Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 26 JUNE 1879

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LEGISLATIVE ASSEMBLY.

Thursday, 26 *June*, 1879.

Formal Motions.—Explanation.—Questions.—Payments to Members.—Tooth Estate Enabling Bill.—Railway Survey.—Motions Withdrawn.—Grant for Mining Purposes.—Road Expenditure on the Darling Downs. —Rust in Wheat.—Travelling Sheep Bill—committee.

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

FORMAL MOTIONS.

The following formal motions were agreed to:—

By Mr. DICKSON—

That there be laid upon the table of the House, a return showing—

1. An apportionment of the Revenue and Expenditure of the Colony during the financial year ending 30th June, 1879, in accordance with the Financial Districts Bill now before Parliament.

2. And a similar apportionment of the anticipated Revenue and Expenditure, as disclosed in Estimates for 1879-80.

By Mr. GROOM—

That this House will, at its next sitting, resolve itself into a Committee of the Whole, to consider the desirableness of introducing a Bill for the more effectual destruction of Bathurst Burr and certain Thistle Plants.

By Mr. GROOM—

That there be laid upon the table of the House, copies of all Letters, Reports, and Telegrams between the Foreman of Works on the Darling Downs and any other person, and the Minister for Works, in reference to the suspension of the works at the Bridge across the Condamine known as Leslie's Crossing.

By Mr. SIMPSON—

That—referring to petition from inhabitants of Dalby, presented to the House on Wednesday, the 18th day of June—all Papers connected with Land Exchanges, known as Irvingdale and Allora Exchanges, be laid on the table of the House.

EXPLANATION.

Mr. WELD-BLUNDELL moved the adjournment of the House, to explain some remarks he had made in the debate on the Divisional Boards Bill. It had been said that the conditional selectors would suffer great hardship through clause 57. He had said that if a Board were appointed under clause 57, consisting principally of selectors, they might have it in their power to impose a rate on the landowners of 15 or 20 per cent. There was nothing to prevent a majority of the Board passing a rate on the capital value of the fee-simple at any figure, but the selector himself was not to be over 8 per cent. The consequence was that, in the settled districts, supposing a Board were elected which had a majority of selectors, they might fix their rate at their limit, or lower than it, but might impose 15 or 20 per cent. on the owner of purchased land. On the other hand, where the majority of the members of the Board consisted of landowners and the minority of selectors, the most they could do would be to fix the rate at 8 per cent. Under that clause, then, instead of the selectors suffering a disadvantage they gained an enormous advantage.

The Hon. S. W. GRIFFITH thought the hon. member had better have left his explanation unmade; the fallacy of it was transparent, as the Bill provided that persons should be appointed to value landed property according to its real value, although in certain cases in which the real value was difficult to estimate an arbitrary rule was laid down.

Mr. MOREHEAD rose to a point of order. Could they discuss, on a motion for adjournment, a Bill which had been already discussed the previous night?

The SPEAKER said the hon. member for Clermont rose to explain something he had said at the previous sitting, and it was not against the rule for an hon. member following him to criticise the explanation.

The COLONIAL SECRETARY (Mr. Palmer) directed the Speaker's attention to Standing Order No. 85, which said :—

"No member shall allude to any debate of the same session upon a question or Bill not being then under discussion, except by the indulgence of the House for personal explanation."

By that rule, therefore, this discussion was irregular.

The SPEAKER said that it was almost impossible to carry that rule out, but an hon. member could criticise the explanation of another hon. member.

Motion for adjournment put and negatived.

QUESTIONS.

Mr. GROOM asked the Colonial Secretary—

1. Has a site been purchased at Toowoomba for the erection of a branch Lunatic Asylum?

2. Is it the intention of the Government to proceed with the erection of the building, the money for which, £10,000, was voted on the last Loan Estimate?

The COLONIAL SECRETARY replied—

1. Yes; about 150 acres, purchased through Mr. Grimes, Toowoomba, for £2,800.

2. Not immediately.

Mr. GROOM asked the Minister for Works—

What has been the total expenditure on the Toowoomba Waterworks to date?

When is it likely the works will be completed and handed over to the Corporation?

The MINISTER FOR WORKS (Mr. Macrossan) replied—

1. £15,998 7s. 6d.

2. In about three weeks.

Mr. SIMPSON asked the Minister for Lands—

1. *Re* "Irvingdale Exchange," and petition presented from inhabitants of Dalby,—what ground have petitioners for stating that "waterless country on East Prairie, remote from town of Dalby," was to be given for Irvingdale land, and that original terms of agreement have been departed from?

2. Is there a plan of proposed original exchange?—Has this been departed from, reasons for such departure, and by whom authorised?

3. What was position of Exchange when present Ministry took office, and was it then, or is it now, in their power to afford relief prayed for by petitioners?

4. *Re* "Allora Exchange,"—will the Minister give replies to the same questions?

The MINISTER FOR LANDS (Mr. Perkins) replied—

There is a large amount of correspondence to be gone through on the subjects, and that makes it inconvenient to give immediate answers, but they will be given as soon as possible.

PAYMENTS TO MEMBERS.

The Hon. J. DOUGLAS moved—

1. That in pursuance of the sixth section of the Constitution Act, and of the fifth and sixth sections of the Legislative Assembly Act of 1867, no members of this House other than the officers of the same and those holding Ministerial office should receive any payment for services performed on behalf of the Executive Government.

2. That a Bill be introduced to give effect to the above resolution.

In doing so, he said that he proposed, first, to refer to the principles which had guided the British Parliament in securing the liberties of the people and representative institutions by legislative enactments which prevented the presence in the House of persons receiving pay from the Government. It was as well, in raising this somewhat abstract question, to refer to the history of the matter, which would not only be interesting, but, to some extent, profitable. Referring to "Todd," vol. II., page 88, he saw that—

"The evils attendant in the presence of placemen in the House of Commons had become so serious that, as we have already seen, it had been unanimously resolved, some ten years before the time when the King began to entertain the thought of a Parliamentary Ministry, that no member of the House, without the express leave of the House itself, should accept of any office or place of profit under the Crown, under penalty of expulsion. This resolution had proved, however, entirely abortive, and since its adoption the House had continued to swarm with place-men of all kinds, from high officers of State to mere sinecurists and dependents on the Court. A more constitutional attempt to remedy this great abuse than was afforded by the adoption of a new resolution of the House of Commons was made in 1692 by the introduction of a Bill 'touching free and impartial proceedings in Parliament,' the object of which was to disqualify all office-holders under the Crown from a seat in the Lower House."

That Bill passed through all its stages, but was finally vetoed by the King in consequence of some alterations made in the House of Lords. "Todd" went on to say that—

"In this very year, however, a partial remedy was applied to this monstrous evil by the adoption of a resolution in connection with the Bill of Supply, granting certain duties of excise, 'that no member of the House of Commons shall be concerned, directly or indirectly, in the forming, collecting, or managing the duties to be collected by this Bill, or any other aid to be granted to their Majesties other than the present commissioners of the Treasury and the officers and commissioners for managing the Customs and Excise.' This resolution was added to the Bill, and became law. It is memorable as being the first statutable prohibition of any office-holder from sitting and voting as a member of the House of Commons. The principle hereby introduced was afterwards

applied and extended by similar Acts passed in this reign (William III.), the provisions whereof were rigidly enforced by the expulsion from the House of several members who had transgressed the provisions of the same. * * * * At length, the majority of the House of Commons met with apparent success in carrying out their long-cherished design of freeing their Chamber from the presence of all dependents of the Crown. In the year 1700, when the Act Amendatory of the Bill of Rights and to provide for the Succession of the Crown in the person of the Princess Sophia of Hanover and her heirs, being Protestants, was under consideration, the Commons insisted on the insertion of a clause in the Bill which they imagined would afford additional security for the liberty of the subject—that *no person* who has an office or place of profit under the King, or receives a pension from the Crown, shall be capable of serving as a member of the House of Commons. But this clause was only to take effect upon the accession of the House of Hanover—an event which did not take place until the year 1714."

In the meantime events rendered the measure unnecessary—

"A due sense of the advantages attending the authorised admission of the chief Ministers of the Crown to seats in the Legislative Chambers made it no less imperative upon the House of Commons to discriminate between the introduction of those executive officers whose presence in Parliament was essential to the harmonious and effective working of the State machine, and of other office-holders who could only serve to swell the ranks of Ministerial supporters, and stifle the expression of public opinion, of which members should be the true exponents. A few years' experience sufficed to point out the proper medium, and, by a revision of the objectionable article in the Act of Settlement — an opportunity for which was happily afforded in the reign of Queen Anne, before the period fixed for its being enforced—Parliament preserved the principle of limitation, and at the same time relaxed the preposterous stringency of its former enactment. The new Act passed in 1707 established for the first time two principles of immense importance, which have ever since remained in force as effectual safeguards against an excessive influence on the part of the Crown by means of place-holders in the House of Commons. These are, firstly, that every member of the House accepting an office of profit from the Crown other than a higher commission in the army shall thereby vacate his seat, but shall be capable of re-election—unless, secondly, the office in question be one that has been created since October 25, 1705, or has been otherwise declared to disqualify for a seat in Parliament."

Such was the enactment of Queen Anne, which had always remained in force. Further on, at page 260, "Todd" said—

"In regard to the first of these principles, it should be observed that this statute is invariably construed very strictly. Thus, the acceptance of an office from the Crown, accompanied by a formal renunciation of any salary, fee, or emoulmen, in connection therewith, does not disqualify. The disqualification, however, attaches immediately upon *accepting* 'an office of profit' under the statute. So that the subsequent resignation of such an office (before the meeting of Parliament) and the refusal to accept of any salary until the question of disqualification arising out of the same shall have been determined, will not save the seat. But where the remuneration is by fees and not by salary, and the disqualifying office was relinquished before the performance of any duties, or the receipt of any fees—though held for a period of three months—it was not considered to vacate the seat. Moreover, it has not been the practice to consider the casual employment of members of the House of Commons upon Royal Commissions, or on special services, &c.—which are not regular offices, and to which no stated salary is attached—as coming within the disqualifying operation of the statute; even when remuneration is received for such services."

That indicated the practice that had been in force—namely, that renumeration by fees, and for temporary services, did not disqualify the recipient from a seat in the House. At page 264, the same authority said—

"The tendency of opinion in Parliament, since the Reform Act of 1832, has been to adhere with augmented severity to the principle of exclusion embodied in the statute of Anne, by reducing the number of office-holders under the Crown who shall be capable of sitting in the House of Commons, and by excluding all such as are not directly serviceable in a representative capacity. We accordingly find that the number of offices of profit from the Crown which might have been held at any one time by members of the House of Commons has been steadily decreasing, through the abolition of various unnecessary offices and the consolidation of others with kindred departments."

