubt with the view of catching some unwary persons. I think there were five sent to my office at Toowoomba—one to myself, one to each of my two sons, and one

to each of two compositors—and I know that several ladies have received similar circulars from Sydney. They are sent in an envelope, which is stamped with a penny stamp but not sealed, and two tickets are enclosed, with a request from the sender to return them with a pound a-piece. Well, as has been observed by the leader of the Opposition, in New South Wales and Victoria stringent legislation has been passed in regard to these advertisements, and the paper quoted by the hon. member for Warwick is not the only one which inserts these advertisements at the present time. We can hardly take up a provincial newspaper without finding in it these advertisements concerning Sydney and Melbourne sweeps. They can be advertised here, but not in any other of those colonies; and in those colonies the law has been made so strict that the Postmasters-General in New South Wales and Victoria possess such power that if they believe letters contain tickets sent for gambling purposes, they can open and destroy them, and if there is any money included they have the right to take it and confiscate it to the Crown. I think the same law ought to be adopted here. I am one of those who think the hon. member for Toowong has done quite right in calling attention to the matter, even though we have not power to check some of the evils he has pointed out. I know myself that many young boys are tempted to go in for these sweeps, and it is well known by those who are conversant with these matters that these boys are not very particular where they get the money from, in order to buy a chance in one of these sweeps. If we can pass legislation which will prevent boys from going into these things, we ought to do so. It is only when some terrible disaster occurs that our attention is drawn to these matters. We have only within the last fortnight heard of one unfortunate tragedy, which, I am informed, was largely due to this spirit of gambling which is being developed, and which is leading many young men into a state which will bring to them, and those connected with them, nothing but grief and sorrow. Any attempt on the part of this House in the direction pointed out is a laudable action, which should be supported not only by members of the House, but by the Press and by every person outside. I think the hon. gentleman has done quite right in calling public attention to this matter in order that the public outside may see the magnitude to which the gambling spirit is tending; and now these advertisements are staring us in the face, offering tickets on all sorts of things, it is all the more necessary that we should make some effort to stop it. I hope the hon. member sitting opposite me, the hon. member for Burrum, who has evinced a laudable desire to go in for law reform, will see into the action which has been taken in New South Wales and Victoria during the recess, and next session bring in a Bill of a like character, which will give our Postmaster-General similar powers to those possessed in other colonies to stop these letters going through the Post Office. If he does that, I am perfectly sure that he will do a good which will redound to his credit, and to the credit of the House if it pass it.

Mr. UNMACK, in reply, said: Mr. Speaker, —I really feel under a considerable debt of gratitude to the hon. members who have spoken upon this subject for the very laudable manner in which they have received the remarks I have made. I am certain that good will result from this discussion, and I am more than satisfied with the way in which the Chief Secretary and the Minister for Lands have spoken upon the subject. On the other hand, I feel satisfied, from the legal advice I have received, that the Games and Wagers Act that is in force

in the colony now will be amply sufficient to deal with the matter of these sweeps or consultations, or whatever they may be called. I am informed that there is ample law contained in that Act to do all we desire in the way of suppressing this form of gambling. There is no doubt at all that the people who put these advertisements in the papers know they are doing wrong—that they are transgressing. That is clear, from the finish of one advertisement which we have here. It says:—

“Register your letters; 'tis risky otherwise, and address—

“ARTESIAN,

“Care of Mr. G. P. Shakespeare,

“Shakespeare Hotel, Barcaldine, Q.

“Banker—Queensland National Bank, Barcaldine.

“Reference—Queensland National Bank, Barcaldine.

“Subscribers' names will not be divulged.”

That is a very sure indication that the people know that they are doing an illegal thing, because they promise secrecy. Strange to say, in juxtaposition to this advertisement there is another advertisement which is a breach of another Act we have in force, the Lottery Act. We have in force here a law to prevent lotteries under a heavy penalty, £100, I believe. This is an advertisement of a lottery in which the first prize offered is one of the most flourishing hotels in Charleville. I will read the advertisement, so that the Government may be able to keep their eyes open to such practices, and suppress them, because, surely, when we have an Act on our statute book, the Government are not going to allow it to be openly violated. It reads thus:—

“CHARLEVILLE CONSULTATION.

“A fortune for £1.

“The first prize, Charleville Hotel and furniture; is fully worth £7,000, and is admitted to be the most valuable hotel property in Western Queensland.

“10,000 tickets of £1 each.

“1st prize—Charleville Hotel and furniture.

“2nd prize—640-acre paddock, fully improved; suburban lot.

“3rd prize—8-roomed house, standing on one acre of ground.

“4th to 10th prizes—Each one valuable town allotment.

“Agents from whom tickets may be obtained, and further information:—C. Musson & Co., 156 Elizabeth street; Messrs. Carter & Walker; W. Mooney, Brisbane; and A. Aeschmann, Charleville Hotel, Charleville.

“Date of drawing will be advertised.”

When we see such advertisements as this, inducing people to gamble and invest £1 which may probably belong to their employers—when we see such things as this, no excuse can be made for permitting such a flagrant breach of law, and I am sure, after the remarks made by the Minister to-day, the matter will be taken in hand. With the permission of the House, I will withdraw my motion.

The Hon. P. PERKINS said: Mr. Speaker, —I should like to ask if it is more dishonest—

The SPEAKER: The hon. member is not in order in speaking again.

Motion, by leave, withdrawn.

SLAUGHTERING STATIONS FOR FAT STOCK IN THE INTERIOR.

Mr. PALMER, in moving—

That the report from the select committee, appointed on the 15th August last for the purpose of inquiring into and reporting as to the best means to be adopted for encouraging the establishment of slaughtering stations for fat stock in the interior, on the main lines of railway in the colony, be now adopted—

said: Mr. Speaker,—In asking the House to adopt the report brought up by this select committee, I may say that there is nothing whatever

in the conclusions they have come to, or the statements they make, that is not amply borne out by the evidence and the appendices attached to it. I recommend hon. members to read some of those extracts very carefully. They contain a vast deal of information on a matter which is of vital importance to the pastoral industry of this colony, and indicate to us in a measure how a great deal of the success has been obtained in other countries, notably in America, by adopting scientific discoveries and utilising them to bring their raw produce in a marketable condition to the markets that are available for them. There is no doubt we are living in a scientific age, and it is necessary for us to adopt some of those scientific improvements and make use of them as far as we can, adapting them to our present circumstances. I do not think we shall lose anything by following out a system which has been successful in other countries. The pastoral industry needs a great deal of encouragement to improve its position. Imagine what an additional £1 per head on the available fat stock of the colony would be, and the amount of purchasing power it represents to an industry that is scarcely able to hold its own! It represents hundreds of thousands of pounds not only to those carrying on the industry, but to many others as well. If we can induce the colony to take into consideration the means that will develop this great industry, I do not think the time of the select committee, or the time of the House, will have been wasted. I will not take up much time in moving the adoption of this motion, because there is a good deal of business on the paper. I am quite aware that private enterprise will have to take the initiative in the matter, but it will also require a good deal of stimulating and encouraging from the Government, or from the railway authorities. Private enterprise has been stimulated to such an extent in New South Wales, that a company has been formed, encouraged thereto by the Railway Commissioners, who have agreed to carry freight on the lines at the most reduced rates possible. There is in Queensland, I believe, an opportunity for carrying out this system which is not equalled in any other country in the world. I will refer to the evidence of Mr. Gordon, the Chief Inspector of Stock, at page 22 of the report, where he refers to the probable annual "cast" of fat stock at Hughenden, Barcardine, and Charleville respectively, estimated on the present number of stock pastured within easy access of these centres, and based on the calculations, extended over a number of years, of Mr. T. A. Coghlan, Government Statistician of New South Wales. He estimates the "cast" at 11½ per cent. for fat cattle, and 15 per cent. for fat sheep at these places, or a total of 254,000 cattle, and 1,651,000 sheep. That is the amount of available stock, but it will not interfere in any shape or form with the local markets, because the local markets of Brisbane, Rockhampton, and Townsville are supplied locally. Indeed, in Brisbane a good deal of the local supply is not consumed in the local market; it has to be taken to Sydney. But while not interfering with the local markets, it will have the effect of opening up a large export trade to the colony. At question 263, Mr. Gordon is asked:—

"Do you know where that large surplus, the 'annual cast,' goes to? As store cattle to the other colonies—to Adelaide, Melbourne, and Sydney.

"And sheep? Very few sheep go over the border as yet; because the graziers are breeding up in this colony. About 452,000 went over the border last year."

The adoption of the system proposed will have the effect of preventing the sending of cattle to the other colonies to a large extent. In Victoria there is every probability that they will succeed

in putting a prohibitory tax on Queensland cattle. They have already put additional taxation on three or four of the agricultural products of this colony, and they are trying very hard to impose an extra tax on cattle. If we divert the class of cattle that is sent away to the other colonies we shall compel those people to come here and buy cattle from us. I will read a telegram which appeared in the newspapers a few days ago showing that there is at present an attempt being made in the Central district to utilise some of the enormous available cattle products of the colony. It is as follows:—

"Rockhampton, September 28.

"Mr. Bertram, the manager of the Central Queensland Meat Export Company, has received a cable announcing the safe arrival in London of the consignment of frozen meat by the 'Ashfield Brook' in a most satisfactory condition. The vessel left here on July 10 carrying about 532 tons, valued with freight at nearly £20,000. Great satisfaction is expressed at the result. At the present time 1,000 sheep are being put through the workings daily, the total number trucked to Rockhampton from a station on the Central Railway last week being over 10,000."

I may say that, unless there is some assistance given by the Railway Department to bring this surplus stock to the coast, I do not think it will ever be a success. Stock that are trucked alive are not in a fit state for export. A man of very large experience assured the committee that they would not be in a fit state even if they were depastured for several weeks after having been trucked. Unless we tap the country where the best sheep and cattle are, with our railways, I do not think any great measure of success will ever attend the export of fat cattle or sheep from Queensland. Considering the market there is in Europe for this valuable product, and considering our own necessity and the urgency there is for increasing the few natural products we have, I think the House will do well to consider the report. On page 31 of the report there is some very striking evidence referring to the increase in the "dead meat" trade in America during six years. The "dead meat" trade—as they call it in America—from Chicago increased from 30,705 tons in 1880 to 231,634 tons in 1885, whilst the export of live cattle had decreased from 416,201 head to 281,002 head, showing that the export of live stock is gradually giving way to that of dead meat. I may say there is no live stock traffic in this colony of any importance, because there is no inducement for exporting cattle, and the cattle are not fit for export if they could be sold. They are not required for the local supply, as the local demand is met by the supply. The line we should adopt, if we wish to start an export trade and develop it, is to follow the system adopted in America—that is, to have refrigerating cars to carry the meat to the place of export, and to offer every inducement to those willing to engage in the trade by having cheap freights on our railways. The committee have prepared their report after some considerable amount of industry and the expenditure of a good deal of time, and I commend the adoption of the report very earnestly to the members of this House.

The MINISTER FOR LANDS said: Mr. Speaker,—We have in this report of the select committee one of the most valuable reports which has been laid on the table of the House for some years. I am perfectly certain that the information collected by the hon. gentlemen who formed the select committee to bring up this report—all of whom may be considered as experts in this particular business—is especially valuable as giving information to the House upon a subject which means the development of one of the industries of the colony; and at the present time I am sure that I have the best wishes and the assent of every hon. member when I say that it is the

desire of this Parliament to do all we possibly can to develop the industries that we have in the colony, amongst which, there is no doubt, the pastoral industry is one of the most important. Those engaged in that pursuit contribute very largely to our revenue by the rent they pay to the Crown for their lands. They add very considerably to the productions of the colony in the export of wool, and in the export of cattle. In fact, the pastoral industry, as an hon. member says, is probably the premier industry of the colony. Unfortunately our population is somewhat sparse, and we are unable to conserve the surplus stock produced by that industry; and the question for this House to consider is by what means that surplus product can be utilised to the best advantage. The gentlemen forming the select committee have brought up a most valuable report, showing the capabilities for the development of the industry, and showing what has been done by other countries—notably by America—in adding to their wealth by the export of meat. They have brought up a report asking the Government to take steps to develop this export of meat according to certain lines laid down by them, the chief of which is the establishment of slaughtering stations in the interior. Of course, in connection with that, it means that we shall be asked to give special railway facilities for carrying the meat to the ports. It means the institution of a system of refrigerating cars, and it means chiefly that the Government are to be requested by this House to take some positive and active steps, and not merely to promise to take the matter into consideration. This House, I am sure, will desire the Government to assure them that they will take some steps to give practical effect to the desire of the select committee. Speaking for myself as a member of the Government, and as a Minister desirous of doing everything I possibly can to develop the latent industries of the colony, I am sure the Government will be only too anxious to give effect to what I believe is the wish of the House—namely, to do something, as the mover of the proposition states, to encourage the “establishment of slaughtering stations for fat stock in the interior.” We know very well that the waste from loss of condition is a very serious matter when the stock are brought down to Brisbane to be slaughtered; and if we desire to get the best results from this export trade—which I hope to see developed to a very great extent in the future—it must be by the establishment of slaughtering stations in the interior, and by the Government giving proper facilities on their railways for the carrying of the meat, when slaughtered, in refrigerating cars down to the coast. Hon. gentlemen will do well to study what has been done in America in connection with this industry. The hon. member for Carpentaria has already referred to this, and it is dealt with on page 31. They will see how in six years the trade has developed in America. Now, it is well known that our facilities for growing stock are superior to those possessed by America, and there is no reason why this colony, which is especially favoured by the huge area of pastoral land we have, should not benefit by the trade in frozen meat, which is undoubtedly springing up with Europe. A few years ago, as hon. members are no doubt aware, there was a very considerable prejudice against frozen meat in England and in Europe. That prejudice, I am happy to say, has been overcome, and no longer exists. It is well known that frozen meat from the colonies is consumed to a very great extent in England, and on the Continent of Europe, and is supposed to be either English or Continental meat. The method of transporting the meat has been so improved, and the raw product—the

meat—is placed before the consumers in England in such a first-class style, that the prejudice which existed a few years ago has now died out, and we can see before us a grand future for the pastoral industry of this colony. It is an industry which we should do all we possibly can to encourage. We have in the colony of Queensland some 13,000,000 sheep, and over 4,500,000 cattle—a number far beyond the requirements of our own population, and therefore any well-directed effort by which the surplus produce of the colony can be utilised to the best advantage, must meet with the support of every hon. member of this House. It only remains for members of this House to approve of this report, requesting that the Government will take steps in the early future to give effect to what I consider, as I have already stated, one of the most practical reports that has ever been presented by a select committee to this House. The Government will endorse this motion, Mr. Speaker; they thoroughly approve of the report; and I trust that hon. members will not only endorse it, but insist upon the Government giving practical effect to the recommendations it contains.

The HON. SIR S. W. GRIFFITH said: Mr. Speaker,—I am rather disappointed that nothing has been said as to the mode in which it is proposed to give effect to the recommendations of the committee. The last paragraph of the report says:—

“Finally, the committee repeat with emphasis, that to turn the valuable and available asset of the live stock of Queensland to the best advantage, and by the readiest method, the slaughtering of stock in the interior and the chilling and freezing of fresh meat for export, is in every way desirable, and most likely to ensure successful results; and they recommend that the Government do give every encouragement towards this object.”

I have read the report and the evidence carefully, but without being able to arrive at any definite conclusion as to how this is to be done. I think it is a subject upon which the Minister for Railways should have something to say. Has he consulted the Railway Commissioners on the subject, and what information has he as to the practicability of carrying meat in chilled chambers over long distances? That, I believe, is the principal difficulty. I cordially agree with the committee in their recommendations; it is very desirable that they should be carried out, and that cannot be done without the assistance of the Government, so far as rolling-stock is concerned, unless it is done by companies building their own cars and going to the whole expense themselves. After reading the evidence, it appears to me that there is very considerable doubt as to whether meat can be kept in chilled chambers throughout a long journey. In America, as far as I follow the evidence, the practice is to put in fresh supplies of ice at various places on the road, but they are able to get ice under very different circumstances from those by which it is obtained here; and it is not very clear from the evidence whether chilled air can be produced otherwise—whether it can be made by the locomotive itself while travelling, or whether it can be supplied by machinery stationed at various places on the road. These are practical matters on which I confess I should like a little more information. The hon. gentleman who moved the motion has not suggested what course the Government should adopt, and I should like to know whether the Government think it is possible to give practical effect to the recommendations of the committee, and what steps they are prepared to take in the matter?

The MINISTER FOR RAILWAYS (Hon. H. M. Nelson) said: Mr. Speaker,—I regret that although this report has been in my hands for some days, I have not had any time to study it

properly, or to consult the Railway Commissioners as to any recommendations they may be disposed to make with regard to it. I can only say that it will receive my most earnest attention. I look upon the whole thing with the utmost degree of favour. I think that anything that can be done to encourage this particular trade ought to be done, even if the country is put to a little expense in the matter, because I have no doubt that if we do spend a small amount of money in starting it, that expense will be recouped in a very short time. I have not the slightest doubt that facilities can be given for the carriage of chilled meat from the interior to port, and the idea which strikes me as probably the most practical one is to introduce chilled air by machinery on the road, as the train moves along; not by means of ice, that would be far too expensive, but the machinery of the car might be so arranged as to keep up a fair supply of chilled air on the journey. At any rate, it is a subject worth inquiring into.

The Hon. Sir S. W. GRIFFITH: That is the object aimed at, if it is possible.

The MINISTER FOR RAILWAYS: That is the object we ought to try and attain, and all I can say is, that I shall give the matter my most earnest attention. I shall also direct the attention of the Railway Commissioners to it, and possibly I may be able to bring up a report from them before long.

Mr. ISAMBERT said: Mr. Speaker,—It is very encouraging to notice how, step by step, freetraders are compelled to come and ask for protection. They cannot swallow the whole dose at once; they require spoon-feeding, and this is a very big spoonful to which the Government say they give their hearty support. The Hon. the Minister for Railways seems to have some doubt as to whether chilled air can be produced, but I do not see the slightest difficulty in producing it during the journey. The natural draught caused by the progress of the train ought to be sufficient to cool compressed air with proper apparatus, so that the car would be kept constantly cool. The Government have refrigerating cars, and they might commence by sending a car to the far end of the line and back again and see how the experiment turns out. I am glad that the Government see the necessity of taking some steps to encourage our industries. The Treasury returns last quarter do not show very well; I am surprised that they show as well as they do, but I am sure that they will show perhaps more serious deficiencies in the future, unless we look to our own productive energies, and encourage our industries.

Mr. MURPHY said: Mr. Speaker,—As one of the members of the select committee who inquired into this matter, I should like to say a few words. I shall not detain the House long, because the report and evidence are rather voluminous; they are well worthy the attention of hon. members, and I am sure that when they read them in their spare time they will derive a great deal of information from them. I think if the hon. the leader of the Opposition had studied the evidence as carefully as he said he has done, he would have sufficient proof there to solve any doubt in his mind as to whether it is possible to carry chilled meat in cars over long journeys. The extracts which appear in the evidence from English papers—the *Times*, for instance—on the chilled meat trade generally in America, and the evidence given by persons who have practical experience in that trade in America, shows that it is carried on there as an every day sort of thing. They run dead meat from Chicago to New York in refrigerating cars as regularly as they run any other kind of produce, with just as little risk or damage.

The Hon. Sir S. W. GRIFFITH: The conditions are different.

Mr. MURPHY: The conditions are different in this way, that in America they have a large supply of natural ice which they can collect, and therefore are not put to the expense of making it. We have in this country a system of making cold air, which is very much more economical and which is not known to the Americans, because they have had no necessity to use it. It is much cheaper even than collecting the natural ice. I refer to the dry air process. They do not use it at all, because they have never had any reason to use it, the natural ice being so cheap. The Bell, Coleman, and Haslem processes for producing cold air are almost exclusively used in Australasia. These machines are very economical in working and in space. In fact, if they were not so, we should never have been able to have developed the export trade of meat at all. To show how easy it is to establish an industry of this kind, and how quickly it may bring an immediate profit to the colony, I would like to point out the success that has already attended the experiments made by the Lake's Creek Company, of Rockhampton. They have now regularly trading to the port of Rockhampton once a month an independent line of steamers. That alone is of great consequence to the colony, because we have at once established a line of steamers that compete with the British India Company, and breaking their monopoly. Mr. Bertram, in his evidence, says:—

"The Colonial Union Company's steamers will call at this port monthly and take away 500 tons frozen beef and mutton, sailing for London *via* New Zealand, and completing loading and sailing thence for London *via* Cape Horn."

It is the intention of this company to load their steamers with meat and wool from Rockhampton, and send them to London, so that alone will establish an independent line of steamers. Well, in this report we are not asking the Railway Department to do anything for us for nothing. We want the House to thoroughly understand that. Whatever the Railway Department do for the industry will be paid for by the people who get the accommodation, so that it will be for the benefit of the Railway Department to encourage the trade as much as the growers. The Government of this colony having taken up the position of the largest public carriers, are bound to do what public carriers do in other parts of the world; what a private company, in fact, would do to encourage any industry, the Government ought to do, and all we ask them to do is to find the necessary cars and put up the necessary store-rooms at the termini of the railways for the purpose of storing the meat. We do not ask them to have anything to do with the slaughtering of the stock. This trade will benefit the railways in another way. The refrigerating cars can be used on the back journey for all ordinary goods going up country, whilst at the present time the cattle and sheep trucks have to go back empty. Say they come from Charleville—500 miles distant—they have to go back all that distance empty now, because they spoil any goods that may be put into them. In the case of the refrigerating cars nothing of that kind would happen, because they have to be kept very clean, and the meat is very clean, there being no blood about it. They are used in America, in every case, for taking goods backwards and forwards. I do not suppose the House will offer the slightest opposition to this motion. It is a motion which is intended to encourage one of the great industries of the colony, and I am sure there is no member of this House who wishes ill to any industry in the colony. I am sure all members will unite in adopting this report, as it urges upon the Government to do what a Government

can do, consistently with studying the interests of the rest of the community, to encourage the export of meat from this colony.

Mr. HODGKINSON said: Mr. Speaker,—This subject has been thoroughly thrashed out by gentlemen who are well acquainted with its details, and I rise to make only one remark upon it. In addition to the arguments that have been adduced in support of the proposed action on the part of the Government, there is also a very powerful humanitarian argument. We are told that these beasts are kept, at times, for seven days in trucks, without water or food, and I really think it is disgraceful that such a state of things should be permitted. That fact alone would justify some increased expenditure on the part of the Government. I rose simply to refer to that matter, but to criticise the details of the scheme would be ridiculous on my part.

Question put and passed.

THE "HOPEFUL" PRISONERS.

On notice of motion No. 2, as follows:—

That an address be presented to the Governor, praying that His Excellency will be pleased to cause to be laid upon the table of the House, —

1. Copies of the depositions in the case of the "Hopeful" prisoners tried and convicted of murder in the South Seas, together with all communications to and from the Chief Justice, who tried these prisoners, to the Government, or any member thereof, including the judge's written reports upon the case.

