Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 3 JUNE 1879

LEGISLATIVE ASSEMBLY.

Tuesday, 3 *June*, 1879.

Estimates.—Formal Motions.—Petition.—Electoral Rolls Bill.—committee.—Impounding Act Amendment Bill—committee.—Adjournment.

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

ESTIMATES.

The SPEAKER stated that he had received a message from his Excellency the Governor, transmitting for the consideration of the Legislative Assembly the Estimates-in-Chief for the financial year, from 30th June, 1879, to the 30th June, 1880.

The PREMIER (Mr. McIlwraith) moved—

That the Estimates be printed and referred to the Committee of Supply.

The Hon. S. W. GRIFFITH would take the opportunity of asking when the Premier proposed to make the Financial Statement?

The PREMIER: I propose to make it to-morrow.

Mr. GRIFFITH: On going into Committee of Supply?

The PREMIER: In Committee of Ways and Means.

Question put and passed.

FORMAL MOTIONS.

The following formal motions were agreed to:—

By the PREMIER—

That this House will, at its next sitting, resolve itself into a Committee of the Whole, to consider the desirableness of introducing a Bill to regulate the Pearl-shell and Bêche-de-mer Fishery in the Colony of Queensland, as recommended by His Excellency the Governor's message of date the 28th instant.

By the COLONIAL SECRETARY (Mr. Palmer)—

That this House will, at its next sitting, resolve itself into a Committee of the Whole, to consider the desirableness of introducing a Bill to make better provision for the establishment and management of Asylums for Orphans and Deserted and Neglected Children, as recommended by His Excellency the Governor's message of date 28th instant.

By Mr. MCLEAN—

That there be laid upon the table of this House, the Plans of the Branch Lines of Railway from Oxley, *via* Loganholme; also from Oxley, *via* Waterford; also from Oxley, *via* Village of Logan, to Coomera.

By Mr. DICKSON—

That there be laid on the table of this House, copies of all Executive Minutes, Tenders, and Correspondence concerning the Contract for the proposed new Dredge or Dredges.

PETITION.

Mr. STUBLEY presented a petition from inhabitants of Ravenswood, praying that there might be no reduction in the number of officers employed upon the goldfields in that district.

Petition read and received.

ELECTORAL ROLLS BILL—COMMITTEE.

On the motion of the COLONIAL SECRETARY, the House resolved itself into a Committee of the Whole to consider this Bill.

Preamble postponed.

The COLONIAL SECRETARY moved clause 1—Repeal of sections 12 to 31 and sections 53 to 56, inclusive, of the Elections Act of 1874—as printed. In doing so, he said that if, in the course of the Bill passing through Committee, alterations were made which could affect this clause, he would have no objection to re-commit the Bill for the purpose of again considering clause 1.

Mr. GRIFFITH said that when the debate on the second reading of the Bill was in progress, the Colonial Secretary had given no reasons for dealing with sections 53 to 56, inclusive, of the Elections Act of 1874. As no reasons for repealing those sections had been given either to the House or the Committee, he called attention to their provisions. Section 53 stated—

"For the purposes of all elections it shall be lawful for the Governor in Council by notice in the *Gazette* to assign to each polling-place therein appointed for any electoral district a polling district embracing such portion of the said electoral district as the Governor in Council may appoint in that behalf and it shall be the duty of every returning officer to give public notice of all such polling districts in like manner as of polling-places and after such notification of any polling district or districts every elector shall vote at every such election as aforesaid at the polling-place so appointed for the polling district within which his qualification arises or is situated or within which he may have elected to vote as aforesaid unless in the event of his offering to vote at a polling-place other than that appointed for the polling district within which his qualification arises or is situated or within which he may have elected to vote as aforesaid he shall comply with the requirements of the next following section—provided that no such polling district shall be assigned after the date of the writ for any election."

Section 54 then went on to say—

"In addition to the questions to voters authorised by the 51st section of this Act—"

That was to say, "Are you the same person whose name appears as A.B., No. —, in the roll in force for this electoral district; and have you already voted either here or elsewhere at the present election for this electoral district?" And then it continued—

"The presiding officer shall if he think fit or if required by any candidate or scrutineer put to any elector before he shall have voted the following question—Do you reside or is your qualification situated within the polling district assigned to this place?"

Then, in the event of the question being answered in the negative, an elector could only record his vote, and the presiding officer must write against the elector's name in the roll the words "Voted openly for ——" If a man was found to have voted at the polling-place assigned to the district within which his qualification arose, and it was proved that he had afterwards voted openly for another candidate at another polling-place, such vote should be rejected by the returning officer: that was under the 55th section of the present Act. Then the 56th section provided that the provisions of the three preceding sections should not apply to electors residing on goldfields. In short, the provisions were that the Government might appoint polling-places, but that any voter who did not vote in his own district should be obliged to vote openly.

The object was to prevent a following out of the rule of which they had heard so much in some places—"Poll early and poll often." He had no doubt that those provisions would prevent double voting, or be a great check upon it, and therefore he saw no reason why they should be repealed. Since 1874, when the Act was passed, there had been only one general election, and then there was not time to make the requisite arrangements for putting those provisions into force. He did not intend to move an amendment, but had made these few remarks as a suggestion to the hon. gentleman in charge of the Bill.

The COLONIAL SECRETARY said that the only reason for repealing the clauses was they had been a dead letter, and had never been acted upon. Although the present Act was passed in 1874, from that time to now none of those sections had been acted upon. No doubt they were very good sections in themselves, and the hon. gentleman should, when a Minister, have seen that they were enforced; he had, however, not the slightest objection to act upon the suggestion. With that view he moved the omission of the words "and sections fifty-three to fifty-six, both inclusive."

Question put and passed accordingly, and clause as amended agreed to.

Clause 2—Existing rolls to be in force until new rolls are prepared—agreed to.

On clause 3 as follows:—

"In the interpretation of this Act the following words in inverted commas shall unless otherwise expressed or unless the context otherwise indicate have the meanings set against them respectively—

"The words 'Appropriate court of petty sessions' shall mean the court of petty sessions in each electoral district appointed by this Act or by proclamation as hereinafter provided to have charge of the collection compilation and revision of electoral lists and electoral rolls.

"The words 'Clerk of petty sessions' shall mean the clerk of the appropriate court of petty sessions in each electoral district."

Mr. GARRICK objected to the words "in each electoral district," as sometimes the court of petty sessions was not in the electoral district;—for instance, in the case of Brisbane, it was in North Brisbane and not in South Brisbane. He would suggest the substitution of the words "in each respective electorate." Then, again, there might be no court of petty sessions in some electoral districts, and if there was no court there would be no clerk of petty sessions. He would recommend the hon. gentleman to follow the definition given in the Act of 1874, which was "every clerk of petty sessions and other person appointed to perform the duties imposed on a clerk of petty sessions by this Act."

The COLONIAL SECRETARY thought the hon. member's views would be met by striking out the words "in each electoral district," and he would move that omission.

Question put and passed accordingly.

Mr. GRIFFITH said he could not understand the object of putting in the words "or by proclamation as hereinafter provided," inasmuch as the courts of petty sessions were allotted to each district in the next clause.

The COLONIAL SECRETARY said the hon. gentleman would see the necessity of the words if he referred to clause 19 of the Bill, which provided for cases where there was no court of petty sessions. Although clause 4 provided certain courts of petty sessions, it was quite possible that others might be required.

Mr. GARRICK thought that in places where there was no court or clerk of petty sessions care should be taken to appoint some other person, and he would therefore move the omission of the words "in each electoral district," with the view of substituting the following—"and other persons appointed to perform the duties imposed upon clerks of petty sessions by this Act."

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

On clause 4 — List of appropriate courts—

The COLONIAL SECRETARY said he should be much obliged to any hon. member for suggestions in reference to it. He had himself one amendment to move on one line.

Mr. GRIFFITH called attention to the fact that Cleveland, the proposed court of petty sessions for Bulimba, was far less convenient than Brisbane.

Mr. MCLEAN said that it would be far more convenient to the electors of Bulimba to have the court of petty sessions at Brisbane than at Cleveland, which was out of the way for the majority.

The COLONIAL SECRETARY said he was quite willing to give way to hon. members who had a better local knowledge than he possessed, and would therefore move the substitution of the word "Brisbane" for "Cleveland."

Question put and passed.

Mr. GRIMES moved that the word "ditto" (Brisbane) be substituted for "Goodna," the proposed court of petty sessions for the district of Oxley, as Goodna was quite out of the way for the majority of the electors, who really had no connection with that town.

The COLONIAL SECRETARY said he did not think this objection held so good as the last, as Goodna was very convenient to Oxley; and another thing was that the clerk of petty sessions at Goodna had not much to do.

Mr. GRIFFITH would remind the hon. gentleman that quite one-half of the electors of Oxley lived on the Brisbane

side, and that Goodna would be most inconvenient for them.

Mr. RUTLEDGE thought the argument that the clerk of petty sessions at Brisbane had too much to do did not hold good, as in all cases where a clerk of petty sessions required assistance it should be given to him. The requirements of the electors were the first thing to be considered.

Mr. LUMLEY-HILL said that hon. members seemed to forget that collectors would go round to collect the rolls, so that it could not inconvenience the electors, and would be a good thing for the clerks of petty sessions, who had not much to do, to have a little work imposed upon them, rather than put the whole work on the metropolitan clerk of petty sessions.

Mr. GARRICK considered that, instead of obstacles being thrown in the way of electors, every facility should be given to them to get their names on the roll. He believed himself it would be much easier for the Oxley electors to come to Brisbane than to go to Goodna.

The COLONIAL SECRETARY said the electors were not obliged to attend the court; they could register themselves by letter. If he could only get a majority to support him, he would do away altogether with the collection of names. The better plan would be to take the original list as the basis, and make all who wished their names added register themselves. The very best Bill ever brought into the House was the one which required every man to register himself and get his voter's right. However, they were not likely to get back to that. It did not make the slightest difference to the electors where the place was, so long as there was a court of petty sessions. It was a matter of great importance, no doubt, to choose polling-places which would be convenient for the electors; but the selection of places of registration was not so important. Where there was an officer employed to perform those duties, the work should be put upon him, instead of being pressed upon another officer who already had more than enough.

Mr. GARRICK said that every facility should be given to the electors. The Colonial Secretary said the selection of places did not make any difference; but he (Mr. Garrick) contended that it made a great deal of difference. If Goodna were the place selected, then lists would be exposed there, claims would be made there, and any one whose name was objected to would be obliged to go to the court there. It was therefore of the greatest importance that the court should sit in a place easy of access. With regard to the statement that the clerk of petty sessions at Brisbane might be over-worked, and the similar officer at Goodna under-worked, was it not better and more in accordance with good government that the clerk of petty sessions at Goodna should be removed to Brisbane rather than that the whole body of the electors should be sent to Goodna?

Mr. REA said that, from his own experience, the former Bill, which required every man to register his own name, was the most faulty and unsatisfactory in its result of any Bills he had seen passed. It had disfranchised hundreds of people; and he hoped that in future every facility would be given to men who were ignorant of the formulas necessary to enable them to get their names on the roll. Numbers of persons had, to his knowledge, been annoyed to find their names had been removed from the list without their knowing anything about it. No man's name should be struck off without fair warning being first sent to him, calling him to attend and show cause why it should not be removed.

Mr. MACKAY said that ninety per cent. of the people of Oxley had business with Brisbane, and they had no particular relation with Goodna.

The COLONIAL SECRETARY said he was quite prepared to take the opinion of hon. members. The argument of the hon. member for Moreton went to show that most of the electors lived in Brisbane, and he had therefore no objection to the alteration.

Mr. O'SULLIVAN said the practice of taking people from their own district for this purpose was liable to great abuse. People whose names were on the roll were better known in their own district than anywhere else.

Mr. BAYNES said, although he did not suppose that the percentage of people in Oxley who had business with Brisbane was so large as was stated by the hon. member for South Brisbane, still there was probably not ten per cent. of the Oxley people who had ever been to Goodna. Brisbane was the place where they mostly did their business, brought in their produce and got their information, political and otherwise; and Brisbane was therefore the most suitable place.

Question—That Brisbane be substituted for Goodna—put and passed.

Mr. BAILEY said the place chosen for the electorate of Wide Bay, Maryborough, was at the extreme corner of the district; whereas almost in the centre of the district was the town of Tiaro, with a court of petty sessions, six or seven local magistrates, and a clerk of petty sessions. Tiaro might therefore be substituted for Maryborough with advantage.

Mr. GRIFFITH suggested that Toowoomba would be more convenient than Highfields for Aubigny. More people congregated there, and therefore the lists would be seen by a greater number.

The MINISTER FOR LANDS (Mr. Perkins) said, without wishing to give offence, the hon. gentleman might look after his own

district, as the people of Highfields and Toowoomba had two very good schoolmasters and did not want his advice. He (Mr. Perkins) was satisfied with the honesty and integrity of the bench at Highfields; but, from his experience of the Toowoomba bench, he had not a great amount of confidence in them, although it could not be denied they were very regular in attending on licensing days. In the Highfields bench he had every confidence.

Mr. GROOM said that Highfields was a very extensive district, and he should like to know whether the revising court was to sit at Crow's Nest, where there was an acting clerk of petty sessions and senior-constable, or at Highfields, where there was no such officer? If at Highfields, he would mention that there would be no officer to receive any names that might be sent there. The place selected should be either Crow's Nest or else Toowoomba. Highfields comprised a district extending fifty or sixty miles, and there would be a reason in selecting Five-mile Camp because it was a post-office.

The COLONIAL SECRETARY said the place meant was Highfields, where there was a court of petty sessions, and where the police magistrate of Drayton and Toowoomba attended once a month to hold court.

Mr. GRIFFITH said there were several places in Highfields, and two schools. Was it Crow's Nest that was meant, or Geham?

