Queensland

Parliamentary Debates
[Hansard]

Legislative Council

WEDNESDAY, 18 JUNE 1879

ERRATA.

Page 67, column 1, fifteenth line from bottom—*read* "horses worth £500," *for* "five hundred horses.'

Page 197, column 1, twelfth line from bottom—*read* "enure" *for* "ensue."

Page 197, column 2, twenty-first line from top—*read* "enured" *for* "endured."

Page 224, column 1, twenty-fifth line from top—*read* "ten" *for* "four."

Page 226, column 2, twenty-seventh line from top—*read* "the old" *for* "his own" country.

Page 243, column 2, fifth line from top—*read* "first three items" *instead* of the words printed.

Page 317, column 1, thirteenth line from bottom—*read* "not" *for* "but."

Page 324, column 2, eighteenth and nineteenth lines from top—*read* "but every title must be endorsed with the encumbrance, which, in future transfers, would involve an expense," &c., *instead* of the words printed.

Page 366, column 2, twenty-eighth line from top—*read* "none" *for* "one."

Page 391, column 2, sixteenth line from bottom—*read* "recess" *for* "session."

LEGISLATIVE COUNCIL.

Wednesday, 18 *June*, 1879.

Queensland Police in Victoria.—Mineral Oils Bill.—Impounding Bill.—Conduct of Business.

QUEENSLAND POLICE IN VICTORIA.

Mr. WALSH asked the Postmaster-General—

Under which Queensland Act, or under what authority of Parliament, have Queensland Civil Servants, to wit, Members of the Native Police Force, been sent, or allowed to serve out of the colony, and placed under the direction and management or guidance of individuals not in any way responsible to this Government? What is the nature of the duty the said police have now to perform? What precautions have been taken by the Government to prevent said Queensland troopers, in another colony, from meeting death by violent means? What pay are said troopers to receive from other Governments for services performed? When are they to be restored to the colony? How long have they been absent from their services, here? What services have they performed during their absence from Queensland? Lastly, what expense have they been to this colony during their absence?

The POSTMASTER-GENERAL answered—

1. A sub-inspector, a senior constable, and six native troopers have been granted leave of absence, in accordance with clause 11 of the Rules and Regulations for the Guidance of the Police Force, and have been permitted to volunteer their services to the Government of Victoria.
2. To act as trackers.
3. The same precautions that are taken in similar cases in this colony.
4. The sub-inspector and senior constable receive from the Victorian Government double the rates of their respective ranks in this colony. The troopers receive £3 each per month, and free rations.
5. Date not fixed.
6. Since the 1st of March, 1879.
7. Unable to say.
8. None.

MINERAL OILS BILL.

Upon the Order of the Day being read for the adoption of the report from the Committee of the Whole House on the Mineral Oils Bill,

The POSTMASTER-GENERAL moved that the order be discharged, with a view to the re-committal of the Bill and the consideration of a proposed new clause which he had circulated.

Question put and passed.

The House thereupon resolved into Committee.

Clause 1—Certain mineral oils prohibited—Schedule A.

Mr. GREGORY moved the omission of certain words respecting the test mentioned in Schedule A—by any officer or person duly authorised by the Colonial Treasurer who might for that purpose draw samples from packages. He did so, he said, with the object of introducing another clause, the effect of which he would mention to make his amendment intelligible to honourable members:—

For the purpose of determining the temperature at which any such mineral oil give off inflammable vapour any officer or person duly authorised by the Colonial Treasurer may draw samples from any packages containing such oil and shall subject them to the test set forth in the Schedule A to this Act or to such other test as the Governor in Council may by regulations under this Act appoint.

It would be obvious that his amendment was simply to make the Bill more clear than it was now, and to prevent confusion arising from part of the first clause being involved through the words being in parentheses.

Mr. MEIN expressed his approval of the proposed amendment. It would make the Bill read far more naturally, and was a much better specimen of drafting than the original clause. There was an expression in the proposed new clause that he caught—"regulations under this Act"—which was ambiguous and needed modification. He thought it ought to be more specific—"regulations framed in accordance with the provisions of this Act."

