Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 15 SEPTEMBER 1881

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LEGISLATIVE ASSEMBLY.

Thursday, 15 *September*, 1881.

Questions.—New Standing Order.—Formal Business.—Pharmacy Bill—second reading.—Burr Destruction Bill—second reading.—Dalby Waterworks.—Evidence in Summary Convictions Bill—committee.—Selectors Relief Bill—committee.—Pastoral Leases.—The Darling Downs Estates.—Adjournment.

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

QUESTIONS.

Mr. STEVENS asked the Colonial Secretary—

1. Whether any rabbits have been registered at the Police Office in Brisbane?
2. Whether the police have taken any steps to see that the provisions of the Rabbit Act have been carried out?

The COLONIAL SECRETARY (Sir Arthur Palmer) replied—

I must ask the hon. member to defer the question, as the Commissioner of Police is out of town and I am unable to obtain the information.

The HON. S. W. GRIFFITH asked the Premier—

Are the Government prepared to ask the sanction of Parliament to the carrying into effect of either, and which, of the recommendations of the Joint Parliamentary Buildings Committee contained in the Report laid on the table of this House on the 7th instant?

The PREMIER (Mr. McIlwraith) replied—

If the hon. member will ask the question again to-morrow, I will be in a better position to give him an answer.

NEW STANDING ORDER.

The SPEAKER announced to the House that His Excellency the Governor had notified his approval of the new Standing Order relating to the withdrawal of strangers from the House.

FORMAL BUSINESS.

On the motion of Mr. ALAND, it was resolved—

That there be laid upon the table of the House, copies of correspondence, reports, and all other papers relating to a Fire in the Orchard of Frederick Mole, on the Highfields road, occasioned by sparks from a passing railway train.

PHARMACY BILL—SECOND READING.

Mr. GRIFFITH, in rising to move the second reading of this Bill, said it had been introduced at the request of the Pharmaceutical Society of this colony—a society of gentlemen connected with the chemists' profession—who were not very well satisfied with the existing law on the subject. The profession of chemists and druggists in this country was a very important one, as in many parts of the colony they were required to perform the duties of medical practitioners, and it was decidedly necessary, in the interests of the public,

that persons who were engaged in that profession should be properly qualified. The present law upon the subject was practically contained in one section of the Medical Act—the 7th section—which provided that—

"No chemist or druggist shall obtain a certificate from the Medical Board of the colony except upon the production of testimonials satisfactory to such board, and stating that he has been engaged for a period of not less than three years in learning pharmacy and chemical affinities, and that he is qualified to compound and dispense medicines."

No one, he supposed, would think that that was a satisfactory way of admitting chemists and druggists. In Victoria and New Zealand a law had been in force for some years which was substantially the same as the Bill now introduced. There were some alterations in it, but none in principle. This Bill proposed to repeal the provision of the Medical Act to which he had referred, and all the rest relating to chemists and druggists. That repeal would come into effect as soon as the register of pharmaceutical chemists was established under the Act. It was proposed by this Bill to establish a pharmacy board, which should have power to examine persons applying for admission as chemists and druggists; and, on the names of all entitled to be registered being placed in the register, such register was to be evidence of their being properly qualified, and no persons except those entered on the register were to be allowed to practise as chemists and druggists. It was proposed that the old law should remain in force until the new one came into effect. The first part of the Bill referred to the establishment of the board, which, it was proposed, should consist of a president and six members, the first of which should be appointed by the Governor in Council, future boards being elected by the pharmaceutical chemists of the colony. The board would have power to make regulations and take evidence for the purpose of ascertaining whether persons should be registered. The second part of the Bill referred to the registration of chemists and the payment of fees before they were registered. The board had the power of correcting the register; a new list was to be made out every year, and that list was to be evidence that persons were or were not registered, according as their names appeared or did not appear in it. They then came to the most important part of the Bill—the third part—which provided for the registration of persons as pharmaceutical chemists. It was necessary, of course, to preserve vested rights, and that some provision should be made for those who were now waiting to be admitted. A number of persons had entered into articles of apprenticeship, relying upon the present law, that after serving for three years and producing satisfactory testimonials they would be admitted. Their rights should be recognised. In order to be registered under this Bill a person must have one of these qualifications: He must be a registered chemist or druggist, or hold a certificate or diploma of competency from some college or board of pharmacy; or have served for not less than three years under written indentures to a person a duly qualified chemist and druggist, and have passed the examination prescribed by the regulations; or have been employed for a like period as a dispensing assistant to a chemist or druggist, and have passed the examination; or have been employed as a dispensing chemist in any public hospital or charitable institution, and have passed the examination; or have been employed in any two or more of the occupations mentioned, in all making up the whole three years, and have passed the examination. Then there was provision for the examination of persons applying to be registered. Clause 25 made provision that no unregistered persons should be allowed to assume or use the title of pharmaceutical chemist, pharmaceutist, pharmacist, chemist and druggist, dispensing chemist, homœopathic chemist, or other words of similar import or use, or exhibit any title, term, or sign, which might be construed to mean that he was qualified to perform the duties of a pharmaceutical chemist, pharmaceutist, pharmacist, chemist and druggist, dispensing chemist, homœopathic chemist, and at the same time compound and dispense medicine. There was a matter that he had overlooked in drawing the Bill, which would require to be amended in committee. Under the clause, as it stood, a corporation would be entitled to dispense medicines. It had been determined by the House of Lords, after long litigation, that the word "person" in the Pharmacy Act of England did not include corporations; and in that case a corporation—a civil service association, for instance—would be able to evade the law. The next was a saving clause, and provided that nothing contained in the Bill should apply to legally qualified medical practitioners, veterinary surgeons, or wholesale drug merchants. He believed that this Bill would be a great improvement on the present law, and moved the second reading. The Bill ought, perhaps, to have been brought in by the Government, and he understood that the Pharmaceutical Society had some communication with the Government, and they intimated that they were not prepared to undertake the responsibility of bringing it in this session in the state of public business.

The COLONIAL SECRETARY said he had looked over the Bill, and did not see anything objectionable in it. There was certainly nothing objectionable in the principle of it; but there might be some matters of detail which would require looking into in committee. As far as the principle of the Bill was concerned he should support it.

Mr. SCOTT said that in the 26th clause of the Bill no mention was made of homœopathic chemistry. He was not a believer in it himself, but a great number of people were; a great many chemists dispensed homœopathic medicines, and he did not think they should be interfered with by this Bill. Surely they did not want to prevent them from selling medicines at all. Moreover, this clause would work very hard up the bush in the case of people who were living where these medicines could be got but where there was no pharmaceutical chemist, and where the medicines were kept by storekeepers. That would have to be remedied to some considerable extent in committee. He had another objection to the clause, where it said that they should sell only certain drugs. Why should they not be allowed to sell other drugs?

Mr. GRIFFITH said the clause only prohibited one man from dispensing and at the same time compounding them.

Mr. SCOTT said the clause certainly implied that that should not be so. Why should he not be able to do both things together?

Mr. GRIFFITH: He can if he calls himself a chemist.

Mr. McLEAN said he had no doubt a Bill of this kind was very necessary, but he thought the objection taken by the hon. member for Springsure was one which deserved the serious consideration of that House. It was a well-known fact that a number of country storekeepers sold homœopathic medicines. He did not know whether, under this Bill, they would be prohibited from doing so; but he hoped the hon. member for North Brisbane, who had charge of it, would be able to give some information

upon that point in committee. Because, if in the event of this Bill passing into law it would prevent storekeepers and others from selling homœopathic medicines, made up and ready for sale in small bottles, it would be a serious objection to the Bill. This matter deserved the consideration of the House.

Question put and passed; and the committal of the Bill, on the motion of Mr. GRIFFITH, made an Order of the Day for Thursday, the 29th instant.

BURR DESTRUCTION BILL—SECOND READING.

Mr. NORTON said that in moving the second reading of this Bill he did not think it necessary to go into the object it was intended to carry out, at any great length, as the matter had been so fully discussed last year. He might point out, however, that since that time one of the worst burrs included in this Bill—a new one, and commonly known as the Noogoora burr—had spread very largely in the southern portion of the colony. Last year it was said to have spread over a good deal of country in this neighbourhood, and he knew that this was the case, as he had seen it himself growing on the roads. He had been told that it was not only to be found in this immediate neighbourhood, but that it had been found growing near the Logan, and the country between there and this place was more or less covered with it. It was as liable to spread as common Bathurst burr, which had now spread over the whole of the Australian colonies. He believed it was worse than the Bathurst burr because the burr was quite as big, the growth was very much stronger, and it occupied as much space as three or four burrs. Moreover, the plant itself was poisonous. In its young stage cattle ate it rather eagerly, and when they ate any quantity of it they died in consequence. He could not say whether that was really the case or not. It was reported so last year, he thought, on the authority of Dr. Bancroft, who not only examined the plant but analysed it and stated that he was able to produce from the plant a very strong poison. Hon. members would find that the Bill was very much the same as the Bill introduced last year was when it was dropped by the House. In the interpretation clause they would find that among the plants included under the nomenclature of "burr" was the sweetbriar. The sweetbriar here had not spread to any great extent, but those who had been in New South Wales, and had seen the country in New England and the country near Bathurst, would know the great havoc caused by it. Thousands of acres of the best lands had been destroyed by it, and for that reason he had thought it right to include it among the number of plants already in the Bill. The rest of the alterations in the interpretation clause were merely of a verbal nature, so he need not further refer to them. The 3rd clause was the same as that of last year, except that in the Bill of last year power was given to the divisional boards to recommend that a particular plant should be included in the list of burrs in their districts, and it was then in the power of the Governor in Council to proclaim such plant a "burr." He (Mr. Norton) was opposed to that last year. He thought it was an inadvisable provision, and for that reason he had omitted it in the present Bill. Of course, if the House insisted upon it, that provision would have to be inserted. The 4th section was much the same as in last year's Bill, except that it stated that the nearest court of petty sessions within the division was the proper court for the hearing of all cases which might arise under this Bill. He understood it was necessary to make a provision of that kind, because under the old Burr Act some cases brought into court fell through because the bench decided that they had no jurisdiction, and this alteration was made so that there might be no question about the proper court in which to hear cases under the Act. The 5th clause, though somewhat different from the last year's Bill, embodied the principle contained in the 13th and 14th sections of that Bill. The following seven clauses were included in the last year's Bill, but had been altered slightly in the phraseology, as when he examined the Bill more particularly he found it necessary to express more clearly what was meant, and modify the old Bill in that respect. He thought, however, that the whole principle of the former Bill was carried out. In the 13th clause there were two provisions added in this Bill: one which exempted owners of land who had cleared the roads in front of their property from any further payment, the board having to pay for clearing the rest of the road. The second proviso allowed the board to give notice to the owners of land to clear the road fronting it. That was instead of the board having to clear the whole of the road. It was pointed out that if it was left to the board to clear the whole of the roads in their division it would be a matter of great difficulty, and the expense would be very much increased. They would have to keep a staff of men for the purpose, and have them constantly employed at the work. He did not know whether it was necessary to put in the 14th clause, but to make quite sure it had been inserted, and it provided that the middle of a road or creek should be considered the boundary between any two divisions. The clauses to which he had not already referred were almost the same as those in the Bill of last year, and he need not, therefore, refer to them more particularly; but he would point out that there were some provisions in the Bill as it now stood which he had no doubt some hon. members would object to strongly. He thought it was advisable, after so much trouble had been taken over the Bill last year, and so many members were interested in it and took a very active part in making it what it was when it was dropped last year, to have it as nearly as possible what it was at that time; so that almost the only alterations made had been made with the object of expressing more clearly and making more concise the principles of the Bill which was before the House last year. He did not think it was necessary for him to say anything more upon the subject, and he should therefore move that the Bill be now read a second time.

Mr. STEVENS said he was very glad that this Bill had been introduced; and although it was rather late in the session it was "better late than never," and he hoped to see it become law this year. No one would deny that the burr was increasing very rapidly. It was carried by teams and travelling stock, and in places where two years ago there was no burr there were now hundreds of acres of it. There was no doubt that the reason burr was not eradicated in many places was that it was not destroyed carefully enough. He had seen men, after the burr had been got up, carry it in their hands 100 or 150 yards to burn it, and of course the seed fell out, and there were now large crops in the places where they had carried it. The principle of the Bill he agreed with, but there were one or two clauses that required modification, and when that was done he had no doubt it would be a really good and serviceable measure.

Mr. ARCHER said he should be very glad to see this Bill become law if certain matters were differently arranged from what they were now. He saw that clause 5 provided—

"For the purpose of this Act every board shall be deemed to be the owner of all reserves for which trustees

have not been specially appointed, and of all Crown lands within its jurisdiction for which a lease has not been granted under the provisions of the Pastoral Leases Act of 1869, or of some other Act. And all payments made by such board, as the owner of any such reserve or unleased lands, shall be a charge upon the divisional fund."

Now, he had not the slightest objection to that clause becoming law, if the lands were given to the divisional boards in some fuller way, by which they could make use of them. What was the present state of the case? He spoke now with some reserve, because he was not intimately acquainted with the area covered by unleased portions of runs in the southern part of the colony, but he was acquainted with them in the Central district; and he said that not only for the benefit of the country itself—not only for the sake of destroying the burr—but for the sake of all respectable, honest selectors who had purchased their land and made their living on it, it was absolutely necessary that the Government should take some steps to prevent people using unleased parts of runs and coming into competition with the selectors who had paid for their land. These people actually ran their cattle on the land without being subjected to divisional board rates, and competed with the honourable, honest man who had gone and taken up his land, paid for it, and was making a living upon it. It might be asked what he proposed to do in cases of this kind; but he did not think it was his duty to propose anything. It was his duty to point out an anomaly which existed, and it was the duty of the Ministry to devise some scheme by which these lands, which were not paying one penny to the Government, should be made to pay something to the divisional boards, that they might keep them clear of loafers, and Bathurst and other burrs, and at the same time pay the expense of keeping them clear. It was hard to say that these lands, which were not leased, nor came under the control of the boards, should be kept clear by them. There was no one to be rated—they were not leased to anyone; and, therefore, the men who occupied them could not be rated. The lands were made use of simply by people who ran their cattle on them, who had no land of their own, and who could not be brought under the Divisional Boards Act. It was for them that this land was to be cleared of Bathurst burr. He should be exceedingly happy to assist in passing the Bill if the Government were prepared to hand over the unleased lands to the divisional boards, that they might levy agistment for the cattle run on them, so as to pay the expense of clearing away the burr; but to throw this expense upon the divisional boards without giving them any control over the land except for clearing purposes would be a great injustice. This was a very difficult matter to treat properly, and it would be a troublesome thing for the Minister for Lands to hit upon a scheme that would be fair and reasonable in all ways; but he believed, likewise, that it was a matter worthy the care and attention of the Minister for Lands, and one which, if it could be settled in a satisfactory manner, would do more to prevent a great deal of crime in the way of "cattle-duffing" than any measure they could pass in that House. He was sorry the Minister for Lands was not in his place, because he could tell them whether he intended to do anything in this way; but if he (Mr. Archer) had an opportunity he should revert to this subject when the Minister was present. As he was not present, and he (Mr. Archer) did not know whether any of the other Ministers had thought sufficiently on the subject to be able to give an answer, he would call attention to it again when the Lands Estimates came on.

Mr. BAYNES said he looked upon the Bill now before the House as a very comprehensive one for the destruction of vegetable pests. It was certainly a fuller Bill than had been before that Parliament before. There had been one introduced every session that Parliament had been in existence, and he thought that there was a great deal of justice in what had fallen from the hon. member for Blackall. He could see that lessees holding and paying for blocks of country at the side of other blocks that had been forfeited would suffer a very great injustice by having to clear their runs and the roads, while the block next to them was unclean and kept unclean. He had no doubt that the Government would see their way clear to subsidise the divisional boards to such an extent that they would be able to keep forfeited blocks and the roads adjoining them in a fair state. He noticed an addition to this Bill not in previous ones—namely, the insertion of the prickly pear. That was a very important item. The prickly pear in some districts was now almost worse than the Bathurst burr, and he thought they should find it more difficult to get rid of. It was not so easily destroyed as one might imagine. He saw, too, that sweetbriar was inserted. He thought the hon. gentleman who had charge of the Bill must have drawn on his reminiscences of New England or Tasmania, for he (Mr. Baynes) had a tolerably good knowledge of this colony, and he did not know that he had ever seen the briar growing wild. He knew what it was in other countries, and that in New England and Tasmania it had become a great nuisance, especially in Tasmania. He was sorry, though, to find that *sida retusa* was not included, and he saw no reason why it should not be. He knew of cases where people who were endeavouring to keep their country and paddocks clear at a great expense were unable to do so, because the adjoining country was overrun with *sida retusa*. It appeared that it was in the power of the Government to proclaim it as a pest, and he trusted they would do so, otherwise a large amount of country would be rendered useless. He should not be at all surprised if it got over the Range. It was already going up the rivers, as, for instance, the Brisbane and Mary Rivers. Since the divisional boards had, he might say, usurped the power—and perhaps it was just as well they had done so—of destroying these pests, he could see a very great benefit had been derived from the action taken by them. He said "usurped" because it was a usurpation of power. They had no corporate right, but had only an individual power to act on the present Burr Act; and if that Act was, as he had contended before now, properly administered it would be quite sufficient. Of course, no one chose to be a common informer, and what was anybody's business was nobody's business. Therefore, the divisional boards were the proper parties to take notice of this pest. For the reasons which he had stated the Bathurst Burr Act had been, up to this moment, practically a dead letter. The present Bill would have his cordial support; but if the hon. member who introduced it did not see his way to make the addition he had suggested, he should feel it his duty to propose an amendment for the purpose of bringing *sida retusa* under the operation of the Act.

Mr. KATES said there was a great deal of truth in what had fallen from the hon. member for Blackall. Many of these public reserves were very hotbeds of Bathurst burr and thistles, and he knew of one board which had paid over £600 for the destruction of weeds in different reserves. The reserves were occupied by people living round who took no trouble whatever to keep them free, and the boards had to pay the

expense without deriving any benefit from them. He very much objected to the power of ejectment given in clause 9 of the Bill. It would be very hard that a poor family should be ejected from their little holding because they were not able to pay a few pounds towards destroying burr. The good sense of the House, he felt sure, would not let that pass. As many of the provisions of the Bill would be beneficial, he should support it, but before it passed he should like to see the wild indigo plant included in the list of weeds to be destroyed.