The COLONIAL SECRETARY said he was not ashamed to own his ignorance in not knowing exactly where the court-house was, as he had not been in the habit of attending court-houses. He knew there was a court-house and a police station, and that a police magistrate held court.

The MINISTER FOR LANDS said the court-house should be at Highfields, because Crow's Nest was at the very extremity of the Aubigny district. Money had been voted for the court-house, but the hon. gentleman and his colleagues had diverted it and spent it on the electorate of Stanley. He was content to leave the work of revising in the hands of the Highfields bench, and the hon. gentleman should be also.

Mr. O'SULLIVAN protested against the Minister for Lands stating that his district had been favoured. The discussion reminded him of a Minister who thought that the Warrego was in New Guinea. There was a court-house in his district, and the people intended to keep it.

Mr. GRIFFITH said it appeared, now, that Crow's Nest was not in Aubigny at all. Toowoomba would be a convenient place, because, if not in Aubigny, it was surrounded by Aubigny. How many people in Highfields living above the Range would come down below the Range to Crow's Nest? They might as well have the Brisbane revising court held in Cleveland. Crow's Nest was a hole-in-the-corner place in the bush, where names might be put on the roll without anybody knowing anything about it.

Mr. ARCHER said that as the leader of the Opposition and the Colonial Secretary appeared to know nothing at all about the place, he would like to hear the opinion of someone who did know something of its suitability.

The COLONIAL SECRETARY said the difference between the hon. the leader of the Opposition and the Colonial Secretary was, that the latter professed to know nothing about the matter, while the other thought he did, but evidently knew nothing about it because he was putting the place right over the Range.

Mr. MACKAY said that anyone acquainted with the district would know that Toowoomba was a suitable place for Aubigny. The only thing that might be said in favour of the other was, that it was on a main road. But Toowoomba was the market-place, and was therefore the most suitable.

The Hon. J. DOUGLAS was afraid, as the hon. the Minister for Lands had no confidence in the bench at Toowoomba, it would never do to alter the place to there. They seemed to be in a difficulty as to where the court-house really was—in fact, it was doubtful whether there was a court-house at all, though no doubt there was a building used as a court-house on emergency. In any case, it was necessary to have some alteration.

Mr. MOREHEAD suggested the addition of an interpretation clause to find out the exact location of these places.

Mr. STUBLEY agreed with the hon. member, as he thought the matter at present had not been sufficiently explained.

Mr. AMHURST would like to know why the hon. member for Wide Bay objected to Maryborough being the place appointed for the district of Wide Bay.

Mr. GRIFFITH was surprised that no one had adopted the suggestion of the hon. member for Blackall. The hon. the Minister for Lands had told them that Crow's Nest was not in Aubigny. Now, the Main Range was the boundary between the electorates of Aubigny and Stanley; and if Crow's Nest was in the Stanley district it must be below the Range. Was there any court-house at the top of the Main Range?—because the hon. the Minister for Lands had stated that the money for the court-house was expended in the district of Stanley.

Mr. GROOM said that Crow's Nest was in the Stanley electorate. Strange to say, a certain number of persons would take their business there, and the result was that a court-house had been erected there. At Geham, or the Five-mile Camp as it was more familiary known, there was no court-house;—there was simply a build-

ing which, on account of cattle-stealing having been prevalent, had been purchased by the Commissioner of Police to station an officer there for the purpose of communicating with Crow's Nest. If the Colonial Secretary would omit the name "Highfields" from the clause, and insert "Geham" where the post office was, it would meet the difficulty: it was evidently the place meant in the Bill. There were nearly 200 freeholders in the Aubigny district who were not on the roll.

Mr. DOUGLAS said that despite the objections of the Minister for Lands, that he had no confidence in the bench of Magistrates at Toowoomba, that was no reason why Toowoomba should not be the court of revision for Aubigny. He believed that it was in the centre of the district, and that there the largest number of electors would find it most convenient to have their names put on the roll. People were constantly coming to Toowoomba, it being the market town for Aubigny.

The MINISTER FOR LANDS said he could remind the hon. member that Toowoomba had quite enough to do to consume its own smoke—the Toowoomba bench would have enough to do to revise their own electoral roll. There was no reason whatever for this interference on the part of hon. members, and, to put it mildly, it was indecent. The hon. member for Toowoomba told them where Highfields was, and he endorsed his statement. There was a court-house at Highfields. If it was not so ornamental as the one at Crow's Nest, it was the fault of the late Government for diverting the money. Crow's Nest was at the extreme end of the district of Aubigny. The bench of magistrates at Highfields contrasted favourably with any other in the colony. Highfields was the better place, and beyond it the electors should not be required to go.

Mr. DOUGLAS would ask where on earth had there been any indecency? If there had been any, it had been in the conduct of the hon. member himself questioning the right of the Committee to discuss this matter. Without impugning the competency and respectability of the Highfields bench, he was quite sure that the competency and respectability of the magistrates at Toowoomba could not be impeached, and that Toowoomba was a better and more convenient place, and he would suggest that it be substituted for Highfields in the clause.

Mr. WALSH said it seemed to him hon. gentlemen who were saying the most upon this matter really knew the least about it. It should be sufficient for the Committee that the representative for the district said Highfields was the proper place. He was responsible to his constituents, and was being supported by the senior member for Toowoomba. No reasonable ground had been shown yet by the Opposition that the Toowoomba court of petty sessions should be substituted for the Highfields one.

The COLONIAL SECRETARY said it appeared to him that they were spending a great deal of time without doing anything. There was a court of petty sessions at Highfields, and whether the place where it was built was called Geham or not it did not matter. There was no doubt that Highfields was the proper place.

Mr. GRIFFITH said that hon. members were led to suppose that Highfields was a township where there was a court-house, and where lists hung up for the information of the electors would be generally seen; but the fact was that there was but a school and lock-up there. Toowoomba, on the other hand, was the market town for the district, where people came in every week, and where, in fact, all the functions provided by the subsequent clauses of the Bill could be performed. Highfields was nothing better than a poin. on the highway where lists might be hung up, but in all probability would not be seen by many of the electors. Nobody ever went there except on police-court business. The greater portion of the population of Aubigny was centred around Toowoomba, and that town was really far more central to the district.

Mr. O'SULLIVAN said the great objection that he had was, that the leader of the Opposition could see nothing but what pleased him—he was splitting hairs with a razor; and if the hon. member for Maryborough pushed his suggested amendment he would lose it.

Mr. REA said, as far as hair-splitting was concerned, no amount of pains that the Committee might take, even if they sat for a fortnight, would be time wasted. In every electoral Bill passed for the last sixteen years bungles had been committed, and this fact warned him that they could not watch this Bill too closely.

Mr. RUTLEDGE said there was no ground for the severe strictures passed upon some hon. members by the Minister for Lands for taking part in the discussion as to whether Geham or Toowoomba was the proper place for revising the electoral roll for Aubigny. If there had been any indecency exhibited it had been on the part of the hon. gentleman himself, for coming to the Committee and giving as a reason why Toowoomba should not be the place that he had no confidence in the magistrates there.

The MINISTER FOR LANDS: I did not say so.

Mr. RUTLEDGE said that, in addition to the electors, the convenience of the magistrates had also to be considered. Would it not suit the convenience of a large bench of magistrates to assemble at Toowoomba, rather than have to make a number of journeys to a place distant some eleven or

twelve miles from it? It had also to be borne in mind that there were many persons qualified to vote for Aubigny who were residents of Toowoomba. Was it not more likely that more justice would be done by having the revision court held at Toowoomba than at Highfields, where the magistrates could not know to the same extent as the Toowoomba bench whether the claimants to be placed on the roll were qualified or not? This was a very serious matter, as the revision courts had the power to strike out or let in applications. The hon. Minister for Lands had also told some hon. members to attend to the "cooking of their own victuals." He did not think that was a proper expression for anyone to use who occupied the exalted position of the hon. gentleman; but whether it was or not, it was the duty of hon. members to prevent any "cooking" of electoral rolls.

Mr. KELLETT said that lawyers could always argue on the wrong side of a question. The hon. member who had just spoken had used an absurd argument when he contended that the Toowoomba magistrates, who were not in the Aubigny district, would know more about the qualifications of electors than the Highfields bench. He (Mr. Kellett) took it that the magistrates in the district were likely to know far better than those who did not reside in it. He had known the Aubigny district for years, and was of opinion that where the court-house was situated, at Highfields, was the more suitable place than Toowoomba for the revision court to sit and for the electoral roll to be exposed to public view.

Mr. MACKAY thought the Minister for Lands would bear him out in the statement that, although nine or ten polling-places were appointed for Aubigny, one-third of the electors voted at Toowoomba. That was one of his reasons for suggesting that Toowoomba was a suitable place.

Mr. DOUGLAS said it might be very convenient for the electors in the immediate vicinity of Highfields to have the revision court held there, but he believed it would be absolutely inconvenient to the electors as a whole. He stated this from his knowledge of the district and of the population, the majority of whom chose to vote at Toowoomba at the last contested election. The Committee might just as well name Caboolture as the place for revising the roll for Moreton. As regarded the general convenience of the residents of Moreton, as well as Oxley, Brisbane was the better place; it was the focus of intelligence and the centre of postal communication for those districts, and these were important matters to consider if the Committee desired to secure the best place for giving effect to the wishes of the people. He should therefore move the omission of the word "Highfields," with a view to the substitution of the word "Toowoomba."

Mr. MESTON said it appeared to him that the same argument which gave Brisbane instead of Goodna as the place for Oxley, would give Toowoomba instead of Highfields for Aubigny. He did not know where Geham was, and whether it was a "crow's nest" or "mare's nest;" but in these matters hon. members should be guided chiefly by the opinion of the member for the electorate—that was the soundest basis for the Committee to act upon. The hon. Minister for Lands was the fittest man to say which was the most convenient place for Aubigny, just as he (Mr. Meston) was best qualified to say which was the most convenient for Rosewood.

Mr. GARRICK quite agreed with the hon. member that the Committee should listen with great attention to the opinion of the member for the electorate, and they would have done so had the hon. Minister for Lands not directed their minds to an improper issue. The hon. gentleman did not point out that it was for the interest of the electors of Aubigny that Highfields should be the place, but said it was because he had no confidence in the bench of magistrates at Toowoomba.

The MINISTER FOR LANDS: No.

Mr. GARRICK said the hon. member for Stanley (Mr. O'Sullivan) had talked about hair-splitting. Was it a question of hair-splitting that they should desire that the voice of the Aubigny constituency should be heard? It was not hair-splitting, but a useful thing to desire that the residents in the constituency should have the best opportunity for recording their votes. Parliament had gone out of its way greatly to provide for the collection of the votes of the people, and, as to such questions as the one now before them, they had to consider where the people assembled in greatest numbers and most frequently. Had it not been pointed out that it was at Toowoomba, so far as the electorate of Aubigny was concerned? Not a single difficulty should be put in the way of collecting the voice of the people in this respect. Aubigny was an immensely large electorate, and Toowoomba was the market town where the people frequently visited. Toowoomba was, as it were, the port of the district, where people congregated for purposes of trade, and it was practically more nearly the centre of the electorate than Highfields.

Mr. O'SULLIVAN said he was glad to hear the honourable member for Moreton roaring, but he really could not see the point of it. The honourable member had told them that Highfields was not the centre of Aubigny, and Toowoomba was; but the fact was Toowoomba was not in Aubigny at all.

Mr. GARRICK: I know it.

Mr. O'SULLIVAN said the hon. member should recollect that other members were quite as anxious as he was that the electorate should be properly represented. The hon. member stood up roaring, and no one could tell what he was talking about. He (Mr. O'Sullivan) was satisfied that he (Mr. Garrick) was not talking the common-sense of the House, or the common-sense of the electors of Aubigny. If the hon. member had taken a stroll through the electorate, and learned something of its geography, he would have been in a better position to speak upon the subject; but he knew just as much of the geography of Aubigny as he did that of New Guinea. He could tell the hon. member that he (Mr. O'Sullivan) represented some of the electors of Highfields, because some of them were really electors of Aubigny, and therefore he felt an interest in them. And let him tell the hon. member this—that any amount of his roaring in that House would not make them believe in him, but they thoroughly believed in him (Mr. O'Sullivan). They all knew that he would not do anything against their interests, and —knowing the whole district of Aubigny better than the hon. member for Moreton did or ever would know it—if this were pushed to a division through any dodge he should openly vote against it. He was thoroughly and perfectly satisfied that Highfields was the proper place. With regard to big towns, he did not know that they were very safe places to revise rolls. There magistrates congregated on the benches who knew no more about the men who came to have their names placed on the rolls than blackfellows. Surely no man could know the voters in his district better than the magistrate who lived next door to them. There was no difficulty in mustering a bench of magistrates at Highfields.

Mr. DOUGLAS felt sure that he would be able to convince hon. members that his amendment was right. Toowoomba was, after all, much more central than Highfields. The electorate of Aubigny absolutely surrounded Toowoomba on three sides—on the Main Range side it did not. It extended to Eton Vale, included Westbrook, stretched away to the plains nearly as far as Jondaryan, including Gowrie, and away to Rosalie. Those who knew the locality must admit that Toowoomba was more central for that electorate than Highfields.

Mr. HENDREN said that Ipswich stood, with reference to the electorate of Bundanba, in the same position that Toowoomba stood in regard to Aubigny; and as Ipswich was the place where the rolls were revised for Bundanba, and where the great majority of the electors voted, he agreed with the suggestion that Toowoomba should be the place for revising the rolls for Aubigny.

Mr. O'SULLIVAN said the hon. member was entirely wrong, and the difference between the electorates he had mentioned was this—Highfields was the very centre of Aubigny, or nearly so; while in Bundanba there was no court-house but Ipswich, except at Goodna, about a quarter-of-a-mile from the boundary. The electorate surrounded Ipswich, which was the proper place for the revision court—in fact, the majority of the Bundanba electors lived in Ipswich.

