Queensland

# Parliamentary Debates
[Hansard]

## Legislative Council

**TUESDAY, 20 DECEMBER 1898**

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# LEGISLATIVE COUNCIL.

TUESDAY, 20 DECEMBER, 1898.

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

## MINING BILL.

MESSAGE FROM ASSEMBLY.

The PRESIDENT announced the receipt of a message from the Assembly returning this Bill.

[For text of message, *vide* above.]

The POSTMASTER-GENERAL: I move that the message be taken into consideration at a later hour of the sitting.

The HON. W. D. BOX: We have just heard the message read; we have not seen it in print; and we have not had time to consider it. I would ask if it is in accordance with the usual custom of the House to consider a message on the same day on which it has been received from the Assembly?

The POSTMASTER-GENERAL: The Standing Order provides that, unless otherwise ordered, a message shall be taken into consideration on a subsequent day; but I may inform the hon. gentleman that I intend, immediately this is passed, to move that so much of the Standing Orders be suspended as will admit of our passing Bills through all their stages in one day; and that I propose to take consideration of the Assembly's message on the Mining Bill this afternoon. I understand it is the general wish of the House that that should be so. There is very little time, and hon. gentlemen seem to think it would be better to go on with this business now rather than postpone it until to-morrow. Therefore I think I am acting in accordance with the general feeling of the House in making this motion.

Question put and passed.

## SUSPENSION OF STANDING ORDERS.

The POSTMASTER-GENERAL in moving, without notice—

That so much of the Standing Orders be suspended during the remainder of the session as will admit of the passing of Bills through their stages in one day—

said: It was my intention to have given this as a notice of motion for to-morrow, but I have been solicited by a great many members of the House to get on with the business, as they are quite prepared to take the remainder of the second readings to-morrow, and, as I do not think the motion will be opposed, I move it.

The PRESIDENT: Is it the pleasure of the House that the motion be put?

HONOURABLE MEMBERS: Hear, hear!

Question put and passed.

## VICTORIA BRIDGE ACT AMENDMENT BILL—BRITISH PHARMACOPŒIA ADOPTING BILL—COPYRIGHT REGISTRATION BILL.

THIRD READING.

These Bills were read a third time, passed, and ordered to be returned to the Assembly.

## ELECTIONS ACTS AMENDMENT BILL.

SECOND READING.

The HON. A. H. BARLOW: As we wish to go into committee on this Bill immediately after the second reading, I shall merely state now that its object is to provide for the appointment of a superintendent of the electoral registrars of the colony, and to remove the disqualification which at present attaches to a member of a local authority holding the position of returning officer. The Local Government Act prohibits a member of a local authority from receiving Government pay, and *vice versâ*, and this Bill will remove that objection and validate the acts of those who have technically transgressed in the past. I propose to explain the Bill clause by clause when we get into committee, and shall therefore say nothing further now, unless hon. gentlemen desire that I should enter more fully into the matter. I move that the Bill be now read a second time.

The HON. R. BULCOCK: I do not intend to take up much time in speaking on this Bill. I thoroughly endorse all its provisions. As the Hon. Mr. Barlow has said, one part of the measure deals with the appointment and the duties of a principal electoral registrar. There has been a good deal of annoyance arising from the imperfect administration of the Elections Acts by the electoral registrars, a good many of whom appear to misunderstand a considerable portion of the Acts, and it has been evident for some time that it was necessary to have someone to supervise the work and to instruct a considerable number of the registrars. There are 104 electoral registrars in the colony, and 162 electoral divisions, and I am very glad to see that it is proposed to appoint a principal electoral registrar, who ought to be a person who thoroughly understands and can clearly interpret the Elections Act. Clause 4 of the Bill will prevent justices of the peace who may have attested claims for registration from sitting on the bench and adjudicating on the claims they have attested. There have been in some parts of the colony what have been called "itinerating justices" who have spent their time going round filling up and attesting electoral claims, and afterwards sitting on the bench and adjudicating on those claims. That is an abominable practice, and should be stopped, as it will be stopped by this provision. The other part of the Bill legalises the position of divisional boardsmen who may at the same time be returning officers. I have much pleasure in supporting the second reading of the Bill.

The HON. C. H. BUZACOTT: This is a very small Bill, and I do not see much to object to in it. The appointment of a principal registrar is no doubt desirable. We have had to get this work done hitherto by other persons outside the service to a very considerable extent, and there is reason to hope that if a principal electoral registrar is appointed he will take care that the law is complied with, and that the electoral rolls are kept more pure and more complete than they have hitherto been done. I have no reason to oppose this Bill in any way, but there is one clause in it which I feel casts a slur upon the entire honorary magistracy. I do not say that I shall go so far in committee as to oppose that clause, because I hold that the Assembly is to a very large extent the custodian of its own honour, and that we should not wantonly and unnecessarily interfere with the laws which it makes for its own protection. At the same time I feel that clause 4 is a reflection on the unpaid magistracy, and that it should receive very serious consideration. It reads as follows:—

> No person other than a police magistrate before or by whom any claim under this Act has been declared or attested, or who has caused or procured or who has been in anywise concerned in the making, delivering, or sending of any such claim to or at a court or to an electoral registrar, shall act as a member of the court when such claim is being heard or adjudicated upon, under a penalty of fifty pounds, to be recovered on summary conviction.

I feel inclined if that clause goes through to resign my position as a magistrate. I do not think I have attested an electoral claim for the last ten years, but I hold that a provision like this, which debars a magistrate from performing so simple a duty as that of attesting an electoral claim, is putting the bar sinister across justices of the peace, and in committee, though I should be very reluctant to interfere with the Bill, I shall be almost disposed to support the expungement of the clause.

Question put and passed.

COMMITTEE

Clauses 1 and 2 put and passed.

On clause 3—"Principal electoral registrar"—

The HON. A. H. BARLOW: The main object of the Bill was contained in this clause, which provided that electoral registrars should perform the duties imposed upon them by the principal electoral registrar, and that the principal electoral registrar should see that they did it.

Clause put and passed.

On clause 4—"Amendment of 49 Vic. No. 13, sec. 11"—

The HON. A. H. BARLOW: Objection had been taken to this clause as casting a slur on the magistracy, but it must be remembered that there were magistrates and magistrates.

The Hon. B. D. MOREHEAD: Purge the roll.

The HON. A. H. BARLOW: That was a question he could not enter into, but without desiring to say anything unpleasant against any magistrate in particular, he might say that from what he had heard, read, and seen, that clause was very necessary, and would produce a wholesome effect.

The HON. B. D. MOREHEAD: The clause cast a slur on the whole magistracy of the colony, and could bear no other construction. It put every magistrate in the same boat. It was a grave imputation to cast upon a large number of men whose characters were beyond question, and who were known to be men of as high honour and integrity as judges of the Supreme Court, that they should have the bar sinister put across them, because there might be some men who could not be trusted to do that work. If that was the case the Government should have adopted the course of purging the roll of magistrates, and not of introducing such a proviso as that in clause 4. Those very men were not to be prevented from discharging much more important functions. If the Government were prepared to bring in a Bill limiting the powers of the unpaid magistracy there would be some sense in it, but it was only proposed to limit their powers in that one particular. If a large section of the magistracy were rotten they were unfit for the higher duties they had to fulfil.