Mr. O'SULLIVAN said he intended to offer every opposition in his power to this Bill as it stood; and it would have to be wonderfully altered before he could assent to it. What with marsupial Acts and burr Acts, divisional board taxes, and other burdens, the inhabitants of the colony would soon be taxed beyond their power of endurance. The hon. member for Blackall had anticipated him in the objections he urged against the 5th clause, and the hon. member had pressed those objections in a better manner than he could. He did not approve of the provision that the boards might make any improvements they thought proper out of their own pockets, while they could make no use of the improved land. A member of the Clifton board had written to him, stating that the Talgai Goldfield Reserve was monopolised by two graziers named Hanwell and Wilson, who were each running a flock of sheep upon it, while the farmers who were living all round it were not allowed to run a horse or a cow upon it. Those two squatters had the entire use of the reserve, and yet the divisional board was expected to lay out money on its improvement, though they had no right or authority over the grass. The answer given to complaints was that the boards had no right over a goldfield reserve, which was generally intended for the horses of the miners; but in this case there were no miners, or very few, and it was hard that the farmers should not enjoy the privilege of grazing their horses there. In any case, the miners would be as much cheated out of the grass as the farmers were by the two squatters. He had shown the letter to the Minister for Lands, and the answer he got was that the Minister had no authority to deal with the matter, and if he had he would not exercise it. If that was the kind of treatment they were to receive, the boards would very soon rebel—they would have something to do with the reserves or they would not lay out money upon them. According to the 6th clause, the clerk of the board was to go hunting about after burr or to turn out spies and informers to do so for him, and if he found a sprig of burr anywhere he could take steps to compel the occupier of the land to destroy it. It was understood previously that the divisional boards would have full power over all reserves and over licensed gates; but, as a matter of fact, they had nothing to do with licensed gates. Any bench of magistrates could grant a license in spite of the board, and the lessee need take no notice of the board. If they pulled down his gate he could put it up again on the strength of his license from the bench. Such a conflict of authorities should not be allowed; if authority was given to the board the power of the bench to license should at the same time cease. It seemed to him that every hon. member who spoke had some new weed to add to the list, and one of the proposed additions was *sida retusa*; but he would point out that to eradicate that plant about half the revenue of the colony would be required. Clause 7 compelled an owner of land to destroy noxious weeds within fourteen days after he had received notice to do so, so that if the owner were away in Sydney or in England he might find that he had incurred all sorts of penalties before he had time to get home. The 9th clause introduced something like an Irish ejectment, and might, perhaps, lead to bloodshed as those sometimes did. The longer that sort of thing was kept away from Queensland the better, and he hardly knew what the hon. member could have been dreaming about to introduce such a clause. The whole of the Bill was in about the same spirit. The 15th clause, which was about the coolest of any, provided that if the divisional boards happened to run short of funds they might have the concession of taxing themselves. With that privilege, in addition to all the other taxes, it was likely that the boards would soon all be in the insolvency court. The 17th clause he would go for if all the others were lost, provided the hon. member would give some assurance that it was only introduced here with a view to applying the same provision afterwards to the Parliament by means of an alteration of the Constitution Act. It was such a gem that he intended to support it; and, as the divisional boards were a sort of Parliament, there was no reason why the provision should not be extended. The clause in question provided that if any member of a board neglected his duties he might be fined. If such a provision were applied to Parliament, a Minister might be impeached and put on his trial, and until that became the law there would be no such thing as responsible Government. Where was the responsibility, when, whatever the Minister did, he would only have to resign? When a Minister could be put into gaol things would probably be different. If a member of a board after receiving notice did not within fourteen days go out hunting for burr, to the neglect of his own business, he would be guilty of neglect of duty, and subject to the penalties provided by the Act. It reminded him of an episode during the Rebellion in Ireland, when Sir John Moore was in command of the army there. A young man, who wanted to make himself very prominent, came and insisted upon seeing the general himself, in order that he might tell him of an outbreak which was going to occur at a place not far from headquarters and at a certain hour. Sir John, who had been bothered every day with reports of the kind, after listening to the young man, and ascertaining from him that the outbreak was to occur within twenty-four hours, handed him over to the guard, saying—"Take that man in charge for twenty-four hours, and if the rebellion does'nt come off, I'll hang him." The Bill required a wonderful amount of improvement before he should be able to support a single clause of it.

Mr. H. PALMER (Maryborough) said there was a great deal in this Bill to commend itself to the House. At the same time, from a cursory glance at it, he was inclined to think the provisions were rather too stringent. He agreed with the hon. member for Stanley in objecting very strongly to the way in which it was proposed that the Bill should be worked. He was afraid it would give the divisional boards an amount of work which they were not prepared to carry out in such a manner as would be necessary if justice was to be done to the Bill. If the provisions of the Bill were properly carried out, the burdens on the divisional boards would be greatly increased, and at the present time they were not able, for want of funds, to carry out works of far greater importance. He foresaw, therefore, that in a short time the divisional boards would be even worse off than they were now, and it would be impossible for many of them to meet the additional cost of exterminating noxious weeds. In one case of a divisional board with which he was perfectly well acquainted four-fifths of the land was unalienated

Crown land, and it would take a clerk nearly all his time, all the year round, to go over the land, and find out where the noxious weeds existed. The Bill might be acceptable in the pastoral districts; but it would not be at all agreeable in most of the agricultural districts, and it would be too bad to ask the divisional boards to take the additional work in hand. It seemed to him, as the hon. member for Burnett had suggested, that the most noxious weed—the *sida retusa*—had been overlooked, and to eradicate that thoroughly an enormous sum of money would be required. That weed was now very widespread in the district with which he was connected—especially on reserves, roads, and other public places, and thousands of pounds would be required to eradicate it; and yet no measure would be complete which did not provide for its extermination. Another plant which was doing great destruction on grass lands was the green wattle, and he could not see how the expense of eradicating all these noxious weeds was to be met unless the Government provided funds. He entered his protest against calling upon the divisional boards to raise any more taxation upon their own resources; but he would support the Bill, if the objections he had pointed out could be met, believing that it was a useful measure and one that could be improved. He did not see why the Minister for Lands should not undertake to do something in the way of providing funds.

The PREMIER said he hoped the hon. member who last spoke would not endeavour to induce the Government to do more than they had done hitherto in this matter, because if the hon. member did he would have his (Mr. McIlwraith's) most strenuous opposition. He approved of this Bill more than he approved of a similar Bill brought forward last year, but even the present Bill as it stood now he did not believe in, though a good many of the objections which he brought against the Bill of last year had been met. One of his objections was against the principle of burdening the taxpayers of the colony for the destruction of Bathurst burr in particular localities; and that objection had been met to a great extent, because, as far as he could see, the general taxpayers of the colony were, under this Bill, only taxed to the extent of the subsidy of 3d. in the £ given by the Government. By the Bill of last year this taxation was far heavier, but he objected to taxation of the kind, even to the extent contemplated in this Bill. But there was a far worse principle in the Bill, and put in a more objectionable shape than it was last year. The boards were empowered—and the public could force them to exercise their power—to make private individuals shape their actions according to the theoretical ideas of some other people as to the destruction of thistles and other plants. He was, himself, very much interested in the subject as a landowner and otherwise, and he had very different ideas from those of a great many people who were in such a great hurry to destroy these plants. He did not regard the presence of these plants as an unmixed evil, and he was not prepared to spend a penny in taking the thistles off his land, unless he saw they were doing some damage to himself or his neighbours. Some of the best and biggest landowners in Victoria and New South Wales upheld the opposite doctrine, and thought that thistles were an actual advantage to the colony. Yet, this Bill would compel men holding those opinions to cut their thistles down. He should like to know what kind of legislation this was—a compulsory liquor bill was nothing to it. A man was to be called upon to manage his property according to the theoretical ideas of some men who had taken a dislike to Bathurst burr and thistles. If *sida retusa* were to be included also, according to the views of the hon. member for Maryborough, it would soon become a burden on a man's life to own land at all, and many people would get rid of their land under such circumstances. He was not going to speak much on this subject, but he could not let the occasion pass without intimating what kind of opposition might be expected from him. He did not believe in compelling a landowner in such a rigid way to take action as was contemplated by the Bill, and he should offer a determined opposition to the introduction of such a principle. Some parts of the Bill he did not understand: clause 5, for instance, which provided that every board should be deemed to be the owner of all reserves for which trustees have not been specially appointed, seemed to infer that if trustees were appointed they would be the owners, and therefore under the necessity of keeping the reserves free from weeds on behalf of the Government. If that were the meaning, the provision seemed to be an insidious way of making the Government bear the whole expense instead of two-thirds, as hitherto. Of course, he should oppose this part of the Bill. Then it went on to say:—

"For the purposes of this Act, every board shall be deemed to be the owner of all reserves for which trustees have not been specially appointed."

The board was to be the owner, and would have to perform all the duties of owner so far as this Bill was concerned. But there was no provision for the board to find the money.

Mr. H. PALMER: They can sue the trustees.

The PREMIER: But where there were no trustees. By this Bill the boards were to act as the owners, and of course they would perform their duty. If they did so, however, this Bill did not provide how they could get funds for the purpose.

Mr. H. PALMER: It would fall on the ratepayers.

The PREMIER said that the Bill did not show it. Clause 13 only gave the privilege—the responsibility—of clearing the burr off roads, and of collecting half the costs from owners of land fronting such roads, but no such provision was made in cases of clearing unoccupied lands. Perhaps it was intended that some clause should be sneaked in by-and-bye, putting the responsibility on the Government. Of course the Government could not do it, and it was hard to see how the divisional boards could do it. He thought they were bothering themselves very much more than there was any need to about the Bathurst burr and thistle. He did not think that the thistle was an evil at all, or that the burr was such an evil that they needed this Bill to get rid of it.

Mr. LUMLEY HILL said that his objection to this Bill was founded very much on what had fallen from the Premier in respect to the unoccupied lands. He thought that the hon. member in charge of the Bill could have very little idea of the extent of country which was unoccupied in the interior. For instance, in his (Mr. Hill's) district, on the road from Tambo, where the road ran through the ranges for about a hundred miles, there were miles and miles where the country was literally inundated with the burr on both sides of the road. It would cost thousands and thousands of pounds to get rid of the burr in these places. It was useless country—occupied by no one. No one was responsible for it unless the Government were to pay for it. The divisional board, if called upon to clear the burr away from these places, would simply collapse and cease to exist. The people were quite heavily taxed enough as it was. There were other roads, no doubt, in the colony in the same

condition as the one he had described. The Government were the owners of the greater part of the Bathurst burr which was grown in the colony. There was some of it on the pastoral leasehold land, but the principal part was on the Government land and on the reserves. It would be a very good thing if the townspeople could be got to clear the reserves, because it was nobody's business now to do it, and they were simply hotbeds and nursery gardens for disseminating the burr all over the country. With regard to the thistle, he could say that a great many people held different opinions about it to the supporters of this Bill. In New Zealand they called it "the farmer's friend." It cleared the land for them, especially of the fern. They had no fern, certainly, in this colony.

Mr. NORTON: That is a different kind of thistle to this.

Mr. LUMLEY HILL did not think it was; and, after the thistle had done its clearing work, the land grew better grass than it did before. In Victoria, in hard seasons, in many cases the stock lived on the thistle, and it kept them alive when there was nothing else. Men had actually been forced to pay a fine under the Thistle Act, and they had preferred to do it time after time rather than cut their own throats by cutting their thistles. They refused to cut them, and paid the fines over and over again rather than starve their sheep.

Mr. LOW said that he did not believe in this Bill, and he could not see the object of bringing it in. If anybody had got the burr, let him cut it as he (Mr. Low) did. He had no burr, so why should they tax him? He did not want any board to superintend the cutting of any burrs that might come up. He always cut them down at once.

Mr. FOOTE said that, in his opinion, this Bill was not by any means a necessary one. A similar measure brought in some time ago had, he believed, failed somewhere about the last clause; and he did not think the country was much the worse for it. He hoped that this Bill would meet a similar fate to its predecessor, even if the House allowed it to pass its second reading, as he hoped it would not. He supposed the Bathurst burr was so called because it originally came from Bathurst, travelling thence with sheep, or in some such way. He had been travelling over the country in the neighbourhood of Bathurst the other day. The people had destroyed the burr there, but in its place had sprung up the red dock. In the same way, he believed that, if the country should be put to the expense of clearing away the Bathurst burr here, some other noxious weed would spring up in its place; and the country would have to be further called upon to contribute for the destruction of that. He maintained that there was not an easier weed in the colony to destroy than the Bathurst burr. It was only a question of labour, and very light labour too, for a man or two with hoes could very soon and easily destroy acres of it. It was only the persons interested in the weed so deeply to whom it became so great a nuisance. He was aware that it was a very luxuriant weed, and that it grew where no other weed would; but at the same time there was not a plant that could be so easily eradicated as the Bathurst burr. He considered this Bill to be an act of over-legislation. It seemed to him that they had got into the habit of coming down to this House and asking the Government to do everything that was required in the country. The hon. member for Maryborough wished to include the green wattle and the *sida retusa*. They might just as well ask the Government to clear off the land altogether. If any owner of land had any regard to his run, or if any landed proprietor either in town or out of it had any respect for or interest in, his property he would very soon clear it of any noxious weed or rubbish that might be growing upon it. He therefore looked upon this as a thoroughly useless Bill. The other night, when the Marsupial Bill was under consideration, it was not considered safe to trust its working to the divisional boards. Members thought it would not be carried out if they did so, as it was said that the boards would not tax themselves. Why, then, should they trust a Bill of this sort in their hands, and give them the power to raise a tax under it? He believed that all that was required for the destruction of the Bathurst burr was simply what had been already done in all the municipalities he knew. They had been very careful to have it destroyed. There was certainly a little difficulty connected with land where they could find no owner, but the greatest gardens of the burr were the Government unoccupied lands. He believed, however, that it could be very easily eradicated without this Bill.

Mr. BLACK said he had been apprehensive when this Bill was introduced that they would be likely to be treated in the same way as they had been in regard to the Marsupial Bill, and asked to regard the evil as a "national calamity." But, after the remarks that had fallen from the Premier on the subject—remarks in which the hon. gentleman had shown his affection for the Scotch thistle—an affection which could only be accounted for by his nationality—he had no apprehension that the Bill would be likely to pass. At the same time, he quite agreed with some of the principles involved in the Bill. He thought it would prove particularly harmless, in so far as the divisional boards were concerned, for they were not likely to have any connection with the matter at all. In order to carry out the provisions of this Bill the board was authorised to levy a special rate of 3d. in the £. He did not think that any board would keep its position very long if they attempted to levy such a rate, and he thought the Bill was likely to be inoperative on that ground. Clause 17, which inflicted a penalty on every member of a board —and most of these boards consisted of seven members—who did not go and destroy the burr, was so manifestly absurd that he did not think it would be allowed to stand in the Bill, even if it passed into committee. In his opinion the members of the divisional boards had enough to do to make roads. That was the purpose for which they were elected, and not to destroy burrs, and they ought not to be called upon to go out of their way to do any such thing. The Government had already been called upon to contribute a large sum of money as subsidy to the divisional boards, and under this Bill they would be called upon to pay more to get rid of the Bathurst burr and other noxious weeds, and he could not support such a proposal. The hon. member for Stanley had referred to clause 9, and he (Mr. Black) entirely endorsed the hon. member's remarks upon it. The idea that any person owning a piece of land and neglecting or refusing to destroy any noxious plant that might exist upon it should be actually ejected—turned out of his own house and home—simply because he had neglected or refused to destroy some burr, thistle, or other weed, was so monstrous that he could only imagine that the hon. member in charge of the Bill had overlooked the clause. Such a clause ought never to be allowed to pass. With regard to the remarks of the hon. member about licensed gates, he (Mr. Black) knew that such a difficulty had cropped up in the past, but he could not see what it had to do with this Bill. He hoped that the Minister would so amend the Divisional Boards Act that this

anomaly would be done away with. At present it seemed that a magistrate could license the erection of gates which the boards could go and take down again. The Act was, he believed, as a whole, a very good one, and no doubt when it came to be amended this and some other errors would be amended.

Mr. McLEAN said that the point raised by the hon. member for Blackall was worthy the consideration of the Government during the recess in reference to the parts of unoccupied land and reserves throughout the colony. They had now throughout the colony local bodies in whose charge these portions of Crown lands could be placed. These bodies ought to have the power to regulate the manner in which stock was run on these lands. He had heard it stated—and no doubt there was a deal of truth in the remark—that the fact of having such a large extent of Crown land over which people could run cattle was a cause of a good deal of the crime which was committed in the colony. A number of young people were employed to look after them, and they were led to stealing cattle and planting horses, and from such a beginning they ended their days on the gallows. If the Government would during the recess take this into consideration, and consider whether some means could not be devised by which the local bodies could have some control over these lands, it would be both in the interests of the colony and in the interests of the divisional boards themselves. In Victoria there were keepers appointed to all such reserves whose duty it was to see that any cattle run on them were paid for at a certain rate. This rate, he believed, was comparatively small.

Mr. O'SULLIVAN: A charge is made in New South Wales, too.

Mr. McLEAN believed that if such a system were introduced here in connection with the divisional boards it would conduce to the benefit of the colony. A more arbitrary Bill than this one had never been introduced into the House. It was a perfect farce from beginning to end. He had not one or two objections to it only. He objected to the whole Bill, and it ought to be thrown out on the motion for second reading. Some hon. members had pointed out that there were defects in the Bill, but they had not pointed out that under it certain persons could be taxed—not only once, but twice. An owner might be called upon to clear a piece of land opposite to his own property. He cleared it, and, of course, had to pay for it. And then, because his neighbour did not choose to clear his, the divisional board might, if it found it necessary, raise a special rate to do so, and the man who had been put to the expense of clearing his land would be rated at the same rate as the man who had not spent anything. Of course the man who neglected his duty was liable to penalties, but still the double tax was levied on the community. The man was first taxed to clear the burr off his own land, and afterwards there was another tax on him for clearing that of his neighbours. This 9th clause must be struck out of the Bill before it went into committee; nor did he at all agree with the provision by which the clerk of the board was sent out to discover Bathurst burr and ordered to lay an information against the owner of property who had not taken measures to destroy it. He could not agree with the provision that a man, after he had refused to cut down the burr, should be ejected and turned out of his house into the road along with his family. A principle of this kind should not be imported into the legislation of this colony. With reference to the remark of the hon. member for Stanley—that the divisional boards would eventually become insolvent under this Bill—he maintained that not the boards, but the taxpayers, would be likely to be insolvent. It was well known that the thistle was prized in some parts of Victoria, and he knew that at home people stored it up as winter food for cattle. He hoped the good sense of the House would lead to the rejection of this Bill altogether. Unless the 17th clause were struck out it would be a difficult matter to find men willing to occupy seats on the divisional boards, particularly in districts where the Bathurst burr was known to exist; for why should a man render himself liable to a penalty of £1 a day for absence from the board when he was rendering a public service to the colony? He spent his time in the interests of the community, without remuneration; but if he happened to be away from the board on a particular day he must be fined £1. Under that regulation it would be impossible to get men to assume the duties. It was ridiculous on the face of it, and such an enactment would be a death-blow to divisional boards in districts where the Bathurst burr was known to exist to any great extent. He thought the best plan for the hon. member for Port Curtis would be to withdraw the Bill until next session, when he could bring it forward in a somewhat better shape. The hon. member could not get it through committee this year, even if it passed its second reading, for the House was not in a state of mind to make it the law of the country.