Mr. BAYNES admitted that to some extent Toowoomba was surrounded by the electorate of Aubigny; but at the same time Highfields was the centre of a large population, and their interests should be considered in connection with the revision of the rolls. He could tell the hon. member for Maryborough that there was no parallel between Oxley, Toowoomba, and Highfields.

Mr. DOUGLAS said there were farmers on the other side of Drayton, all along the Range to Gowrie, and running nearly as far as Jondaryan, all of whom, as well as those in the neighbourhood of Eton Vale, were within this electorate, and yet he was told that Geham was a central point for the collection of the rolls. Such was not the case, as would be seen on reference to the map of the district. Unquestionably, the largest number of people would be benefited by the roll being revised at Toowoomba.

Mr. ARCHER said he had listened attentively to the debate, and it appeared to him that the evidence of gentlemen in the House who were perfectly acquainted with the locality was stronger in favour of Highfields as the proper place than Toowoomba.

Mr. MACKAY was understood to say that if the Minister for Lands had put upon the schedule, in the first place, that Geham was the proper place, the matter would have been very much simplified and a great deal of time would have been saved.

Mr. SIMPSON said Geham had been mentioned several times by members on that side of the House who professed to know the district well.

Mr. MOREHEAD suggested that the hon. member who so recently discovered America should be sent out to discover this particular spot.

Mr. GRIFFITH said no one had disputed that Toowoomba was the market town for the whole of this constituency, while the other place was a mere spot in the wilderness. No one disputed that the greater part of the population of the district was located nearer Toowoomba than Highfields. He knew the electorate sufficiently well to point out the position of the several places mentioned. [The hon. gentleman here described the electorate by means of a book.] There was no doubt whatever that Too-

woomba was the proper place for the court of petty sessions.

Mr. MACFARLANE (Ipswich) said, from the description given of the district of Aubigny, everyone must come to the conclusion that Toowoomba was practically the centre of the electorate; and he contended that their object should be to afford the greatest convenience to the greatest number of electors, and therefore they should appoint Toowoomba instead of Highfields.

Mr. WALSH was understood to say that the opinion of the hon. member representing the electorate should be taken in this case, as the opinions of other members should be taken in respect to their particular districts.

Mr. MESTON thought that after the eminently lucid and satisfactory explanatory geographical diagram of the leader of the Opposition, the matter should be considered as definitely settled. He thought they would be perfectly safe to leave the question—or, at any rate, the responsibility—of the decision upon the Minister for Lands, and let him settle the question with his constituents afterwards. The only question now was, how much time were they going to waste over this question of tweedledum and tweedledee.

Question—That the word proposed to be omitted stand part of the question—put.

The Committee divided.

AYES, 26.

Messrs. McIlwraith, Palmer, Perkins, Macrossan, Walsh, Morehead, Norton, Low, Hill, Stephenson, Stevens, Kellett, Sheaffe, Baynes, Beor, H. W. Palmer, Simpson, Hamilton, Macfarlane (Leichhardt), Archer, Groom, Amhurst, O'Sullivan, Bailey, Cooper, Meston.

NOES, 15.

Messrs. Garrick, Douglas, Griffith, Dickson, McLean, Rea, Kingsford, Grimes, Paterson, Mackay, Rutledge, Macfarlane (Ipswich), Hendren, Stubley, and Beattie.

Question resolved in the affirmative.

Mr. BAILEY moved that in the 42nd line the word "Maryborough" be omitted with the view of inserting "Tiaro" as the court of petty sessions for Wide Bay.

The COLONIAL SECRETARY said he did not know whether hon. members opposite agreed to this amendment, but every argument they had used would tell against it. He thought they might take the local knowledge of members, which he thought might very well have been done in the previous case.

Mr. HAMILTON spoke in favour of Gympie being appointed the place for holding the court of petty sessions for the Wide Bay district. Gympie was surrounded by that electorate, and some time since, when the boundaries of the electorate were restricted, about two hundred or three hundred men in the electorate of Gympie were thrown into that of Wide Bay. There were a great many electors of Wide Bay, in addition to this, in the vicinity of Gympie—in fact, he took it that one-fourth of the whole population of Wide Bay was within a radius of ten or twelve miles from Gympie. Tiaro was forty miles from Gympie, and Noosa—a township which was increasing in population every day—was thirty miles from Gympie by road and about seventy miles from Tiaro; and in the neighbourhood of Noosa there were at least a hundred electors. The voters from Tiaro were compelled to bring their produce to Gympie, while the selectors about Gympie would not go to Tiaro once in a lifetime. For these reasons he proposed that Gympie should be substituted for Maryborough as the place at which the revision court for the Wide Bay district should be held.

Mr. GRIFFITH said a very serious question had now been opened out. Under the existing law, revision courts were held at every court of petty sessions in the various electoral districts; and it was at once evident that to appoint any single place as the only spot where the revision court should be held would be productive of immense inconvenience. In the Wide Bay district, for instance, there were three centres of population—Maryborough, Tiaro, and Gympie—each of which had equal claims to be the centre where the court should sit. It would, he contended, be far better to retain the present system and have a revision court at each place. Another case in point was the electoral district of Cook, where there were no less than five centres—namely, Cooktown, Port Douglas, Cairns, Thornborough, and Maytown; and yet, by the Bill now under consideration, all the business connected with the electoral roll of that exceedingly large district was to be transacted at Cooktown. The result would be that it would be impossible to object to any names put on the roll. He would suggest that, especially in large districts, there should be a revision court held at each centre of population where there was a court of petty sessions.

Mr. BAILEY said the only court of petty sessions in the Wide Bay district was at Tiaro, and connected with that court there were six or eight magistrates, all very old residents, and who were more or less acquainted with at least two-thirds of the electors in the district. By holding the revision court at Tiaro instead of at Maryborough, the chances of fraud would be reduced to a minimum; whereas if it were held at Gympie or Maryborough the doors would be at once opened to fraudulent practices.

Mr. O'SULLIVAN said he cordially approved of the suggestion of the leader of the Opposition, and trusted that he would move an amendment in order to procure the provision that revision courts should be held wherever there were courts of petty sessions. It was certain that electors

would not take the trouble to travel a hundred miles to record their names, and unless some such plan were adopted not one-half the names of the electors in the larger districts would be placed on the rolls.

Mr. LOW said his views on this matter were the same as had been mentioned by the previous speaker, and by the leader of the Opposition. The electorate of Balonne comprised three districts; and Goondiwindi was 150 miles from St. George. It would be extremely inconvenient to hold the revision court only at St. George; and he supported the contention of the two speakers—that revision courts should be held at each court of petty sessions.

Mr. MACKAY said that, with regard to the particular question under discussion, Tiaro was no doubt a most central place in the Wide Bay district; and as it was on the only main road in that district, and contained a court of petty sessions, he should support the amendment of the hon. member for Wide Bay.

Mr. DOUGLAS said there was no doubt Tiaro was more central than either Maryborough or Gympie. In large districts it was often difficult to decide which were the real central points, but in this case he should be happy to support the amendment, although there were manifestly some slight objections to be taken to the selection of Tiaro.

The COLONIAL SECRETARY said this Bill altered the present state of the law on the subject under discussion, and he thought advantageously. If hon. members would look further down the Bill they would find that provision was to be made for exposing the electoral lists at every police office in the district, and that provision, he thought, would do away with a great portion of the difficulty. Such being the case there was no hardship on the electors, and the plan would certainly work better than the present one, by means of which individuals were enabled to get their names placed several times on the rolls for the same electorate.

Mr. GRIFFITH said the new plan would no doubt work well if there were no objections to be made and no claims to be sent in; but the rolls exposed at the various police courts were only to be so exposed for fourteen days, and all claims must be sent in within ten days, otherwise they would not be attended to. Such a plan might, perhaps, work in a district like Brisbane, but in sparsely populated districts it would be found simply unworkable. Practically it would prevent names being sent in, and objections from being made, and leave the compilation of the rolls entirely in the hands of the collectors.

The COLONIAL SECRETARY said the argument of the hon. gentleman would apply equally if every electorate in the colony were subdivided by ten. They might go on refining and refining, but what he wanted to see was a practical way of getting out of the difficulty. When they came to the clause relating to the exposing of the electoral rolls at the police courts, he should be prepared to strike out the date and allow a further time; and it should be remembered that every man had a perfect right at any time of the year to send in his own claim, accompanied by a declaration.

Mr. MACFARLANE (Leichhardt) said that in the district he represented Springsure was mentioned as the place at which the revision court should be held. But Taroom and Comet were 200 miles from Springsure, and there was hardly any communication between the two places. Under the existing law the rolls for that district were compiled at Springsure, Taroom, and Banana; and he should certainly prefer adhering to that system instead of changing to the one now proposed. If the plan now proposed were adopted, the result would be that a large number of names in the Leichhardt district would be left off the rolls altogether. He trusted the Colonial Secretary would choose the least of the several evils which presented themselves in dealing with this somewhat difficult question.

Mr. GROOM instanced the electorate of Darling Downs as another case in point. That district extended to Maryland in one direction, and almost to Dalby in the other. The Bill provided that the revision court should be held at Allora; and as there was only another police court on the Darling Downs, it would be impossible that the distant electors would be able to know whether their names had been put on the roll or not. He suggested that the rolls should be exposed on the different post-offices or school-houses, in order to give them the required publicity.

The COLONIAL SECRETARY said he should have no objection to giving the greatest possible publicity to the rolls.

Mr. GROOM was exceedingly glad to hear the Colonial Secretary say so; and he felt sure that such a plan would, to a great extent, remedy the evil complained of.

Mr. BAYNES said the same argument applied with great force to the Burnett district. At present the roll was made up at Gayndah and Nanango. Since the resumption of lands in the neighbourhood of Nanango, there was a greater settled population there than at Gayndah; and yet Nanango was under the present Bill left out in the cold, and the people living there would have to go to Gayndah, a distance of over 100 miles, to ensure the insertion of their names on the roll. Besides this, the collectors would have to go from Gayndah into the Nanango district, and thereby additional expense would be incurred. Speaking of collectors, he would

say, now, that he strongly objected to any new collectors being appointed. He thought the police were the most fit and proper persons to compile the rolls; and when the clause referring to that subject came up for discussion he should be prepared to move an amendment to that effect.

Mr. MESTON said that as each member was supposed to possess a greater knowledge of the requirements of the electorate which he represented than anyone else, he should vote for the amendment moved by the hon. member for Wide Bay.

Mr. O'SULLIVAN said the question now under discussion involved much larger issues than the substitution of Tiaro for Maryborough, because the suggestion of the leader of the Opposition, if adopted, and in which he heartily concurred, would affect every electoral district in the colony. As to the time during which the rolls were to be exposed at the police courts in the colony, he would suggest that it be extended to three months.

Mr. BAILEY pointed out, in reply to the remarks of the hon. member for Gympie, when he suggested the appointment of Gympie as a more appropriate situation for the revising court for the Wide Bay electorate than either Tiaro or Maryborough, that, although there were a large number of electors of Wide Bay residing in the vicinity of Gympie—and no one was more desirous than he (Mr. Bailey) was that the electors near Gympie should have an opportunity of recording their votes at Gympie—still, there was also a large number resident in the vicinity of Maryborough to whom he was equally desirous of giving the opportunity of submitting their claims at Maryborough. However, as there could only be one court under the terms of the Bill for each district, he preferred of two evils to choose the least; and as he was unwilling that either the electors of Wide Bay resident at Maryborough or Gympie should be inconvenienced, he had proposed Tiaro as being the most central point—it was, in fact, the only court of petty sessions in the electorate of Wide Bay. Before the Bill passed through Committee they would be able to remedy the difficulty by providing courts also at Gympie and Maryborough; but if such an amendment were not made, then the court of petty sessions at Tiaro would be the most proper place.

Mr. KELLETT said that the hon. member for Wide Bay, and other hon. members, seemed to be of opinion that only one revising court could be held in each district. If they were to refer to the 22nd clause of the Bill, they would have saved much discussion and would have seen that provision could be made for other places than the one. It would be better to have it distinctly stated where the revision courts would be held; because, although he had no doubt that the present Colonial Secretary would place the revision courts where they would be of most benefit to the electors, it might be possible at a future time to have other Colonial Secretaries who would not stand so high in the estimation of the House, and who would not exert themselves so well for the electors.

Mr. AMHURST, on looking at the lists of courts of petty sessions in the clause, saw that Gympie was the place appointed for the revising court of the electorate of Gympie, and it struck him that, if Wide Bay had a sufficient population to entitle it to be represented, there must be some town in the district of sufficient size where it would be the proper place to revise the roll. Gympie being quite separate from Wide Bay, he could not see why the Wide Bay electorate should have their court at Gympie.

Mr. GRIFFITH suggested that the amendment of the hon. member for Wide Bay, omitting the word "Maryborough" and inserting "Tiaro," should be first disposed of.

Amendment put and passed.

The COLONIAL SECRETARY moved the omission of "Blackall" as a court for Gregory, and the substitution of "Aramac."

Amendment put and passed.

Mr. O'SULLIVAN proposed the omission of the word "Hughenden" as the place for holding a court of petty sessions for the Burke district, with the view of inserting the word "Georgetown." His reason for doing so was that Georgetown was an old-established place, and was the centre of population.

Mr. SHEAFFE thought that such an amendment would have more properly come from himself. He must say that the matter had received great consideration in his district, and he believed that Hughenden was better than Cloncurry, which had been suggested by some people, and that Cloncurry was better than Georgetown.

Mr. O'SULLIVAN said his only reason for moving the amendment was that, not seeing the hon. member for Burke in his place, he was afraid that some oversight might have occurred. As the hon. member seemed to know better, and was, moreover, responsible to his constituents, he (Mr. O'Sullivan) would not press the matter. He had brought it forward as there was a court of petty sessions at Georgetown and none at Hughenden.