2. All communications from the prisoners to the Government, or any member of it.

3. All petitions to his Excellency, or to the Executive Council, praying for the release of these prisoners.

4. All correspondence with the Government, or any member of it, concerning the release of these prisoners.

5. Copies of all minutes of the Executive Council, and all and every paper, document, or communication bearing on the matter, and on the causes or reasons which have tended to the delay in the granting or refusal of the exercise of the prerogative of mercy to the aforesaid prisoners—

being called—

The PREMIER said: Mr. Speaker,—I shall be obliged to the hon. member for Cambooya if he will postpone his motion for a week. It will be much more convenient for the Government.

The Hon. P. PERKINS said: Mr. Speaker,—At the request of the Chief Secretary, I intend to delay the discussion of this subject until Thursday next. I do so in deference to his wishes, because I understand from the hon. gentleman that he is in expectation of some more information before that time.

ANN STREET PRESBYTERIAN CHURCH BILL. COMMITTEE.

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

Preamble postponed.

On clause 1, as follows:—

"From and after the passing of this Act all the said lands described in the said several deeds of grant, and thereby vested in the said George Edmondstone, deceased, Daniel McAlpine, John Scott, Alexander Anderson, and James Bryden, shall be and the same are hereby vested in the said Alexander Anderson, William Jones, John McLennan, Alexander Muir, and Thomas Cochrane, or all the estate therein of the said Daniel McAlpine, John Scott, Alexander Anderson, and James Bryden, upon trust for the purposes of the said church, but otherwise freed and absolutely discharged from the trusts hereinbefore recited and respectively contained and declared in and by the said several deeds of grant."

Mr. TOZER said that, in moving clause 1, he desired to inform the Committee that he was prepared to answer any objections that might be made. When they had passed the second read-

ing of the Bill, he did not care to weary the House with a long explanation as the hour was so late, and he had not heard any objections yesterday which he thought it necessary to meet. In addition to the amendments which he had had circulated that morning, he was prepared to go further, and adopt the precise course adopted in the case of the Church of England Property Bill. He intended to propose an amendment which would have this effect: That this land should be vested in the present trustees; that these trustees should receive the income as they did now, and appropriate that income until the land was sold, for the purpose of the Ann street Church. The trustees should sell the land, and after it was sold they should first pay the reasonable expenses attending the sale, then the cost of applying for that Bill. Then the proceeds should be applied to the purpose of the original trust—in the purchase of another site, and the erection of a church, school, and manse, and the necessary fittings and fixtures for those three buildings. When they had done that, if there was any surplus arising from the sale of that land, he proposed to ask the Committee to give power to hand that surplus over to the General Assembly, which was the Presbyterian Church of Queensland, in trust for the Ann street congregation; there would then only remain to be dealt with the land to be purchased out of the proceeds of the sale of that land, and he would state what he proposed to do with that. He intended to provide that the trustees should cause any site or sites to be purchased by them to become vested in the General Assembly of the Presbyterian Church upon trust for the Ann street congregation, to be transferred, mortgaged, leased, or otherwise dealt with by the General Assembly, for the benefit of the Ann street Church, as the Assembly might direct, subject to any rates or regulations of the Assembly in force, and which, for the time being, were applicable to them. The only difference that now remained between himself and some of the opponents of the Bill was, that they desired the land to be transferred absolutely and at once to the General Assembly. He was not prepared to accept that, as it was highly impracticable, and he was not satisfied that it could be legally done. He could only go so far as he had explained. His desire was for unity and not disunion, and he could not see why the land should be absolutely transferred at once. He wanted to hand the thing over to the Ann street Church finished and complete, so that they might carry out the objects of the trust under the conditions he stated his willingness to include in the Bill. He would like to mention to the Committee, with respect to the accidental mention of the "Established Church of Scotland" in the deed of grant—

HONOURABLE MEMBERS: Accidental?

Mr. TOZER said he would show that it must absolutely have been accidental, because when the Established Church of Scotland came first to Brisbane they found that piece of land unoccupied, and the particular Church of Scotland represented by the Ann street congregation, meanwhile occupied another piece of land. The Rev. Dr. Nelson at that time endeavoured to see if the unoccupied piece of land now proposed to be sold could not be got for the Established Church of Scotland, and he had found it could not be got, and then, in the name of the Established Church of Scotland, he applied to the State for a free grant, and he got it, and that was where the Established Church of Scotland was now. That was clear proof that the Established Church of Scotland never attempted to raise any claim to that piece of land. There were then two

branches of the Presbyterian Church in Queensland, and therefore it was accepted by both parties that the land belonged to that branch of the Presbyterian Church which Mr. Ogg conducted—namely, the Free Church. The members of the Established Church of Scotland who were trying to force the vesting of the land in the General Assembly had not themselves shown a good example by bringing their own properties into the General Assembly. If they would do that, then the Ann street congregation might do the same, but they would not. Neither the South Brisbane Church nor Mr. McSwaine's Church had done that. He would draw attention to a portion of Mr. McSwaine's evidence, which would show what was the wish of the General Assembly on the matter. Mr. Murray, in questioning Mr. McSwaine as to whether the General Assembly desired the land to be vested in them, asked the following questions:—

"It has never been brought before you? Never been brought before us.

"Not before a meeting of the representative body called the Presbyterian General Assembly? No; never. Allow me to make this statement: you are forcing this matter upon the Church. It is not the Church that is moving in the matter.

"The Assembly has referred it back to us for fuller evidence. We are to get all the evidence we can further, and, as a jury, to give our opinion upon the evidence? We never had this before us. We believe the land belongs to Mr. Ogg's congregation; and we told him he should get the grant, which is in error, rectified. With regard to any claim the Presbyterian Church of Queensland may make in connection with the property, you are putting us in a position that was never considered. You are forcing us, that we must take action."

That was the evidence of a gentleman who was clerk of the General Assembly. With that statement before them, and the alteration he (Mr. Tozer) was prepared to make in the cause of unity, he thought the Bill should be passed by the Committee, and he hoped that what he proposed to do would be followed by other Presbyterian Churches, and that they would vest their properties in the corporation of the Presbyterian Church of Queensland. He had not been able to see that the General Assembly had the necessary machinery for building a church, school, and manse for a particular congregation, according to the desire of that congregation, and he therefore proposed that the congregation should be allowed to sell the land and build a church, and then hand over any surplus there might be to the General Assembly, who would always keep it in trust for the Ann street Presbyterian Church. That was exactly what they did in connection with the Fortitude Valley Church. In that case they told the Church of England that the trustees should sell the land as the trust directed, and hand over any balance that might remain to the Synod, and let the Synod devote it to the purposes of the Fortitude Valley Church. He asked the Committee to do the same in connection with the Ann street Presbyterian congregation.

The MINISTER FOR RAILWAYS said he was not quite in accord with all the hon. member had stated with regard to that clause. The hon. member seemed to have a doubt as to whether the General Assembly had the money necessary to build a church, school, and manse. That showed the amount of ignorance the hon. member possessed with regard to the Presbyterian body. Probably he did not know very much about them; if he did he would know that they had a standing committee in the General Assembly called the Title Deeds Committee, which looked after the whole of the properties of the Church, which were very numerous. Already the corporation possessed a very large

number of properties, and he did not see why that one property should not be vested in the General Assembly.

Mr. McMASTER: They do not ask for it.

The MINISTER FOR RAILWAYS said the General Assembly never asked for any property; they only took the properties that were given to them, and would not take any property unless it was free from debt. It was not the function of the General Assembly to ask for that property, but it was the duty of the Committee to see that the object for which the land was originally granted was carried out, and he thought they could best carry out that object by conveying the land direct to the corporation which was styled the Presbyterian Church of Queensland. That body knew what it was doing, and was not likely to do anything that would tend in the slightest degree to violate the trust for which the land was originally granted. Did hon. members mistrust the General Assembly of the Presbyterian Church of Queensland? Did they wish to insult the whole of the Presbyterians in the colony?

Mr. TOZER: Why do not the other Churches vest their land in the General Assembly?

The MINISTER FOR RAILWAYS: What others?

Mr. TOZER: The Wickham terrace Church and others.

The MINISTER FOR RAILWAYS said the Wickham terrace Church had not the opportunity of doing so, as far as he knew, though he quite agreed that they ought to vest their property in the General Assembly. The minister of the Wickham terrace Church was in a very precarious position. He was in full standing with the General Assembly, and he (the Minister for Railways) could not find any fault with him there, but he believed he could put him out of the Church by going to the Supreme Court and saying, "I am a member of the Established Church of Scotland, and I was born and bred up in it; this piece of land was granted for the purposes of the Established Church of Scotland, and they have got a minister there who does not belong to the Established Church of Scotland, who is an American-bred Presbyterian." Of course he was not likely to do that, but, at the same time, he would advise the trustees of that property to have it conveyed to the corporation of the Presbyterian Church of Queensland. They would be in a very much better position by doing so, and the thing wanted a beginning. Let them start with that one. The Committee would incur a very great responsibility by doing what they were asked to do, but they would be doing a very good thing by conveying, as he had suggested, to the General Assembly of the Presbyterian Church. He did not wish to attempt to obstruct or retard the passing of the Bill in any way; he was decidedly in favour of some clear title being given to someone in regard to the land. He moved that the words, "said Alexander Anderson, William Jones, John McLennan, Alexander Muir, and Thomas Cochrane" be omitted, with the view of inserting the words, "corporation styled the Presbyterian Church of Queensland." Then he would add, at the end of line 20, the words "and subject to the rules now, or hereafter in force for regulating the alienation of land required by any congregation in connection with and under the jurisdiction of the Presbyterian Church of Queensland." They put their faith in the General Assembly of the Presbyterian Church, and would hand the land over to it, and let it deal with it.

Mr. TOZER said he did not know what authority the hon. gentleman had for thinking the General Assembly would take it. That had never appeared.

The MINISTER FOR RAILWAYS said he thought he could guarantee that.

The HON. SIR S. W. GRIFFITH: Why not vest it in me? How do you know I would take it?

The MINISTER FOR RAILWAYS said he would not give the hon. gentleman the chance.

Mr. McMASTER: Give it to me; I was a member of the Church at that time.

The MINISTER FOR RAILWAYS said the hon. member was nobody; he was a renegade—a Wesleyan. The course he had suggested seemed to be a very simple one, and he moved the amendment he had spoken of.

Amendment put.

Mr. TOZER said the General Assembly had already, by resolution, refused to take the land. He would read Appendix A, which contained extracts from the "Minutes of Proceedings of the General Assembly of the Presbyterian Church of Queensland." The first was dated Tuesday, May 6, 1884:—

"As agreed upon, the Assembly at 4.15 p.m., with closed doors, took up the petition of Messrs. James Bryden and John Scott, when, after lengthened discussion, it was agreed to refer the same to a committee to examine and report; said committee to consist of the Revs. W. Anson Smith, J. F. McSwaine, C. Ogg, and Messrs. J. S. Kerr, D. Sinclair; the Rev. W. Anson Smith, convener."

Then, again, dated Thursday, May 8, 1884:—

"The convener of the committee appointed *in re* petition from Messrs. James Bryden and John Scott reported its finding to be that the deeds of the land which was the subject-matter of the petition had been placed in the hands of the solicitor for rectification, and the committee recommend that the Assembly go no further in the matter, and the Assembly agreed accordingly."

The General Assembly had never come forward with any claims; but, on the contrary, the Rev. Mr. McSwaine came forward and disclaimed any such intention. He could not accept the amendment.

The MINISTER FOR RAILWAYS said some gentlemen had gone up to the General Assembly and said that the piece of ground had a bad title, and the General Assembly said, "Before we will take that land over and deal with it go and get a good title." Was not that common sense? What else could have been done? He had already mentioned that the Assembly would not take property over unless it was free from encumbrance—free from mortgage. They must have a clear title, and the reason of that was obvious. What he objected to was the ignorance displayed in regard to the Presbyterian constitution. The hon. gentleman thought that the General Assembly and the particular congregation referred to were two bodies, and must necessarily be hostile to each other. The very reverse was the case. The General Assembly wished to look after the interests of that congregation and its property, and that was the reason why he wished to give the General Assembly control of the land, because it would facilitate matters, and do away with the necessity for trustees, who might die or come to grief, and who in that case were to be appointed by the Governor in Council, which was most repugnant to any Presbyterian. Were they to submit to that imperialistic style of having trustees nominated by the Governor in Council? No Presbyterian would submit to that. They were a democratic body, and elected their own trustees, and would not submit to their trustees being appointed, even by Her Majesty the Queen. He did not know who drew up the

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Bill; it must have been a Church of England man, who did not know anything about Presbyterian laws. The matter was very simple, if the Committee would only take his advice. The General Assembly took all those congregations as its children, and looked after their interests, and did everything to further their interests and promote their comfort. The General Assembly had a perpetual succession in the shape of three officers annually appointed. Men were not appointed for life; but the moderator, the clerk, and the treasurer were able, by order of the Assembly of course, to convey land, or mortgage land, or deal with it in any way that was necessary.

Mr. STEVENSON said he was a Presbyterian himself, and would be sorry to do anything that would not tend to the benefit of the Presbyterian Church of Queensland; at the same time he would strongly advise the hon. member for Wide Bay, to either accept the amendment of the Minister for Railways, or withdraw the Bill for the present. The Committee would be legislating in the dark if they passed the Bill as it stood, and he would give the hon. member one or two good reasons for assenting to the suggestion made to him. Very few people knew anything at all about the land, and very ugly rumours were abroad with regard to it. It was reported on pretty good authority, that the land had been already sold, very much below its value, and a deposit paid on it, subject to that Bill being passed. That was one very bad feature in the case. It would be only fair for the hon. member to withdraw the Bill for the present, in order to give the General Assembly an opportunity of considering it at their next meeting, which took place in May. He held in his hand a letter which he had received that morning from a gentleman who knew more about the Presbyterian Church of Queensland than perhaps any other person in the colony—the Rev. Dr. Hay, of Rockhampton—and enclosed with it was a letter written by the same gentleman to the Hon. W. Pattison, the Colonial Treasurer, which he had his permission to read. The letter addressed to himself was as follows:—

"The Manse, Rockhampton,
"October 1st, 1889.

"John Stevenson, Esq., M.L.A., Brisbane.

"Dear Mr. Stevenson,

"I enclose a press copy of a letter which I wrote to Mr. Pattison in regard to the Bill now before Parliament, for permission to Mr. Ogg's congregation to sell the property which they hold in Ann and Creek streets. I trust the Bill will be left over, so as to allow our General Assembly next May to take up the question, and to have it meanwhile discussed in the Church. The course I have suggested should approve itself as at least reasonable.

"With my kind regards,

"Yours very truly,

"ALEX. HAY.

"P.S.—I have forgotten a very important point; after perusal kindly let Mr. Morehead see the enclosed.

"A.H."

The enclosure addressed to the Colonial Treasurer was as follows:—

"The Manse, Rockhampton,
"October 1st, 1889.

"The Hon. William Pattison, M.L.A., Brisbane.

"Dear Mr. Pattison,

"Some time ago I wrote to Mr. Nelson regarding a Bill that is now before Parliament, to authorise the sale of certain lands in Brisbane that were granted to the congregation of the Rev. Charles Ogg, by the Government of New South Wales before separation, for the purposes of religion and education. Having learned from Mr. Murray that the Bill will probably be brought before the House on Thursday evening, in connection with the report of the commission that has been holding an inquiry regarding it, I thought it might be

proper to send you a few lines with my views on the subject. Our ministers in Brisbane have, in my judgment, been lacking in their duty in not informing the ministers of the Church elsewhere of what was being done in the matter. But, putting that by, the land in question was granted to Mr. Ogg's congregation when there was no other Presbyterian congregation in what is now Queensland, and some contend that the congregation then represented the whole Church, and that the whole Church ought to share in the benefit. This view has been held by many for years past. I am not prepared to advance that view, but what I wish to call your attention to is this: The land in question was granted for religious and educational purposes in connection with the Presbyterian Church, and the condition which Parliament has hitherto sanctioned the sale of Church lands has been that the proceeds of the sale shall be strictly applied for the purposes of the original grant. It is affirmed that in this case there have been irregularities vitiating the right of Mr. Ogg's congregation to hold the land, and that Government may possibly resume it. That, I think, would be highly unjust, both to Mr. Ogg and his congregation and to the Presbyterian Church as a whole. The land is regarded as worth £100,000, or a sum approaching to that figure. To hand over such a sum to any one congregation would be to defeat the object of the grant, as no congregation could apply it to religious and educational purposes in connection with itself without wastefully squandering the money. For the members and the minister of the congregation to divide the proceeds of the sale among themselves would obviously be illegal, and I understand no provision is made in the Bill for the application of the money to the purposes for which the land was given.

"The only course that seems to secure the carrying out of the purposes of the grant—religion and education in connection with a Presbyterian Church—is to provide for the administration of the funds accruing from the sale by the General Assembly of the Presbyterian Church of Queensland, the life interest of the Rev. Charles Ogg, and the permanent endowment of his successors in the pastorate of the congregation being a first charge, and being liberally, nay, most liberally, provided for. This is the course which I suggested more in detail to Mr. Nelson, and I sincerely trust that Parliament will either adopt such a course now, or leave the Bill open, so as to allow of the consideration of the matter by the General Assembly at its next meeting.

"Trusting you will pardon me for troubling you with this,

"I remain,

"Yours very truly,

"ALEXANDER HAY."

He thought that proved conclusively that it would be obviously wrong that the money to be derived from the sale of the land should be applied to that congregation solely. There was no doubt the land was given for the Presbyterian Church. When it was granted Queensland was a portion of New South Wales; but it was granted for the Presbyterian Church, which was now the Presbyterian Church of Queensland. It would be entirely wrong to take the matter out of the hands of the Church and deal with it as it was now proposed to do. The General Assembly should, at any rate, have an opportunity of discussing the matter. Considering the reports that were abroad about the land having already been sold, and sold very much under value, subject to the passing of the Bill, the hon. member for Wide Bay would do well either to withdraw the Bill for the present, or accept the amendment of the Minister for Railways.

Mr. McMASTER said it was very clear that the Rev. Dr. Hay had not kept himself posted up in the proceedings of the parties who were responsible for the Bill, and he complained that he had not had the knowledge from his brother ministers in Brisbane. But the very thing Dr. Hay asked to be done was actually what the hon. member for Wide Bay proposed to add to the Bill—namely, that the surplus money, and the land they purchased with the money, should be handed over to the Presbyterian Church of Queensland. The Minister for Railways had told them that very few members of the Com-

mittee knew anything about Presbyterian law. The hon. gentleman himself did not seem so very well posted up in it. At any rate he did not seem to have read Appendix B, attached to the evidence, which he would read for the hon. gentleman's information:—

"*Extract Minute from the proceedings of the General Assembly of the Presbyterian Church of Queensland, Thursday, May 9th, 1875, 10-30 a.m.*

"The Assembly met according to appointment, and was constituted with prayer by the moderator.

"*Inter alia.*

"*Report of Committee on Title Deeds.*—Called for the report of the committee of title deeds of church property, which was read by the Rev. Dr. Nelson, convener, regarding which the Assembly resolved as follows:—

The Assembly approves of the conduct of its committee on title deeds of church property, receives the report now read, and records its thanks to the members of committee, and especially the convener, for their diligence in the work committed to them.

"*Incorporation of the Church.*—

The Assembly also re-appoints the committee, with power to add to its number, and instructs it to have this Church made a corporate body in law, under the name of the Presbyterian Church of Queensland, the moderator and the clerk and the treasurer of the General Assembly of this Church for the time being to be the trustees for the incorporation of said Church.

And further, the Assembly resolves that the adoption of the above resolution shall not in any way affect the standing or rights of congregations, as constituent parts of the said Presbyterian Church of Queensland, who do not transfer property acquired by them before the incorporation of this Church to the said Church when incorporated."

That proved that the General Assembly had given careful consideration to the position of the Church property when the Presbyterian Church of Queensland was first formed. According to the evidence of the Rev. Mr. McSwaine, each congregation upon joining the united Presbyterian Church of Queensland held its own property. He was not aware of any Church properties which had been handed over to the trustees appointed by the General Assembly. The property of the Wickham terrace Church had not been handed over, as the hon. member for Wide Bay had stated, and Mr. McSwaine had distinctly stated that his own Church had not done so.

Mr. CROMBIE: That was left by will.

Mr. McMASTER said it was bought by the Rev. Mr. Bell for the congregation.

Mr. CROMBIE: It was not a grant.

Mr. McMASTER said he was aware it was not a grant, but the property of the Wickham terrace Church was a grant, and that had not been handed over to the trustees for the corporation of the General Assembly. The following evidence had been given by the Rev. Mr. McSwaine, in answer to questions 31 and 32:—

"By the Chairman: The promise of the grant was made before, and the land was appropriated; but the deed was not issued until after separation;—therefore, it could not have been for the Presbyterian Church of Queensland, for it did not then exist—? I think there is a misunderstanding between us. However, as I understand, this grant was made to Mr. Ogg's congregation; and, as such, the Presbyterian Church of Queensland did not exist at the time the grant was made. Mr. Ogg was a minister of the Free Church of Scotland, and he was connected with the Synod of Australia—

"The Synod of Eastern Australia—? Well, this grant was made to Mr. Ogg's congregation, certainly, and that congregation was connected with the denomination of which Mr. Ogg was at the time a minister—the Synod of Eastern Australia, I think it was. I suppose that is not denied as a fact. But, unfortunately, the deed was made out as if Mr. Ogg was connected with the Established Church of Scotland. There was the mistake. And we, the General Assembly of the

Presbyterian Church of Queensland, said, 'Get that mistake rectified.' Now, the question as to the connections of this property with the Presbyterian Church of Queensland at large has never come before the Queensland Presbyterian Church at large; the General Assembly has never inquired into that question."

He had read the whole sentence, and not omitted any part of it. They had inquired since, and had petitioned the House.

The MINISTER FOR RAILWAYS: No.

Mr. McMASTER said a petition had been presented to the House from the Presbytery of Brisbane, asking that an amendment should be made, and it was proposed by the hon. member for Wide Bay to insert that amendment. He presumed the Presbytery of Brisbane carried on the work of the Church between the meetings of the General Assembly.

The MINISTER FOR RAILWAYS: You don't know anything about it.

Mr. McMASTER said the Presbytery carried on the work of the district of Brisbane and the surrounding district between the meetings of the General Assembly, and the General Assembly then reviewed the work of all the different presbyteries. The Presbytery had a right to be heard, and their petition had been received. He questioned whether the Committee could hand over the property to the General Assembly. It could only be handed over to that body through the Ann street congregation, to whom the land had been granted. If the Ann street congregation were permitted to sell the property, it was their intention to hand the surplus which remained to the General Assembly.

