Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY, 23 AUGUST 1882

LEGISLATIVE ASSEMBLY.

Wednesday, 23 *August*, 1882.

Maryborough Cemetery Bill.—New Bills.—Correction.—Question.—Formal Motion.—Suspension of Standing Orders.—Order of Business.—Sale to Local Authorities Land Bill.—Corrected Titles to Land Bill.—Supply.—Ways and Means.—Appropriation Bill No. 2.—Mineral Lands Bill—re-committal.—Divisional Boards Act Amendment Bill—second reading.

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

MARYBOROUGH CEMETERY BILL.

Mr. PALMER (Maryborough) laid upon the table the report of the Select Committee on the Maryborough Cemetery Bill, and moved that it be printed.

Question put and passed.

NEW BILLS.

The SPEAKER read a message from His Excellency the Governor, forwarding the following new Bill for the consideration of the House:—

A Bill to Amend the Fire Brigades Act of 1881.

On the motion of the PREMIER (the Hon. T. McIlwraith), the consideration of the message was made an Order of the Day for Tuesday next.

The SPEAKER also read a message from His Excellency the Governor, forwarding the following new Bills for the consideration of the House:—

A Bill to provide for the Further Renewal of Pastoral Leases in certain cases.

A Bill to Amend the Settled Districts Pastoral Leases Act of 1876.

On motion of the MINISTER FOR LANDS (the Hon. P. Perkins), the consideration of the message was made an Order of the Day for Tuesday next.

CORRECTION.

Mr. BAILEY said that yesterday he had been requested by the Minister for Works to explain a question he had asked, and he was reported to have said that "he wished to know whether the Government proposed to commence at the Maryborough end or the Gympie end." What he did ask was whether it was proposed to commence beyond the Maryborough and Gympie line, or the South Esk line. He made the correction in consequence of the very satisfactory answer of the Minister for Works, and because it was a matter of importance to his constituents.

QUESTION.

Mr. BAILEY asked the Minister for Works—

1. What was the estimated cost of the Burrum Railway Bridge?
2. What is the present estimate of its cost?
3. Were proper borings made to find depth to which the cylinders should be sunk?
4. Under whose superintendence?

The MINISTER FOR WORKS (the Hon. J. M. Macrossan) replied:—

1. £10,153.
2. No estimate made.
3. Yes.
4. Under Mr. J. Thornloe Smith.

FORMAL MOTION.

The HON. S. W. GRIFFITH moved—

That the House will, to-morrow, resolve itself into a Committee of the Whole to consider the desirableness of introducing a Bill to establish a Board of Pharmacy in Queensland, and to make better provision for the Registering of Pharmaceutical Chemists and for other purposes.

Question put and passed.

SUSPENSION OF STANDING ORDERS.

The COLONIAL TREASURER (the Hon. A. Archer) moved—

That so much of the Standing Orders be suspended as will admit of the passing of an Appropriation Bill through all its stages in one day.

Mr. GRIFFITH asked if the hon. gentleman would give some reason for the motion?

The COLONIAL TREASURER said the Appropriation Bill was being brought in to supply the wants of the Government for a month.

Question put and passed.

ORDER OF BUSINESS.

On the Order of the Day being read for the House to go into Committee of Supply,

The PREMIER moved that it and the following Order of the Day be postponed until after the consideration of Order of the Day No. 3.

Question put and passed.

SALE TO LOCAL AUTHORITIES LAND BILL.

The PREMIER moved that this Bill be returned to the Legislative Council with the following message:—

MR. PRESIDENT,—The Legislative Assembly having had under consideration the Legislative Council's amendments in the Sale to Local Authorities Land Bill, propose to amend the amendment to subsection 2 of clause 7 by omitting therefrom the words 'and recover the deficiency thereof (if any) from the local authority in the manner prescribed by the Incorporated Act,' because it is considered sufficient that the Government should recover the proceeds of the lands without calling on the local authority for the balance; and agree to the remaining amendments made by the Legislative Council in the Bill.

Question put and passed.

CORRECTED TITLES TO LAND BILL.

On the motion of the PREMIER, the House went into Committee to consider the Legislative Council's amendment in this Bill.

The PREMIER said there was only one amendment made by the Legislative Council, and that was in the form of an addition to clause 3 of the following words:—"And whenever any land shall have been surrendered under the provisions of this Act, the Registrar-General shall record such surrender in the Register Book." He confessed he did not understand it in connection with that clause. He moved that the amendment be disagreed with.

Mr. GRIFFITH said he did not wonder at the Premier not understanding the amendment. The idea was a good one, and there was no harm in it; but it had nothing whatever to do with the clause to which it was added. It prescribed what the Registrar was required under the Real Property Act to do already.

Question put and passed.

On the motion of the PREMIER, the CHAIRMAN left the chair and reported to the House that the Committee had disagreed to the Legislative Council's amendment; the report was adopted and the Bill ordered to be returned to the Legislative Council with the following message:—

The Legislative Assembly disagree to the amendment as unnecessary in the clause in which it has been made.

SUPPLY.

On the motion of the COLONIAL TREASURER, the Speaker left the chair and the House went into Committee of Supply.

On the motion of the COLONIAL TREASURER, it was resolved—That there be granted to Her Majesty, on account, for the service of the year 1882-3, a further sum of £100,000 towards defraying the expenses of the various Departments of the Service of the Colony.

On the motion of the COLONIAL TREASURER, the CHAIRMAN left the chair, reported the resolution to the House, and obtained leave to sit again to-morrow.

WAYS AND MEANS.

On the motion of the COLONIAL TREASURER, the Speaker left the chair and the House resolved itself into a Committee of Ways and Means.

The COLONIAL TREASURER moved—

That towards making good the Supply granted to Her Majesty for the Service of the Year 1882-3, a further sum not exceeding £100,000 be granted out of the Consolidated Revenue Fund of Queensland.

Question put and passed.

The CHAIRMAN left the chair, reported the resolution to the House, and obtained leave to sit again to-morrow.

The report was adopted, and leave given to introduce a Bill to give effect to the resolution.

APPROPRIATION BILL No. 2.

On the motion of the COLONIAL TREASURER, this Bill, to give effect to the foregoing resolution, was introduced, passed through all its stages without amendment, and was ordered to be transmitted to the Legislative Council for their concurrence, by message in the usual form.

MINERAL LANDS BILL—RE-COMMITTAL.

On the Order of the Day being read—"Mineral Lands Bill—Reported: adoption of report"—

The MINISTER FOR WORKS moved that the Order be discharged from the paper.

Question put and passed.

On the motion of the MINISTER FOR WORKS, the House went into Committee to consider an amendment to clause 16, and to consider a new subsection in clause 28.

After several verbal amendments and transpositions had been made, on the motion of Mr. GRIFFITH, clause 16, as finally passed, read as follows:—

"16. Every lease granted for mining shall be granted for the working of some mineral or combination of minerals, to be specified therein, and every lease shall contain the following reservation, covenants, and conditions, that is to say—

1. A reservation of all gold found in the land comprised in the lease.
2. A covenant by the lessee to pay rent at the prescribed times.
3. A condition for the forfeiture of the lease on non-payment of rent for thirty days after it accrues due.
4. Such other conditions, not inconsistent with this Act, as may be prescribed.

And in the case of lease granted for mining—

5. A covenant on the part of the lessee to work the mine continuously and *bonâ fide* in accordance with the regulations.
6. A condition for the forfeiture of the lease on failure to perform such contract.

"The regulations in force for the time being, and which are applicable to the lease, shall be written or printed thereon, and shall be the regulations applicable thereto during its continuance, unless the Minister and the lessee by memorandum endorsed on the lease agree to the application thereto of any subsequent regulations."

The MINISTER FOR WORKS said that during the previous discussion of the Bill it had been discovered that proper provision had not been made for conferring the necessary powers upon the commissioners to enable them to carry out the orders they might make; and it had been considered desirable to give the commissioners the same powers as were given to wardens under the Goldfields Act, and to all parties the same rights as were enjoyed by parties under that Act. The Attorney-General was of opinion that the new subsection circulated among hon. members would be sufficient to cover all the provisions contained in six or seven different clauses on the

subject contained in the Goldfields Act. He moved the insertion in clause 28 of a new subsection, as followed:—

8. Every commissioner, and all parties to any action, suit, claim, demand, dispute, or question within the jurisdiction of the commissioner's court, shall, *mutatis mutandis*, have, exercise, enjoy, and be subject to the like rights, powers, authority, duties, and obligations enjoyed, held, exercised, and imposed under or by virtue of the Goldfields Act of 1874 upon the warden and parties to any action, suit, claim, demand, dispute, or question within the jurisdiction of the warden's court. Provided that every such action, suit, claim, demand, dispute, or question shall be heard and determined by the commissioner alone.

Mr. GRIFFITH said the amendment was a most unfortunate attempt to meet the difficulty. To save somebody an hour's trouble now several hours of trouble were being prepared for commissioners and parties for all time to come. It was well known that the worst form of legislation was legislation by incorporation; and the Bill with the amendment would be perfectly useless to the commissioner unless he had the Goldfields Act with him also. The two Acts would have to be always read together, simply because someone would not take the trouble to cut out the few clauses in the Goldfields Act applicable to the subject and send them down to the Printing Office. A great number of very nice questions would arise as to what powers the clause would confer. For instance, there was something in the Goldfields Act about paying money into court. Would that be held to be a right of the parties under the Mineral Leases Act? All those questions could be solved in a few minutes now, if someone in charge of some department would take the trouble to re-arrange the clauses contained in the Goldfields Act, and make a few verbal amendments. Then parties would know what they were about, and the difficulties of interpreting the clause would not be left for solution at some future time. The insertion of the amendment would spoil the symmetry of the Bill, and it might, by giving too many powers, cause very serious inconvenience. It would be much better for the Minister for Works to propose the insertion of the necessary clauses, so as to show exactly what was meant, instead of leaving the meaning to be discovered afterwards by expensive litigation. Was it intended by that clause to give to parties the right of appeal to the district court by way of special case? The Goldfields Act gave that right; but he had understood it was not intended to give it by the Bill. The amendment, however, left the matter in doubt, and he protested against such doubts being left to be settled by litigation.