Mr. GREGORY said he would accept the suggestion.

The words proposed to be omitted from the first clause were omitted, so that it should read as follows:—

On and after the first day of September one thousand eight hundred and seventy-nine all refined mineral oils imported into Queensland which may give off an inflammable vapour at a temperature of less than one hundred and ten degrees of Fahrenheit's thermometer shall be deemed to be goods absolutely prohibited to be imported into Queensland within the meaning of section forty-one of the Custom Act of 1873 and to be included in the table of prohibitions inwards and shall be forfeited and destroyed or otherwise disposed of as the Collector of Customs may direct.

New clause 2, proposed by Mr. GREGORY, and altered on the suggestion of Mr. MEIN, so as to read at the end—

such other test as the Governor in Council may by proclamation in the *Gazette* from time to time appoint,

was agreed to.

Clause 2, as printed, to stand 3, was verbally amended, on the motion of the POSTMASTER-GENERAL.

Clause 3, as printed, was omitted, on the motion of the POSTMASTER-GENERAL, and the following new clause substituted as clause 4:—

Any person who shall remove the words "Specially dangerous" from any package containing mineral oil so coloured or shall sell any such oil without such words distinctly marked

as aforesaid on every package thereof shall forfeit a sum not exceeding one hundred pounds And the whole of such oil shall be forfeited.

New Schedule A was amended for the improvement of its phraseology, without alteration of the sense, on the motion of the POSTMASTER-GENERAL.

Schedule B was read.

Mr. BOX said he wished for some definition of the word "package." Every case of kerosine imported contained two tins of four gallons each, which comprised the "package" "containing eight gallons" described in the schedule. According to a statement of the honourable Mr. Thornton, the package contained two packages: each tin was a package, and was to be marked. That interpretation astonished him (Mr. Box), as, in his understanding, the package meant the wooden case containing two tins, each holding four gallons of oil. The schedule must be changed in some way.

Mr. THORNTON: Every package of mineral oil that came into the colony and would not stand the test would be marked;—the package, or the tin, containing the oil, and the outside case covering the two tins. There would be no use in marking the outside package and not the tins;—they would only have to be taken out of the case, and there would be nothing on the tins to show that the oil was dangerous.

Mr. MEIN said he thought there was a good deal of force in what the honourable Mr. Box said. His impression was that the measure was meant to apply to every package that contained oil, however small or large its dimensions might be. It seemed, however, that the mercantile practice was to import the oil in packages containing two tins—two packages within one outer covering. There was no guarantee that the tins contained the same quality of oil. The Committee should legislate to meet the character of every separate tin. Under all the circumstances, as there seemed to be some ambiguity as to the meaning of "package"—there was no technical meaning attached to the word—they ought to define it, or the schedule should say that every case or other covering containing kerosine oil should be liable to be dealt with under the provisions of the statute. His opinion was that every tin case containing oil would be a package under the statute; and as every tin contained four gallons of oil, he thought cases of that description ought to be met by the schedule.

The POSTMASTER-GENERAL: If the word "eight" were omitted and "four" substituted, it would meet the case. He believed that all mineral oil came to the colony in four-gallon tins.

Mr. MEIN: That would do.

Mr. HART: The difficulty might be met by omitting from the schedule the words, "containing eight gallons;" and allowing the Bill to apply to every package containing mineral oil in any quantity.

HONOURABLE MEMBERS: Hear, hear.

The POSTMASTER-GENERAL proposed the omission of the words "containing eight gallons."

Mr. GREGORY: Another mode of meeting the objection would be to amend the schedule to apply to "a greater or less quantity" than was named.

Mr. MEIN: The suggestion of the honourable Mr. Hart met the case better. He did not see that it was necessary to mention at all the cubic contents of cases. All that the Government were to be paid for was for testing oil. No extra trouble was imposed on their officer, whether the case tested contained eight or eight hundred gallons. The alteration proposed might be an inducement to mercantile men to import oil in larger cases than at present; but that was for the commercial public.