Judges were not absolutely disqualified, and certain officers, such as Recorders, had held seats in the House of Commons. An important case arose in 1867 which bore to some extent on the subject he proposed now to discuss. It was stated as follows, on page 266 of "Todd"—

"In 1867 a case of considerable interest occurred, affecting the position of persons holding the office of Standing Counsel to any of the departments of State. These functionaries are not in the same category with ordinary public officers, it being merely their duty to advise upon legal questions. The appointment is necessarily conferred upon a barrister of high professional standing, and gentlemen of this class often aspire to a seat in Parliament. The Standing Counsel to the Board of Admiralty (who is in receipt of a salary of £500 per annum) has sat in the House of Commons for many years, retaining his office under successive Administrations His seat was not affected thereby under the statute of Anne because, technically speaking, the office was not accounted to be 'new,' and because he was appointed by the Board of Admiralty and not by the Crown. So, also, it had been customary for the Standing Counsel to the Board

of Control for India to sit in the House without question. In 1858, when the Board of Control was abolished, and a Secretary of State for India appointed, the then Standing Counsel for the Board (Mr. Wigram) was a member of the House, and continued to sit therein without complaint. But in 1866, in the case of Mr. Forsyth, who then filled this office, and who had been returned as member for the borough of Cambridge, it was decided by an election committee that, by the combined operation of the statute of Anne and of that of 1858, transferring the dominion of India to the Crown, the office of Standing Counsel to the Secretary of State for India became a new office within the meaning of the statute of Anne, and its incumbent thereby precluded from sitting in the House of Commons. Whereupon the seat of Mr. Forsyth was declared void, and a new writ was issued in April, 1866. But an Act of Indemnity was passed (reviewing three readings in the House of Commons in one day) to relieve Mr. Forsyth from the legal penalties he had unwittingly incurred by continuing to sit in the House after the reconstruction of his office. In the following session a Bill was introduced into the House of Commons to do away with this accidental and anomalous disqualification, by enacting that the said office shall not be deemed one to render its incumbent ineligible for a seat in the House. Upon the motion for its second reading this Bill met with great opposition, as being an attempt to 'prejudice the principle of a large and important public statute resting upon public policy, by taking a particular case out of it, without any sound reasons applicable to that more than to other cases.'"

It was accordingly withdrawn, with an understanding that a select committee should be appointed to consider the question of revising the disqualifications arising out of the statute of Anne "on broader and more general grounds. But this has not yet been done." He had referred to this as illustrating the principle on which our legislation was founded. Hon. members were, of course, aware of the clauses in the Constitution Act and the Legislative Assembly Act which made provision for this matter. The 6th section of the Constitution Act was as follows—

"Any person or persons who shall directly or indirectly himself or by any person whatsoever in trust for him or for his use or benefit or on his account undertake execute hold or enjoy in the whole or in part any contract or agreement for or on account of public service shall be incapable of being summoned or elected or of sitting or voting as a member of the Legislative Council or Legislative Assembly during the time he shall execute hold or enjoy any such contract or any part or share thereof or any benefit or emolument arising from the same and if any person being a member of such Council or Assembly shall enter into any such contract or agreement or having entered into it shall continue to hold it his seat shall be declared by the said Legislative Council or Legislative Assembly as the case may require to be void and thereupon the same shall become and be void accordingly Provided always that nothing herein contained shall extend to any contract or agreement made entered into or accepted by any incorporate company or any trading company consisting of more than twenty persons when such contract or agreement shall be made entered into or accepted for the general benefit of such incorporated or trading company."

The clauses in the Legislative Assembly Act were the fifth and sixth, and they were as follows:—

"Any person holding any office of profit under the Crown or having a pension from the Crown during pleasure or for a term of years shall be incapable of being elected or of sitting or voting as a member of the Legislative Assembly unless he be one of the following official members of the Government that is to say the Colonial Secretary Colonial Treasurer and Attorney-General or one of such additional officers not being more than two as the Governor in Council may from time to time by a notice in the *Gazette* declare capable of being elected a member of the said Assembly.

If any member of the said Assembly shall accept of any office of profit or pension from the Crown during pleasure or for a term of years his election shall be thereupon and is hereby declared to be void and a writ shall forthwith issue for a new election Provided that nothing in this Act contained shall extend to any person in receipt only of pay half-pay or a pension as an officer in Her Majesty's navy or army or who shall receive any new or other commission in the navy or army respectively or any increase of pay on such commission or to any of the official members of the Government or other officers referred to in the last preceding clause of this Act who may accept any other office."

Of late years, on several occasions, questions had been raised as to whether these clauses had been infringed, and whether the principle illustrated had been departed from. On a late occasion this subject was discussed in connection with the acceptance, on the part of the hon. member for Bowen and others, of certain offices of temporary profit, under which they received payment by virtue of commissions issuing from the Governor. He did not propose to rediscuss that question now in detail, for the House had pronounced in favour of the hon. member and affirmed, by a majority, that he had not accepted such an office as would constitute ground for the vacation of his seat. The hon. member for Bowen, during the debate, raised the question whether it would not have been better to have discussed the matter apart altogether from any reference to himself. He (Mr. Douglas) was disposed to agree with the hon. member on that point, and his object in bringing forward this resolution was to raise the general question, and get either an affirma-

tive or a negative resolution on the part of the House, so as to come to a clear understanding as to their practice in connection with this subject. On one notable occasion an hon. member accepted a commission to report on certain goldfields; and, having performed his work during the vacation, he proposed to come back to the House, when he was met by a resolution that he had vacated his seat. According to the precedent he had read it was doubtful whether that hon. gentleman did really vacate his seat. Other hon. members had received commissions, and, having acted during a short period, had received pay for their services, and that had not been allowed to constitute a vacation of seat. There had been numerous instances, also, of members of Parliament, being barristers, having accepted commissions as Crown prosecutors and acting attorneys-general, and it was desirable to arrive at some direct conclusion as to whether that constituted a vacation of seat or not. He had therefore determined to bring the point to an issue by means of this resolution. He would also here refer to the fact that exception had been frequently taken to members of the House serving on commissions or boards of inquiry. That would not, according to the British precedents, constitute a vacation of seat. However, the sense of the House had pronounced in favour of doing away with any such practice. Two years ago, in 1877, the present Colonial Secretary carried a resolution to this effect:—

"That in the opinion of this House it is improper that members of either House of Parliament should be paid for their services on boards appointed by the Government, and that such practice should be immediately put a stop to.

That this resolution be transmitted to the Legislative Council for their concurrence, by message in the usual way."

That resolution was discussed in a somewhat thin House, but there had been a previous expression of opinion in a full House in connection with this subject. The resolution was adopted with the modification that it should not be transmitted to the Legislative Council, on the ground that it was a matter specially affecting money, and that it was sufficient in itself without being transmitted to the Upper House. So the matter stood, and the practice since that time was to make no payments to members of the House sitting on commissions or boards of inquiry. That was the resolution of a Parliament now defunct, and was inoperative in consequence; it was the opinion of the late Parliament, and did not bind the existing one. It would be quite competent, if the Government chose to do so, to pay members of the House to act on commissions or boards of inquiry. The Colonial Secretary, however, had expressed his opinion very decidedly against this, although it seemed rather an extreme interpretation of the Constitution Act and the Legislative Assembly Act. It was desirable that all doubts in connection with the subject should be set at rest. He wished, before going further, to repudiate any desire to give effect by this resolution to any hostility which it was supposed he might feel towards the learned profession. It was scarcely necessary to say that he had not the slightest personal feeling in the matter, but it was necessary to settle it one way or the other; and, whatever disadvantages might arise to the disability here attached to the members of the learned profession whose services might be given with advantage to the Government for the time being, those disadvantages were as nothing compared with the advantage of maintaining strictly and impartially the principles which had been adopted by long experience, and which really conserved the rights of those who sat here to represent the people. On those grounds, therefore, he thought it would be better even to face the possible inconvenience that might arise from the adoption of such a principle than to be subject to the recurring incidents of debate which arose when questions of this kind arose. If the resolution was not carried, they must remain in the state of doubt that at present prevailed with regard to the acceptance of those temporary offices on the part of members of the learned profession. They, no doubt, would scorn the idea that they were influenced by the fee they received on those occasions; but, however that might be, it seemed desirable to avoid even the appearance of influence exercised in this channel; and it did seem rather hard that they were to preclude non-professional members from serving on boards of inquiry or commissions, and yet recognise the fact that members of the learned profession might receive very large fees for direct services performed on behalf of the Executive Government. He had avoided all reference to the Legislative Council in the resolution, for that would raise an altogether different question. Some hon. members in favour of the resolution were not present this evening; but in spite of that he had thought it best to bring the matter on for discussion, his desire being to treat it in the light of its important constitutional bearings on Parliamentary practice. It certainly affected an important principle. A corrupt Government might make use of its power to the disadvantage of the rights of this Assembly, if at any critical time it chose to secure the absence of members of the learned profession who might possibly be opposed to them on some important matter of policy. It was quite conceivable that circumstances of that kind might arise, and it would be just as well to provide beforehand for them. The principle had been

accepted by the neighbouring colony of New South Wales, and wisely so. If the resolution were adopted it would be necessary to embody it in a Bill, which would be a standing record of the sense of Parliament on this important subject.

The COLONIAL SECRETARY said he was sure the House would be very much obliged to the hon. member for Maryborough for the lecture he had given them on constitutional practice; but as there was hardly an hon. member who did not know it, they might have been spared the long dreary extracts that had been given them. It was not the first time he had spoken on this question, and that was one of the principal reasons for his rising at once to reply to the hon. member. The subject could not, by any fiction, be considered as a party question. He had years ago expressed his opinion on the subject—to which he still adhered—and he would, in a few words, move an amendment to the motion. He had always held, and stated in this House, that there was no good and sufficient reason why the Crown should be deprived of the services of the best lawyers in the country simply because they held seats in the House. He had never seen a Ministry so corrupt, or a bar so corrupt—and he hoped never to live to see it—that members of the House were influenced in their politics one iota or tittle by holding briefs for the Crown. Any hon. member acquainted with the history of the colony would know that there had been no instance of the political opinions of a member being biassed by any such circumstance. And he would do lawyers the justice to say that they did not carry politics into their profession as a rule. The motion of the hon. member might do a little good in its present shape, and he proposed, in a few words, to move that it be amended by inserting, after the word "office," the words "and members of the legal profession holding briefs for the Crown." Very little would be needed to commend the amendment to the consideration of hon. members. The strongest reason why the motion should not pass in its present shape was that which he had given. Almost all the leading members of the legal profession found their way into the House, and he did not see why the Crown should lose their services, if needed, simply because they held seats in the House. Another objection to the motion was, that Queen's Counsel were obliged to accept a brief for the Crown if it was offered to them. If the object was to prevent lawyers from taking briefs for the Crown, the best way would be to bring in a Bill repealing the Constitution Act, and providing that no lawyer should hold a seat in the House. Perhaps he might support a Bill of that sort—he did not say he would—but he would not get at the same object by a side-wind in this way. He, therefore, begged to move the amendment.

Mr. MOREHEAD would premise the few remarks he intended to make by saying that he intended to support the motion. He did not agree at all with the amendment of the Colonial Secretary, because hon. members were not there to conserve the legal profession, and he considered "what was sauce for the goose was sauce for the gander." The Colonial Secretary said that barristers were men to be trusted; but, apparently, lay members of the House were not, as they were not to be paid for services however competent they might be to fulfil those services. He was not here to conserve the legal profession, the members of which were quite capable of taking care of themselves both inside the House and outside. If the resolution was to be treated at all it should be treated in a broad way or thrown aside altogether. The Colonial Secretary had not said one word to induce him to vote for his amendment. He was perfectly aware that Royal commissions had been made use of by preceding Governments to pay hon. members who could not have seats in the Cabinet. And the hon. member for Maryborough deserved great credit for coming down with a sweeping resolution to prevent any member from accepting fees so long as he held a seat in the House. Any Government ought to fall in with the views expressed, as it would be an absolute relief to any member of an Administration to be able to say to hungry supporters, "I cannot give you a brief, and if I put you on a Royal commission you will get nothing for it." The hon. member's motion had his hearty support, and he did not think any argument could be used against it. If it were said that the legal element in the House was to be protected, each constituency in the colony would be run by a—possibly briefless—barrister. If he got in he knew he would get something, whereas his opponent would get nothing. A direct incentive would thereby be held out to barristers to contest every constituency. He would have something directly in front of him, but the other would have nothing to look forward to except a seat in the Cabinet at some remote period and a chance of controlling the colony. He (Mr. Morehead) was not a barrister, but he did not see why he should not make as good a member of a Royal commission, if any money was going about,, as any barrister; and many other hon. members were quite as competent as barristers to perform the functions of members of Royal commissions. He was perfectly certain that what he had said would raise a storm, and that the barristers on both sides of the House would hold him up to ridicule and scorn and point out that barristers were greater men than ordinary

inhabitants of the colony. He held that by passing the amendment a great injustice would be done to members of the House. They should either carry the resolution or throw it out, but not introduce a kind of protection. He should give a hearty support to the motion, and he sincerely trusted it would be carried.