The ATTORNEY-GENERAL (the Hon. Pope A. Cooper) said the hon. gentleman objected to the amendment on the ground that there would be a great deal of trouble in finding out what it meant; but he saw no trouble in the matter. When the Bill was previously under discussion the hon. gentleman himself objected to certain amendments on the ground that their insertion would make the Bill too long; and now when it was proposed to incorporate with the Bill, by means of a short subsection, all the powers given to wardens in the Goldfields Act, the hon. gentleman objected that that was too short. What did the hon. gentleman want? The amendment gave to the commissioners all the powers which wardens had under the Goldfields Act and rendered them liable to similar duties and obligations, saving only the changes in jurisdiction rendered necessary by the difference in the scope of the two Acts. It also gave to all parties the rights which parties enjoyed under the Goldfields Act, and made them liable to the duties and obligations enjoined in the clauses of the Goldfields Act. If anyone wished to ascertain what those rights were, he could turn to the Goldfields Act and ascertain. The hon. gentleman asked what changes would be effected with regard to appeals to the district court. That matter was dealt with specifically in a subsequent clause of the Act under consideration, and the meaning of that clause could not be affected by another and earlier portion of the Act. It was true that under the proposed Act a commissioner would have to refer to the Goldfields Act, but he had also to refer to the District Court Act, so that there was nothing unusual in that respect; and if he wished to learn his duty it was just as easy for him to turn to the Goldfields Act as to another section of the Mineral Leases Act. The amendment had been made in order to meet the objection of the hon. gentleman. It was intended originally to incorporate the necessary provisions, but that would have necessitated the insertion of something like a dozen sections, and it was thought advisable to meet the difficulty in a shorter way. He could not see the infinite difficulty and inconvenience anticipated by the hon. gentleman.

Mr. RUTLEDGE said that no answer had been given to the objections raised by the hon. member for North Brisbane. The amendment was a very clumsy method of making provision to enable a commissioner to enforce the orders he might make with reference to matters which came before him for decision. The Minister for Works, for the sake of providing the commissioners with some of the powers conferred upon wardens under the Goldfields Act, proposed to incorporate with the new Act no less than twenty-two clauses. That involved something very much more serious than the expenditure of time on the part of the commissioners to ascertain by means of the Goldfields Act what matters were within their jurisdiction. The commissioners would also have to interpret how far a provision applicable to one condition of things was also applicable to another and totally different condition of things. For instance, there was the right given to the wardens to state a special case for the opinion of the district court judge. By the Mineral Leases Act, of which the present clause was an amendment, there was no provision to enable a district court judge to exercise power within the limits of his jurisdiction, except when he went on circuit. By the District Court Act Amendment Act of 1878 the district court judge had a right to sit in chambers, and under those circumstances, if the warden was in difficulty about the interpretation of the Act and wanted illumination on the subject, the district court judge could easily assist him. The commissioner would, if the amendment were accepted, turn to the Goldfields Act to see what were his rights and duties, and he would find by one of the clauses proposed to be incorporated that he had power to state a special case. He would send that case on, but the district court judge would say that he could only give his opinion on a special case stated when he was on circuit in his district, which might be only two or three times in the year. The provision with regard to the exercise of jurisdiction by district court judges in their own districts also appeared to be very imperfect. Provision was made for hearing appeals, but the time seemed to be limited to the occasions when the district court sittings were being held which in the case of the North might be only twice in a year. Were the district court judges to exercise jurisdiction of a summary character, the same as the commissioners did, and could they exercise those functions when sitting in chambers in their own districts? The amendment left the commissioners to interpret a great many things which very few lawyers could interpret off-hand, and

they had to decide how far, *mutatis mutandis*, some of the provisions of twenty-two sections of the Goldfields Act would apply to the cases of mineral leases. If the Bill had been brought in to remedy a great grievance at the latter end of the session there would have been some excuse for hastening to pass it; but being introduced at the commencement of a session, when the energies of Ministers were perfectly fresh, he could see no valid reason why the powers to be conferred should not be specified in a few plain words. It was not fair to the commissioners or to litigants that the operation of any of those clauses should be left to be settled by an expensive trial, involving innocent persons, perhaps, in all but ruin.

The ATTORNEY-GENERAL said it was admitted on all hands that the Goldfields Act was easy to interpret. Few difficult questions had been raised, and the wardens had always understood their powers and exercised them very fairly. That was the reason why the Government proposed to give the commissioners, under the Bill now in committee, precisely the same powers. They had not taken that course because, as the hon. member (Mr. Rutledge) suggested, Ministers were tired of work and did not care to take the trouble necessary to introduce special provisions, but because the Goldfields Act had been found to work so well and to be so easily understood. The general provisions of the Goldfields Act and of the Bill under discussion were sufficiently nearly alike to enable an amendment such as that proposed to be easily understood by anyone administering the Act. The hon. gentleman (Mr. Griffith) said that many difficulties would arise, but he had not suggested a single case of difficulty. He had been carefully through the sections before drafting the amendment, and foresaw no difficulty; and until the hon. gentleman suggested some real difficulty his general statements would be taken by hon. members with a grain of salt.

The MINISTER FOR WORKS said he had no fear of any great difficulty arising in the interpretation of the clause. What the hon. gentleman (Mr. Griffith) said about the necessity of the commissioners having the Goldfields Act as well as the Bill now under discussion was perfectly true. The Bill when passed would be printed and published with the Goldfields Act, in the same way that the Goldfields Act and all other Acts relating to mining were printed with the mining regulations, and circulated together throughout the mining districts of the colony. He would further refer the hon. gentleman to the very meagre amount of legislation upon the subject of mining for minerals other than gold. A few clauses inserted into the Goldfields Act would do all the work that was done by the Bill, and there was no doubt that in three or four years' time the Goldfields Act and the Bill under discussion would be incorporated into one Act to regulate the whole of the mining in the colony. He could see no difficulty likely to arise under the Bill; and had there been any difficulty in working the Goldfields Act he should have attempted to consolidate the whole of the mining legislation of the colony into one Act. By doing so he would have anticipated a good deal of the difficulty arising from the opposition he had received to the passing of the Bill. Hon. members seemed to have an impression that mining for gold was a very different thing from mining for any other mineral, but the legislation of New South Wales and Victoria applied equally to all kinds of mining, and he saw no reason why one Act should not be sufficient in Queensland.

Mr. F. A. COOPER said that he was not aware that this subject was coming on for discussion, as he was led to believe by the remarks of the Premier last night that the matter for discussion would be the Divisional Boards Amendment Bill. He was not at all prepared for the very sweeping amendment now introduced by the hon. gentleman in charge of the Bill; and he thought it would have been far better if such changes were contemplated to have introduced a short Bill containing some three clauses—the 1st clause repealing the Mineral Lands Act, the 2nd extending to the commissioners all the powers given by the Goldfields Act to wardens, and the 3rd proclamation of mineral districts. That was, he believed, precisely what was sought to be attained. The Bill was even now in an awfully crude state. There was no provision for matters of interpleader, nor for penalties against witnesses who disobeyed a subpœna, or for cases of assaults upon commissioners, or for partnership cases or encroachment cases, or for the incapacity of persons to sue without a miner's right. The whole of the mining in New South Wales and Victoria was carried on under one Bill; and he thought a very excellent step would have been taken had the Minister for Works simply reprinted the New South Wales Act, taking out the portions which had reference to a mining board. He objected with the leader of the Opposition to the incorporation of the several Acts which would have to be read with the Bill, including as they did the Goldfields Act and the Goldfields Act Amendment Act. The Minister for Works had shown a great want of consistency in his action in the matter. When he (Mr. Cooper) sought to introduce an amendment extending the privileges enjoyed by miners under the Goldfields Homestead Act to the holders of mineral licenses, the hon. gentleman objected to any incorporation of the Goldfields Homestead Act in connection with the Bill; but now the hon. gentleman himself sought to incorporate all the provisions of several sections of the Goldfields Act with the Mineral Leases Bill. He submitted that it would give rise to any amount of confusion, and would have no beneficial result in any way.

The MINISTER FOR WORKS said he had in his hand a pamphlet issued by the Government Printer containing all the Goldfields Acts, together with the regulations for the management of goldfields. There was the Goldfields Act of 1874 and the Goldfields Act Amendment Act of 1874, the Gold-mining Companies Act of 1875, the Goldfields Management Act of 1878, the Mines Regulation Act of 1880, the Goldfields Homestead Act of 1870, and the Goldfields Homestead Management Act; all those were bound together, and it was intended to do the same thing in connection with the present Bill.

Mr. GRIFFITH said there was an inflexible rule relating to subordinate courts, that an inferior court had no powers beyond those expressly conferred upon it. A superior court, such as the Supreme Court, had all powers, but an inferior court had not; and when they attempted to confer powers by reference they at once got into the most frightful confusion. The particular powers of the wardens related only to gold, and there was nothing in the amendment making the powers applicable to other minerals, consequently those powers would not be given. Then there was the question which the hon. member for Enoggera had mentioned about stating a special case. He did not know whether it was intended that there should be any or not. As to what the Attorney-General had said, surely it could not make any difference in the interpretation of the Act whether they incorporated the clauses by reference or printed them over again. He confessed he did not know what would be the result; but

he had no doubt that he should from time to time, in the practice of his profession, be called upon to discover the meaning of the provisions at the expense of litigants. His duty now was to protest against such an extraordinary way of doing things. The Goldfields Act incorporated other Acts, and now the Bill before them incorporated a portion of the Goldfields Act.

The ATTORNEY-GENERAL: It only incorporates the powers of the wardens.

Mr. GRIFFITH said the commissioners were to have exactly the same powers as the wardens, but the wardens only had powers relating to gold. What was the use, therefore, of giving the commissioners those powers?

The ATTORNEY-GENERAL: There is similar jurisdiction.

Mr. GRIFFITH said the powers of the wardens were only in relation to gold-mining claims. What really was intended he did not know, but probably it would be discovered some day. A warden had special jurisdiction over gold; but they could not take gold-mining and make it into silver-mining under those provisions. The Attorney-General complained that he (Mr. Griffith) had said that the full provisions were too long. He did not remember saying so; but he certainly thought it was unnecessary to insert as many provisions as in the Goldfields Act. They were, however, creating an entirely new court, and the powers of that court ought to be defined. When the district courts were established their powers were defined. Nothing would be simpler than to declare that commissioners should have the same powers as the Supreme Court with respect to enforcing orders. The powers of wardens were limited in various ways, and a great many had special reference only to the subject of gold.