Amendment, by leave, withdrawn.

The COLONIAL SECRETARY thought the present was the proper time to take the opinion of the Committee as to whether there should be only one particular court of revision in each district, or whether the police offices in each district should be appointed places for revising the rolls. For his own part, he had no great feeling in the matter. He had already stated his

reasons why he considered there should be one principal court in a district, and why the rolls should be revised there. He would remind hon. members that the Bill provided that lists should be exhibited at every court-house in an electoral district, and not only that but at every other place which the Colonial Secretary might direct. In the outside districts the time mentioned might be rather short, but in the inside districts he thought there would be ample time to revise the rolls and for every man to see that his name was on them. He should be glad to hear the majority of the Committee say that they agreed with the principle laid down in the Bill—that there should be only one principal court in each district; and he thought their time would be far better spent in having an expression of opinion on the subject than in discussing whether Highfields was better than Toowoomba, or Goodna than Brisbane. Before he went on further with the Bill he would ask to have the question decided whether it would be better to have the rolls revised at one particular court-house in each district, or at the various police offices. If the latter course was decided upon, he should then move the Chairman out of the chair, in order to withdraw the Bill for the purpose of making the necessary alterations in it; but if it was decided on the contrary, he should be prepared to go on with the Bill. All he wanted was to make the Bill as good as possible.

Mr. GRIFFITH agreed with the hon. member that the only object they should have in view was to make the Bill the best they could. He considered it was desirable to have revision courts at the various police offices, for whilst in populous districts one revision court would be quite sufficient—in fact there would be only one police court—yet in the larger districts one court would be quite insufficient. The Bill, in the 22nd clause, line eleven, certainly appeared to sanction the appointment of other courts. But that was what he had called the attention of the House to on the second reading of the Bill as being a verbal error, and practically inapplicable to the rest of the Bill. The question was, whether it was practicable to have the rolls revised, and whether objections could be made if there was only one court in each particular district. It was quite true that there had been a laxity in these matters, both on the part of the collectors and of the electors. There had been a want of political interest, but he hoped that the electors of the colony would in future show an appreciation of being on the roll themselves, and would also see that persons not entitled to be on the roll were not placed there. In order that that should be done, it was necessary, first, that they should know whether their names were on the list of the collectors; if not, that they should then send in their names. According to this Bill there could not be more than fourteen days allowed for sending in their names; but supposing the time was twenty-one days, could any man living in a large district discover that his name was not on the list and be able to send it in in time? With regard to objections, it was necessary that persons should have an opportunity of seeing the claims that were made; but supposing there was only one court in a district—supposing, for instance, a claim came in from the Palmer—that would take ten days to get to Cooktown, then it would have to be hung up for some time, and who was to make an objection? Surely the people who were best able to object were those who lived where the claims came from. He thought the hon. Colonial Secretary would find it impossible for objections to be made in these districts. They could not hope to get perfection any way, but he thought that they should endeavour to get as near it as possible. He would point out to the Committee that, if there was only one revision court in the large districts, there would be no objections at all, and very few claims. There were ten chances to one that a man would not find out that his name was omitted, and five hundred chances to one that a man improperly placed on the list would not be objected to. He thought that they should give every man a chance of striking off the names of those who were on the roll but who had no right to be there. As to the alterations that would be required by leaving the existing system of having each police court as a court of revision, they would be very trifling, and not sufficient to justify the hon. gentleman in moving the Chairman out of the chair.

Mr. ARCHER said there was the great danger to be guarded against of a man getting his name more than once on a roll, and also another danger of a large number of names being improperly struck off. In large districts these dangers were most to be feared—for instance, one half of the electors could not know what was done by the other half. The magistrates at Springsure might have no knowledge of the electors at Taroom, and any number of them might be struck off. For those reasons he thought it would be better to revert to the old system of letting each district revise its own rolls.

Mr. LUMLEY-HILL agreed with some of the remarks of the hon. member for Brisbane (Mr. Griffith), as no elector in the electorate of the Gregory could possibly know what was done at the court of revision at Aramac. There was no court of petty sessions in his electorate, and a man could not know whether he was disfranchised or not within the time allowed by the Act.

Mr. BAYNES said the hon. the Colonial Secretary, when he sat on the other (Opposition) side of the House, laid down one

of the wisest of maxims—namely, that administration and not legislation was wanted. That rule could now be carried out, as the old Act properly administered was all the country required; and the House had perfect confidence in the administration of the hon. the Colonial Secretary. If any difference were made in the law, so that the lists would be made up in one particular court, a great injustice would be done to the majority of the voters. The police were the most efficient men to collect the rolls, and it would be unwise to appoint new officers in whom the people had not the same confidence.

Mr. MOREHEAD, as representing a more important district than that of the hon. member for the Leichhardt, agreed fully with what had fallen from the hon. the leader of the Opposition. If there was to be only one court in the district he represented—namely, at Blackall, large numbers of the electors in the Mitchell would be disfranchised. Blackall was distant some 240 miles from the extreme north of his district, ninety miles from the south, and 200 miles from the western boundary. It would therefore be utterly impossible to have the names of the electors properly taken. There were four places in the district where courts of petty sessions were held—Aramac, Blackall, Tambo, and Isis Downs—and it would be a good thing to revert to the old method of collection.

Mr. WALSH said the same remarks applied to his district, which was a very large one, having in it no less than three seaports. Port Douglas and Cairns would both be very large, and there were extensive districts at the back of them. There were also inland towns—Maytown, 200 miles from Cooktown; and Thornborough, sixty miles from Port Douglas—where there were large numbers of electors. He would sooner see the old system continued than the present proposed one introduced; and if the Bill were passed in its present shape, he should ask that his district should be considered as a special case. To compile the rolls for such an extensive district in one town would be both unfair and unsatisfactory.

Mr. PERSSE, though he did not represent such an extensive district, agreed with the remarks of the hon. member for Mitchell. The district he represented was very scattered, and Ipswich, which was named as the town where the revising court would be held, was over sixty miles distant from some parts of the electorate. Another court, on the other side of the Logan, would facilitate matters a great deal, and it was therefore a pity that a second court was not named.

The COLONIAL SECRETARY said it was evidently the general feeling of the Committee that it would be better to make each police court in the electorates a court of revision. It would be impossible to make the necessary amendment at once, and he would therefore, with a view of having the alteration drafted, printed, and circulated, move the Chairman out of the chair.

Mr. GRIFFITH understood that, if the old system were to be adhered to, the fourth clause would be negatived. He would point out that, as the fourth clause had raised one question, the fifth clause raised another—namely, whether the police were to be collectors. If the majority of the Committee were in favour of the police continuing to be collectors, the alteration of that clause would make as many changes in the Bill as the amendment of the fourth clause. He would suggest that they should take a division now, to see on what lines the Committee desired to go. If the Committee wished the present system to be continued, some five or six other clauses would have to be altered. It was therefore better to settle the matter this evening. The times provided by the present law were very short—made so in 1874 in order to make sure of it coming into operation that year.

The COLONIAL SECRETARY said he did not wish to have the fourth clause negatived, which it probably would be if the division were taken to-night. Without negativing the clause, he could by an amendment replace it with a clause giving power to the Government to name additional courts of petty sessions, so as to leave it in the power of the Colonial Secretary of the day to appoint additional courts of revision in all the large districts. With respect to the question whether the police ought to collect the rolls, as they were supposed to do at present, he would point out that in almost every district a lot of collectors were appointed by the bench and paid by the Government. If it were to be the duty of the police to collect the rolls, that duty must be left to them alone, and they must be paid for it. They must also do it properly or else be punished; but when a man was not paid for his work he could not be punished if he went wrong. There was nothing in the Bill to prevent the employment of the police; but if employed they must be paid, and by provision in the ninth clause they would be subject to heavy penalties for wilful neglect. Any expression of opinion from members of the Committee would be a guide to him in making alterations; but he must be allowed to take his own Bill through the House in his own way.

Mr. GRIFFITH said the fourth clause could hardly be amended now, so many alterations had been made in it. The present law made provision for revision courts in all police districts, and the appointment of collectors. If the hon. gentleman was going to lay down a hard and-fast line as to where the courts should sit, he did not think there would be much improvement. The hon. gentleman said

there was nothing to prevent the police from being appointed; but he would point out that there was, because the police were not officers under the court of petty sessions, but under the Colonial Secretary; so that the court of petty sessions would have no right to appoint such officers without the special leave of the Colonial Secretary.

Mr. O'SULLIVAN said it would be almost impossible to go on with the fifth clause to-night, as there were some amendments to the fourth clause which would take up all the time. He was going to introduce an independent clause, the consideration of which would take up the remainder of the night.

Mr. SIMPSON objected to the police being appointed as collectors. Often when they were wanted to perform other duties they were collecting, and their proper duties were neglected. The collectors should be quite independent of the police.

Mr. MOREHEAD said he most decidedly objected to the police collecting the rolls. In the outside districts they had plenty to do without having this extra duty thrust upon them. The outside districts were not "over-policed," and he trusted that the Colonial Secretary would stick to this portion of the Bill as almost a vital part—that if he lost on that part he would withdraw the measure.

Mr. KINGSFORD quite agreed with the remarks of the hon. member that it was not right to employ the police to collect the rolls. Anyone who had taken notice of the large number of omissions and corrections that were necessary under the present system must be convinced that some more efficient means must be employed for collecting the rolls. He did not insinuate that the police wilfully omitted to carry out their duties, but it was a fact that every year scores and hundreds of complaints came in from electors whose names had been omitted, and some hard expressions were made use of. The police had enough to do, and it was unfair to expect them to perform other work in addition to their regular duties without extra pay;—it was also illegal. The rolls would be more efficiently and satisfactorily collected if the police were not employed at all.

Mr. O'SULLIVAN said that the easiest way to remedy the matter would be to have revision courts once a month or a fortnight in the same way that licensing courts were now held, and let the old rolls stand as a basis. Under this suggestion no collectors would be required at all. It might be very objectionable to employ police; but he would certainly prefer them to civilians, because he had always found that the revising benches appointed collectors, not because of their qualifications, but because they happened to be partisans and political agents, and these men knew very well who to put on and who to keep off the rolls. If the constables were properly paid, as they should be if they did extra work, they would be the best persons to undertake the work, as they were under control. By adopting, however, the plan he had suggested, no collectors would be required. Under the existing system a policeman or any other collector could take any man's name off the roll, and the man had no remedy. He (Mr. O'Sullivan) had put on a freeholder's name on the Ipswich roll every year for six years; the man lived in Brisbane and was off the roll now, and had no remedy until next year. Why should a collecter have the power to take a man's name off the roll? In cases where men's names had been omitted through neglect, why should not the aggrieved parties have the right to give notice, and prove their claims at the next court to be held as he suggested? A supplementary list could thus be made up, and collectors could be dispensed with.

Mr. MCLEAN agreed with the Colonial Secretary, that under the present system the rolls were half collected by the police and half by collectors appointed by the benches; and he would like to point out that in the country districts it was impossible for the police to collect the rolls;—very often there were not more than two or three stationed in such a district, and as they had several hundred miles to travel it was impossible that they could perform the duty of collection faithfully. The hon. member for Stanley (Mr. O'Sullivan) had stated that collectors were often appointed because they were partisans, and not for their qualifications; but the police were only human, and men could not shut their eyes to the fact that there were partisans amongst them. He was in favour of the system proposed by the Bill, believing that if the collectors were appointed by the bench men would be got who had a local knowledge of the respective districts, who could almost sit in their houses and make out a list of the persons qualified. The police were not in the same position: there were only three or four stationed in a large agricultural district, as a rule, and, as they were often changed, they did not know the people intimately. In Brisbane and the other large towns the police would, no doubt, do the work efficiently, but not in the country districts.

Mr. O'SULLIVAN said that, in reply to the hon. member, he would give one fact, as it was worth a thousand arguments. What did the hon. member think of a man who was appointed year after year as collector, and who, after doing his work, sat on the bench and revised the roll? This had been done several times—the man put on whom he liked and then revised the roll; but a constable could not do that, because, if there was any partisan spirit amongst the force, they dare not show it.

By taking the roll as it stood at present as a basis, and by permitting a man when he found that his name had been omitted to send in his claim and prove it, collectors could be dispensed with altogether.

Mr. HENDREN was understood to say that he remembered the collector to whom, he presumed, the hon. member for Stanley had referred, being objected to taking a seat on the revising bench; if the hon. member had ever seen him sit on the bench he (Mr. Hendren) had not.

Mr. O'SULLIVAN said the hon. member for Bundanba could not often see as he (Mr. O'Sullivan) could. He was sorry the hon. gentleman had contradicted what he must have known to be a fact.

Mr. PERSSE said that if the duty of collecting the rolls were to be given to the police they should be paid for it;—in the outside districts they would have to be found in horseflesh, and that would be an expensive item. A policeman stationed there was supplied with one horse, and received a certain forage allowance, and thus equipped he had often to travel hundreds of miles to collect the roll, the result being that he necessarily neglected the more important duty for which he was employed;—he had to do two things, and both were not done properly. If the police were to be the collectors, let the rolls be compiled by them only, and let them be paid for it. The only way, however, to have the roll properly revised was for people to take an interest in securing the franchise. It should be within the power of any man to have his name registered by making his claim before a magistrate and handing it in either personally or sending it through post; that would save the country a great deal.

The COLONIAL SECRETARY said he had never heard of a justice who was appointed collector and afterwards sat on the bench to revise the roll. It must be the fault of the previous Colonial Secretary and Government that such a person was allowed to be on the Commission of the Peace; and if the hon. member for Stanley would tell him his name, and prove that he had been guilty of the conduct stated, he (Mr. Palmer) would answer for it that he would not be a magistrate for twenty-four hours longer.