Mr. SCOTT said he believed, with some of the lawyers in favour of this Bill, that if ever it became law it would become the source of no end of litigation. If hon. members would refer to "Loudon's Encyclopedia of Plants" they would find a list of some five-and-twenty thistles of different kinds, and each with a name more difficult to pronounce than the other. He was quite sure that no man in the colony, except one or two, was able to tell one from the other; and if a man was punished for negligence in respect to a thistle which was proved not to be the one referred to in the Bill, there was no doubt that he would have his remedy at law. Who could tell whether a certain thistle was the *carduus*, the *leucographus*, the *crassifolius*, the *arabicus*, or the *carlinoides*? He was sure there would be a great deal of litigation. He was quoting from Loudon, but he believed there were half-a-dozen more varieties than the twenty-five enumerated there. He was talking to a friend of his some time ago, and he pointed out to him (Mr. Scott) a large area of burr which was all dead; in fact, there were thousands of acres of it. There was not a living plant to be seen anywhere, whereas the previous year the ground was green with them. He believed the time was very close at hand when the burr would die out of itself. With respect to *sida retusa*, that was a fibrous plant, and might repay cultivation for the purpose of obtaining its fibre.

Mr. DE SATGE said he was rather sorry to see so much opposition to this Bill, because the ideas of the hon. member for Port Curtis were generally so sensible that he felt sure he must have had some good reason for bringing the Bill forward. Regarding the amount expended on the destruction of noxious weeds throughout the colony during the past eight or ten years, he was sure that it could not have been less than £200,000 or £300,000. On the Darling Downs the expenditure had been 10 per cent. of that of the stations, and if they looked at the money invested in other improvements they would see what a heavy burden this item for Bathurst burr comparatively became. This question could not be dealt with finally now owing to the enormous extent of country over which the weed had spread. Between Rockhampton and the Peak Downs there were some 180 miles of

country, formerly under sheep, but now partly under cattle and partly abandoned, and some of the owners had ceased to pay rent on a portion of it that was covered with the Bathurst burr, which was likely to be still further extended owing to the seeds being carried by stock from place to place. It was a curious fact in connection with this burr that it would grow with great rapidity up to a certain extent, after which the plants killed each other. He had seen this effectually utilised on several runs. He had seen it made use of at Pilton, where the burr really extinguished itself; and there was no doubt, if this plan were adopted, the plants would destroy each other. He could see no way in which this Bill could apply itself to the extinction of the burr. It would be a harassing measure, as had been pointed out by many speakers, and he thought the hon. member would have to give it up. He was sorry he could not give him his support.

Mr. HORWITZ said the last speaker had reminded them of what had been done on the Darling Downs, but they should not forget that all the country there was freehold. As far as he was acquainted with the necessity of the country, he thought this Bill was not required. In his own district the farmers were taxed too heavily already.

Mr. MILES was understood to say he was sorry that this Bill, introduced by the hon. member for Port Curtis, was receiving so much opposition. He believed it was much required for the destruction of these noxious weeds, which had been carried about and spread all over the country. It was, therefore, very necessary that the second reading of this Bill should be passed, in order that the desirability of exterminating the weeds might be affirmed. He was astonished to find the Premier opposing it, for by referring to the Bathurst Burr Act they would find that a man was compelled, under penalty, to clear his land of burr. The 9th clause provided :—

"When any such Bathurst burr or thistle shall be found growing upon any waste and unoccupied lands of the Crown, or upon any public road passing through any unoccupied Crown land, such notice as aforesaid shall be left at the office of the Surveyor-General of the colony and shall describe and set forth the situation of such land, and it shall be lawful for such Surveyor-General to employ the necessary labourers and to destroy the said Bathurst burr and thistle, and to defray the expenses of the same out of any sum that may have been voted by the Legislature for such purpose. And in the event of the neglect or refusal of such Surveyor-General to destroy such Bathurst burr and thistles it shall be lawful for any person to obtain an order under section 6 of this Act, and upon proof of such order and of assessment of compensation as therein provided, it shall be lawful for the Governor, by warrant under his hand, to direct the Treasurer of the colony, out of any amount voted and appropriated as above, to pay the party having obtained such order the expenses of and attending the destruction of the said plants."

In his opinion that Act was more stringent than this Bill, and he was very sorry indeed that the Premier was opposing the Bill, as it was very badly wanted. No doubt it required to be amended; but, on the whole, it ought to pass the second reading, allowing amendments to be made in committee if necessary. He knew of one district where the divisional board had given individuals the right of pasturing their stock on reserves simply for the purpose of having the Bathurst burr destroyed. He did not see why the public should be compelled to cut down their own burr, while they were already heavily taxed for divisional board purposes. It might be necessary to remedy this Bill in committee, but it would be very valuable as a whole, and he hoped it would pass the second reading.

Mr. SWANWICK said when this Bill was first introduced by the hon. member for Port Curtis he certainly made up his mind to oppose it, thinking that the additional burden which would be placed upon the divisional boards, who were sufficiently weighted already, would be too great; but after having heard the speech of the hon. member who had just sat down he had come to the opinion that the best he could do for the colony at large, and for the House in particular, and more especially for the Ministry of the day, was to support the Bill in every way he possibly could; because, although there was no doubt whatever that the prickly pear was a very great nuisance, he did not think it could be compared, as regarded prickles, with the thistle. He thought that this Bill would be a very great benefit to the country. If there was one plant on the face of the earth more aggravating than the prickly pear it was the Scotch thistle, which was a very great nuisance indeed in many ways, and had been in the history of England. They very well knew that part of the coat-of-arms or crest of the dominions of Great Britain was the Scotch thistle, and that the motto was, "*Nemo me impune lacessit.*" He thought that, whatever they might think as regarded the "*impune*," if any hon. member would bring in a bill to improve the hon. member off the face of the earth, then every member ought to sink his prejudices, and assist in getting rid of the hon. member by supporting the Bill in every way possible.

Mr. KELLETT thought that, after the remarks they had heard on this Bill, it was not much use going into committee. The Bill was not likely to be passed in any shape, and they had better, therefore, come to a division at once. He was sure that the taxpayers of the colony could get rid of the Bathurst burr. He himself had not much objection to it, and he thought it might be left to owners themselves to deal with it.

Mr. SIMPSON thought it would be a mistake to throw this Bill out, because it might be improved in committee. There was no doubt that some provision was wanted other than that now in existence for the destruction of some of these weeds. The hon. member who introduced this Bill ought to have a chance of improving it.

Question—That the Bill be now read a second time—put, and the House divided, as follows :—

AYES, 15.

Sir Arthur Palmer, Messrs. Norton, Griffith, Archer, Baynes, Simpson, H. Wyndham Palmer, Hamilton, Miles, De Poix-Tyrel, Swanwick, Weld-Blundell, Stevens, Scott, and Rea.

NOES, 22.

Messrs. Pope Cooper, McLean, McIlwraith, Macrossan, Macdonald-Paterson, H. Palmer, Rutledge, Macfarlane, Bailey, Horwitz, Grimes, Fraser, Lalor, Francis, Kellett, O'Sullivan, Black, Foote, Aland, Low, Lumley Hill, and Price.

Question, therefore, resolved in the negative.

DALBY WATERWORKS.

On the motion of Mr. SIMPSON, the House resolved itself into a Committee of the Whole to consider the resolution respecting the Dalby Waterworks.

Mr. SIMPSON said he did not think it necessary for him to enter into this matter now. It was fully discussed the other day, and it was now for the Committee to say whether it should pass. The money asked for was wanted, and he trusted that if it was voted it would be well spent. He now moved—

That an Address be presented 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, to be expended by the Dalby Municipality on Waterworks, under the provisions of the Local Works Loans Act of 1880.

Mr. McLEAN said he did not rise with the intention of offering any objection to the motion.

This money was to be lent by the Government under an Act passed in June last year, and it was understood, he thought, that if a municipality or divisional board made an application to the Government for a loan of money, and could prove that the work to be performed came under a certain section of the Loans Act, then the Government could make the advance. What he wanted to ascertain was, whether this motion was to be a precedent as to the manner in which applications for money under the Loans Act of 1880 were to be made; or was it only necessary for the local body requiring the money to make application to the Government, which could give it if they were satisfied that it was a proper one—thus avoiding the necessity of a member asking the assent of the House to a resolution such as this? He thought the Government had sufficient power to lend local bodies money without such a course as that taken by the hon. member for Dalby being adopted.

The PREMIER said that this matter had been fully explained when the hon. member moved the motion on a previous occasion. It was not requisite under the Local Government Act or the Divisional Boards Act that the assent of the House should be obtained for a loan. This was an exceptional thing altogether. The money that had been loaned to municipalities for water supply could not be included in a loan under the Local Government Act or the Divisional Boards Act, so as to limit them in borrowing. For instance, if the amount granted to Ipswich came to £20,000 according to the Act, and the waterworks loan came to £30,000, it would have no power to borrow whatever. The Government had excluded waterworks from the amount they borrowed. And rightly so too, because waterworks might be looked upon as a piece of business outside the ordinary work of a municipality. This course had been taken with Ipswich and other places. In the case of the Municipality of Dalby, they were quite willing to come under the Act, but then for other works they had borrowed up to the limit of the Local Government Act.

Mr. LUMLEY HILL asked whether he was to understand that the Dalby Municipality had already borrowed as much as they could borrow?

The PREMIER: Yes.

Mr. LUMLEY HILL: Then were they solvent? Were they likely to be able to pay? If they had borrowed as much as they possibly could he did not see that the House was justified in advancing them any more money.

Mr. McLEAN said the point raised was this: The Government found that the Local Works Act of 1880 was not sufficient to enable them to make advances for waterworks, seeing that certain municipalities might have borrowed to the full extent of their borrowing powers. If that was the case, the Government ought to introduce an amendment in the Act which would authorise them to make advances for special works of that nature. It would be better to do that than for hon. members to run the risk of having the money refused when asked for by resolution. It was no use saying that if this resolution were passed it might be taken as a precedent, because resolutions brought forward by other hon. members might not be looked upon so favourably, and certain feelings might lead the House to reject them.

Mr. RUTLEDGE said it struck him as rather extraordinary that a town which had passed the zenith of its prosperity should now ask for £1,000 for waterworks. If he was correctly informed, Dalby was nothing like what it was some years ago, in consequence of the extension of the railway line to Roma. Dalby had already borrowed up to its limit, and if this sum were voted the Government would be simply making the municipality a present of the money. It would set a bad example to struggling municipalities that had done without such advantages; for they would also be asking for grants, and the Government would have to take the full burden of the debt, as had been done in Sydney and other places. He should be sorry to offer any obstacle to advantages in the shape of waterworks, but he could not see that the necessity for waterworks in this municipality was likely to be greater in the future than in the past, when Dalby was a much more important place than at present.

Mr. ALAND said the hon. member for Enoggera (Mr. Rutledge) was not in the House when the motion was first introduced, or he would have learned that there was need some years ago for water supply in Dalby, that the Government of the day supplied the Corporation with funds to construct works, that they were constructed in the same manner as a good many other waterworks in the colony, and that in course of time they became all but useless. It was to remedy this that the hon. member for Dalby applied for this £1,000, and not because Dalby was decayed and dying out. Dalby really wanted a supply of water, and he thought the House might readily grant this money. Possibly the Dalby Municipality might never repay the sum, as it was quite possible that others would not; but, in any case, the town should be provided with a water supply.

Mr. SIMPSON said the hon. member for Enoggera was often absent, and afterwards took up time in discussing things which had been already settled. If the hon. member had listened to what was said before on this question, or if he had read the debate, he would not have made the remarks they had just heard from him. He was sorry to see the hon. member for Logan display something of party feeling in his remarks. The question of water supply was one in which hon. members ought not to be guided at all by party feeling, and he thought very few members of the House would be so guided. As he explained the other day, the difficulty Dalby was in arose from the fact that the money granted for waterworks had been badly spent. A dam had been constructed and had since been simply washed down the creek. The work was now of no use whatever, and the municipality wanted this £1,000 to get another water supply.

Mr. HORWITZ said he was only sorry that the motion was not for £2,000. A reservoir had been constructed some time ago; but the work was so badly done that it gave way. He should support the motion.

The MINISTER FOR WORKS (Mr. Macrossan) said the hon. member for Enoggera (Mr. Rutledge) was perhaps right in calling attention to the fact that Sydney had repudiated a debt; but he must remember that before such a thing could occur in Queensland there must be a combination of municipalities and a very weak Government. The Sydney Municipality commanded such a large amount of voting power in the Assembly that it was able to carry votes even against a strong Government; but there was no such municipality in Queensland—not even Brisbane; and it would require all the municipalities combined to repudiate their debts.

Mr. HORWITZ said the waterworks in Warwick were a white elephant. They cost £17,000, while the municipality borrowed only £10,000. Who was to pay the balance?

Mr. ALAND said he thought the time might come when some municipalities would have to come to the House for relief, and would not be

able to get it. He said this to clear away any misapprehension in regard to his previous remarks.

Mr. O'SULLIVAN said that, though he should like to see Dalby and other places have plenty of water, he did not like the way the vote was brought before the House. He did not think the reason given by the hon. member for Toowoomba (Mr. Aland) a sound one. That hon. member said that money was given to Dalby to make a dam, and because that dam had been swept away the House ought to grant more money for another water supply. That was a reason that did not suit him. The hon. member for Dalby referred to party feeling in votes of this kind; but if the hon. member had a right to bring forward a resolution like this, other hon. members had a right to do the same. And the question might freely be asked—Would any other member get the same support the hon. member was likely to get? This resolution opened a door which should not be opened in that House. To the thing itself he had no objection whatever. He was not satisfied with the reasons given by the Minister for Works for the repudiation of their debts by the Sydney Municipality. If that municipality had sufficient voting power to swamp the Ministry, it was possible that others might have the same power. They had repudiated debts in this colony. They had repudiated a debt of £60,000, on which they had not paid sixpence interest. They had power in that House to burden the colony with a debt of £250,000 on a bridge, and they had power to do a great deal of good for themselves. But the Corporation of Brisbane were by no means free in paying out of their own pocket, and neither were its inhabitants. He wished to guard himself against anyone thinking that he would be inclined to vote against this motion because it was for Dalby. He had many friends there, and would do them any kindness he could personally, but he was not going to give his vote in that House to satisfy either friend or foe, and if the question came to a division he should vote against it.

Mr. REA said this resolution was a direct premium on carelessness and on getting sums of money squandered. It was a direct discouragement to the corporations that had been careful to exercise a vigilant supervision over the construction of public works. The strongest argument in favour of this vote was that the money which had been voted before was badly spent, and that the works had been washed away. This would tend to make other corporations—some of which might not yet be in existence—indifferent as to how they looked after the construction of their local works; because they could always come and make further applications for money. He should vote against the resolution.

Mr. O'SULLIVAN said that the Premier stated that the Dalbyites promised to pay the principal and interest on the money asked for; but before that he said that they had borrowed to the last shilling to which they were entitled. If their taxes and rates went to pay interest on what they had already borrowed, how would they pay principal and interest on this sum?

Mr. McLEAN said that, as to hon. members not treating a question of this kind with party feeling, he had seen votes for even better objects rejected from that cause. This only showed the necessity for the Government dealing with the question themselves. They had not the power to grant this money, because Dalby had already borrowed to the full extent allowed under the Local Works Act. The Premier had stated that it was necessary to treat water supply and such things as special cases; and he (Mr. McLean) thought the Government would do wisely to prepare a Bil during the recess to amend the present Act, so that members would not have to come to the House cap in hand for money for these special purposes. There was a feeling in the House that this vote should not be allowed to pass, though he should not oppose it, because he did not think Dalby had yet seen its best. He thought Dalby would improve instead of going out of existence; though he had heard that the insurance companies were rather chary about insuring properties in that town. He did not think Dalby was by any means going to the dogs. Nothing was more essential to the health of the people than a good water supply; and he should not oppose the vote. He hoped, however, that the Government would bring in a measure to amend the present Act in the way he had suggested.

Mr. SIMPSON said that hon. members seemed to forget what was stated the other night about the municipalities which had exceeded their borrowing power. If the hon. member (Mr. O'Sullivan) knew all the facts, he would know that Ipswich had gone very much beyond what was allowed by the Act.

Mr. O'SULLIVAN: Very far from it.

Mr. SIMPSON said that Toowoomba, Warwick, Ipswich, Maryborough, and Brisbane had all been allowed to exceed the sum to which they were legally entitled, and that was why he had brought forward this resolution.

Mr. O'SULLIVAN emphatically denied the statement that Ipswich had overstepped its borrowing powers, either in waterworks or otherwise; but whether it had or not was not the question. There was a suspicion hanging round votes of this kind. The question was—Was it right to let private members have these votes? Were they given for a consideration? That was the point. Would all members, or any member in the House, get the same concession as the hon. member who brought forward this resolution? He did not care to explain fully his ideas on this point.

Mr. GRIMES said he should have been glad to support this motion if the hon. member for Dalby had made out a good case; if he had given information with reference to the rates and income of the Municipality of Dalby; or had shown that there was any chance of this money being repaid and the interest paid regularly; but on looking it up he found that the whole of the rates collected in the municipality did not exceed £220 per annum. That was the full extent of the rates collected in the Dalby Municipality, and they had had already a loan of £5,023. He did not see that there was any chance of this additional £1,000 ever being repaid, and under those circumstances he should feel bound to oppose the motion.

Mr. KATES said he intended to support the resolution because the Dalby people were simply asking for water. He should hesitate long before he should oppose a vote for the supply of water. Some hon. members had said that Dalby was dying out, but he did not think so. It was surrounded by very good agricultural land, and the time might come when that land would be made useful, and support Dalby, and that town yet become a rising place. Last year they had on the Loan Estimates a sum of £30,000 put down for water supply. The principle was then affirmed that water supply was necessary, and for that reason he should support the resolution. The Dalby people did not want the money for nothing, but were prepared to pay interest and eventually refund the money, and it would be a very hard case, under the circumstances, if they were to vote against a motion fo the supply of water.

Mr. DICKSON considered that the claims of any community for water supply were claims that ought to be met in the most liberal spirit, and he was disposed to give his vote for this money being granted to the Dalby Municipality, provided the Treasurer intimated to the Committee that, before this money was paid over, the provisions of the Local Government Act would be complied with—that was to say, that a loan rate should be levied to provide for the interest being paid. Although the municipality might have exceeded the amount of loan to which it was entitled under the Local Government Act of 1878, still, in view of such a requirement as water supply to a community like that of Dalby, he should be inclined to support the resolution; and it would, to a great extent, lead at once to a decision on the matter if the Colonial Treasurer would state that, before the money was paid over, the vote of the municipality would be taken on the subject, and that a loan rate would be levied to repay interest, at the same time making provision for the sinking fund under the Local Works Loan Act of last year.