Mr. DICKSON said he did not think the Minister for Works was fair to hon. members who had assisted in passing the Bill in saying that it had received a large amount of opposition. There had been, as far as he knew, no factious opposition to the Bill at all. He thought that both sides of the House had devoted a good deal of time to make the Bill a good one. He did not profess to be able to give an opinion on the clause; but he thought it would be a very unfortunate thing if they allowed any party feeling to lead them to accept a provision which might cause endless litigation. According to the majority of the legal members of the Committee, the clause was an indefinite one, and might give to the commissioners fuller powers than it was intended they should have. Seeing, therefore, the general tone of the debate, he thought the Minister for Works might frame such an amendment as would make the Bill a real benefit to the community. He spoke in the interests of the community; he was sure there was no desire to oppose the Bill, but only to make it a good one.

The MINISTER FOR WORKS said the hon. member must have misunderstood him; he had never hinted in any way that there was opposition to the Bill. What he meant to convey was that there was great difference of opinion amongst hon. members as to mining for gold and mining for silver and tin. It would be extremely difficult to pass a Bill consolidating the laws relating to mining. They had so long carried on mining under different Acts that they had come to think they must necessarily have more than one Act; but he had no doubt in the course of two or three years it would be easy enough to pass an Act consolidating the laws relating to the two classes of mining. He was quite satisfied with the amendment as drafted by the Attorney-General. He did not think it would lead to litigation; had he thought that he would not have accepted it. He was satisfied that the commissioners appointed under that Bill would be as competent to administer it as they were to administer the Goldfields Act; in fact, the Mineral Lands Commissioner at Herberton was actually a goldfields commissioner, and one of the best. He might say that as soon as the amendment was printed he sent a copy of it to the hon. member for North Brisbane, and they had some conversation over it. During the latter part of the conversation he asked the hon. gentleman whether he thought it would effect the purpose desired, and he said he thought it would.

Mr. GRIFFITH admitted that he had expressed such an opinion; but on further consideration he did not think so. At the first blush he thought they might deal with the matter as proposed in the amendment, but he had altered his opinion, one of his principal reasons being that the powers of the wardens were confined to gold, and that there was nothing in the clause substituting other minerals for gold in those powers; so that the powers given to the warden over gold were not given to the commissioner over other minerals.

The ATTORNEY-GENERAL said he thought that the powers in the section would include other minerals, and that a commissioner would have the power to deal with other minerals precisely as a warden dealt with gold. That was what was intended. If like powers were given to a commissioner dealing with minerals as were given to a warden dealing with gold, he thought they were clearly defined; and therefore he did not think it necessary to say that a commissioner should have the same powers in respect to other minerals. The powers in both cases would, *mutatis mutandis*, be the same, and appeared to him to be very clear.

Mr. GRIFFITH said he did not think so; they could not confer jurisdiction on an inferior court in that way. As an instance of the difficulty that would arise the Goldfields Act enacted that—

> "It shall be lawful for such warden's court, if it shall think fit at the time of the making of any decision under this Act, or the regulations, to order that any gold in the possession of and belonging to the party by whom payment of any sum in respect of any such debt * * shall be delivered up to the party entitled to such sum by way of satisfaction."

That was taking gold in execution, and of course that would not apply to other minerals; and there were several other matters like that, none of which would be incorporated by the words of this clause.

Mr. DICKSON asked whether it would not be wiser for the Government to take time to consider the matter? He regretted that a measure which was calculated to be of great benefit to the community was, judging by the pronounced opinions of legal members, about to be made so obscure.

Mr. RUTLEDGE pointed out that the 7th subsection of the clause enacted that—

> "In any matters not prescribed in the regulations aforesaid the procedure of the commissioner's court shall, *mutatis mutandis*, be in accordance with the law in force for the time being relating to the procedure or practice of the district court."

The new subsection now proposed to be introduced was the second provision of the *mutatis mutandis* character that the Minister for Works desired to make, and it enacted that the powers conferred should be analogous to those of the warden's court. The procedure included in the district to a judgment and the orders made in connection court meant, he apprehended, everything relating

with that judgment. The clause was therefore a direct contradiction of itself.

The ATTORNEY-GENERAL said that a good deal of time would elapse before the regulations under the Act would be ready, and meanwhile the procedure under the District Courts Act was to be adopted.

Mr. F. A. COOPER said he thought it would be far better to define by enactment what the position and powers of the commissioners were.

Question put and passed.

Mr. RUTLEDGE wished to throw out a suggestion with regard to clause 36, which provided that—

"In addition to the ordinary jurisdiction of the district court, any such court holding its sittings within a mining district shall have original jurisdiction to hear and determine all questions which are within the jurisdiction of the commissioner's court."

He thought that a district court judge should have jurisdiction at some other time than when on circuit. It was highly desirable that he should have the right to sit in chambers; and particularly so, as now a commissioner would probably have to state special cases for hearing. If a judge could only hear special cases on circuit, the commissioner and the litigants would be subjected to great inconvenience. The insertion of a few words would greatly simplify the matter and do away with all doubts.

The ATTORNEY-GENERAL did not think a district court judge should exercise jurisdiction in chambers on any mining matter at all. It was intended that a judge should exercise jurisdiction on goldfields, and nowhere else. If anyone chose to state a case for the district court he could do so.

Clause, as amended, agreed to.

The House resumed; the Bill was reported with further amendments, and the report adopted.

The third reading of the Bill was made an Order of the Day for Tuesday next.

DIVISIONAL BOARDS ACT AMENDMENT BILL—SECOND READING.

The MINISTER FOR WORKS, in moving the second reading of the Bill, said he felt quite confident that he need not ask hon. members not to deal with the measure in a party spirit, and he was certain they would do their best to make local government more workable than it was at present. When the duty was thrust on them in 1879 of passing the Act which was called the principal Act, many hon. members on both sides of the House thought it injudicious, and one which would be the means of raising serious opposition in different parts of the colony. There was one provision in that Act which made local government compulsory—a very wise provision, because it was found that the Local Government Act passed in 1878 by the previous Government had in no case been taken advantage of. A great deal of experience had been gained since the principal Act was passed—so much so, that local government was now regarded, with very few exceptions, all over the colony as one of the greatest boons conferred on it. There was only one member in that House who had said he did not believe in it. He was sorry that there should be a member with such an opinion, but the people of the colony thoroughly appreciated local government. If any attempt were made to repeal the measure, any Government doing so would be met by universal indignation. At the present time all the divisions of the colony were in operation, with the exception of four; and a portion of one of those four was in operation also, forming a small division by itself. Three out of the four were so extremely large that it was almost impossible for them to work, and if they were divided into a second division the population would be so small that the difficulty would be just as great.

An HONOURABLE MEMBER: There are no people in them.

The MINISTER FOR WORKS said there were many people in them, but they lived too far apart. One of those divisions was in the far West, extending to the border of the colony, and one in the Central district, on the railway line, called Nogoa; and with those four exceptions the whole colony was in full working order under the Divisional Boards Act. It was to be expected that in introducing the system of local government for the country districts for the first time the measure would have many defects. It was made as simple as possible so that people could understand it, and it was known by members of the Government that it contained defects; but nevertheless it was thought better that it should be passed at once than that a more elaborate measure should be prepared. During the first year of the working of the Act a considerable amount of experience was gained, but not sufficient to warrant the Government in making any amendments; but at the end of the second year—that was last year—the Government thought it desirable to solicit suggestions from those best able to make them towards the amendment of the Act—they were the members of the divisional boards themselves. A letter was written to each board asking as a favour suggestions for improvements, as amendments in the Bill, which the Government intended to introduce during the present session. The letter was heartily responded to by nearly every board—certainly from three-fourths of the boards—and most of the suggested amendments had been incorporated in the Bill, though to some of them the Government were not committed. They accepted the boards' suggestions in good faith, as from men supposed to understand the defects in the principal Act; but they were not bound to any particular amendment, because they wished to make the measure as workable as possible, and would accept amendments from both sides, more especially as hon members had had such experience of the working of the Act, both from correspondence with their constituents and from being members or chairmen of divisional boards. There were, he was happy to say, several hon. members who had not thought it useless work to attend to the working of the divisional boards in their own districts, and that fact had tended to make the Act popular to a certain extent. There were defects in the principal Act chiefly in relation to the mode of election, and that had been proposed to be amended in the Bill. The first important amendment proposed was one which was rather an anomaly in the principal Act—that was that a ratepayer was bound to have paid his rates before he could vote, but could nevertheless be elected a member of the board without having paid his rates. The amendment proposed that no person should be eligible for election as a member of a board who had not paid his rates before noon on the day of nomination. Then there were further amendments with regard to disqualification and qualification of members of boards. They were taken chiefly from the Local Government Act; and he might say that many of the provisions of that Act had been incorporated in the Bill now before hon. members. It was thought desirable to extend the present Act, and they were not afraid to make it larger, knowing that, now people understood the working of the principal Act, it