Mr. KELLETT said the best argument in favour of no collectors was furnished by the 1878 roll, which was about the largest that had ever been collected, because people knew that they would have to see about putting their names on; they thought a little more of their votes, and made it their business to see that their names were not omitted. He was perfectly satisfied that the police could not do the duty of collecting; if they could, the country must have a larger permament force than there should be. On the other hand, if collectors were to be appointed by the bench, it was quite possible that good independent men could be got, but it would be better to do without collecting. If, say, three months were given to men to put in their claims to be placed on the roll, the claims to be signed before a magistrate—magistrates were as plentiful as milestones—a larger number of names, and more *bonâ fide* in character, would be obtained than if the rolls were collected. In the outside districts the police went to stations, and if the superintendent or other person in charge was not in, they saw the cook and asked how many men were on the station qualified to vote, and often names of persons were given who were never on the station. They could not visit all the station hands, as it would take them six months to do it, some being in the bush fencing or splitting, or doing other work; but if it were left to the men themselves, all those who took an interest in having their names placed on the roll would see that they were put on; and a man who did not care to take any trouble in the matter was better without having a vote—he would only be brought down for some special purpose, and his vote might be bought for a glass of grog. He (Mr. Kellett) thought a good deal of expense would be saved, and they would have much better rolls by having no collectors at all.

The COLONIAL SECRETARY pointed out that clause 20 entitled any person to have his name inserted on the roll by giving, or transmitting by post, notice in writing to the clerk of petty sessions for the electorate.

Mr. KELLETT said he was aware of that clause, and that was one reason why he thought collectors were not necessary—seeing that there was sufficient provision without them.

Mr. MOREHEAD said he saw no easier way of stuffing the rolls than that suggested by the hon. member for Stanley. A magistrate in an outside district might get John Jones, Thomas Brown, and William Robinson to come before him and swear that they were entitled to a vote, and then a list would be sent down showing these men as being actually entitled to vote. There could be no easier way of stuffing or inventing rolls than this. The hon. member said the rolls would be revised afterwards, but he (Mr. Morehead) did not see how he was going to work the revision. He thought the Bill as proposed was a very good one, because, as the Colonial Secretary had pointed out, the twentieth clause proved that in any case of injustice where a man's name was left off by a collector, he was enabled to send his name to the court of petty sessions, with a solemn declaration that he was entitled to vote, and his name would be inserted. He considered the proposition to do away with collectors was a

mistake. It would, or at any rate might, lead to the stuffing of the rolls, and he thought it would be much better to take the dual mode of collecting the rolls provided in the Bill.

Mr. SIMPSON was understood to say that the remarks of the hon. member for Mitchell insinuated that the magistrates would be guilty of stuffing the rolls; but magistrates were supposed to be respectable men who would not perjure themselves for electors or anyone else. If the magistrates could put names on the roll improperly, why could not collectors do the same?

Mr. AMHURST said the hon. member for Dalby misunderstood the hon. member for Mitchell. What he said was, that the collectors would have more opportunities of arriving at the facts of the case than magistrates.

Mr. MOREHEAD said he did not say a magistrate was a greater rascal than a collector, nor did he say it now. What he said was that there would be great risk if the course proposed were adopted, because men might come before a magistrate, say they were entitled to vote, and get their names sent down. And collectors would have better means of verifying a man's qualification than a magistrate. The collector was not necessarily a rogue, but might be a respectable man who would do his duty properly and conscientiously, as he had known several of them to be. It was unfair for the hon. member for Dalby to put words into his mouth he did not use. He had no doubt, if he took the trouble to go through the roll of magistrates, he could point out a large number who ought not to be on the rolls. But whether he was right or wrong he still held that the Bill, with the powers it contained enabling the electors of the colony to get their names on the roll, was about as perfect a piece of legislation as could be passed.

Mr. SIMPSON said, if he misunderstood the hon. member for Mitchell, he withdrew what he said; but he understood him to say that magistrates might stuff the rolls, and surely that implied something dishonest in the magistrate.

Mr. GRIMES said he expressed his opinion on the second reading of the Bill that no better plan could be adopted than having the rolls collected by the police; and, after listening attentively to the debate, he had heard no better reasons put forth for the appointment of collectors than there had been for the police doing the work. The police were constantly going round the districts, collecting agricultural and other returns; they knew pretty well every resident, and there could not be better collectors. The Colonial Secretary said the other night that the police had not enough to do, and that a number would have to be dismissed; but here was employment for them in the collection of the rolls.

Mr. H. PALMER said an hon. member had said that one fact was worth a great deal of talk, and he could state a fact connected with the Kennedy district which showed that the police did not go much out of their way to collect the names of electors. At the last election for the Kennedy there was a returning officer sent from Charters Towers to the northern portion of the district, at an expense of £60, and when he got there there was not a single elector for that electorate. If the police who were sent up to collect the rolls had done their duty that money would have been saved, and a great deal of time too. As far as his knowledge went—and he had had a good deal of experience—he did not think the police—certainly while they were not paid—could possibly do the duty. A policeman collecting the rolls never went off the main road, and he knew there were electors in the northern part of the Kennedy district who had never been on a roll, and it was all through the carelessness of the police. Unless they were paid he did not think they were of any use as collectors in the outside districts.

Mr. BAILEY said one reason why the police should be employed as collectors was that it was their duty to know every part of the district in which they lived, and almost every man, woman, and child who lived in it; and the collection of the rolls would be one means of making them learn that duty perfectly. The whole of the arguments used had been equally against the employment of the police or political partisans—needy men who hung about public offices seeking employment as collectors. From all parts of the colony they had heard complaints about the names of electors being left off the rolls—men who had been on rolls for years being suddenly struck off without rhyme or reason or being made acquainted with the fact; and he thought the suggestion of the hon. member for Stanley was a most valuable one. He thought frequent courts of revision, and the facilities given for men to place their names on the rolls, would be found to answer all purposes without sending round an army of collectors at intervals at great expense. It was all very well to give privileges to the people, but he was afraid they were making the people so lazy that they would not value their privileges although they might have to pay heavily for it indirectly. He believed that if the money spent in the collection of the rolls were devoted to some more useful purpose the people would be better off, and they would have quite as many good names on the rolls.

Mr. GRIFFITH (the greater part of whose remarks were inaudible in the gallery) was understood to say that he believed the

Colonial Secretary did not wish to see clause 4 negatived, but that he proposed, instead, to add certain other places as sub-districts; but he (Mr. Griffith) would point out that there would still be the same difficulty in dividing the sub-districts.

The COLONIAL SECRETARY said he understood the hon. gentleman to say that each police court had its own police district assigned to it.

Mr. GRIFFITH: I said I always supposed so.

The COLONIAL SECRETARY said it was a strange fact that in one case a police magistrate applied to the honourable gentleman as Attorney-General to define the limits of his district, and he got no answer from him. He had no hesitation in stating who it was—it was the police magistrate for Drayton and Toowoomba who wanted to know where the police district of Toowoomba began and ended, or where the police district of Drayton began and ended; but the honourable gentleman could not tell him, and he (the Colonial Secretary) did not believe he could tell him now; yet he got up and said every police court had its own police district. There was the greatest difficulty in finding out where these police districts commenced and ended, and to try to make a Bill of this sort perfect was a farce;—the best they could do would be only an approximation to perfection.

Mr. GRIFFITH (whose remarks were almost entirely inaudible in the gallery) said he did not remember the circumstances the hon. member referred to.

Mr. STUBLEY made a few remarks, which were not heard in the gallery.

Mr. HAMILTON said that, in connection with this clause, he would make a suggestion which would in a certain degree protect an elector from the negligence of the collector. After the revised list had been exposed to public view, a certain time should be allowed for anyone who found his name omitted from that list to make a claim to have it placed upon the roll. A court of claims could be appointed to examine into such claims, and if the applicant could prove that he was qualified at the time of the collection of the roll to have his name placed upon it his claim should be allowed.

Mr. BEATTIE said that when the Act of 1874 was passed, the present Colonial Secretary spoke strongly against the appointment of the police to this particular duty, and he (Mr. Beattie) on that occasion expressed a different opinion, the result of his experience of the New South Wales collectors, who were policemen. He was now of opinion that in thickly-populated districts the police were very unsatisfactory collectors. He had noticed this especially in his own electorate of Fortitude Valley, where the collector, after leaving the police station, omitted to call at the first house he passed and left six names off the roll. If such things could be done in thickly-populated districts, how would the police do their extra duty in the country districts? He thought it better to go to the expense of employing special collectors, against whom there would be some claim if they failed to do their duty. Policemen would have no heart in the work, and if they were employed they ought certainly to be remunerated for the extra labour put upon them. Without this the old complaints of negligence would continue unabated. In any case, he trusted the new collectors would do their duty better than it had been done since the passing of the Act of 1874.

Mr. MCLEAN said that whoever the collectors might be, some definite instructions should be given them as to what constituted qualification. Two years ago, when he left his residence, he gave instructions that when the policeman came round he was to put his name on the roll. This was told to the policeman, who said, "Is not Mr. McLean a member of Parliament?" and on being answered in the affirmative, said, "Members of Parliament have not got any votes." When collectors were so ignorant, it was needful that they should receive some little instruction as to the nature of their duties.

Question put and passed, and the Chairman left the chair, and obtained leave to sit again on Tuesday next.

IMPOUNDING ACT AMENDMENT BILL —COMMITTEE.

On the motion of the COLONIAL SECRETARY, the House went into Committee to consider this Bill in detail.

Preamble postponed.

Clause 1—"This Act to be incorporated with 27 Victoria 22, 29 Victoria 16, and 31 Victoria 8"—passed as printed.

Clause 2—"Inspectors of brands to be inspectors of pounds"—passed with a verbal amendment.

On clause 3—"Indistinct brands to be clipped"—

Mr. GRIMES said that there was no doubt it was desirable, for the protection of owners, that care should be taken to get an accurate description of the brands of impounded stock, as valuable stock were frequently lost through their owners not getting a proper description of the brands from the poundkeepers. The clause under discussion would impose a very arduous duty on poundkeepers, for he noticed that they were supposed, when the brands were not very plain, to clip or shave off the hair on the branded parts and take a *fac-simile* of the brand. It might be possible for poundkeepers to do that in cases where horses or cattle were quiet, but hon. mem-

bers, and especially those who were pastoral tenants of the Crown, would understand the difficulty of throwing an unbroken or wild animal, and of keeping it so quiet as to permit of the clipping spoken of in order to take a *fac-simile* of an illegible brand. As there was a penalty attached to the clause, in case of poundkeepers failing to comply with it, he moved that the words "where practicable" be inserted after the word "shall."

Mr. PERSSE said there was no necessity at all for the insertion of the words, as in all well-regulated pounds there was a crush, and, no matter how rowdy a beast might be, the poundkeeper could do anything he liked to him on getting him into the crush.

The COLONIAL SECRETARY said the hon. member for Oxley might just as well keep the clause out of the Bill altogether as insert his amendment. Such an amendment would render the Bill useless, as poundkeepers would too often find the operation impracticable, in order to save trouble. As the hon. member for Fassifern had said, there was no difficulty in throwing or putting down a beast in any decent pound. Where there was not a decent pound, a poundkeeper had no business to be at all.

Mr. GRIMES said that in a yard or crush it might be possible to throw a beast and clip the part required, but it would still be a very difficult operation, as, for instance, to clip them on the leg if branded there.

Mr. PERSSE replied that it was not allowed to brand on the leg—it must be on some defined part; but even if the beast were an extra rowdy one there was no difficulty in getting him to the bail.

Amendment put and negatived.

Mr. GRIFFITH disliked the word "*fac-simile*," and thought it should be defined; —it was not an English word. He considered that, as the clause imposed a penalty for not doing certain things, it would be just as well to define distinctly what those things were, or else there would probably be an appeal to the Supreme Court for prohibition in case of fines being imposed on impounded animals.

The COLONIAL SECRETARY said that the word *fac-simile* was just as plain an expression as could be made use of, and one which any man of understanding could grasp. He believed it was to be found in many Acts of Parliament, and was surprised that the leader of the Opposition should disagree to it.

Clause, as printed, put and passed.

Clauses 4 and 5 put and passed, as read.

Mr. KING said that before clause 6 was put he had a new clause to propose, and the object was to raise a question so that all owners of land might be treated alike, and not be brought under the provisions of the 86th clause of the Crown Lands Alienation Act, by which the selector was not able to impound off unfenced lands. The matter had been discussed in the House frequently, and there had been a strong expression of opinion that the difference created by this 86th clause was not a fair one. It was possible a majority of the House might prefer to put all classes upon an equal footing, by repealing the 86th clause of the Crown Lands Alienation Act; and if that was their idea he should be prepared to accept it. But his own opinion was that in the settled districts it was much better that there should be no impounding off unenclosed lands at all. Whichever way this might be done, there would be no doubt something to be said against it. If they passed the clause as it stood, it would be said that in the settled districts the leaseholders who purchased their runs recently sold would have no protection against people grazing their cattle upon their land. On the other hand, if selectors were allowed to impound cattle, they would be able to take up selections on runs, and begin impounding off unenclosed land, which would be even a greater hardship upon the lessees, because in those districts mentioned in his amendment there was not a great deal of country held, and in a few years the leasehold tenure might die out. There would be less inconvenience, therefore, to prohibit impoundings off unenclosed lands altogether. As to the effect upon the country, he had seen some years ago, when selectors were impounding off unenclosed land, a great deal of mischief accruing. He had no doubt that much ill-feeling had arisen in this country between large and small landholders on account of the way in which the Impounding Act had worked. A very unfair advantage was given to the men who held freeholds round about reserves and roads which enabled them to leave their land open with impunity, while other people could not put their cattle there because they were liable to be impounded for straying upon unenclosed land. There were probably many members in the House who could testify to the unfair way in which the impounding law worked in the settled districts. If he found the majority of the House were of opinion that it would be better to equalize the position of land-owners by repealing the 86th clause of the Crown Lands Alienation Act he would not propose his new clause. But he wished to raise the question as to how the House would deal with the men who were at present placed in an unfair position through not being able to impound off unenclosed lands. The new clause which he intended to propose was this:—

From and after the passing of this Act it shall not be lawful for any person to impound stock from off any unfenced lands in the dis-

tricts of East and West Moreton Darling Downs Wide Bay Burnett and Port Curtis except as hereinafter provided.