Mr. MACFARLANE said the Minister for Railways seemed to be the only opponent to the Bill, and he could not understand the hon. gentleman's opposition. The Ann street congregation being the parties to whom the grant had originally been made, the land could not be handed over to the General Assembly. If the land had not been granted to the Ann street Church, then the Crown had the next best right to the property. Certainly he would oppose the Crown taking possession; because, though the grant had been made by the Government of New South Wales when this colony formed a part of New South Wales, good faith should be kept, though the promise might have been made twenty-five or thirty years before. He was not a Presbyterian himself, and might not know as much about that denomination as the Minister for Railways. That hon. gentleman had told the Committee that the minister at present in the Wickham terrace Church did not belong to the Presbyterian Church of Scotland, but was an American. An American minister, however, might belong to the Presbyterian Church of Scotland. He was not aware that any Presbyterian Assembly, as an assembly, helped to build Presbyterian churches, though they might subscribe individually; and he believed that many of the Presbyterian Churches in Queensland were almost as independent of the General Assembly as if they were Congregational Churches, so far as the church property was concerned. The land was not given to the General Assembly of Queensland, but to the Ann street Presbyterian Church. That Church was still in existence, therefore it had a right to the land; and the Committee would stultify the action of the legislature if they altered the Bill so as to take the land from the Ann street Church and give it to the General Assembly. A letter from the Rev. Dr. Hay had been read, and he thought that was going to settle the matter, but he found that it was simply a letter written with the object of delaying legislation in order that the writer might come in at the general scramble.

The MINISTER FOR RAILWAYS said he was astounded to hear the way in which the principles of Presbyterianism were expounded by the experts on the other side. He was a member of the General Assembly.

Mr. TOZER: Why did you not petition against the Bill?

The MINISTER FOR RAILWAYS said he did not see why he should. He had his rights as a member of that Chamber, and he could say what he had to say without petitioning against the Bill. There seemed to be a notion abroad that there was an antagonism between the General Assembly and the Ann street congregation; but he could not understand what ground people had for coming to such a conclusion. On the contrary, the General Assembly would do everything they could to see that the interests of the Ann street congregation were conserved. His amendment would not deprive the Ann street congregation of the benefit of the lands, because the clause would still contain the words "upon trust for the purposes of the said Church." He could quote a number of Churches in the same position.

Mr. MACFARLANE: How many of them are incorporated?

The MINISTER FOR RAILWAYS said he held in his hand the return for the year 1887, signed by the solicitors to the Presbyterian Church, and he found that there was a long list of them. Hon. members opposite seemed to think he had some extraordinary bad object in view in trying to amend the Bill, but he was simply trying to do his best as a member and officer of the Church to promote the interests of the Church. The present trustees had entered into a contract to sell the land, and if the Bill were passed without amendment, it would give them power to confirm that contract. The land was leased now for thirty years.

Mr. TOZER: Is your object to break the leases?

The MINISTER FOR RAILWAYS said his object was to conserve the interests of the Ann street congregation. If there was anything wrong it was the function of the General Assembly to investigate it; and that was the reason why, as a member of that Chamber, he did not wish to take the responsibility of letting the Bill go as it stood. The hon. member for Ipswich was wrong with regard to what he (the Minister for Railways) said about the Wickham terrace Church. The Presbyterian Church of Queensland was of the most cosmopolitan character. They accepted clergymen from England, Scotland, Ireland, Canada, the United States, Switzerland, the Netherlands, or Germany, so long as they came duly accredited, and passed the necessary examination. He did not refer to the clergyman of Wickham terrace, who was possibly as good a clergyman as there was anywhere, but to the position of the land. He pointed out that the minister, and the congregation too, might be ousted from the land, because the exact terms of the trust had not been complied with, and he stated that he would not like the Ann street congregation to occupy that position.

Mr. TOZER said, being in charge of the Bill, he was going to make a strong appeal to the Hon. the Minister for Railways and the hon. member for Mitchell, Mr. Crombie, in reference to it. He was going to place the matter so clearly before them that they would see what the alternative was that must arise from their opposition to the measure. He would direct attention to the fact that in September, 1888, the Bill first came before that Assembly. It was no new matter at all, because the Bill presented last year was again presented during

the present year. The General Assembly of the Presbyterian Church existed in Brisbane, and if they had desired in any way to take action antagonistic to the Bill, they had every opportunity of doing so in the manner provided by the Standing Orders. The Bill had been advertised, and particular notice was given to the General Assembly that they should be represented, if they wished to act in antagonism to the Bill. But they did nothing last year, and they had not acted this year, except as persons assenting to the Bill. He would explain to the Committee the exact position of the land. Since the hon. member for Clermont (Mr. Stevenson) had mentioned that there were ugly rumours about it, he might inform the Committee that there was no desire to keep back anything. The facts were really as stated before the select committee. The land was applied for in 1859; the grants were dated the 7th of September, 1861, being grants to Edmondstone, McAlpine, Scott, Anderson, and Bryden, by names, and their heirs, and there was a statement at the end of the grants that those persons held the property in trust for the Presbyterian Church in connection with the Synod of Australia, which, as had been previously stated, did not exist. Some time after that one of the congregations desired to get possession of that piece of land, and on making inquiries they found that it belonged to the Ann street Presbyterian Church. The representatives of the Established Church of Scotland came and looked at the land, and then abandoned their claim and went away. When the national system of education came into operation the land was leased to the Government of Queensland for a considerable time, and they paid rent to the trustees. On the 14th February, 1881, the trustees leased 20½ perches to one Alfred Loder for twelve years, at £52 per year. That lease was in existence. By deed of 15th April, 1884, the residue was leased to the Queensland Mercantile and Agency Company, Limited, for fifteen years, at £425 a year. That arrangement was from the 1st January, 1883, and it was subject to renewal for thirteen years. That was twenty-eight years, and six years of that had gone, so there were twenty-two years of the lease to run. Now, although the land was leased in 1883, all those facts were brought under the notice of the General Assembly on the 5th May, 1884, at which time they were told to get their deeds. It might be said that those leases and other transactions were illegal. From a legal point of view he at once told the Committee, so that there was no disguising the fact, that by the way those grants were worded, there was not a shadow of doubt whatever that the land belonged to the Crown now. Hon. members who were opposing the Bill must remember this, that by their action they were perilling the grant, because the legal aspect of the affair was that at the present moment the land being granted for a certain purpose, and that purpose not having been carried out, the land reverted to the persons who granted it. If they took the legal aspect of it, the leases were voided, and all contracts were voided, but the present holders of the land had always asserted, in bringing the matter before Parliament, that there was a mistake in the trust. The land was granted to those persons for the purposes of the Church, and looking at the matter in the same way that almost similar matters had been looked at, they had a moral claim. They had done what the others had done. They leased the land for the purposes of the Church. Now, he remembered the time when that land was leased. It was not of such value as it was at present. He had himself owned a piece of land only a few yards from the Houses of Parliament which had brought since

£7,000, but he sold it for £1,000. It was no use confusing the present price with the price at which the land was leased. The trustees made the best bargain they could at that particular time. £475 was the whole of the income now being derived from that land. In view of the fact that it was desirable to get a church in a more convenient locality, it occurred to them that as the land was tied up for so long it would be better to see if they could not get an offer for it. He found that by putting it at a capital value of £20,000 they would only be getting 2 per cent., and they then made a proposition to the Queensland Mercantile Company to see whether they would give them £20,000, as nobody else would think of giving £20,000 for a property that would only bring in 2 per cent. for so many years, and they made a verbal promise that if they could get permission to sell it, they would be willing to do so at such a price. That was the whole statement of fact upon which the rumours going about were based. The committee of that House had directed that the land should be sold by auction. There was no encumbrance or bargain binding upon the trustees in respect of the lands except the leases, and they were binding upon them. They asked the House to give them permission to sell the land in order to erect a church, manse, and school, and if that was not given them, the land would remain in their hands during the term of the leases, and all they would draw from it was £475 annually, unless the Crown stepped in and took it away from them. He trusted hon. members opposing the Bill would see that that was the position, and that their action was really that of the dog in the manger, as they said, "If you don't give us a part in this scramble, we will prevent you getting it." He would be delighted if he could go further than he had gone, but he could not, and the Bill as originally drawn did not go anything like as far as he was now prepared to go. He had really anticipated the objections of the Rev. Dr. Hay, and had met everything that gentleman had suggested in his letter, but he could not accept the proposal of the Minister for Railways, because there would be other persons affected by it, and they would have the right to come in and petition against such a complete alteration as might affect their interest. He had no hesitation in stating the legal position of the affair, and the House was really asked to make a present of the land to the persons who originally gave the £45 for it. The lessees would certainly have a right to be heard in the matter. They had been paying rent for a number of years and occupying the land *bona fide*, and they had erected substantial buildings upon it. Therefore they would have the right to be heard if any such proposal as was suggested by the Minister for Railways was made. The proper province of hon. members who opposed the Bill was to have come before the select committee. The position they took up was of an interested character. All the members of the Committee were neutral in the matter with the exception of three members who had spoken against it, and those gentlemen were members of the Assembly, and were asking that the land should be taken away from the Ann street congregation, and be vested in them with others. So that they were particularly interested, and, under the circumstances, it would have been fairer for them to have come forward, or have moved the General Assembly with which they were connected to come forward, and say to the select committee: "We shall ask you to postpone this measure until we have met and dealt with it." If the General Assembly had done that, he believed the select committee would have taken their request into consideration, and would probably have acceded to it.

What had the select committee done? They had called upon the representative of the General Assembly, and that gentleman had come down, and this is what he had said. He was asked, "If they put the deeds right in the manner the petitioners are now asking Parliament to sanction, would the General Assembly then have any claim upon the property?" and the representative of the General Assembly had avoided that by saying, "That is a very hard question to put to me, because I am only a new member of the Assembly, but I am sure, I am almost certain, you would find individuals who would say the Presbyterian Church of Queensland has a claim upon that property, because the Church is connected with the Presbyterian Church of Queensland." That was just the position which the opponents of the Bill took up, and they were the very persons referred to by the representative of the General Assembly.

Mr. CROMBIE: They are the only Presbyterians in this Assembly.

Mr. TOZER said that no other Presbyterians except those who were members of the Legislative Assembly had come forward and objected to the proposal. What he was endeavouring to do was to get the deeds put right.

Mr. CROMBIE: That is what we want.

Mr. TOZER said they were stopping him from getting it done by their opposition.

AN HONOURABLE MEMBER: Let it revert to the State.

Mr. TOZER said that would be the effect of the opposition of hon. members opposite. He had himself always been in the habit of fulfilling any obligations he made, whether in writing or by word of mouth, and he felt that the State should do the same. They had made a grant of the land and received the £45 for it, and he did not think there was one man in the colony who would seriously propose that, after a long period of years, the State should take that land from the possession of the Presbyterian body. He could not accept the hon. gentleman's amendment, as the result of it would be that the Bill must go overboard at once. It would be a new lock, stock, and barrel to the Bill, as the preamble was based entirely on the fact that that land and the management of the land was vested in trustees. He had gone carefully through the Bill, and he could not find a single word in it that he could utilise if he accepted the position which the Minister for Railways wished to impose upon him. He had endeavoured to put the matter plainly before the Committee, and he thought hon. members must see that there was nothing whatever in connection with it that bore the slightest shadow of suspicion. The request made was a fair and legitimate one, and all other denominations in the colony which had made a similar request had been granted the power now asked by the Ann street congregation. He therefore hoped the clause would be allowed to pass, and that those opposed to the measure would accept the amendment he intended to propose—that the land should be held in trust for the Church, and that any surplus that might remain after building a church, manse, and school, should be held by the General Assembly in trust for the Ann street congregation. The converse of that was that the trustees should give the land to the Presbyterian body as a whole.

THE MINISTER FOR RAILWAYS: Not at all.

Mr. TOZER said that was the logical effect of the amendment which had been proposed, and he had heard the hon. member for Mitchell, Mr. Crombie, contend straight out that the land belonged to the whole Presbyterian Church of

Queensland. He (Mr. Tozer) had gone as far as he could, by agreeing to vest the property in the General Assembly after the trust was executed, and a church, school, and manse erected for the Ann street congregation. He hoped the Committee would assist him in getting the Bill through, or at any rate, that he should be able to get some reason why after the second reading had been passed, the Committee refused to pass the 1st clause.

Mr. CROMBIE said he could give a case illustrative of the position he took up on the matter. It occurred near Brisbane within the last twelve months. He, with others, bought a piece of land, paid for it with their own money, built a church upon the land at their own risk and expense, borrowing money to finish it, and that land was now held in the name of the Presbyterian Church of Queensland. Although the Presbyterian Church never paid a shilling for it, yet when the congregation became part of the Presbyterian Church that land belonged to the Church. He was one of the trustees; but they could do nothing with the land without the consent of the general body of the Church. That was exactly what he wanted to see in the present instance. He did not see why the land should not be vested in the General Assembly. The General Assembly was an elective body. The minister of each congregation was a member of it, and he was elected by the congregation, who also appointed a layman to represent them in the General Assembly when it met. Surely, then, the General Assembly was a body that could be trusted with that matter; they would do what was right, and they knew what was right better than that Committee. They would do anything the Ann street congregation wanted. He agreed that it would be much better for everybody if the property was sold, and the money dealt with in a regular manner according to the rules of the Church; but he objected to trustees having power to do what they liked with the money. He might mention that Mr. McSwaine's Church held property by trustees, but those trustees could not do anything with it without the sanction of the Presbytery. They made it over to himself and others, and they sold it, but only with the sanction of the Presbyterian Church. It would therefore be seen that his contention was a reasonable one.

Mr. McMASTER said that under that Bill the trustees of the land would not be able to do anything with it without the sanction of the Church. The hon. member for Mitchell stated that the property should be vested in the General Assembly, and mentioned a case in which he was a trustee, where the property was vested in the Assembly. But Mr. McSwaine's church was not so vested, neither was the church in which Mr. Buchanan was ministering at Wickham terrace. Could the hon. member point to one single property around Brisbane, belonging to the Presbyterian Church, which had been vested in the General Assembly as constituted in 1875?

Mr. CROMBIE: I just told you of one.

Mr. McMASTER said the hon. member did not mention the name of the church.

Mr. CROMBIE: It is the Scots' Church, Albion.

Mr. McMASTER said that was a very recently purchased property.

Mr. CROMBIE: Yes; within the last twelve months.

Mr. McMASTER said it was purchased land, not a grant from the Crown. All that was asked for in the Bill was that the property referred to in the grant should be sold, and a church, school, and manse erected for the Ann street congregation,

and that the surplus funds should then be handed over to the General Assembly to be held in trust for the Ann street Church. The grant was made in 1859 to the Ann street congregation, and the hon. member wanted to get hold of it for the Presbyterian body generally, so that they might deal with it as they thought proper. A letter was read that afternoon from the Rev. Dr. Hay asking that legislation on the matter should be delayed until it had been considered by the General Assembly. It struck him (Mr. McMaster) very forcibly that Dr. Hay had already considered the question in the General Assembly in 1884, when it was brought forward or a petition presented by Messrs. Brydon and Scott. On the previous day he (Mr. McMaster) read the evidence of Mr. McSwaine, and as those hon. members who were opposing the Bill had contended that the General Assembly had not dealt with the question, he would quote it again. It was as follows:—

“Was the petition considered by the Assembly? It was. It was brought before the Assembly in the usual way—in the usual legal ecclesiastical fashion—and, after due consideration—and there was a considerable number of books and documents brought up by Mr. Ogg himself—and considerable discussion, the Assembly seemed to think, and agree, and I may almost say unanimously, that the property, as such, was the property of that congregation; but, on account of a mistake in connection with the deed of grant, which was to the ‘Established Church of Scotland,’ instead of the ‘Free Church of Scotland,’ as Mr. Ogg pointed out, it was thought right by the Assembly to give direction to Mr. Ogg and his trustees, or those who had to do with the property, to get those deeds rectified and put into proper form.”

The Assembly had discussed the matter, and it was no use denying the fact. If not, then Mr. McSwaine had not been telling the truth. That gentleman had stated that the Presbyterian General Assembly had decided not to interfere with the property in any way; all they wanted was that the deeds should be put right. No doubt the Minister for Railways had the names of those persons who were present when that decision was come to. He should be very sorry to think that the Assembly wanted to get hold of land which did not legally belong to them, and he objected to the proceeds of the sale of the land being spent out of the metropolis. The Presbyterian people had a right to expect that that money should not be spent out of Brisbane or its suburbs. Now that the city was becoming so closely built upon, the people were going out into the suburbs, and of necessity the Churches must follow. If the Churches were not allowed to sell properties in the business streets of the city and go where the people were, the people would not go to church. Those properties in the business streets were lying idle, and worse than that, they were a hindrance to the progress of the city. When the Church of England Bill was before the Committee, he pointed out one street in which four whole blocks belonged to Churches, while the people were all living out in the suburbs. There was something at the back of all that opposition that they could not see, and it would be very much better to have it out, so that they might know what it really was. The only inkling they had received was when the Postmaster-General interjected, “We do not want the lessees to purchase it.” Surely that was not the reason? There must be something else.

Mr. HUNTER said he thought the hon. member was quite right when he said there must be something at the back of that opposition. It was a general scandal outside the Committee; everybody was talking about it. He had heard on good authority that there had been a provisional sale of the land for something like £20,000, and it was supposed to be worth about £70,000. Under the circumstances he thought

it would be better to let the land revert back to the Crown, and let the Government hand over the £20,000 that it was said it had been sold for, and he believed that information was genuine. Then the balance of the £70,000 could go into the Treasury to help make up the deficit upon last quarter's revenue.

Mr. CROMBIE said he intended to have no more to say upon the subject; but he was still of opinion that he was right.

The MINISTER FOR RAILWAYS said he had given the Committee his advice in the matter, and they need not take it unless they liked. If he listened to the hon. member in charge of the Bill much longer he might become exasperated. That hon. member would only raise angry feelings, and that was not the way to get a Bill through. He would withdraw his amendment, and leave the matter to the Committee.

Mr. MURPHY said he hoped the Committee would accept the suggestion of the hon. junior member for Burke, which was a very good one. He did not see why those religious bodies should scramble for the land and the State not participate. As the title of the land appeared to be defective, the State should step in and secure the unearned increment. The Government should take the land and give them the £20,000 to scramble for.

The MINISTER FOR LANDS said he thought the suggestion that had just been made was an admirable one. The title to the land was absolutely defective, and it would be for the general welfare of the colony if the Crown resumed it, and paid the £20,000, which would leave a profit to the State of £50,000. That money would be most useful for the general progress of the colony. He had no doubt that with the assistance of the Committee that could be carried out. There seemed to be a general opinion that there was some undesigned coincidence—something that would not bear the light of investigation. He was sure the hon. junior member for Burke had not spoken without authority, and he had opened his eyes as to the importance of the question. If the hon. member for Wide Bay would not accept the suggestion of the Minister for Railways, they had better go to a division. His opinion was the country would benefit to a very considerable extent. It would save the necessity of what had been referred to as forced sales, and nothing would give him greater pleasure than to see the State realising no less than £50,000 by the judicious sale of that land—the most valuable land in the city of Brisbane—which would be most eagerly competed for by all classes of the community. Indeed, under the new arrangement, whereby extended terms of payment over three years were given, he was certain that instead of getting only £50,000, the colony would benefit to the extent of very likely double that amount.

Mr. MURPHY: Throw it open as grazing farms.

The MINISTER FOR LANDS said he was prepared to accept any suggestion from hon. members as to the most profitable way in which the land could be disposed of, even to cutting it up into ten or fifteen perch allotments. He could assure hon. members that as far as he was concerned the Government would be prepared to meet their wishes in every respect.

Mr. O'SULLIVAN said the Minister for Lands must surely have been joking. The question was one on which he was able to give an entirely unprejudiced vote, and after the open, candid, and manly speech of the hon. member for Wide Bay, he intended to support the Bill. The hon. member proposed that if there was any

surplus after all the expenses were paid it would be handed over to the Presbyterian body. Could any proposition be more candid? What interest had the hon. member in the Bill, except as agent or lawyer?

Mr. TOZER: Not even that.

Mr. O'SULLIVAN said the whole question appeared to have been thoroughly thrashed out, and it was needless to further prolong the debate.

Mr. MACFARLANE said he was glad the Minister for Railways had withdrawn his amendment. After all there was not much difference of opinion between the two sides of the Committee.

Mr. CROMBIE: This side has nothing to do with it.

Mr. MACFARLANE said he meant between those who favoured the Bill and those who opposed it. If the Bill was allowed to pass, the Ann street Church would be in exactly the same position as the church mentioned by the hon. member for Mitchell. He did not suppose that that church was vested in the General Assembly until the church was built.

Mr. CROMBIE: Yes; the certificate of title was given to the Presbytery as soon as the land was purchased.

Mr. MACFARLANE said it was not the rule to vest property in the General Assembly until the buildings were completed. That was what was proposed to be done in the present instance, and to hand over the surplus money as well.

The MINISTER FOR RAILWAYS said that, with the permission of the Committee, he would withdraw his amendment.

Amendment withdrawn accordingly.

Clause put and passed.

Clauses 2 and 3 passed as printed.

On clause 4, as follows:—

"Every sale made in pursuance of the powers aforesaid may be in one or more lot or lots, and either by public auction or private contract, and upon payment of the purchase money to the trustees so selling as aforesaid they shall convey the land so sold to the purchaser or purchasers thereof, and such conveyance shall be valid and effectual in law and equity for all purposes whatsoever."

Mr. TOZER moved that the following proviso be inserted:—

Provided that such land shall be first offered for sale by public auction, and if not sold, the same may be sold by private contract at a price not less than the highest price offered for the same at auction, or if no price was offered, then not less than the reserve subject to which the same was so offered.

Mr. FOXTON said the proviso appeared to provide for only one sale, whereas there might be half-a-dozen sales. The land might be sold in blocks, and if so, the proviso should be so worded as to meet cases of that kind. He moved that the words "the same may" be omitted, with the view of inserting the following words, "any lot may at any time within three months thereafter."

Amendment agreed to.

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

Clause 5—"Mortgage may contain power of sale, etc."—put and passed.

On clause 6, as follows:—

"From and after the passing of this Act it shall be lawful for the trustees in whom the said lands shall for the time being be vested, to lease the said lands, or any portion or portions thereof, or to confirm any lease heretofore made of the said lands, or any portion or portions thereof, for any term not exceeding twenty-one years, at such rent and generally upon such terms and conditions as they may deem proper."

The HON. SIR S. W. GRIFFITH said he considered that clause was what had given rise to all the opposition to the Bill. The objection was not apparent on the face of it, and it must be looked closely into before it could be seen. The clause gave the trustees power to "confirm any lease heretofore made of the said lands, or portion or portions thereof." He believed that leases had been made for a long term of years at a very low rent. The result would be that if the land were put up for sale it would only realise about half its value. The leases had twenty-two years to run. Was the land worth more than twenty years' purchase? He had known of cases where people having a twenty-five years' lease, had put up immense buildings. In the present instance if the land were sold subject to the leases, although they were absolutely void in law, it might be sold for about half its value, for no one could afford to buy the land except the lessees. That was where the danger came in. He confessed he did not like the clause at all, although he had no objection to the rest of the Bill. If they gave the trustees power to confirm the leases already made, the lessees would be able to get the land at less than its fair value. He did not know who the lessees were, but he did not like the proposal. If the leases were all right it would not matter, but they were absolutely void.