Mr. WALSH hoped the leader of the Opposition would say something, as he should be guided in a great measure by his advice. He was not a member of the legal profession, and he thought lawyers, as a rule, did not make good legislators. The question, however, was whether it would be a good thing to prevent the Crown from employing them, in cases of necessity. As there was very little legal talent outside, it would be very hard in a case of great importance to prevent the Crown from employing the talented gentlemen who occupied seats in this House. Considering the matter as it would affect the general prosperity and welfare of the colony, and in some degree the ends of justice, he should support the amendment of the Colonial Secretary.

Mr. GRIFFITH said he had not a great deal to say on the subject. He concurred in a great deal that had been said by the hon. member for Maryborough, believing that it was very undesirable that members of the House should receive any payment for services, unless it was absolutely necessary. For the purity of Parliament it was very undesirable that Government should be in the position to be asked by any member to give fees, either for briefs to conduct cases in the law courts or otherwise. In dispensing briefs he did not remember more than one occasion when he had given fees to a member of the House, and he had considered the fact of being a member of Parliament a disqualification for accepting a brief from the Crown, except in a case of absolute necessity. On the other hand, circumstances sometimes arose under which it was absolutely necessary—when the Crown had work to be done and must employ members of the House. He only needed to refer to a case now pending before the Supreme Court, involving many thousands of pounds, which, if lost, would come out of the people's pockets. The counsel employed by the Crown were Messrs. Pring and Garrick, both members of the House, and unless the Crown had been free to employ members the case would have been practically undefended. In a case of such magnitude the Crown was bound to secure the best talent obtainable. He hoped they would always see the best men at the Bar in this House; he thought it was their proper place, as in every other country having representative institutions. Without indulging in any panegyric, he would say that the services of the Bar as legislators had been greater than those of any other class of the community, and that when liberty had been in danger their services had been invaluable. Under those circumstances he did not see his way to support the motion, and, on the other hand, he should not like to pass the amendment, which made a marked exception in favour of one class. His inclination, therefore, would be to move the previous question. There should be a tacit understanding on both sides of the House that Government patronage should not be used towards members of Parliament. He could recollect an instance in which patronage—giving fees to members of the Bar—had been used in a manner not altogether satisfactory. As a rule, the profession was too honourable for there to be any serious danger. He confessed himself in a quandary as to how he should vote, being disposed to vote against the amendment, because it made a too marked exception, and not seeing his way to vote for the resolution.

Mr. O'SULLIVAN did not agree with the opinions expressed on his (Ministerial) side of the House. The hon. member for Cook had said that barristers did not make the best legislators in the world, but he (Mr. O'Sullivan), on the contrary, considered they did. He could not support the motion of the member for Maryborough. If the Government wanted goods from a storekeeper, they bought them whether he was a member of Parliament or not. The storekeeper lived by his trade, and why should not the barrister live by his profession in the same way? His own idea was that the clauses in the Act which had been referred to meant always "permanent employment." Briefs had been given to barristers who were also members ever since the House had sat, and he had never heard a reason against the practice. Cases would arise where it was necessary for the Government to employ the ablest barristers they could get, and they would generally find them inside the House, as in all other colonies. The hon. member for Cook should look back to the history of England and of his own country, and he would find the ablest men in politics—O'Connell, Curran, Grattan, Flood, and Brougham—as well as in literature and art, had been barristers. No other class of men had been, comparatively, more fit to be legislators, because legislation was part of their education. What were the men who followed ordinary occupations, or working men, as compared with barristers? They were guided by them. He must raise his voice against that profession being marked out for exclusion from emoluments. If a doctor were in Parliament could he not attend a member of the House or his family? The same rule applied here, and on that ground he should vote heartily against the motion.

Mr. KINGSFORD quite agreed with the hon. member who had just resumed his seat, that lawyers made good legislators; but he disputed the statement that they were the very best, to the exclusion of all other classes, and he did not know but that barristers would be equally good legislators if they were to abandon the legal profession. The remarks of the Colonial Secretary and the hon. member for Cook, as to the almost impossibility of finding first-rate lawyers outside the House in case of emergency, were not altogether correct. They might go outside the House and, without the smallest difficulty, get the best talent the colony could provide. He looked upon the amendment as just a spurt of class legislation, and could not agree to make a difference in favour of the legal profession. Let them either abandon the motion or carry it in its entirety. They had no right to make a distinction in favour of any class whatever.

Mr. MCLEAN said it was a great pity our Acts of Parliament were so ambiguous as to necessitate such a resolution; but the sixth clause of the Constitution Act was quite clear enough on this point and did not require it. The amendment had not improved it, and was not likely to gain any followers. It had been argued that on certain occasions and times it was absolutely necessary that the Crown should be in a position to employ the best talent they could find at their disposal, and that it would be an act of injustice to prevent those gentlemen who had attained the honour of a position at the Bar from becoming members of the House. Had the Colonial Secretary in his amendment exempted gentlemen who had risen to the position of Queen's Counsel, the amendment might have met with some support. They had been told that many legal gentlemen had made first-class statesmen, and he believed it was necessary they should have the best legal talent to be found in the colony in the House. If so, the Colonial Secretary might have exempted Queen's Counsel from the operation of the resolution with considerable success. This question should be viewed in a broad and comprehensive manner. The question of paying members who belonged to the legal profession for services rendered was nothing more nor less than another aspect of the payment of members' question. Why should one class of gentlemen holding seats in the House be eligible to receive remuneration and no other class? The position, therefore, resolved itself into this: certain hon. members who had risen to a position in the legal professsion were, in a way, receiving payment for being members. When the hon. member, Mr. Douglas, submitted his resolution he (Mr. McLean) was in a quandary to know exactly what to do; but the sweeping amendment of the Colonial Secretary enabled him to make up his mind, for the simple reason that it did not matter what position a lawyer might have, he would be exempt under the amendment from the pains and penalties embodied in the original resolution. Hon. members knew that it was not always the best legal talent which found its way to the House; and if, therefore, the mover of the amendment would alter his proposition in the way that he (Mr. McLean) had suggested, he should support him, but otherwise he should support the original motion.

Mr. BEOR said he should not have spoken but for the ground taken up by hon. members who had opposed the amendment, and for the purpose of pointing out some facts which were probably known only to members of the House who were barristers. The main ground taken up by opposing members, and particularly by the hon. member (Mr. Morehead), was that the amendment was an attempt to conserve the interests of one particular profession. Were it so, he should oppose it quite as strongly as the hon. member; but it was not for the conservation of the legal profession, but for the protection of the administration of justice that the amendment was introduced. He would mention some particular facts to illustrate what he said. Of all the barristers in this colony who were above five years' standing there were only four who were not in the House —there were nine altogether—and of these four one had recently been in the House, and was likely to be in it again shortly; another was a member of the profession who declined criminal work altogether, and the remaining two were Crown prosecutors. He would like to know whether any Government would be prepared to go outside of barristers of less than five years' standing to commit to their care the most important business which could come under the notice of any Government — namely, the prosecution for capital offences. He would give another illustration. At the time he accepted a brief to go to Maryborough there was not a single barrister free to accept work, except barristers under the standing of two years. The matter which was tried at Maryborough was very important, and, had the Government not then availed themselves of his services, they would have had to fall back upon members of the Bar of less standing than two years. He ventured to ask whether any Government should be left in such a position when the conduct of any important cases was involved? He would support the amendment in the interests of the colony. If the Bar became so large that the House might safely make such a rule as was proposed, without putting the Government in danger of wanting the services of competent men to do the

Crown work, then no one would be more willing to assist hon. members who might be anxious to pass such an excluding resolution; but until that time came, he did not think it was right, in the interests of the country, to support the resolution.

Mr. DOUGLAS rose chiefly to make a few remarks in connection with what had fallen from the last speaker, who had pointed out a particular case in which the Crown would have suffered if they had not availed themselves of the opportunity of giving him a brief. If there was a difficulty to be met, it would be best met by what had been much required here—the appointment of a public prosecutor—of some member of the Bar to whom ought to be confided the duty of transacting the business of the Government in these matters. The Attorney-General, or the Minister of Justice, for the time being, from the attention that he had to give to his public duties, was incapacitated to discharge these important details. His hon. friend (Mr. Griffith), strained as his time had been, had still succeeded in performing the judicial functions of his office; but even he with his large capacity for work must have been strained at times to do so. He must have required, and he felt sure that any Attorney-General or Minister of Justice required, a coadjutor—a gentleman entirely removed from the arena of politics, a professional man of high standing, and competent to perform the duties of Crown prosecutor, and also to undertake a leading position, at any rate, in the conduct of suits which it might be necessary for Government to institute in civil courts. If for no other reason than this, it seemed to him to be a good one for passing the resolution. He had justified it strictly by reference to precedents, indicating that the whole tendency of legislation and Parliamentary practice in this respect had been to discourage the employment in any form of representatives of the people by the Executive Government for the time being. It was a sound principle, and if it were not adopted they would be certain to have questions arise as to whether members had not forfeited their seats by accepting some duties on behalf of the Government. He believed, with the hon. member for Logan, that the gentleman who accepted even a brief from the Crown was disqualified under the sixth section of their Constitution Act. There was a difference of opinion on that point in the House, and that difference could only be set at rest by an affirmation in some such form as he had endeavoured to express. If it were approved, and a Bill were introduced to give it effect, the details could then be discussed, and the difficulty referred to by the Colonial Secretary of its being part of the duties of a Queen's Counsel to accept a brief from the Crown could be met, if it existed, by the insertion of a clause expressing that opinion. He was not sufficiently learned in the law to decide whether there was an obligation of that kind binding on a Queen's Counsel; but he doubted it very much. The office was more or less an honorary distinction conferred upon those who had attained high position at the Bar; and he was somewhat doubtful whether any real duties attached to it. At any rate, a Queen's Counsel, if he was required to do work for the Crown, did not forego his right to receive payment; and such being the case he did not see why they should have any real difficulty to deal with on that score. As a collateral illustration of the advantage of passing his resolution, he maintained that, even if it resulted in such an appointment as he had alluded to, it would be conferring a real benefit upon the community. He observed, also, that only lately the same feeling had prevailed in England; that there the work of grand jury, fortified as it was by precedent and ancient usage, had been still found to be so incomplete that Crown prosecutors were about to be appointed for the purpose of more effectually watching the interests of the Crown. They might be quite certain that if the resolution should have the result of depriving the Government of the assistance now found from the ranks of the learned profession, as represented in the House, they would be compelled to do what he believed should have been done some time ago—namely, to appoint some proper officer who would be independent of politics, and devote all his time to the discharge of the duties of public prosecutor.