Mr. BAYNES said he should not have thought it possible that so great a piece of injustice should have been proposed by a Speaker of the Legislative Assembly as this. It was only recently that the runs in East and West Moreton had been leased on what was considered a fair rent—certainly a rent that would not pay the lessees under certain conditions; yet the Speaker of the House came forward on the first occasion to alter those conditions, and make them such that no lessee could possibly pay his rent and occupy those lands. It was the duty of the Government, as custodians of the public lands, to protect the lessees. He waited in the hope that a member of the Government would rise in his place to take up that position, and he still trusted that the Ministry would now consider it their duty to do so.

Mr. ARCHER said he did not support the view of the hon. the Speaker, and he could address the Committee upon this subject quite calmly, not holding any leased land in either of the districts mentioned in the amendment. What was proposed, instead of allaying the bad feeling between different parties, would, in his opinion, entirely aggravate it. The leases of the parties named by the hon. member were only for five years, and it would be utterly impossible for them in that time to fence in all their land. If a man's lease was of such a length as to justify him in doing so he would fence in his land and drive off other persons' cattle; but at present any stock which had a right to go on the reserves could go on to the lands of those five-years' lease men. There were many bad neighbours whom it was impossible to remove—men who had no means of saving grass in their own places, and who went to what parts of the country they liked and defied the lessees. He could often have impounded cattle of people of that kind had he chosen to do so, but he had not. He did not, in fact, think that the impounding of cattle had been carried out to such an extent as to cause the angry feeling which it was alleged existed between the selectors and the pastoral lessees. He did not think one case could be proved where a pastoral lessee had tried to annoy a selector, but he could not say so much of the conduct of selectors towards each other. The present was a matter in which he had no personal interest, but he thought that in the case of leaseholders of five years the proposition of the hon. member would be an injustice.

The COLONIAL SECRETARY said it would be impossible for men having a lease of only five years to fence in their land, and that it would be exceedingly unfair to ask them to do so under the conditions on which they held the land. He believed that, instead of allaying any ill-feeling between parties, the amendment would only tend to irritate them.

Mr. GRIFFITH said he could not understand why a man who was struggling to get money to fence in his land should be liable to be eaten out more than any other man; nor did he see any reason why one class of men should be protected more than another. He thought that when there was a piece of land with an imaginary line drawn across it, and when one man's cattle went across that line they were not to be impounded, but when another's went across they were to be, was an anomaly quite unjustifiable. There ought to be no distinction between one class and another. At first, the best course open to him seemed to be the amendment of the hon. member for Maryborough; but on after consideration it seemed unfair to allow a man to trespass on land because it was unfenced, and he was compelled to abandon that view. At the same time it seemed to him that, whilst they ought to admit the right of impounding on unenclosed lands, they should prevent that right being used for the purpose of annoyance. A few evenings ago, when he thought the Bill would come on for discussion, he had prepared a few amendments, one of which was that where a proprietor found animals trespassing on unenclosed lands, and proposed to impound such animals, if he knew the owner thereof to reside within a distance of five miles from the place where the animals were trespassing he should first give such owner notice of his intention to impound, under a penalty not exceeding five pounds. If that was done the owner of the cattle trespassing had no right to complain. Then, again, if a man found that he was not to receive any money for driving cattle, he would see there was no advantage in it and would soon get tired, and content himself with driving the cattle away instead of impounding them. He thought the best thing to do would be to take away all inducements to impound merely for the sake of giving annoyance.

Mr. BEOR said there was a great difference between the position of the pastoral tenant and the selector. In the case of the pastoral tenant the Government was the landlord, and was therefore bound to protect his tenant; and he let certain land to the tenant with the understanding that he should be protected from trespass by an Impounding Act. And that was done; but in the case of the selector he took the land as his own, and on the condition that he was to improve it, one of the most obvious ways of doing which was to fence it in. It was a very different thing to say that the Crown might let land to a tenant with an Impounding Act attached, and might then turn round and deprive that lessee of

that Act. He did not see what advantage would be gained by the amendment of the hon. member for Brisbane, unless it was made a little less obscure than it was at present. How, he would ask, was it possible that a proprietor could say that cattle trespassing on his land belonged to a man living within five miles distance of him, or not, unless they were branded? Therefore, he thought the words "if branded" should be inserted after "animals."

Mr. GROOM said that it was distinctly laid down in the eighty-sixth clause of the Crown Lands Alienation Act, 1876, and also in the Land Act of 1868, that no stock should be impounded from any selection unless the same were securely fenced; yet what had they witnessed on the Darling Downs? Nearly every month in the dry season droves of sheep were driven through the free-selectors' fences, eating up every bit of grass. The Bill which the hon. member for the Warrego (Mr. Stevens) had drafted, would go a long way to remedy that particular evil. It would tend to stop the grass pirates who stole their neighbours' grass. He was sorry that the hon. member for Ipswich (Mr. Thompson) was not in the Committee, because that hon. gentleman had been requested to join him in trying to get that clause repealed. He (Mr. Groom) should endeavour to do so this evening, if the amendment of the hon. member for Maryborough was not carried. The selectors were now suffering a hardship because the little grass left was being eaten down. As far as the pastoral tenants were concerned he was not speaking, but he was speaking for a class of men who deserved the attention of the Committee. If the hon. gentleman's amendment was not carried, he should move that the eighty-sixth section of the Crown Lands Alienation Act, 1876, be repealed.

Mr. MCLEAN said hon. members would remember that, when the Act was passing, the Committee adjourned for dinner just as the 86th clause was moved by the Chairman, and, when hon. members returned, the clause was passed in a very thin House. Immediately afterwards opinions were expressed that the clause would act injuriously to the selectors. The hon. member for Bowen had tried to draw a contrast between the Crown lessee and the selector; but he would ask whether the land of the selector was not as much Crown land as that of the pastoral lessee, except that one paid about a farthing per acre, and the other six to eighteen pence per acre? If one were to be protected, the other had an equal right. That clause had been detrimental to many people who would have selected.

Mr. NORTON said he would wish to see selectors put upon the same footing with owners of land in fee-simple. There was a difference between Crown lessees and selectors, because the latter, by paying a certain amount per year and carrying out improvements, became the actual owners of the land. The Crown lessees, on the other hand, were not owners in any way whatever; they merely had the right to use the grass for five years, and had no claim whatever upon the land. They had only the right to use the grass so long as the land was not selected. Although they paid £2, and sometimes more, per square mile, the land might be taken from them any day. Under such circumstances it was perfectly absurd to suppose anyone would fence-in a run, knowing it might be taken from him any day. The amendment of the hon. member for Maryborough was simply a proposition that the land under Crown leases within the districts he mentioned should be turned into a common. Anyone might then graze upon those lands; and, if the amendment was carried, very few lessees would continue to pay their rents —they would rather throw up their leases and run their cattle free of charge.

Mr. MACFARLANE (Leichhardt) said he agreed with the hon. member that the amendment, if carried, would turn the pastoral districts into one common. What was to prevent a man from taking up 500 acres, and turning out a thousand head of cattle? The pastoral lessee would have no remedy. He could not even fence that man's land, if he were inclined to go to the expense, because free-selection might be in every part of his run. The sting was taken out of the amendment of the hon. leader of the Opposition by the part relating to driving expenses; but even then, if carried, a man could come on to a favourite cattle-camp, and the lessee would be quite unable to keep his cattle off it. The selector might not get any benefit, except by obliging the lessee to buy him off. The eighty-sixth clause of the Act should not be touched on an amendment of the present Bill;—it was a very important clause in the Land Act, and one that was needed. He was willing to do a great deal to meet selectors in taking off useless conditions, but he was not inclined to go in that direction. If that motion was carried the leased lands would be one vast common.

Mr. AMHURST said he spoke as a member representing an agricultural district. He had great respect for the hon. the Speaker, and he was sorry to see the hon. gentleman make a move which would lead to a great deal of discussion. The hon. gentleman had now thrown down the gauntlet.

Mr. DOUGLAS said hon. members could hardly deal with the question on its merits upon such an occasion as the present. He was prepared to deal with the matter in a direct form, and to state his reasons *pro* and *con*. When the Act of 1876 was passed

in its present form it was understood to be in the interest of the selector. In considering an amendment in an Impounding Bill, they could hardly deal with the questions of leaseholds and grazing. If they were to deal with such questions it should be in a direct manner, and he should vote against that portion of the amendment which dealt with the eighty-sixth clause.

Mr. BAYNES said that everything should be done to facilitate the settlement of the resumed lands. To expunge the eighty-sixth clause in the Lands Act of 1876 would be a gross injustice to selectors who had taken up land under this regulation. The hon. member for Leichhardt mentioned a selector for 500 acres. Why he should go to the expense of 500 acres he did not know. It was not necessary for a selector to take up one acre—there was absolutely no minimum of what a man might take up; he might take up one acre. Was this justice to men who had taken up 5,000 acres as grazing areas? It was gross injustice, and one which the House should never permit.

Mr. GROOM said the hon. member who had just spoken could hardly be correct, for they had never passed an Act in which a minimum was not fixed; in the present law the limit was forty acres, and he did not think that any man in the colony would think of such a thing as to take up an acre of ground and endeavour to make a home for himself and family on it; —it would be only in very extreme cases that such a thing would happen. With respect to the speech of the senior member for Maryborough, it was due to him to state that the 86th section, about which a good deal might be said, prohibited impounding from selections under the Land Acts of 1868 and 1876, unless the land was fenced. He had been requested to ask the House to repeal this section, and he should attempt to do so, and if the majority were against him he should abide by the decision, feeling that he had discharged his duty. When the Act of 1876 was originally introduced there was no such clause; the provision was introduced by the then member for Warwick (the late Mr. Morgan), and he had to answer to his constituents for having done so, as its injustice was seen. In the following session, Mr. Thompson endeavoured to get it repealed, but the attempt was opposed, it being considered to have been made too soon. Its operation had been carefully seen during the last two years, and in his district and the districts of Stanley and West Moreton there was a general desire for its repeal.

Mr. MOREHEAD agreed with the senior member for Maryborough that it was wrong to repeal a clause in the Land Act in an Impounding Bill. They had often found fault with the slovenly way in which their legislation was effected, and to get at the law it was necessary to turn from one Act to another which had nothing to do with it: to carry this amendment was simply piling on the agony and making things worse. If the junior member for Maryborough thought fit to amend the Act of 1876, and would embody his proposed clause in a separate amending Bill, then the matter would receive fuller consideration and be better treated.

Mr. REA said he held entirely the opposite opinion. The reason there was a difficulty about their impounding laws was because when impounding disputes arose all sorts of Acts had to be hunted through, to get at what was the real law, which ought to be embodied in the one Act. The Bill now introduced by the Government was a lame and miserable pretext for defeating the impounding laws of the colony. He would ask if the occupiers, other than pastoral lessees, had not had their difficulties for years? No sympathy, however, had been expressed for them as to the way they were used by squatters. His experience on the matter told him that the tenants of the Crown took care to keep a man to prevent cattle trespassing, but the small selector could not do that. With the squatters the whole question now was—"Shall we be obliged to put our hands in our pockets for the extra stockman that may be required to keep the country within the jurisdiction of our legal rights?" If hon. members did not settle this question now, they should be ashamed to go before their constituents; it should be disposed of in the Bill now before the Committee, making the measure a presentable one. He did not say the settlement should be effected that evening—it was far too important to dispose of in a hurry-scurry manner; but he hoped that some hon. member would be able to solve it, so that the rights of the three classes of occupiers might be readily ascertained.

Mr. RUTLEDGE entirely approved of the logic of the hon. member for Mitchell, who stated that they should not attempt to legislate on an important subject by introducing a clause by a side wind; it seemed to him, however, that if ever legislation was introduced by a side wind it was the 86th clause in the Land Act of 1876. He also agreed with the sentiments of the hon. member when he said that the way their laws appeared in the statute book was too cumbrous, and caused much difficulty when it was necessary to refer to them to ascertain the law. But where in the world ought people who wished to know what to do with trespassing stock to look to but to the Impounding Act? To require persons not skilled in the law to wade through scores of clauses of a Land Act in order to find out if there was any authority for

impounding was a state of things which should not exist, and so far from the hon. member for Maryborough being chargeable with an anxiety to perpetrate an injustice to any class of colonists, he was entitled to the thanks of the general community for endeavouring to remedy a serious defect. Why should a particular class be privileged to impound stock from their lands, whilst others, who were not so fortunately situated, should not have the same right? The argument that persons had lately purchased runs under certain conditions, and that they should not therefore meddle with the law, was not worthy of consideration, for it was well known to hon. members that it was the intention of the Premier to repeal what he called the disastrous legislation under which the runs were all sold in one day. The Premier more than hinted to a deputation that he and his colleagues would remedy the disastrous legislation of 1876, and it would be a very easy thing for the Government, when introducing this measure, to provide that the conditions under which the pastoral lessees in question should hold their runs should not be prejudiced by the law now proposed. He did not see why there should be these class distinctions: why the squatter, who paid an infinitesimal sum for his country, should be privileged to impound the cattle of the poor selector, whilst the poor selector should not have a similar privilege as regards the squatter's stock. They had been asked to believe that the squatters and the free-selectors were a happy family; but they did not know how long this kind of thing would last, and they had no guarantee for believing that, because there had been no collision in the past, there might be none in the future.

An HON. MEMBER: It is time enough to legislate then.