The HON. R. BULCOCK thought the Hon. Mr. Morehead had taken a rather extreme view of the matter. A magistrate before attesting a claim was required by law to find out whether the claimant was entitled to a vote, and in that case it was improper that he should be allowed to sit in judgment on his own action. He would be at liberty to sit in regard to all other claims, but he was debarred from adjudicating on claims which he had attested.

The HON. B. D. MOREHEAD admitted that the Hon. Mr. Bulcock was a past master in regard to electioneering matters, but that clause cast a slur upon the unpaid magistracy.

The POSTMASTER-GENERAL: The object of the clause seemed to be to allow police magistrates to adjudicate in regard to claims which they had attested, but not to allow justices of the peace to adjudicate in regard to claims which had been attested by them. A magistrate who had gone into the claim of any person to be enrolled would not be a good judge of the facts when they came before the bench. They had placed an Act on their statute-book preventing a judge of the Supreme Court from hearing appeals against his own decisions, and the clause under discussion was similar in effect. There was no intention of casting a slur upon the unpaid magistracy.

The HON. B. D. MOREHEAD thought that the magistrates who had attested claims were the very men who should sit on the bench, because they knew more about the facts than anyone else. To debar them was unfair to the applicants for enrolment.

The POSTMASTER-GENERAL: The same argument would apply to a Supreme Court judge who had heard a case, and yet it had been considered advisable to have appeals heard by other judges.

The HON. C. H. BUZACOTT: There was a very important distinction between a judge of the Supreme Court hearing an appeal from his own decision and that of a magistrate sitting on the bench when a claim which he had attested was under consideration, as the act of attestation was merely ministerial. There was more danger in allowing police magistrates to adjudicate on claims which they had attested, because they were the paid servants of the State. They wanted impartiality in their police magistrates, and if it was necessary to safeguard the public against the unfaithfulness of the honorary magistrates, surely it was also necessary to safeguard them against the unfaithfulness of police magistrates. He saw no reason at all for the clause, and would like to wash his hands of all responsibility for passing a clause which would cast a stigma upon the magistrates of the territory.

The HON. J. T. SMITH considered that as a Supreme Court judge was not allowed to hear an appeal against his decision, it was no slur to prohibit justices of the peace from adjudicating in respect of claims which they had attested.

The HON. A. H. BARLOW: Magistrates might do things which were not absolutely wrong, but which sailed very near the wind, while a police magistrate was supposed to be immaculate. The law said that sitting on the bench he was equal to two justices of the peace, and he was supposed to be above all influence. The best of men in election matters might be influenced by political bias to such an extent that it was advisable that they should have nothing to do with making up the rolls. There was no intention at all to cast a slur upon the unpaid magistrates.

The HON. B. D. MOREHEAD understood the hon. gentleman to say that police magistates were as a rule superior to the ordinary magistrates.

The Hon. A. H. BARLOW: They are supposed to be.

The HON. B. D. MOREHEAD did not agree with the hon. gentleman. There were just as capable and honourable men among the unpaid magistrates as among the paid magistrates. He had known paid magistrates who were a disgrace to the bench. As a rule they had been placed on the bench for political purposes. Many of them were broken down swells who had been made police magistrates because they were fit for nothing else, and there were some of them on the bench still.

The HON. W. F. TAYLOR could not see why, if a Supreme Court judge could not sit on an appeal against his own decision, a police magistrate should be allowed to deal with claims attested by himself. Were police magistrates more immaculate than Supreme Court judges? If unpaid magistrates were debarred from adjudicating, police magistrates should be debarred, because they would attest a great many more claims than the unpaid magistrates, so that they would have the whole thing in their own hands, because they would practically sit alone if the clause became law. If the clause was passed he would be disposed to omit the words "other than a police magistrate," which would place all magistrates on the same footing.

The HON. A. H. BARLOW: A police magistrate was an official who was supposed to be entirely removed from political influences. No doubt there had been bad police magistrates, and there might be some still, but the law said that a police magistrate was equal on the bench to the Hon. Mr. Morehead and himself, and that, sitting alone, he could sentence a man to six months' imprisonment. He felt in a difficulty in dealing with the very cogent arguments used by hon. members opposite, but he hoped they would pass the clause as it stood, as he believed it would have a beneficial effect.

Clause put and passed.

On clause 5—

The HON. A. H. BARLOW: Electoral registrars had at present to exhibit lists of those who were supposed to be dead, left, or disqualified, in certain places which were fixed by the Minister. The clause proposed that in future the principal registrar should appoint the places in which the lists should be exhibited. That was a further safeguard against political influence.

Clause put and passed.

On clause 6—

The HON. A. H. BARLOW: The 27th section of the Act required the electoral registrar to transmit the voters' list to the returning officer, who had to forward it to the Government Printer. The clause provided for the list to be in future sent to the principal registrar. Section 30 of the Act provided that the claims should be printed by the Government Printer. Now they were to be provided by the principal electoral registrar, who was to see that a sufficient quantity was provided, and that they were properly distributed.

Clause put and passed.

On clause 7—

The HON. A. H. BARLOW: When a man with a residence qualification made application for enrolment, he was required to state whether he was enrolled for a similar qualification on any other roll. If he was so enrolled, the clause required notice to be sent to the electoral registrar of the district in which he had previously been enrolled, and to the principal electoral registrar, in order that there might be no duplication of the names.

Clause put and passed.

On clause 8—

The HON. A. H. BARLOW: That clause prevented the disqualification of a member of a local authority from being a returning officer. Generally speaking, he was a most excellent returning officer, as he knew everyone and everyone knew him

Clause put and passed.

On clause 9—

The HON. A. H. BARLOW: The clause was retrospective, and indemnified every returning officer who might have acted in connection with the matter provided for in the preceding clause in an illegal manner, but innocently, and validated his actions.

Clause put and passed.

On clause 10—

The HON. A. H. BARLOW: The clause provided for the punishment of the principal electoral registrar for misfeasance in the same manner as any electoral registrar.

Clause put and passed.

On clause 11—"Retrospective effect"—

The HON. A. H. BARLOW said the clause provided for the punishment of those who obstructed or wilfully misled the principal electoral registrar in the execution of his powers or duties.

Clause put and passed.

Clause 12—"Printing amendments"—put and passed.

The House resumed; the CHAIRMAN reported the Bill without amendment.

THIRD READING.

The Bill was then read a third time, passed, and ordered to be returned to the Assembly.

## BISHOPSBOURNE ESTATE AND SEE ENDOWMENT TRUSTS BILL.

COMMITTEE—THIRD READING.

The several clauses of this Bill were passed without discussion; and the Bill was read a third time, passed, and ordered to be returned to the Assembly.