Mr. RUTLEDGE said that through not being in the House when the motion was moved, and not hearing the arguments for and against it, he must confine himself to discussing it upon its general merits, as they appeared to him. He certainly thought it was necessary to define within what limits certain individuals should perform duties on behalf of the Executive; and, because he was anxious that these limits should be defined, he should have no difficulty in seeing his way to vote for the amendment. It was true that the spirit of the Constitution Act was against the acceptance of emolument by members of the House for services performed for the Crown, but, like a good many other things on their statute book, it was practically inoperative. In all these colonies there existed a condition of things which rendered it sometimes impossible to keep both the spirit and the letter of the law, and in a young colony like this where, until recently, the Bar was, so to speak, confined to six men, the difficulty became very much increased; and in order to carry out the spirit and letter of the Constitution Act as

regarded barristers who were members of the House, it would be absolutely necessary in some cases to entrust Crown work to inefficient hands. He did not wish to repeat his arguments of the other evening, when speaking upon the motion which aimed at unseating the hon. member (Mr. Beor), but he still maintained that, as a rule, the principal members of the legal profession found their way, sooner or later, into the Legislative Assembly, both here and in the other colonies. Members of the Bar were accused, sometimes, of seeking election to the House for selfish and unworthy reasons; yet, by the operation of a natural law, they found their way to all deliberative assemblies. As a rule, their very training made them facile and capable speakers, and the Assembly was the only arena of the colony to which they could aspire as affording a proper sphere where they could display, not only for their own benefit but for the benefit of the country, any abilities that they might have developed by their practice at the Bar. They formed a class whose gifts as public speakers were developed to the highest degree by the practice of their profession, and they naturally gravitated to the deliberative assemblies. He did not think it was a wrong arena to which they should be admitted. Why should any members of the Bar be discouraged when they aspired to represent the people in the Legislative Assembly? Who were so capable of framing laws and putting on our statute books Acts that would not entail thousands of pounds in future years, and could be easily and simply interpreted, as trained men at the Bar? Therefore, he considered it was an advantage to have barristers in the House; and he could not understand why they should be found fault with because, in obedience to a natural law, they gravitated to the Assembly, or why a law should be aimed at them to prevent them reaping some of the moderate fruits of their industry and ability. Those persons who thought a barrister made a fortune all at once laboured under a very great mistake. Why should some of the most capable of their representative men be handicapped, as barristers who were members of the House would be, if they were debarred from having the conduct of important cases of the Crown, to which duty, it must be recollected, a considerable amount of honour attached?—it would pay many an hon. member to represent the Crown without any fee at all. To lay down a law which should exclude these members from devoting their talents to the interests of the Crown when requisite was not merely inflicting an injustice upon them but to the country at large. Hon. members who opposed the amendment appeared to be labouring under the delusion that all barristers who sat in the House were bound to support it, and to oppose the original motion vehemently, because the Crown had so many "pickings" to give them. Hon. members who reasoned this way were under a great hallucination, for the Crown "pickings" were, with few exceptions, such as a man could put in his pocket without being any richer. The hon. member (Mr. Douglas) had advocated the appointment of a public prosecutor, thinking that by so doing an end would be put to the distribution of briefs to various barristers to do Crown work. A greater mistake never was made. The Crown Prosecutor would be limited to the conduct of criminal prosecutions, which constituted the least share of the brief business that any barrister had. They were all agreed that it was absolutely necessary to have an Attorney-General, who should have the responsible duties of that important office, and that it was very undesirable such a state of things should recur as that, through there being no Attorney-General, the work should have to be distributed among a number of acting Attorneys-General; but the appointment of a public prosecutor would not meet the difficulty at all, because his duties would be limited to the conduct of criminal business, and all the Attorney-General could do in his department was to get some one to act as his junior, whose fee was very insignificant indeed. Again, under the existing law the Attorney-General had power to direct any District Court prosecutor to represent him in the Supreme Court without any cost to the country. He was not opposed to the appointment of a Solicitor-General to assist the Attorney-General, but the work could be done as economically, although it might not be altogether as efficient, by the appointment of Crown prosecutors to assist the Attorney-General in the conduct of criminal prosecutions. But if they had half-a-dozen public prosecutors, they would not require one to go into court and represent the Crown in a great case like that of "McDonald *v.* Tully," which had just been brought to a termination or a partial termination. There was no law now, and he apprehended that there could be no law made, to make Crown prosecutors conduct civil proceedings on behalf of the Crown, and that was a most important consideration. Consider what the position of the country would have been in connection with the great land dummying cases on the Darling Downs some years ago, if the hon. and learned member (Mr. Griffith) had been forbidden from taking a brief on behalf of the Crown to prosecute? If he had been forbidden—being one of the ablest men the colony ever produced—the other side would have given him double the fees to have gone and represented them; and he had it on very good

authority—not from the hon. gentleman himself or those who were in direct communication with him, but from those who knew what they were talking about—that the hon. gentleman was offered very considerably larger fees to represent the parties who were prosecuted than he received for representing the Government in those dummying prosecutions. By far the most lucrative business of the profession was the civil, and not the criminal, business; so that the difficulty would not be got over by appointing a public prosecutor. He did not wish to say anything in adulation of the profession, or to draw invidious distinctions between gentlemen of the profession in the House and those who were not in it; but, as a rule, the leading members of the profession found their way there sooner or later. There were many able members of the profession in the colony who were not in that House, but they would be there in the ordinary course of things, and a great advantage it would be to the country to have them there; but to say that these men should be singled out, and be told that they were not to have the reasonable profits arising from their profession, was to subject them to an injustice which he was sure the House would be slow to enact. He hoped hon. members would not think that in making these remarks he was actuated by any narrow-minded or selfish ideas; but he certainly thought that those members who were not lawyers would do well to pause. It was very easy to lay down a rule of this kind, but it was quite another to have it carried out, and there were more men than Daniel O'Connell who could drive a coach and six through an Act of Parliament. He knew a way by which the provisions of this very clause could be defeated. A barrister did not make a contract with the Crown, or those who employed him;—all a barrister knew was that a brief was put into his hand; he asked no question as to where it came from—it would be grossly impertinent if he were to do so; and all his profession required him to know was to accept a brief or a retainer when handed to him. When a brief was brought to him by a solicitor, it was not his business to go and find out who instructed him in the case; but he simply had to do the best he could with the facts placed before him. It might transpire subsequently that the Crown had something to do with it; but if the Crown was not known to be a party before the brief was accepted, he would like to know how they were to hold a barrister responsible and prove him guilty of a breach of the Act, when he had taken it under these circumstances. A barrister's fees were gratuities; he was forbidden by the common law of England from suing for fees. If fees were offered or promised, all he had to depend upon was the honour of the men making the promise; he could not sue in a court of law, the same as a tradesman, for his fees; and to single out men of a profession who had been amongst the foremost of all the professions in the world, who moulded the English constitution and made it what it was—to single them out for a special disability of this kind, would be adopting a retrograde movement—a movement contrary to all the traditions dear to the hearts of Englishmen. He was not an Englishman himself, but, so far as he knew their feelings, they were as proud of their lawyers as they were of their old nobility. He hoped the House would assent to the amendment of the Colonial Secretary's, if indeed it was necessary to pass the resolution proposed by the hon. member for Maryborough at all. He should like before sitting down to call the attention to the position of Queen's Counsel. A Queen's Counsel was bound to accept a retainer on behalf of the Crown, and if he had the common law of England and antiquated practice on one side, and some law made in this colony on the other, it would be to place him between two fires and subject him to the action of opposite influences, which would be likely, not merely to endanger, perhaps, in some cases, his seat as a member of the House, but also his reputation and standing as one of the leading members of the Bar.

Mr. Rea was understood to say that one of the main objections he had to the legal profession in the House was, that in the Northern districts competent men were kept from coming before the constituencies in consequence of lawyers in the metropolis coming forward to represent them, when they could get representatives nearer home. It was not the highly qualified men he objected to, but to the scraps of the profession; and he should even vote for the amendment of the Colonial Secretary, if he could not alter it, so that exception should be drawn at not less than fifty-guinea briefs: then they would get something like high quality. He did not see that there was any analogy between the practice in England and the practice here; and, in the interests of the outside districts, he should vote for the motion of the hon. member for Maryborough, because men in those districts were precluded from getting into the House by the number of lawyers who came forward. That was a great danger; and he could not see why they should not have a Bill by which they might, at all events, know whether a legal member was disqualified by accepting a brief or not.

Mr. Beattie had some difficulty in deciding whether, under the circumstances as set forth by the mover of the resolution, he should support it or not; but on looking back to the action of the House in 1877,

he found that he could not support the amendment of the Colonial Secretary, because it would be a species of legislation which, on the occasion he referred to, was opposed by the Colonial Secretary himself. In 1877 the Colonial Secretary moved—

"That in the opinion of this House, it is improper that members of either House of Parliament should be paid for their services on Boards appointed by the Government, and that such practice should be immediately put a stop to."

There had been a great deal said on this subject, and they had heard a very eloquent speech from the hon. member for Enoggera (Mr. Rutledge); but, if it was necessary that those gentlemen belonging to the legal profession should be excepted by this amendment, then, why adopt special legislation against any other individuals in the House who might be particularly qualified by their line of business to render good service to the country by being placed on Boards? He had been told that members of the other legislative body—men of professional ability—were, by means of this very resolution, prevented from taking their seats on Boards simply because there was a small fee attached to the sitting; and other members who were disappointed, and had some knowledge of the business, would not accept the appointment unless they were declared as members without fees. If it was lawful for lawyers to accept fees, why should they pass a law exempting them from a disability which would attach to other members of the legislative body, and prevent them from sitting on Boards where they might render good service to the country? Perhaps it would have been better if the hon. member had not introduced the motion; but, so as not to give a preference to one class, he should vote for the resolution.

Question—That the words proposed to be inserted be so inserted—put, and the House divided:—

AYES, 14.

Messrs. Palmer, McIlwraith, Beor, Perkins, Stevens, Hamilton, Price, Cooper, Macrossan, Walsh, H. Palmer, O'Sullivan, Swanwick, and Baynes.

NOES, 27.

Messrs. Griffith, Dickson, Rea, McLean, Simpson, Bailey, Meston, Beattie, Grimes, Hendren, Macfarlane (Ipswich), Lumley-Hill, Lalor, Morehead, Stevenson, Stubley, Norton, Scott, Low, Kingsford, Weld-Blundell, Douglas, Groom, Archer, Mackay, Macfarlane (Leichhardt), and Horwitz.

Question resolved in the negative.

Mr. ARCHER said he refrained from speaking previous to the division just taken because he had made up his mind that it was neither advisable to adopt the amendment of the Colonial Secretary nor the motion itself, and he therefore now rose to move the previous question. They had heard the matter argued from both points of view—whether, in fact, it was necessary or advisable for the Government to employ the services of members of the House or not. He must say that he thoroughly agreed with the hon. member (Mr. Griffith) when he said that it would not be right to adopt the amendment of the Colonial Secretary to give one profession a preference over another, but still there might be many instances in which the Government would require the best legal talent available even in that House; and he therefore thought it would be better to revert to the old position and leave this an open question for the present. The time would no doubt come when legal talent would be so plentiful here that there would be no necessity for using legal more than any other talent in the House. No doubt any Government, or any honest Government, would give the preference to legal talent outside the House, if it could be got equally good; and, under the circumstances, it would be hardly advisable to pass the motion of the hon. member for Maryborough just now. He therefore begged to move the previous question.

Question—That the main question be now put—put, and the House divided:—

AYES, 19.

Messrs. Dickson, Rea, McLean, Douglas, Lumley-Hill, Low, Morehead, Lalor, Stevenson, Stubley, Kingsford, Simpson, Meston, Bailey, Beattie, Macfarlane (Ipswich), Grimes, Groom, and Horwitz.

NOES, 25.

Messrs. Garrick, Griffith, Palmer, McIlwraith, Price, Perkins, Macrossan, Rutledge, Hamilton, Cooper, Baynes, Swanwick, Macfarlane (Leichhardt), Archer, Mackay, Hendren, Amhurst, Beor, Walsh, H. Palmer, Scott, Norton, Stevens, Weld-Blundell, and O'Sullivan.