Mr. TOZER said he could not accept any alteration in the clause in the way the hon. gentleman wished. The Bill was based upon the fact that there was a representation that the land was bought by that Church, but by a mistake the trust was made out in the name of another Church. If the trustees had not the power to confirm those leases, why had other denominations that power? How was it that St. John's congregation had the power to lease the Longreach property? Those leases had been granted and registered in the Real Property Office, and he was not going to be a party to repudiating the contracts that had been made. Surely the trustees when they let the land did their best in the interests of the congregation.

The HON. SIR S. W. GRIFFITH: Where is the evidence of that?

Mr. TOZER said that under the rules the trustees were not allowed to deal with the lands without the consent of the congregation. The probability was, however, that the men who occupied the land would keep it until their leases were up; and at the expiration of that time the unearned increment would amount to a large sum. The omission of the clause would have the effect of repudiating the leases; and the Church could not do that and then preach honesty to others.

The HON. SIR S. W. GRIFFITH said the leases were invalid, and the people who took them must have known that they were invalid. The effect of passing the clause as it stood would be that the property would probably be sold at half its value. The hon. gentleman said that probably the people would keep the land till their leases were up; but in any case the clause ought to be amended, by striking out that portion relating to the confirmation of the leases already made. If the leases were valid, let them be valid; but if they were invalid, why should they be confirmed on the materials before the Committee? He had heard it said that the land was worth £100,000, and that there was a contract to sell it for something like £20,000; and Parliament had no right to pass the clause without knowing more about the matter. He thought that if the trustees got authority to sell the land they ought to get the leases back and sell the land at its full value. There was nothing in the

petition about confirming existing leases. It said that in or about the year 1859 the congregation applied to have the land granted to them; that there was great delay in issuing the deeds of grant and they had to buy other land in the meantime; that separation took place; that the deeds of grant were subsequently issued; that the congregation had never been under the spiritual jurisdiction of the Synod of Anstralia, in connection with the Established Church of Scotland; that the deeds of grant were imperfect for various reasons; that the land had not been used for the purposes intended; that the congregation wanted to build a new church, school-house, and minister's dwelling-house; that the congregation were desirous of appointing other trustees; and that it was desirable that the land should be vested in the petitioners for the congregation. That was what was in the petition, but there was not a word about confirming existing leases. There was no power to lease under the Church of Scotland Act, so that it was never intended that the land should be leased. Under the circumstances he thought that there should be no confirmation of existing leases, and he therefore moved the omission of the words "or to confirm any lease heretofore made of the said lands, or any portion or portions thereof."

Amendment agreed to.

The HON. SIR S. W. GRIFFITH moved that the words "such rent and generally" be omitted, with the view of inserting "the best rent that can be obtained for the same without any premium and otherwise."

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

On clause 8—"Application of proceeds of sale, mortgage, etc."—

Mr. TOZER said he would ask the Committee to negative that clause, in order to insert a new one which would carry out in good faith what the hon. members who had been opposing the Bill contended for.

Clause put and negatived.

Mr. TOZER moved that the following new clause be inserted:—

All moneys to arise from any sale or mortgage made in pursuance of the powers aforesaid, shall be expended in the following order, so far as the same shall extend, that is to say. In payment of—(1) all reasonable expenses of and attending such sale or mortgage; (2) the costs of applying for, obtaining, and passing this Act; (3) the purchase of another site, or other sites, in a more convenient situation; (4) the cost of the erection of a church on some part of the said land so purchased as aforesaid; (5) the cost of all necessary fittings and furniture for the said church; (6) the cost of the erection of a school-house on the land so purchased; (7) the cost of all necessary fittings and furniture for the said school-house; (8) the cost of the erection of a dwelling-house for the minister, duly appointed in accordance with the rules and practice of "the Presbyterian Church of Queensland," to officiate in the said church; (9) the cost of all necessary fittings and furniture for the said dwelling-house; (10) if thereafter there be any surplus, the said trustees shall transfer the same to the corporation styled "the Presbyterian Church of Queensland," hereinafter called "the corporation," and such surplus shall be applied by the said corporation to such uses and purposes and in such manner for promoting the spiritual and temporal welfare of the said Church as the said Church shall in its discretion think fit to direct, in accordance with the rules and practice thereof.

Clause put and passed.

Clause 9 passed with a verbal amendment.

On clause 10—"Appropriation of site for church, etc."—

Mr. TOZER said he proposed to omit that clause, and substitute another, which he would afterwards propose.

Clause put and negatived.

Mr. TOZER moved the insertion of the following new clause:—

The trustees shall cause any site or sites to be by them purchased as aforesaid to be forthwith conveyed to and become vested in the said corporation, to be held by the said corporation upon trust for the said church, and to be transferred, mortgaged, leased, or otherwise dealt with for the benefit of the said Church as the said Church shall from time to time direct, subject to any rules or regulations of the said corporation in force, and which for the time being are applicable thereto; and all moneys received or raised by or from any sale, mortgage, or lease shall be applied for such purposes, and generally in such manner for the benefit of the said Church as shall be prescribed by any rules of the said corporation as applicable to all lands held by the said corporation upon trust for particular congregations.

Clause put and passed.

Clauses 11, 12, and 13, and preamble, passed as printed.

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

RE-COMMITTAL.

On the motion of Mr. TOZER, the Speaker left the chair, and the Bill was re-committed for the purpose of considering the preamble.

On the preamble, as follows:—

"Whereas in or about the year one thousand eight hundred and fifty-eight a certain congregation of persons called Presbyterians (which congregation is now known by the name of 'The Ann street Presbyterian Church,' and is hereinafter called 'the said Church'), made application to the Government of the colony of New South Wales for a grant to them, for the purposes of the said Church, of the lands respectively comprised in the several deeds of grant hereinafter recited, which lands were then situated within that part of the territory of New South Wales known as the Moreton Bay district, and since erected into the separate colony of Queensland, and the said Government promised and agreed to grant the same to the said Church in accordance with the laws of the said colony:

"And whereas by an Act of the Governor and Legislative Council of New South Wales passed in the eighth year of His late Majesty King William the Fourth, intitled an Act to regulate the temporal affairs of Presbyterian Churches and Chapels connected with the Church of Scotland in the colony of New South Wales, and by another Act of the said Governor and Legislative Council passed in the fourth year of Her present Majesty Queen Victoria, intitled an Act to amend an Act intitled an Act to regulate the temporal affairs of the Presbyterian Churches and Chapels connected with the Church of Scotland in the colony of New South Wales, certain powers, privileges, and advantages were conferred on the Synod of Australia in connection with the Established Church of Scotland, and the ministers and congregations subject to the spiritual jurisdiction thereof:

"And whereas by deed of grant under the hand of His Excellency Sir George Ferguson Bowen, G.C.M.G., then Captain-General and Governor-in-Chief of the said colony of Queensland, and sealed with the seal of the said colony, and dated the seventh day of September, one thousand eight hundred and sixty-one, and numbered 2847, and issued in pursuance and execution of the said promise and agreement of the said Government of New South Wales, all that allotment or parcel of land in the said colony, containing by admeasurement one rood and thirty-two perches, situated in the county of Stauley, parish of North Brisbane, and town of Brisbane, being allotments numbers ten and eleven of section twenty-six, and therein more particularly described, was granted to George Edmondstone, Daniel McAlpine, John Scott, Alexander Anderson, and James Bryden, and the survivors and survivor of them, and their and his heirs for ever, upon trust for the erection thereon of a church, under the superintendence of the said Synod of Australia, in conformity with the provisions of the Act first hereinbefore recited, so far as the same might apply, and for no other purpose whatsoever, subject, however, to such reservation unto Her Majesty, her heirs and successors, of all mines of gold, of silver, and of coal, as therein mentioned:

"And whereas by another deed of grant under the hand of the said Sir George Ferguson Bowen and the seal of the said colony, and also dated the seventh day of September, one thousand eight hundred and sixty-

one, and numbered 2848, and issued in further pursuance of the said promise and agreement, and all that allotment or parcel of land, in the said colony, containing by admeasurement thirty-six perches, more or less, situated in the said county of Stanley, parish of North Brisbane, and town of Brisbane, being allotment number nine of section twenty-six, and therein more particularly described, was granted to the said George Edmondstone, Daniel McAlpine, John Scott, Alexander Anderson, and James Bryden, and the survivors and survivor of them, and their and his heirs for ever, upon trust for the erection of a school-house, under the superintendence of the said Synod of Australia, and for no other purpose whatsoever, subject, however, to such reservation unto Her Majesty, her heirs and successors, of all mines of gold and silver and of coal as therein mentioned:

"And whereas by another deed of grant, under the hand of the said George Ferguson Bowen and the seal of the said colony, and also dated the seventh day of September, one thousand eight hundred and sixty-one, and numbered 2849, and issued in further pursuance of the said promise and agreement, all that allotment or parcel of land in the said colony, containing by admeasurement thirty-six perches, more or less, situated in the said county of Stanley, parish of North Brisbane, and city of Brisbane, being allotment number eight of section twenty-six, and therein more particularly described, was granted unto the said George Edmondstone, Daniel McAlpine, John Scott, Alexander Anderson, and James Bryden, and the survivors and survivor of them, and their and his heirs for ever upon trust, for the appropriation thereof as the site of a dwelling-house, garden, and other appurtenances for the clergyman duly appointed to officiate in the church under the superintendence of the said Synod of Australia, erected at Brisbane and known as _____, in conformity with the provisions of the Act first hereinbefore recited, so far as the same might apply, and for no other purposes whatsoever, subject, however, to such reservation unto Her Majesty, her heirs and successors, of all mines of gold, of silver, and of coal as therein mentioned:

"And whereas the said Church has not in fact ever been subject to the spiritual jurisdiction of the said Synod, but has always been distinct and separate from, and unconnected with, any other church or ecclesiastical body whatsoever, possessing full independent powers of self-government:

"And whereas the said several deeds of grant were respectively inadvertently framed in their present form under the belief on the part of the officers of the Government of Queensland that the said Church was subject to the spiritual jurisdiction of the said Synod, but the intention of the said Government was that the said lands should be granted to the said trustees for the purposes of the said Church:

"And whereas the said George Edmondstone died on or about the twenty-third day of February, one thousand eight hundred and eighty-three:

"And whereas the said Daniel McAlpine is desirous of being discharged from his office of trustee:

"And whereas the said John Scott has for some time resided out of Brisbane, and has ceased to be a member of the said Church:

"And whereas the said James Bryden has ceased to be a member of the said Church:

"And whereas the said Church is desirous of appointing William Jones, John McLennan, Alexander Muir, and Thomas Cochrane, all of Brisbane, in the said colony, and all respectively members of the said Church, to be trustees of the said lands in place of the said George Edmondstone, deceased, Daniel McAlpine, John Scott, and James Bryden, and together with the said Alexander Anderson, but doubts have arisen as to whether such trustees can be duly appointed by the said Church as aforesaid:

"And whereas prior to the issue of the said several deeds of grant, and in consequence of the delay in the issue thereof the said Church had in the meantime purchased other land and erected a church and minister's dwelling-house thereon, by reason whereof the said lands were no longer required for the purposes for which they were originally promised to be granted as aforesaid, and the said lands have since been used and occupied for other purposes than those expressly limited and appointed in and by the said several deeds of grant, but the income and profits thereof have always been appropriated for the purposes of the said Church:

"And whereas it has now become expedient to erect a new church, school-house, and minister's dwelling-house suitable to the present requirements of the said church, but the said lands are not conveniently situated as a site for the same.

"And whereas it is desirable under the circumstances aforesaid, and for the purpose of rectifying such mistakes in the said several deeds of grant, and of removing such doubts as aforesaid, that the said lands should be vested in the said Alexander Anderson, William Jones, John McLennan, Alexander Muir, and Thomas Cochrane, and their successors, upon trust for the purposes of the said Church, but otherwise freed and absolutely discharged from the trusts limited and appointed in and by the said several deeds of grant, and that the trustees for the time being of the said lands should have the powers hereinafter conferred upon them, and that provision should be made for creating a succession of properly qualified trustees according to the usages and regulations of the said Church:

"Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—"

Mr. TOZER moved the omission on page 10, line 13, of the words, "but has always been distinct and separate from, and unconnected with, any other Church or ecclesiastical body whatsoever, possessing full independent powers of self-government."

Amendment agreed to.

Mr. TOZER moved the insertion of the following words in place of those omitted:—

"and now forms a part of, and is subject to, the jurisdiction of the Presbyterian Church of Queensland."

Amendment agreed to.

Preamble, as amended, put and passed.

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

On the motion of Mr. TOZER, the report was adopted.

Mr. TOZER said: Mr. Speaker,—In moving that the third reading of the Bill stand an Order of the Day for Tuesday next, I may say I do so to enable the hon. member for Rockhampton North to move the third reading, as he was originally in charge of the Bill; and I expect he will be in his place on that day. The hon. member for Stanley was good enough to say that I took up the Bill as a lawyer; but I never act as a lawyer in Brisbane.

The Hon. Sir S. W. GRIFFITH: And certainly not in this House.

Mr. O'SULLIVAN: I apologise to the hon. member. I had no such meaning as that.

Mr. TOZER: I expect the hon. member for Rockhampton North to be in his place on Tuesday, and therefore I move that the third reading of the Bill stand an Order of the Day for Tuesday next.

Question put and passed.

THE SUGAR INDUSTRY.

POINT OF ORDER.

On the Order of the Day being read for the resumption of the adjourned debate on Mr. Cowley's motion: "That, in the opinion of this House, it is desirable early next session to adopt some means for encouraging the sugar industry."

Mr. GLASSEY said: Mr. Speaker,—

The MINISTER FOR MINES AND WORKS (Hon. J. M. Macrossan): Mr. Speaker,—I rise to a point of order. I am sorry to interrupt the hon. gentleman, but I feel bound to do so. I think this debate has been drawn out to a most interminable length.

The Hon. Sir S. W. GRIFFITH: That is not a point of order.

The MINISTER FOR MINES AND WORKS: The debate has been quite exhausted, and hon. members on both sides of the House have had quite enough of it, and wish to see it finished.

The HON. SIR S. W. GRIFFITH: That is not a point of order.

The MINISTER FOR MINES AND WORKS: I will get to the point of order immediately, if the hon. member will have a little patience. Under the circumstances I think the point of order I am about to raise will not be taken by the hon. member for Bundanba as personal to himself. It is simply because I believe, and other members believe, that the debate is thoroughly exhausted and thrashed out in such a way that there is nothing new to be said about it; and I am sure it will be for the benefit of the House as well as the hon. member himself to raise this point of order, as he might have spoken earlier in the debate had he chosen to do so. The point I raise is that the hon. member not having spoken before the question was put, has now lost his opportunity to do so as well as every other hon. member. I refer you, Sir, to Standing Order No. 73, which is headed "No member may speak after question has been put," and reads:—

"No member may speak to any question after the same has been put by Mr. Speaker and the voices have been given in the affirmative and negative thereon."

I direct your attention to that Standing Order, Mr. Speaker, and it has clearly put the hon. member for Bundanba out of order, or any other member who would attempt to speak at the present time on this question. You put the question last evening plainly and distinctly, and the voices were taken, both the affirmative and negative, and they were so taken.

HONOURABLE MEMBERS of the Opposition: No, no!

Mr. HUNTER: The Speaker said he had a right to speak.

The MINISTER FOR MINES AND WORKS: It does not matter what the Speaker said then, it is what he will say now when this Standing Order is quoted. There was no objection taken at the time, as there was not time for it. If no objection was taken the hon. gentleman could speak, but as soon as objection is taken the Standing Order must become law, and the law must be obeyed. The Speaker no doubt said: "the hon. member has a right to speak," but the voices had been given.

The HON. SIR S. W. GRIFFITH: The hon. member was on his feet before a single "aye" was given.

The MINISTER FOR MINES AND WORKS: I had given my voice before the hon. member attempted to speak.

Mr. GLASSEY: I rose before the question was put, and I never sat down from the beginning.

The MINISTER FOR MINES AND WORKS: I won't discuss that part of it now. There is plenty of proof that the hon. gentleman had not time to speak until the "noes" were heard, and my voice I know was given.

The HON. SIR S. W. GRIFFITH: The hon. member rose before the "ayes" were called.

The MINISTER FOR MINES AND WORKS: My voice was given for the "noes," and one single "no" is quite sufficient to prevent the hon. gentleman having the right to speak. Now we will see what "May" says. Our Standing Order is, of course, quite sufficient for us, to guide us in a matter of this kind; but "May" certainly emphasises the position much more strongly than our Standing Order does. I refer you, Sir, to page 341 of "May," and the side title of the paragraph is "Time of speaking," and it reads:—

"It has been said, when treating of questions, that the proper time for a debate is after the question has been proposed by the Speaker, and before it has been

put; and it is then that members generally address the House or the Speaker, and commence the debate. But there are occasions upon which, from irresolution, or the belief that others are about to speak, members permit the Speaker to put the question before they rise in their places. They are, however, entitled to be heard even after the voice has been given in the affirmative; but if it has also been given in the negative they have lost their opportunity, the question is fully put and nothing remains but the vote."

That is the position we are in now.

HONOURABLE MEMBERS of the Opposition: No, no!

HONOURABLE MEMBERS on the Government benches: Hear, hear!

The HON. SIR S. W. GRIFFITH: That is not what happened.

The MINISTER FOR MINES AND WORKS: That is exactly what happened.

Mr. HUNTER: Why did the Speaker say the hon. member had a right to speak?

The MINISTER FOR MINES AND WORKS: Nothing remains now but the vote, and it would have been taken last night only the hon. member for Bundanba rising in his place prevented you, Sir, from declaring whether, on the voices, the "ayes" had it or the "noes" had it.

Mr. GLASSEY: I rose before the "ayes" were called, and I never sat down.

The MINISTER FOR MINES AND WORKS: Seeing that the hon. member had got up, the Speaker said he would resume the chair at 7 o'clock.

HONOURABLE MEMBERS of the Opposition: That was the second time.

The MINISTER FOR MINES AND WORKS: The "noes" were called, and then when the hon. member showed his desire to speak, the Speaker said he would resume the chair at 7 o'clock.

HONOURABLE MEMBERS of the Opposition: He said the hon. member had a right to speak.

The MINISTER FOR MINES AND WORKS: Then the hon. member made an observation as if he was about to speak, and the members on this side of the House cried, "Divide, divide!" The Speaker then said, "The hon. member has a right to speak. I will resume the chair at 7 o'clock." That is what took place. But to emphasise this more strongly, there is a foot-note in May, at page 342, which states that—

"On the 3rd May, 1819, after one negative voice given, Plunket"—

who was a prominent member of the House of Commons at the time—

"pretended that he wished to speak, but this Mr. Wynn's solitary point of order withstood, and it was not permitted."

That is the position we are in at the present time, and I claim your ruling, Sir, as to whether the hon. member for Bundanba has any right to continue the debate after the voices have been given both in the affirmative and negative. In fact I go further, and claim that we were actually in division, and that no member can speak unless speaking, as is sometimes done, on a point of order in division.

The HON. SIR S. W. GRIFFITH said: Mr. Speaker,—This is a question of fact. After the question has been put and the voices have been given, of course no member can speak. Everybody knows that. But the hon. member for Bundanba was on his feet before you put the question, and he never sat down. He claimed his right to speak, and it would certainly be an innovation of a very remarkable kind if, because the Speaker did not happen to see the hon. member,

who was on his feet until some member had called "aye," the debate should be stopped. Such a thing is entirely unknown in this Parliament. Those members who have been here for years know how careful the House has always been to insist that every member shall have the right to speak, if he is on his feet before the motion is finally put from the chair. I have often seen it happen when by inadvertence the Speaker or Chairman of Committees had begun to declare the voices when a member was on his feet to speak, that the House, by a unanimous voice, has insisted that the member should have the right to speak. This, as I have already said, is a question of fact, and my memory is very distinct that the hon. member for Bundamba was on his feet before you put the motion.

Mr. GLASSEY said: Mr. Speaker,—I will just say a word or two which may assist you in your ruling. After crossing the floor yesterday evening after the division, in order to make myself seen and heard by you, and lest I might be blocked from speaking, I never sat down, not even when the question was read. I will name now an hon. member who spoke to me about my action, when he was crossing the floor of the House. I was standing in my place at the time, and the hon. member for Clermont, Mr. Stevenson, in passing, said, "You might let us get across before you speak." I never sat down until I addressed you, Sir, lest I should be prevented making the observations I intended to make. When I did sit down it was at your instance, and so that you might address yourself to the House in a proper manner, from your official position.

Mr. STEVENSON said: Mr. Speaker,—I did not hear the hon. member for Bundamba speak; but I have just heard from an hon. member close to me that he mentioned my name, and stated that I said something to him on this subject last night when crossing the floor of the House.

Mr. GLASSEY: I stated that the hon. member said I might let hon. members get across before speaking.

Mr. STEVENSON: I said nothing of the sort. I never knew the hon. member wanted to speak. Surely the hon. member did not want to speak until we got back to our places. The hon. member never told me that he wanted to speak, and how then could I say anything about it? It is perfectly absurd. I did not know what was his intention.

Mr. McMASTER said: Mr. Speaker,—I crossed the floor close to the hon. member for Bundamba, and in crossing I heard the hon. member for Clermont make the remark, "You may as well let us cross the House before you begin." Those are the very words.

Mr. STEVENSON: What has that got to do with his speaking?

Mr. McMASTER: He was speaking then.

The MINISTER FOR LANDS said: Mr. Speaker,—I would like to know what all this is about, what does it all mean? I do not suppose that in the experience of the oldest politician in this House any subject has been debated to a greater length, or probably more ably than this question in connection with the sugar industry.

Mr. SMYTH: Purposely.

The MINISTER FOR LANDS: I am not going to say whether purposely or not, but it has been debated exhaustively. Hon. members on both sides of the House have had ample opportunity of expressing their views on the subject, and the Government have not in any way hesitated to express their determination to give effect to the pledge they gave at the time of the general election.

Mr. DRAKE said: Mr. Speaker,—I rise to a point of order. I should like to know whether the hon. gentleman is speaking to the point of order now before the House.

The SPEAKER: The hon. member, I think, is not speaking to the point of order which has been raised.

The MINISTER FOR LANDS said: Mr. Speaker,—I bow to your decision, and I shall be glad to hear from the hon. member for Enoggera the expression of his views on the point of order, as the opinion of a legal luminary. Again I ask, what is the object of all this? We desire to expedite the business of the country, and I contend that the time has arrived when a division should be taken on the question.

HONOURABLE MEMBERS on the Opposition side: Order, order!