## MINING BILL.

CONSIDERATION OF ASSEMBLY'S MESSAGE.

The Assembly's amendment in clause 2, a verbal one, was agreed to.

The POSTMASTER-GENERAL moved that the Committee do not insist upon their amendments in clause 14, lines 50 and 51; clause 16, lines 34 to 37; clause 23, line 5; clause 29, lines 52 and 53; clause 70; clause 87; clause 88, lines 8 and 9; clause 89, lines 29 and 30; and clause 91. Clause 14 as it came to the Council provided that—

> No alien holding a miner's right who by lineage belongs to any of the Asiatic, African, or Polynesian races shall be entitled to exercise any of the rights or privileges hereby conferred otherwise than for the purpose of mining for gold on alluvial ground, etc.

The Council had amended that provision by striking out the words "by lineage," and by substituting for "African or Polynesian" the words "or African"; and to that amendment the Assembly objected, for the reason stated in their message. He hoped the Committee would reconsider the matter from the Assembly's point of view, because, as the clause only excluded aliens from gold and mineral fields, the insertion of the words "by lineage" was not of very much importance. Persons who were natural born or naturalised subjects of Her Majesty would not be excluded by the clause as it left the Assembly. In "Stephen's Commentaries" it was stated distinctly who were natural-born subjects, as would be seen from the following extract:—

> As to natural-born subjects: And, first, all persons born within the United Kingdom, or in the colonies, fall within this description. And this extends even to those born of aliens residing in this country, provided their parents were not at the time in enmity with our sovereign. But if a man be born within the realm, of parents who are alien enemies (as may be the case with the children of prisoners of war here confined), or be born of whatever parents in a country not parcel of the British dominions, even though belonging to the sovereign—he is an alien by the common law, though on this rule certain important exceptions have been now grafted by statute, which will be presently noticed. Hence it became necessary after the Restoration to pass a particular Act of Parliament, "for the naturalisation of children of His Majesty's English subjects born in foreign countries during the late troubles." This doctrine is founded on a general principle that every man owes natural allegiance where he is born—

He would draw particular attention to that statement—

> and cannot owe two such allegiances, or serve two masters at once. However, the children of the sovereign and the heirs of the Crown, wherever born, have always been held natural-born subjects. . . . And there seems to have been formerly no other exception than these to the rule that parents born out of the dominions of the Crown are aliens.

Consequently the insertion of the words "by lineage" did not make the slightest difference in that clause. An alien was clearly a person born out of Her Majesty's dominions, and persons with only a little Asiatic, African, or Polynesian blood in them would not be excluded by the clause if they were born in Her Majesty's dominions. As Polynesians did not go on goldfields, he presumed that hon. gentlemen would not press their amendment on that point, and seeing that the retention of the words "by lineage" would not make any difference in the clause, he trusted that the Committee would not insist on those words being omitted, as by doing so they might endanger the Bill in another place.

The RIGHT HON. SIR H. M. NELSON did not intend to offer any further opposition to the proposal of the Assembly. At the same time he would point out that the objections which had previously been urged by that Committee had not been met by the arguments of the Assembly. The Minister had told them that the insertion of the words "by lineage" would make no difference in the clause, but that it would have precisely the same effect with those words as without them. If that was so, why insert the words? The Assembly had given as a reason for retaining clause 210, that it had been the law for some time, and had worked well, and therefore should not be altered. So the Committee might say, with reference to the clause under consideration, that they had had the law dealing with aliens in force for a much longer time than the provision in clause 210; and why should they alter it now? The only reason given by the Minister for the insertion of the words was that the Assembly wished it, but he (Sir H. M. Nelson) had been told that there was a far-reaching intention in inserting the words—whether the clause carried out that intention or not—and that was to exclude every person from Germany, Italy, the Netherlands, France, Sweden, and other places, who had not a pedigree showing that their forefathers were not Asiatic or African aliens. It was said to be aimed particularly at the negroes in the United States who enjoyed the privileges of citizenship in that country, and who might possibly wish to emigrate to Queensland, and work here as miners. That seemed to be a tremendously far-fetched danger to provide against, and one for which it was hardly necessary for them to alter the law as it stood. The present law had operated well in the past, and had brought down to a minimum the number of Chinamen who were employed on goldfields—from 13,000 to 1,000—and no further danger of that sort was before them. They had no intimation from the goldminers to say that they were in danger, and

they knew very well that as a class, miners, instead of being weaklings, had the upper hand, and could do almost as they chose. If they objected to anyone working on the goldfields, by means of their unions, which were very good things when properly worked, they could certainly have their own way in a matter of that sort, not only with regard to negroes, but also with regard to almost any class. That was leaving out of sight altogether the words dealing with Polynesians, as really that was too paltry a matter. The number of Polynesians who could be employed on goldfields was not more than 200 or 300, and no Polynesian had ever been employed in mining. He had not laid much stress upon the risk, but he had pointed out that there was a risk, if the amendment was not insisted on, of delaying the bringing of the Bill into operation, as it might have to be reserved for the Royal assent. The 7th paragraph of the Royal Instructions to the Governor provided :—"The Governor shall not, except in the cases hereunder mentioned, assent in our name to any Bill of any of the following classes"—and the Bill under discussion came under the 5th class—"Any Bill the provisions of which shall appear inconsistent with the obligations imposed upon us by treaties." How did they know that that provision would not clash with some existing Imperial treaty? If they stuck to the clause as they had amended it it could come into operation at once. Supposing he had been rightly informed that it was intended to apply to citizens of the United States of African descent, was that a time when they should insult such a large community, and a community with which they were trying to get into close relations at the present time? He did not intend to hold out, but he wished to make his protest and give his advice to the Committee for what it was worth.

The HON. J. ARCHIBALD said that the reasons he had given when moving the amendments had been strengthened by what the right hon. gentleman had just said; but as the Bill was of great importance, and it was desirable that it should become law at once, it would be wise and courteous of the Committee to give way.

The POSTMASTER-GENERAL pointed out that the words "by lineage" had been copied from the Act which provided for the naturalisation within the Australasian colonies, or some of them, of persons of European descent who had been naturalised in this or any of the colonies, and Her Majesty had assented to that Bill. She had also given her assent to the Goldfields Act of 1890, which dealt with aliens.

The HON. W. D. BOX thought the Committee should insist on their amendment. The existing law had had the desired effect of keeping out all those aliens. At the same time the Bill, without their amendment, would prevent a man of African birth, who had become a British subject, from mining in Queensland. From the tone of the Committee it seemed that the amendment would be lost, although he trusted it would not. If the words "by lineage" were omitted the Bill would not need to be reserved for the Royal assent, thereby delaying the bringing of the Bill into operation. If a division was called for, he would certainly vote for the retention of their amendment.

Question put and passed.