would be safe to make the necessary amendments. He had hopes, as he expressed himself in regard to the Mining Bill just passed, that the day was not far distant when they would be able to incorporate all the Acts on local government into one Act. Several defects were discovered in the provisions for election in the principal Act in connection with voting by post, which of course was a new system, and was still to a certain extent only an experiment. Though on the whole the system had worked well, yet it had been found expedient to propose alterations so that the provisions of the principal Act might be more fully carried out, and that people might be better represented than they had been in some cases. For instance, the place of nomination of candidates for election and for the declaration of the result of the election, wherever practicable, was to be at the office for the time being of the board; and no person was to be entitled to vote in respect to property of less annual value than £2 10s.—that was, he would be obliged to pay at least 2s. 6d. as rates before he could vote. By the old system a man paying 1s. in rates had as much power as the man who paid 30s. or 40s.; and the Government, after considering the suggestions made, had thought it better to fix a minimum amount, and that a minimum of 2s. 6d. was the most advisable. It was found also that in the witnessing of papers by a candidate or his agent the secresy of voting was not preserved, and it was considered inexpedient that a candidate should know exactly how a person voted; therefore a candidate or his agent had been prohibited from witnessing a paper. It was also found in several elections that men went about canvassing and getting voting papers from people in different parts of the colony under false pretences, and using them for purposes other than those provided by the Act, thus depriving some districts of their proper representation. That defect had been amended in such a way that it was made a matter coming under a penalty for any person to canvass for votes. Every elector was to have his paper sent to him in such a way that he would have nothing to do but erase the names of the candidates for whom he did not intend to vote, sign his own name and get it witnessed. He would then, by the provisions of the Bill, be able to send the paper back to the returning officer free of charge, as that officer was to supply each voter with a stamped envelope. The cost before was not much, but in certain cases, combined with the trouble of witnessing, it had prevented many men from recording their votes. No candidate was to be present in the scrutiny room. That was not provided in the principal Act, but was very necessary, as where the papers were signed by the voters it was undesirable that the candidate should see them. It was different in the election of members of Parliament, where even if the candidate did see the papers he could not tell who voted in any particular way. It was also provided that voting by post might be discontinued in certain cases. There had been a disinclination in several divisions to voting by post; and it had been considered expedient to provide the alternative system of voting as in municipalities under the Local Government Act. That was provided for in clause 10, which required that a petition signed by one-third of the ratepayers, or a petition under the corporate seal of any division, should be presented asking for the alternative system. The Government were not in any way wedded to one-third—it might be one-fourth, or even an absolute majority; but the provision was desirable, so that a division wishing to vote by ballot could do so. Some improvements had been made as to assessments, levies, recovery of rates, and notices. For instance, in the principal Act, when buildings were rated, half the value only was taken. Many people all over the colony had sunk wells, built dams, and put up fences, and hon. members knew those were perishable works; therefore it had been considered that they should not be rated at the full value of other improvements, but dealt with in the same way as the principal Act dealt with houses, which were rated at one-half. Then there was a subsection in clause 11 by which unoccupied and unimproved land could be rated at the annual value of not more than 10 per cent. per annum. There were many people who bought land and allowed it to lie unimproved and unoccupied, relying on the improvements taking place about them to increase the value of the land; and it had been considered only right that they should be made to pay something towards the general improvement of the district. Clause 12 provided for an appeal court; and the 13th clause prescribed that no justice of the peace should be disqualified from adjudicating in any case of appeal against an assessment in his division solely by reason of his being the owner or occupier of ratable property therein, which he (Mr. Macrossan) thought was only right. There was no reason why a man who held property in any division should for that reason be prevented from adjudicating, if he had no special interest in the case. Clause 14 he had referred to in speaking of clause 9, where the qualification of voters was dealt with. Clause 15 referred to separate rates for works of local benefit. It might be that in some localities a work might be required of special local interest, and it had been considered necessary that power should be given to levy a separate rate for that special work, on which rate the usual endowment would be made. Power was given by the same section to the board to levy special rates for drainage works, watering or lighting streets; but it was provided that such special rate should not in any one year exceed in the aggregate one shilling in the pound of the annual value of the ratable property affected by such rates. And a separate and distinct account of every such rate was to be kept in the same manner and subject to the same conditions as were prescribed by the principal Act. Power was also given to the board by the succeeding section to levy and distrain upon any timber growing or lying on unoccupied property the rates on which were in arrears. And power was given for the appointment of bailiffs to levy and to sell by auction without a license; and the expenses attending such levy and such distraint with mileage added were prescribed by the same section. Then it was provided in clause 18, which was taken from the Local Government Act of 1878, that rate books were to be admitted as evidence in a court of law. Then again, power was given to boards to take possession of and lease property upon which arrears of rates were due. That was in accord with the Local Government Act of 1878, and was, he thought, a very wise provision; but it was to be done under certain conditions provided in clauses 22, 23, and 24, so that no injustice should be done by the boards if it could possibly be avoided. The board had power to lease land after having given the notices prescribed by the Bill; but it was also provided that the person who claimed to be the owner could have the land back again on fulfilling certain conditions. It was also provided that all the rent and other moneys payable under any lease issued by the board for such land until the execution of a release, was to be received by the chairman or other officer appointed in that behalf, and should be applicable to defraying expenses of notices, the execution of the lease, the collection of rents, and in payment of

arrears of rates. And if no person claimed the land under those conditions within thirty years after the board took possession it was to become the absolute property of the board. He now came to a class of clauses introduced by the Government for the purpose of obviating the necessity of appealing to the House for votes for main roads. Those special clauses were applicable to such cases as that brought before the House last week by the hon. member for Cook. It might be that the House would not agree to the increased endowments, but it was the only alternative he could see to continually coming to the House for a special vote, and thereby to a certain extent violating the principle and provisions of the Divisional Boards Act. The clause giving increased endowment was framed on the principle that as all property which was owned by any person within a divisional board was ratable, and that as all property which was not so owned or occupied was Crown property, therefore the Crown should be treated the same as an ordinary ratepayer, and rated in the proportion specified in the clause—that was, the endowment should be £8 for £1 where the land which was the property of the Crown amounted to three-fourths and upwards of the land of the division, £6 to £1 where it amounted to one-half and less than three-fourths, and £4 to £1 where it amounted to one-fourth and less than one-half. The figures on the margin were not correct. That, he thought, was about the best principle they could establish for the purpose of preventing members asking for special votes from the House. In many districts to which the clause would apply there were little settlements at considerable distances from the coast—in some cases 20 to 100 miles, and even 150 miles—and the whole of the land between them and the coast was unleased and unoccupied, except, perhaps, by three or four publicans or wayside houses; and it was thought that, as the land could not be rated by the board, it should be dealt with in a special manner. There were some difficulties about the clause, and he admitted he was not so strongly in favour of it as when it was first drafted, because he had since had calculations made—which he would show any hon. member by-and-by when the Bill got into committee—of the amount of increased rates which would come to the different divisions of the colony coming under the clause. If the clause could be confined to such districts as those to which he had alluded he should be glad to pass it as it stood, but as it gave such a tremendously increased endowment to some districts not in want of it he was afraid it would not be accepted as it was. He hoped, however, that before it left the House it would be put into workable shape, so as to prevent the continual scramble for money — one member helping another to get a grant if the other would help him. Of course, if clause 28 was not passed in its present shape several of the following clauses would be of no effect, as they related to the inspection and supervision of local works, and the obligations and duties of the boards who were so specially treated. Clause 31 introduced a novelty, he might say, into rating. It had been introduced at the suggestion of a board, that where subscriptions—not rates—were raised by certain ratepayers in any locality, and paid into the hands of divisional boards, those subscriptions should be deemed rates and endowed accordingly. It was thought by the board who made the suggestion that in many cases there were individuals possessing sufficient public spirit, and having sufficient money, who would be glad, for the purpose of having good roads in their neighbourhood, to put their hands into their pockets and shell out £10, £20, £30, or £50, as the case might be; and they considered it only right and proper that those subscriptions should be treated as rates, and endowed. It would be for the House to say whether such should be the case or not. The 75th clause of the principal Act provided that when any board borrowed money from the Government it must be spent solely upon a permanent and reproductive work; but the present Bill made provision that when the Governor in Council was satisfied that the revenues of the division were sufficient to defray the interest and redemption payments accruing upon such borrowed money it might be expended upon works not directly reproductive. That, he thought, might in some cases prove a very advantageous provision. The 33rd and the three or four following clauses provided for the opening and closing of roads and the licensing of gates and public-houses. At present, when a person desired a road to be closed, he made application to the Minister, and no communication need be made with the divisional board upon the subject; and if the Minister thought the road should be closed he recommended the matter to his colleagues. But by the provisions of the Bill a notice must be sent to the divisional board as well as to the Minister two months before the road could be opened or closed, and such notice must specify a time within which the board might lodge objections against the opening or closing of such road. The board would then have power to decide whether the road should be opened or closed, and they were to transmit to the Minister a statement of the reasons upon which their objections, if any, were founded, and of course the Governor in Council would take the opinion of the board into consideration in the matter. With regard to licensing gates a similar course was pursued, and the board would get the fees which were paid into the Treasury at the present time for those licensed gates. Then again, a board would have the power to object to the licensing of any public-house within the division, and he had no doubt that, if the board saw anything like a reasonable objection to the opening of a public-house within the division, the licensing bench would take the suggestion of the board. It was an extension of the principle of local option to a certain extent which he (Mr. Macrossan) thought was desirable in many cases, at least in the case referred to The Bill also provided for the placing of public reserves under the control of the board. But the control was to be temporary and did not include goldfields reserves. It was also to be subject to the condition that the whole or any portion of a reserve might be exempted from the control of the board; and that the board should not sell or alienate or set apart any such land. They might, however, lease it under annual leases, and before the execution of any lease the board was to give three months' notice to the Minister, and if he refused to approve of the land being so leased he might do so and the board would not be able to do it. The board was also given the power to make regulations for the pasturing of stock on such reserves and for the agistment to be charged; for the removal of trespassers, and for the levying of rents or tolls upon the owners and occupiers of any houses or other structures that might have been erected upon such reserves. But the board should not have the power to sell, cut, or destroy any timber growing upon such reserves. Provision was also made that the boards should not be entitled to any compensation when the lands were resumed from their control for any lawful purpose; but when the lands were resumed by the Crown for sale the boards were to be entitled to the reasonable value of any improvements erected thereon. There was a very important

provision in clause 38, which provided for the extirpation or destruction of noxious weeds. The board was by that clause empowered to enter upon and dig and break up the soil of any unoccupied Crown lands, public reserves, or private lands within the division; but before exercising such power it must declare such noxious weed or plant to be a nuisance within the meaning of the Act; and prescribed the distance not exceeding two chains from any Crown land or public road within which the person in charge of any public reserve, or the owner of ratable property, as the case might be, should be required to abate such nuisance. The provision was made that—

"3. When any such nuisance is found to exist upon any public reserve or ratable property within the division, the board shall serve upon the person in charge or the occupier thereof, and if there be no occupier then upon the owner, except in the case of unoccupied Crown lands, fourteen days' notice requiring him to abate the same under the provisions of this Act.

"4. If at the expiration of the said period of fourteen days the nuisance has not been abated by such occupier or owner, the board may forthwith enter upon such public reserve or ratable property, as the case may be, and destroy and extirpate any such noxious weed or plant that may be growing thereon within a distance not exceeding two chains from any Crown land or public road as aforesaid.

"5. Any reasonable expense incurred by the board in abating such nuisance shall be a charge upon the land on which it existed, and shall be recoverable—

(*a*) If the land is a public reserve, from the trustees or other persons in charge thereof; or if there be no such persons in charge, then from the Colonial Treasurer; or

(*b*) If the land is ratable property, from the occupier thereof; or if there be no occupier, then, except in the case of unoccupied Crown lands, from the owner—

in the same manner as by the principal Act the board are empowered to recover from the occupiers or owners of ratable property rates due and in arrear.

"6. Nothing in this Act shall render the Colonial Treasurer liable to defray the cost of abating any such nuisance upon waste lands of the Crown."

