

Norton. The 63rd rule provided that "when a motion has been made"—that was when a thing was initiated—"a question thereupon shall be put to the Council"; and the President or Chairman could go on putting the question until it came to a division.

On the motion of the HON. A. H. BARLOW, the amendment was amended by the insertion of the word "standing" before the word "rule."

The HON. A. H. BARLOW said the question now arose as to whether the word "put" or the word "made" should be used. Order 63 said that when a motion was made a question thereupon should be put to the Council, and therefore the subsequent puttings were merely re-statings to hon. members what had been going on. The crucial test was the motion made.

The HON. A. NORTON said the best thing to do was to put the matter plainly. He moved that the word "put" be omitted with a view of inserting the word "made." The object was perfectly clear. Notice of motion was not given, but if hon. members were present they could not complain that they were taken unawares, and if they chose to go away why should they not? He hoped the Hon. Mr. Gregory did not think he was acting in antagonism to him.

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

Rule 24, as amended, put and passed.

The House resumed; the CHAIRMAN reported that the Committee had agreed to the Standing Rules and Orders with amendments.

The HON. A. C. GREGORY moved that the report be adopted.

The HON. A. NORTON: There are one or two of the new Standing Orders that require a little amendment, and one necessary alteration has been pointed out to me by the Clerk Assistant, who has given a great deal of attention to the matter, and has been of great assistance to the Committee, not only while it was sitting, but at other times as well. I think the Standing Orders should be re-committed. The Hon. Mr. Gregory can withdraw his motion.

The HON. A. C. GREGORY: I have no objection to withdraw the motion.

Motion, by leave, withdrawn.

RE-COMMITTAL.

On the motion of the HON. A. C. GREGORY, the House went into Committee to further consider Standing Order No. 80.

The HON. A. NORTON moved that the word "amended" be inserted after the word "withdrawn."

The HON. A. H. BARLOW said his attention had been drawn to this clause before. It was in the Legislative Assembly rules, but he did not know what it meant. Did it mean that if the Committee were engaged upon an important clause, that clause must be finished at that sitting?

The HON. A. NORTON said it meant that the clause could not be postponed in Committee. The Committee might move the Chairman out of the chair, but it derived all its power from the House, and could not postpone anything.

The HON. A. J. THYNNE said if the rule meant that they could not postpone a clause without moving the Chairman out of the chair it would upset a very convenient practice. It had been their custom to postpone clauses that required a great deal of consideration and proceed with the others, and then when the postponed clauses had come up again they were settled with very little loss of time. He was afraid they had had an importation of a rule of practice which was not applicable to the Council. It might be applicable to resolutions raised in Committee of Supply in the Assembly; but what form of resolution was there to be moved in

their proceedings in Committee which they ought not to be able to postpone if it was thought desirable? Perhaps the Hon. Mr. Norton could give them some enlightenment on the matter.

The HON. A. NORTON: The hon. gentleman need not be alarmed. It was no new rule, but one as old as the hills. It merely provided that if a resolution was introduced in committee the Committee could not postpone it; but the Chairman could be moved out of the chair, and a report made to the House, and the House would order its further consideration to stand over till some future day. The rule—169—dealing with Bills was quite distinct from that; and it provided that any clause, whether it had been amended or not, might be postponed.

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

The House resumed; and the CHAIRMAN reported that the Committee had made a further amendment.

The reports were adopted; and it was resolved, on the motion of the Hon. A. C. GREGORY—

That the Standing Rules and Orders be laid by the President before His Excellency the Governor for his approval.

LOCAL WORKS LOANS ACTS
AMENDMENT BILL.
COMMITTEE.

This Bill passed through Committee without amendment, and its third reading was made an Order of the Day for to-morrow.

CRIMINAL CODE BILL.

SECOND READING—RESUMPTION OF DEBATE.

The MINISTER FOR JUSTICE: I am speaking now with the permission of the House, because the motion is that this Bill be now read a second time. In the discussion which followed that motion of mine it was suggested by two legal members of the House that the Bill should be referred to a Royal Commission, and the debate was postponed to give me an opportunity of considering the matter. I have done so, and I find that a Bill of this kind cannot be referred to a body over which the Council has no control. So that a motion, "That the Bill be referred to a Royal Commission," could scarcely be put by the President. I have a precedent here of a similar kind from New South Wales. Mr. Dangar moved that a Bill be referred to the Commission on the Conservation of Water, upon which the President said—

I do not think there is any precedent for an amendment of this kind. I do not see how we can refer the Bill to a body over which we have no control, and which has not been appointed by the House. The hon. member, however, could accomplish the object in view by some other mode.

I ask hon. gentlemen to allow the Bill to be read a second time, and I will undertake, on behalf of the Government, that it shall be referred to a Royal Commission later on. If that course is adopted the Bill will be read a second time, and we shall not further proceed with it in this House during the present session. At the same time I should like hon. gentlemen to thoroughly understand that this Bill is in a slightly different position than a Bill which had for its object the bringing in of a code of criminal law, and which, under ordinary circumstances, would be considered by the House. It must be remembered that this code was compiled by Sir S. W. Griffith at the express request of Sir Thomas Mellwraith, who was then the Premier of the colony; and that Sir S. W. Griffith having undertaken that task, which has occupied his time for the last five years, he is really in the position of a Royal Commission. That is, instead of Sir Thomas Mellwraith sending him a commission under the seal of the colony appointing him to prepare a code of this nature, he simply requested him

verbally to do so. Under those circumstances, as Sir S. W. Griffith has undertaken that task, and has performed it in a most creditable manner, we have been asked to deal with it, and in doing so the House has undoubtedly expressed its opinion that some report should be obtained upon his labours; and that report will be obtained. Having given the House that assurance, I ask hon. gentlemen to allow the Bill now to be read a second time.