Question resolved in the negative.

TOOTH ESTATE ENABLING BILL.

Mr. GRIFFITH brought up the report of the Select Committee on this Bill, and moved that it be printed.

Question put and passed.

On the motion of the hon. member, the second reading of the Bill was made an Order of the Day for next Thursday.

RAILWAY SURVEY.

Mr. SCOTT said it was not his intention, in moving the motion standing in his name, to say much about the railway itself, as he did not intend to ask for any expenditure of money for such a work. It was well known that the main line would run for a considerable distance through the Central Railway Reserve, and in that reserve there would be a large amount of land open for sale. The extension of the line from

Cometville to Springsure would run through a great deal of land that the Government would shortly resume from the pastoral lessees, and which would be offered for sale either by auction or selection. His object was to secure that land from being purchased until it was wanted for railway purposes; if that was not done it would have to be re-bought at the expense of the country. It was an important question, and for that reason it was very necessary that a sum of money should be voted for making a survey. No one who knew that part of the country would deny that it was very valuable, as it consisted of splendid downs and plains suitable for the settlement of a large population. There was no doubt it would be required for railway purposes before many years were over, and this was why, although he had no intention of asking for a railway at the present time, he was anxious that the land which would be required for the construction of a railway at some future period should be reserved. His motion was :—

That this House will, at it next sitting, resolve itself into a Committee of the Whole, to consider of an Address to the Governor, praying that His Excellency will be pleased to cause to be placed upon the next Loan Estimates a sum not exceeding £1,000 for the purpose of a preliminary survey for a line of railway from Cometville to Springsure.

The MINISTER FOR WORKS said that, without reference to the question of making a railway, or to the quality of the land referred to, he might say that he had always considered it the duty of the Government to have a survey made where there was any probability of a railway being required; and he might further state that it was the intention of the Government, whether the motion was carried or not, to place on the Estimates a sum for the survey, not only of this but other lines.

Mr. DOUGLAS said he did not know whether he understood the hon. gentleman to say that the amount was to be provided for on the Loan Estimates, whether the motion was withdrawn or not?

The PREMIER: Yes.

Mr. DOUGLAS said that he was very desirous that land should be reserved wherever it was likely that lines of railway would be made. If the resolution were passed at the present state of business, it would be taking the business out of the hands of the Government; and everybody might want to have land reserved. The responsibility of the whole of the surveys must rest with the Government, and therefore no hope should be held out to hon. members to interfere with that responsibility.

Mr. SCOTT said it was not his wish to press the motion. His only object was to have the land surveyed for railway purposes. On the understanding that that would be done he would, with the permission of the House, withdraw his motion.

Motion, by leave, withdrawn.

MOTIONS WITHDRAWN.

The following motions were withdrawn:—

By Mr. WALSH—A motion for leave to introduce a Bill to give two additional members for the Electoral District of Cook, the hon. member explaining that he withdrew it in consequence of the adverse decision of the House on the motion for giving an additional member to Fortitude Valley.

By Mr. HORWITZ—A motion for leave to introduce a Bill to provide for an additional member for the Electoral District of Warwick.

By Mr. MOREHEAD—A motion for leave to introduce a Bill to provide for an additional member for the Electoral District of the Mitchell.

GRANT FOR MINING PURPOSES.

Mr. GROOM, in the absence of Mr. Stubley, moved that the motion standing in the name of that hon. member be postponed until after the consideration of Notice of Motion No. 14.

The SPEAKER stated that the hon. member, if he postponed a motion, could not fix a time for its reintroduction, to the prejudice of business already on the paper.

Mr. GROOM explained that the hon. member for the Kennedy had not expected that his motion would come on so soon, but he would be prepared to move it after the adjournment for tea. However, he would, on behalf of the hon. member, postpone the motion until that day fortnight.

The PREMIER submitted that the hon. member could not postpone the motion of another hon. member without his consent.

Mr. SCOTT thought the hon. member might be allowed to choose the day to which the motion should be postponed.

The SPEAKER said it would be better for the hon. member to allow the motion to lapse, as the mover could then give fresh notice and fix his own day for moving it.

ROAD EXPENDITURE ON THE DARLING DOWNS.

Mr. HORWITZ, in moving the resolution standing in his name, said that a sum of £13,500 had been placed on the Estimates for the roads in the Darling Downs district; but as that district represented an area of 105 miles by 75 miles the amount was far too small for such an extent of country. He represented one portion of the district; which was not in Darling Downs proper—namely, Warwick—which was largely populated by farmers, and he was anxious to learn from the hon. Minister for Works whether any part of that

£13,500 would be expended in repairing the roads outside of that municipality. He would move—

That there be laid upon the table of the House, a return showing the roads within the Darling Downs in which it is intended to expend the vote, £13,500, appearing in the Estimates-in-Chief for 1879-80, for roads within that district, and the respective apportions.

The MINISTER FOR WORKS said that, as he had been unable to hear the remarks of the hon. member (Mr. Horwitz) in support of the motion, he could only confine himself strictly to it as it appeared on the paper. The hon. member could scarcely expect the information he had asked for until the Estimates came before the House in their proper turn. When they did, he would be able to give all the information the hon. member wanted. All he could say now was, that, as far as the Roads Department was concerned, this sum of £13,500 would be spent fairly on the Darling Downs and in the localities there which most required it. It was hardly necessary for the hon. member to take up the time of the House now; if he seriously desired the information it would be forthcoming, but, in the meantime, he suggested that the motion should be withdrawn, that other business might be proceeded with.

Mr. HORWITZ said that, after the promise of the Minister for Works to give all information, he would withdraw the motion, by leave of the House.

Motion withdrawn accordingly.

RUST IN WHEAT.

Mr. HORWITZ moved—

That this House will, at its next sitting, resolve itself into a Committee of the Whole, to consider of an Address to the Governor, praying that His Excellency will be pleased to cause to be placed on the Supplementary Estimates for 1879-80 the sum of £500 (five hundred pounds), as a reward for the discovery of a cure for Rust in Wheat; which cure shall prove to have been successful for two seasons.

He trusted the Government would see their way to grant this reward, particularly as people were very anxious to discover the causes of rust and a cure for it. The finding of a cure would benefit the colony at large, as the farmers would turn their attention more to wheat-growing. £500 was a small sum, considering the immense amount of good it would do the colony if they were successful in finding a remedy. As it was, the farmers were always trying to find something which would cure the disease, yet hitherto they had not been successful in carrying it out; but if the farmers were inclined to try, and succeeded eventually, they would not only be able to save the colony a quarter of a million a year, most of which now went to Adelaide, but would keep that money in the colony. Government should therefore lend all possible assistance to the object of his motion. The development of wheat growing would afford employment to a large number of people, and in time not only would the wheat grown in the colony be sufficient for all the local wants, but it would form a considerable article of export, and would become a staple production of the country. He left the motion in the hands of the House.

Mr. AMHURST hoped the Government would see their way to support the motion, although up to the present time the subject of finding a cure had baffled all the agricultural chemists. Nevertheless, there could be no harm in further researches, as the discovery of a cure for rust would be of great benefit. It would be a great boon to the sugar-planters as well as to the farmers, because if they could cure rust in wheat there was a chance of discovering a cure for rust in cane. He objected to the time stipulated as being too short. Rust in wheat, as in cane, might appear for three or four consecutive years, disappear for a similar term, and then reappear. An extension of the time to ten years would meet his objection. In two years the reward would never be taken; whereas, if they could find a permanent cure for the disease, which could hardly be done under ten years, £5,000 would not be too much to pay for the discovering.

The MINISTER FOR LANDS said the Government had not been unmindful of the difficulties under which the farmers laboured. Speaking on his own behalf, he should be glad to double or treble the reward if it could be done in a proper manner, for the Government had not the slightest objection to offer a large reward for the discovery of a cure for rust in wheat. For years this subject had engaged the attention of scientific men in the colonies, and particularly of that useful body in Brisbane, the Board of Inquiry into the Diseases of Stock and Plants, but hitherto without any tangible result, and no greater success had been achieved in the great wheat-growing colonies of South Australia and New Zealand. It would be quite safe to offer this reward, for it was certain no one would claim it in two or even three years, even if the amount were far larger. In its present shape he could not accept the motion, for it would be only encumbering the Supplementary Estimates. The welfare of the farmers on the Darling Downs had engaged his attention both as a private member of the community and as a member of the Government, and if the hon. member would put his motion in a more practical form he would be very glad to consent to it.

Mr. GROOM said he did not think much harm would accrue to the country if the motion was allowed to pass in its present

form. It would, at all events, show the people outside that the House was not unmindful of those engaged in the industry of wheat-growing. That industry represented a large amount of capital, and the area under wheat now was larger than that of any previous year, owing to the rains that had fallen on the Downs during the last three or four months. If the rust kept away the yield would be proportionately large, and thousands of pounds annually sent out of the colony for breadstuffs would remain here. The Darling Downs wheat already found a large local market. Only the other day an order was sent for several tons of Allora flour for Jimbour Station, and if that wheat had not been grown on the Downs it would have had to be sent for from Brisbane, and money would go out of the colony. As the Minister for Lands had said, the question of rust in wheat had long occupied the attention of scientific bodies. Recently the Board of Agriculture of South Australia requested the Government to place £200 on the Estimates as a bonus to any person who might discover a cure for it; but the South Australian Government, while not seeing their way to put so large a sum on the Estimates, promised the deputation who waited on them that the matter should receive the consideration of the Government and the opinion of some of the best scientific men in England obtained. But rust in wheat was just as prevalent in England as in the colonies; and Mr. Mechi, of Tiptree Hall—one of the best agriculturists in the mother country—had in vain devoted a considerable amount of time to find a specific remedy for it. There was something peculiar about the rust on the Downs. It scarcely affected the black-soil lands, while the chocolate soil of the ranges and the red soil around Toowoomba were peculiarly susceptible to it. On one side of the road from Toowoomba to Warwick there was a magnificent crop of wheat without the sign of rust, while on the other side there were whole paddocks completely covered with it. The Board of Inquiry had not devoted its attention to this subject so much as it ought to have done. If a bonus of £500 would induce some person to discover a cure for this disease it would be one of the greatest boons ever conferred on the colony. Even if the resolution was unworkable, there would be no harm in affirming the desirability of offering a bonus for so great a discovery. He trusted the Government would see its way to let the motion pass in its present form. Farming was an exceedingly precarious industry, and it was impossible to tell the amount of destruction that would ensue if the rust got into the magnificent fields on the Downs.

The PREMIER said his colleague, the Minister for Works, had stated that the Government had no objection to the substance of the motion. A motion affirming the principle that the Government were willing to give a reward of £500 to the discoverer of a cure for rust in wheat, or even double that amount, would be assented to by both sides of the House. The technical difficulty was as to the form in which the motion was put. If the sum were placed on the Supplementary Estimates, as asked, it could not become payable until two years afterwards, and it could be made to lapse at the option of the Ministry. If the hon. member would make his motion affirm the desire of the House that a reward be offered to the discoverer of a cure for rust in wheat the House would assent to it, and the idea of the hon. member for Toowoomba might be inserted in it—that the reward should be offered for the cure of the rust as developed in this colony. The Government would willingly support a motion of that kind.

Mr. GRIFFITH said he was glad to hear that the Government were prepared to assent to the principle of the motion, but he was not prepared to agree with the Premier as to his objection to it in its present form. Any motion affirming the desirability of expending public money must be initiated in committee. Perhaps the Premier's objection could be met if the hon. member for Warwick would subtitute the word "offer" for "cause to be placed on the Supplementary Estimates for 1879-80." He would suggest that the hon. member for Warwick should make the alteration, with the permission of the House. There could be no objection to the amount being placed on the Supplementary Estimates for 1879-80, because if not paid for two years, being of the nature of a promise, it would be carried forward under the Audit Act from year to year. But that was entirely a matter of detail, and he should be glad if the motion as amended was agreed to.