The amendment was agreed to; and the schedule was further amended, on the motion of the POSTMASTER-GENERAL, by the omission of the words, "and so on in proportion for packages containing a greater quantity."

The Bill was reported to the House with further amendments.

IMPOUNDING BILL.

The House resolved into Committee of the Whole for the consideration of this Bill.

Clause 4—

Where practicable all notices of impounding as required by section twenty-one of the Impounding Act of 1863 and section twenty-three of the Brands Act of 1872 shall be sent by telegram the cost whereof shall be a charge on the animals in respect of which it is incurred.

Mr. MCDOUGALL said the word "practicable" did not appear perfectly clear. What did it mean?—Within a mile of a telegraph station; or, what distance was the delivery of a message practicable?

The POSTMASTER-GENERAL: He supposed the meaning was, that the most expeditious means were to be taken to inform the owner of the impounding of his stock—if the telegraph was more expeditious than the course of post, in a particular case. The clause might have been more distinct; but there was no likelihood of there being a misunderstanding about it.

Mr. MCDOUGALL: It left the poundkeeper to decide what was practicable or not.

Mr. MEIN: The clause was vague and contained an ambiguity which certainly ought not to exist; because under the next clause of the Bill the poundkeeper who should fail to comply with the provision now before the Committee would be under a penalty. The poundkeeper might act as far as his judgment enabled him to do fairly; but, afterwards, the justices might

say against him that it was "practicable" to do what he had decided could not be done. Even if a telegraph office was not within fifty miles of the pound, the justices might decide it was practicable for him to send notice. The question of practicability had to be determined by the justices, not by the poundkeeper, and they were not always the wisest of men. The difficulty might be met by specifying that notice should be sent by telegram when the telegraph office was within a definite distance of the pound. It was for the Committee to decide; but he thought two miles, or a mile, sufficient.

The POSTMASTER-GENERAL: There might not be a telegraph office within a hundred miles of the owner of the stock.

Mr. MEIN: Then the telegram could be sent to the nearest station, and thence by the post. He was not wedded to the clause; and he did not think it was necessary.

Mr. SANDEMAN: Two miles was not much of a distance in the interior, where a telegram was often sent thirty miles to the office; and, again, telegrams were sent on by post.

Mr. MEIN: If it was the honourable gentleman's idea that the poundkeeper should send a telegram thirty miles, that was a reason for amending the clause. His suggestion would impose on the poundkeeper the trouble of going two miles to send a telegram;—the poundkeeper could only charge the cost of the telegram. But the clause was scarcely required, because of the twenty-third section of the Brands Act, referred to, which provided that notice should be sent forthwith to the owner.

The PRESIDENT: If the policy of the clause was adopted, he thought it would not act badly, as was made to appear; because it admitted that there would be cases not practicable. But there would be very few. If the man impounding cattle had his expenses paid by the owner of the cattle, he could always send a messenger to the nearest telegraph office. Though it might be a long distance, yet to persons living in the country it was not so considered, nor did it cost a great deal, to send a messenger thirty, or fifty, or even a hundred miles. Besides, as the honourable Mr. Sandeman said, there was the post. He should not be disposed to alter the clause.

Mr. MEIN suggested a proviso, to this effect:—

> Provided that the poundkeeper shall not be under any obligation to send any such telegram where no telegraph office is in operation within three miles of the pound within which such animals are impounded.