Mr. McLEAN said that before the Treasurer complied with the request of his hon. friend he would like the hon. gentleman to express his opinion as to whether he considered it necessary to introduce a short Bill to amend the Local Works Loan Act of 1880. The hon. gentleman had stated that this was one of those cases that the Government would not feel themselves justified in dealing with otherwise than by an expressed resolution of the House. But this was not the only case that might arise for a loan, and it would be well to have an expression of opinion on that subject—whether a Bill should be introduced to amend the Local Works Loan Act of 1880.

The PREMIER said the Government had had the subject under their consideration, and he thought himself it was necessary that such a Bill should be passed, but he did not think it was so necessary that they should try to push it through this session. But he believed it was a thing that must be done. The object of the amendment in the Act would be to except waterworks from the amount of indebtedness of municipalities so far as their powers of borrowing were concerned—that was, that in calculating the amount of loan, which was limtied to five times the rates, loans for water supply should be excepted, and dealt with by an exceptional rate. With regard to the hon. member for Enoggera's question, of course he would see that the necessary forms were gone through, and that such a rate would be levied as would give a guarantee that the interest and principal would be paid according to the Local Works Loan Act.

Mr. O'SULLIVAN said he wished the grounds of his opposition to this vote to be clearly understood. He did not object at all to Dalby having a supply of water, and, under the circumstances, he was loath to vote against the motion. The only thing that he objected to was the way the motion was brought on. After the explanation given by the Treasurer he thought he felt himself justified in not offering further opposition to the motion, but he did protest that the way it was brought forward was not the right way.

Mr. LOW said the question before the House was the last remnant of log-rolling. A paternal Government, such as he supposed the present one was, ought to assist in these matters. He had asked favours from the Government which were positively refused, and he thought his requirements were just as necessary for the benefit of his constituents as the present one.

Mr. BLACK said he did not see where the principle of log-rolling came in in this case. He was not aware that there had been any preconcerted arrangement in the matter; at any rate, as far as he was concerned, there had not. He understood from the hon. the Treasurer that loans for waterworks were not included in the borrowing powers of municipalities, and on reference to one of the tables laid before the House he noticed that Brisbane had had some £95,000 voted for waterworks, and he was given to understand that a very large sum of money would shortly be asked to be voted for the same purpose. Charters Towers had had £35,000; Ipswich, £31,000; Dalby, £16,900; Warwick, £14,500; Maryborough, £35,350; Gladstone, £5,000; Rockhampton, £25,000; Townsville, £33,000; and for general water supply, whatever that meant, £10,000 had been granted. He thought, therefore, that if the Government were satisfied with the necessity of waterworks for Dalby, and also that the works were likely to be carried out in a satisfactory manner, the sum of £1,000 asked for Dalby was a very small sum indeed; and the importance of giving a supply of water to a locality like Dalby was so great that he thought that, if it could be achieved with a sum of £1,000, the House should take it into their favourable consideration. At the same time, he should like to see a comprehensive measure brought in by the Government, by which matters of this sort—water supply and other matters especially affecting the prosperity of districts—should be charged more especially to those districts. He would like to see the provisions of the Divisional Boards Act applied to those districts, and that any district requiring water supply, or, perhaps, tramways or other works of a similar nature, by subscribing or rating themselves to a certain amount annually, should get the subsidy from the Government, and so be able to provide for such matters without coming to the House for a special vote for the purpose. Under the circumstances he thought he was quite justified in supporting this vote, and he thought that if the amount of money asked had been very much greater it would have stood a very much better chance of passing.

Mr. H. PALMER (Maryborough) said if this amount would not be made a precedent for similar cases he, too, would be disposed to support it. He had looked at the circumstances connected with other municipalities, and he found the principle to be in all cases that they had exceeded their borrowing powers considerably. He did not see why, in this case of Dalby—certainly not because it was a smaller place, or of less importance than Rockhampton or Ipswich or other towns—that it should be precluded from the right of getting a little overdraft too, particularly in such an important case as that of water supply. If it were for any other purpose he should not vote for it, but, knowing the absolute necessity of a water supply for townships, he thought a case had been pretty fairly laid before the House by the hon. gentleman who had moved in the matter. The hon. member said on the introduction of this motion that, through bad management and want of skill in the erection, this waterworks or dam had been carried away. That might happen to the most expensive work in the colony. There was no work of an artificial kind that was so liable to be damaged as these waterworks. They required to be built with the greatest skill and care, especially in the southern part of the colony, where they were carried away very often. The works cost immense sums of money, and an important work like that should not suffer because several municipalities had got grants beyond their borrowing powers. The hon. member who represented Dalby made out a very clear case, and on the principle he had stated—

that others had got grants in excess of their borrowing powers—he thought Dalby should get it too. He hoped that this would not be made a precedent for any member to come down and ask the House for a vote of that kind. He thought it was very embarrassing to the House, and must be especially so to the Ministry of the day. On the understanding that this was made an exceptional case, he was prepared to give it his support.

Mr. BAYNES said the amount asked for was not very large. It was true the Municipality of Dalby was not an important one, but he had every reason to believe that it would grow in greater proportion in the future than it had done for some years past. He believed that it was the intention of the Government to resume a portion of the large reserve that was around Dalby, and if that were the case the population there must be largely increased, and therefore he looked upon this £1,000 as being money well laid out, if applied for this purpose.

Mr. DICKSON saw no reason why, if this vote was a correct one, it should not be accepted as a precedent by hon. gentlemen who might not have a sufficient supply of water in their districts, for asking for the same assistance from the Treasurer which this hon. member was seeking to obtain for his constituency. He had already said that demands for increased water supply should be met always in a liberal spirit, but all such demands should be accompanied by full information. The member introducing such a motion should be able to state that the amount asked for was sufficient to provide an adequate water supply, and that information should be accompanied further with a statement as to whether the hydraulic engineer in the service of the Government had reported upon the proposed scheme. He believed that if he had reported upon it favourably, then the House would be favourably disposed to vote the money, even though the amount asked for should be in excess of the borrowing power of the municipality. The hon. gentleman should let the Committee understand whether the vote asked for was sufficient in itself to accomplish what was asked for—namely, an adequate water supply; and also whether the works had been reported upon by the engineer who at present acted for the Government.

Mr. MACFARLANE intended to support this grant, and his reason for doing so was that, although a municipality might borrow to the full extent of its borrowing powers, hon. members must not run away with the idea that it could not pay even a much larger sum. He did not know what was the case in Dalby, but Ipswich had borrowed up to the present time over five times the extent of her borrowing powers; but if the amount borrowed was increased to ten times the borrowing power she would be able to pay it. On that account, and on account of the desirability of supplying all municipalities with an abundant supply of water, he thought the Committee would do well in granting this loan for the purpose for which it was asked. He should support this motion.

Mr. FRASER said it did not appear to him that there was any serious intention of refusing this vote, and, although the various aspects of the question should be looked at, he thought they all recognised the indispensable necessity of having an abundant supply of water in towns in a tropical or semi-tropical climate such as this. From that view he should be disposed to support it, should there not be the slightest prospect of the municipality borrowing the money being able to pay it back. At the same time, he thought it necessary that every precaution should be taken, in order to protect the public interest. Perhaps it would have been better if the mover of this resolution had not introduced the phrase "a party question." He (Mr. Fraser) thought that in matters of this sort all such questions should be left on one side for the time. Allusion had been made to Brisbane, amongst other places, as being largely indebted for its water supply, and to its not paying the interest upon the money borrowed. Be that as it might, he could only say that the ratepayers of Brisbane had to pay very heavily indeed for their water. How it was managed, and why the Government had not received the interest, was not for him to say. All he knew was that the inhabitants of Brisbane paid, perhaps, more for their water supply than those of any other municipality in the colony. He thought he could explain it in one way. It must be evident to everyone who knew what was going on here that the mains were being extended in all directions, and this could only be done in one of two ways—either by expending the income received as rates, or else coming to the Government again and borrowing more money. The hon. member for Stanley had referred to the large indebtedness of Brisbane to the colony with respect to its bridge. He did not wish to drag up old affairs, but he would recall to the remembrance of that hon. gentleman what had led to that indebtedness. It was nothing else than the Ipswich "Bunch" of that day that led to the expenditure upon that bridge being something like twice the amount that was originally intended; and the indebtedness was really not so very heavy. The hon. Minister for Lands would bear him out that the bridge lands had realised something like 100 per cent. over the estimated value placed upon them some time ago, and there was a considerable quantity yet to be sold. He thought he was correct in saying that. So that, putting all things together, he did not think that, so far as the bridge was concerned, the city of Brisbane need in the slightest degree be blamed for it.

Question put and passed.

Resolution reported to the House, and ordered to be received on this day fortnight.

EVIDENCE IN SUMMARY CONVICTIONS BILL—COMMITTEE.

On the motion of Mr. F. A. COOPER, the House went into Committee to consider this Bill.

Preamble postponed.

On clause 1—"Evidence of defendant admissible in all cases of summary jurisdiction"—

Mr. F. A. COOPER said that, as the principle of the Bill had been affirmed on the second reading, it remained now to make the measure as perfect as possible before it left the House. He had been rather surprised at the opposition which the Bill had met with on the second reading; but, now that he had had an opportunity of hearing the objections that had been raised against it, he would, with a view to acceding in a great measure to the suggestions then thrown out, move an amendment on the 1st clause. The leader of the Opposition stated that he considered the principle of the Bill a very excellent one——

Mr. GRIFFITH: I never said anything of the kind. I opposed it.

Mr. F. A. COOPER said he understood the hon. gentleman to state, in the course of his speech, that when the Criminals Expulsion Bill was introduced he was anxious to see the principle of this Bill extended to that measure; that he thought there was a great deal to be said on both sides, but that the offences with regard to which

the Act would operate might be classified. He was now prepared to move an amendment that would give effect to that suggestion. He proposed to insert, after the words "in all cases," in the 1st clause, the following:—

Of assault, breaches of the Customs Act, or proceedings where imprisonment is ordered in default of payment of fine or penalty.

In New South Wales there was a clause in force similar to this one, except that the two words "on oath" were omitted from the New South Wales statute. He had specified assault cases, because in such cases it was optional with the magistrates to inflict imprisonment; and breaches of the Customs Act, because in such cases the magistrate had power to order forfeiture. In other cases, where a fine or penalty was inflicted with the alternative of imprisonment, he had thought it desirable that the Act should operate. The latter portion of the amendment would apply to a large number of cases, and would tend in a very great measure to ensure substantial justice in all proceedings of a civil nature before magistrates.

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

Mr. GRIFFITH said the Bill had passed its second reading in a thin House. He did not, therefore, think that the principle of the Bill had been affirmed by the House. As had been pointed out on previous occasions, it involved an entirely new departure in criminal procedure, and, therefore, demanded very serious consideration. It had been pointed out by himself and by other hon. members that the classification of offences simply as offences rendering the offender liable to summary conviction was not a sufficient definition. Such a definition would include many cases much more serious in their consequences than many others which were punishable on indictment, and would create the greatest confusion. A matter of such importance required a great deal more consideration, and it would probably be far better to leave it alone altogether. Of course, in its present form the Bill would not do at all—that was now conceded by the hon. member himself. The hon. member had suggested that cases of assault should be specified; but there were all kinds of cases of assault. A man might be brought up before a justice charged with an assault, and the justice might sentence him to imprisonment, with hard labour, for six months, or might fine him a farthing, or imprison him for five minutes. Or, again, the justice might take another view and send the man for trial. According to this Bill, if the justice dealt with the case the defendant might give evidence on his own behalf; if the justice committed the man for trial, he would not be allowed to give evidence. Surely the matter should depend upon something more definite than that. There were three tribunals before which the man might be tried—the magistrates in petty sessions, the district court, and the Supreme Court. If the man were tried before the first-named tribunal he might give evidence on his own behalf; if before either of the other two tribunals he could not. That was an absurdity. If any distinction was to be made at all it must be according to the class of offence, and not according to the accident of the tribunal before which the offender was tried. If the Committee considered it desirable that in the case of certain offences the offender should be allowed to give evidence, let them define the offences; they might as well allow the matter to be decided by the toss of a sixpence as by the accident of the tribunal before which the man was tried. With regard to offences against the Customs laws, some were punishable by long terms of imprisonment, some by fine; sometimes the cases could be dealt with by justices, sometimes they could not. The proposed definition would be entirely out of place in that case. He did not catch the latter portion of the proposed amendment.

Mr. F. A. COOPER: Offences partaking of a civil nature.

Mr. GRIFFITH said that no definition could be better chosen to increase the difficulty and throw the law into confusion. What were offences partaking of a civil nature? Of course there were plenty of definitions in the books, but it was always a matter of uncertainty. He had argued the question a dozen times whether certain offences were of a civil or criminal nature. The definition was about as bad as any that could possibly be found. If a man charged with an offence were allowed to draw lots to see whether he should be entitled to give evidence, the matter could not be more confusing. The Bill, as it stood, applied to all cases of summary conviction, which, as he had before pointed out, might vary from cases punishable by two years' imprisonment with hard labour, to those which were met by the smallest fine. That definition was very absurd. Two years' imprisonment without hard labour was the maximum punishment for an immense number of indictable offences; and two years with hard labour was the maximum sentence for some offences which were punishable by justices on summary conviction. In fact, the subject was a larger one than the hon. member seemed to think; it required to be treated with the greatest caution, and he would strongly advise the hon. member to withdraw it and reconsider the matter before bringing it again before the notice of the House. The Bill was silent as to whether the husband or wife were to be allowed to give evidence. All these cases should be dealt with, and the greatest care should be taken to provide for all such matters. If they were to be allowed to give evidence, were they to be compellable? He hoped the Government would continue the opposition to this Bill, which they offered on the second reading, and that the hon. gentleman in charge of it would withdraw it until he had had time to consider it more fully.

The ATTORNEY-GENERAL said he had intimated before that he was opposed to this Bill, and on a certain principle. If a man charged with any offence was competent to give evidence on his own behalf, and declined to give it, his conduct would give rise to the certain inference that he was guilty of the crime. How many cases there were in which a man charged with an offence of which he was not guilty might decline for a hundred reasons not to give evidence, and so subject himself to a cross-examination. If the man gave evidence the natural result was that he rendered himself liable to cross-examination, and he might decline to submit himself to this—not because he was guilty of the crime of which he was charged, but for other reasons. The conclusive inference which would be drawn from such a refusal would be that he was guilty of the offence of which he was charged. That was a very grave position to put any man in the world in, and that was the main reason why he (the Attorney-General) opposed this Bill. Another very strong reason, which was mentioned by his hon. colleague the Colonial Secretary when the second reading was on, was that it would give rise to innumerable cases of prosecution for perjury. That was a very strong reason against the Bill. There was hardly an instance where a man was prosecuted in a police court for certain offences that he did not give some sort of explanation or reason why he was not guilty. If the magistrates did not believe this to be true—if his account was opposed by two or three

witnesses who had given evidence against him—it would be the duty of the bench, the statement being on oath—as it would be if this Bill was passed—to prosecute him for perjury, and the consequence would be that they would have their courts filled with such charges. No one would deplore such a state of things more than himself, because he knew that perjury was a crime which it was most difficult to prove. They could hardly get a conviction in such cases, and they would get hundreds of cases—they would be multiplied indefinitely—if this Bill became law. It was hardly necessary that he should point out other defects in this Bill—defects which he had mentioned when it was previously before the House, and others which had been mentioned by the hon. leader of the Opposition, with whom he (the Attorney-General) entirely agreed in what he said about them.

Mr. RUTLEDGE said that the hon. gentleman in charge of this Bill seemed to have imagined that because it had passed the New South Wales Legislature was a reason why it should pass here. Now, he (Mr. Rutledge) had read the report of the debate in the New South Wales Assembly, and he found that it was introduced by a very young member of the House—a gentleman who entered the House for the first time at the last general election in New South Wales—and who was also a very young member of his profession. Some very serious omissions which this hon. gentleman had been guilty of made it very desirable that the measure should be matured before it was accepted by this Legislature. In reference to cases of assault, it was very well known that a man might be brought up before a magistrate charged with an assault. It might be that the information was such that if the case could be sustained accurately the magistrates could deal with it summarily. But, on the other hand, it might transpire after the evidence had been heard that the magistrates might think that it was not a case to be summarily dealt with, after all, and that they would be warranted in sending the matter on to a jury—commit the man—and, in fact, make the charge something else to that which was laid in the information. Why, they might have a man giving evidence on oath in his own behalf before the bench in such a case in the lower court, and then when he went to the higher court he would be forbidden to give evidence on his own behalf, and they might have arguments about the admission in the higher court of the evidence given in the lower court. It would lead to a great deal of confusion. He regarded it as an innovation of a very serious character, and he thought so not only with a view to prevent the crime of perjury. He thought it would take away one of those safeguards which every accused person had a right to have thrown around him. If a man committed a crime or got himself within the toils of the law, it was a merciful provision to say that, since the law which prosecuted this man was so powerful, at least the poor wretch should have the right to say, "Well, you must prove your case against me," and not to force him, as it would be virtually doing, to put himself in the position where he would prove the case for the prosecutor. He (Mr. Rutledge) would not like to say anything discouraging to the hon. member, who he believed was actuated by a laudable desire in bringing in the Bill, but he could not see his way to give the Bill his support.

Mr. O'SULLIVAN said that one great reason, if nothing else, why he felt inclined to support this Bill was because all the lawyers in the House were against it. He was afraid he was very obtuse in listening to the speech of the hon. the Attorney-General, as he did not understand a single word the hon. gentleman said—not a single word of it. The hon. gentleman said that if a man gave evidence it would be a clear proof of his guilt.

The ATTORNEY-GENERAL: I did not say that.

Mr. GRIFFITH: If he refused to give evidence.

Mr. O'SULLIVAN: What had the refusal of a man to give evidence to do with his case? Was it a clear proof that because he gave evidence—was it a fair inference of his guilt?

The ATTORNEY-GENERAL: He cannot give evidence now.

Mr. O'SULLIVAN: If he gave evidence, was it a proof of his guilt? If this Bill passed he could. How would that prove his guilt?

The ATTORNEY-GENERAL: If he does not give it, that will prove his guilt.

Mr. O'SULLIVAN said that if a man refused to give evidence at any time they were quite sure that there was something wrong with him. The Attorney-General also said that a great many men would not submit themselves to cross-examination. Would the passing or not passing of this Bill cure that? What connection was there between the two things? He could not see it. The hon. member said it would encourage perjury. How did the hon. member know it? He (Mr. O'Sullivan) knew very many cases that could have been very easily disposed of if the husband, or wife, or other relative were allowed to give evidence, and which would then never have come before a judge at all. The slightest explanation and the thing would have been settled, if these parties had been allowed to give evidence. The hon. member at the head of the Opposition had said that it was a very large subject, but the hon. member was making it two or three times as large as it really was. Was that hon. member opposing the Bill, or was he only opposing the hon. member who was in charge of it? What did it matter whether it was summary jurisdiction or not? He saw it would prevent a great many cases going before a judge at all—cases where the whole matter at issue could have been explained if the husband or wife had been allowed to give evidence. He had heard nothing to convince him why he should not give his support to the Bill.