Mr. RUTLEDGE thought now was the proper time to regulate the method by which stock might be impounded by squatters and selectors.

The PREMIER said the object of the introducer of the amendment seemed to be more for the purpose of repealing the eighty-sixth clause, for he admitted that his amendment was to a certain extent an injustice to the pastoral lessee, but said it was not so much an injustice as the eighty-sixth section was to the selector. The hon. member who had last spoken seemed to have been misled by the remarks of the hon. members for Logan and Toowoomba, when he stated that the eighty-sixth clause had been surreptitiously introduced when the Act of 1876 was passing through the House. It was in the Bill, however, when the hon. member for Maryborough moved the second reading, and it passed through committee without any alteration, and very much to the approval of the present Opposition side of the House;—in fact, it was considered of so much importance that the hon. member thought it worthy of being noticed in these terms:—

"There is one important clause towards the end of the Bill—clause 82—referring to the impoundage, to which I think I ought to call the attention of hon. members. It provides —'No stock shall be impounded from any selection held under this Act or under the Crown Lands Alienation Act of 1868, unless the same shall be securely fenced.' This has been inserted because I believe it will remedy an evil of very considerable moment at the present time."

That was one of the most important clauses of the Bill. Members afterwards had any amount of opportunity, during the long time it took passing through committee, to correct it if it was thought necessary. It was not passed through hastily, as the hon. member said, but he remembered perfectly well that there was a good deal of discussion. The matter was not, as it had been attempted to be made out by several hon. members, a question between selector and squatter; but it was one between selector and selector—to prevent one selector destroying the rights of others; and the same reason would apply now. There was a strong reason why the selector was on a different footing from anyone holding a grazing right, and that was that he got his land at an exceptionally low price because he had to improve it, and how could he improve it unless he fenced it? The question was unanswerable. He would direct the attention of the hon. member who moved the amendment to the consequences of it. The land, as the hon. member for Port Curtis had pointed out, would be rendered perfectly useless to the Crown tenants, and therefore not worth paying rent for, because the whole thing would be one great common. One important element the hon. member seemed to have forgotten was, that the pastoral lessees paid a certain price for the use of the native grasses; and there was a law at present which secured him what he paid for it by enabling him to turn off any cattle that might come upon his land, and what did the amendment propose to do?—to take away that right, so that actually he would pay for nothing at all. There could be no greater injustice done. The pastoral tenant would then have no means by which he could secure what he paid for; he could not fence it, because the selector would have a right to go inside his fence; and, besides, no man in his senses would take up land for such purposes on condition that he was to fence it. The hon. member, in moving the amendment, ought to have shown how it could affect the different claimants to the rights of pasturage at the present time, and should also have

eschewed making it a question between selector and squatter. He (the Premier) should oppose the amendment as it stood, and he should also very strongly oppose the repeal of the 86th clause of the Crown Lands Alienation Act.

Mr. NORTON said he understood that the hon. member for Maryborough was prepared to accept the amendment he (Mr. Norton) had referred to—to insert the word "freehold" after "unfenced" in the second line of the proposed new clause. He was prepared to move it himself, but found he would not be in order to move an amendment on an amendment, and would leave it to the hon. gentleman who brought forward the new clause to deal with.

The PREMIER said this was an extraordinary way of putting a thing right. They had heard a great deal about the injustice done to selectors because they had not the right to impound off unfenced land, and it was now proposed that they should prevent freeholders from doing so. Did not the thing look ridiculous?

Mr. GARRICK said it was not intended to do anything of the kind. This was blessing them, indeed! Here was a law that went apparently against the pastoral lessee, but instead of being rather sharp fire against him it was now turned, by the suggestion of the hon. member for Port Curtis, into a perfect bombshell against the freeholders. He trusted such an amendment would not be accepted.

Mr. KING said the hon. members for Leichhardt and Mitchell had spoken about the impropriety of introducing into a Bill which proposed to deal with a certain subject entirely different matter, but he must point out that he did not think he was guilty of any error in introducing this amendment, because this was a Bill dealing with impounding, and he thought the error had been in inserting a clause dealing with impounding in the Land Act. With reference to what had been said, he found that he stood nearly alone in his opinion on this subject. A number of gentlemen on the Government side of the House were prepared to oppose the amendment, because they thought it was not a desirable alteration of the impounding law as regarded selectors; and there was also a number of members on the Opposition side who preferred to deal with the question by repealing the 86th clause of the Alienation Act. Under these circumstances, he begged leave to withdraw the amendment.

Amendment withdrawn accordingly.

Mr. KING said the two following new clauses in his printed list of amendments depended upon the passing of the previous clause he had just withdrawn, and he would therefore not propose them, but pass on to No. 9, which provided—

"No wire fence unprovided with a top-rail or cap and no fence over or through which animals can pass without leaping or breaking the fence shall be held to be a 'sufficient fence' within the meaning of that term as used in the Impounding Act of 1863."

The object of this was very clear. He had seen wire fences made so low that a man could step over them, and a horse or bullock could easily do so; he had also heard of a fence that sheep could get through, and he thought it would be very unfair to allow stock to be impounded off land enclosed with fences of that character. At the time of the passing of the Impounding Act of 1863 wire fences were not known in the colony; and since their introduction a modification of the definition "a sufficient fence" was required in order to meet the case. He believed there would be some objection to the first part of the amendment, but he thought any person fencing his outside boundary should be compelled to put a cap or top-rail on it. He moved the new clause as an amendment.

Mr. BAYNES said it would be a great injustice to say to men how they should fence in their freeholds—whether it should be by posts and rails or in any other way. They might be out on the plains miles away from any timber. It was also a well-known fact that a wire fence without a cap was quite as good or even better than one with a cap, because the cap was only a guide for horses and cattle to jump over. Thousands of miles of fencing that had been erected in this colony would never have been erected if the owners had been compelled to put a cap on, and it would be a great injustice to property-owners to pass such a provision. It would retard settlement, and be the means of keeping capitalists from the adjoining colonies from settling amongst us. He contended that they had no right to pass such over-legislation, which was the curse of the country.

Mr. MOREHEAD said he believed the object of the hon. member who moved the amendment was to provide that there should be a sufficient fence, and he (Mr. Morehead) thought that would be met by striking out the words "No wire fence unprovided with a top-rail or cap and."

Mr. AMHURST said he thought it quite unnecessary to have a cap to the fence. For miles along the public roads in his electorate, and with cane-fields on either side, this had not been found necessary, and a better example than that could not be found.

Mr. KING said he had himself a prejudice against a fence without a top-rail or cap, but he was quite willing to accept the suggestion of the hon. member for Mitchell, and would, with the permission of the Committee, move that the words be struck out of the clause.

Question put and passed, and clause, as amended, passed.

Mr. KING proposed the insertion of the following new clause:—

No lands which are not divided from any public road by a sufficient fence shall be held to be enclosed lands within the meaning of this or the principal Act.

He had been convinced of the necessity for some clause of this kind by a case which occurred between Dalby and Roma last year, when a person travelling sheep had his stock impounded and had to pay damages for being off the road in a paddock which was not separated from the road at all. The paddock was a very large one, with a road running through the centre of it. He had seen some of these paddocks, and was aware how easily stock might stray from the ill-defined dray-tracks which had not always been surveyed. In many cases, the man driving could not tell whether he was on or off the road, and it would be unfair that stock should be impounded and persons liable for damages simply because the owner of the land had not fenced off his paddock from the road. The adoption of this clause would prevent a great deal of trouble to persons travelling stock.

Mr. ARCHER said he could not support the clause, because it would do away with the right of putting up licensed gates through paddocks, and would compel pastoral tenants to spend enormous sums of money in fencing off their paddocks from the road, when licensed gates would answer every necessary purpose. Persons travelling stock had a right to a quarter of a mile on each side of the road.

Mr. KING: The Roma bench decided that they had not.

Mr. ARCHER said the clause would compel persons to divide their paddocks to their permanent injury, besides causing them to lay out money which would return them no interest. The clause would do more harm than good, and in any case the good it would do would be very small indeed. He had never personally known an instance of stock being impounded as in the case referred to by the hon. member for Maryborough.

Mr. MOREHEAD thought it hardly necessary to bring into action all the machinery of legislation because an error had been committed by the Roma bench; and if this clause were to pass, it would be putting a very improper tax upon the leaseholder. Freeholders, of course, could take care of themselves, and would see that stock did not wander a quarter of a mile on each side of the road through their properties. To fence off the roads would probably result in the starvation of the stock passing along them, and pastoral lessees were not, as a rule, hard upon travelling stock. The system of licensed gates was far better, both for the pastoral tenant and for the travelling stock.

Mr. PERSSE pointed out that the clause would do the greatest possible injustice to the selector, who would have first to fence all round his selection, and then on both sides of the road. One side of the paddock so cut in two might have water, and the other side none; so that one portion of it would be useless during a dry season.

Mr. GRIFFITH said he had been impressed by the remarks of the hon. member for Fassifern. Through many of the selections in East Moreton there were two or three roads, and to compel the selectors to fence in those roads would be to ask them to do what was simply impossible. Unless he heard something to the contrary, he could not see his way to support the clause.

Mr. SWANWICK said there were many free selections in his electorate through which roads ran, and even in districts not thickly settled, but where selections were rather numerous the large kinds of timber were getting scarcer and scarcer every day. The majority of selectors had not more capital than enabled them to buy a little stock and fence in a portion of their land, and if this clause were to pass it would lead to many selections owned by struggling men being given up.

Question put and negatived.

The COLONIAL SECRETARY said that the new clause had passed without sufficient consideration. He wished to oppose it but was overruled, and he doubted whether the hon. member (Mr. King) understood the effect of the clause—

No fence over or through which animals can pass without leaping or breaking the fence shall be held to be "a sufficient fence" within the meaning of that term as used in the Impounding Act of 1863.

On reference to the Impounding Act of 1863, he (Mr. Palmer) said that the definition of the word "animals" was "cattle, horses, sheep, goats, and swine." Goats and swine would pass through any wire fence, and so, too, would sheep if they were rushed. Goats and swine could be dealt with by shooting, but it would be better perhaps for the owners to allow of their being impounded if they chose. The Bill ought to be recommitted for the purpose of amending the new clause, or he (Mr. Palmer) would add a new clause to follow the last new clause to this effect—

Provided the word "animals" as used in the last clause shall only include cattle sheep and horses.

Mr. GROOM said that if the hon. gentleman wished to do any good he would define what was a sheep-proof fence. It was particularly required that there should be a definition, as in such districts as the Darling Downs, where every week a large amount of sheep travelling was going on, it required that it should be determined what a sheep-proof fence was. He recol-

lected one case in which Mr. Tooth, of Clifton, was fined some £70 because his fence was not deemed to be "a sufficient fence," within the meaning of the Act of Parliament. As settlement on the Downs was increasing day by day, the question of what was a sheep-proof fence would be certain to crop up by-and-by, and it would therefore be advisable for the House to define its meaning as soon as possible. When the case to which he had referred took place, and the bench inflicted a fine of £70—the expenses making a total cost of £100, the question was considered by some of the most practical men of the district, and the following were the definitions they came to of the various fences, which he was requested to lay before the House were any amendment of the Impounding Act proceeded with :—

"From and after the passing of this Act the words 'sufficient fence' in the Impounding Act of 1863 shall be taken to mean and be construed as follows :—

"Cattle proof—A fence four feet in height consisting of posts and three rails and of posts and four wires of not less than No. 8 gauge.

"Sheep and Goat proof—A fence from four feet in height consisting of posts and three rails or of posts and five wires of not less than No. 8 gauge.

"Pig-proof fence—A paling fence of not less than five feet in height or of posts and not less than four rails."

These were the resolutions arrived at by practical men, and which were placed in his hands to move as the definition, if necessary. The same circumstances which had occurred in the Downs would occur in every pastoral district in the colony as settlement progressed. On the Downs there were not so many pigs as he would like to see, the selectors going in for sheep because it paid them to do so. The Minister for Lands would corroborate him that there had been quarrels over the straying of sheep, and the people were most anxious to have decided what a sheep-proof fence within the meaning of the Act was. At present it left any bench of magistrates in a difficulty, for when the Act of 1863 was passed such a thing as a wire fence was not dreamt of.

Mr. SIMPSON said that it was right to include sheep in the definition of animals, and he agreed with what had been said by the hon. member for Toowoomba, that a sheep-proof fence should be defined. With the definition the hon. member had proposed for a cattle-proof fence he did did not quite agree, neither did he concur in the suggested definition of sheep, goat, and pig-proof fence. A five-wire fence was not sheep, pig, or goat proof.

The COLONIAL SECRETARY had no objection to the proposed definition of fences, but it would leave the question very much as it was. Notwithstanding the practical men of the Darling Downs, which the hon. member for Toowoomba had spoken of, he (Mr. Palmer) would guarantee that no five-wire fence could be made that sheep could not get through. He was not at all anxious to see the new clause pass.

Mr. GRIFFITH said that if the clause were passed it would take away a great part of the meaning of the Bill. The words "sufficient fence" were used twice in the Impounding Act of 1863, once in the 42nd section :—

"The proprietor of any lands enclosed by a sufficient fence may destroy any goats or swine found trespassing thereon."

And again in the schedule, when stating the amount of damage to be charged for trespass. The clause appeared to propose a series of exceptions upon exceptions, and he was afraid it would only lead to more trouble.

The COLONIAL SECRETARY was thoroughly glad to be able to agree with the hon. senior member for North Brisbane;—the amendment would be far better out of the Bill altogether, but the word "animals" having been defined in the clause of the Impounding Act to which he had referred, it certainly included goats and swine, which could be shot under the present law, though it would be better, as he had suggested, that they should be impounded than shot. If they could it would be better to retrace their steps and leave any additional definition out altogether. The proposed amendment made botch-work of it—there was no doubt about that. It was not his (Mr. Palmer's) work.