Poundkeepers were not commonly the most learned or wise men, but it was very possible that, even in the absence of a large amount of money, they might possess more common-sense than the magistrates who would have to adjudicate upon the matter, and it would be very unfair to allow a man to run the risk of being penalised in the first place, by incompetent men, when he might have acted *bonâ fide;* and, in the second place, it would be unfair to impose upon the owner of impounded stock the expense of a heavy telegram, which the poundkeeper might under certain circumstances have to go out of his way to send. The Committee would act wisely in giving a hint of the direction in which the poundkeeper could exercise discretion. The Impounding Act provided that where the owner lived not more than ten miles from the pound, notice must be sent to him by hand; if at a greater distance, by a registered letter through the general post. The object was that the owner should have as timely notice as possible of the impounding of his cattle. But the notice should be given in such a way as to impose no hardship on the officer giving it. Honourable members must not overlook the fact that the person who allowed his stock to stray, although he should have consideration, was a person infringing the law; and that all they had to provide for was, that reasonable means to give him notice should be provided. They must do a fair thing, and avoid the possibility of injury to the poundkeeper. They must remember that there was no provision to pay him for sending a messenger twenty miles.

The POSTMASTER-GENERAL was willing to accept the proviso; but he thought it would be better to bring it into accord with the Impounding Act, and make the distance "ten miles."

Mr. SANDEMAN: Hear, hear.

Mr. MEIN did not object.

By leave the proviso was altered, as suggested.

Mr. GREGORY said that practically, in fifty out of fifty-one cases, it would be a work of circumlocution to send a telegram at all. In most districts the poundkeeper might not be within ten miles of the telegraph office, while within five miles of the owner of impounded stock.

Mr. MEIN: Then he can send to him.

Mr. GREGORY: The clause was absolute. No telegram would be of any use, unless it would facilitate communication between the parties interested. In the case of stolen stock which had been travelled fifty or a hundred miles, he could see that it might be very useful;—but the provision might prove unworkable.

Mr. MEIN proposed the amendment, in the belief that it was the wish of the Committee that the clause should stand, and with the object of making it just. If the clause remained unamended it would give rise to great difficulties.

Mr. SANDEMAN advanced the consideration that no mention of the telegraph was made in the original Act, and it was now much more extensively in operation than in 1863.

The PRESIDENT recommended that the clause should be let stand. In the bush, poundkeepers and justices were practical men to settle questions that might arise under it. The clause would prove very useful, and was sufficient to meet the majority of cases that occurred and that were not wholly provided for by the Impounding Act.

The POSTMASTER-GENERAL urged that the proviso could not by any possibility injure the clause but rather improve it. What was wrong was, that he could not define the word "practicable."

The proviso was agreed to, and the clause, as amended, was passed.

Clause 5—

Any poundkeeper failing to comply with any of the requirements of the two next preceding sections hereof shall incur a penalty not exceeding five pounds.

Mr. SANDEMAN said it was desirable to make an amendment in the clause. The penalty for neglect was too small. He referred to cases in his own experience in which valuable horses and cattle had been impounded and subsequently sold, to the great loss of the owners, by reason of the poundkeeper having neglected to give proper notice to them. The clause would not be effective unless such neglect was punished. He moved, by way of amendment, that the penalty should be increased to "ten pounds."

The POSTMASTER-GENERAL was glad to say he approved of the amendment; because he found that, under similar circumstances, it was provided by the original statute that the fine should be ten pounds, and he thought it would be well to have the Amending Act in accordance with it. Not only that, but the poundkeeper had to make compensation for damage occasioned by his neglect; and it was desirable to insert a provision to the same effect in the Bill.

Mr. SANDEMAN: That was not repealed.

The POSTMASTER-GENERAL: No. Under the clause, as it at present stood, an owner would not be able to recover compensation if a poundkeeper should be guilty of neglect which caused him damage. It should be assimilated to the twenty-fifth section of the principal Act.

Mr. MEIN differed entirely from the honourable gentleman. The cases were not in the same category. The twenty-fifth section of the principal Act contemplated that if a poundkeeper neglected to do certain things, active things—suffering animals afflicted with contagious or infectious disease to be in the same enclosure with clean animals, omitting to supply impounded stock with food and water—where the damage caused by his neglect was of ascertainable quantity, he should make compensation therefor as well as be fined as mentioned. But, in the matter before the Committee, the damage caused by the poundkeeper's failure of duty laid down would be so remote that it would be impossible to ascertain its amount. At law, he (Mr. Mein) was sure the court would say the damage was too remote, and could not be ascertained. If the proposal was carried, it would be offering a premium to owners of stock to trump up cases for compensation.