Provision was made also for the board of one division to join with the board of another division or the council of a municipality for any joint public works in the interest of both; such, for instance, as the formation, maintenance, or control of boundary streets or roads, or bridges across boundary rivers or other watercourses; the construction, maintenance, or management of local works for the joint use or benefit of the contracting parties; and also the employment of engineers, clerks, or other officers or servants for the joint service of the contracting parties. The board was empowered to make payments out of the divisional fund to defray expenses from time to time incurred in pursuance of that section. That was a very useful clause, and would very likely be availed of by a number of boards, especially in the employment of competent engineers as superintendents of public works. Then they came to the section relating to by-laws, prosecutions, and appeals. The 78th section of the principal Act was repealed, but it was provided that any by-laws made in pursuance of that section should remain in force until repealed or amended by other by-laws made under the provisions of the present Bill. Clause 41 provided all the subjects upon which by-laws might be made, and was a copy of the provisions of the Local Government Act on that subject, with one or two amendments. Every by-law was to be passed at a special meeting of the board called for that purpose, and sealed with the common seal of the division. Then after the by-law was passed it was to be deposited at the office of the board, and should be there open to the inspection of any person at all reasonable times; and a notice must be published in some newspaper generally circulating in the neighbourhood setting forth the general purport of the proposed by-law, and stating that a copy was open to inspection. As soon as it was approved and published in the *Gazette* the by-law should have the force of law in the division. It was then provided that every by-law in force in a division might be repealed by the Governor in Council by proclamation; that a by-law made under the Act might impose a penalty for any breach thereof, and might also impose different penalties in case of successive breaches, no such penalty to exceed £20; that any such by-law might provide that in addition to a penalty the expense incurred by the board in consequence of any breach of such by-law, or in the execution of work directed by such by-law to be executed by any person, and not executed by him, should be paid by the person committing such breach or failing to execute such work; and also that a copy of the *Gazette* containing a by-law of any division should be conclusive evidence of the due making of such by-law and of the contents thereof. Clause 48 provided the means by which any resident ratepayer in the division desiring to dispute the validity of any by-law might do so. He might state that at present many of the divisions had passed by-laws which had not the force of law. Clause 49 provided for the summary punishment of offences, the penalty inflicted not to exceed £20. The next clause provided for appeals to district courts. Clause 51 provided that the institution of any criminal proceedings against or the conviction of a person for any breach of the Act should not affect any remedy which any other person aggrieved might be entitled to in any civil proceeding. Then the Bill dealt with the registration of goats and dogs. Those animals had been found to be a great nuisance in many divisions, and although some had taken it in hand to deal with them they had done so in an illegal manner. The latter portion of the clause was taken from the Dog Act, with the word "goat" inserted. The 1st clause under the head of "Miscellaneous Provisions" provided that—

"1. Whenever a person who is the owner of ratable property executes a transfer of the same he shall forthwith give notice in writing to the chairman of the division within which such ratable property is situated.

"2. Any such person who fails to give notice as aforesaid shall be deemed to have committed a breach of this Act, and shall, until such notice is so given, continue to be liable for all sums accruing by way of rates upon such property in the same manner as if he were still the owner thereof."

That clause had been inserted at the suggestion of several boards, and it would be found to be a very useful one in the carrying out of the Act. It would not be a great hardship on persons selling and transferring property to give the board notice of the fact. Then in clause 54 the annual election of the chairman was provided, and in the next clause that three members should form a quorum. Clause 55 provided that an auditor might be removed by the Governor in Council. At present there was some difficulty in doing that. Clause 57 repealed section 76 of the principal Act, and provided that—

"For the purpose of any law now or hereafter to be in force relating to the impounding of cattle or other animals, the board shall, within its jurisdiction, be deemed to be the owner and occupier of all streets and reserves, and of all lands which are unoccupied or are not enclosed with a sufficient fence, as defined by the sixth section of the Impounding Act Amendment Act of 1879."

Cases had happened in which divisions were utterly powerless in managing cattle roaming in streets, but which were not actually trespassing on private property. The first schedule dealt with the form of voting, the object being, as he had said before, to give greater security to the

vote and less trouble to the elector. The schedule provided that—

"1. The name of every candidate shall be printed in plain capital letters of not smaller than pica type.

"2. The name of one candidate only shall be printed in one line.

"3. On each side of every such line there shall be a blank space of not less than one quarter of an inch.

"4. Reasonable space shall be left for the signature of the ratepayer, and of the witness to the voter's declaration.

"2. Before transmitting the ballot papers to the ratepayers, pursuant to the provisions of the twenty-sixth section of the principal Act, the returning officer shall cause the form of declaration on each such ballot paper to be filled in with—

1. The name of the division or subdivision, as the case may be;
2. The Christian name and surname, when known, of the voter in full;
3. The name and residence of the voter;
4. The number of members to be elected;
5. The place of nomination; and
6. The hour and date at which the election will close.

"3. Every ballot paper so transmitted to a voter shall be accompanied by an unsealed envelope addressed to the returning officer at the place of nomination, and endorsed 'ballot paper' in the manner prescribed by the twenty-ninth section of the principal Act."

Under the provisions of that schedule voters would have scarcely any trouble in recording their votes, and the provision for voting by post would become no doubt more popular than it had hitherto been. In connection with that he might say that since the Bill was in type he had received two applications for the opening of ballot papers after an election. One of those applications was made by a deputation, and the other by a number of ratepayers in a division. The power to open the ballot papers in cases of dispute ought to be given, just as it was given in cases of disputed elections of members of Parliament, power to do which was vested in the Speaker. Where that power should rest in the case of divisional boards was a matter of no importance, so long as it was exercised fairly and honestly. There had been other cases in which the ratepayers were dissatisfied with the results of an election and supposed that something very wrong had been done. It would be as well to provide a remedy in the case of a wrong or of a supposed wrong. The 2nd schedule, relating to the manner of voting, was taken wholly from the Local Government Act, and the remaining ones were simple and easily understood, most having been taken from the by-laws of the present municipalities. He had now gone through the alterations proposed, all of which, with the exception of one or two noted by himself, he believed to be improvements. Hon. members on both sides of the House would be able, from their experience gained in different electorates of the working of the Divisional Boards Act, to assist in making the Bill a workable Act, and whether altered much or little in committee he felt certain it would be a great improvement on the present Act. The principles of local government were now thoroughly appreciated in the colony, and more particularly in those portions which were able to raise rates large enough to enable them to spend sufficient to keep their roads in proper order. In travelling about the colony since the present Act came into existence he had noticed that a great improvement had taken place since the time when it was the duty of the Minister to look after roads and bridges, and he noticed an especial improvement in the condition of what were not considered main roads. Probably the boards had paid a little too much attention to those roads, but, having put their by-roads into thorough repair, they would be in a good position with the help of the Bill to make the condition of their main roads better two years hence than they had been at any time since the colony came into existence. Everywhere except, perhaps, in the neighbourhood of Brisbane, where large numbers of persons resided, the roads were in a better condition than formerly, and better work had been done than was done under the old system and for less money. He felt confident that if the boards would combine together more and form themselves into united municipalities, so that they might employ officers such as engineers, there would be a still greater improvement, and the work would be carried on more economically. He hoped, therefore, that members on both sides of the House would set their minds thoroughly to making the Bill workable. He had great pleasure in moving the second reading of the Bill.

Mr. BAILEY said he was sure hon. members on both sides of the House would assist the Government in making the Bill workable if possible. He was sorry the Government had not had courage to deal with the very principal objection that was made to the passing of the Divisional Boards Act. That objection remained as it was; the same system of taxation was to be carried on in the future as in the past—a system which punished the selector or farmer or planter for making improvements on his land. The system was a false and bad one. A man while making improvements paid a tax to the revenue upon every £1 he spent, and then for daring to make those improvements and fulfil his duty as a citizen he was further punished with extra taxes; while the mere speculator who allowed his land to remain unimproved benefited twice over by the improvements of the industrious farmer or selector. He was afraid also that the defect would not be removed in committee, as the Government seemed to have decided upon the system of taxing improvements, and were persisting in that system in the present Bill. One principal blemish in the Bill was the further increase of taxation on the people of the colony—imposed, too, in such a miserable way. The Government created and invented a number of little petty vexatious taxes so numerous that, if there were many more, every large selector or cultivator would have to employ a clerk to keep the run of the different taxes he had to pay. If a selector kept one or more dogs or goats he had under clause 52 to pay a tax of 10s. for each one. That might be a very good provision in a municipality or town, but it was not at all applicable to a country district. He should be very sorry to see his constituents taxed for every dog they found it necessary to keep in order to preserve their crops from vermin. They had to pay to protect squatters from marsupials, and were obliged to keep dogs to protect their own crops, and now they were to be taxed for keeping their dogs. It was only petty extortion. Moreover, if the dogs were not registered they were liable to be destroyed by the authorities. In addition to the ordinary rates in their districts, people were, by clause 41, to be liable to be taxed by boards for tolls, rates, and dues upon roads. That was almost equal to directing the boards to initiate that worn-out old system of toll-bars condemned many years ago in the old country. By clause 41, also, public carriers, carters, and water drawers were liable to extra taxation. Another system of taxation was initiated by clause 15. In order to execute any special work in any part of the division, the board might make and levy a rate to be called a "separate" rate; and might also levy special rates for drainage, watering, or lighting streets. Those were all new taxes, and he thought there were already quite enough taxes without initiating more. He was very sorry that the Government seemed unable to pass through any one session without subjecting the people of the

colony to further taxation. They were burdened heavily enough before, and, year after year, little miserable taxes were brought in to make the burden heavier. It was quite agreed that the Divisional Boards Act needed amending; in his opinion it should have been amended at its very introduction. The Government, however, forced the Bill through the House, and would not allow any amendments to be made. If in its operation the Act had caused dissensions, enmity, and disagreements, setting neighbour against neighbour and fomenting unnecessary quarrels, the Government had only themselves to blame. They had begun a false system of taxing improvements, and nothing had been done to amend that system to the satisfaction of the people. He now believed more than he did formerly in local government, and hoped that in time it might be a great benefit to the country. He had not said so much before, but he was free to acknowledge that it had worked better than he expected. There were, however, serious blemishes both in the Act and in the way in which it had been carried out. There was no use in glossing over the subject, and saying it had worked admirably, while under the surface there had been so much to dissatisfy the people who had been called on to bear the burden of the taxation.