The COLONIAL SECRETARY said that in his humble opinion this Bill as proposed either went a great deal too far or it did not go far enough. In his opinion it went a great deal too far, for the reasons given by the hons. the leader of the Opposition and the Attorney-General. If they were to go to that length, it did not go far enough. If a man were allowed to give evidence in certain cases, why should he not be authorised to give evidence in all cases? Why should it be limited to the jurisdiction before a magistrate? What would be the result? His evidence would be taken for nothing, as a rule. Neither by the magistrates, nor the district court, nor the Supreme Court, for a single penny's worth, unless it were corroborated. If his evidence was so corroborated it had not been wanted at all, and if it was not so corroborated it would be taken for nothing. Whether his wife should give evidence or not was not dealt with by the Bill. The Bill was indeed a very crude one, and he should strongly recommend the hon. member to withdraw it.

Mr. ARCHER agreed with the Colonial Secretary that the Bill did not go far enough. He had not heard all that had fallen from the Attorney-General, but another hon. and learned member had used such expressions as "that it was a great shame if a man committed a crime that he

should be put in the way of proving himself guilty." He utterly disagreed with him. The law was instituted for the purpose of discovering criminals, and in his opinion the English law was far too careful of them. He knew of many instances in which a judge had censured a policeman for not cautioning a prisoner before a criminating statement was made by him. The hon. and learned member for Enoggera looked upon it as a game of skill between a dishonest man and a court of justice, and thought when a man got himself into trouble he ought to have fair play, and the case ought to be proved against him in spite of the machinery of the law. He (Mr. Archer) believed that the Continental system of questioning the prisoner was infinitely better than that of discovering otherwise whether he was guilty or not. Many things against a man would be easily explained if he were allowed to explain them himself. The law as it stood was invariably on the side of the criminal, and against the crime, or against the country which he had offended against. He did not believe there was the slightest chance of passing this Bill, and he thought the hon. member would have to withdraw it; but he would like to see the larger Bill introduced which the Colonial Secretary talked about, by which a man would be allowed to give evidence on oath in all cases.

The COLONIAL SECRETARY: The Colonial Secretary did not recommend it at all.

Mr. ARCHER: But you said something very like it.

The COLONIAL SECRETARY: Not a bit like it.

The ATTORNEY-GENERAL said the hon. gentleman who had just sat down (Mr. Archer) had referred to cases in which a judge had reprimanded a policeman for taking the statement of a prisoner without first cautioning him. If that were so, the judge who did that was in his opinion entirely wrong; but he had heard of judges reprimanding policemen for asking questions, and with that he entirely agreed, because an officer, when the custodian of a man, might force the unfortunate prisoner to give answers to questions which, under other circumstances, the prisoner might not answer. The hon. gentleman referred to the system pursued in France, where prisoners were put to the question—what they were doing and where they were when the crime was committed, what they did previously, and, really, they were cross-examined by the prosecutor. This ought never to be allowed for a single instant in any British community. It was supposed a disgraceful thing that a man who was to be a gentleman engaged in finding out fairly and honestly whether the unfortunate criminal was guilty or not, should be permitted to pry into the private life of that prisoner as far back and as deep as he chose. He hoped this House would not allow anything of that kind to be done in this country, nor countenance any such iniquitous proceeding as that.

Mr. GRIFFITH said there was a good deal to be said against the Continental system of cross-examining a prisoner. Supposing a prisoner were put in the box to give evidence, the prosecuting constable or sergeant would be inclined to cross-examine him as to his credibility, and he might, as the Attorney-General had said, pry into the whole of his private life, and might compel the unfortunate man to reveal on oath matters which should not be revealed. It would be perfectly infamous. He was reading the other day a novel written by a French authoress, a large portion of which was devoted to the proceedings of a criminal court in France. It was very instructive, and described the manner in which the trials were conducted. A murder was committed under ordinary circumstances, and a man was accused of it—there being strong circumstantial evidence against him, sufficient almost to convict him. He was asked to account for himself during the three hours during which the murder was effected, and, according to the novelist, he had very good reasons for not disclosing what he was doing; he had done nothing disgraceful, but he could not disclose it without ruining another person, and he preferred to be deemed guilty of the murder rather than compromise an innocent person by answering the questions put to him. He (Mr. Griffith) had no doubt this happened hundreds of times where that practice was carried on; and though under this Bill the matter was not one of life and death, still it involved the question of liberty. He did not think the hon. member for Stanley did himself justice in his speech on this Bill. He was a gentleman who took a very shrewd and acute view of matters generally. This was not a matter of law at all; it was a matter of common sense. Suppose a prisoner went before a magistrate and gave a statement on oath, would the magistrate pay any more attention to it than if it were given not on oath? And if his statement were not believed, the man might be committed for perjury. Indeed, would not this Bill be a temptation to perjury? If the principle of this Bill were agreed to, it would be found necessary to make a number of other alterations in the existing law. How about a man disclosing communications with his wife, which could not be done under the present law? Then again there was the general rule that a man need not answer any question which would criminate himself. How were these conflicting matters to be reconciled? If they were about to alter the general principle, this Bill dealt only with the fringe of it.

Mr. RUTLEDGE said the hon. member for Blackall had said that he (Mr. Rutledge) had expressed himself to the effect that it was a sort of shame to make a man answer questions when on his trial, and that it was the view of the English law to favour the criminal. He did not think his remarks indicated that a man should be protected from the consequences of his act. There was an intense jealousy of the liberty of the British subject, and this principle was enforced with rigorous exactitude in British law. If in the most trivial matter there was the slightest defect in this respect, the whole of the proceedings would be vitiated. But a man brought before the magistrates now had the privilege of making a statement, and if it was made in such a manner as to impress the magistrates with its truth it would have quite as much weight as any testimony he might give on oath. He did not see, in the face of that privilege, what was to be gained by putting a prisoner on oath.

Mr. MACDONALD-PATERSON said the hon. member for Enoggera had not accurately represented what the hon. member for Blackall had said with regard to his view of English law. What the hon. member for Blackall said very distinctly was that he himself was of opinion that the present state of the law was favourable to the criminal.

Mr. F. A. COOPER said, with reference to the objections raised by the hon. the leader of the Opposition, that where a man was now permitted to make a statement, in this Bill he would be allowed to give evidence on oath; and, where the present Bill clashed with the Evidence Act, a new clause might be introduced to remedy it. The Colonial Secretary said this Bill either went too far or it did not go far enough. Now, he (Mr. Cooper) ventured to say that in the next ten years it would be the law of the land in England. The principle of this Bill had been affirmed in New South Wales. He was informed that a very

high authority here stated that the Bill ought to go further, and ought to extend to criminal cases. That was a matter of opinion amongst lawyers, and he thought this House ought to record its opinion in favour of the measure, if only from the fact that it met with opposition from the lawyers. All reforms of this kind had been opposed by the lawyers. When Lord Brougham attempted reforms by his County Courts Act the lawyers actually withdrew their practice from him. With regard to the objection urged by the Colonial Secretary, that this Bill would increase perjury, it was nothing but an old-standing argument. What he (Mr. Cooper) contended was, that they would be only doing justice by hearing both sides of a case. At the present time an accused person was debarred from saying anything as evidence. The leader of the Opposition, in speaking on this question the other day—although it did not seem to be reported — stated that he was prepared to extend the principle to revenue cases; and it was in deference to the suggestion of the hon. member that he (Mr. Cooper) would only have been too happy to have met him, and to have limited the effect of the Bill, if he thought it had gone too far, to all cases that partook of a similar nature. Of course the Attorney-General and the leader of the Opposition knew well what were cases of civil proceedings, but to other members of the House this was not very clear; and he might say that all proceedings relating to goods and property were civil proceedings. He thought hon. members should accept amendments, so as to deal with all these cases in the spirit of the time; but he submitted that in opposing the Bill they were not acting in accordance with the spirit of the time. A man now might make a statement, but if he took out a cross-summons that was always regarded with suspicion. Give him an opportunity of answering on oath all matters that came before the magistrates in connection, and then no suspicion would attach to his statement. He did not intend to withdraw the Bill, but should press it to a division.

Mr. HAMILTON said the Colonial Secretary had asserted that the Bill had gone too far or not far enough. He considered it had not gone far enough, for he thought the ends of justice would be better served by allowing the accused to give evidence in all cases on oath. The hon. member for Enoggera had said that by doing so one of the safeguards which an accused should have, if guilty, was taken away; but, on the other hand, the passing of this Bill would confer an advantage on an accused if innocent, and he considered that more weight should be attached to the interests of innocent accused than of guilty accused. He felt certain that there was not one in that Chamber, if he were accused of an offence of which he was innocent, but would esteem it a privilege to be allowed to give evidence on oath in support of his innocence, and to have the value of that evidence tested by cross-examination. He did not agree with the argument of the hon. member for North Brisbane, that a magistrate would attach no more weight to the evidence on oath by an accused person than to his simple statement; the mere fact of an accused volunteering to give evidence on oath, and thus subjecting himself to a heavy penalty if he spoke untruthfully, would be a presumption in favour of his innocence; and again, the value of what he stated could be assessed by cross-examination, whereas a simple statement of his innocence would have no weight. The hon. member for North Brisbane mentioned a case of which he had once read in support of the undesirability of allowing accused persons to give evidence, but it was an exceptional case. He considered that they should not study the interests of criminals, but the interests of justice, and the best means of eliciting the truth. He remembered a case in his own experience showing how crime was discovered by the evidence of the person suspected. A woman was found murdered in the bush under circumstances of peculiar atrocity. He was advised of the fact, and, on performing a *post mortem*, suspected a man who had previously lived with her. He felt sure this man was the only one who could supply evidence which would prove he was the murderer, and he knew that if he arrested the man he would of course remain silent until he heard what the other witnesses had to say, and then make a statement which would be guided by the evidence which he heard; so at the inquest he said to the man that he knew he must feel horrified at the murder which had been committed, and that he felt certain he could depend on his assistance to discover the murderer, and with that view he would be glad to receive any evidence he could tender. The man of course gave evidence when it was put to him in this way. Another witness then gave testimony which, taken in conjunction with the first evidence, brought the crime home to the first witness. He (Mr. Hamilton) then arrested the man, who was now in St. Helena on the charge of murder of which he was found guilty. It had been also urged as an objection to the principle of allowing an accused to give evidence that it encouraged perjury, but in some cases it would have the contrary effect; a person now wishing to wreak his malice on another could make a charge of assault against him, knowing that the accused was disadvantageously placed by not being allowed to rebut on oath the charge that was made on oath. He recollected in this town a case of assault occurring when the complainant swore, in order to gain sympathy, that the person charged had assaulted him on account of some departmental quarrel; the mouth of the accused was shut, and he was punished; although, if he had been allowed to open it, the statement of the complainant could have been shown to be untrue, and a very different aspect put on the case. The contention of the hon. member for North Brisbane —that in the case of an accused being asked questions his whole life could be raked up—was, he thought, not worth much. The judge would very soon protect a witness if he saw that his examination was merely asking him questions which had nothing to do with the case, and merely for the purpose of annoyance. There was a provision at present which dealt with such a case. His only regret was that the Bill did not go far enough; but he would support it.

The PREMIER said that it seemed to be the opinion on all sides that the Bill ought to be extended, and even the gentleman in charge of the Bill had admitted that there was no reason why, if it was made applicable to cases of summary jurisdiction, it should not also be made applicable to cases in the higher court. If, however, the Bill was extended, he should like to know how the hon. member would meet the objection started by the hon. member for North Brisbane. According to the law at the present time a prisoner could not be made to answer anything that criminated himself. If this Bill was extended the prisoner would be put into a very unfair position, because he would be allowed to say anything he liked in his own favour, but was saved by the law from saying anything against himself. That was very unfair, and made perfect nonsense of the whole thing. There might be other objections to the Bill, but that struck him as a very strong one. He did not know how the second reading of the Bill had passed. He had been in the House every night, and he did not remember it passing.

He thought it deserved a great deal more attention than it had received from the House. He certainly should not support such a fragmentary measure, at all events.

Mr. GRIFFITH said the hon. member himself (Mr. Cooper) did not agree with the 1st clause.

Mr. F. A. COOPER said he had moved that the 1st clause, as read, stand part of the Bill.

Mr. GRIFFITH said it would be better to move the Chairman out of the chair, though he should not like to make the motion himself. The Bill required to be entirely re-cast. If the clause were carried as it stood, the Bill would be complete nonsense. He was not prepared to re-draw the Bill at a moment's notice, nor was it his duty to do so. He could suggest some amendments; but it was not right that this should be done on the spur of the moment. He moved that the Chairman leave the chair.

The PREMIER said he understood the hon. gentleman in charge of the Bill to intimate in his first speech that he was going to move an amendment himself. Some hon. members might be in favour of that amendment; but he (the Premier) could not vote for such a clause as clause 1. Nothing had been said in its favour to-night while he was in the House, and nothing had been said in its favour on the second reading. Of course, if this clause were carried, the whole Bill would be carried. It would be better for the hon. member for North Brisbane to withdraw his motion, and for the hon. member in charge of the Bill to move his amendment.

Mr. GRIFFITH said he did not wish to be uncivil to the hon. member (Mr. Cooper). If the clause were carried they would have to recommit the Bill in order to strike out the clause or amend it. All he wanted was to prevent the possibility of the clause becoming law. He would withdraw his motion.

Mr. O'SULLIVAN said, whether the clause were carried or not, why should the hon. member (Mr. Griffith) put the Chairman in a false position? Did the hon. member not know that one motion must be disposed of before another was put? The question was that the clause, as read, stand part of the Bill; but the hon. member since moved that the Chairman leave the chair.

Motion—That the Chairman leave the chair—withdrawn.

Question—That clause 1, as read, stand part of the Bill—put, and the Committee divided:—

AYES, 7.

Messrs. F. A. Cooper, Perkins, Lumley Hill, Hamilton, O'Sullivan, Macfarlane, and Archer.

NOES, 30.

Sir Arthur Palmer, Messrs. McIlwraith, Macrossan, Griffith, Dickson, Pope Cooper, McLean, Rea, Stevens, Miles, Kates, Francis, Foote, Kellett, Baynes, Simpson, H. W. Palmer, Fraser, Low, Grimes, Sheaffe, Bailey, Price, Rutledge, Horwitz, Lalor, H. Palmer (Maryborough), Persse, Garrick, and Macdonald-Paterson.

Question, therefore, resolved in the negative.

On the motion of Mr. F. A. COOPER, the Chairman left the chair.

SELECTORS RELIEF BILL—COMMITTEE.

On the motion of Mr. BAYNES, the House went into Committee to consider this Order of the Day.

Mr. BAYNES moved that the preamble be postponed.

Mr. GRIFFITH said he should like to hear what course the hon. member intended to take in regard to this Bill. As far as he could discover from what was said on the second reading the hon. member intended to abandon this Bill and substitute another.

Mr. BAYNES said that on the second reading he gave the hon. gentleman no reason to suppose that he was going to introduce another Bill; and he had no right to presume so. On the second reading the Minister for Lands suggested that he (Mr. Baynes) had omitted a clause compelling selectors to fence their land; but he considered such a clause inconsistent with the principle of the Bill. If the Committee in their wisdom thought it necessary to make fencing a condition, he should accede to the wish of the majority; but he held that fencing was not necessary. He had travelled about, and had some colonial experience, and had seen districts in the colony settled without fencing being carried out. He mentioned on the second reading that selectors enjoyed no particular immunities any more than other freeholders. He remembered in the case of settlement in the Oxley district that farms were not fenced for a number of years; in fact, there were some there even now unfenced. The hon. member for Oxley could tell them that the farm that his sugar-mill was on was still unfenced, although it had been occupied for something like twenty years. It seemed to him a great injustice to compel a father and son, for instance, or two brothers, or any number of men who were neighbours and were on friendly terms, to fence the whole of their selections before they got their certificate and could go to the storekeeper for stores, or seed, or labour-saving implements, which were now so necessary for farming. He wished hon. members to look this question of fencing fairly and fully in the face. They knew that no Act of Parliament would make a man honest. They knew that no Act that had been passed could prevent dummying. He took it that the object of our Land Act of 1876 was to settle the lands of the colony—to settle people upon them. Fencing did not do that. If they compelled men to reside on the ground it was not necessary. A fence might be taken away, but the land could not be. He had a very vivid recollection himself of the struggles he had during his first three years of colonisation. He remembered that he had a hard struggle to fence in some twenty acres, and that it was not until he had worked hard for three years and cut his way through, so to speak—literally, he might say. The law in Canada was this: that a man might take up a fourth of a mile—160 acres—and if he resided on that land for three years continuously he had a title, but in the meantime he had a certificate that would enable him to raise loans to buy seed or farming implements. He could not get his title to the land until such deeds were granted. Nothing but the residence clause was insisted upon in Canada; but that was imperative, and he held that it should be imperative here. He held that the selector should be the best judge when he should fence and where he should fence. In his travels he found that fencing was not the general rule throughout the world. In Scotland, for instance, they saw hundreds of sheep belonging to different proprietors running on the hills. There was no fencing there; they never thought of it. In Wales, again, and on the borders between England and Scotland, the same condition of things would be found. Go across the Channel into Belgium, they saw no fencing—only a few poplar trees; they saw no post and rail fences. Take France, again: one might travel from one end to the other, and no fencing was to be seen. In America a person could ride hundreds of miles and not see any fencing; but he would see mowing-machines, and reaping-machines,

and such like, at the door of the selector. In Canada the same thing was in force. He thought that if a homestead selector taking up some 160 acres cultivated, say, 20 acres of it in the first two or three years, he should be in a position to raise a loan upon his land. He did not see that the country benefited by a man fencing all round his selection. He could not see the value of that; but he held that if a man cultivated 20 acres it was far better than 160 acres of fencing. Hon. members had been told over and over again that there were such things as travelling fences. They should do all they could to do away with shams in their legislation. They had no right to acknowledge that their laws were inefficient, and that had been done by the Under Secretary for Lands. It was stated from year to year that their laws, as they now stood, were inefficient to prevent dummying; and he said it was a hollow mockery for them to legislate from year to year and then admit that their laws were inefficient. Let them be able to say to the world that what they wanted was residence; that they wanted people to settle on their lands, and they must live there, and might carry out improvements as they thought best. An hon. gentleman asked why was it not in the Bill. It was in the Bill, if hon. members would take the trouble to read it for themselves. He was somewhat surprised at the factious opposition that had been raised to this liberal measure. He presumed it was simply because it came from a Government supporter. He could assign no other reason. He could not see any reason why liberal measures should be treated with such opposition as this had been. He could see nothing in it which could cause the leader of the Opposition to pose himself in that theatrical attitude that he did when the Bill was introduced into the House—a most unstatesmanlike position to take up. He would not be far wrong in stating that he knew through whose instrumentality the Bill had been so grossly misrepresented, and the interpretations that had been put upon those misrepresentations. He would not be far out in guessing from whom those misrepresentations had emanated. He trusted the Committee would divest themselves of all prejudices and give the measure the fair and impartial deliberation which it deserved. It was not an unusual thing in other colonies for the land laws to be constantly revised, and it was necessary, in young colonies especially, that the land laws should be constantly revised, for they required revision as the colony increased; and he failed to see why there should be any jealousy to a measure of this kind, which must in itself benefit the country greatly. He maintained that anything that would tend to the settlement of the people on the lands would of necessity benefit the revenue, and that was what they should aim at. He alluded on the second reading of this Bill to the number of petitions that had been sent in from different constituencies, and those were being backed up by the representatives of the people. And to back these up the Under Secretary for Lands had, as he had said before, sent in reports that the present Act of 1876 was not working well, and, above all, he had advised the Government to wipe off from the statute-book the conditions of the selector; and he (Mr. Baynes) thought that that recommendation and the recommendations of the commissioners under him should induce the Government to respect the petitions which had been sent in from the people. He should not himself introduce any clause, and, as he said just now, he could see no reason why the Opposition should suppose that he should introduce what he considered a retrograde movement. If it was necessary, he would read the clause relating to what he had said about the land laws in Canada. Her Majesty's Government in the Dominion of Canada had now revised the law so that a man could, on payment of the survey fee, take up 160 acres and the pre-emptive right to 160 acres adjoining him for grazing purposes. Here their own laws were almost as liberal. They allowed a man to take up 160 acres of land and gave him five years to pay for it. Well, in the natural order of things, the man was bound to pay for it. But why did they not employ competent immigration officers to go home and say to the people, "All that you have to do is to come out and live with us on the land for five years and you will get your certificate"? Why should they hamper them with these conditions, and say, "You have to do this and you have to do that"? That was what prevented the majority of men from coming here. There were hundreds of thousands of acres of land available for the agriculturist or grazier; but the people would not come out to occupy them so long as they were hampered with conditions other than those imposed upon freeholders generally. The Act, as it stood, was most retarding to the colony, and most impolitic. According to the Act of 1876 selectors were not bound to fence, and it would be a most retrograde movement to compel them to do so. If the Committee in its wisdom thought it desirable to revert to the Act of 1868, which was a better Act for settlement, he should not accede to it, but even that would be in some measure a relief to the selectors. He would again remind hon. members that they were not legislating for any particular district, but for a vast colony. The land laws which might apply well to closely settled districts would not apply to the vast interior, which it was the object of the Premier to settle with a close population. He believed the hon. gentleman was sincere when he stated that it was his intention to do so; and all the legislation passed since had tended towards the close settlement of the Western lands. If the matter were looked fairly in the face, it must be admitted that the present regulations did not conduce to close settlement. There were such things as travelling fences, and the mere fact that the land was fenced did not prove that settlement was taking place.