Mr. WALSH said he thought he did not misunderstand the Postmaster-General when the honourable gentleman said he concurred in increasing the penalty from five to ten pounds?

The POSTMASTER-GENERAL: Hear, hear.

Mr. WALSH was sorry to hear it; and he was surprised at the honourable gentleman agreeing to any such proposition. He did not think the Upper Chamber of Legislature, at any rate, was the place where fetters for the people should be forged, or where fresh fetters should be put upon them. He was exceedingly sorry to see that the present Government were so accessible to propositions of that kind.

An HONOURABLE MEMBER: Hear, hear.

Mr. WALSH: It was the bounden duty of the Council, especially, to loosen the fetters of the people, rather than to add to their weight or increase their number. He was astonished to hear the glib sanction given by the representative of the Government to the proposed increase. If a penalty of five pounds would not restrict an erring or weak poundkeeper, ten pounds would not. Why the Council should change from their hitherto almost merciful character to what might be styled a "chamber of horrors," he could not, for the life of him, see. He trusted that the honourable gentleman would not so readily accept excessive amendments from certain quarters. He had not hitherto taken much notice of the Bill; but he was now forced to do it. He might say that he had a strong dread of the Impounding Act, and that, if he had his will, there should be none in existence. Nobody should have a right to impound. That was the feeling he entertained ever since he became a Queenslander or an inhabitant of one of the colonies. There was a far better remedy than the Impounding Act, that could be applied if the House chose. So long as there was such a law, to be interpreted by ignorant justices of the peace——

Mr. MEIN: Hear, hear.

Mr. WALSH: Or, some ignorant poundkeeper;—so long as there was such patchwork legislation as the Bill now before the Committee—to meet some particular case,

or to pacify or propitiate some particular member—he should protest against it by his voice and his action; for he objected *in toto* to such measures. He should not have taken any notice of the Bill had he not seen that liberality of the Postmaster-General, that kindness of disposition—which might amount to weakness, in certain circumstances—that desire to serve or please one or two honourable gentlemen of the House, with which the representative of the Government had accepted the proposal for the amendment of the Bill in a matter which might amount to a very great hardship upon the unfortunate persons concerned—it might be, upon the people of the colony. He trusted that the Postmaster-General would reconsider his determination, and allow the clause to remain as it stood; because he thought that, in some circumstances, the five pounds penalty would be most unjustly enforced from the poundkeeper.

The POSTMASTER-GENERAL said he thoroughly approved of the principle laid down for the Council by the honourable gentleman, that the Upper House ought not to increase the burdens of the people. He thought, also, that they ought to make legislation consistent. The only ground he laid down for supporting the amendment was, that a penalty of ten pounds was imposed by the principal Act for neglect, with compensation for damage; and, that the Bill ought to provide similarly for similar cases. He only wished to make the Bill consistent in that particular with the Statute it was brought in to amend.

Mr. WALSH: Then amend the other Act.

The POSTMASTER-GENERAL: The Committee must put in the increase in italics, if the amendment should be carried; as, otherwise, it would be a breach of etiquette. Though the Council were a co-ordinate branch of the Legislature, yet they would not pass any amendment that they ought not to pass. With regard to the one before the Committee, the honourable Mr. Mein could not quite understand how a man might suffer to a serious extent from the neglect of a poundkeeper to give notice to the owner of impounded stock. He had known very heavy actions for damage through such neglect. Suppose a man had five hundred horses impounded, and he did not get notice thereof, and the horses were sold in a hole-and-corner way for very much less than their value;—he would suffer heavy damage, and he ought to be compensated. Poundkeepers required to be sharply held in hand. There could be no harm whatever in increasing the penalty to ten pounds; and compensation should be obtainable. He did not make that amendment himself; he only suggested it to the honourable Mr. Sandeman.