Mr. BLACK said he could hardly agree with some of the remarks of the hon. member (Mr. Bailey), but at the same time he coincided with him in the opinion that the Local Government Act had been one of the best Acts the colony had. Without entirely endorsing all the principles of the Act, he could agree with the hon. member in that respect. He proposed to point out the amendments which were, in his opinion, likely to be improvements, and also to suggest where further amendments might be made. He had, until he took his seat in the House, had the honour of being a member of the Pioneer Board—the board which had, with the least hardship to the ratepayers, raised the largest revenue of any divisional board in the colony; and the remarks which he should make would be principally based upon his experience in connection with that board, which presided over a large agricultural area, having a somewhat dense population in a small compass. He had received several suggestions from the chairman of that division—some of which were provided for. There were others of which he did not entirely approve of, and others which he should suggest as he went along. The part of the Bill relating to voting was a great improvement on the old system of voting by post. The returning officer and the scrutineers had been pledged to secresy, but the candidate was allowed to be present without giving any such pledge, the consequence being that names of voters had been divulged, and in many cases small farmers had been positively injured in their transactions thereby. Giving the boards the option of voting by ballot was therefore, he thought, a decided step in the right direction. In their division there were three subdivisions; Nos. 1 and 2 were close to towns, and No. 3 was outside, only a few squatters and selectors residing in it. He thought that in the clause relating to ballot voting it might be enacted that certain subdivisions should vote by post and others by ballot: that was to say, that subdivisions near towns might vote by ballot, and subdivisions outside should be allowed to vote by post. He did not think there would be any objection to that being done. Then again, one-third of the ratepayers must petition to be allowed to vote by ballot. He thought that instead of one-third of the ratepayers it should be the ratepayers representing one-third of the votes. It was well known that some ratepayers, in consequence of the higher rates they paid, were allowed one, two, or three votes. That was a matter of detail, and he did not suppose there would be any objection to the clause being altered in committee. Clause 11 he objected to *in toto*. He considered that the clause imposed a tax on industry. He could not see why one man who had more energy, industry, and push in him than his neighbour should be compelled to pay a higher rate. In connection with that clause he might also remark that the system of rating conditional selections—leaseholds—as compared with freeholds, was also very objectionable indeed. In exemplification of what he meant he would take the case of two selectors who each took up selections, one on the right side and the other on the left side of a road; one man, having greater industry than the other, made improvements. He fenced his selection, and got his land under cultivation. Financial assistance might be necessary, and he applied to the bank or to some financier for an advance. He was asked if he had complied with the conditions, and he was told that, having done so, some security for the advance would have to be given. In order to do that, and having obtained his certificate of fulfilment of the conditions, he made his property freehold; that was to say, instead of waiting ten years to pay the purchase money, he did it in three years, thereby giving the Government the benefit of his money without any rebate in the way of discount for his seven years' payment made at once. What was the consequence? When the valuator went around, he said, "This being a freehold, we know perfectly well that it is worth £10 per acre." Therefore, because the man had proved himself to be a desirable member of the community, and had assisted in developing the resources of the country, his property was rated at the capital value of £10 per acre, and he paid rates accordingly. The man on the other side of the road, who had benefited by the steady increase in the value of land in the district, but who did nothing, had his property rated at its selection value, which until very lately was only 5s. per acre, but was now 15s. to £1 per acre. Was that man as desirable a colonist as the other man? He had nothing to show that he was as good. He might be a speculator living at a distance. According to the proposed amendment, in future he might be rated at 10 per cent. instead of 5. That was what he (Mr. Black) had always considered an unfair provision in the Divisional Boards Act. He considered that it was a tax on the enterprise and the industry of the community; and he would much sooner see a land tax imposed. He could not see that it would be in any way unfair in its operation, and it would be the means of reaching every class in the community fairly; otherwise, if it was possible to introduce an amendment of that sort, he did not see any reason why land should not be rated at what was known to be its actual value. He did not see why, because a man's selection had a selection value of 10s. per acre, he should never pay any more rates than 10s. per acre in ten years. In five, six, seven, or eight years the land might have increased enormously in value, and might be well worth £7 or £8 per acre; yet because he refused to make it freehold land, knowing that the moment he did so it would be rated at £10 per acre, it was only rated at its selection value. He did not know whether statistics would show that land was now being made freehold as rapidly as before the passing of the Divisional Boards Act; but perhaps the Minister for Lands could tell them. No inducements were held out to men to make freeholds of their land; in fact, rather the reverse. As showing the bearing of what he said, they might

take the Sydney Sugar Company, for which they passed a Bill last year. The majority of their land was selected at from 10s. to 15s. per acre, selection price; yet it had changed hands at about £3 5s. per acre. That was known to be the value of the land, but until it was made freehold it would be rated at from only 10s. to 15s. per acre. He admitted that it was an oversight that they did not put a clause in the Bill enacting that the rating be on what was known to be the purchasing value of the land. He believed the House would have passed it, and that the company would not have objected to it. The places where large areas of land were being taken up, and were being held as conditional selections, were the very parts of the districts that required most money spent for making roads; and if application was made to the divisional boards they naturally replied, "You are paying very little rates; and we have no power to raise them. We can only rate the land at the valuation that the Act provides." He could not imagine that there would be any objection to rate land at what was known to be its true value. There was another reason why a valuation which was considered equable now should not be considered equable eight years hence. They had no power to increase the valuation of a selection until the selector made a freehold of it, when its ratable value at once jumped from 10s. per acre to £10. There was another point in connection with the valuation of improvements that he had always had some doubt about. He had put the question to the Premier whether the contents of buildings should be valued. There was a special clause in the old Act which said that mining machinery was exempt from valuation. The question he asked the Premier privately was whether sugar machinery was also exempt, and he said it was. That had not been his impression. He took it that if all machinery was to be exempted, as he maintained it ought to be, there could be no harm in inserting a clause in the Bill to that effect. Clause 15 said:—

"For defraying the expenses incurred in the execution of a work for the special benefit of any particular part of the division the board may, by resolution distinctly define such part, and make and levy a rate herein called a separate rate."

Now, that separate rate was a new phase in the Bill, and he would like it to be clearly understood whether it was to be subsidised—whether it was to be endowed by the Government. If they turned to clause 31 they found it stated that—

"Any sum hereinafter subscribed by the ratepayers of a division, and paid into the divisional fund for the execution of any local work, shall be deemed to be rates actually raised in such division within the meaning of the 71st section of the principal Act."

That meant that that sum was to be subsidised, although he did not quite understand what subscription meant. No doubt the matter would be explained, but it was only right that if a division found its ordinary revenue insufficient for their requirements, and chose to raise an additional sum by means of a special rate, that special rate should also be endowed. Supposing a board wanted to build a bridge at a cost of £1,000 for which the ordinary revenue of the particular subdivision was not sufficient, he wanted to know whether, by levying a small rate, that rate could be applied to the building of the bridge or could go to increase the borrowing powers of the board. A board had borrowing powers to the extent of twenty times the amount of its rates; therefore a special rate of £100 would give an additional borrowing power of £2,000, which would be sufficient to erect any particular work of local improvement. It had been said that the money might be raised by the borrowing powers of the board, but he took it that the board borrowed for the whole division; and until the clause was further explained he took it that any subdivision willing to rate itself extra ought to receive extra subsidy from the Government. With regard to clause 28—increase of endowment in certain cases—it was impossible for him to say anything till the Minister laid on the table of the House a statement showing in what way it would affect the different divisions of the colony. If it would have the result of benefiting those few divisions up north where the present rates were insufficient to maintain their roads he would be in favour of the clause; but if it could be taken advantage of by other boards to swell their endowments it would have to be amended. Clause 34 provided that £5 was to be paid to the divisional board for every gate erected or proposed to be erected within the division. He did not see why the boards themselves should not license instead of its being done under the Enclosure of Roads Act. Under clause 41 boards were allowed to make by-laws referring to almost everything in a division but gates—by-laws generally, buildings, fires, nuisances of all sorts—and he thought gates came under that denomination, and there was no reason why they should not be included. The boards themselves were the best judges of the necessity or otherwise for licensed gates in any division, and a case might arise in which the board might object to a gate and the court of petty sessions might grant a license. No doubt some of the legal gentlemen in the House would be able to solve the question, but unless very good grounds could be shown for keeping the jurisdiction of gates in the hands of the petty sessions it would be well to allow the boards to decide whether they should be erected or not. The penalty for leaving one open was £10, or three months' imprisonment; and the license fee was £5, which was little enough in many cases. He knew a case where ten licensed gates occurred within fifteen miles, and anyone driving had to take someone to open them. The clause which allowed the board to express an opinion as to further licenses for public-houses within its division was very good, and not at all likely to be abused. Clause 38, if he understood right, was a clause by which the Government intended to keep the space of two chains round any reserve free from weeds. If that was all that was intended, the clause might as well be left out, for after the first rain that came the reserve would be covered as thickly as ever with noxious weeds. Clause 42 stated that every by-law should be passed at a special meeting of the board, and clause 45 provided that every by-law in force in a division might be repealed by the Governor in Council. It might be necessary to give the boards power to repeal their own by-laws; at any rate, the clause which provided that they might be repealed by the Governor in Council should be amended so that they might be repealed at once on the request of the board. The registration of dogs and goats he thought a particularly good clause. In those divisions where goats and dogs were considered a necessity, the people would be allowed to keep them so long as they did not stray, without paying the license of 10s.; while, on the other hand, any man who kept such animals to the annoyance of the community would be let off very cheap in having to pay a maximum of 10s. He considered all the proposed amendments had a very proper tendency, and he hoped hon. members would do their best to improve the measure for the benefit of the country. The principle he intended to adopt was to take the best he could get, if he could not

get exactly what he wanted. He should have great pleasure in doing his best to improve and pass the measure before the House.