On clause 26—"Reservation of portion of surface"—in which the Assembly had amended the Council's amendments by the omission of the word "ten" and the insertion of the word "six" in two places—

The POSTMASTER-GENERAL moved that the amendment of the Assembly be agreed to, as it was a compromise. If a company had twelve acres in their lease they would have the surface rights for nine acres, which should meet the views of the Council.

The HON. J. ARCHIBALD believed that the amendment of the Assembly would give a sufficient area for battery purposes.

Amendment agreed to.

On clause 30—"Exemption in mineral leases"—in which the Assembly had omitted the following words, as consequential on the amendment of the Council in clause 28—"Exemption, gold-mining leases"—"Provided that the term of any total exemption shall not exceed six months continuously"—

The POSTMASTER-GENERAL moved that the Committee agree to the Assembly's amendment. It was similar to the amendment the Council had made in clause 28, and its omission in clause 30 would make the two clauses uniform.

Amendment agreed to.

On clause 38—"Provisions relating to applications for mining leases"—in which the Assembly had disagreed to the omission of the words "in which the applicants marked the land out under," and the insertion of the words "prescribed by"—

The POSTMASTER-GENERAL moved that the Committee do not insist on their amendment. Regulations could be made dealing with the marking out of the land similar to those dealing with prospecting, and, under the circumstances, there was no necessity for insisting on the amendment.

Question put and passed.

On clause 56—"Term of coalmining lease"—in which the Assembly had disagreed with the omission by the Council of the words "on such conditions as the Minister deems equitable"—

The POSTMASTER-GENERAL moved that the Committee do not insist on their amendment. The amendment only made the clause uniform with clause 32, dealing with mineral leases, but it was not a matter of any great importance.

The HON. J. ARCHIBALD said that twenty-one years was a very long term, and it was quite possible that by the end of the term other conditions might prevail, and it was necessary to enable an alteration to be made in the conditions of the lease on renewal. That was the only reason the amendment had been made. The matter was, perhaps, not one of very great importance. There might be no necessity to make any change in the conditions at the end of twenty-one years; on the other hand there might.

Question put and passed.

On clause 88—"Subdivision of miner's homestead"—

The POSTMASTER-GENERAL moved that the Committee do not insist on their amendment in this clause. The amendment was the omission of the words "with the approval of the warden" and the reason given by the Assembly for its disagreement was that circumstances might exist under which it would be undesirable to permit the subdivision of a homestead without the consent of the warden.

Question put and passed.

On clause 114—"Representation of suitor"—

The POSTMASTER-GENERAL moved that the Council do not insist on their amendment to this clause, omitting "anyone whom he may choose to appoint, who shall have all the rights, liberties, and privileges of a solicitor before such court," and inserting "his duly constituted agent."

Mr. ARCHIBALD said he thoroughly believed in the clause as it left the Council, and thought they ought to insist upon their amendment. It seemed to him entirely out of place that any and every person, no matter what his attainments and education, should have all the

rights, liberties, and privileges of a solicitor in a warden's court on behalf of any litigant. It would bring into existence a regular army of bush lawyers on the various goldfields. It would be quite enough to allow a litigant to appear by his agent, and the question of his fees could be arranged beforehand by his employer. They had no right to permit unqualified men to appear in a court of justice as a solicitor, and to charge accordingly. He hoped the Committee would adhere to its amendment.

The HON. W. ALLAN: He was also of opinion that they ought not to give way on the amendment. To give agents the rights, liberties, and privileges of solicitors would be one-sided, because they did not at the same time compel them to take over the responsibilities attaching to solicitors. A solicitor who misbehaved himself in court was liable to be struck off the list, whereas an agent could do exactly as he pleased and no disqualification would follow.

The HON. B. D. MOREHEAD: Most hon. members would agree with the remarks of the last two speakers, particularly when they read the concluding words of the Assembly's reason for not agreeing to the amendment—namely, that an agent should have all the privileges of a solicitor "especially so in his right to charge costs." There was a sting in that which he thought would commend itself to a great many of them.

The HON. A. H. BARLOW was entirely in accord with the clause as it left the Assembly. He could never see why any man who behaved himself respectfully to the court—and if he did not he could be punished with fourteen days in default of a fine—should not have all the rights, liberties, and privileges of a solicitor, even to the charging of costs. If the amendment was disagreed to he saw no terrible danger of an invasion of bush lawyers. He had not a word to say against the legal profession; but he had never been able to see why any other person should not appear on behalf of a suitor, and have all a solicitor's rights with regard to his costs.

The HON. J. ARCHIBALD: He would point out that under the Land Act any person might appear for any litigant, but he had not the rights and privileges of a solicitor, and he failed to see why they should give an agent more power in a mining court than in a land court. If they disagreed to the amendment they might afterwards be asked to give the same rights and privileges to any person who appeared as an agent before any court; and they might easily imagine what a state of things that would bring about.

The HON. W. F. TAYLOR said the amendment appeared to him to make a distinction without much difference. If a suitor was represented by a duly constituted agent, although the agent might not get his costs granted by the court, he would get them as a matter of arrangement between his client and himself—an arrangement made beforehand. If he thought a layman well up in mining law could represent him better than a solicitor, why should he not employ him, and why, if the case went in his favour, should not the warden grant him costs? The one seemed to stand in exactly the same position as the other. In any case, the agent would take very good care that he got paid.

The POSTMASTER-GENERAL: An agent paid by the party who employed him was quite a different individual from a solicitor, who could have his costs awarded to him by the court. The amendment was hardly worth fighting about, and he would ask the Committee not to insist upon it. He would remind hon. members that the Bill was a very important one, and it was hardly worth while endangering it for the sake of such a small matter. They were near the end of the session, and the clause, as sent up by the Assembly, would work no great harm.

Question put; and the Committee divided:—

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Resolved in the negative.

On clause 210—"Accident evidence of neglect."

The POSTMASTER-GENERAL moved that the Committee do not insist upon the omission of the clause. The clause provided that—

> The occurrence of any accident in or on a mine shall be *primâ facie* evidence of neglect on the part of the owner and the manager.

The Assembly objected to the omission of the clause "because the provision contained in this clause is identical with a provision contained in the Mines Regulation Act of 1889," which had "been generally accepted by the mining community as equitable and just." There was no doubt that it had been the law for eight or nine years, and that no inconvenience had been suffered in consequence of its being the law. And an hon. member in the other House, who had had large experience as a mineowner in connection with Mt. Morgan, had stated that the very existence of such a provision on the statute-book had prevented a great many accidents, as it had made mineowners and managers very much more careful than they would have been under other circumstances. A similar provision had been enacted and re-enacted in Victoria, even as late as the present year, and it was also the law in New Zealand. At first sight it might seem a drastic and harsh provision, but in view of the fact that it induced greater carefulness on the part of mineowners and managers, and that it had not hitherto caused any inconvenience to anybody, and that both parties in the other House were agreed that the clause should be retained as it stood, he submitted that it should be allowed to pass. A similar provision was contained in the Employers' Liability Act, and the tendency of modern legislation in England was in the same direction. He appealed to hon. gentlemen to seriously consider whether it was worth their while imperilling that Bill, which was of very great importance to the mining community, by insisting on the omission of the clause.