Mr. KING said that any fence an animal could walk through or get over without jumping was not "a sufficient fence," and its definition might as well be left out.

Mr. MACFARLANE (Leichhardt) agreed with what had been said by the Colonial Secretary, that the proposed definition was a complete bungle. A fence four feet high and with five wires was not sheep-proof. Nothing under six wires would make a fence four feet high sheep-proof.

Mr. GRIFFITH said that he had a new clause to propose, but he would defer it until after the clause he understood the hon. member for Toowoomba intended to move.

Mr. GROOM then moved that—

From and after the passing of this Act the 86th section of the Crown Lands Alienation Act of 1876 shall be and the same is hereby repealed.

Mr. GRIFFITH said he understood that the Premier intended to oppose the amendment.

The PREMIER said he had been waiting to hear whether the hon. mover had anything to say in favour of his amendment.

Mr. GROOM said he had not considered it necessary to take up the time of the

Committee by giving his reasons, as they had so often been before the House. The clause now submitted was one of a series which were adopted at a public meeting on the Darling Downs, and which was embodied in a Bill introduced by him into that House, which when it came on for the second reading was discharged from the paper. The clause he proposed to repeal was not part of the policy of the Government who passed the Act of 1876, but was inserted at the suggestion of the late hon. member, Mr. Morgan. No sooner was it put into practical working than there was a general outcry against it, not only on the Darling Downs, but also in West Moreton, and even Mr. Thompson, who was then member for the Bremer, presented a petition against it. The House, however, appeared to be of opinion that the Act should not be interfered with so soon after it had been passed, and a Bill which had been framed for the repeal of the clause was thrown out. As an evil arising from the clause, he could mention an instance where 5,000 sheep were travelling for five or six months on the lands of selectors, and although the man in charge of them was summoned on two occasions they could not prove anything against him. No doubt the selectors were on that occasion great losers, and that was one reason for asking the Committee to repeal the clause. It was also liable to cause litigation between selectors; but, apart from that, it left them entirely unprotected in cases where people were travelling sheep.

Mr. BAYNES thought the hon. member had given the best argument why the clause should not be repealed when he said it would cause litigation among the selectors. The framers of the Act of 1876 knew perfectly well what they were about, and it was an insult to them to say that the clause got into it surreptitiously. He maintained that to expunge that clause would be to make the Act unworkable. It was not a question of squatters against selectors, but of selector against selector. Those men took up grazing areas knowing that they would not be called upon to lay out money on fencing;—they knew that there was an agreement between them and their neighbours, and that so long as they combined together to pay their rent their cattle would be secured. He was not so much surprised at the leader of the Opposition supporting the expunging of the clause, as that hon. gentleman, being a lawyer, knew it would lead to litigation; but he was surprised to hear the hon. member for Toowoomba, who was a journalist, bring forward such an argument. He would remind that hon. member that the Darling Downs selectors were not the whole country, as he knew cases where thousands of acres had been taken up by selectors, who would be most seriously injured if the clause was expunged. To expunge that clause would lead to petitions rolling in for the repeal of the whole Act of 1876. Instead of following the worst Acts of New South Wales, they should do what they did in Victoria—namely, not allow one selector to impound the cattle of another. By permitting that the Government of New South Wales had brought about a very bad state of things, and such would be the case here if the clause was expunged.

Mr. O'SULLIVAN said he could never understand why an impounding clause should have gone into the Land Act of 1876. He had opposed it at the time, and it was opposed by selectors generally, but it was not dangerous in itself; and owing to some admirable articles which had been written on the subject by the now hon. member for Rosewood, the feeling of the selectors against the clause was greatly allayed, and there was not such an outcry against it as there was formerly. Some selectors had only small pieces of land, not sufficient to carry their stock, and they let them out, and hence quarrels arose between themselves; but still there was no great cry for the clause to be repealed. If, however, the amendment went to a division he should support it.

Mr. MACFARLANE (Ipswich) said that, when he stood as a candidate, last year, there was a very strong feeling in his district against the Act; and a deputation waited upon him asking him to obtain the repeal of that particular clause.

Mr. GRIFFITH said that all classes should be placed on the same footing; but in the present state of the law there were anomalies which were not at all creditable. It was true that the clause was originally not inserted as a matter between squatter and selector, but as between selector and selector. But the fact remained that the freeholder and the squatter were treated in a different way, and he had never been able to discover the reason.

The PREMIER said they had not heard any reason given in favour of the amendment by the hon. member who moved it. The hon. member was quite right in saying that the clause was introduced as a matter between selector and selector. If the hon. member would suggest some remedy for the evil between selector and selector he would have every consideration from the Committee, but he should not be so unjust as to adopt a remedy which would perpetrate greater evils on another class. They had been told by the hon. gentleman that all occupiers of lands should be put on one level; but as selectors got their land on certain conditions of improvement, they could not grumble if they were made to improve it by fencing. A man who selected eighty acres might choose a cattle-camp upon which the cattle grazing over 10,000 acres rested, and therefore render the run

perfectly useless because he could go on impounding as long as he liked. The amendment would do a great deal of harm to one class without doing any good to another. If a man chose to select a cattle-camp he might at least be made to fence it. The hon. member said the Act worked well so far as between selectors and selectors; but he complained of the travelling sheep. He would find, however, if the amendment was passed, that selections would become mere traps to catch travelling sheep. Everything possible should be done to facilitate travelling on the roads, and that was one of the strongest arguments against the repeal of that clause. While considering any remedy to rectify the evils among selectors, hon. members should look askance at any attempt to perpetrate injustice on any other class.

Mr. GRIFFITH said the hon. gentleman had given three reasons for opposing the amendment. He said the selector held his land on a particular tenure, one of the conditions of which was that he should improve it by fencing. He (Mr. Griffith) was not aware that there was any condition in connection with fencing. Men must make improvements in proportion to the value of their land, but were not bound to fence it all round. Then about the gross injustice to the pastoral tenant—how was it they were never told about that before 1876? And then there was the old story—the spectre about the selector who selected a cattle-camp—that evil selector that had been heard of ever since free selection began in New South Wales. If a selector did select a cattle-camp there was nothing to prevent him, and the squatter must find another camp. That seemed to him to be only a bogey trotted out every time they heard about the selector. He did not see that any injustice was done to the pastoral tenant, or that any more consideration should be shown to the occupier of twenty-five square miles than was shown to the selector of eight or ten square miles.

Mr. MESTON said the question was one which he had studied carefully during the last five years from every possible point; and he had been largely instrumental in allaying the feverish excitement against that clause, attributable chiefly to the actions of men who drove cattle from other parts to eat up the grass of the selectors. There was no question more difficult to deal with than that of impounding, and he recognised the impossibility of introducing an amendment to please everybody. It would be unjust to lease lands to the pastoral lessees without giving them some protection, so that they might not be at the mercy of men taking up eighty acres of land and running 500 or 600 head of cattle; on the other hand, if impounding were allowed on unfenced lands, facilities would be given which would readily be availed of, and discord would be created among the selectors themselves. The real abuse was that people brought cattle from other parts. For instance, during the drought cattle were taken from all parts of West Moreton on to land taken up at the head of the Brisbane River;—if that was stopped there would be no more outcry against the operation of the Act. The present Impounding Act was giving reasonable protection to the Crown lessee and not giving the selector any very great inducement to impound. A man who took up freehold land had no right to consider it his own until he had fenced it; and until then he could not enter upon agricultural operations. If he claimed the right to graze his cattle round about, he evidently regarded the surrounding country as a commonage. A time would, however, come when the whole of the land around him would be taken up, and then he would be obliged to confine his cattle to his own. He would then have only forfeited a temporary privilege, which he should be prepared to abandon when necessary. A good index of the satisfactory working of the Act was the absence of anonymous letters in the Press. When a Bill touched selectors hurtfully they took particular care to let their grievances be known, and the fact that there were no such complaints spoke voluminously for the satisfactory manner in which the Act was working at the present time.

Mr. RUTLEDGE said the opponents of the new clause seemed to assume that a selector should be straightway required to run a fence round his selection in order to fulfil the condition requiring to improve: the fact was lost sight of that the selector was at liberty to spread the value of his improvements over the whole term, and in no case were they to be of more value than ten shillings per acre. Suppose a poor selector took up five hundred acres, he was expected to expend in improvements £250. He must have a house, which would absorb half the £250. Hon. members objected to this estimate, but he maintained that it was a libel upon the free selectors to insinuate that they did not put up decent houses for themselves and their families; if some did not through want of means, then the hardship of forcing them to fence their land first became still greater. The objectors to the proposed clause appeared to think that free selectors were small capitalists, who had nothing to do but to expend money;—that was the very way to dishearten the men whom they were trying to encourage to settle in the colony. They wanted men to settle on their lands, who, after providing for certain indispensable requisites, had no capital except strong sinews and good health to enable them to succeed; and to expect them to fence their selections

before they could use the grass was a gross injustice. Why should the holders of from 25 to 100 square miles of country be protected by providing that their cattle should not be impounded by the free-selectors, whilst they were at perfect liberty to impound free-selectors' cattle? To say, as was now virtually the law, that men who had taken up a selection, only forty acres of which they found it necessary to enclose, should not be allowed to run a few milch cows outside their fenced portion, so that they might be able to make butter and raise the means of meeting their annual payments to the State, was to retard settlement and not to promote it. No great hardship would be entailed by the repeal of a clause which was one-sided in its operation.

Mr. REA, in reference to a remark made by the Premier, said that the hon. gentleman forgot that the early selectors very soon discovered that they had made a great mistake when they only took up enough land for a year or two;—they found out that they were soon "jammed in," and must sell out. In later years selectors discovered that they must take up more land to provide for the future, and it was therefore ridiculous to suppose that they must first enclose the whole before they could use it. It was for the good of the country that settlers on the soil should have enough elbow-room.

Mr. DOUGLAS said he was to some extent responsible for the 86th clause, which was inserted in the Bill in the belief that it would benefit selectors by leading to less quarrelling and less difficulties among themselves. It was not so much a question between selector and squatter as between selector and selector. He admitted that there was a great deal to be said on the other side, but the other side had not yet been tried. They had tried the existing system, and it was not such a marked failure as to entitle them now to alter it. He would admit, with the hon. member for Enoggera (Mr. Rutledge), that, when a selector first went on the ground, he might meet with difficulties if he selected on the run of a hostile squatter, but where the selector was *bonâ fide* it was not probable that such difficulties would occur. There was a class of men who were called "blackmailers" in New South Wales, who would benefit by the change; and that was one reason why he objected to its being made. He agreed that they should hold out every encouragement to small and poor selectors; but when the hon. member spoke of a man who took up 500 acres on a capital of only £200, he (Mr. Douglas) would submit that that man had mistaken his vocation. He should prefer, were he in that man's place, to select 200 acres, and after having made a little money to take up more land. The mistake selectors made was taking up too much land in the first instance, thereby overstraining their resources, and finding that they were not able to carry out what they originally intended. He hoped, therefore, the hon. member would forgive him for differing with him. In practice he did not believe the cases supposed by him existed, and by adopting the proposals of the hon. member for Toowoomba they might open the way for difficulties, and disputes among selectors themselves, which did not prevail now.

Mr. SIMPSON quite agreed with the hon. member for Maryborough (Mr. Douglas) that they should wait until selectors complained against the leaseholders;—they were not complaining at present, and from experience he could say that the trouble was among the small selectors themselves.

Mr. MCLEAN said the experience of the first selectors was quite the reverse of the position taken up by the hon. member for Maryborough. They took up small quantities of land, and now when their stock had increased they must go, in some cases, as far as twenty miles to obtain larger holdings;—it would have been much better had they taken up more land in the first instance. The question was not so much between selector and selector as between freeholder and selector, for, as the law now stood, the freeholder might impound the selector's cattle off his unenclosed land, but the selector could not impound the freeholder's stock off his land if it were unenclosed. A case occurred at Nerang, where a freeholder impounded a lot of cattle off his land, and the owner had to pay £25 to the Beenleigh poundkeeper before he could release them. He quite agreed with the amendment, as it would place freeholder and selector on an equal footing.

Mr. SIMPSON said he would support the hon. member if he would move that freeholders should be put on the same footing as selectors in other respects.

Mr. STUBLEY said that if the squatter had the right to impound the farmer's cattle, the farmer should have the same privilege as regards the squatter's stock.

Question put, and the Committee divided.

AYES, 15.

Messrs. Garrick, Dickson, McLean, Rea, King, Griffith, Kingsford, Rutledge, Grimes, Stubley, Beattie, Groom, Horwitz, Mackay, and O'Sullivan.

NOES, 26.

Messrs. A. H. Palmer, McIlwraith, Perkins, Amhurst, Persse, Hill, Baynes, Hamilton, Cooper, Meston, Bailey, Simpson, Swanwick, H. W. Palmer, Archer, Beor, Low, Morehead, Stevenson, Kellett, Walsh, Lalor, Stevens, Douglas, Norton, and Macrossan.

Question, therefore, resolved in the negative.

On the motion of the COLONIAL SECRETARY, the Chairman left the chair, reported progress, and obtained leave to sit again to-morrow.

ADJOURNMENT.

The PREMIER moved that this House do now adjourn.

Mr GRIFFITH said he would like to know what business was likely to be proceeded with to-morrow. There would be the Financial Statement and the Impounding Bill, but they would not take all day; and there were two or three important Bills on the paper that required serious consideration, such as the Divisional Boards Bill. It had always been the practice to give such information.

The PREMIER said it had not always been the practice to give information of this kind. He remembered having often had a great deal of trouble to find out what business would be taken. The Divisional Boards Bill would not be brought on to-morrow. The Financial Statement would be taken first, and then they would follow the notice paper as nearly as possible.

Question put and passed, and the House adjourned at ten minutes past 11 o'clock.