Mr. McLEAN said that when he opposed the passing of the Divisional Boards Act it was not because he was opposed to local government, but from a conviction that the provisions of that Act would not work well in the colony. No doubt the Government were prepared to confess that the Act had not given unqualified satisfaction, and although all hon. members were prepared to admit that it had done a considerable amount of good, yet it was not an Act that could be made generally applicable to the whole of such a vast territory as Queensland. He had seen copies of the amendments recommended by some of the divisions in the electorate he represented, and he noticed that a large number had been adopted by the Government and were to be found in the Bill. With reference to voting, according to the 11th section of the principal Act the number of votes was defined according to the amount of rates; and rating to the value of £100 gave the privilege of three votes. He should like to know if the votes went according to the property, or to the number of individuals who held an interest in the property. If there were two or three in partnership, say in a sugar plantation—would each of those three partners carry three votes? He believed such had been the case, and the question should be defined in the amending Bill before the House. He was not sure whether it was the number of persons concerned in a property or the value of the property which carried the votes. He was led to believe, however, that where more than one individual was concerned in a plantation or farm each of the partners was to have a vote. That was a point for their consideration when the Bill got into committee, and which ought to have been defined in the amending Bill. He quite agreed with the hon. member for Mackay with respect to the tax upon improvements, which was a matter which his side of the House stood out against when the principal Act was in committee. They had had considerable experience upon the matter since then, and it was to the effect that farmers and settlers were opposed to making any improvements upon their lands except such as were absolutely necessary, from the conviction that as soon as they were made the rate would be increased. That rating of improvements had prevented the carrying on of the farming industry to a much greater extent than hon. gentlemen who had not much experience of the matter would be prepared to admit. He was very glad that the Government had provided for an alternative upon the system of open voting. The Bill before the House left it optional with the divisions to accept that system or adopt the system of voting by ballot; and he was sure the greater number of the divisions would be glad to take advantage of the alternative. A voting paper had been brought under his notice by the person to whom it was sent under the present system; and he found it had been intended for a person who had never resided out of the Logan district, yet the ballot paper had been sent to Rosewood, so that the voting paper came to hand weeks after the election was over. The hon. member for Mackay touched upon another point which was advocated by the Opposition side of the House when the principal Act was under consideration, and that was the matter of taxation. They had advocated the principle of a land tax. Nearly seven years ago, when he went to the poll first to contest the electorate he now had the honour of representing, he went in on that very ticket, and he had never seen any reason to change his mind. He hoped the House would take into consideration the proposal of a just and equitable system of taxation upon the principle of a land tax, to take the place of the system of rating under the principal Act. There was one provision in the amending Bill which he must enter his emphatic protest against, and that was the provision contained in the 26th clause, which was to the following effect:—

"Unless some person entitled in that behalf performs the conditions entitling him to demand a release of any property of which the board has taken possession under the foregoing provisions within thirty years after possession is taken, such property and all accumulations of rent and other moneys on account thereof shall vest absolutely in the division."

He held that even the Crown had no right to sell a single acre of land; and surely if he objected to the Crown selling land he must hold that a divisional board should be debarred from doing so, as they would no doubt have a right to do under that clause, as he presumed, the land being vested absolutely in the division, they might do what they liked with it. He had no objection that, under the circumstances described, the property should vest in the board, in order that they might derive a revenue from it, but it should not be allowed to go out of their hands. With reference to the £8 for £1 he was willing to admit that the Government found it necessary to make some alteration in the matter. But it was well known to many hon. members that some of the boards in existence had thousands of pounds lying in the banks upon fixed deposits; and those were the very boards which would receive the chief benefit from that increased endowment. Those boards which were least in need of the increased endowment would be sure to be best provided for by the Bill—boards which had not spent one single sixpence upon the roads in their divisions, but had drawn the rates out of the pockets of the ratepayers, and had then put them into the banks upon fixed deposits. A gentleman in the Legislative Council told him that he had been chairman of two divisional boards, and that one had £700 in a bank upon a fixed deposit and the other had £1,400 as a fixed deposit. That was an example of the weak point in the 28th clause. With reference to the question of the opening and closing of roads, he was glad to see the Government had dealt with that matter to a certain extent in the Bill. He did not know whether it would be an instruction in future to surveyors surveying Government roads to consult the chairmen of divisional boards, or whether they were to take whatever roads they thought best themselves. But it would be a wise thing if the surveyors were instructed to consult the chairmen of the divisional boards, as they, being local men, would be able to give valuable information as to the best road. He quite agreed with the hon. member for Mackay that the divisional board should be the licensing board for the granting of licenses for gates, as the members of the board were far more likely to know the circumstances of a case than the courts of petty sessions. He hoped that clause would be amended, and that the licensing of gates would be left in the hands of the boards. There was another source of revenue which might well be given to the boards, and that was the timber licenses. Timber-getters did far more damage to the roads than any other loading passing over them; and whereas the Government got all the benefit from the timber licenses, the boards in districts in which a number of timber-getters worked were at an increased expenditure to keep their roads in anything like a passable condition. So that it was a source of revenue which the Government might with very good grace hand over to the different divisions. Then they had the power to make certain by-laws—among others, for the interment of the dead elsewhere than in public cemeteries. He thought all cemeteries should be placed under the control

of the boards, and he threw out the suggestion to the Government. He had been a trustee of a cemetery where he lived, and he knew there was very great difficulty sometimes in getting a meeting of the trustees, and he thought it would be a wise provision to hand over all cemeteries in the country districts to the control of the boards. With the hon. member for Wide Bay, he must object to the additional taxation in the shape of a dog-tax. It might be necessary in a place like South Brisbane, and, as the Minister for Works said, it was optional with the boards to impose the tax. But if they put it in the hands of a board to raise a tax, they might be sure they would raise it. It was no use putting an additional and unnecessary burden upon the people. If he kept his dog chained up and never let him go outside his fence, he did not see why he should have to pay 10s. for him. It was a most unjust and arbitrary tax, and he would do what he could to have it struck out. There was one thing which was not provided for in the Bill, and that was an extension of the time of the endowment, and he thought the time of the endowment should be extended. The Minister for Works some time ago told a deputation that fine weather was a good road-maker. The divisional boards had up to this time had a most favourable season in that respect. There had been exceptionally fine weather for the last three or four years, and yet it had taken them all their time to scramble along with the endowment they were receiving. It would cease shortly, and, as they had an amending Bill before the House, he hoped the matter would be taken up by the House and that an extension of the endowment would be the result. There was another unjust provision in the Bill by which if a person just turned his cow outside his fence it might be driven off to the pound. If a selector happened to turn out one or two head of cattle, and there was any Crown land near, he subjected himself to have his cattle taken to the nearest pound. Such a provision might be desirable in some towns, but ought not to apply as a general principle to the whole colony. There was a general demand for an amended Act, and as there were many hon. members who had had a large experience in the management of divisional boards he had no doubt that with their assistance the Bill would be made in committee a very good, workable measure.

Mr. McWHANNELL said he did not rise to criticise the Bill at any length, but, having been a member of a divisional board ever since the Act came into force, he wished to point out some defects in the Bill, and also in the original Act. The Government were to be congratulated on the successful manner in which they had introduced such a system of local government, and the popular manner in which it had been received showed that their efforts had been appreciated. It had been a decided success, and far beyond the anticipations of the most sanguine. There was much in the original Act that required alteration, and although the present Bill contained many useful provisions as an auxiliary to the former, yet on some points it did not meet the requirements of the day, and on others it would inflict an injustice, which was no doubt unforeseen by the framers of the measure —an injustice which, if it were not remedied, would have a retrograde effect on settlement and on the successful working of the system. The Divisional Boards Act was more applicable to the older and more settled districts of the colony than to the pastoral or outside districts, where the greatest difficulties lay in the way of working strictly within its meaning. With a view to remedy the evil he had referred to he had framed a few amendments, which he intended to propose when the Bill got into committee, and which would embody some of the principles on which they had worked in the Aramac Division, and which they found to be the only way in which they could make divisional boards a success in the outlying districts. Most hon. members were aware that the Aramac Division was the outside one in the north-western portion of the colony, although efforts were now being made, which promised to be successful, to form a board at Winton in the North Gregory district. There was an immense area of country in that locality, over which there was no supervision of roads whatever; and although hon. members might see a few crumbs falling from the Ministerial table in that direction they ought not to begrudge them, for the older districts, when they were in the same stage of civilisation, received considerable sums of the public money for the same purposes. Turning to the Bill, he found that section 6 provided that certain persons having connection with divisional boards were not ineligible as members. That clause ought to be extended much further—to merchants and others supplying goods to boards by contract. Medical men ought certainly not to be disqualified because they happened to be the Government medical officers of the district, simply because they received for that the paltry remuneration of £20 a year. He would also suggest that, in those districts where there was some difficulty in getting men to act, that where the ratable proprietors were absent their managers should be eligible to serve as members. If something of the kind was not done it would be impossible to form boards, as the great majority of the ratepayers were non-resident. To make divisional boards a success the members of it should have a practical knowledge of the district and of the work to be done, and be men who could afford to give the time necessary for the purpose. He saw no good reason why publicans should be debarred from membership. He did not know how it might act in more thickly settled parts of the colony, but in the outside districts they would make useful, active, and energetic members of a board. There were black sheep in all classes of the community—even, he had no doubt, among members of Parliament—but they must not visit the sins of the few on the heads of the many. Publicans were eligible as mayors of municipalities and members of Parliament—why not of a divisional board? He had yet to learn that publicans, as mayors and magistrates *ex officio*, had abused that position. That provision had caused much dissatisfaction in many districts, and he hoped it would be expunged. He agreed with much that had fallen from the hon. member for Mackay with regard to section 11, and his remarks equally applied to the pastoral districts. He considered it was a great mistake to tax anything in the shape of the conservation of water. It was necessary to give encouragement to *bonâ fide* settlers; but to induce people to come to the colony without having a good water supply provided for them was leading them out of the land of Egypt into anything but a Land of Promise. To tax the conservation of water would be to discourage settlement. While speaking on the matter of water, he would point out to the Minister for Works that the Colonial Treasurer had no power to make advances to any divisional board for the purpose of well-sinking or purchasing machinery for that purpose. That must have been an oversight in the framing of the Local Works Loans Act, and he hoped steps would soon be taken to remedy it. With regard to clause 34 he condemned it altogether, and did not agree with the hon. member for Mackay that divisional boards should license gates; that ought to be left with the magistrates.

The Enclosure of Roads Act dealt very fully with the matter, and it would be a great mistake to pass any measure which would upset so useful an Act, and one that had given so much satisfaction throughout the colony. The conditions enforced by that Act were quite sufficient and costly enough without any additional fee. If the clause was passed as it stood, the result would be that there would still be gates on public roads, and they would not be licensed. There were many better ways of raising extra taxation for the boards if it was required. The clause for the registration of dogs was a very useful one so far as it went, but some provision ought to be made whereby shepherds' dogs in the pastoral districts should not be taxed. They were as necessary to enable a shepherd to make his living as the needle and the goose were to the tailor, and it would be a very great hardship to those men to have to pay 10s. a year for the dog that assisted them in earning a livelihood. At the same time the clause would apply to the many mongrel breeds that ran about townships and did much damage in pastoral districts. In his own district hundreds of sheep had been killed by dogs during the last twelve months. Notwithstanding the many defects of the Divisional Boards Act, it was one of the best measures that had ever passed the House. It had taken a load of work and responsibility from the shoulders of the Government and thrown it on those who had the needs of their respective districts at heart; and the patriotism of the settlers in carrying out the working of the Act showed clearly that they had their hearts in the work. If the motion went to a division he should vote for it, in the hope that the Bill would be considerably amended in committee.