The HON. J. ARCHIBALD did not think the Committee should in any way imperil the Bill by insisting on the omission of the clause. He was sure that hon. gentlemen were particularly desirous of protecting the lives and limbs of all persons engaged in mining in every possible way, but he still thought the clause was too drastic. He believed it might be so altered that it would not only protect the miner but that it would also protect the mineowner, and be acceptable to members in the other Chamber. That could be done by adopting the provision in the English statute with an addition. He would suggest that the clause be amended so as to read—

> The occurrence in or on a mine of any accident, by which personal injury arising out of and in the course of his employment is caused to any miner or other workman employed therein or thereon shall, unless it is proved that the injury to a miner or other workman is attributable to the serious and wilful misconduct of that miner or other workmen, be *primâ facie* evidence of neglect on the part of the owner and the manager.

He thought that in that form the clause would be acceptable to the other Chamber, and to mining members generally.

The HON. G. W. GRAY: When that clause was before the Committee on a previous occasion, the Hon. W. Allan stated that it was not the present law in Victoria, but had been annulled in that colony. It was true that it had been annulled there, but since then it had been re-enacted, and that fact should have some weight with hon. gentlemen in considering the clause before the Committee. The fact also that the late Mr. John Macrossan, who had spent a life-time in mining in this colony, had seen the necessity when he was Secretary for Mines for inserting a provision identical with that in their mining law, was one which should commend it to hon. gentlemen. They had all known him sufficiently well to know that after the years he had spent as a practical miner he would never have permitted such a provision to become law if he had not considered it an absolute necessity. There was very little difference between the original clause and the clause as suggested by the Hon. Mr. Archibald, but as the latter would be rejected by the other House, they had better keep to the clause as it stood.

The HON. W. ALLAN said that the clause in the English Act had not yet come before them, so that the Hon. Mr. Archibald had been speaking of an amendment on something which was not and had not been before them. He rose more particularly to make a correction. When the question had last been before the Committee he had made a statement which might have inadvertently misled some hon. gentlemen. He, in common with other hon. members, had been under the impression that the corresponding clause in the Victorian Act of 1890 had been repealed in the Act of 1897. On referring to the Act of 1897 he had found the clause in the Act of 1890 mentioned in the first schedule as one of those which was repealed, and he had naturally concluded, as a layman, that that clause had been repealed, but it had since been pointed out to him that it was re-enacted in the Bill, appearing there as clause 129. That did not in the slightest degree alter his opinion of the clause, which he considered harsh and one-sided, but rather than jeopardise the Bill, and seeing that the clause had been the law for several years, he would not insist on its omission. At the same time he reserved to himself the right to support the clause read by the Hon. Mr. Archibald, if, after argument, it commended itself to his judgment.

The HON. C. H. BUZACOTT: It would be remembered that he had supported the clause in the Bill, although he had felt that it was a little ambiguous, crude, and unsatisfactory, and further consideration had only confirmed him in that impression. He had looked up the corresponding section in the Imperial Workmen's Compensation Act of last year, and he had found that while it contained all that that clause aimed at, it was not open to the serious objection to which that clause was open. He had therefore prepared an amendment, which he had submitted to several members of the Committee and also to several members on both sides of the other House, and in every instance they had regarded it as a satisfactory solution of the difficulty. It had since been suggested that it was incomplete by an hon. member who, without knowing what was contained in the English Act, had pointed out a defect which would be remedied by making it correspond with the clause in the English Act. He had communicated with the Hon. Mr. Archibald, to whom the Committee owed a great deal for the care, assiduity, and ability he had shown, and he had warmly approved of the clause, with the further addition which he had read to the Committee. He would not like to move the amendment if it was likely to jeopardise the Bill, but he had come to the conclusion, from what hon. members of the Assembly had told him, that there would be no objection raised there to the clause in its amended form. He was quite prepared to move it if the Committee desired it, or to support any hon. gentleman who thought fit to move it. He moved the omission of the words "of any accident in or on a mine," after "occurrence." It might seem as if the amended clause would conflict with clause 217, but that was quite a distinct thing. The clause as he proposed to amend it would simply decide what was neglect on the part of the owner or manager, and did not deal with the question of compensation.

The POSTMASTER-GENERAL said that clause 210 was a matter of pleading, while clause 217 was a matter of proof. The occurrence of an accident would be *primâ facie* evidence which would have to be rebutted, but clause 217 went into the whole question of what was proof and what was not. He felt rather in doubt as to whether the proposed amendment was judicious. If the amendment was to be made at all it would be much more convenient to pass it in the printed form, of which notice had been given, and then follow it up with the proviso from the English Act.

The HON. C. H. BUZACOTT: He had at first intended to move it in the form of a proviso, but the gentlemen whom he had consulted thought it should form part of the clause. Perhaps the easier way for the Committee to deal with it would be for him to move the amendment in the form of which he had given notice.

The RIGHT HON. SIR H. M. NELSON: He sincerely trusted that with regard to that clause some amendment might be moved in the way of a compromise. He quite agreed with what the Hon. Mr. Buzacott said the other evening—that the tendency of recent legislation was in the direction of insuring workmen against injury or loss of life. There could be no doubt that that was the course of legislation, as shown particularly by the Act passed last year by the Imperial Parliament to which reference had been made. The amendment proposed by the Hon. Mr. Buzacott would certainly be a step in the direction of a compromise. It ought to be noted, however, that the English Act provided not only for men working in mines, but for men engaged in many other occupations, and also that it went a great deal further than anything in the Bill before the Committee. That Act was intended originally to obviate litigation. If that was the sole object, they had better leave clause 210 as it stood, because if they did there would be very little litigation. Whenever a mineowner could not prove that a man was injured by his own default, or by some natural cause, he would pay up, because the clause said the presumption was against him. The court could not even give him the benefit of any doubt; and that was just where the trouble was. The clause said that if there was no other evidence except the mere fact that there was an accident, the jury or court must assume negligence on the part of the mineowner. The English Act, he might also note, limited the amount of compensation; there was nothing of that kind in the Bill. It provided that workmen should not get compensation for the first fortnight after the injury, so as to prevent malingering or pretence, and that the amount of compensation should be proportionate to the man's wages. It further provided that if a workman did not like the compensation, and chose rather to have his remedy under the Employers Liability Act, he could do so. There was nothing of that kind here. The clause did not affect workmen directly. It was a direction to the court, saying what was evidence. It

said that certain things should be evidence, which in any other case in a court would not be evidence. There was nothing in the Bill to prevent men from contracting themselves out of it, whereas provision was made against that in the English Act. They were all in favour of insuring miners against injury and death; but there was nothing in the Bill whereby miners' lives might be insured through friendly societies. He should like to see a good many of the provisions of the English Act introduced here, and made applicable to other occupations besides mining. With regard to the clause under discussion, he would again say that he thought the compromise proposed by the Hon. Mr. Buzacott would be the right thing to adopt under the present circumstances, and he hoped some arrangement of that sort would be come to.