Mr. BAILEY said he would have been very glad to support a Bill to relieve selectors from the performance of some of the conditions under which they held their land, and he was sorry that he could not recognise in this Bill a measure of that sort. He was at a loss to find out who were the selectors who would be relieved by a Bill of this kind. Report had it that they were very few. If he was not mistaken, some of them were gentlemen of the same name as the hon. member who brought in the Bill, and it was very surprising that anyone of that name should come and ask for relief of any kind. He did not believe that the large selectors required very much relief. Had the hon. member turned his attention to the homestead selectors in his district—men who had been obliged to take up small areas of 160 acres, and had failed to get a living—or had he even included them——

Mr. BAYNES: I have.

Mr. BAILEY said the Bill, as the hon. member knew it must pass, and as the Government would pass it, would not affect those selectors in the least. The selectors of from 1,000 to 4,000 acres would be relieved to the extent of several thousand pounds. The mover had certainly asked the Committee to make some few selectors in different parts of the colony a present of some thousands of pounds. He (Mr. Bailey) held a letter from a constituent of the hon. member, expressing a hope that the Opposition would use their influence, not towards relieving the selec-

tors in the way proposed by the hon. member, but towards extending the homestead areas to 320 acres at least. The writer, when he asked the Opposition to use their influence, evidently despaired of the Government, or of the hon. member, as a supporter of the Government; and he evidently did not know how little influence the Opposition had. He (Mr. Bailey) was quite willing to acknowledge that, to the shame of the other side. This gentleman, the writer, who was equally a selector with the introducer of this Bill, gave tangible reasons why such a proposal should meet with favour. He said:—

"I have a man working for me, and have had for years, off and on, who would gladly settle down in this locality had the areas been larger; but to do so on a paltry 160 acres would be mere folly."

He (Mr. Bailey) quite agreed with the writer that it would be folly in such a district as the Burnett. The writer went on to say that it would be materially to the advantage of the men and of the large selectors that there should be a settled population upon such areas of land, that the men during, at least, nine or ten months of the year could get a livelihood. That was refused by the present land laws, and would not be permitted by this Bill. He looked upon the Bill as merely one of the different measures and schemes coming before the House for the formation in Queensland of very large estates. The result of that system had been very aptly described by Major Butler in his report to the English Government of the state in which he found a large English colony in Africa quite recently. His description so exactly tallied with what was taking place in Queensland that it read almost like a prophecy. He said:—

"In a country as large as Scotland, and with a total white population of a third-rate English town, the Government had no land to give away; some 8,000 individuals were in possession of eight million acres of Natal. Thus immigration has long since come to an end. Land is not to be had for cultivation by the new-comer; and the colony offers small inducement to the journeyman labourer; for Kaffir labour, though irregular and uncertain, is to be had at prices with which no white man can possibly compete. Bad times caused a forced sale of land; and nearly a million of acres passed into the hands of a single company. And so we see a rich country parcelled out into these huge farms, little better than great wastes; a scattered, scanty population, with here and there a small township; and, in the midst, great native locations, thickly peopled by Kaffirs, who give an uncertain supply of labour, earning only enough money to pay their hut tax, and who often plunder the cattle of the neighbouring farmer. Only on the sea-coast, under the Berea hills, are there seen any more populous settlements; and there we have the strange anomaly of coolie labour, introduced at great cost from India, to cultivate the coffee and the sugar in plantations, at which the Kaffir is too idle to work. And so the white population of Natal is little more than 20,000, and is stagnant; while the Kaffirs have multiplied to more than 300,000, and are rapidly increasing in numbers. Who can wonder that a sense of insecurity exists, and that a land held under such conditions is not attractive to the intending emigrant?"

If things in the past, present, and apparently in the future could possibly be described by any man, that was Queensland and not Natal. Large estates were being formed; aboriginal and South Sea Island labour was being employed; and the coolie labour spoken of was about to be introduced, and what had happened in Natal would inevitably follow in Queensland. There would be no introduction of fresh population, stagnation everywhere, a decreasing revenue, a miserable country, very few white people, and a very large number of black men. This would be the consequence of a system being adopted of forming very large estates and neglecting entirely the interests of those who were willing to take up small quantities of land. The small selectors were blocked in every way, and all sorts of conditions were imposed upon them; while the large selectors were exempted from all conditions whatever.

Mr. McLEAN said the hon. member who had introduced the Bill had intimated a desire that the lands should be settled upon in the Colony of Queensland as they had been in Canada, but there was not a single word about Canada in the whole Bill, nor would it have the effect of introducing the principles which were in operation in that country. The hon. member wished to put that issue before the House and the country; but instead of encouraging settlement, the Bill would have quite the opposite effect. The hon. member knew perfectly well that under the Act of 1876 the residence might be by bailiff, and he did not tell the Committee that no such thing was allowed in Canada, where the Government, in alienating the land, secured a population upon it. This Bill would not secure a population, because the large selections might be held, not personally, but by bailiff. If personal residence was insisted upon the Bill would not be so objectionable, but as it stood it would enable individuals to secure large estates without having to go to the expense of living upon them, improving them, or even fencing them in. When the Minister for Lands intimated on the motion for the second reading of this Bill that he intended to introduce a clause providing for fencing being a satisfaction of the conditions, he had thought that the hon. gentleman would have had it prepared and handed round, so that members might have known what the intentions of the Government were in reference to this measure. Seeing that it emanated from a Minister, the hon. gentleman should have done this. He was at a loss to know now what were the Government intentions, and, without doing so, it was impossible that they should deal with the measure. In speaking to the motion for second reading, he stated that if the Minister introduced such an amendment as he indicated, it would destroy the Bill under consideration. This Bill proposed to dispense with the expenditure of all money on land held under the Act of 1876. The principle advocated by the Minister was, that if a good fence were put up it should be sufficient. This Bill, therefore, would have to be withdrawn, and a new Bill would have to be introduced by the Government. He did not see, either, how this Bill would carry out the object of the hon. gentleman who had introduced it. The hon. gentleman saw that his object was to promote settlement on the land. This Bill would not encourage settlement on the land. If the hon. gentleman would introduce personal residence as one of the conditions, then they might consider clause No. 1. If the hon. gentleman would tell them that he meant to introduce a second clause, then the House would know what to do with the Bill; but when they saw the hon. gentleman embody his theory in the Bill, it would be time enough for them to consider it.

Mr. SIMPSON said that he certainly intended to oppose the Bill as it now stood. He had not the slightest intention of voting for it in its present shape and form. He was very much disappointed that the hon. member who introduced it had not done what he had understood it was his intention to do—namely, to introduce some amendment. He (Mr. Simpson) said it was his intention to support any Bill similar to that introduced by the hon. member for Fassifern last session—that was to say, not a Bill doing away with subsection 6 of section 20, and section 43 of the Act of 1876, but a Bill simply allowing fencing to be substituted for the improvements as contained in those clauses. This would simply be giving the selectors two ways of fulfilling their conditions. They might either

choose to fulfil the Act as it now stood, or, by fencing in the whole of the land, fulfil the conditions necessary under the amended law. He would support an amendment to that effect, but not the Bill as it stood, for it amounted to this: that they would do away with all improvements of any sort whatever. Selectors who had got land cheaply simply because they resided on it would have all responsibility to do so removed. He said, therefore, that this Bill would do away with the whole intention of the Act of 1876, without having substituted anything in its place. If the fencing clause were introduced he would support it. If residence were required he would support it. He would, in fact, support strongly what he supported last year—the Bill introduced by the hon. member for Fassifern. But he would not support this Bill. There was no good in mixing up this subject with other things that they might wish to see done—the increase of the homestead area and other matters of a kindred character. It was well known that the Government had half-a-dozen times refused to interfere in these things. The Government said that if they once opened the question at all, from a Government point of view, they would have to open up the whole of the land question. That they refused to do, as they considered it so far settled; and he thought the Government were quite right. If they were not prepared to open up the whole question, they had better not touch it from a Government point of view at all;—but that did not prevent private members from doing small things. He was quite sure that it was very desirable to allow selectors to substitute fencing for the improvements under the Act, and to that extent the measure would have his hearty support. Beyond this he was not prepared to go.

Mr. PERSSE said he had deemed it necessary last session to bring in a Bill similar to this, but providing for fencing being a fulfilment of the conditions. He maintained that it was absolutely necessary that such a provision should be inserted in this Bill. He did not think the land of the colony should be given away to men, without their being put to a certain amount of improvements. That the present conditions were harassing were proved by the reports of the Commissioner for Crown Lands in the Moreton District and other districts, who said that it was unfair and a hardship to the selectors to compel them to expend 10s. per acre on account of improvements, whereas these men might, with benefit to themselves and to the colony, expend the 10s. in a better way in putting stock on the country. He had all through maintained that every person had a better idea of what was for his own welfare, and which was therefore also for the welfare of the State, than anyone else; for, if the selector was prosperous, it was good for the colony, and if he was not so the colony suffered from it. If he thought that his best plan was to fence his land in and put stock on it, he should be able to do so. He (Mr. Persse) thought that the first improvement after the house, should be a fence all round the place, for it enabled the man to live in good fellowship and harmony with his neighbours. If he had no fence he would be continually at war about his cattle. This was why he brought in his Bill last session, and he hoped the hon. member for Burnett would listen to the good sense of the House, and allow such a clause to be inserted in his Bill. The hon. member for the Logan had given the House a long dissertation how this Bill would benefit the large proprietors, but not the small men—and the hon. member took the same view last session. The hon. gentleman said he had no right to bring in such a Bill, and that it ought to have been brought in by the Government. He (Mr. Persse) maintained that it was not so, and the Minister for Lands – he believed, with the consent of the Government—considered the Bill so brought in, a fair and legitimate one for a private member to introduce. And had it not been for the factious opposition shown by the members of the Opposition, the Bill would have passed through. Not a single member, except the Brisbane clique, voted against the Bill, excepting also the member for Maryborough. This was done simply because he had brought in the Bill, and because it was supported by the Government. For no other reason. The hon. member for Logan said that it would only benefit the big men, and not the small ones. He maintained that it would benefit every man. In a speech of the hon. gentleman's, last session, he said:—

> "There were many instances of selections on the banks of rivers where £20, £30, or £40 would be sufficient to substantially fence in 2,000 or 3,000 acres."

Now this hon. gentleman was Minister for Lands for a short time. Thank goodness it was not for long. And he certainly must have read the Land Act very badly, because no commissioner would grant a certificate that the conditions had been fulfilled unless the fence was a good and sufficient fence, and no one could do it with £20 or even £40. He could say this for a certainty, as he himself had had to put up nine miles of useless fencing. He believed that the Bill before the House would be for the good of the colony, and that it would be a benefit to the selector if the hon. member in charge of it would listen to the good sense of the House, and allow fencing to be the substitute.

Mr. ARCHER said that it was perfectly evident that if this Bill went to a division as it was, it would not be supported by a single member of the House. When, last year, the hon. member for Fassifern introduced a Bill for the relief of selectors he (Mr. Archer) supported it with all his power. He did so then because he believed it would be an advantage to the whole country in saving an expenditure which brought no return to those who laid out the money. He would support a similar measure this year most strongly, because there was nothing more earnestly impressed upon him by his constituents—the majority of whom were selectors—than that he should attempt to get such a measure as this before the House, and make fencing of a substantial character a sufficient fulfilment of the conditions. If the hon. member for Burnett adopted the suggestion of the hon. member for Logan, he would not vote for the Bill. He did not think there could be a greater injustice than to force personal residence on the land. When Mr. Chief Justice Lilley was speaking on this question he commented on the injustice, when a country was thrown open for selection, of prohibiting a man from taking land and improving it unless he went and lived upon it. It would be a great mistake, and would prevent all townsmen from selecting. He hoped the hon. gentleman in charge of the Bill would at once announce what amendment he was prepared to accept, because he was convinced, from what had fallen from hon. members, that there was not the slightest chance of the Bill passing in its present form. He did not think the hon. member would get one single person to vote for it.

Mr. McLEAN said he would not charge the hon. member for Blackall with misrepresenting, but he certainly had misunderstood him. The reason that he referred to residence was because the hon. member in charge of the Bill wanted the same principle adopted in Queensland which was adopted in Canada, where residence on the land was a necessary condition. In the speech which the hon. member had made light of, he repeatedly made use of the phrase "personal

residence;" and that was the reason why he (Mr. McLean) made use of the statement which he had made.

Mr. ARCHER said he had misunderstood the hon. gentleman.

Mr. GRIMES said it was an unfortunate thing that the hon. member for Burnett had, on behalf of the selectors, introduced a Bill of this kind. They all knew his patriotic disposition, and that he would be willing to sacrifice everything for the good of his adopted country; but it was unfortunate that he had not taken advantage of some other hon. member to introduce this Bill for him. It should be well known that the hon. member was a large selector himself. When they looked at the *Gazette* for March they saw his name figuring in several places. Now, outside people would not give him credit for the amount of patriotism which was due to him when they came to see that some 11,800 acres were standing in his name or in the name of his family, and they would argue that if this Bill were passed he would make at least about £3,000; or, if the land was extra good, and he had paid 10s. an acre for it, he would be some £5,000 in pocket. Unkind people would, no doubt, take this into consideration, and would not give the hon. member credit for the amount of patriotism which hon. members would be prepared to give him, and it would have been better if he had left this Bill for some other hon. member to introduce. He (Mr. Grimes) was very glad that the hon. member was prepared to stick to his opinions and let the Bill stand or fall by this clause. But he did not think it would be to the advantage of the selector to accept fencing as an improvement.

Mr. BAYNES rose to a point of order. The hon. gentleman had put words into his mouth which he had not uttered. What he said was that if the Committee considered fencing desirable as an improvement, well and good.

Mr. GRIMES said he understood the hon. gentleman to say that he would not allow hon. members to alter the Bill in that way.

Mr. BAYNES: I said nothing of the kind.

Mr. GRIMES said he certainly understood that, but if the hon. gentleman denied it he, of course, accepted his denial. If fencing was to be one of the conditions it would in no way benefit the small selector. If the stock of a small selector went on the run of a leaseholder they would be impounded; but if the stock of a leaseholder went on the run of the small selector, they knew very well that he had no chance of impounding. The hon. gentleman had referred to him (Mr. Grimes) as occupying land unfenced. If other people were occupying land on the same conditions as his, he was very pleased to allow them to do so. The land that he occupied had all been bought by auction, no conditions whatever being attached; and, to their great disadvantage, they had to pay between £4 and £5 for a good deal of land which had now been sold by the Queensland Government for about £1, and in some cases for 10s., an acre under the improvement conditions. If this clause were passed, it would be tantamount to reducing the value of land 50 per cent. When people bought their land and had paid their rents, and had fulfilled the conditions, it had cost them at least £1 an acre; but if they passed this Bill the land adjoining would probably be sold for 10s. an acre, reducing the value by 50 per cent. and no conditions. It would be very unfair to those who had selected and had fulfilled the conditions to forego those conditions with respect to others. He sincerely hoped the Bill would not pass. It was just opening the way for large capitalists to invest their money in land and keep it unoccupied, which was far worse than letting it out to pastoralists, who would occupy it if not improve it. The whole land legislation of the country ought to be to prevent persons obtaining such large estates. During the past twelve months he had noticed that one individual had obtained land to the amount of 34,000 acres, and that was done by the Government reducing the upset price of land. He should certainly oppose this clause.

The MINISTER FOR LANDS would like to ask the hon. member for Burnett whether he was prepared to accept an amendment to the Bill making fencing a fulfilment of the conditions. If the hon. gentlemen would do so, he (Mr. Perkins) could only say for himself and on behalf of his colleagues that they would support it. Perhaps the hon. gentleman would have the goodness to answer that question at once.

Mr. BAYNES thought he had made himself plain on the second reading of the Bill, and also to-night. He did not think it would be consistent for him, in bringing in this Bill, to inflict any conditions on selectors; and he again repeated that if, in its wisdom, this Committee wanted an amendment of that kind—though he could not himself propose it—he would not oppose it. He might mention that he had not consulted one hon. member of this Committee. He had not sought their assistance in any way, because he knew full well that every hon. member had a Bill in his pocket, so to speak. Had he paid attention to the many suggestions made by his constituents, there would be no possible chance of passing the Bill in anything like its present form. He had understood that it was the intention of some hon. members to propose an amendment to the effect that fencing be a sufficient improvement. He should not oppose that; but at the same time it would not have been consistent for him to have made it a portion of his Bill, or to move an amendment to that effect.