Mr. MEIN observed that there was evidence on this occasion, as on every other occasion when Government measures were brought before the House, that great changes were submitted to. When the Government considered the advisability of introducing a Bill and fixed its details, to remedy existing evils or defects in the law, they acted deliberately. The sum named in the Bill was inserted deliberately. Either they must have had under their notice, if they performed their work at all, or they were ignorant of the fact, that the original Act prescribed a penalty of ten pounds, with the conditions prescribed in section twenty-five. The drafter of the Bill wisely left out any reference to compensation for damage. In their wisdom, the other House had determined that five pounds was the maximum penalty under the Bill for an infraction of its provisions; and the Council would be going out of their way to increase that burden on a portion of the public. On that ground, he (Mr. Mein) was in accord with the honourable Mr. Walsh. The question was not in the slightest degree affected by the remarks of the Postmaster-General. It was singular, however, that the Government, before this, did not take into consideration the fact that in the original statute the question of damages was provided for. As they had wisely left out that provision from the Bill, the House would act very unwisely to insert it.

Mr. SANDEMAN was surprised at the remarks of his honourable friend, Mr. Walsh, followed by those of the honourable Mr. Mein, to the effect that the amendment was an attempt to impose additional burdens on the people. The House were not dealing with the people, but with a paid officer of the public, whose duty it was to do a certain thing, and who by neglecting his duty might inflict very heavy damage upon the public. It was an act of justice for the public that he was now claiming the additional penalty.

The POSTMASTER-GENERAL rose to answer the honourable Mr. Mein's statement, that he ought not to amend any Bill which had been introduced in the other House.

Mr. MEIN: He never said so.

The POSTMASTER-GENERAL: He understood the honourable gentleman to argue in that way, and he rose to say that he did not accept such an interpretation of the duties he had to perform as a member of the Council. If he did not approve of any measure that came before the House, he should accept an amendment proposed by any honourable member. He would not be dictated to by any member of this House or the other House; but he would endeavour, in carrying a Bill through the Council, to make it as near perfection as he could. Now, he reminded the House that the Bill was not the same as introduced by the Government in the Legislative Assembly. Seeing that the Government had accepted amendments in the Lower House, which had possibly affected other provi-

sions of the Bill, he thought the Council ought to take its details into consideration; and if good amendments were offered he should accept them. He desired to bring the Bill into accord with the principal Act. He regretted that the honourable Mr. Mein had applied to him the term ignorant, on more than one occasion since he came into the Council. It might be that he was ignorant;—it might be that he knew more about some questions that came before the House than he did about the strict legality of a clause. He admitted that he received valuable aid before from his honourable friend in amending Bills which he had introduced; and he hoped he should continue to receive his aid. But he did not think it was quite fair that the honourable gentleman should apply to him the epithet of ignorant. However, he trusted still to be able to do what he was bound in duty and willing to do; that was, to maintain the privileges of the House, and to make the measures that came before the House for consideration as perfect as possible.

Mr. WALSH: Those duties were imposed upon all honourable members of the Council, equally with the Postmaster-General. He was sure his honourable friend, Mr. Mein, did not wish to reflect upon the honourable gentleman; but he was bound to say that the Postmaster-General was a little too sensitive. If the honourable gentleman was less sensitive, and would bear opposition with complacency, he would show that he had ability and that he was not ignorant. When an honourable gentleman nearly lost his temper, he laid himself open to the charge of being—at any rate, too sensitive. In answer to the honourable Mr. Sandeman, he said the House were dealing with the people. The Bill really affected the people, from the highest to the lowest; it affected townspeople as well as squatters; and it was the Postmaster-General's duty to see that their interests were protected. It had been said by Mr. Sandeman, that the House were simply dealing with the poundkeepers. Was not a poundkeeper one of the people? As a protector of the people, the poundkeeper was an important functionary belonging to that class of whom the Postmaster-General had hitherto been a strong defender—the townspeople. If the Bill had been so altered elsewhere as not to be recognised as the Government Bill, it was the duty of the Government to abandon it in the Lower House, and not to allow it to be carried further to be disfigured in the Council. That was not the style of legislation that the Council cared for; it would not conduce to the welfare of the people. Therefore, not only because of the confession made by the representative of the Government, he utterly despised such patch-work legislation.