The HON. C. H. BUZACOTT said the Chairman had suggested to him that it would be better to move that the clause as printed in the Bill be omitted with the view of inserting an entirely new clause.

The POSTMASTER-GENERAL: Before that was done he wished to say that he still felt that it would be better to accept the clause as it stood. In 1889, when the Bill containing the clause was before Parliament, there was scarcely a word of objection to it in either House. If they sent the Bill down with the Hon. Mr. Buzacott's amendment, and the Bill was lost, the present law, containing that very clause, would still be in force.

The HON. C. H. BUZACOTT: He had said before that he was not particularly anxious to move the amendment, and that he would prefer to stick to the original clause in the Bill. He was still prepared to do so, and with that view he would, with the permission of the Committee, withdraw his amendment.

Amendment withdrawn.

Question put and passed.

On clause 213—"Gunpowder and blasting"—

The POSTMASTER-GENERAL: The Assembly disagreed to the amendment made by the Council in that clause, reducing the time within which a charge of blasting powder that had missed fire should not be approached, from one hour to half an hour, "because the method of tamping a charge of blasting powder frequently has the effect of injuring the fuse and causing the charge to hang fire for a lengthened period." The matter was scarcely of sufficient importance for the Committee to insist upon it, especially as mining experts differed in their opinions on the subject, and he moved that the Committee do not insist upon their amendment in that clause.

Question put and passed.

On clause 246—"Regulations"—

The POSTMASTER-GENERAL moved that the Committee do not insist upon their amendment in subsection 30, respecting the making of regulations for forfeiture of leases, because, as pointed out in the message of the Assembly, the matter was already provided for in subsection 5 of the same clause.

Question put and passed.

The House resumed, and the CHAIRMAN reported that "the Committee do not insist upon their amendment in clause 114; do not insist upon their amendments in clause 14, lines 50 and 51; clause 16, lines 34 to 37; clause 23, line 5; clause 29, lines 52 and 53; clauses 38, 56, 70, 87; clause 88; clause 89, lines 29 and 30; clause 91; clause 213, lines 35, 36, 37, page 56; clause 246; line 32, page 73; do not insist upon the omission of clause 210; agree to the Assembly's amendment in clause 30 as consequential on the Council's amendment in clause 28; agree to the consequential amendment in clause 2; and agree to the Assembly's amendment on the Council's amendment in clause 26."

The report was adopted.

The POSTMASTER-GENERAL: I move that the Bill be returned to the Legislative Assembly with the following message:—

MR. SPEAKER,—The Legislative Council having had under consideration the Legislative Assembly's message of this day's date relative to the Mining Bill, beg now to intimate that they—

*Insist* upon their amendment in clause 114—

*Because* it is not desirable to grant to persons representing parties in the warden's court the rights, liberties, and privileges of a solicitor, as such persons are not subject to the disabilities of a solicitor, and for the further reason that it is not desirable that the practice with respect to the representation of parties by agents in wardens' courts should be different to the practice prevailing in that respect in the land courts of the colony.

*Agree* to the Assembly's amendment in clause 30 as consequential to the Council's amendment of clause 28.

*Agree* to the consequential amendment in clause 2.

*Agree* to the Assembly's amendments on the Council's amendment in clause 26.

And do *not insist* upon the other amendments to which the Assembly have disagreed.

Question put and passed.

## BRISBANE TECHNICAL COLLEGE INCORPORATION BILL.

### SECOND READING.

The HON. A. H. BARLOW said: This also is a Committee Bill to a large extent. Hon. members are aware that the Brisbane Technical College for the education of the eye and the hand of the people has been associated with the school of arts, and it has now grown to such dimensions that it is considered it should be incorporated and should run alone. The Bill is to a large extent declaratory, and I do not need to take up time on the second reading, because we shall consider it immediately in committee. I therefore beg to move that the Bill be now read a second time.

The HON. C. H. BUZACOTT: I suppose there will be no discussion on the second reading, but I rise to say that I heartily approve of the Bill with one or two small alterations. It is exceedingly desirable, and I hope that when the Brisbane Technical College has been incorporated under this statute and the effect is seen elsewhere, we shall find bills of incorporation asked for other technical colleges in places like Townsville, Rockhampton, Ipswich, and Toowoomba. In some of those towns there are highly successful technical colleges, and I do not think they have had all the assistance hitherto they are entitled to. No doubt as soon as the Brisbane college has been incorporated it will have sufficient influence to extract from the Treasury all it needs, and then I expect the other technical colleges will put in their claims as well. I have very much pleasure in supporting the Bill.

Question put and passed.

### COMMITTEE.

Clauses 1 to 4, inclusive, put and passed.

Clauses 5 and 6 passed with verbal amendments.

Clause 7 put and passed.

Clause 8 passed with a verbal amendment.

Clause 9 put and passed.

On clause 10—"Power to take and sell real and personal property"—

The HON. J. COWLISHAW asked whether it was the intention of that clause to give the council power to buy the present building, because clause 12 empowered the Governor in Council to grant to the council of the college any land that might seem suitable for the purpose of erecting suitable premises for the college.

The HON. A. H. BARLOW: The powers given by clause 10 were usual in incorporating Bills. He was not aware of any particular intention, except to give the council power to acquire land. It was purely formal.

Clause put and passed.

On clause 11—"Power to make rules, etc."—

The HON. C. H. BUZACOTT: There was no need for the long rigmarole—"The council shall have power from time to time to make, repeal, alter, reenact, enforce rules and regulations for the following purposes." The Acts Shortening Act provided for all that. It was quite sufficient to say that the council should have power to make all necessary rules and regulations.

Clause passed with a verbal amendment.

On clause 12—"Grant of land"—

The HON. J. COWLISHAW: The clause spoke of the Governor in Council granting land suitable for premises for the college, and the definition of the college was "the Brisbane Technical College." In the event of branch colleges being established by the council in other places, would the Governor in Council have power to grant land in those places?

The HON. A. H. BARLOW: The Bill only applied to the Brisbane Technical College. If there was another college in another town it would require a special Act, just like the Harbour Boards Acts.

The HON. J. COWLISHAW: In clause 11 power was given to the Council to establish branch colleges in other places.

The HON. A. H. BARLOW: They would be parts of the Brisbane Technical College. In all probability there would be branches in suburbs like Toowong, Woolloongabba, and the Albion.

The HON. C. H. BUZACOTT: Subsection 3 of clause 11 did all that the Hon. Mr. Cowlishaw wanted. The clause could make rules "For the establishment of branch colleges or schools, and for the general direction of the educational affairs of the same."

Clause put and passed.

On clause 13—"Disposal of revenue"—

The HON. A. H. BARLOW moved that the following be added at the end of the first paragraph:—

If at any time hereafter it is desired to erect a building or buildings for the college upon any land held in trust by the council for that purpose, all moneys raised by donations, subscriptions, or bequests for the erection or enlargement of such building or buildings shall be placed to the credit of a special fund to be called the building fund.