Mr. GRIMES said the matter was worth the consideration and support of the House. He would suggest that the sum be increased, as a perfect cure for rust in wheat would be cheap to the colony at £1,000. Many other countries would be willing to offer £10,000 for a complete cure. The evil had baffled the skill of chemists and scientific men; but a remedy might yet be found by an ordinary observer. It might be possible even in our colony to find some simple cure, and the very fact of a sum being placed on the Estimates for a reward would stimulate efforts in that direction. He had great pleasure in supporting the resolution, and would suggest that the amount be increased to £1,000, and the time extended to three seasons.

Mr. BAILEY said the motion was too narrowly framed. There were two ways of dealing with rust in cane, and with rust in wheat also. Many attempts had

been made to cure rust in cane; but when they were all found to be fruitless, an investigation was made as to the kinds of cane which were not liable to rust, and the consequence was that cane was now growing profitably on thousands of acres in the Mary district. In the same way it might be possible to deal with rust in wheat by instituting experiments to find out the kinds that were exempt from rust. A short time ago the Board of Inquiry, the only scientific body in the colony, were very anxious to conduct those very experiments, and ascertain which varieties escaped and which were liable to rust. By those means they might possibly find two or three varieties not liable to rust, in which case they should have a right to the reward. He should have been more pleased if this sum of money had been handed over to that Board to make scientific experiments with the facilities they had at command. If £500 or £600 were expended in that way, justice would be done to the subject and a good result, most likely, attained. There might be some good results from offering a reward in this way, but he anticipated that, when the motion was carried, it would be the last they would hear of the matter.

Mr. MACKAY was very glad to see the change that had come over the disposition of the Government in this matter. No doubt the change was the outcome of a discussion in the House a short time ago. The hon. member for Wide Bay said that good results would be most likely to follow from a series of tests. Now, it so happened —although the Minister for Lands was ignorant of it—that a series of precisely such tests had been going on in Toowoomba, notwithstanding the action of the Minister for Lands, and between thirty and forty kinds of wheat were being tested for this purpose. In the Brisbane district, also, since the late discussion in the House, men whose hearts were in the matter had been trying to discover the cause of rust in wheat. This was a most important matter, because the wheat interest was a large one in the colony, and could be developed to a great extent. A remedy for rust in wheat would no doubt be found in the same way that a remedy was found for smut in wheat. Here we had been groping along to the best of our ability, trying to find the remedy that would save thousands to the colony. There was another matter which had come to his knowledge, and which men did not like to speak about. We had another enemy—a disease quite as destructive as rust—attacking our maize and cornfields. Many acres of maize in the colony — though the Press, to their credit, had not said much about it — had been destroyed by a disease as dangerous as rust in wheat. Such a danger could best be faced by gentlemen who could afford time to look into such matters. Another matter of which the Minister for Lands was ignorant was that, on the Darling Downs, some dozen farmers, skilful men, were keeping records of the progress of their wheat, so that should any disease break out in it they would have some data available to assist in finding a remedy. If this motion were carried in such a shape as to enable investigation to be carried on in addition to offering a reward, no doubt some good would come of it, and Government could not have a better object. The farmers, in this case, had been helping themselves. It was hardly possible to go into a homestead in the Darling Downs district without finding men trying to find a remedy for this complaint, and the offer of a bonus would be most appropriate. By observing the progress of the disease they were most likely to obtain success, as every discovery had been made by patient investigation on a scientific as well as practical basis. It was very well for the Minister for Lands to say he wanted practical results; but how could he hope to get practical results without scientific investigation by practical men? It had been said the time spent on the investigation of rust in wheat was not as large as it should be; but if all the money devoted by this colony to investigation had been spent on that alone it would only be as a drop in the bucket compared with what other colonies had spent. The circumstances of this colony were different, and the idea of the Board had been to try and work in conjunction with the gentlemen investigating in other colonies, because the conditions here differed from those in other countries. He was glad the Government had decided to hold out inducements to carry on this investigation, and offer a bonus in the case of a discovery which would be beneficial, not to Queensland only, but to every part of the world.

Mr. WALSH thought the remarks of the last speaker most uncalled for and unjustifiable. After the Government had expressed their willingness to give not only the amount asked for, but an even larger amount, the hon. gentleman said they had changed their tune; and his reference to the Minister for Lands was anything but what it should be. The hon. gentleman, instead of speaking to the motion, had spoken to the farming constituencies. With regard to scientific knowledge, the results they were likely to get from it here would not be at all beneficial, but practical knowledge would always cure the defects complained of. It was well known that, even if £2,000 was offered, it was from practical experiments, such as trying different kinds of seeds, that discoveries would be made. Did the hon. gentleman believe that he, or the Board of which he

was a member, had discovered the remedy for rust in wheat? Already a great deal of money had been spent on this scientific Board, and the only result had been a book of grasses that nobody had ever heard of or cared about. The benefit accruing to the colony from money spent for a scientific purpose was very doubtful indeed, but for the purpose of making practical experiments he should be glad to support a motion of this kind for even a larger amount.

Mr. Low said he came from a farming district, and his experience was that rust in wheat depended almost entirely upon the season of the year. During a very rainy season there was rust in the wheat; but in a nice dry season there was none. They might spend thousands and thousands of pounds in trying to discover a remedy; but all the science in the world would not prevent rust in the rainy season, and in the dry season there was none to require a remedy.

Mr. Douglas said that no doubt a great deal depended upon the seasons, but a great deal also depended upon the choice of seed and upon its treatment when sown. He regretted that the hon. member for Cook should have taken up the remarks of the hon. member, Mr. Mackay, in the way that he did, for this was not a matter about which compliments of that kind should be bandied. If the House could induce a larger growth of wheat they would be adding more to the material wealth and prosperity of the country than by some of the other legislation in which they were engaged. At the present time, when some of the colony's mineral resources were not quite so prosperous as formerly, they should give every encouragement, directly and indirectly, to the extension of agriculture—that being the best way in which they could make up for deficiencies. The discussion had been a profitable one, and the subject would not be allowed to rest where it was, whatever results might arise. His own conviction was that if they could only, by judicious expenditure, show people the way, as he believed they might, to grow wheat profitably, not only on the Downs but in many other districts, they should be vastly benefiting the country. He saw no reason why wheat should not be extensively grown below the Range. He was sorry that the energies of their farmers were not more directed towards wheat culture, for if they would only see its advantages and learn how to grow wheat profitably they should add materially to the wealth of the country. He had heard, with some interest, that the Minister for Lands had made an attempt to secure some important information from a Mr. McIvor, a gentleman who had lectured in Victoria on wheat culture, and was a man of great practical and scientific attainments, and he hoped that the hon. member would succeed in obtaining the information that he desired.

The Minister for Lands: I have got it.

Mr. Douglas trusted that it would be widely disseminated, for they could not do better than to devote some of their resources to the encouragement of agriculture, and to turning the attention of the farming class especially in the direction of wheat-growing. Possibly a method of curing rust in wheat could, when perfected, be applied to the discovery of a cure for the other diseases to which the hon. member (Mr. Mackay) had alluded. He hoped the Minister for Lands would in time become converted as regarded the value of scientific experiments and researches. If he was not satisfied with the present Board of Inquiry—he (Mr. Douglas) saw no reason why he should not be—he was quite sure the hon. gentleman would find other men who would willingly take up the labours of the Board, which had been far from unprofitable. In America large sums of money had been spent on scientific inquiries with, admittedly, no results for some time. In the last speech of the President to Congress reference was made to this subject and the languishing nature of some of their industries, and it was pointed out that, in a country so largely dependent upon agriculture, the expenditure of an ample sum on scientific researches would be one of the best methods of fostering agriculture; and it was recommended that Congress should apply some of the public money in that direction. They might well do the same thing in this colony, for they must eventually depend upon agriculture more than upon their other resources; and, holding this view, he should be glad to see not only £500 but £5,000 devoted to the purpose that he had named.

Mr. Horwitz said he was perfectly willing to amend his motion, and, with the consent of the House, would alter it in this way—

That this House will, at its next sitting, resolve itself into a Committee of the Whole, to consider of an Address to the Governor, praying that His Excellency will be pleased to offer a reward for the discovery of a cure for Rust in Wheat; which cure shall prove to have been successful for three seasons.

Motion, as amended, put and passed.

TRAVELLING SHEEP BILL—COMMITTEE.

On the motion of Mr. Stevens, the House went into committee to consider this Bill.

Preamble postponed.

Clause 1—Interpretation of terms—passed as read.

Mr. Stevens moved that clause 2—Sheep from other colonies to obtain permit on crossing the border—should stand part of the Bill.

Mr. SIMPSON did not know whether it was the intention of the hon. member to accept any amendments, but in its present shape he should give the Bill all the opposition he cou'd, and this opposition had better come before the clause to which he specially objected was moved. If the measure passed as it was drafted, people travelling with sheep along main roads fenced on each side would have to pay for the grass that it was presumed their stock ate. In his district most of the land was fenced, and he did not see why people should have to pay for travelling stock along a road a chain wide; a man should have as much right to travel with a flock of sheep over it as the owner of a bullock-team had a right to drive his bullocks over it. The clause ought to be so amended that there should be no charge for people travelling sheep through freehold land fenced on both sides. It seemed very hard upon the small sheepowners, many of whom drove their sheep to be shorn, that they should be taxed for driving them forty or fifty miles along a lane and driving them back again.

Mr. LOW quite agreed that sheep should go free where the roads were fenced on both sides.

Mr. STUBLEY said he could see no objection to this clause. If a man wanted to take sheep from one paddock to another he could take 500 at a time—it was not necessary that he should take 1,000; and the Bill provided that unless 1,000 sheep were taken the man was not liable to pay on their return. The clause was fair and reasonable. As for travelling through fenced country, it was almost impossible to go through any part of the country—or any prominent part—without going through a considerable amount of fenced country. It was only when sheep were travelling for grass, and left, say, the Warrego, and passed through the settled district of Darling Downs or to New England, and returned again through those places, that they had to be paid for, and very justly so, because they deprived the farmers of their grass.

Clause put and passed.

Clause 3—Renewed permits to be granted on payment of a travelling charge—moved.

Mr. GRIFFITH said the intention of this clause was, that when sheep had made one journey and were going to make another they had to get a fresh permit, and be liable to a charge; but the way in which it was worded would render the liability to the charge a consequence of obtaining a first permit, so that if the party evaded the second section the provisions of this section would not apply at all. He suggested that, with a view to giving effect to the intention of the clause, it should be amended so as to read—

"If at any time within four months from the date of arrival of any sheep liable to the provisions of the last preceding section at any destination to which they shall have travelled &c."

That would make it apply whether the party got a permit for the first journey or not; if it did not he would be liable to two penalties.

Mr. NORTON said he agreed to the amendment.

On the motion of Mr. GRIFFITH, this portion of the clause was amended as proposed; and some further verbal amendments were agreed to.

Mr. SIMPSON moved that the end of the clause be amended by making the charge per one hundred sheep per mile one penny, instead of twopence.

Mr. STUBLEY considered twopence per one hundred sheep per mile was quite little enough. He could not understand how a member from a farming district could say that he considered one penny was sufficient for sheep travelling through farming districts. Supposing they were travelling to the Sydney or Melbourne markets they would have to go through some of the settled districts, and the consequence would be that they would go on all the reserves and every possible place where they could get grass, to the injury of the farmers. In the case of sheep returning, a charge of twopence per hundred was little enough.