Mr. McLEAN said that before the question was put he should like the ruling of the Chairman on a point of order. The hon. member for Oxley had informed the House that the hon. member who introduced this Bill was a selector. He (Mr. McLean) occupied the same position, and, no doubt, also many other members. He would, therefore, like the ruling of the Chairman on Standing Order No. 120, which was as follows:—

"No member shall be entitled to vote upon any question in which he has a direct pecuniary interest, and the vote of any member so interested shall be disallowed."

Mr. BAYNES said it was almost impossible to legislate on any subject in which some hon. members had not a pecuniary interest. There was scarcely a member of this House who would be able to vote on any question if that course was adopted. The subject had been pretty well gone into on the previous night, when the leader of the Opposition accused the Ministry of fraud: it was nothing else than that.

Mr. SIMPSON thought that, as the hon. member was not going to move an amendment, the sooner they went to a division and threw the Bill out the better.

The CHAIRMAN, in giving his ruling, read the 120th Standing Order. He said that this question had been brought up before, and had always been dealt with in this way:—

"In the Commons it is a distinct rule that no member who has a direct pecuniary interest in a question shall be allowed to vote upon it; but, in order to operate as a disqualification, this interest must be immediate and personal, and not merely of a general or remote description."

This was a matter of general interest, and therefore he ruled that the hon. member could vote

on the Bill. If a member was disqualified from voting as a lessee of Crown lands he would not be able to vote on any question connected with land.

The MINISTER FOR WORKS said the question before the House was that the preamble be postponed. Surely any member could vote on that.

Mr. KELLETT said that the preamble must be postponed before any amendment on the Bill could be moved. The hon. member who had brought in the Bill had stated that he would not oppose any amendment making fencing an improvement, and he (Mr. Kellett) thought it was very probable that the House would accede to it.

Question—That the preamble be postponed—put and passed.

Mr. BAYNES moved that clause 1 stand part of the Bill.

Question put, and declared negatived.

Mr. KELLETT said he was prepared to move an amendment; but whether he was too late or not he would leave to the ruling of the Chairman.

Several HONOURABLE MEMBERS: What are you going to move an amendment on?

Mr. McLEAN moved that the Chairman do now leave the chair.

Question put, and House divided as follows:—

AYES, 19.

Messrs. Griffith, McLean, Dickson, Rea, Aland, King, Rutledge, O'Sullivan, Horwitz, Bailey, Macfarlane, Miles, Fraser, Francis, Beattie, Kates, Foote, Grimes, and Garrick.

NOES, 23.

Sir Arthur Palmer, Messrs. Pope Cooper, McIlwraith, Macrossan, Persse, Baynes, Perkins, F. A. Cooper, Lalor, Macdonald-Paterson, Hamilton, H. Palmer, Simpson, Sheaffe, Black, Price, Stevenson, Kellett, Stevens, Lumley Hill, Norton, Archer, and H. W. Palmer.

Question, therefore, resolved in the negative.

Mr. KELLETT moved the following new clause, to follow clause 2 of the Bill:—

"Every selector who has enclosed the whole of his land with a good and substantial fence to the satisfaction of the Commissioners, shall, notwithstanding anything to the contrary in the 28th and 43rd sections respectively of the Crown Lands Alienation Act of 1876, hereafter be deemed to have fulfilled the conditions of improvement prescribed therein."

This question came before the House last session, when some hon. members took up a line which they had, no doubt, reconsidered and found to be wrong. The line they took up was that this clause was for the benefit of the large selectors and not for the benefit of the small selectors. That was entirely wrong. Except homestead selections, there were very few of less than 320 acres, and very few as small as that. No matter how big the selection was, the selector had to spend 10s. an acre on it; and it was not right to ask a man to spend his money in useless improvements. He had a stronger reason for moving this clause. In the Act of 1868, which was the best ever passed in the colony, and which had settled more people on the land than any other, was the very clause he wished to substitute for the clause just negatived, only in other words. The Act of 1876 was retrogressive, and much worse for the people and for settlement than that of 1868. In the 51st clause of the Act of 1868 was the following subsection:—

"7. If within three years from the date of selection of any agricultural land the lessee shall prove by two credible witnesses to the satisfaction of the commissioner that he or his bailiff has resided on the land for a period of not less than two years and that he has expended a sum equal to ten shillings per acre on the land comprised in such lease or if at any time during the currency of any such lease the lessee shall prove by two credible witnesses to the satisfaction of the said commissioner that he has cultivated one-tenth part of the land or if within three years from the date of selection the lessee shall prove by two credible witnesses to the satisfaction of the said commissioner that he or his bailiff has resided two years on the said land and fenced in the whole with a good and substantial fence then the said commissioner shall issue to such lessee a certificate that he has duly complied with the conditions of this Act and the said lessee shall be entitled to a grant of the land in fee-simple on the payment of the balance of the ten years' rent."

He held that was a very advisable clause. A man could do whichever he liked. When he took up land there were certain conditions to fulfil: he must lay out 10s. an acre if so minded; and, if not, he could enclose the land. That put a stop to buying land for speculative purposes; because as soon as a man fenced his land he was bound to utilise it either by cultivation or by stocking it. That was the reason why he and other hon. members wished to substitute this clause. He represented an inside constituency, where there was a larger number of small selectors than in any other part of the colony; and he knew that nineteen-twentieths of his constituents were in favour of this clause. If he did not think so he would not move it; but he was sure that they would be satisfied with his action. And every intelligent member would be satisfied that this clause would be a great improvement. One argument used very strongly last session was that such an amendment as this should be brought in by the Government; but he took it that they had not done so because, if they took an Act in hand, they would find other clauses which required amendment, and that the only thing they could do would be to repeal the old Act and start a new one. But the Government, in their wisdom, did not think the time had arrived for such a change; and advisedly so, because it was not a good thing to be tinkering too often with the land laws of the colony. When they thought it necessary, in the interests of settlement, they might think it advisable to bring in a new Bill. But in the meantime he did not see why any private member should not, if he saw the necessity, move such a clause as he proposed.

Mr. GRIFFITH asked whether it was regular to bring in a new clause when the Bill had been negatived? The practice of Parliament was to give leave to introduce a Bill; it was then read a first time, then it was printed, then read a second time, and afterwards considered in committee. With respect to the clause they were asked to consider, the whole of the preliminary stages were omitted, and they were beginning in committee. Not a single member but the member who moved it had seen the clause which was to be substituted for the Bill, which had been unanimously negatived. This course was not within the principle of the rules of the House; and it was not competent, when a Bill had been negatived, to bring in a different Bill in its place. No amendment of any kind could now be put.

The PREMIER said the only question was whether the new clause was within the scope of the Bill. The hon. member (Mr. Baynes) avowed that he allowed the clause to be negatived in order to allow the hon. member (Mr. Kellett) to bring forward his new clause, which was distinctly an amendment to the Bill. It was quite common to do this. There was not a Bill passed through the House in which there were not amendments altering the original Bill quite as much as the amendment proposed. The only point to decide was—Was this amendment within the scope of the Bill?

The CHAIRMAN: The 229th Standing Order says:—

"Any amendment may be made to a clause, provided the same be relevant to the subject-matter of the Bill."

I hold that the clause now moved is relevant to the Bill. The preamble of the Bill sets forth:—

"It is desirable to amend the law relating to selection under the Crown Lands Alienation Act of 1876."

Mr. GRIFFITH said, according to that view, the hon. gentleman was competent to bring in a new Land Bill without giving notice of what it was to be. That might be the rule, but was it consistent with the ordinary conduct of their proceedings? Were changes to be made without hon. members being allowed to see what those changes were? Why did not the Government take the responsibility? Here was a clause proposing to alter the land law, and nobody knew what it was. They were asked to swallow it without asking questions or ever seeing it. The hon. gentleman in charge of the Bill—the hon. member for Burnett or the hon. member for Stanley—ought to postpone it. He had not been able to discover who was in charge of the Bill; but the Minister for Lands ought to be. How was it possible to criticise the clause without seeing it? The land laws were not so simple that they could deal with amendments without seeing them.

The COLONIAL SECRETARY could not see how the hon. member could say he was surprised in any way. On the second reading the Minister for Lands gave fair notice that if the hon. member (Mr. Baynes) did not introduce a clause exactly similar to this—taking fencing for an improvement—he would do it himself; so that there would be no surprise. It was well known that the Minister for Lands stated distinctly, on the second reading, that he would not agree to the Bill as introduced by the hon. member for Burnett, and if nobody else had moved an amendment to the effect that fencing should be taken as an improvement he would move it himself. Where was the surprise, he would like to know? And he should like to know, also, any Bill that ever went through the House which had not had very thorough amendments made in some clauses? It was one of the most common things to be seen to negative a clause in order to substitute a new one. It had been done over and over this session.

Mr. McLEAN called attention to Standing Order 229, which dealt with amendments to a clause, but did not provide for new clauses forming a new Bill. It said:—

"Any amendment may be made to a clause, provided the same be relevant to the subject-matter of the Bill, or pursuant to any instruction, and be otherwise in conformity with the rules and orders of the House; but if any amendment shall not be within the title of the Bill, the Committee shall extend the title accordingly, and report the same specially to the House."

That referred to an amendment as a clause; but this was not an amendment; it was practically a new Bill altogether.

The COLONIAL SECRETARY said the rule, as read by the hon. member, went even further. It said that, even if the new clause were not within the title, the Committee had power to extend the title. The very same rule that the hon. member had read showed that he had not a leg to stand upon. This amendment was fairly within the title of the Bill; and even if it was not, the Committee had power to extend the title.

Mr. McLEAN maintained that it was not an amendment to the clause; it was a new clause altogether. The Colonial Secretary did not, evidently, understand it. The amendment was a new clause altogether, constituting an entirely new Bill, and entirely a departure from the principle of the Bill that the hon. member for Burnett had introduced. He asked the ruling of the Chairman upon rule 229.

The PREMIER said that the Chairman had already given his ruling upon that point. There was no new point of order. If the hon. member insisted on that construction being put on it, it would be quite impossible to introduce a new clause into any Bill. The hon. member's contention was that he could not introduce a new clause into a Bill, but that there might be an amendment. Every new clause was an amendment of a Bill.

Mr. McLEAN said his contention was nothing of the kind. His contention was that the new clause made an entirely new Bill. There was no Bill before the House. There was a preamble and a short title, but no Bill. The whole of the Bill was embodied in the clause that had just been negatived. He perfectly understood that a new clause could be introduced into a Bill, but the Bill must be in existence.

The CHAIRMAN said that he had already given his ruling upon the 229th Standing Order. He would point out to the hon. member the 233rd Standing Order, which was to the following effect:—

"After every clause and schedule has been agreed to, and any clauses added which are within the title of the Bill, or pursuant to any instruction, the preamble is considered, and, if necessary, amended; and a question is put 'That this be the preamble of the Bill.'"

He held that the new clause which had been proposed was within the title of the Bill.

Mr. O'SULLIVAN said they had no Bill, and therefore they could have no title to the Bill. While he was up he might as well put himself right about this Bill. He had looked over this matter since last year very seriously, and should be very willing to go for a clause substituting substantial fencing on pastoral lands in the colony. That was the extent to which he would go.

The MINISTER FOR LANDS: You change your mind very often.

Mr. O'SULLIVAN said he had never changed his mind. He was prepared to go for substantial fencing on pastoral land. If he went for substantial fencing on agricultural land, there would not be a bit of land in East or West Moreton, or within 200 miles of them, that would not be taken up within the next year or two; and he thought it was a very serious matter. With regard to the decision of the Chairman, he was dissatisfied as usual. He perfectly agreed with the Colonial Secretary, that they could knock out a clause and substitute a new one. But that was in a Bill, and here they had no Bill. They had swallowed what was in it. The whole Bill consisted of one clause, and they had negatived that clause. If those gentlemen, who wished to carry out this had, when that clause was proposed, proposed amendments, they would have been within bounds, and he should have supported them as far as he had said. Being under the impression that the decision of the Chairman was wrong, as usual, he begged to appeal to the Speaker for his decision. He therefore moved, that the Chairman leave the chair, and refer the point of order to the Speaker.

The PREMIER: What point of order is it?

The CHAIRMAN said the point of order was, whether the clause could be put or not.

Question put.

Mr. PERSSE said that it seemed to him a very extraordinary thing that last session the

hon. member (Mr. O'Sullivan) took up some whim or fancy of his own to block the Bill when it was before the House, and from conversation he had with the hon. gentleman he seemed to be very much in favour of the Bill this session; but he could not possibly take greater pains than he was doing at present to block the Bill. He certainly thought that any person who had the interest of the colony at heart would support the amendment as introduced by the hon. member for Stanley (Mr. Kellett). It was a fair one, and the majority of the House were in favour of it: and he could not see, therefore, why it should be blocked in this way by the hon. member for Stanley (Mr. O'Sullivan).

Mr. O'SULLIVAN said that the only part he had taken in this matter was to listen. He had been here all night listening to this humbug of a Bill, and not one single word had he said; and the only thing he said now was to appeal from the ruling of the Chairman to the Speaker. Was that blocking the Bill? If so, it was a very curious way of blocking it. He had said how far he would be prepared to go, and would give his vote for substituting a substantial fence upon pastoral land for the conditions of selection. What had just passed convinced him that he did very wisely in keeping quiet to-night, because he was sure that if he had not done so he would have been in for it, and, from what was said, it appeared he would have got a good fleecing. He was particularly cautious not to say anything. He believed the hon. gentleman got up ready for a fight, but he (Mr. O'Sullivan) was not on.

Question—That the decision of the Chairman be referred to the ruling of the Speaker—put, and the Committee divided :—

AYES, 24.

Messrs. Griffith, McLean, Rea, Dickson, O'Sullivan, Macdonald-Paterson, Sheaffe, Rutledge, Bailey, Persse, Miles, Beattie, Kates, Foote, Hamilton, Grimes, Aland, Black, Weld-Blundell, Garrick, Francis, Horwitz, Fraser, and Macfarlane.

NOES, 14.

Sir Arthur Palmer, Messrs. McIlwraith, Baynes, Pope Cooper, F. A. Cooper, Perkins, Archer, Lalor, Price, Simpson, H. Palmer (Maryborough), Kellett, Stevens, and H. Wyndham Palmer.

Question, consequently, resolved in the affirmative.

The SPEAKER resumed the chair, and the Chairman reported his ruling.

Mr. GRIFFITH said he had raised the question. The Bill consisted of one clause only, and a short title; and the only enacting clause had been negatived.

The COLONIAL SECRETARY pointed out that hardly a Bill came before the House of which some clause was not negatived with the view of inserting a new clause. So long as the clause was within the title of the Bill the Chairman could put it, and was bound to put it, and even if it were not, the committee would have it in their power to extend the title to provide for it.

Mr. F. A. COOPER said the rules of this House were, he believed, identical with those of the New South Wales Assembly, and a somewhat similar case had recently occurred in that Legislature. The case occurred in the course of a debate on the Legal Practitioners Bill, and it was thus reported in the last issue of the *Sydney Morning Herald* to hand :—

"Mr. J. P. ABBOTT asked if the amendment was in order, as it was not in accord with the title of the Bill, namely: 'To extend the right of attorneys of the Supreme Court of New South Wales, and to facilitate the admission of barristers of that Court as attorneys thereof.'

"Mr. WISDOM said that the amendment was quite admissible, as the title of the Bill could be altered to cover the amendment.

"Mr. FOSTER contended that the amendment was absolutely within the title of the Bill.

"The CHAIRMAN said that in his opinion the amendment was quite within the scope of the Bill."

This being a new clause, the title of the Bill could, as the Colonial Secretary pointed out, be extended to cover the new clause.

Mr. REA said if hon. members would exercise their common sense they must see that the cases were not analogous. There was something left of the Bill referred to in the discussion in the Sydney Assembly, but there was nothing left of this Bill, its only clause having gone from it. If the amendment had been brought while there was something of the Bill, he could have understood it.

Mr. RUTLEDGE said that there was an essential difference between the case cited by the hon. member for Cook and the present case. In the former, a member moved an amendment, and it was decided that the amendment was not so far beyond the scope of the Bill as to be beyond the power of the committee to substitute it for the original clause. In the cases cited by the Colonial Secretary also, it should be borne in mind that there was always some portion of the enacting clauses of the Bill before the committee to constitute the thing a Bill. But in the present case the only enacting clause—the pith and marrow of the Bill—was entirely gone, and there was nothing left. In accordance with the spirit of the Standing Orders of the House, the only course open now was to give a fresh notice, as the Bill was, to all intents and purposes, a new Bill.

The PREMIER said there was not the slightest doubt that the committee had power to introduce a new clause, whether notice was given or not; but, if no notice was given, they might reasonably insist that the consideration of such clause should be postponed to a later date. The right of the committee to insert a clause which was within the scope of the Bill could not be disputed; and they had also the power of inserting a new clause beyond the scope of the Bill by amendment of the title. The point raised was, that in the case of a Bill consisting of only two clauses, if the first were struck out no other could be inserted. That amounted to a contention that it was beyond the power of the committee to amend a Bill of two clauses; and that if one clause was struck out, avowedly to be replaced by another, as in this instance, no further amendment could be made.

Mr. BAILEY said this was not really a Bill of two clauses, but of one clause and a second, which was merely the title of the Bill. When the 1st clause was negatived, the Bill was negatived.

Mr. ARCHER said it was very difficult to prove when there were two clauses in a Bill that the Bill consisted of one clause only. There were two clauses here, and, as the second contained one of the essentials of a Bill, he did not see how any Bill with less than two clauses could be in accordance with the rules of the House. This was absolutely a mistake about numerals.

Mr. O'SULLIVAN said he had never heard so much special pleading about nothing. There was one clause which had gone, and there was the name of that clause which remained. That was the whole sum of it.

Mr. SCOTT said he held that the new clause was in conformity with the 229th Standing Order, which provided that amendments must be relevant to the subject matter of the Bill. He also held that, being relevant, it might be added to the Bill in accordance with Standing Order 223. The clause negatived dealt with

section 43 and section 28 of the Crown Lands Alienation Act of 1876, and the new clause also dealt with those two sections, and those only. The preamble of the Bill said that it was desirable to amend the law relating to selection under the Crown Lands Alienation Act of 1876. The proposed new clause dealt with that subject, and only with the special clauses mentioned in the clause that had been struck out. He had, therefore, held that the new clause was admissible.

The SPEAKER: There is no doubt whatever that a new clause can be introduced in committee; the question now appears to be whether the whole subject matter of the Bill can be discharged, and further clauses then inserted; or whether the adoption of that course would not be virtually the same as originating a new Bill in committee, and avoiding all the preliminary stages through which all Bills are required to pass. Our Standing Orders do not provide for any such case as the omission of the whole subject matter of the Bill. In "May," page 508, I find that—

"When it is proposed to make extensive alterations in a Bill in committee, it is usual to commit it *pro formâ* and after inserting the amendments to recommit it for consideration."