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

The remaining clauses and the preamble were put and passed.

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

The report was adopted.

THIRD READING.

The Bill was then read a third time, passed, and ordered to be returned to the Assembly.

## WEIGHTS AND MEASURES BILL.

SECOND READING.

The HON. G. W. GRAY: This Bill is the outcome of an agitation which has been going on for the last two or three years among the farmers, and which culminated in a conference of farmers held at Rockhampton in May last. At that conference a resolution was passed asking the Government to legislate on the question. The resolution is as follows:—

That in the opinion of this conference it is necessary that Parliament pass an Act providing for an efficient inspector of weighbridges, weighing-machines, weights and measures; also giving the vendors of agricultural produce, or associated bodies of the same, the power to appoint a check clerk or agent to check the weighing or analysis of their produce at the place of delivery to the buyer, or wherever its weight or value may be determined; and that the Government be requested to introduce such legislation next session as shall provide that all owners of weighbridges, weighing-machines, etc., shall keep and maintain a complete set of standard weights to the full capacity of such weighing-machines, and that any properly appointed inspector shall have access to such weights for the purpose of testing such weighing-machines or weighbridges at such times as may be deemed necessary.

I need hardly mention that the operations in connection with farming in the colony are now very large. The produce of sugar-cane alone amounts to 750,000 tons, and other produce is as proportionately large. At present some sellers are prepared to let the buyers supervise the weighing; others are not. This Bill provides all that the farmers ask for, with the exception that the Government do not see their way to analyse the produce at the time of purchase; and I think it will be admitted that it is a good one. I move that the Bill be now read a second time.

The HON. C. H. BUZACOTT: I hardly think we ought to allow a Bill of this sort to go through without saying anything about it. For my own part I have had no opportunity of perusing it till this afternoon, and from a hasty look through the Bill it seems to have been prepared in a workmanlike manner I rather imagine it is adapted from some English Act. I feel a great deal more confidence in accepting a Bill prepared as this one is than some measures which are submitted to us. The object aimed at is desirable, and the Bill is one that is much required. At the same time I do not think it is fair to bring a Bill like this into the House on almost the last day of the session. With that protest, I beg to say I shall support its second reading.

The HON. J. ARCHIBALD: I quite agree with the Hon. Mr. Buzacott. It is a very important measure, and I hope the Hon. Mr. Gray will not attempt to pass it through Committee to-night. I only had the Bill placed in my hands five minutes ago. It affects very large interests in the colony, and we ought to have an opportunity of considering it more carefully.

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

## EVIDENCE BILL.

SECOND READING.

The MINISTER FOR JUSTICE: The object of this Bill is fully expressed in its title, which shows that it is a Bill "to facilitate the proof of Acts of the Parliaments of the Australasian colonies, and of judicial and official documents, seals, and signatures." It is a Bill of a federal character, and is an amplification of the Federal Council Evidence Act of 1886, which hon. gentleman will find in the Statutes of Queensland entitled "Public Acts," on page 2560. That Act was passed by the Federal Council to facilitate the proof throughout the federation of the matters mentioned in this Bill. The object of the Bill is to cause—as it will cause—a great saving of expense when it is necessary to prove documents received from the other colonies. The 4th clause deals with that; it states—

All courts and persons acting judicially within Queensland shall take judicial notice of the impression of the public seal of Queensland and of the public seal of any Australasian colony without evidence of such seal having been impressed or any other evidence relating thereto.

There are a good many other clauses showing the mode of proving different documents, such as Royal proclamations, orders of the Privy Council, rules of the Imperial Government, Orders in Council, and other matters which, under some circumstances, require the presence of an officer from another colony for the purpose

of proving that such Acts or documents are laws within that particular colony. "Votes and Proceedings" are to be proved by copy, certain signatures are to be judicially noticed, and the books of statutes of any Australasian colony published by authority are to be admissible in evidence. This Bill is very much needed, and will prove of great advantage in the administration of justice in the colony; and I move that it be now read a second time.

The HON. C. H. BUZACOTT: I suppose this is one of those measures that we must receive with thanksgiving. It really takes a considerable time for an experienced man to go through a Bill of this character and thoroughly comprehend its provisions, and how we unfortunate members of the Legislative Council, who have been working here for six or seven hours, can be expected to go into it to-night I do not know. It seems a most unreasonable thing that we should have a measure of this sort brought before us at this stage of the session. Still, I have every confidence in the Minister for Justice, and I think he would not ask us to adopt a Bill of this character unless he was perfectly satisfied that it was in the public interest. It is one which only a member of the legal profession can understand, and I am exceedingly sorry that there is no member of that profession present to-night to give us an intelligent explanation of its provisions, not that I imply that the explanation of the Minister was not intelligent; but it was extremely short and curt, and members of the legislature are really entitled to more information than he supplied. I notice that clause 3 provides that—

> Any paper purporting to be a copy of any Act of Parliament of any Australasian colony, whether passed before or after the commencement of this Act, and purporting to be printed by the Government Printer of such colony or as a supplement to the *Government Gazette* of such colony, shall *primâ facie* be deemed to be a correct copy of such Act without any further proof thereof.

On looking up in the statutes paragraph 4 in section 14 of the Elections Act I found that there was no paragraph 4 in section 14 of that statute, but I discovered that there had been a revision of the Elections Act of 1886, and a 4th paragraph added to the section referred to. Such a state of affairs is confusing, and it is necessary, if the Government print Acts and then print other Acts purporting to be the same in an altered form, that the alteration should be designated in some way. If the Act I allude to had cited the revised Elections Act we should have understood at once what was referred to, but as it was, even the Postmaster-General could not tell me, on the spur of the moment, what was intended by the reference. However, that is not the question before the House now, and I only refer to it because clause 3 of this Bill provides that any paper purporting to be an Act of Parliament shall be accepted as such without further proof. If the Government had shown the earnestness in the matter of federation that I should have liked to see, it would have been entirely unnecessary to pass a Bill of this sort. I rather dislike passing Bills of this kind, because it appears to me that their tendency is to defer federation; for, in assimilating the laws of the separate colonies by these small Bills, persons will be inclined to say that if we have not federation we are going as near to it as we can do. What we want is federation, and not these small intercolonial Bills.

The HON. A. H. BARLOW: With respect to my hon. friend's objection to this Bill on the ground that it has a tendency to defer federation, I may point out that when federation is an accomplished fact federal Acts will be in force in all the colonies in the federation. At present, I believe, if you want to prove what is the law in New South Wales you have to get a lawyer to swear that so-and-so is the law in that colony, although the statute is in front of the judge; and this Bill is to correct such anomalies. With respect to the Elections Act the hon. gentleman referred to, the section he mentions will be found in an Act which was passed by Sir Horace Tozer last year making an immense number of amendments and alterations in the Elections Act, and that Act provides that a copy of the principal Act shall be printed by the Government Printer with all amendments. Those amendments and alterations will be found at the end of the sessional Acts for 1897. Nobody could understand the law as amended, except persons who had been in Parliament at the time the amending measure was passed, if it had not been summarised and printed in that form. I think this Bill is a most wholesome measure, as it will prevent all the nonsense that now goes on in regard to the proof of Acts of Parliament and certain official documents, and it will not in the least interfere with federation.