Mr. SIMPSON said he was much obliged to the hon. member, who came from a gold-field constituency, for lecturing him about sheep. That hon. member spoke about settled districts; but when sheep came into settled districts, and the lanes between fences, they had to be paddocked at night, as there was no grass along a road a chain wide for them to eat. If the clause was passed as it stood there would soon be a great outcry in the country against it.

Mr. LOW was of opinion that, if the price was lowered to one penny per hundred sheep, the country would be as much inundated with travelling sheep from New South Wales as it was a few years ago. He had had to travel sheep for the last three years, and he found it much cheaper to sell them for what he could get than to travel them. If people would only reduce the number of their sheep to the carrying capabilities of their runs, it would be far better than travelling them.

Mr. STUBLEY did not wish to say anything about his knowledge of sheep, but he had known 60,000 and even 100,000 sheep make a living by travelling in New South Wales during the last drought, and the owners to make money by their so doing, and by nothing else. One man, who had not an acre of leasehold land, had cleared £10,000 within four months by travelling his sheep. Unless a good price was put on sheep travelling backwards and forwards, no stop could be put to the state of things he had just mentioned. As to travelling sheep in the settled districts, it was all

very well to say that a person had to pay for paddocking them at night, but he had not to pay for the grass in the reserves which were set apart for the use of the farmers. The re erves were the places that suffered, and not the lanes between the fences—the surroundings of the settled districts suffered.

Mr. Low said, owing to travelling sheep from New South Wales and other parts of Queensland on various routes, he had to travel over twenty thousand of his Balonne River sheep last year or allow them to die from pure starvation.

Mr. SIMPSON said that all the grass travelling sheep had a right to eat on the hon. member's run was on one mile on each side of the road, and surely that did not comprise the whole of the hon. member's run. The reason why the hon. member's run was short of grass was that it was over-stocked. There might have been a great many New South Wales sheep travelling in Queensland; but, on the other hand, we sent a very large number every year to New South Wales and Victoria. He never travelled his sheep, and therefore he was not so much interested in the matter.

Mr. Low said it was evident from the speech of the hon. member that he had never been beyond Dalby, or beyond where there were fences. If he went a few hundred miles farther he would hold a different opinion; but the hon. member was a mere child in such matters and knew nothing about them on the border.

Mr. MACKAY was disposed to thank the introducer of the Bill, as it would be the means of checking the evil of travelling sheep, which had been felt very severely for many years. From all he could gather, twopence per hundred was not too high a charge, and therefore he should support the clause as it stood.

Mr. MCLEAN considered that some portion of the moneys which were to be paid into the "Sheep Account" from travelling sheep should be given to the agriculturists, who suffered so much from sheep eating the grass off their reserves. He should support the clause as printed, and not the amendment.

Mr. SIMPSON said that, seeing the feeling of the Committee was against the amendment, he was quite willing to withdraw it.

Amendment, by leave, withdrawn accordingly.

Mr. SIMPSON moved the addition of the following words to the end of the clause—"Provided there shall be no charge for sheep travelling a less distance than fifty miles."

Mr. STUBLEY was understood to say that if such an amendment was carried it would be very easy for a man to be constantly travelling his sheep without going fifty miles away from his run.

Mr. ARCHER objected to the amendment. He was aware of the hon. member's object, which was to allow farmers to drive their sheep to a woolshed without having to pay. He was prepared to assist the hon. member in drawing out an amendment to meet that case, but the one proposed would utterly defeat the object of the Bill. He knew a place where a large station was connected with a small station some forty miles off, the woolshed being at the latter place. The sheep from the larger station had continually to travel across and back again, giving a great deal of trouble by not being strictly travelling sheep. If the hon. member would propose such an amendment as would serve the farmers it would meet with support, but this one would ruin the Bill.

The COLONIAL SECRETARY agreed with the last speaker: it would defeat the object of the Bill. But any amendment in this direction was unnecessary, as all the farmers had to do was to move their sheep in numbers under a thousand at a time.

Amendment put and negatived. The clause, as amended, was then put and passed.

Clause 4—Sheep returning to place of starting to be charged for the whole distance travelled—put, and, on the motion of Mr. STEVENS, several verbal amendments were made.

The COLONIAL SECRETARY moved that the proviso, in case of sale, be omitted, viz.:—

"Provided that in case of *bona fide* sale any sheep travelling under permit or renewed permit shall from the date of sale be exempt from the operation of this and the next preceding sections and shall be held to be sheep starting afresh and subject to the provisions of section two hereof."

If this proviso were left in the Bill it would render it unworkable, for they all knew how easy it was to effect sales of travelling sheep when circumstances made it convenient to do so.

Mr. STEVENS said he could not agree to the amendment of the Colonial Secretary. No doubt the clause would be liable to abuse, but he did not see how that could be prevented. A man should surely have the right to sell his stock, either in his own district or in any other.

The COLONIAL SECRETARY said that if this proviso was allowed to remain the Bill would have no effect whatever. A man might travel sheep 500 miles over the border, and sell them to his brother, or his sister, or his cousin; and if they happened to turn back they would be very well paid for.

Mr. STEVENSON said he agreed with the Colonial Secretary that, if these words were left in, the Bill would be inoperative—in fact, the Bill was an abortion altogether,

and would never do any good. It was a difficult matter to legislate upon, but there must be a clause to admit of *bonâ fide* travelling. A man might travel anywhere to market, and would always be willing to sell his sheep if he could get a sufficient price for them. He might take them to to the Barcoo, the Thompson, or elsewhere; and, if he did not sell them, he might say he was returning with the sheep because he could not find a market for them.

Mr. STEVENS said the New South Wales Act had been found workable, and the *Sydney Mail* had spoken of this Bill as being still better.

Mr. LOW said they must prevent people coming in and eating up their grass. That was what had ruined them in Queensland.

Mr. MACFARLANE (Leichhardt) was of opinion that if the words were retained the Bill would be spoiled.

Mr. LOW thought the difficulty could be got over by making the man take an oath that the sale was a *bonâ fide* one.

Mr. RUTLEDGE asked if it was a usual thing for sheep to be sold while travelling from place to place?

Mr. LUMLEY-HILL said it was usual, and it would be a good deal more usual after this Bill was passed. He intended to vote for the clause as it stood, for the Bill was a very bad one, and this clause would stultify it altogether.

Mr. STEVENSON said he would give the introducer of the Bill all credit for trying to stop an abuse; but it was a difficult matter to legislate upon, and they were going in for general legislation to prevent abuses which very few people committed. He last year suffered much from this cause, but he remembered the time when he had to do the same himself. People, as a rule, did not travel from choice; it was not a paying game at all. New South Wales sheep did not travel on the Queensland runs more than once in five or ten years, while the Queensland squatters made use of the roads over the border to take their sheep into New South Wales to market. They were simply legislating to prevent abuses by a few people. It was a very unusual thing to travel sheep from one place to another for shearing purposes. The hon. member had better withdraw his Bill. Even if the amendment of the Colonial Secretary were carried, the sixth clause would be required to provide for *bonâ fide* travelling. Any person could say sheep were travelling to a market, and they might easily be sold or returned unsold, just as the case might be. He was satisfied the Bill would do no good, and he did not believe in legislation that left things just as they were.

Mr. WALSH said the papers had recently pointed out the necessity of regulating travelling sheep, and hon. members on both sides had admitted that a Bill was necessary. In many parts of the country the people who had overstocked their runs and not made proper provision came and consumed the grass for which other people paid. That was not fair or just; those who overstocked runs should suffer the consequence of their own mismanagement. He knew many large stockowners in the colony who ran their sheep up one side of the river and down another, until there was not a blade of grass left. It should be seriously considered that, if this Bill interfered with the legitimate travelling of stock to market, the result would be very bad indeed. The good sense of hon. members who understood the subject would lead them to make a Bill that would be beneficial to the colony and acceptable to both sides of the House. He thoroughly approved of the Bill, and hoped that such amendments would be made in it as might be necessary. He would like to see clause 6 expunged altogether, because it would raise the question as to what were fat sheep. He was rather in favour of the amendment, and would advise the hon. member to accept it. With reference to evasions of the Act and the mode of prosecution provided in clause 10, the declaration might be so framed as to meet the necessities of the case, and be made applicable only to stock legitimately travelling to market. The stumbling-block in his way was that sheep travelling down the Upper and Lower Warrego to Melbourne might be sold to a purchaser in Charleville when they had reached Cunnamulla. He would like to know how a case of that kind would be met.

Mr. LOW said he had been in the bush since 1840, and up till within the last ten or fifteen years there was no travelling of sheep for grass and water, as there was now. He would like the stockowner to be prevented from over-stocking his run. The price of stock would be improved, and money would be saved in many other ways; in fact, on many runs the owners—he had done it himself, and suffered for it—doubled the quantity of stock, and that was why there was so much travelling. The hon. member for Normanby said the Queensland runs were not visited by sheep from New South Wales, but he would find that they came on to the runs near the border and ate up the grass; so that a measure was required to prevent them coming.

The COLONIAL SECRETARY said the hon. member for Cook had pointed out a hardship in the case of sheep sold on the road having to travel back and the owner being made to pay. The only way to meet the difficulty would be to alter the tenth clause, so as to leave the prosecution in the hands of the sheep inspector or sheep directors, when they might be quite certain there would be no prosecution in the case of a *bonâ fide* sale.

Mr. LUMLEY-HILL said the hon member for Balonne had hit upon the real cure. The hon. member had experimented in travelling sheep, and had found it did not pay. The remedy for the evil was, therefore, only a matter of time. The hardship that had arisen did not affect the run-holder, who was prepared to give up the half-mile on each side of the main road, but the traveller of *bonâ fide* fat stock, who found the roads devastated by itinerant shearing sheep or sheep travelling for grass and water. The evil would remedy itself, and it was not worth while to attempt to put taxes on themselves in trying to stop it. It was very easy to put taxes on, but not so easy to pay them.

Mr. STUBLEY said the first cause of the evil was the over-stocking of runs. With reference to sales, any man in the colony who started a mob of bullocks or sheep to any destination, and got a reasonable offer on the road, would pay twopence per head to return them by the road they had come. It would pay him better to accept that loss than to continue droving to his destination. At all events, such a sale would not occur once in fifty droves of sheep or cattle, and in the case of such a sale it was unlikely that the purchaser would live in the direction from which the sheep had started. He did not see why the sixth clause, exempting fat sheep, should not be expunged.

The COLONIAL SECRETARY said the hon. member had got beyond his depth. Last year he had himself sold 10,000 sheep which had to travel 150 miles back to the purchaser.

Mr. STEVENS said he would withdraw all opposition to the amendment.

Question—That the words proposed to be omitted stand part of the question—put and negatived.

Question—That the clause as amended stand part of the Bill—put.

Mr. STUBLEY said that he really could not see the justice of making a man who drove sheep to market and had to drive them back again because he could not sell them pay for the return journey.

The COLONIAL SECRETARY said there was a great deal in the objection of the hon. member for Kennedy which had not struck him before. There was no reason why a man should pay for the two journeys; it was quite enough to charge him from the time he turned back.

Mr. STUBLEY said that as he understood the clause he should, supposing he travelled sheep fifty miles and afterwards drove them back, be compelled to pay twopence per hundred for the hundred miles. He objected to having to pay for the first journey.

Mr. GRIFFITH said he took the fourth clause as intended to meet the case of sheep which came "loafing" from New South Wales and were then driven back; for so doing the owner was to be punished by having to pay travelling charges for the whole distance.

Question put and passed.