Question put and passed.

The MINISTER FOR JUSTICE: In moving that the committal of the Bill stand an Order of the Day for Tuesday next, I do so on the understanding that we do nothing further in the matter until we receive the report.

Question put and passed.

The House, at twenty-nine minutes to 6 o'clock, adjourned till Tuesday next.

LEGISLATIVE ASSEMBLY.

TUESDAY, 22 NOVEMBER, 1898.

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

BRISBANE TECHNICAL COLLEGE BILL.

On the motion of the SECRETARY FOR PUBLIC INSTRUCTION, it was formally resolved—

That the House will, at its next sitting, resolve itself into a committee of the Whole to consider of the desirableness of introducing a Bill to provide for the incorporation and government of the Brisbane Technical College and for other purposes.

PETITION.

TOOWOOMBA TOWN HALL.

MR. GROOM presented a petition from the municipal council of Toowoomba praying for leave to introduce a Bill to enable them to sell or mortgage certain lands, and apply the proceeds to the building of a new town hall on other land held by the council.

Petition received.

MINING BILL.

RESUMPTION OF COMMITTEE.

Question stated—That clause 82 stand part of the Bill—

The SECRETARY FOR MINES moved the omission of the words "Provided that the transferee shall not be an Asiatic or African alien."

Amendment agreed to.

The SECRETARY FOR MINES then moved the insertion, in lieu of the words previously omitted, of the following—

Provided that the maximum area allowed to be held by one person must not be exceeded, and that the transferee must be a person qualified to apply for a lease under this Act.

Mr. JACKSON was very glad that the Minister had introduced the amendment, as it would meet the objections he and other hon. members had the previous night to the clause, and save a great deal of debate. He complimented the hon. gentleman upon meeting them in regard to any reasonable amendment they wished to forecast. If the clause had been allowed to go as printed there would have been no restrictions on the right of transfer; one person would have been able to hold as many homestead leases as he chose. That would be a great danger, not only in regard to areas for residence purposes, but in regard to the homesteads of forty and eighty acres, because they would have found homestead leases taken up outside the townships for the timber alone.

Mr. STUMM was very sorry indeed that the amendment had been introduced, as it would place the landholders on a goldfield under a disability that no other landholder in the colony was placed under. If he chose to buy land in Brisbane, he could sell it to the man who would give him the best price for it. If he were a pastoral lessee, he could sell his holding to the man who would give him the best price for it. But if he took up a holding on a goldfield, and complied with all the conditions, he had to put up with an inferior title, because it was on a goldfield; and yet, if he wished to sell, he could not sell to the man who was prepared to give him the highest price. Again, if his neighbour wished to dispose of his holding, he (Mr. Stumm) could not buy because he had a holding of his own. Why should the landowner on a goldfield, with his inferior title, be penalised in that way? In other towns they allowed practically free-trade in land. He knew perfectly well that the amendment was in accordance with the present Act, but if hon. members turned to the evidence taken before the Royal Commission they would find that that was one of the grievances of homesteaders on Gympie. It had not only prevented homesteaders improving their holdings, but it had driven from the field some most enterprising men, because there was no inducement for them to improve their holdings. It was right enough to limit the area a man could take up, and there was no objection to that; but when a man had complied with his conditions he should be entitled to sell to the man who would give him the best price. He did not object to their not being given freeholds. They did not want freeholds, but they did want the right to deal with their property which was enjoyed by the holders of land in other towns. It was nonsense to say that it would give rise to a monopoly. As a rule the quality of the land on goldfields was against monopoly, and the rates and the rental would prevent any man from monopolising land there.

Mr. JACKSON: It would pay to take up homesteads for the timber on the Northern goldfields.

Mr. STUMM: Then they must have some very fine timbered land. But if that was the difficulty they could provide that they should not deal in the timber, but they should not perpetuate an injustice which had done an immense amount of harm to Gympie. It was not only a Gympie grievance, though they felt it more keenly because they had a longer experience of the working of the Act than any other field, but the grievance would be felt in time on Charters Towers, Croydon, and other fields. In fact, he believed that it was felt even now at Charters Towers. If the principle of the amendment was right they should apply it to all the freehold lands in the colony, and limit the area a man could hold. They did not limit the number of shares a man could buy in a mine, and that had been found to answer well, and they did not limit the area a man could hold on mining lease so long as he fulfilled the labour conditions. He could take up one lease, and buy as many as he could afford, and that also had been found to work well.

Mr. JACKSON: You can stop the homesteader under the Crown Lands Act from transferring to anyone else.

Mr. STUMM: Not after he had made it his own. The moment he got his deed he could do what he liked with it, but the goldfields homesteader could not sell to the man who would give him the best price.

Mr. BROWNE: The hon. member for Gympie did not voice the opinion of the mining community on this matter; it was dead against him. The object of the Goldfields Homestead Act