Question put and passed.

COMMITTEE.

Clauses 1 and 2 put and passed.

On clause 3—"Australasian colonies and their Acts to be judicially noticed"—

The HON. C. H. BUZACOTT wished to refer again to the manner in which Acts were cited. He did not complain of an Act being reconstructed on the authority of the Government Printer, but what he did complain of was that an Act should state that it must be cited as the Elections Act of 1885 when it was not the Elections Act of 1885 but an amendment of that Act.

Clause put and passed.

Clauses 4 to 14, inclusive, put and passed.

The House resumed; the CHAIRMAN reported the Bill without amendment, and the report was adopted.

THIRD READING.

The Bill was then read a third time, passed, and ordered to be returned to the Assembly.

## GAME AND FISHES ACCLIMATISATION BILL.

SECOND READING.

The HON. G. W. GRAY: The object of the Bill is provide for the introduction, acclimatisation, and preservation of certain animals, birds, and fishes. The introduction of the Bill is due to the successful experiment which has been made in connection with the acclimatisation of trout. Anyone who has visited Killarney will see what has been done by private enterprise. A number of gentlemen subscribed £1,000, which was supplemented by a small grant from the consolidated revenue, with the result that in the streams at Killarney there are thousands of trout, and from that source they are being distributed through the streams of the colony. The idea is that every encouragement should be given to go further, and introduce the other fishes and birds enumerated in the first schedule, with power to add to the list. The intention is to take the Bill in committee immediately; and I cannot do better than move that the Bill be now read a second time.

The HON. J. ARCHIBALD: The Bill is of vital importance to the colony. Some eight or nine years ago experiments were tried in the district of Warwick, where I have the honour to reside, with the view of introducing trout. We have some excellent streams constantly running. Our first experiments were very primitive, and although we were unsuccessful owing to the high

temperature of the water, having introduced from Tasmania trout ova, we have since introduced a large quantity of small fry and ova, and have succeeded in establishing a hatchery at Killarney, where we have not only pure water, but water of such a temperature that we can not only acclimatise the fish, but be in a position to get the ova from Tasmania and New Zealand, and successfully hatch it. The experiment has been a very great success. A number of gentlemen in the district being very enthusiastic in the matter, and knowing how much the acclimatisation of fish has done for New Zealand, Tasmania, and even Victoria, subscribed their own money in the initial stages of the experiment. While the President was Premier he did what he could by supplementing the money raised in the district of Warwick with a Government grant. Everything possible has been done up to the present. Trout have been successfully acclimatised, and they have been distributed not only in the waters of the Downs and the Southern parts of the colony, but in the neighbourhood of Gympie and in the Coomera, and, so far as we have been able to gather, even though the temperature of these waters is higher than in the waters on the Downs, the various experiments have been attended with success. There may be one or two amendments of a formal character necessary, but even in its present form the Bill commends itself to me, and I hope that it will be passed.

The HON. J. T. SMITH: I am very glad to see this Bill brought in. There is no question that there is a necessity for supplying the country with various kinds of fish and game. There are certain birds which are essential to the growth of fruit, and these should be introduced. One is pleased to know that successful efforts have been made to acclimatise trout. I believe the Lockyer has been supplied with trout from Killarney, and such running streams should prove very suitable for these fish. I was very much struck a week or ten days ago, when travelling down the line to attend this House, at the sight of a black swan with a group of cygnets on the edge of a sheet of water between Murphy's Creek and Helidon, right in the midst of a farming district. I am glad that some attention is being paid to the preservation of our native birds and animals. I was also struck with some figures in connection with the destruction of our indigenous animals. In one marsupial board district they paid for something like 158,000 kangaroos alone. In my young days I was fond of hunting the kangaroo, but with such wholesale destruction it would be difficult to find any now. Such measures as this are necessary to protect our indigenous birds and animals, and I hope to see more extensive efforts made with that object in view. I shall support the Bill.

The HON. F. T. BRENTNALL: I am exceedingly pleased that the legislature is by this Bill giving its support to the private enterprise of a number of gentlemen to whom reference has already been made. I had the privilege and the pleasure of visiting the hatchery the other side of Killarney, and I was extremely gratified by what I saw there. Very great credit is due to the gentlemen who initiated that acclimatisation movement, and I only hope that the enterprise may extend in similar directions with regard to other kinds of fish and also to the kinds of game specified in the first schedule, so that there will be greater facilities by-and-by for the sportsmen of this country to indulge in their propensity. I do not know that they will lose very much if some of the indigenous animals—and some of the birds, perhaps—die off, and we get the imported ones instead. The legislature acts wisely in giving its endorsement first of all to the action which has been taken by private enterprise, and then affording the necessary protection to the results of that enterprise, which must be done if the success is to be all that those gentlemen anticipate.

Question put and passed.

COMMITTEE

Clause 1 put and passed.

On clause 2—"Interpretation"—

The HON. J. ARCHIBALD asked whether two acres was considered sufficient for acclimatisation lands?

The HON. G. W. GRAY: It was considered that two acres would be sufficient, but in the definition of "Acclimatisation lands" provision was made for a larger area.

The HON. W. ALLAN said that two acres would be altogether inadequate for an acclimatisation society engaged on work on a large scale. It would be quite insufficient for the acclimatisation of deer, or even of pheasants, as there would have to be a considerable amount of cultivation. He could not understand how such a limit as two acres had been arrived at. It seemed a pity that any area had been mentioned, even though a greater area might be granted by the Governor in Council.

Clause put and passed

Clauses 3 to 17, inclusive, and the first schedule, put and passed.

On the second schedule—"Imported fish"—

The HON. A. H. BARLOW said it had been suggested to him by a legal friend that unless the scientific names of the fishes specified were mentioned it might be difficult to get a conviction.

The HON. W. ALLAN thought it was unnecessary to burden the Bill with scientific names when the matter could be dealt with in the regulations.

Schedule put and passed.

Preamble put and passed.

The House resumed; the CHAIRMAN reported the Bill without amendments.

THIRD READING.

The Bill was then read a third time, passed, and ordered to be returned to the Assembly.

## MARSUPIAL PROOF FENCING BILL.

COMMITTEE—THIRD READING.

The several clauses of this Bill were passed without discussion; and the Bill was then read a third time, passed, and ordered to be returned to the Assembly.

## ADJOURNMENT.

The POSTMASTER-GENERAL: I move that the House do now adjourn. The chief business to-morrow will be the consideration of the Slaughtering Bill and the Brands Bill in committee.

Question put and passed.

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