The MINISTER FOR LANDS: I ask the leader of the Opposition what is the meaning of all this?

The HON. SIR S. W. GRIFFITH said: Mr. Speaker,—I rise to ask you to keep the hon. gentleman in order. The question before the House is whether the hon. member for Bundamba is entitled to speak.

The SPEAKER: The hon. gentleman should address himself to the point of order. I hope the hon. gentleman will confine his remarks to the question, which is whether the hon. member for Bundamba is entitled to address the House.

The MINISTER FOR LANDS said: Mr. Speaker,—I again bow to your decision, and at the same time I beg to state, with regard to this particular point of order, that the business of the country will not be in any way expedited—

The HON. SIR S. W. GRIFFITH: Order! keep to the point of order.

The MINISTER FOR LANDS: Does the hon. gentleman desire to expedite the business of the country, or not?

The HON. SIR S. W. GRIFFITH: I will answer the hon. gentleman. If any attempt is made to stifle debate which is carried on in a fair manner, the debate will be resumed on the motion to go into Committee of Supply.

The MINISTER FOR LANDS: In reply to the hon. gentleman, I may say that the freedom of debate has not been in any way stifled. For about three months this subject has been debated, and I challenge the hon. member—

HONOURABLE MEMBERS on the Opposition side: Order, order!

The SPEAKER: I am sorry to interrupt the hon. gentleman, but I must ask him to confine himself to the question as to whether the hon. member for Bundamba has a right to speak.

The MINISTER FOR LANDS said: Mr. Speaker,—I again bow to your decision, and I shall say no more on the subject. I shall leave it to your decision as to whether this is a point of order that can be properly maintained or not; but I shall ask the leader of the Opposition to allow this matter to go to a division. I think we should go to a division, so that we may get on with the business of the country.

Mr. DRAKE said: Mr. Speaker,—Speaking to the point of order, I may say that last night when I walked across the floor from that side to this the hon. member for Bundamba was on his feet speaking before I sat down, and, to the best of my belief, he did not sit down at all.

HONOURABLE MEMBERS on the Government Benches: Yes; he did.

Mr. DRAKE: The hon. member for Bundamba said, "Mr. Speaker, I wish." Then he saw the Speaker was standing up, and he resumed his seat for a moment. Then there were cries of "Divide," and the hon. member rose again. But when I walked across from the other side, the hon. member was on his feet addressing the Speaker before I sat down, and, as I have said, to the best of my belief he did not sit down until he had addressed the Speaker. We have heard a good deal this session about sharp practice, and special pleading.

The SPEAKER: The hon. member must speak to the point of order.

Mr. FOXTON said: Mr. Speaker,—As has been said by the leader of the Opposition, this is purely a question of fact. In coming over from the other side of this House on that occasion I happened to pass the hon. member for Bundamba, who was then actually on his feet at the moment, and I am certain that you had not put the main question again. The hon. member was on his feet, not having resumed his seat after the division, and addressed you before you had put the main question. At my suggestion the hon. member desisted. I said, "Wait until the question has been put again." The hon. member then resumed his seat while you put the question.

The MINISTER FOR LANDS: He did resume his seat then?

Mr. FOXTON: After the question had been put the hon. gentleman again rose to his feet. The fact is very clearly impressed upon my memory, because it was I who pointed out to the hon. member that he was too soon in addressing the Chair, because the main question had to be put again.

The PREMIER said: Mr. Speaker,—The hon. the leader of the Opposition does not dissent so far as the legal aspect of this question is concerned. He says it is now only a question of fact. The facts have been set forth by the Minister for Mines and Works, and I think what I say is as worthy of credence as anything any other hon. member says. Hon. members were crossing over, and rubbing against the hon. member for Bundamba. It is evident that when the question was put, that hon. member was sitting down, and I was in a position to see.

Mr. ANNEAR said: Mr. Speaker,—I wish to speak to this point of fact. When you put the question, the hon. member for Bundamba was then on his feet. You looked at the clock and indicated to him that it was time to adjourn for dinner. That was at two minutes past 6 o'clock.

The HON. SIR S. W. GRIFFITH: Ten minutes past 6 o'clock.

Mr. ANNEAR: Mr. Speaker, you had previously put the question to the House. The first question was decided upon the voices, the second on a division; and after you had put the main question the hon. member for Bundamba immediately stood up, and you then said, "I will resume the chair at 7 o'clock." That is the fact; it is what actually took place.

Mr. HUNTER said: Mr. Speaker,—Being very close to the hon. member for Bundamba when he was speaking, I may be allowed to give an opinion upon this point of order. The Premier says he was in a position to see; but I would like to remind that hon. gentleman that he and his large following were crossing the House at the time, and it was impossible for him to see through them all. I was sitting beside the hon.

member, and this is what occurred. The hon. member was standing up, and never having sat down, he said—

"Mr. Speaker,—I think it must be rather astonishing—"

Then, Sir, you rose and said—

"I shall resume the chair—"

Hon. members on the Government benches then called out, "No, no! Divide! Government business comes on after tea," and then you said—

"The hon. member has a right to speak."

Now, who is in a position to say whether the hon. member had a right to speak? He had no right to speak if the question had been put; but you said the hon. member had a right to speak, distinctly showing it was the intention that the motion should be put before we went to dinner. Upon an assurance from the Speaker to a young member of the House that he had a right to speak, the hon. member for Bundamba sat down. Had he not every right to accept that assurance? Are we to question the Speaker when he gives a ruling? If so, from whom are we to receive rulings? That is how the matter stands. Your last words, Sir, were, "I shall resume the chair at 7 o'clock."

The MINISTER FOR MINES AND WORKS: Mr. Speaker,—Why did not the hon. member read what appeared before?

The SPEAKER: The hon. gentleman has spoken already.

The MINISTER FOR MINES AND WORKS: *Hansard* says the original question was put.

Mr. HAMILTON said: Mr. Speaker,—The hon. member for Bundamba was certainly on his feet before you put the motion; we were all on our feet crossing backwards and forwards, but at the time you put the motion he was sitting down. We know that this is an attempt to prevent the Ministers from giving their votes on the main question.

Mr. SAYERS said: Mr. Speaker,—I was sitting near the hon. member for Bundamba at the time the division took place, and as soon as he got back to his place he addressed you. The hon. member for Ipswich was also on his feet to speak; but when he saw the hon. member for Bundamba standing up, he sat down. That is the fact. There is not the slightest doubt of that; but there were a number of hon. members between you, Sir, and the hon. member for Bundamba at the time. The last thing you told him was, that he had a right to speak.

The MINISTER FOR RAILWAYS said: Mr. Speaker,—I agree with the last speaker, but what he said is not to the purpose. I saw the whole thing myself. The hon. member for Bundamba was on his feet; but the question is: Did he get up before we had given our voices for the "noes"?

HONOURABLE MEMBERS on the Opposition benches: Long before.

The MINISTER FOR RAILWAYS: The hon. member got up before the question was put, but he sat down again; he admitted that; and he waited too long. We had given our voices for the "noes" most distinctly.

The HON. SIR S. W. GRIFFITH: He deferred to the Speaker.

The MINISTER FOR RAILWAYS: Mark what I say. It is perfectly true that the hon. member deferred to the Speaker; it was his duty; but before he got up again we had given our voices in the negative.

The HON. C. POWERS said: Mr. Speaker,—In reference to the question before the House, which, of course, is a point of order, there can be

no legal argument, because the law is all in favour of the point that has been raised by the Minister for Mines and Works, that if the voices have been given, the "ayes" and "noes," no hon. member has a right to speak, and there ought to be a division. The leader of the Opposition has admitted that, and all the authorities are united on the point. The whole of the argument on the other side appears to rest on the alleged fact that the hon. member for Bundanba did not sit down at all. As a matter of fact, I do not think any hon. member stands when you, Mr. Speaker, rise to put the question. We on this side say that the hon. member for Bundanba sat down when you stood up to put the question. Admitting that—and every hon. member must admit it, for it cannot be believed that the hon. member would so far forget himself as to stand while you were addressing the House—all those on this side of the House who were most competent to see what took place say clearly that the question was put.

HONOURABLE MEMBERS of the Opposition: No, no!

The HON. C. POWERS: It is a rule, I think, not to deny *Hansard*, and *Hansard* says distinctly—

"Question resolved in the negative.

"Original question put."

That was before the hon. member for Bundanba rose to speak. As a matter of fact, the Minister for Mines and Works, and other hon. members on this side thought the question was put, and immediately called "No" before the hon. member got up. This is a statement of fact.

Mr. ANNEAR: It is not.

The HON. C. POWERS: From our point of view. In fact, if the Speaker had not vacated the chair, I should have got up and claimed the right to have the division taken, on the ground that the question had been put. Some hon. members say the question was put, others say it was not. *Hansard* says it was put, and the only question is whether it was put before the hon. member for Bundanba got up. If the Minister for Mines and Works said "No" before that hon. member rose, the debate is closed.

Mr. ANNEAR: Nobody heard him.

The HON. C. POWERS: There are many hon. members who did hear him. That is the question on the point of order, and it is borne out by *Hansard*, and by many hon. members who speak very positively on the subject.

Mr. LUYA said: Mr. Speaker,—Last night, when this affair occurred, I happened to be sitting on the seat immediately behind the hon. member for Bundanba, and I can affirm positively that he did not rise to speak until the question had been put, and the "ayes" and "noes" called. An hon. member asked me why I was sitting there, and I told him I was sitting there because it would save me the trouble of crossing the Chamber again. The hon. member for Maryborough, Mr. Annear, said "Let it go, Glassey"; and the hon. member for Toowong said "Go on, Glassey." I was right in the midst of it; I am stating what is actually the fact, and I challenge hon. members to controvert anything I have said.

Mr. HODGKINSON said: Mr. Speaker,—I am about to quote on this subject the evidence of a perfectly impartial authority. Many hon. members on both sides clash in their account of the occurrence, and everyone who has had experience in listening to evidence must know that as a rule both parties believe themselves to be speaking the truth. I shall therefore not give my version of the occurrence, although it is a very decided one. I prefer laying before you the report given in the columns of the *Courier*

of this day, which is written by a trained expert, with no interest in the discussion; and written for a paper whose sympathies, at any rate, are not on this side of the Chamber.

Mr. STEVENSON: Did you write it?

Mr. HODGKINSON: If I did, I should not tell the hon. member. At all events it does not bear his ear-mark. The writer says:—

"The Government had another surprise in store for the House, but the Opposition saw their chance, and did not give Ministerialists an opportunity of making their *grand coup*. The clock over the entrance door had looked upon these proceedings with a cold and impassive stare; it had not manifested sufficient interest in the doings of hon. members to stop ticking, and consequently its hands now stood at some minutes past 6 o'clock—"

The SPEAKER: I must point out to the hon. member that if he refers to a newspaper for the purpose of confirming a statement of a member of the House, he must confine himself to the particular part which confirms it, and not quote the general statement of what took place. The hon. member must confine his quotations to what will have the effect of throwing light on the point of order.

Mr. HODGKINSON: Mr. Speaker.—If I were to eliminate any words from this paragraph, and use words of my own, it might destroy the general effect. I will keep myself as closely as possible to your instructions. The paragraph goes on to say:—

"Anxious to clear the motion off the paper, the Speaker was about to put Mr. Cowley's resolution before he left the chair, when Mr. Glassey rose to speak. The Government supporters yelled 'question' as loudly as the Oppositionists had ever done, but the member for Bundanba calmly proceeded:—'I was saying, Mr. Speaker, that it must have astonished—' With a sigh of disappointment the Speaker said, 'I shall resume the chair—' when he in turn was interrupted by loud cries of 'No, no; let's divide on it now.' Then Mr. Ummack's voice was heard above the confusion saying, 'No you don't; we won't have the division now; go ahead, Glassey, go on.' And Mr. Glassey went on. As it was clear that the Opposition, although surprised at the result of the first division, had come to regard it as a victory, and did not want a vote on the main question, nothing further could be done. The Speaker cut Mr. Glassey's oration short with the definite statement that he would resume the chair at 7 o'clock. At that hour Government business was taken up. The debate, however, will probably be resumed this afternoon."

Mr. SALKELD said: Mr. Speaker,—This is a great surprise to-night, and I cannot but think it must appear patent to everyone after last night that this is an afterthought of the Minister for Mines and Works. I was present, Sir, when you stood up and put the question. Immediately after you had put the question, the hon. member for Bundanba rose and began to address you. We noticed that you looked at the clock as if it was getting past the usual hour of adjournment. When you said you should resume the chair at 7 o'clock hon. members on the other side called out loudly, "Divide." The hon. member for Bundanba then proceeded a few words further with his speech. Everything occurred exactly as it is reported in *Hansard*. The hon. member for Burrum makes a great deal of the fact that the question was put, but I would point out to you, Mr. Speaker, that when a question is put, hon. members who get up to speak are told to wait until the question is put. The question has to be put, but it is not decided at once. The question was put, and you, Sir, had not finished taking the "ayes" and the "noes" before the hon. member for Bundanba spoke. This is what appears in *Hansard*:—

"Original question put.

"Mr. GLASSEY said: Mr. Speaker,—I think it must be rather astonishing—"

"The SPEAKER: I shall resume the chair.—"

When the hon. member went on speaking hon. members on the Government side called out—

"No, no! Divide! Government business comes on after tea."

That was said last night, and no one challenged that at that time.

The HON. SIR S. W. GRIFFITH: It is too late now.

Mr. SALKELD: We can fight with the same weapons as those adopted by the Minister for Mines and Works to-night. We can raise the point that it is too late to take this objection now. *Hansard* goes on:—

"The SPEAKER: The hon. member has a right to speak.

"Mr. GLASSY: I was remarking, Mr. Speaker—

"The SPEAKER: I shall resume the chair at 7 o'clock."

There never was a clearer case of a member having a right to speak than that. We have again and again seen hon. members get up when the question is being put, and after the Speaker or Chairman has asked for the "ayes" and the "noes," a member has spoken at the same time as the "noes" have been called. That has always been allowed ever since I have been a member of this House. But that was not the case last night. The hon. member for Bundamba was on his feet, and he addressed you, Sir, in ample time. If the hon. member is precluded from speaking, and the same course is followed with every other hon. member in the future, it will put an end to a great number of speeches. We ask nothing but strict justice, and to be dealt with in accordance with the rules of the House. I maintain that the hon. member for Bundamba was quite within his rights as you recognised last night, Mr. Speaker, and although hon. members on the opposite side were so anxious that they called for a division in a chorus of voices, yet not one of those hon. members thought of this point of order at the time. It is altogether an afterthought. I hope we are not going to have this species of tactics resorted to in this House, because if we are, it will not help either the Government or the hon. member.

Mr. TOZER said: Mr. Speaker,—I should not have risen but for the absence of the hon. member for Toowoomba. The hon. member for South Brisbane is quite wrong in what he says about the hon. member for Toowoomba. After the division I was sitting beside the hon. member for Toowoomba, and he was not desirous of going to a division upon the main question. He wanted to say "aye." The instant the question was put, and before we had time to call out, the hon. member for Bundamba was standing on his feet. The hon. member for Toowoomba, instead of saying, "Go on, Glassy!" spoke in the most harsh terms to him about getting up, as it appeared to him that the hon. member for Bundamba was making a mistake; so that the hon. member for South Brisbane is quite wrong, as he will find from the hon. member for Toowoomba, when that hon. gentleman has an opportunity of giving an explanation. Instead of the hon. member for Toowoomba wanting to urge on the hon. member for Bundamba, the very reverse was the fact. I was sitting behind the hon. member for Bundamba, with the hon. member for Toowoomba, our late Speaker, and we were most desirous of voting with the "ayes" without any further discussion; but before we had time to call out, the hon. member for Bundamba jumped up. I never heard "no" called from any member of the House on that occasion last night.

Mr. SMYTH said: Mr. Speaker,—I can corroborate everything the hon. member for Wide Bay has said.

An HONOURABLE MEMBER: You were downstairs.

Mr. SMYTH: I was sitting beside the hon. member for Toowoomba when the division was over, and that hon. gentleman was most desirous that a division should be taken, and he was very wild with the hon. member for Bundamba for getting up to speak. The hon. member for Toowoomba said, "Why not go to a division?" The hon. member for Bundamba had possession of the floor of the House when you, Sir, adjourned the House until 7 o'clock. This is a most contemptible thing.

HONOURABLE MEMBERS on the Government side: Order!

The SPEAKER said: The hon. member must confine himself to the point of order, or speak as to any facts which may throw any light upon the disputed point of fact, which is really closely connected with the point of order.

Mr. SMYTH: I only wish, Mr. Speaker, to corroborate what was said by the hon. member for Wide Bay regarding the hon. member for Toowoomba. I do not wish to say whether the other side of the House decided wrongly and we decided rightly. I hold my own opinion about that, but as I am gagged I can say no more.

Mr. MACFARLANE said: Mr. Speaker,—I wish simply to corroborate what the hon. member for Wide Bay has said. I was sitting just in front of the hon. member for Toowoomba, and that hon. gentleman was quite vexed with the hon. member for Bundamba for getting up to prolong the debate. I do not know whether it was the hon. member for Toowoomba who made the remark, but I heard someone behind me say, "Stupid fellow, what is he doing?" That observation was made when the hon. member for Bundamba was actually on his feet. I saw the hon. member for Bundamba in front of me. The hon. member has a habit of sitting down low, and when he intends to get up to speak he straightens himself up, and the hon. gentleman was on his feet before the question had been put.

Mr. BARLOW said: Mr. Speaker,—I desire to address myself to this subject with perfect calmness, because I think it is not so much a matter of fact, as a matter of practice or law. Now, Sir, I have in my hand a document called the "Votes and Proceedings of the Legislative Assembly" of Thursday, 3rd October, 1889, and signed "By authority: James C. Beal, Government Printer, William street, Brisbane." I take it that that document is the official record of what occurred in this House last night. I find in this paper under the sixth item—"Encouragement of the sugar industry"—when the debate on Mr. Cowley's motion—

"That in the opinion of this House, it is desirable, early next session, to adopt some means for encouraging the sugar industry"—

was resumed, the "Votes and Proceedings" contain the following statement:—

"Question—That the words proposed to be added to the words proposed to be inserted be so added—put and negatived."

That was the amendment of the hon. member for Leichhardt. The "Votes and Proceedings" go on to say:—

"Question then put—That the words proposed to be inserted be so inserted.

"The House divided."

Then I find that twenty-five voted for the "ayes" and thirty-one for the "noes." That was on the amendment of the leader of the Opposition. But I find no record in this paper of the Speaker having ever put the original motion.

Mr. AGNEW: That appears in *Hansard*.

Mr. BARLOW: I submit to you, Mr. Speaker, that this is the official record of the proceedings of this House. It is a printed copy of the journals of the House, the original journal being in the handwriting of the Clerk of the Assembly, and being accessible upon instructions from yourself, Sir, to the Clerk.

The HON. SIR S. W. GRIFFITH: The "Votes and Proceedings" are evidence in a court of justice.

Mr. BARLOW: The leader of the Opposition informs me, Sir, that they are taken as evidence in any court of justice.

Mr. HAMILTON: This is not a court of justice.

Mr. BARLOW: I need not address myself to the original journals which are in the handwriting of the Clerk of the Assembly; but I submit there is no evidence in this paper that you, Sir, ever put the original question:—

"That in the opinion of this House, it is desirable, early next session, to adopt some means for encouraging the sugar industry."

That is the original motion of the hon. member for Herbert. I find that after the division to which I have referred comes another item:—

"Precedence of Government business on Thursdays: The hour, 7 o'clock p.m., having arrived at which, by Sessional Order, Government business takes precedence on Thursdays, the business under discussion stood adjourned until the Government business on the Paper for the Day had been disposed of."

I submit, as a matter of fact and of Parliamentary law, that this is the document which shows what took place. It is not for the memories of hon. members to decide what took place. This is the official record of what occurred in this House on Thursday night, and I submit that this is the only evidence which can be adduced. Here is a Sessional Order which comes in; and this document shows—although you are technically supposed to remain in the chair continuously—that you left the chair without having put the original motion of the hon. member for Herbert, and that you ordered on the Government business at 7 o'clock. And this paper, which is an authenticated copy of the journals of this House, is, I respectfully submit, what you have to be guided by. And I would ask on the collateral question—which is likely to be right—your ruling last night that the hon. member for Bundamba was in order in speaking, or any review of that decision you may make now after all these confusing facts have been put before you. I feel sure that, whatever decision you may give, it will be an upright one; but you and I, and everybody else, are tied up to the strict letter of that record of the minutes of proceedings. My own opinion is that the hon. member for Bundamba was addressing you before the voices were taken, but I have no recollection as to that. I know that at the same time, for reasons of my own, I came from behind the Clerk's chair to where I am now standing to address you, but when I noticed that the hon. member for Bundamba had possession of the chair I left it to him. I have no distinct recollection as to the "Ayes" having given their voices at all; and if I were examined in a court of justice, I should say that I did not think the voices were given on either side. I again respectfully ask you, Mr. Speaker, to consider whether you can be guided by anything else but the journals of this House.

The POSTMASTER-GENERAL (Hon. J. Donaldson) said: Mr. Speaker,—I wonder who we are to believe in this matter? Last night I was perfectly cool during the whole of the pro-

ceedings, and was watching the hon. member for Bundamba very carefully, because I thought he had the intention of speaking.

Mr. DRAKE: Why?

The POSTMASTER-GENERAL: I saw him hunting for his business paper on the seat; and I saw him get the paper. He was in his seat when the question was put, and was watching the leader of the Opposition to see if he was going to speak; and when he saw that the leader of the Opposition did not rise, he got up to speak himself; but I said "no" distinctly before he got on his legs.

Mr. TOZER: That was the second time he got up.

The POSTMASTER-GENERAL: It was the first time. The hon. member waited to see if the leader of the Opposition was going to speak, and when he was disappointed he rose to speak himself. The hon. member for Ipswich, Mr. Barlow, was also ready to speak and kept back for the same reason.

Mr. DRAKE: What do the journals say?

The POSTMASTER-GENERAL: I don't care what the journals say. They say that Government business was taken at 7 o'clock, but we know very well that it was some minutes after 7 o'clock. When the member for Bundamba was on his legs the Speaker pointed to the clock and there were cries of "divide," but the hon. member would not desist from speaking. After the question had been put, I maintain that I said "no," and several hon. members round me said "no." The member for Bundamba would not give up his right to speak, and it was then that you, Mr. Speaker, said you would resume the chair at 7 o'clock. You did say, Sir, that he had the right to speak, and there was no point raised at the time, except by way of calling out "divide." It was considered by several hon. members that he had not the right to speak; and had you not left the chair at the moment you did, the question would have been raised then. But you said, "I will resume the chair at 7 o'clock," and left it without giving an opportunity for the question to be raised. Those are the facts. With regard to the quotation read by the hon. member for Burke, I may say that the cry of "divide" caused the hon. member for Toowong to get into a very excited state. He said "No, no!" and I was very much amused to see the hon. gentleman get into such a state, because it is a very unusual thing for him to do. As I said before, I was watching everything closely. I saw the hon. member for Bundamba looking for his business paper; and I saw him find it. He then waited for the leader of the Opposition to rise, and, seeing he did not, he jumped up when it was too late.