And further on:—

"When a Bill has been committed *pro formâ*, it is not regular to introduce, without full explanation, amendments of so extensive a character as virtually to constitute it a different Bill from that which has been read a second time by the House and committed. In 1856, the Partnership Amendment Bill having been committed *pro formâ*, it was extensively amended; but no amendment was inserted which it was not clearly competent for the committee to entertain; yet, when an objection was urged that it had become a new Bill, the Minister in charge of it, while denying the alleged extent of the amendments, consented to withdraw the Bill. When the amendments affect the principle of the Bill, the more regular and convenient course is to withdraw the Bill and present another."

I certainly must hold, in my own opinion, that the introduction of the new clause proposed in committee in place of the only enacting clause would constitute this a new Bill, and that, therefore, it should be introduced in the proper way, and that it would not be proper to introduce it by the omission of the whole substance of this Bill, and the introduction of the new clause.

The SPEAKER then left the chair, and the Committee resumed.

On the motion of Mr. BAYNES, the Chairman left the chair.

PASTORAL LEASES.

On the motion of Mr. NORTON, the House went into Committee to consider the desirableness of introducing a Bill to amend the Settled Districts Pastoral Act of 1876.

Mr. NORTON moved—

1. That it is desirable that a Bill be introduced to amend the Settled Districts Pastoral Leases Act of 1876.

2. That an address be presented to the Governor praying that His Excellency will be pleased to recommend to the House the necessary appropriation for giving effect to such Bill.

Question put and passed.

The resolution was reported to the House and adopted.

THE DARLING DOWNS ESTATES.

Mr. KATES moved that the following motions, standing in his name, be postponed for a fortnight:—

1. That an Address be presented to the Governor, praying that His Excellency will be pleased to recommend that a sum of £500,000 be placed on the first Loan Estimates, to provide for the gradual recovery, either by repurchase or exchange, of the large arable Properties now held by private Landowners on the Darling Downs, adjacent to the Southern and Western and projected Warwick and Killarney Railways.

2. That, in the opinion of the House, it is desirable that such Lands, when so repurchased by Government, be dealt with under the provisions of the Exchanged Lands Act of 1879, for purposes of Settlement by way of Selection.

The PREMIER said that he thought this Order of the Day had been long enough on the notice-paper, and the sooner it was disposed of the better.

Mr. GRIFFITH: Fair play.

The COLONIAL SECRETARY: We'll give you fair play.

Mr. GRIFFITH: Don't wait till everyone has gone home.

Mr. STEVENSON: Fetch them back again then.

The PREMIER said that the hon. gentleman, before he made such remarks as he had, should remember by what a majority these motions were carried—on a night when the Government benches were thin, and Opposition mustered pretty strongly; nearly everyone who rose to speak to the motion spoke against it, but in order to encourage the hon. member, and to snatch one of those victories which counted on paper against the Government, they voted for it. Members declared that it was not their intention to allow it to be carried further. He did not think that a motion of this sort was a creditable thing on the notice-paper at all, and he thought it would be a satisfaction, not only to the members on the Government side of the House, but also to those on the other side, to see it taken from the paper. He knew that it had already done a great deal of harm. It had already got into the Southern papers, where he saw it quoted in the telegrams that the Government of Queensland were going to spend £500,000 to buy the land on the Darling Downs from the large landed proprietors to give to the free selectors. Nothing could do greater harm than that—to think that out of their large territory they had not enough land for the farmers without being obliged to do as they had done in Victoria—burst up the big estates. Surely then it would be the wish of every member of the House to take the first opportunity to wipe this motion off the paper. Nor was it only in the other colonies that the motion was looked on seriously. It was believed in by some people here, because since the resolution was carried he had had offers from several of the large landed proprietors to sell their estates. That was the natural result of the carrying of the resolution, and the result which the Government predicted. The Government said that would be the immediate result. The leader of the Opposition said that it would not be so, giving as his reason that it was a part of the work of the Government to teach the large landed proprietors their duty—to teach them that they had duties to perform as well as the right of property to hold. The leader of the Opposition thought they should teach it in this way. The immediate result was that they immediately improved the value of these estates in the opinion of those who wanted to sell. With every desire to see legislation tending in the direction indicated to teach them that they had duties as well as privileges, he had no desire to see it tortured into buying them out altogether, and especially by the Government putting themselves in such a position as to have to buy at an exorbitant price. He was perfectly satisfied that not one-tenth of the members of the House seriously contemplated the Government being obliged to buy these estates in the way that was proposed the other night, and therefore he felt he would be supported by nine-tenths of the members of the

House in moving that this notice be discharged from the paper.

Mr. GRIFFITH said he had never seen a trick of this kind tried to be played before. He declined to discuss the merits of the matter at all. It was simply a trick—a despicable trick. He had not much opinion of the Government; but when several members on this side of the House had asked him if it was possible that the Government could contemplate such a thing as this, he had taken upon himself to say no, they could not.

The COLONIAL SECRETARY: Government agent.

An HONOURABLE MEMBER: And you were sold.

Mr. GRIFFITH: And he was sold. The resolution was not carried by an accidental majority. It was the practice of the House that no business should be entered upon on a private members' day at such a late hour—certainly not for the Government to discharge an Order of the Day from the paper which they did not like. If the motion were carried by an accidental majority, why not wait till it came on in its ordinary course, and the Government, if they had a majority, could then deal with it on its merits. Several hon. members had gone away on his guarantee. Low as the Government had descended, he would never have believed that they, or any other Government, would have descended as low as this. In the future he would believe anything that was said of them. They had already once this evening endeavoured to stifle fair play. But they failed then, as fortunately there was a sufficient majority of the House to insist upon his having fair play. He thought the hon. member who put this motion on the paper was entitled to fair play. Were the Government afraid of the motion before the House?

The COLONIAL SECRETARY: Not a bit.

Mr. GRIFFITH: Then why take this miserable despicable means of having it discharged from the paper? The Government knew they had a majority because so many members had left this side of the House. The Government seemed to have lost all sense of fair play and fair dealing. Let it be so. The more they wrote themselves on the annals of the colony as lost to all sense of fair play and fair dealing, perhaps, the better, for the less time would they have to exhibit themselves in the eyes of the public in such a way. He was asking for ordinary courtesy and fair play, and he hoped it was not going to be refused.

The COLONIAL SECRETARY said he was very much afraid that the hon. member for North Brisbane had lost his temper. It sounded remarkably like it. The language that he used might almost have been taken down. He did not think "despicable" was exactly parliamentary language, coming from such a mild-spoken man as the hon. member. But they could afford to hear his truisms—they knew them by heart. Was it despicable the other night for the hon. gentleman to snatch what he considered a victory when he found the Government benches nearly empty; and when he, who had opposed the resolution of the hon. member, took advantage of that emptiness to snatch that victory, which he knew could have no effect, by voting against his own principles, knowing that every member on his side of the House had spoken against the resolution though they afterwards voted for it? He had the honour of beating the Government on that occasion. Every paper which had written anything on the subject, and that knew anything of it, knew that the victory was obtained on a night when many of the Government members were not present. He (Sir A. Palmer) thought that it was despicable for the hon. member to support a resolution merely for the purpose of snatching a paltry victory of that sort, after he had expressly stated that he did not approve of the object of the motion. Now that motion had done no harm in this House whatever, as stated by his hon. friend the Premier; but it had done an immense deal of harm in the colony, particularly in the district of the Darling Downs, which the hon. member who moved it represented. Why, the *Warwick Examiner*, a paper which he did not take, was sent to him expressly from the office to show what a victory had been gained over the Government, and it was laid down in that leading article that the question was carried, and that there was nothing more to be done. The hon. member had carried his motion; the Government were to expend £500,000 for the purpose of buying those large estates, and the inhabitants of the Downs were congratulated on the glorious days that were coming as the result of the motion of the hon. member for Darling Downs. This subject had been telegraphed to the neighbouring colonies, as stated by the Premier; and it was the duty of the Government to wipe this motion from the paper at the earliest opportunity, and that opportunity was the moment when it was called on. As for allowing it to stand over on the paper for another fortnight, the Government, so far from doing anything despicable by opposing it, would be deficient in moral courage—despicably deficient—to allow it to remain on the paper for another fortnight, and so give the neighbouring colonies to believe that they were going to sanction such a motion. The hon. member said that some of his party had gone away. What difference did that make to the question? The hon. member knew he would be beaten, if he had every man present, and if every man voted on his side; he knew he would be beaten on this question. But why did they go? It was their duty to remain here. If they thought it was better to go away to catch the train, they must abide the consequences. If they wanted to know what were the intentions of the Government, they should have asked the Premier; though, certainly, they ought to be highly complimented by the hon. gentleman acting as the Government agent, and assuring his friends that the Government would not go on with this motion.

Mr. GRIFFITH: Could not go on with it.

The COLONIAL SECRETARY: They were intensely obliged to him, and, indeed, they might give him a special retainer, so that he might always be able to tell his friends what the intentions of the Government were. He maintained it to be the duty of the Government on the first possible occasion, to wipe this disgrace from the notice paper, and let the country know what they really meant.

Mr. HAMILTON said he must compliment the leader of the Opposition on his performances as an actor. The virtuous indignation which he had just expressed was no doubt meant for the readers of to-morrow morning's *Hansard*. It was very affecting, but it would not go down with those who were behind the scenes. The statement of the leader of the Opposition that members of his side who had left had done so because they were under the impression that the present motion would not come on to-night, had the disadvantage that it was not founded on fact. Very few Opposition members had left, and he (Mr. Hamilton) was present and heard two of them told that the present motion was coming on to-night. They were told this by a Government member, but they preferred going home to their beds to remaining in the House, knowing very well that the Government was so strong to-night

that there was not the slightest chance of again snatching a division if they remained as they did last week.

Mr. SIMPSON said he was very glad to be present to-night, so that if this matter came to a division he might record his vote against it. He was not in town last week, and had not an opportunity of voting against it, or certainly he would have done so. The leader of the Opposition had been very virtuous in his indignation, but he (Mr. Simpson) saw him go to the members as they were leaving the House and have a discussion with them on the point. It was self-evident that three or four members, whose names he could mention, were having a discussion on the desirability of their remaining or not. If the hon. member told them to go home so that he might act in the way he had done, and show his virtuous indignation at the enormity of the action of the Government, well, he (Mr. Simpson) could only say that it was a piece of very good acting. If the members went away in spite of him, it showed how disorganised the Opposition was; so that, take it either way, it was not very creditable to the leader of the Opposition. He trusted that the arguments used in favour of the motion the other night would be brought up by the Minister for Works, and he trusted that the Minister for Works would see his way at once to withdraw any action that he proposed to take towards constructing the railway between Warwick and Killarney. They had the authority of the members for that district for saying that the railway would not pay for grease for the wheels, unless the motion was acted upon. They said that if this particular land was not purchased and thrown open to selection, the Warwick and Killarney Railway would not pay grease for the wheels. He hoped, therefore, that the Minister for Works would see his way to stop proceedings in connection with that railway.

Mr. PERSSE said he was very glad to hear the remarks of the hon. member for Dalby, and he was also very glad to have an opportunity of expressing his sentiments with regard to this motion. Unfortunately he was not in the House when the motion came on before, or he would have been dead against it. He thought it was the biggest swindle ever perpetrated in the country. There would be no end to it. He might advocate the same thing with regard to his own runs, and tell the Government the best thing they could do would be to buy them and let them out in nice little farms. It would be a fine thing for every one of them to go in for that sort of thing. The remarks of the hon. member for Dalby satisfied him that there was no necessity for that railway from Warwick to Killarney, and that there never was. Why, in the name of goodness, were they going to give all these good things to the people of the Darling Downs? Why, if they were going to take an action of this kind, did not they begin nearer Brisbane? He had always heard people asking for something for the Darling Downs. He might want a vote for his own district. He had 10,000 or 12,000 acres himself that he would like to sell to the Government to-morrow, and he would bring forward a resolution if this thing was going to be passed. He would put the Government on the Tabragalbra, and ask them to buy it up, promising them any amount of settlement on it. He did not think it was possible for the Government to allow such a thing to pass, but it was snatched from them in a manner that was most despicable by the hon. the leader of the Opposition.

Mr. LUMLEY HILL said he had not spoken on the motion of the hon. member for Darling Downs before, but he had heard a good deal about this virtuous indignation, and about the victory that they were trying to snatch, and he would give some expression to his ideas upon them. He voted against the motion on the last occasion, and he really thought at the time that it was a perfect farce. He never dreamt for a moment that any attempt would be made to carry it; but since he had acquired some further information, he had discovered in the locality itself that a large portion of the land which was proposed to be repurchased was already in the hands of agents in Toowoomba, and also, he believed, in Warwick. There was no difficulty about a small settler buying forty, fifty, sixty, or one hundred acres at once if he liked, at a very moderate price, and at deferred payments. He had made inquiries about the prices realised, and had found that they were £4 10s. for those extended payments, which would not amount to much more than the actual cash value, and £3, which was exactly what the Government gave. By the time they were all disposed of the Government would not net more than £3, the actual cash value. If this business was to be carried on, as it had been represented by the hon. member (Mr. Kates) that it would be profitable for the Government, then it should be taken up by a private company, which should buy the land and retail it. There was no difficulty whatever in the way of buying the land. He had ascertained that beyond question, and the hon. member for Darling Downs could not contradict him. The Clifton Estate was in the market, in large or small lots, at £2 10s. per acre. The Westwood Estate, on the western side, was also for sale; and there were also other estates offering; in fact a man could buy land to any amount he liked. There was no idea here of forming large estates, about which they heard so much. There was no law of primogeniture here, and estates were divided as fast as they were made. He did not see the slightest necessity for this motion. The real answer to it was given by the Premier during the previous debate. How foolish they would look in England when it was known that they wanted to borrow £500,000 to buy back two or three hundred thousand acres of the only agricultural land in the colony, though they had raised loans on three or four hundred million acres of land. He affirmed that there was any amount of agricultural land in the colony. If the land now under discussion could have been made profitable for agriculture, he was quite certain it would have been laid down in wheat or other cereals long before now; but the real fact was that agriculture did not pay on the Darling Downs. The farmers could only get one good crop in about three years. The folly of this proposal was that it would bring in extra competition with the men who were already engaged in a profitable enterprise.

Mr. LOW said he had spoken to two or three members of the Opposition about this motion, and they had said that they did not care whether it went one way or another.

Mr. MILES said that the hon. member for Dalby had stated that the members for Darling Downs had affirmed that the proposed railway from Warwick to Killarney would not pay. He (Mr. Miles) denied that he had ever said anything of the kind. He believed his colleague (Mr. Kates) had made some statement to the effect that, unless this land was repurchased, the railway to Killarney would not be profitable. But they had the best authority for saying that that would be one of the best paying branch lines that could be constructed in the colony. They had the authority of the Minister for Lands and the Minister for Works, who had visited the locality, and were perfectly satisfied that that line would would be a profitable one.

The MINISTER FOR LANDS said that during the last five or six sessions this was about the most despicable transaction introduced in the House. Here they had the melancholy picture of a number of members who pretended to have the interest of the colony and the people at heart, combining to support a resolution they did not believe in. He did not believe that this should be made a play-ground of and a place of amusement. It was perfectly well known that the member for Darling Downs (Mr. Kates) had pirated his idea from somewhere else, and that he was actuated by a desire for popularity-hunting. The hon. member never expected to succeed, for as much was said against the motion on his side of the House as on the other. Nevertheless, he had raised false hopes in the minds of a great many persons, who thought that the Government were going to spend £500,000 in buying Darling Downs land, and make them happy and comfortable. He looked upon this question in the light of the effect it would have in the colonies and in England. If they were going to buy back property for half-a-million in this way, just imagine the impression it would have on the minds of people who thought of emigrating to this country. It was evident that there was a determination in the minds of hon. gentlemen on the other side to get rid of the gentlemen on the Treasury benches by any means, fair or foul. The support given to this motion conclusively proved to anyone who had watched the proceedings of this House during the past two or three sessions, and during the present session, that any means—no matter how despicable or foul—would be seized and used for the purpose of turning out those occupying the Treasury benches. It would be a day of misfortune, not when the present Government went out of office, but when those came into power who did not care for the welfare of the people, and were only too willing to support any scheme for deluding the people of this colony. He certainly never thought that the leader of the Opposition and the hon. member for Enoggera (Mr. Dickson) would seriously stand up in this House and support such a scheme as that proposed by the hon. member (Mr. Kates). But they had done so, and voted for it. In the speech of the leader of the Opposition he was inclined to go a little further, and he would have his reward when the time came.

Mr. KATES said he was not a bit surprised at what had happened. Last week the Government was defeated by sound argument, and now they were trying to defeat the motion by brute force. It was a consolation that this Government would not rule the colony for ever, and he hoped that the members who occupied the Treasury benches afterwards would look at the matter in a more favourable light. He was sure that, though he might be defeated to-night, he would bring this question forward again in another form. It was a great pity that the Premier had not selected a gentleman to be the Minister for Lands of this colony. The miserable choice he had made was a disgrace to the Cabinet, a disgrace to the House, and a disgrace to the country. The Government might try to suppress this motion, but they would never kill it. The Premier's argument from first to last was that this would be a losing transaction; but he (Mr. Kates) was as patriotically inclined as the hon. gentleman, and if he thought there would be a loss on this affair, he would not have brought the motion forward. The hon. gentleman had just done what he proposed. The exchange of the Allora lands was a success in spite of what the Minister for Lands had said. All he (Mr. Kates) wanted was a continuation of this. He should not say any more on this question. As to the victory that was said to be snatched last week, it was not snatched at all. Three or four gentlemen on the other side of the House supported it; and another gentleman who also believed in it went out of the House because he did not want to vote in favour of it. He should take a division on this question, and so let the country see who were the friends of the farmers and agriculturists, and who were not.

Question—That the words proposed to be omitted stand part of the question—put, and the House divided :—

AYES, 10.

Messrs. Garrick, Grimes, Kates, Baily, Horwitz, Miles, Griffith, McLean, Rea, and Rutledge.

NOES, 23.

Sir Arthur Palmer, Messrs. Pope Cooper, Macrossan, McIlwraith, Baynes, Perkins, Stevens, Hamilton, Persse, F. A. Cooper, Scott, Norton, Price, H. Palmer (Maryborough), Lalor, Black, H. W. Palmer, Simpson, Sheaffe, Stevenson, Weld-Blundell, Low, and Hill.

Question, therefore, resolved in the negative.

Question—That the words proposed to be inserted be so inserted—put and passed.

Question—That the Order of the Day be discharged from the paper—put and passed.

ADJOURNMENT.

On the motion of the PREMIER, the House adjourned at twenty-five minutes to 12 until 10 o'clock to-morrow morning.