Mr. MEIN: Hear, hear.

The POSTMASTER-GENERAL: The Bill was not such a measure as the Government would stand or fall upon; it was one for the improvement of the law towards which they were willing to receive the suggestions of any honorable member. He was not aware that he had said anything calculated to hurt honorable members' feelings; but if he had, he regretted it.

The amendment was agreed to, and the clause passed therewith.

Clause 7—

So much of the fourth section of the Act 31 Victoria chapter 8 entitled an Act to Amend the Impounding Act of 1863 Amendment Act as provides that one half of all moneys which may be received at any public pound for the driving or leading of any animals impounded from off unenclosed lands shall be paid to the proprietor impounding such animals for his own use shall be and the same is hereby repealed

The whole of all moneys so received for the driving or leading of any animals impounded from unenclosed lands other than entire horses or bulls shall hereafter be paid on the last day of every month to the treasurer or other authorised officer of the public hospital nearest to the public pound at which such moneys shall have been received and every poundkeeper shall forward monthly to the office of the Colonial Secretary the receipt of such treasurer or other authorised officer as aforesaid for the moneys so paid to him.

Mr. SANDEMAN remarked that the reason for the clause was that a practice was followed by persons endeavouring to earn money by impounding stock; and that instead of giving a portion of the fees to the impounder, it was desirable to appropriate it to the local hospitals. That might be a very fair and just thing in the more settled districts, where the distances between the places from and at which stock was impounded were not great; but in remote districts of the interior the clause might bear with great hardship on persons who should have to bear heavy expense in driving stock long distances to pound. Therefore, he thought fees should be given to persons who had to impound from long distances. He proposed, by way of addition to the first paragraph of the clause, the following:—

Provided that stock impounded in any public pound situated more than five miles from the place where such stock shall have been impounded from shall be exempt from the operation of the foregoing clause and shall be dealt with under the provisions of the fourth section of the Act thirty-one Victoria chapter eight entitled &c.

He should be quite willing to make it ten miles. His honourable friend, Mr. Mein, had considered the matter, and had shown him an amendment worded in better form than the one read, and that he was quite prepared to accept.

Mr. MEIN said he approved of the principle of the amendment, in the interests of

the unfortunate pastoralists, whom it was said he was adverse to, but whom he considered entitled to the highest consideration, which he invariably accorded to them ever since he became a member of the Legislature. The amendment as proposed would not run very smoothly, because the absolute repeal of a provision was followed by a restoration. Instead of the proviso of the honourable gentleman, he suggested that at the end of the first sub-section of the clause the following words be added:—

So far as relates to the impounding of animals from any unenclosed land which is distant less than ten miles from the nearest pound.

He further suggested, in the second sub-section of the clause, the transposition of the words "other than entire horses or bulls," so as to follow "animals;" and the insertion after "unenclosed lands" of the words—"distant less than ten miles from the nearest pound."

Mr. SANDEMAN was quite prepared to accept the amendments.

The POSTMASTER-GENERAL: He also accepted them, and he quite appreciated the valuable services rendered to the House in this particular by the honourable Mr. Mein.

The amendments were agreed to, and therewith the clause was passed.

On the resumption of the House, the Bill was reported with amendments.

CONDUCT OF BUSINESS.

The Wrecks and Salvage Bill was read a third time and passed, and sent down to the Assembly; and the Queensland Coast Islands Bill was passed through Committee without amendment.

On the motion of the POSTMASTER-GENERAL, the only remaining Order of the Day, for the consideration in Committee of the Election of Members during Recess Bill, was postponed until next day, as, he stated, an honourable member who wished to speak upon it, and could not be present this evening, had requested him to postpone the measure.