Mr. JESSOP said: Mr. Speaker,—The hon. member for Burke quoted an extract from a newspaper report, and in order to show you how unreliable that may be, I will read two or three lines from this morning's *Hansard*, and also from this evening's *Telegraph*.

The SPEAKER: The hon. member must confine himself to the question before the House.

Mr. JESSOP: The hon. member for Burke quoted from a newspaper report, and I think it only fair that I should be allowed to do the same.

The SPEAKER: The hon. member must keep to the point of order and to the facts connected with that point of order.

Mr. JESSOP: I wish, Sir, to make a short quotation in order to assist you in giving your ruling on the question.

The SPEAKER: The point the hon. member wishes to bring up will not assist me in any way.

Mr. JESSOP: Then I will put the papers down, Sir, and I will make a statement. I was over there on the cross-benches; I crossed over; I was expecting something of the kind, and I saw the hon. member for Bundamba sit down and rise and address you.

Mr. GLASSEY: The second time; you are quite right.

Mr. JESSOP: The hon. member sat down before he addressed you at all.

Mr. MELLOR said: Mr. Speaker,—I think I was in as good a position as any person to see the hon. member for Bundamba. I was sitting behind, here where I usually sit, and I must certainly say that that gentleman was on his feet, and said, "Mr. Speaker," before you put that question at all. He did not catch your eye the first time, but the second time he caught your eye, and there was a general demand then to divide.

The POSTMASTER-GENERAL: After the voices were taken,

Mr. MELLOR: I must say I did not hear any voices. I was satisfied that the hon. member for Bundamba had possession of the chair when the Speaker said, "The hon. member has a right to speak if he likes;" he rose again to address the chair, and at the same time the Speaker said, "I will resume the chair at 7 o'clock." I am sure that the hon. member for Bundamba was quite in time. I have never seen, since I have been in the House, a clearer case of an hon. member being in possession of the chair before the question was put.

Mr. HAMILTON said: Mr. Speaker,—

HONOURABLE MEMBERS on the Opposition side: Spoken, spoken!

The SPEAKER: The hon. member has spoken.

Mr. GRIMES said: Mr. Speaker,—I rise to corroborate the statement just made by the hon. member for Gympie. I was in close proximity to the hon. member for Bundamba when he addressed you, and I can bear testimony to the fact that he addressed you before you put the question, and afterwards again. And further than that, there were two other members who were upon their feet at the same time.

An HONOURABLE MEMBER: Who were they?

Mr. GRIMES: The hon. member for Toowoong and the hon. member for Ipswich.

The POSTMASTER-GENERAL: The hon. member for Toowoong never attempted to speak; the hon. member for Ipswich, Mr. Barlow, did.

Mr. GRIMES: Now, Sir, *Hansard* has been referred to by the hon. member for Burrum. He claims that we must go by *Hansard*, and I think it is better to go by an official document rather than by a newspaper. In looking over *Hansard* we find that the matter is very differently dealt with there than it would be if you had passed the question. It says on page 8 that you put the question, and it is recorded "question put and passed;" but in this case it only records "original question put," which of course was your duty—to put the question before another member could speak; and the hon. member for Bundamba immediately claimed his right to speak upon the question. If the contention of the Hon. the Minister for Mines and Works is correct, what position does that put you in?

The SPEAKER: The hon. member need not mind my position. He must confine himself to the point of order.

Mr. HAMILTON: Sit down.

Mr. GRIMES: I shall sit down when I have done. If the contention of the Hon. the Minister for Mines and Works is right, we cannot have the question put again. The only thing that can be done now is for the Speaker to call upon the Sergeant-at-Arms to ring the bell; nothing further.

The MINISTER FOR MINES AND WORKS: That is what I say.

Mr. GRIMES: If the Speaker rises and puts the question, certainly the hon. member for Bundamba will have a perfect right to speak to the question. Now, Sir, not only does *Hansard* bear out the contention that the question was not passed, and therefore the hon. member for Bundamba has a right to speak, but the business-paper also states that nothing further was done after the division except the declaration that the time had expired for private business; and the resumption of the debate again appears on the notice paper for to-day in the usual form. To my mind, it is clear that the Minister for Mines and Works has no ground for his contention.

Mr. BUCKLAND said: Mr. Speaker,—I can confirm what has fallen from the hon. member for Ipswich, Mr. Macfarlane, and also from the hon. member for Wide Bay. I distinctly recollect what occurred. I followed the hon. member for Toowoomba, Mr. Groom, to the Government cross benches. I sat next to him during the division, and returned to this side of the House immediately afterwards. The hon. member for Bundamba, on rising to speak to the original motion, was called to order by the hon. member for Toowoomba, who seemed very much annoyed that he should rise, the hon. member for Toowoomba being anxious that the original motion should be put. This, Mr. Speaker, is what I recollect of the facts as they occurred last night. I have no recollection of hearing any voice at all. But, Sir, apart from that, we have on the "Votes and Proceedings" for to-day, the 4th October:—

"Resumption of debate on Mr. Cowley's motion, 'That in the opinion of this House, it is desirable, early next session, to adopt some means for encouraging the sugar industry'—which stood adjourned (under Sessional Order of 22nd May last) at 7 o'clock p.m. on Thursday, the 3rd instant."

And attached to that is the signature of the Speaker. You, Sir, on the hon. member for Bundamba rising, said, "The hon. member has a right to speak," and you then said you would resume the chair at 7 o'clock. Those are the facts as they occurred last night, exactly as I remember them.

Mr. ISAMBERT said: Mr. Speaker,—I can bear out what has been said by hon. members on this side of the House with regard to what occurred last night. The hon. member for Ipswich and the hon. member for Bundamba were both on their feet to address you, and the hon. member for Ipswich sat down, in deference to the hon. member for Bundamba, who was addressing you. In their anxiety to attend to the wants of the inner man, hon. members were moving about, and the hon. member for Bundamba did not catch your eye at once. You looked around with surprise when you saw that he was in the act of speaking. What further evidence do we require than the evidence of the moment, when you said, "The hon. member has a right to speak." And here we have the Clerk of the House putting on the business paper for to-day:—

"Resumption of debate on Mr. Cowley's motion."

Not only is it a question whether the hon. member for Bundamba has the right to speak, but there is also the dignity of the Speaker's ruling to be kept up. You, Sir, gave your dictum that the hon. member had a right to speak, and that

right cannot be taken away. We have documentary evidence in *Hansard*, and in our own business paper, and what more do we want?

The SPEAKER said: The question which has been raised is one that places me in unusual difficulty. It is one consisting of three points. It involves, in the first place, a question of fact; in the second place, a question of the written law of the House; and, in the third place, the practice of the House. With respect to what took place, hon. members have been anxious to remind me of the facts—convince me or remind me, I do not know which. With regard to one point, I must admit, and I admit it with regret, that I am not quite certain as to what occurred. A division had been taken on the amendment proposed by the hon. member for North Brisbane, the leader of the Opposition. That division having been taken, members crossed from both sides of the House immediately afterwards, and I waited until they had almost all resumed their seats before stating the original question. The report in *Hansard* is perfectly correct, but I would have hon. members understand that the *Hansard* reporters are not supposed to draw very fine distinctions between the use of technical words, and when the *Hansard* says "original question put" it does not necessarily mean that the question was put and the voices given on both sides. The question was stated. The "ayes" I know were given. The "noes" I cannot say from my own recollection whether they were given or not. I have tried my best to remember that, but I confess I cannot do so. Now, of course, hon. members will understand the difficulty that places me in, because, when a number of hon. members on one side of the House are perfectly satisfied that the "noes" had given their voices, and the other side are perfectly clear that the "ayes" only had given their voices, I, not being able to state decidedly what happened, it is, of course, hard for me to decide which is right and which is wrong. I will leave that question there. With regard to the written law of the House, that is perfectly clear. The 73rd Standing Order says decidedly:—

"No member may speak to any question after the same has been put by Mr. Speaker, and the voices have been given in the affirmative and negative thereon."

That is our own Standing Order. Now, in addition to our own Standing Orders, we have the practice of the House of Commons laid down by "May," on page 341; the point raised by the Minister for Mines and Works with regard to the time of speaking is thus referred to:—

"It has been said, when treating of questions, that the proper time for a debate is after a question has been proposed by the Speaker, and before it has been put."

There is a distinction there between the question being proposed and being put, which hon. members generally do not take notice of unless there is a very fine point raised.

"And it is then that members generally address the House or the Speaker, and commence the debate. But there are occasions upon which, from irresolution or the belief that others are about to speak, members permit the Speaker to put the question before they rise in their places. They are, however, entitled to be heard, even after the voice has been given in the affirmative; but if it has also been given in the negative, they have lost their opportunity; the question is fully put, and nothing remains but to vote."

I need not refer to the practice in the House of Lords.

"On the 3rd May, 1819, on the debate on the Catholic question, the Speaker had fully put the question saying, he thought the 'noes' had it. When several members, including Mr. Peel and Mr. Plunket, desired to address the House; but the Speaker ruled that the debate could not be re-opened, and that if members desired to speak on the point of order, their observations could only be delivered in the way of advice to the Speaker by the members sitting and covered."

1889—6 H

The next paragraph is one of more importance, because it relates to a precedent that has been followed in this House during the present session:—

"On one occasion, in the Commons (27th January, 1789)"

A very long time ago—

"The debate was re-opened, after the question had been declared by the Speaker to have been resolved in the affirmative; for a member had risen to speak before the question had been put, but had been unobserved by the Speaker; and it was admitted that he had a right to be heard, although the question had been disposed of, before his offer to speak had attracted attention."

With regard to a member having no right to speak after the "noes" had given their voices, there are two footnotes—

"13th February, 18—Jac., 'No man to speak after a question has been once put, but the question, if doubtful, to be put again.'—*Mr. Speaker Bromley's note book.*"

On the same page there is another footnote—

"3rd May, 1869. *Hansard* debates. 'After one negative voice given, Plunket pretended that he wished to speak, but this Mr. Wynn's solitary point of order withstood, and it was not permitted.'"

Now with regard to that exception which is stated in this paragraph on page 342, I would recall to hon. members' minds what took place in respect to a question which was before this House in the early part of the session—a question connected with the Federal Council. A motion was made in this House by, I think, the leader of the Opposition, but I am not certain about that. The hon. member had made his speech, and I put the question to the House; the "ayes" gave their voices, the "noes" gave their voices, and I almost had given a decision on the voices. The hon. member for North Brisbane called my attention to the fact that the Minister for Mines and Works was on his feet, and although the voices had been given by both sides, as it was evidently the wish of the House that the hon. member should make his speech, no objection was offered, notwithstanding the fact that the question had gone so far that the hon. member made his speech after the question had been put. Now, with respect to the one other point in connection with this report in *Hansard*. The hon. member for Bundamba, Mr. Glassey, rose to speak when—I could not say how far I had got through the question, whether he rose during the declaring of the "ayes" or "noes;" at any rate I saw the hon. member stand in his place. The hour was then 6 o'clock, and I hesitated for a moment, when the hon. member got up and commenced to speak. I said, "I shall resume the chair"—and I purposely hesitated, as some hon. members called, "divide"—to see whether the hon. member desired to speak, or whether he would sit down and let the division go on at once before the usual adjournment. The hon. member evidently desired to speak, and, as stated in *Hansard*, I said the hon. member had a right to speak. With regard to that I will call the attention of hon. members to what took place on a point of order raised last session. The question was then raised as to whether a member had the right to move the adjournment of the House to discuss an answer given by a Minister to a question. I pointed out in connection with that matter that where it has become the practice to do what is not recognised by the strict rules of the House, I did not feel called upon to interfere unless my attention was called to the irregularity. I perhaps exceeded my absolute duty when I stated last evening that the hon. member had a right to speak, because if my attention had then been called to the fact that the voices had been given in the negative, I should have been bound to look up the rules before giving authority to the hon. member

for Bundanba to address the House. That was not done at the time, because, as it has been said, time was not given for it. When I stated that the hon. member had a right to speak, he again rose in his place, and, as it was evident he intended to continue the discussion, I announced that I would resume the chair at 7 o'clock. That occurred after the ordinary hour for the adjournment for tea. That is not stated in the records of the House, but they are not always absolutely accurate in matters of that kind. It was really seven or eight minutes past 6 o'clock before we adjourned, because there appeared to be a desire to finish the question at once, and I desired to take the feeling of the House on the matter before leaving the chair. As to the matters of fact as to whether the hon. member rose to speak before or after the voices had actually been given, I cannot decide. I think therefore that, having already last evening stated that the hon. member for Bundanba had a right to speak, I am scarcely in a position to withdraw that ruling. I will also refer to one important rule that is not often brought forward. It is a very important rule, and it is very clearly laid down, that where there is a doubtful case the Speaker may refer a decision to the House. As this question is really one of facts upon which I cannot speak as distinctly as I could wish, I must leave the matter as it stands, in order that the House may decide, and if any hon. member thinks the hon. member for Bundanba has not a right to be heard, he may formally move that my ruling be disagreed to.

The PREMIER said: Mr. Speaker,—It is with extreme regret that I have to take the course which you yourself suggested as the only alternative.

HONOURABLE MEMBERS of the Opposition: No, no!

Mr. TOZER: What a dignified course!

The HON. SIR S. W. GRIFFITH: Are you mad?

The PREMIER: Other people who have much more intellect than myself have been asked that question by persons equal in intellect to the hon. gentleman. I am not mad.

The HON. SIR S. W. GRIFFITH: It is your only excuse.

The PREMIER: I think, Mr. Speaker, that you have relegated this matter to the House, as you feel unable to decide upon a matter of fact.

HONOURABLE MEMBERS of the Opposition: He has decided.

The HON. SIR S. W. GRIFFITH: The Speaker has decided that the hon. member for Bundanba is entitled to be heard.

The PREMIER: No; he has left it to the House, and I now move, Sir, with great regret, that your ruling be disagreed to.

The HON. SIR S. W. GRIFFITH: Mr. Speaker,—I interjected just now, when the hon. member was speaking, the words "Are you mad?" If the hon. gentleman wants to court destruction as a public man, and as the leader of this House, he could not take a better course than he is doing. Has any man in the position of a leader of Parliament ever got up to attempt to burke discussion in such a manner, in defiance of the ruling of the Speaker, and in defiance of the rules of Parliament, simply because he has a majority at his back? I have heard the Minister for Mines and Works say that he should never sanction the *clôture*, which is an Assembly declaring by a large majority, that a debate shall be brought to an end after a long time. That is not the question now. The question now is, that the hon. member for

Bundanba had risen to speak, in the recollection and according to the memory of a large number of the members of this House, including his own and that of the Speaker—so far as it goes—and he had risen before it was too late. Other hon. members who desire now to bring this debate to an end, have a different recollection. It is a very extraordinary thing that their recollection should be guided so curiously by the fact that they sit upon that side of the House.

The POSTMASTER-GENERAL: It is just as remarkable on the other side also.

The HON. SIR S. W. GRIFFITH: I will refer to that. In the first place, I happened to know that the hon. member for Bundanba was going to speak, and I made it my business to watch him and see that he did not lose his chance of speaking. I did watch him, and so did other hon. members on this side of the House. I was interested in observing the facts, to see that he did not lose his chance, and I watched him for that purpose, and I say distinctly he did not lose his chance. Hon. members on the other side had no suspicion that anything of the kind was going to take place, and their observation was not directed to the movements of the hon. member for Bundanba. Therefore, their memory, to say the least of it, is not likely to be so correct as ours upon the point. The official record of the House is clear upon the point. If this motion now before the House is passed, the records of the House will have to be altered, and, instead of appearing as it does here that "the hour—7 o'clock p.m.—having arrived at which, by Sessional Order, Government business takes precedence on Thursdays, the business under discussion stood adjourned," and so on, this entry will have to be made—"The question having been put from the chair, and the voices given—the hour—7 o'clock p.m.—having arrived, the division stood adjourned."

An HONOURABLE MEMBER: 6 o'clock.

The HON. SIR S. W. GRIFFITH: No; the records take no notice of the hour that elapses between 6 and 7, as we are supposed to be sitting continuously. The records will have to be altered in the way I have stated. I have seen something of the kind in a case where there was no quorum in a division. A question was put from the chair, and when the House divided, there being no quorum, the House adjourned. When next that matter came on, the division was taken at once without further debate, and the question was not even put from the chair again, the Speaker simply announcing that the House was in division. If the contention of the other side is right, and this motion is passed, the records of the House will have to be altered in the way I have said, and it will have to appear that "the question having been put, and the voices given." Then after that there will be this extraordinary thing, that upon the question having been put from the Chair, and the voices given, the House, without dividing, proceeded to some other business. That will be a very extraordinary record, and a very extraordinary thing to do—to say that when the question is put from the Chair, when there is a quorum present, and when the voices are taken, the House, instead of proceeding to the division, goes to other business. Such a thing as that, I venture to say, has never appeared in the records of any Parliament, and I venture to say it never will again. I need not say anything as to the folly of attempting to burke discussion in such a way; it is absolute madness to attempt any such thing. Surely Ministers know it is within the right of private members to take advantage of a motion to go into Committee of Supply to make any observations they desire to

make; and I do not hesitate to say that, if by any chance a majority of this House is so misguided as to carry the resolution proposed by the hon. member at the head of the Government, it would not only be the right but the duty of members on this side of the House, who desired to speak this evening, to take advantage of a motion to go into Committee of Supply, as often as they chose, and until they had exhausted anything they have to say on the subject. It has been the practice in this House, fortunately, for private members never to take advantage of that right to delay Government business; but I say that if the Government should be so misguided, so absolutely lost to all sense of responsibility and duty, as to take such a course as the Premier now proposes to take, it will be the duty of members to exercise that right. I think that for the Government to try and affirm by the majority at its back that the members on this side of the House are entirely wrong in their recollection of the facts—some of those members, including myself, having known what was going to happen and watched to see that the hon. member for Bundamba did not lose his opportunity of speaking—I say that for the Government to try to affirm under those circumstances that the members on this side are entirely wrong in their recollection, will be an exercise of the tyrannical power of the majority unheard of in this colony, and certainly unheard of in Australia. The House is asked to affirm that we are wrong in our recollection of the facts. It is not asked to express an opinion on a point of order, but to say that we are wrong in our recollection of the facts—that this thing did not happen, a thing which we knew was going to happen, and were watching to see that it did happen. The House is asked to affirm that which is not, to affirm an absolute falsehood, and that for the purpose of burking discussion. The passage you, Sir, read from "May" just now shows what is the rule of Parliament, and your ruling also showed that it is the practice that where there is any doubt about the right of a member to speak, he is always allowed to speak. It was laid down very long ago—I forget exactly when—that where there is any doubt a member shall have the right to speak, and that has been the unvarying practice of this House. I remember that once a Chairman of Committees departed from that practice, but no business was done until he changed his ruling. I am sure that on further consideration the hon. gentleman will withdraw his motion. If he does not I venture to say that he will be sorry for it to the last day of his existence as the leader of this House.

The MINISTER FOR MINES AND WORKS said: Mr. Speaker,—It is no use for the hon. member to be angry on this question.

The HON. SIR S. W. GRIFFITH: I am not angry. We do not mind seeing you impaling yourselves.

The MINISTER FOR MINES AND WORKS: The Speaker said he was not able to decide the question.

Mr. FOXTON: The Speaker has decided it.

The MINISTER FOR MINES AND WORKS: The Speaker said he was not able to decide it, and he was obliged to leave it to the House. He said he was sure the question for the "ayes" had been put, but he did not recollect hearing the "noes." I am not going to argue that question with the Speaker or anybody else, but I tell the House what the leader of the Opposition has stated is not a fact, although he said we are going to affirm a falsehood. I

distinctly say that the hon. member for Bundamba got up to speak after I said, "No." That is a fact.

Mr. SALKELD: He got up twice.

The MINISTER FOR MINES AND WORKS: I know that he got up twice; but I am speaking of the first time he got up. Now the leader of the Opposition says this is burking discussion. Every member of this House knows that that is not so. The motion is not made for the purpose of burking discussion. Burking discussion on what? On a question which has been debated since May last. I was under the impression, and members on this side were also under the impression, that weeks ago hon. members opposite wanted to come to a division on this question. I know that I was always anxious to come to a division.

Mr. SALKELD: Have we not gone to a division?

The MINISTER FOR MINES AND WORKS: I say that at an earlier period of the session I was anxious to go to a division. The member who introduced the motion, and those supporting him, I admit did occupy a large amount of the time of the House.

Mr. SALKELD: Stonewalling.

The MINISTER FOR MINES AND WORKS: No; not stonewalling. The speeches were too good to be called stonewalling speeches. On both sides of the House the speeches were very good indeed. I need not name the members who made good speeches, because they are known to the House. But it was not stonewalling, though I admit it was a mistake to keep up the discussion so long. Now, when we wish to divide on the question, hon. members opposite who wished to divide before, are not willing to divide.

The HON. SIR S. W. GRIFFITH: How do you know?

The MINISTER FOR MINES AND WORKS: I know it from what the hon. gentleman said himself. The hon. gentleman distinctly stated that he knew the hon. member for Bundamba was going to speak, and that he watched the hon. member, so that he should not lose his chance of speaking, in order that we might not go to a division.

The HON. SIR S. W. GRIFFITH: Not go to a division last evening.

The MINISTER FOR MINES AND WORKS: I have no other means of knowing that the hon. members opposite are not willing to go to a division, than what the hon. gentleman himself said.

The HON. SIR S. W. GRIFFITH: We did not intend to go to a division last night.

The MINISTER FOR MINES AND WORKS: The hon. gentleman does not wish to divide now; but we do wish to divide, and we do not care whether the hon. gentleman wishes to do so or not.

The HON. SIR S. W. GRIFFITH: Of course not; this is the clôture.

The MINISTER FOR MINES AND WORKS: It is not the clôture. We wish to divide, and if we do not divide it will not be our fault; it will be the fault of hon. members opposite.

The HON. SIR S. W. GRIFFITH: We will divide next week.

The MINISTER FOR MINES AND WORKS: As to the clôture, the hon. gentleman should not speak about the clôture in this House to members who were here in the last

Parliament. The hon. gentleman knows perfectly well that the *clôture* would have been introduced had it not been for members on this side of the House.

The HON. SIR S. W. GRIFFITH: You had better hold your tongue about that.

The MINISTER FOR MINES AND WORKS: The hon. gentleman knows that if it had not been for the action of members on this side, the *clôture* would have been introduced. We have always prevented the *clôture* being introduced, and always will. I hope there never will be any necessity in this Assembly for the *clôture*. At the same time, we are not going to allow the leader of the Opposition and his followers to take the ruling of the House out of the hands of the majority in the House. They may cry *clôture* as much as they like, but no matter what they say the ruling of the House must be with the majority of the House.