On clause 5—Deviation from route authorised in certain cases—

Mr. STEVENSON said he should move the omission of the first line, for the purpose of inserting the words—"Any inspector or sheep director shall," which would make it compulsory to grant the permit to deviate. He had known instances where owners of stations had made it very unpleasant for the owner of travelling sheep, through having a grudge against him. An inspector or sheep director might ruin a man by refusing to grant him a permit to deviate when he was going into waterless country.

Mr. STEVENS said it had to be shown to the satisfaction of the inspector or director that the original route was impracticable. How would he prove the contrary?

Mr. GRIFFITH said the amendment would make no difference. They could not say that a man should do something, under circumstances of necessity, unless somebody was the judge of the necessity. As the clause stood now, the sheep director or inspector was the judge.

Mr. STUBLEY could not see the necessity for the amendment. An inspector should have a little discretionary power.

Mr. STEVENS understood that the hon. member (Mr. Stevenson) had some further amendments, and should like to get their general sense to determine which course to take.

Mr. STEVENSON said that he wished to make it compulsory upon the inspector or sheep director to grant a permit to deviate when it was applied for. He also wished to provide that the manager or owner of a station through which it was proposed to travel should grant a permit to deviate, if the nearest inspector resided more than twenty miles from the station. This was also important, because a sheep director might be fifty or sixty miles away from the place where the sheep were, and on the party in charge riding that distance to get a permit perhaps the director would not be at home, and he might have to ride another fifty or sixty miles, and perhaps be a week before he got his permit, and in the meantime half his sheep might be lost. He was sure that the hon. member in charge of this Bill would see the necessity for this amendment.

Mr. GRIFFITH pointed out that this would not make the slightest difference, because the inspector or director would not authorise the deviation unless he were satisfied that the route was impracticable.

Mr. LUMLEY-HILL objected to so much power being placed in the hands of sheep

inspectors or directors — almost as much power as was held by a judge of the Supreme Court. Look at the abuse it was liable to! A man having travelled 400 or 500 miles might come into strange country, amongst strange inspectors and directors, without any sympathisers; whereas perhaps the holder of the run he was travelling upon at the time might have very important weight and influence with the sheep inspector. It was altogether too much power to place in the hands of those men, who, beginning from the very top of them, were not a class of men of very high standing, or men they should entrust with powers almost equal to those of a judge of the Supreme Court. He should vote for the amendment.

Mr. LOW suggested that if the sheep inspectors or directors were not good men they should appoint better men in whom they had confidence—men of high standing, who were fit to be judges of the Supreme Court.

Mr. WALSH did not agree with the remarks of the hon. member for Gregory with reference to sheep inspectors and directors. They were nearly all old squatters, who had been sheepowners, and were appointed because they thoroughly understood their duties. He approved of clause 5, because in every case where there was a prosecution it would have to come before the bench, who would decide whether the deviation was necessary or otherwise. He had seen instances where at the junction of a certain road one track was dry, and it would be absolutely necessary for a drover in charge of sheep to take another where there was grass and water; and, if the inspector were foolish enough to try and force him to go a route which was impracticable, he would be reported to the proper quarter and be dismissed the same as any other public servant. There had been no fair objection made to the clause.

Mr. WELD-BLUNDELL said that if a sheep director refused to permit a deviation he would be responsible for his action and for all the injury and expenses the owner was put to.

The amendment, with some verbal alterations, was then put and passed.

Mr. STEVENSON moved, as a further amendment, that the following words follow the proviso in the clause—

> Provided that any manager or owner whose station the said sheep shall be travelling shall give a permit to the person so travelling his sheep if the nearest inspector or director shall be distant from the head station of said run more than twenty miles.

Mr. GRIFFITH pointed out that the word "owner," as defined in clause 1, meant the superintendent or person in charge of any travelling sheep, and suggested that it would be more convenient to use the word "proprietor."

Mr. STUBLEY opposed the amendment, as he considered the inspector should decide the question.

Mr. PATERSON thought the amendment would prove unworkable, although the inspector, being an itinerant officer, it might at times be difficult to find him. It would be far better to confine the endorsement of the permit to the officer named in the Bill, especially as there were so many facilities now-a-days for drovers or persons in charge of sheep to communicate with that officer. Moreover, persons in charge of sheep were always aware, weeks beforehand, of the route they were to take.

Mr. LOW said that inspectors were well paid, and there was nothing to prevent them from meeting drovers of sheep, provided they received proper notice.

Mr. STEVENSON would remind the hon. member that there was very few paid sheep inspectors in the colony; there were plenty of sheep directors, but they merely occupied an honorary position, and would not stop at home for the purpose of granting permits to persons travelling sheep. Then, again, many drovers of sheep knew very little of the country before them. It was not many months ago that Mr. Lambert lost 8,000 sheep out of 10,000, through his drover, in his ignorance of the district, taking them on to a waterless road. There really could be no reasonable objection to the amendment.

Mr. LUMLEY-HILL, replying to the remarks of the member for Rockhampton, said that in his district there were none of the facilities mentioned by the hon. member; in fact, there was not a sheep inspector there, or within 400 miles of his station. There were certainly a few directors about, and he was one himself; but he had never done anything, nor had he been asked to do anything, as a director. To give such a power as that proposed to imaginary persons was an absurdity, and part and parcel of the whole Bill.

Mr. PATERSON said the argument of the hon. member went to show that the sheep inspector should not be asked to endorse permits, and that the onus should be laid upon the owners or managers of stations.

Mr. MACFARLANE (Leichhardt) thought the amendment should be withdrawn; it would not assist the objects of the Bill in any way.

Mr. GRIFFITH asked if it would not be simpler to let the man travelling sheep take the risk on himself, and deviate at his own peril? The sheep inspector would prosecute him if he infringed the law.

Mr. NORTON was understood to agree with the leader of the Opposition, and moved the omission of the clause (5).

Clause 5, as amended, negatived accordingly.

Mr. NORTON moved the following new clause, to follow clause 4—

Any owner may deviate from the road defined in any permit if in consequence of floods or drought the road so defined is impracticable.

If the owner came off the road without any occasion, he would be prosecuted and fined. In many cases the owner of the sheep could not get to the sheep inspector, even if the latter were within twenty miles.

Mr. Low objected to the new clause; it would enable a man to travel all over a run looking for a road.

Mr. ARCHER moved, as an amendment, the insertion of the words "to any other public road," so that the new clause would read—"Any owner may deviate from the road defined in any permit to any other public road," &c. It was necessary to confine the owner to a road; and, as everyone knew, the owner generally gained sufficient information in advance as to be aware of his approaching waterless or bad country, and could therefore find another road in time and avoid the difficulties.

Mr. NORTON accepted the amendment of the hon. member for Blackall.

After further discussion the new clause, as amended, was put and passed.

On clause 6—Fat sheep exempt—

Mr. REA said that in order to protect the cattle men from the sheep men, he would move that the following words be added to the clause—

But any sheep that are being travelled to a boiling-down or meat-preserving establishment shall only be camped for feeding or for rest inside a fenced paddock when said sheep come within twenty miles of said manufactory—under a penalty of £20 for each offence of camping such sheep or feeding them on any land not a public proclaimed road except in such paddock.

Again and again he had seen how those gentlemen, who were so very much in earnest when their own interests were concerned, sent their sheep to the boiling-down places quite regardless of the interests of the cattle men; and this was especially the case with the small selector who had not been able to enclose the whole of his holding. It was only fair that the sheep men should keep their stock out of the way until the boiling-down day had arrived.

Amendment put and negatived.

Original clause put and negatived.

Some hon. members stated that the clause had been put while an hon. member (Mr. Stevenson) was rising to speak; and the Chairman, admitting that such might accidentally have happened, allowed the question—That clause 6, as read, stand part of the Bill—to be put again.

Mr. RUTLEDGE suggested that the Chairman should report progress. Hon. members on the other side of the House seemed to have a great many amendments to make which they had not prepared, and he was anxious to give them an opportunity of making up their minds what they really wanted, and introducing their amendments in a proper form.

The COLONIAL SECRETARY said the motion for adjournment was quite uncalled for. Hon. members on this side could manage their own affairs quite well enough, and if those on the other side found the subject uninteresting there was no need for them to stay.

Mr. MACFARLANE (Leichhardt) said a case occurred three years ago in which 14,000 sheep were consigned to him, and, being detained on the road by bad weather, were so poor on arriving at Rockhampton that they had to be sent back. Was not that a valid reason for returning them? He could mention two other similar cases that had occurred within his experience.

Mr. SIMPSON said the clause ought to be left as it was. No doubt stock were often sent down to market and fell off in condition on the way, so that they had to be returned some distance along the road. It would be very hard that the owner should have to pay for them. Supposing a man brought sheep down 500 miles, and then had to return them fifty miles, he would have to pay—not upon the fifty miles, but upon 550 miles. The purchaser would probably put them in a paddock, and within four months send them down again, when he would have to pay over again. That would be a special tax on the man who fattened his sheep which the owner of store sheep would not pay. Because a man kept his run lightly stocked and fattened his sheep he would be placed at a disadvantage.

Mr. Low said he had sent a great many flocks of fat sheep to market in his time, but he never saw one of them sent back for loss of condition. The idea of such a thing as bringing back a flock of sheep would never occur to him. If such a clause as that was left in the Bill, people would take sheep in poor condition and then bring them back and say they had lost weight on the road.

Mr. LUMLEY-HILL could not claim to have been in the colony as long as the last speaker, but he had seen fat sheep sent to the Southern markets, and a considerable percentage culled out and sent to graziers in the vicinity of the markets. That occurred in the case of three out of every four flocks of sheep sent to market, more especially from the inland districts, on account of the long distance they had to travel. In such cases the culls were sent back to graziers—50, 60, or 100 miles back along the road.

Mr. WELD-BLUNDELL said he could congratulate the hon. member for Gregory and other hon. members on their consistency in trying to make the Bill useless to everybody by keeping in that particular clause. If it were retained they might throw the whole Bill aside. He was in favour of the Bill, and would therefore vote for the clause to be struck out.

Mr. STEVENSON considered the Bill was not worth the paper it was written on. His experience was that many flocks of sheep had to be returned or sold as store sheep. It would be better that the Bill should be withdrawn entirely. He had a great many more amendments to propose, and it was not likely the Bill would get through to-night. He therefore moved—"That the Chairman leave the chair, report progress, and ask leave to sit again."

Mr. WALSH said the action of some hon. members was very unfair in endeavouring to make this Bill positively worthless and destroy its effect altogether. A large majority of hon. members were determined to have a good Bill and to negative that clause. They wished to negative the clause because it was found it would be unworkable on account of the disputes that would arise as to the distinction between fat and store sheep. The remarks of the hon. member for Gregory were most unreasonable, because it was not likely if the sheep were very poor that they would be sent back to lose condition still more. Instances like that given by the hon. member for Leichhardt were very rare. He hoped hon. members would make the Bill as good as possible.

Mr. BAYNES said he had had considerable experience in these matters, and he could say that if the clause remained intact the Bill would be absolutely inoperative. The clause would be the hole through which the proverbial coach and horses could be driven.

The COLONIAL SECRETARY said that, as there were so many amendments, there was not the slightest probability of getting through to-night, and the motion might very well be allowed to go.

Mr. STEVENS objected to the debate being adjourned in the middle of the discussion on a clause. Let the question be settled one way or the other.

Mr. STEVENSON said the clause would not pass to-night, because he would not allow it to go without discussion. He had talked against time as long as any man in the House, and could do it again.

Question put and passed; and the resumption of the Committee was made an Order of the Day for next Thursday.

On the motion of the PREMIER, the House adjourned at fourteen minutes to 11 o'clock, until Tuesday next.