The HON. SIR S. W. GRIFFITH: Including the right to speak.

The MINISTER FOR MINES AND WORKS: There has been perfect freedom of debate. For four months now this question has been before the House and debated nearly every second week. If the hon. gentleman is willing to go to a division I am perfectly willing to do so, and to put an end to the discussion. But we are under the impression that hon. members opposite do not wish to divide at all on the question. We have the same impression now that they themselves had two or three weeks ago. Probably hon. members opposite were wrong, and we may be wrong also, but that is our impression. But let them say that they will go to a division on any certain day, and they will, I think, with the consent of my hon. friend at the head of the Government, get that day to discuss the motion and come to a division, and the Premier will, no doubt, withdraw the motion now before the House.

The HON. SIR S. W. GRIFFITH: Go on to the top of your bent.

The MINISTER FOR MINES AND WORKS: It is very evident, I think, that they do not wish to go to a division. The hon. gentleman will not accept the proposal which I make seriously.

The HON. SIR S. W. GRIFFITH: I make no condition for the withdrawal of such a motion. Withdraw the motion, and I will deal with you.

The MINISTER FOR MINES AND WORKS: The hon. gentleman in speaking just now advised the hon. gentleman at the head of the Government to withdraw the motion, and I say the Premier is perfectly willing to withdraw it now if the hon. gentleman will go to a division on any particular day next week.

The HON. SIR S. W. GRIFFITH: I will make no conditions at all.

The MINISTER FOR MINES AND WORKS: I do not think the hon. gentleman should have lost his temper. It is far better to keep cool.

The HON. SIR S. W. GRIFFITH: That is too old.

The MINISTER FOR MINES AND WORKS: It is still new, because men are still young and lose their tempers as well as men in the olden time. It is no use saying it is too old. The hon. gentleman does lose his temper occasionally.

The HON. SIR S. W. GRIFFITH: I have not lost it this evening.

The MINISTER FOR MINES AND WORKS: I hope that we shall come to a proper decision upon the question, and that the hon. gentleman will accept the proposal which I made to him in all seriousness, for the purpose of getting on with the business of Parliament.

Mr. HODGKINSON said: Mr. Speaker,—Hon. members on the other side are on the horns of a dilemma. They have made a great many false movements since their guiding power left them. Under no circumstances has that been more evident than in regard to this sugar debate. Hon. members who, unfortunately for themselves, are so largely interested in the sugar question, believed that the Government now in power would assist them by renewing the *Poly-nesian Labour Act* for five years, and when the Government made their declaration that they did not intend to do so, in accordance with the promise made by them to the electors, the advocates of that interest were naturally much annoyed, and they placed the position of their industry before the House in very able terms. I must differ very much from the course adopted by the very able and eloquent member for the Herbert. I think, after receiving that distinct intimation from the Government upon that point, he should have confined himself to laying a statement of the state of the sugar industry before the country, and have relied upon the feeling which exists upon both sides of the House not to let such a great industry expire without doing something for its relief.

The SPEAKER: I must ask the hon. member not to extend his remarks to the sugar question. So long as he confines himself to the question before the House I shall not interrupt him.

Mr. HODGKINSON: I must apologise for being a little discursive, and try and confine myself to the point, and that point is this: This question has been debated for some months and both sides of the House are pretty well sick of it. There is not the least doubt about that. It was the wish of hon. gentlemen upon this side to come to a decision at an early period of the session, to clear the notice off the paper, but for some reason best known to themselves the Government refused to permit that course to be adopted. You must be well aware, Sir, that on several occasions there have been long speeches made upon the subject and efforts made to count out the House, and every form and device has been put into operation in order to prevent a decision being come to. The fact is, as I have said, the Government are on the horns of a dilemma. They want to run with the hare and hunt with the hounds. They would not accept the resolution of the hon. member for Herbert in its entirety because it appeared to convey a desire for a kind of assistance that the Government were not prepared to grant. An amendment was moved which clearly defined the position taken up by hon. members upon this side of the House, at any rate, in regard to the question, and with a view to defeating the object of that amendment, a second amendment was moved by an hon. member upon that side of the House, which practically would have left the question in the position it is in now. The second amendment was put and negatived; the first was carried last night by a strictly party vote, and the original question was then about to be put, and upon your ruling in connection with that point, a disagreement has arisen between the two sides of the House. The leader of the Opposition has put the question very clearly before us, both in its legal aspect, and in its Parliamentary aspect, and I endorse his remarks so far as this: That unless the leader of the Government were not certain that he had committed a *faux pas* in

proposing such a drastic resolution, the eloquent and able gentleman who presides over the Mines and Works department would not have got up and tendered the flag of truce. There is not the slightest doubt, when that hon. gentleman carries on the war, and has a good cause, he has little difficulty in bringing his forces into fighting order, and he is not the man to show a great deal of mercy to his enemies. If the hon. gentleman had not been certain that his leader had made a mistake in attempting to carry this resolution—a resolution that we dissent from your ruling, which is dissenting from the very first principles of courtesy, in attempting to stifle a debate, and from the parliamentary practice which prevails in all countries under parliamentary rule—he would have made out a better case. It is the duty of hon. members to insist upon their right to speak, and they will do so, and unless the hon. member who leads the Government unconditionally withdraws the resolution he has proposed just now, it will be a subject upon which he will have great cause for regret, as we shall find means, under other circumstances, in committee, to occupy far more time than would have settled this question in its entirety. I am speaking solely for myself. I distinctly state that unless the hon. member for Bundamba has the right accorded to him which has always been accorded to every member of this Chamber, and which, so far as I can interpret the Speaker's ruling, is verified by that ruling, we shall secure it in another manner.

Mr. MURPHY said: Mr. Speaker,—I am one of those who did not vote upon the previous motion, and would like to say a few words. I shall not be too discursive. Great latitude was allowed to the hon. member who has just sat down, and I hope the same latitude will be allowed to me in what I am about to say. This question has resolved itself into one of purely party tactics.

Mr. HODGKINSON: All the more shame to dissent from the Speaker's ruling.

Mr. MURPHY: There is nothing concerning the sugar industry or black labour in what we are doing now. You may call it *clôture* or anything the hon. member likes, but it is not *clôture*, as the leader of the Opposition wished to introduce it into the House.

The HON. SIR S. W. GRIFFITH: I never made such a proposition as this.

Mr. MURPHY: I am sure hon. members do not wish in any way to prevent discussion upon the sugar question. All we want is to prevent hon. members opposite taking an unfair advantage of us.

The HON. SIR S. W. GRIFFITH: Poor things; why cannot you take care of yourselves?

Mr. MURPHY: You will find out whether we are able to take care of ourselves before we have finished. The leader of the Opposition has set a trap to catch us, because we would not vote for his motion, which was distinctly a motion of want of confidence in the Government. It was a motion of want of confidence in the Government in this way: that the leader of the Government plainly stated, when the motion of the hon. member for Herbert was first introduced, that he would not renew the Polynesian Labourers' Act, and that he would carry out the pledges given by members on this side of the House, and by Sir Thomas McLlwraith, the then leader of the party, that they would have nothing more whatever to do with black labour. Therefore, the motion proposed by the leader of the Opposition meant distinctly, "Although you have stated you are against kanaka labour, still we do not believe you."

HONOURABLE MEMBERS of the Opposition: Hear, hear!

Mr. MURPHY: That is exactly what the motion meant, and you could not expect hon. members on this side of the House, who had perfect trust and faith in what the leader of the Government had said on this matter, to vote for a motion to the effect, as was admitted by the Opposition, that they did not believe what the leader of the Government had said. We were not going to fall into a trap of that kind. It was practically a motion giving the lie to the utterances of our present and late leaders.

Mr. GRIMES said: Mr. Speaker,—I rise to a point of order. The hon. member for Barcoo is discussing Mr. Cowley's motion, on a motion that your ruling be disagreed with.

The SPEAKER: The hon. member is not in order in discussing the general question, but he is not out of order in discussing the circumstances which led up to the motion now before the House.

Mr. MURPHY: As I said, I did not vote on the amendment of the leader of the Opposition. I walked out of the House. I did so, because when I spoke on the main question I said I perfectly agreed in substance with the amendment of the leader of the Opposition, and I do so still. Therefore, in order to avoid looking as if I had no confidence in my leader, sooner than vote for it I went outside the House. The whole of this thing is purely a childish attempt on the part of the Opposition to lead us into this position. Having already negatived the amendment for the extension of kanaka labour for five years, they, in order to prevent—

Mr. HODGKINSON said: Speaker,—I rise to a point of order. I was checked for my discursive address, and I really fancy the hon. member for Barcoo is entering more fully into details than I did. Besides, I at once obeyed your ruling.

The SPEAKER: The hon. member is too discursive. He is entitled to refer to the facts that took place, but he is not entitled to enter into any discussion on the general question.

Mr. MURPHY: I will try and keep within the point of order now, although I do not think I have been more discursive than the senior member for Burke, who travelled a good deal outside the point at issue. I am only going to show what is really at the foundation of this question, and that is that the question arranged by the leader of the Opposition was arranged in such a way as to leave us in a false position. We are not going to allow ourselves to be put in any false position. We understood—

The HON. SIR S. W. GRIFFITH said: Mr. Speaker,—I call the hon. member to order. The only question the hon. member can speak to is that your ruling be disagreed to. He has no right to discuss the whole question in that way, otherwise this debate may be endless.

The SPEAKER: The hon. member, as I said before, is too discursive. As a matter of fact, the hon. member ought to confine himself strictly to the question before the House—namely, that the Speaker's ruling be disagreed to. At the same time I do not think it is irrelevant for the hon. member to explain the position in which he finds himself. I do not wish hon. members to think I am too strict in limiting debate. At the same time I do not wish to allow too much latitude.

Mr. MURPHY: I was only discussing the question from the point of view that the leader of the Opposition laid a deliberate trap in order to put us on this side in a false position. It is

absolutely necessary that I should do so, in order that our position in the matter may be thoroughly understood. The hon. gentleman himself has stated that he intended to trap us.

The HON. SIR S. W. GRIFFITH said: Mr. Speaker,—I submit that the only question that can be discussed is the right of the hon. member, Mr. Glassey, to speak. The motives of any hon. member have nothing to do with that. This is simply a question of fact. You ruled, Sir, that the hon. member was entitled to speak, and the only question that can be discussed is whether he is entitled to speak or not.

The SPEAKER: The question before the House is, that my ruling be disagreed to. I can only repeat what I have said before, that the only points that can properly be referred to, and those as shortly as possible, are facts connected with the discussion which led to the desire on the part of the hon. member for Bundamba to speak. I mean the facts of the debate, and not the arguments which have been used in the debate.

The MINISTER FOR MINES AND WORKS said: Mr. Speaker,—It would be impossible for any hon. member to follow that course. The distinctions drawn are rather too fine. As the leader of the Opposition said, the only question before the House at present is whether Mr. Glassey has a right to speak or not according to your ruling, and it has been moved that your ruling be disagreed to. That is the question at present to be discussed, and no other. The arguments brought forward during the sugar debate, for or against, have nothing whatever to do with the question. We shall come to a decision much sooner if hon. members will keep themselves to that point.

The SPEAKER: I should perhaps have said the circumstances connected with the debate.

Mr. MURPHY: The reason why I think your ruling should be disagreed to is that we understand on this side of the House—and we are all of the same opinion—that hon. members on this side called “no” before the hon. member for Bundamba rose to speak. I was coming into the House after the division, and I am perfectly satisfied that I heard “no” called. I cannot name any hon. gentleman who called “no”; neither am I in a position to state what the position of the hon. member for Bundamba was at the time; but I am perfectly certain that I heard “no” called. The reason we have been discursive in this matter is because we do not want to be left in a false position on this side of the House, and when we have explained our position, so far as I am concerned, I have no objection to the leader of the Government withdrawing his motion. I would like the hon. gentleman to withdraw his motion when we have thoroughly discussed this matter, and put the question from our point of view, so that there shall be no misunderstanding in the country of what our intentions were. We intended to negative all the three motions distinctly—the original motion and the two amendments. The hon. member for Bundamba was put up by the leader of the Opposition.

Mr. GLASSEY: That is not a fact.

Mr. MURPHY: It was a deliberate trap, laid to trap us.

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

Mr. MURPHY: I will not say it was fraud and misrepresentation, as the leader of the Opposition once accused this side of the House of, but it certainly looked very much like an attempt to balk the division, and so put us in a false position with the country. If it was not done

by fraud and misrepresentation, it was at all events done by a kind of sneaking tactics which I did not think the hon. gentleman would have descended to.

Mr. GLASSEY said: Mr. Speaker,—I am bound to take advantage of the motion before the House to contradict the statement of the hon. member for Barcoo. The hon. gentleman said that the leader of the Opposition put me up to take the course I did yesterday evening. That is absolutely untrue.

Mr. MURPHY: He said so.

Mr. GLASSEY: What the leader of the Opposition did say was that he knew I was going to speak, and that he was watching to see if I took the course I said I was going to adopt. There is not an atom of truth in the statement that my action emanated from the leader of the Opposition. The idea emanated from myself and one or two other hon. members, and the leader of the Opposition was informed as to the course that was going to be pursued; and that was all he had to do with it.

The HON. SIR S. W. GRIFFITH: Hear, hear!

Mr. GLASSEY: I want to disabuse the hon. member's mind of the belief that the question emanated from the leader of the Opposition.

Mr. MURPHY: It met with his approval.

Mr. GLASSEY: He was asked if he approved of it, and he said we could take whatever course we liked.

Mr. HAMILTON said: Mr. Speaker,—In reference to this matter, I may point out that directly the motion of the hon. member for Herbert had been put, the Government distinctly stated that they had decided not to assist the sugar industry by introducing black labour.

Mr. BARLOW said: Mr. Speaker,—I rise to a point of order. The point of order is that according to a previous ruling given by you, Mr. Speaker, the hon. member is only at liberty to refer to the circumstances immediately attending the proceedings of the hon. member for Bundamba last evening.

The SPEAKER said: As I stated before, I think it is allowable to recite the circumstances connected with the debate which has taken place, but not to touch upon the debate on the motion of the hon. member for Herbert nor the arguments used. The hon. member must only refer inferentially to what has taken place. I think I should not be justified in preventing hon. members from referring to the circumstances connected with the motion before the House.

Mr. HAMILTON: I was perfectly certain that you, Sir, would take no notice of the contemptible quibble just raised by the hon. member for Ipswich.

The SPEAKER said: The hon. member must not use such language as that in reference to another hon. member. Hon. members must use language which is not unparliamentary. They must know that the effect of their doing so is very apt to lead to unpleasant results.

Mr. HAMILTON: Mr. Speaker—

HONOURABLE MEMBERS on the Opposition side: Apologise.

Mr. HAMILTON: As it is unparliamentary for me to express my opinion regarding this matter, I beg to apologise to the House—not to the individual. As I stated, when the hon. member for Herbert had moved his motion, the Government distinctly stated that they had not

the slightest intention to introduce black labour. Directly they had made that statement, the leader of the Opposition moved the following amendment:—

"That the following words be inserted after the word 'means'—'not involving a reopening of the coloured labour question.'"

As a matter of course the Government regarded that as a distinct insult, after they had stated they had not the slightest intention of doing so.

Mr. BARLOW said: Mr. Speaker,—I rise to a point of order. I ask whether the hon. member for Cook is in order?

The SPEAKER said: The hon. member is referring to another question than the one before the House. I hope the hon. member will confine himself as far as possible to the question, and only refer to the circumstances of the debate.

Mr. HAMILTON: I shall refer to the circumstances of the debate. It was stated to-night that it was an insult to the Government, as it inferred that they could not be believed, and that it was for that reason the leader of the Opposition made his proposal. When that was said the hon. member for Burke, who is an ex-Minister, said, "Hear, hear!" meaning that it was meant as an insult.

Mr. BARLOW said: Mr. Speaker,—I rise to a point of order. The hon. member is referring to something not in connection with the hon. member for Bundanba at all.

The SPEAKER said: I hope the hon. member will confine himself as closely as possible to the question before the House.

Mr. HAMILTON: I would confine myself to the question before the House if the learned member of the Ipswich Debating Society would not interrupt me. When the hon. member for Barcoo stated that the amendment of the leader of the Opposition implied a disbelief in the statement of the Government, and was therefore an insult to the Government, the hon. member for Burke said "Hear, hear!" implying that that was really what was meant. It has been stated that this has been a trap laid by the leader of the Opposition. That hon. gentleman stated to-night that he knew perfectly well that the hon. member for Bundanba was going to speak, but that we had no suspicion of the matter. Yes; I grant, Mr. Speaker, that we had no suspicion, because we believed that members on the other side were acting in a straightforward and honourable manner in the matter. While the hon. member for Herbert was speaking yesterday afternoon I was sitting on the other side of the House, and several members on that side requested me to induce the hon. member for Herbert to sit down so that the question might go to a division, because if they did not come to a division before 6 o'clock, they would talk against time in order to protract the session. I then went to the hon. member for Herbert to induce him to curtail his speech, which he did, so that a division might be taken. It appears now, however, that there was not the slightest intention on the part of hon. members opposite of going to a division. The leader of the Opposition was an accessory to the intention, and an accessory to the fact is equally guilty with the principal.

Mr. GLASSEY: No one knew about it until after 6 o'clock.

The SPEAKER: I must point out to the hon. member that his remarks have nothing to do with the question before the House.

Mr. HAMILTON: I wish to know why the Opposition should shrink from a division? I suppose I may ask that question?

Mr. SALKELD: We will tell you when the proper time comes.

Mr. HAMILTON: The reason is pretty well known. When the Government voted against the amendment of the leader of the Opposition it was known perfectly well that when a vote was taken on the motion of the hon. member for Herbert there would not be half a score in favour of the motion.

The SPEAKER: The hon. member is out of order in referring to that question. He has no right to discuss the motives of hon. members. They have nothing to do with the question before the House.

Mr. HAMILTON: I will ask you, Mr. Speaker, whether it will be in order for me to state that those gentlemen who are now breaking their hearts because they cannot discuss this question, have for the last month persistently refused to discuss it, and that they now are trying to prevent a division, as they wish the country to have the impression that the Government were going to vote for the motion of the hon. member for Herbert.

The SPEAKER: In referring to motives, the hon. member is not throwing any light on the question before the House.

Mr. HAMILTON: I think I can throw some fresh light on the motion now. One of the chief points of objection by hon. members on the other side is that the motion was not fully put, because they did not hear the "noes." But members on this side have asserted that they uttered the word "no;" and one of those members is the Minister for Mines and Works, whose word we all believe. I think we are justified in questioning your ruling, when the chief reason you give, Sir, is that you did not hear the "noes," because we know that they were uttered by members on this side.

Mr. CROMBIE said: Mr. Speaker,—I know for a fact that I called out "no" myself; but I do not know what position the hon. member for Bundanba was in at the time. I heard others call "no" besides myself.

Mr. LITTLE said: Mr. Speaker,—I do not know whether I am in order or not in speaking on this question. I was not present at the time the division took place, or I would have given my support to the leader of the Opposition. That is a fact. I know I am under your ruling, and you will find me a very obedient member of this House. I have been called a coward, a cur, a rogue, and a vagabond.

HONOURABLE MEMBERS: No.

Mr. LITTLE: I say I have, and I will prove it. When the Civil Service Bill was going through, the leader of the Opposition charged members on this side with not having the courage of their opinions. I am one of those members, and I say that a man without courage is a coward, and a coward is a cur.

The SPEAKER: The hon. member is out of order in referring to what took place during some other debate.

Mr. LITTLE: I can only say that I was away at a cock fight when the division took place. If I had known the division was going to be taken I would have been here, and would have supported the leader of the Opposition.

Mr. DRAKE said: Mr. Speaker,—I should like to say a few words strictly on the question before the House. I think your ruling should not be disagreed to, because if your ruling is not dissented from, it will mean that the hon. member for Bundanba is in order in addressing this Chamber; and if your ruling is dissented from the hon. member for Bundanba will be prevented from addressing this Chamber. Therefore, I

submit that the effect of the motion before the House dissenting from your ruling is to prevent the hon. member for Bundanba from saying what he has to say to the House; and if that motion is carried, the effect will be to restrict debate. It will practically be putting a gag on hon. members. You referred incidentally in your ruling to a case that occurred in the early part of this session, when I endeavoured to speak upon an answer to a question put by myself to a Minister. Objection was taken, I think by the Minister for Mines and Works; but the result was that, on the following day, I got a full opportunity of saying everything I wanted to say.

Mr. BARLOW: You got it the same day. I moved the adjournment of the House.

Mr. DRAKE: Yes. I asked a question with regard to the Agent-General in England, and the Minister for Mines and Works, I think, objected to my commenting in any way on the answer I received from the Minister. The hon. member for Ipswich, Mr. Barlow, moved the adjournment of the House, and gave me an opportunity of speaking; and the only result of the attempted obstruction—if I may use the word—was a waste of between one and two hours of the time of this House in debating the question whether I had a right to speak or not. Eventually, however, I said what I had to say. What I wish to point out now is, that nothing can possibly be gained by burking debate. The Minister for Mines and Works may imagine that he has gained something by preventing the hon. member for Bundanba from speaking now, but there is no doubt that whatever the hon. member wants to say will be said, and that whatever any other member wishes to say will also be said.

Mr. SMYTH: Before the Estimates pass.

Mr. DRAKE: I think I shall be in order in stating briefly why I think the hon. member for Bundanba, and other hon. members, are justified in desiring to have an opportunity of saying something, now that the amendment moved by the leader of the Opposition has been rejected. I voted for the amendment of the leader of the Opposition. I intended also to vote for the motion as amended; but I never contemplated till the division took place last night that the amendment of the leader of the Opposition would be rejected, and I think I have a right not only to carefully consider how I should vote now on the main question, but also a right to give an explanation of any vote I may give on the main question, because the negating of the amendment of the hon. the leader of the Opposition simply means this: That the means proposed to be adopted for the benefit of the sugar industry do not necessarily exclude the employment of some kind of coloured labour; and therefore I feel a considerable amount of hesitation in saying "aye" on the main question. Up to the present time I fully intended to vote "aye" on the main question, but I am under considerable doubt whether I should do so or not, now that the amendment of the hon. the leader of the Opposition has been rejected. I think that is a reason why we should have some small opportunity of considering the question, and allowing every member who may desire to do so an opportunity of explaining the reason for the vote he gives on the main question. We have heard a great deal this session, especially from some members on the other side, about sharp practice, special pleading, and so on; especially from the Minister for Lands, who seems to have a special down on lawyers, I do not know why I am sure.

The MINISTER FOR LANDS: I have none.

Mr. DRAKE: I think the hon. gentleman has spoken occasionally about sharp practice and special pleading; but was any instance of sharp practice ever brought forward in this House like the instance to-night of the Minister for Mines and Works—even presuming he is right—taking advantage of the state of circumstances that existed last night in order to prevent the hon. member for Bundanba from speaking? You know, Mr. Speaker, and hon. members know, that when the division was taken it was past 6 o'clock, there was a regular turmoil, members rushing backwards and forwards, and it was very difficult to know what was being done. I am perfectly satisfied in my own mind as to the facts of the case. I have spoken with regard to that. I am quite certain that the hon. member for Bundanba was as fully in possession of the floor of the House as any member ever has been, even before the question was put. And I say, is it a wise thing to take advantage of a quibble—because it is nothing else—to prevent the hon. member for Bundanba, or any other member, from speaking on this question? I am perfectly sure it is unwise, and I think you, Sir, and almost every member will agree with me, apart altogether from this particular incident, that it is not a wise thing to strain a point against any hon. member who wants to address the House.

Mr. GANNON said: Mr. Speaker,—So far in this debate I have not said anything, and I should like to say a few words on the question before the House, which is that the Speaker's ruling be disagreed to. I should like to know if I am in order in asking this question: Whether, after hearing the lucid manner in which you put the matter before the House—that you did not catch certain votes, and were not quite sure on the point—you would prefer to have the ruling of the House—that you did not care about deciding it yourself? In that case I should like to know whether, in voting as I propose to vote—that your ruling be disagreed to—I may not be actually helping to pass a vote of want of confidence in yourself? Before proceeding further I should like to ask that question.

The SPEAKER: The hon. member did not understand my ruling. I said that having stated last night that the hon. member for Bundanba had a right to speak, I could not see, after reviewing all the circumstances of the case, how I could withdraw the authority I had given him; but that as there were matters of doubt connected with the question, more especially in connection with the main vote, I suggested that it would be competent for hon. members to disagree with the decision I had arrived at by moving that my ruling be disagreed to.

Mr. GANNON said: I may say, Sir, that being one of the anti-kanaka members—

HONOURABLE MEMBERS of the Opposition: Oh! oh!

Mr. GANNON: If hon. members will allow me, I will try and put myself straight with this House, and also with the country. So far as I am concerned, and many other hon. members who are of the same way of thinking as myself, who are entirely against black labour in any shape or form, we have spoken to that effect, and we would like to have seen a vote taken on the question; but so far, by a little finessing on the part of the Opposition, we have been prevented from voting. But, Sir, I do not want to see discussion on this matter stopped in any way possible. After the declaration of the hon. gentleman at the head of the Government, that they were entirely against

kanaka labour, I feel perfectly satisfied that nothing will be done by the Government or their supporters to help to bring up that question again.

The SPEAKER: The hon. member must confine himself to the question before the House.

Mr. GANNON: I say—

Mr. SMYTH: He is speaking to his constituents.

Mr. GANNON: If I am in order in replying to certain hon. members who say I am speaking to my constituents, I am happy to say that I am not a bit frightened on that point. They know me and I know them.

HONOURABLE MEMBERS: Chair, chair!

Mr. GANNON: I will not break the rules of the House by saying any more on that point, but I will ask one question. The hon. the leader of the House has submitted a motion that your ruling be disagreed to, and I would like to ask him to withdraw that motion. I think it would be a great deal better to allow the hon. member for Bundanba or any other hon. member to say what he has got to say, so that we members who are opposed to black labour, will not be placed in a false position. Let them say everything they like, because a vote must be taken; and we will then be able to prove how we intend to vote. Speaking to the question that the Speaker's ruling be disagreed to, I should be very sorry indeed if any vote I gave might appear to put you, Sir, in a false position in the House, because we are perfectly confident that your ruling, whatever it might be, is one that you honestly believe to be right. For that reason, I should like the hon. the leader of the House to withdraw this motion for the purpose of allowing hon. members, and especially the hon. member for Bundanba, to say whatever they may like, and not stop the discussion. The hon. the leader of the Opposition said he was quite prepared to have a vote taken next week, and no doubt all hon. members especially interested in the vote would like to have a vote taken before the end of the session.

Mr. TOZER said: Mr. Speaker,—I am one of the few members who never spoke on the sugar question at all, and I must say that I did not contemplate speaking last night; but still, if it had not been so close to 6 o'clock, I might have taken up a few minutes in explaining the reasons for my vote. The reason why I do not think your ruling should be disagreed to is this: It is to be regretted that the first question of disagreement to your ruling should arise on a question in which party feeling runs so strong, because disagreement to your ruling is a very serious thing. If it was a question involving some question of practice the House might like you to lay down a precedent; but in a matter of this kind surely the good sense of hon. members opposite will see that it would be at least courteous to believe hon. members on this side, and believe the hon. member for Bundanba, who ought to be the best judge of what he did. The good feeling of the House should extend beyond a party question. I am disgusted —

The SPEAKER: The hon. member must confine himself to the question before the House.

Mr. STEVENSON said: Mr. Speaker,—I think you yourself have invited the House to disagree with your ruling, because you admit in a way that you made a mistake last night, but had to stick to it to-day.

HONOURABLE MEMBERS on the Opposition side: No, no!

Mr. STEVENSON: Had it not been that you, Sir, invited the House to disagree with the ruling, I do not suppose any motion for disagree-

ment would have been made. I would much rather that the discussion had been gone on with. I wished to say a little on the subject, but I have had no opportunity. While I am on my feet I wish to say this, that while the hon. member for Bundanba was speaking to-night I did not listen to him. What he said I got from the hon. member for Mitchell, Mr. Crombie, and he gave it to me in a rather garbled way. Since then I have recollected exactly what happened last night, and I shall put myself right as I do not believe in saying anything that is not in exact accordance with facts. I remember now very well what took place. When I was walking across from where the hon. member for Wide Bay is sitting and passing the hon. member for Bundanba, he got up and commenced, "Mr. Speaker, —" I remember quite well saying to him, "Surely to goodness you will allow us to get to our seats first." The hon. member sat down, and we got to our places again. I do not know, Mr. Speaker, whether this motion is going to be withdrawn or not, but I wish to say this, that after the statements that have been made by the leader of the Government and the Minister for Mines and Works about black labour, it is no use anyone discussing the question any further. As things are constituted in Queensland at present, and on account of the pledges we gave our constituents, we can never vote for black labour. That is all I have to say.

Mr. COWLEY said: Mr. Speaker,—I consider that I am the innocent cause of all this trouble. I certainly wish that the Colonial Secretary would withdraw his motion, and my reasons are these: I think it must be known to all members that I do not want to stifle debate. My object is to have the motion fully discussed, and the more it is discussed the better I shall be pleased. Therefore I trust the Colonial Secretary will withdraw his motion; but I most decidedly say this, that I sat here last night watching intently all that took place, and I feel assured in my own mind that the "noes" had been called when the question was put. Therefore, if it goes to a division I shall vote for this motion, but at the same time I wish to give free and full discussion to the question, and have it decided on its merits. For the reason that I do not wish to burke discussion, I hope the Chief Secretary will withdraw the motion.

The PREMIER said: Mr. Speaker,—I propose to withdraw this motion, but I cannot see that in making the motion there was any intention to cast disrespect upon you. You left it an open question for this House, and I hold the same opinion as the hon. member for Herbert. It was because you said your memory was defective that I made the motion. As I have been requested by the hon. member for Herbert, who is primarily interested in the matter, I will withdraw the motion.

Mr. UNMACK said: Mr. Speaker,—After the statement that has been made by the hon. member for Clermont, Mr. Stevenson, nothing could be clearer than that Mr. Glassey has established his right at the time he was speaking, because the hon. member's remarks are a direct and positive acknowledgment of that.

Mr. STEVENSON: He sat down again.

Mr. UNMACK said: Mr. Speaker,—The hon. member sat down afterwards, in deference to the Speaker, who was putting the question at the time. Now, I maintain that even supposing the "ayes" and "noes" had been given, the question was not settled until you had given your ruling. I must say I am very much opposed to having the motion withdrawn. I think it

ought to go to the vote. If the Chief Secretary has made a mistake his motion should be negatived, and I object to it being withdrawn.

The HON. C. POWERS said: Mr. Speaker,—The tactics of hon. gentlemen opposite are similar to those which they adopted last night. They, first of all, ask to have the motion withdrawn, and then they object to its being withdrawn. The leader of the Opposition asked that it should be withdrawn, and the Premier at once said he would gladly withdraw it if it was to go to a division. This matter has been fully discussed now, and I am glad to hear that the leader of the Government, after hearing the expression of opinion, has agreed to withdraw his motion; but I am of the same opinion as the hon. member for Herbert and the hon. member for South Brisbane. I do not think, Mr. Speaker, that you would have felt offended at all if the motion was carried, because you said, in putting the motion that you did not hear the “noes.” Everyone understands that one person who did hear is worth fifty who did not.

The HON. SIR S. W. GRIFFITH: We all saw Mr. Glassey standing up at the time.

The HON. C. POWERS: This question is before the House and the country, and the leader of the House says the “noes” were taken before the hon. member for Bundamba rose to speak. The Minister for Mines and Works has said that that hon. member had sat down, and did not rise again until the “noes” were taken. The Postmaster-General says he has not the slightest doubt about it, and are those members likely to be disbelieved by the House and the country? The hon. member for South Brisbane, Mr. Luya, also said the same thing.

The HON. SIR S. W. GRIFFITH: That is their recollection, that is all.

The HON. C. POWERS: Mr. Speaker,—I say that when the leaders of the House have said that, I am sure you would not have been annoyed if the resolution proposed by the Premier was carried. If you had said that you were certain the “noes” had not been declared, such a resolution would have been disrespectful; but that is not the case, and it was in that view the Premier proposed his resolution. So far as burking the discussion is concerned, nothing of the sort would have been done. The members on the Government side would have shown to the country that they were prepared to carry out their pledges, if the Opposition would allow them to go to a division, and say that the sugar industry should stand the same as any other industry. What we have heard all along from the members of the Opposition is, “Divide, divide,” and we were led to believe all along that they wanted to go to a division, and they charged us with stringing the matter on. After your ruling had been disagreed to we could have gone to a division, and the discussion need not have been burked at all, because on the motion to go into Committee of Supply the whole question could have been thrashed out again.

Mr. DRAKE: A discussion after the division.

The HON. C. POWERS: Yes. The leader of the Opposition himself said it would not burke the discussion, because every member could speak upon it. The hon. member said we need not think this resolution was going to burke discussion if it was carried, and that it was foolish of the Government to think so. He told us that it would be the duty of every member on his side to discuss it, and they would discuss it.

Mr. HUNTER: That would not alter the votes, to discuss it after the division was taken.

The HON. C. POWERS: They could give expression to their opinions, and every member of the House knows that no amount of discussion will alter any vote on the subject now.

HONOURABLE MEMBERS of the Opposition: Is that so

HONOURABLE MEMBERS on the Government benches: Hear, hear!

The HON. C. POWERS: Yes; every member of the House knows that every man has made up his mind on this question.

The SPEAKER: The hon. member must keep to the question.

The HON. C. POWERS: The question before us, Mr. Speaker, is as to whether your ruling should be disagreed to, and I was trying to show that as you were not positive as to whether the voices had been given, there would have been no disrespect in carrying the resolution.

The HON. SIR S. W. GRIFFITH: You were trying to show that your cartridge was blank.

The HON. C. POWERS: The country will not generally be fooled. The country generally knows what is right.

HONOURABLE MEMBERS of the Opposition: Hear, hear!

The HON. C. POWERS: If any blank cartridges are fired, or any tricks tried on the people they will know how to deal with them. The public may be fooled for a time, but they will not be fooled altogether.

HONOURABLE MEMBERS of the Opposition: Hear, hear!

The HON. SIR S. W. GRIFFITH: They have been fooled now for about eighteen months.

The HON. C. POWERS: They will know how to take what has been done.

Mr. SPEAKER said: I think the hon. member is travelling beyond reasonable bounds in discussing what the public will think. That is not the question before the House.

The HON. C. POWERS: I submit to your ruling, Mr. Speaker; but at the same time I think you will admit that my wandering from the question was caused by the interjections of hon. members opposite. Unfortunately I cannot help replying to interjections sometimes. The question is as to whether your ruling shall be disagreed to. As you put it so fairly to the House that you are not positive that the voices were taken, and as so many hon. members who have the respect of the House and of the country generally, have declared that the voices were taken, you thought it best to refer the matter to the House. I am very glad to hear the leader of the Government has expressed his intention to withdraw the resolution, and I hope that no objection will be made by those sitting on the opposite side to the withdrawal.

The SPEAKER said: There is one point in connection with the question upon which there seems to be some doubt. I did not intend to invite the motion which has been proposed—that my ruling be disagreed to.

Mr. STEVENSON: It looked like it.

The SPEAKER said: I did not intend to invite it; and I purposely put the matter in such a way that, if any hon. member chose to make that motion, he might do so without feeling that I would take it as at all personal to myself. If I misled any hon. member in the way in which I put the matter to the House, I can only say I very much regret it.

Mr. SALKELD said: Mr. Speaker,—It is quite correct to say that we wanted to go to a division last night; but we wanted to go to a division upon the motion as amended by the

amendment of the leader of the Opposition. When the amendment of the leader of the Opposition was negatived—to our surprise—the position was entirely changed; and hon. members who might have been inclined to vote for the motion, as amended, wanted to reconsider the question, because it then took quite a different aspect. The hon. member for Burrum has told us that certain members on the Government benches have told you that they heard the word “no” called; and that the word of one member who heard “no” called was worth the evidence of fifty witnesses who did not hear it. The hon. member forgets, however, that a large number of members on this side of the House have declared that they saw the hon. member for Bundamba standing up, and heard him address you before you had finished putting the question. The hon. member for Clermont has also admitted that, the newspaper Press take the same view of the matter, and you, Sir, said that the hon. member for Bundamba had a right to speak. If any exception was to be taken to the hon. member speaking, it should have been taken at the time, and the Minister for Mines and Works is put out of court by the fact that he did not take exception then. The hon. member for Bundamba rose and said certain words, and after he had said those words the opportunity for objecting was gone. I am sure there has been good reason for the interjection of the leader of the Opposition to-night that the hon. member at the head of the Government had gone mad. He certainly acted very strangely. I saw the hon. member for Bundamba and the hon. member for Ipswich, Mr. Barlow, standing up before you had finished putting the question; and when you saw the hon. member for Bundamba you looked at the clock, and then across at him, as much as to say, “It is past 6 o’clock,” and seeing that he intended to continue speaking, you said you would resume the chair at 7 o’clock; and there was no objection taken then. The hon. member for Bundamba commenced to speak and said certain words, and then you, Sir, said you would resume the chair at 7 o’clock. I think it is a very strange proceeding on the part of the Minister for Mines and Works and the Premier.

Mr. SAYERS said: Mr. Speaker,—I simply wish to say a word or two in answer to the remarks of the hon. member for Burrum, who stated distinctly that the Premier, the Minister for Mines and Works, and the Postmaster-General had said certain things. I do not wish to dispute their word, because I believe they were saying what they believed was true, but I walked across the floor of the House and saw what happened. The leader of the Opposition, who is an old parliamentary hand, has stated what took place, and his word will be taken, I think, as soon as that of any other member in this Chamber. It was impossible for any member on that side of the House to know that the hon. member for Bundamba was going to speak.

The PREMIER: The leader of the Opposition said he knew he was going to speak.

Mr. SAYERS: I went with the hon. member for Bundamba to the hon. gentleman, to see whether he could speak, and found that he could. The leader of the Opposition has stated that he watched the hon. member to see that he did not lose his chance, and I think his word ought to be accepted by the House. Moreover, I would say that there was no trap in the hon. member for Bundamba rising to speak, because the hon. member for Oxley had given notice of an amendment.

Mr. AGNEW said: Mr. Speaker,—I have been wondering what practical result can accrue from our night’s work, and I do not know of any

good. I am perfectly certain that there is not a member of this House who will think for a moment that any other hon. member has wilfully told a falsehood. I am sure that every hon. member will believe, when he hears another member say that he saw the hon. member for Bundamba standing or sitting, that he was and is under that impression. I am decidedly under the impression that I heard the Minister for Mines and Works say “No,” and I am quite certain that the leader of the Opposition is sure that he is correct in his contention. The result of our going to a division on this will be that we shall introduce a system of keeping members strictly to the regular parliamentary practice—a system which, in that respect, has never been before observed since I have had a seat in the House. I am sure that no member desires to see a result of that kind. Hitherto young members have been allowed considerable latitude, and our mistakes have been condoned because we are not supposed to be up in the tactics of Parliament in the same way as older members. But if this question comes to a division, and the strict practice is to be followed, we shall scarcely ever know what position we are in. Believing conscientiously, as I do, what the Minister for Mines and Works has stated, and admitting that hon. gentlemen opposite are as much entitled to be believed as I hope to be, I feel very great diffidence in voting on the question.

The HON. SIR S. W. GRIFFITH: You had better not vote at all.

Mr. AGNEW: If I did not vote at all, as the hon. gentleman suggests, I would not be true to my convictions. I am, therefore, bound to vote, and I shall vote; but at the same time I see exactly the difficulty that will arise in the future by forcing the matter to a division. We shall gain nothing by doing that, and shall practically be where we were when you, Sir, gave your ruling. I sincerely hope that hon. members will seriously consider the question, and that it will not be pressed to a division.

Mr. ANNEAR said: Mr. Speaker,—You have given your ruling, with which I entirely agree. But how are we to take the remarks of the hon. member for Burrum? The hon. member stated a few minutes ago that he was confident that every member on this side of the House was entirely wrong. That is questioning your ruling. I feel sure that you, Sir, have decided the question in a proper manner, and that ruling bears out a statement I made about an hour before. People as they advance in political life learn a great deal, and I have no doubt that the hon. member for Burrum will soon learn that he is not now the free lance he was before he sat on the Treasury benches, and should not make the rash statements he has made from time to time, but should clothe himself with that gravity which ought always to belong to a Minister of the Crown. The Government have to thank the Minister for Mines and Works for the waste of time that has taken place this evening. If this question was not to be reopened to-day, why did this notice appear on the business paper issued this morning:—

“Resumption of debate on Mr. Cowley’s motion, ‘That, in the opinion of this House, it is desirable early next session to adopt some means for encouraging the sugar industry’—which stood adjourned (under Sessional Order of 22nd May last) at 7 o’clock p.m. on Thursday, the 3rd instant.”

That was yesterday. I am sure the Minister for Mines and Works has made a great mistake, and that the Premier has also made a great mistake in thinking that he is going to shut the mouths of members sitting on this side of the House. I see sitting opposite to me the hon. member for Barcoo. How many hours and hours

have we had to sit listening to that hon. member wasting the time of this House? We on this side have the same privilege now. Hon. members seem to think that we are sitting till a late hour. What nonsense that is! I think it is about the proper time now to begin work. It is not a late hour; at the same time I am not going to encourage the Government in talking this evening; we will have the talking on some other evening when their time will be more precious to them. I entirely agree with your ruling, Sir. I think you gave it in a very clear and lucid manner; but in view of the entry on the business paper, I think it should have been given in a particularly emphatic manner, because the resumption of this debate is an Order of the Day on the business paper for to-day.

Mr. LISSNER said: Mr. Speaker,—I did not intend to speak to-night, or at any other time, and I do not think the country will thank us very much for what we have been doing during the last two days. There has been nothing but a succession of tricks, and I am not given very much to that kind of thing, so I hope this little speech of mine will act as a sort of nightcap. The question now is that the Premier should withdraw his motion that the Speaker's ruling be disagreed to; and I would have much more pleasure in supporting that than in voting against that ruling. If hon. members opposite are not satisfied with that now, I hope they will consider it, and that wiser counsels will prevail. The hon. member for Maryborough has been having some rare times lately. He has been to England and America, has seen all sorts of wonders, and has come back as fresh as possible. But he does not consider that you, Mr. Speaker, have sat in that chair since 7 o'clock this evening, and it is now a quarter to 12 o'clock. I shall certainly vote for the withdrawal of the motion that we disagree to your ruling, and if the hon. member for Bundamba wishes to speak on the sugar question, he should be at liberty to do so. The whole difficulty has arisen out of this nigger business.

The SPEAKER: The hon. member is out of order.

Mr. LISSNER: I do not think, Sir, I am out of order, but I bow to your ruling, and I shall certainly vote for the withdrawal of this motion.

The SPEAKER: I hope hon. members will not be under a misapprehension in regard to my allowing the discussion to exceed the actual question before the House. The motion before the House, I take it, will have the effect, if carried, of preventing any further discussion upon the question, and, because it will have that effect, I think I was justified in allowing hon. members to go beyond the actual question before the House, and to refer to points connected with the rights of hon. members who wish to speak upon the main question. I hope hon. members will understand that. Is it the pleasure of the House that the motion be withdrawn?

HONOURABLE MEMBERS on the Opposition benches: No.

Question—That the Speaker's ruling be disagreed to—put, and the House divided:—

AYES, 26.

Messrs. Nelson, Macrossan, Donaldson, Pattison, Black, Powers, Morehead, Dunsinure, Crombie, Watson, Murphy, Jessop, Stevenson, Plunkett, Agnew, North, Lissner, G. H. Jones, O'Connell, Little, Adams, Cowley, Gannon, R. H. Smith, Luya, and Hamilton.

NOES, 20.

Sir S. W. Griffith, Messrs. Hodgkinson, Drake, Wimble, Grimes, Salkeld, Isambert, Unmack, Foxton, Barlow, McMaster, Smyth, Macfarlane, Annear, Tozer, Mellor, Sayers, Buckland, Glassey, and Hunter.

Question resolved in the affirmative.

The SPEAKER: The question is—

Mr. GLASSEY said: Mr. Speaker—

The SPEAKER: I must remind the hon. member that the rule of the House is that when the Speaker rises to speak every member shall take his seat.

The MINISTER FOR MINES AND WORKS said: Mr. Speaker,—I rise to a point of order. At an earlier period of the evening I raised a point of order that the hon. member for Bundamba could not speak under Standing Order No. 73. The question now is for a division on the original question. That question was put last night, and hon. members called "aye" and "no," respectively. I therefore submit that it cannot be put again.

The HON. SIR S. W. GRIFFITH: But the Speaker did not declare whether the "ayes" or the "noes" had the majority.

The SPEAKER: As the question is raised, I will not put the question again. I say the "noes have it." That will prevent any further points of order being raised.

Original question put, and the House divided:—

AYES, 5.

Messrs. Cowley, Adams, O'Connell, G. H. Jones, and Smith.

NOES, 21.

Messrs. Nelson, Black, Donaldson, Powers, Morehead, Macrossan, Pattison, Dunsinure, Hamilton, North, Luya, Stevenson, Gannon, Agnew, Plunkett, Little, Crombie, Lissner, Murphy, Watson, and Jessop.

Question resolved in the negative.

ADJOURNMENT.

The PREMIER, in moving the adjournment of the House, said the business to be taken on Monday would be the Granville and Burnett Bridges Bill, to be considered in committee; the Federal Council Referring Bill, second reading; the Companies Act Amendment Bill, consideration of Legislative Council's amendments; and after that, Supply.

Question put and passed.

The House adjourned at 12 o'clock.