Mr. GROOM said he was glad to see that the Minister for Works had carried out to a very considerable extent the amendments which had been suggested to him (Mr. Groom) by members connected with various divisional boards. The alteration made in the manner of election, whilst being an improvement on the original Act, did not, however, appear to cure some of the defects discovered in the working of that Act. Under the original Act, according to the opinion of the Attorney-General—which might be considered conclusive on the subject—it was impossible to interfere with the ballot papers after an election had taken place. They were sealed in a packet and were not allowed to be opened. A case, however, had occurred where, in a contested election in a subdivision, the votes were equal, and the clerk of the divisional board was appointed returning officer and gave his casting vote. The candidate who was not elected then presented a petition to the board, complaining of the way in which the election had been conducted and demanding a scrutiny. Under the original Act no such scrutiny could take place; and in looking over the present Bill he (Mr. Groom) could find no provision for dealing with such a case. Under the Municipalities Act a dissatisfied candidate had the right to demand a scrutiny, and a similar right was given to candidates for election to Parliament; but neither in the original Divisional Boards Act nor in the amending Bill was any such right provided for. The Bill contained many provisions similar to those of the Local Government Act, but there was no provision to enable the boards to make by-laws for the management of their own elections, and for giving a means of deciding disputed elections. The Minister for Works would, he believed, admit the desirability of giving boards that power. The hon. gentleman had no doubt been placed in an invidious position by the board, which referred to him in the case of one disputed election, when the matter was referred to the Attorney-General, who decided that the ballot papers could not be interfered with, and there was therefore no redress. The Bill appeared to consist principally of amendments on the original Act, the principal new feature being contained in clause 28, which referred to endowments. The question of endowment was one that required to be very tenderly treated by the House, and he trusted that the attention of the House and the country would be closely directed to that particular proposal. He knew, for instance, of a division which under that clause would get an endowment of £8 for every £1 raised, although at the present moment it had as much as £4,000 lying at fixed deposit in the banks; and he was not quite sure whether there was not another division which had £5,000 in two separate amounts deposited in the same way. The reason of that was not that there was no particular work upon which those divisions could judiciously expend the money. There had been an effort on the part of certain persons working the divisional boards to take care that their own property was not taxed too heavily, and they therefore fixed the revenue at a very low rate, and did not initiate any public works until there was a demand for them and a good case made out in their favour. The consequence was that funds went on gradually increasing, although the rate raised was only 3d or 4d. in the £1 at a time when a rate of 1s. in the £1 would not be more than sufficient to meet the wants of the division if they were properly attended to. If such a clause as that were passed some of those divisions might assess their property at only 1d. in the £1, and the taxpayers in the largely settled districts would have to pay a large part of the extra taxation. The hon. gentleman should think twice before he asked the House to pass such an amendment, unless he took means to restrict its operation to such districts as could not raise a sufficient sum to meet their current expenses. To give such an endowment to a division within 100 or 120 miles of the city would be the very height of injustice. If such divisions were to impose taxation in accordance with the present Act in anything like a fair and equitable spirit they might have a revenue equal to £4,000, which, with the endowment of £8,000, would give them an annual revenue of £12,000. With the object either of saving themselves additional taxation or of defeating the Act, they only raised a revenue of, say, £1,500. The result would be that when a period of long and continuous rains commenced the roads would become so bad that a very large sum would be required to make them anything like passable. Perhaps the fund was being husbanded for that purpose, but he hardly thought it was. He should be very chary indeed, from his information on the subject, of acceding to the request for a larger endowment from any district that could not show that there was an absolute necessity for it. With regard to licensed gates, he was of opinion that they should be placed in the hands of the divisional boards. It was chiefly in the pastoral districts that they were required; and, as the person obtaining the right to erect them usually derived a great benefit from them, there was no reason why he should not pay a fee of from £1 to £5 as might be decided. If a small tax of that kind were proposed he should not be inclined to oppose it. The provision with regard to dogs and goats he looked upon as one of the best in the Bill. It was all very well for hon. members to talk of the hardship, but how many valuable lives had been lost through a lot of hungry curs who rushed at a traveller as though they would eat him and his horse too! They were not shepherds' dogs, and they were of no earthly use to anyone. No one, he thought, would object to the maximum tax of 10s. being imposed, seeing that the amount

fixed would probably be only 1s. That was paid now in the municipality, and those who neglected to pay were liable to a fine of 10s. Hon. members had no doubt read of the lamentable death of Mr. A. J. Pechey, of Bathurst, member for East Macquarie in the Sydney Legislative Assembly. Upon inquiry it was found that the brute which caused that valuable life to be lost was not worth 5s. All the magistrates could do was to fine the owner 40s. and order the dog to be destroyed, but that could not bring back the lost life nor compensate the widow and orphans for their loss. Valuable sheep in his district had been frequently destroyed by those beastly curs, and he thought it was time some stringent action was taken. On the whole, the Bill was a considerable improvement on the original measure introduced by the Government. He had always been strongly in favour of local government for the outside districts, and he was glad to see that it was proving so great a success. In the adjoining colony of New South Wales a similar measure had been prepared by the Premier and distributed through the country; and in the Opening Speech it was announced that the Bill would be one of the cardinal measures of the session. No doubt such a measure would meet with great opposition. Where members had for a hundred years been knocking at the Treasury doors for roads and bridges, it was not surprising that a proposal to discontinue making them at the expense of the State should excite a good deal of opposition. He had always supported measures intended to carry out the principle of local government, and the reason why he did not approve of the Divisional Boards Act in the first instance was not that he objected to the principle involved, but that he held it was not the right time then to introduce the measure. In the settled districts there could be no doubt that it had done a great amount of good. He would, however, warn the Minister for Works that if he did not deal with the question of endowment very carefully he would make the great mistake of giving to a rich division a much larger endowment than that to which they were entitled. If any class of the community deserved a larger endowment upon the principle of tax-paying equality it was the residents in municipalities, who were called upon to pay most excessive rate in all directions, and who only got an endowment of £1 for £1 upon a certain portion of the amount of rates raised. Legislation was, however, largely a matter of compromise, and he should be prepared to join with other hon. members in making the Bill as useful a measure as had been passed in any session since the colony was constituted.

Mr. RUTLEDGE said there had been so much laudation indulged in as to the benefits that had accrued from the Divisional Boards Act that he did not think it necessary to say anything by way of strengthening those remarks. He did not think that those who said the members of the Opposition opposed the Act because they were against the principles of the Local Government Act were well-informed on the subject. It was well known that the members of the Opposition were influenced in their resistance to the principal Act when it was before the House, not by an objection to the system of local government, but by considerations such as were now suggested by the speech of the hon. member for Mackay as to the basis of valuation to be adopted; also by the proposed system of open voting at elections, and by the feeling, which had since been realised, that the endeavours which would be made to get large sums voted for the purposes of making roads where divisional boards were not able to make them would prove that the Act was inapplicable to the entire colony. What they said was likely to occur had really happened; in many parts of the colony the Act was very applicable, while in other parts it was not applicable at all. The fact that the Government had been obliged to come down and ask the House to supplement the endowments by direct votes proved that what was said on the Opposition benches was perfectly true. However, he was not disposed to withhold from the Government any meed of praise they might deserve for having brought about a system by which districts had taken upon themselves the duty of adopting the necessary measures for the carrying out of local works. He was sorry to find that two principal objections brought forward at the time the principal Act was before the House had not been remedied in the amended Bill. The principle of open voting had been found objectionable in many places. What he meant by open voting was voting by post, by which parties other than voters themselves knew how the votes had been given. That was a most objectionable feature, and the Government had found that what was predicted by the Opposition had come to pass. Instead of dealing with that matter as they ought to have done, the Government had rather temporised, and they had made provision whereby districts had the alternative of voting by ballot, as under the Local Government Act. Why could they not substitute vote by ballot at once instead of giving all the trouble of getting up petitions and wasting the time of men in going through the country and verifying whether the requisite number of signatures had been obtained; then sending the petition to the Governor in Council, who might or might not grant the request? There would be two systems—one system under the Local Government Act, and another under the Divisional Boards Act. He thought it would be far better to do away with the system of voting by letter, and have one general system, so that there might be some uniformity. The other great objection that was raised by the Opposition was as to the manner of rating. He remembered that he himself pointed out the utter impossibility of applying the principle of separating lands and buildings, and fixing the annual value of each as a basis of assessment. The Divisional Boards Act specified that the basis of valuation should be the amount at which both land and buildings might be reasonably expected to let at from year to year, deducting one-half of the annual value of buildings. It was pointed out when the Bill was before the House that a house had no value apart from the land, or the land apart from the house; that if they took a five or six roomed house and put it by itself it would be useless, and would have no chance whatever of being let apart from the land; and that, in order to arrive at a proper basis, the house and land should go together: in other words, that the land ought to be valued, but not buildings distinct from the land. He had been employed in a great many appeals against the valuations of divisional boards, and the amount of mysticism connected with the valuation had been a great benefit to the legal profession. But those matters ought to be made so simple that everybody could understand them, and there ought to be no litigation whatever about them. However, the Government proposed to extend the difficulty. The 11th section said—

> "For the purposes of the 60th section of the principal Act, wells, drains, tanks, and fences shall be subject to the same deduction as is prescribed for the houses and buildings under the provisions of the said section."

But could the Government not have adopted a more rational basis of calculating assessment than that? How could fences, dams, or tanks be said to have an annual value? The thing was absurd. It was impossible to ascertain the annual value of a fence. When a question of assessment came before a board of justices the first question they asked was, "What is the annual value of the property?" The assessor

said it would let at so-and-so, and then persons were called to say that the property was not worth anything like the amount named by the assessor. The justices then took refuge in the 5 per cent. on the capital value of the lands. But the Government said, "Take a fence or a dam, let it, take half the value, and make that the basis of calculation." He would give the framers of the Bill full credit for an honest and sincere endeavour to make local government popular and practicable, and he hoped the suggestions thrown out would be received and acted on by the Government. Reference had been made by the hon. member for Mackay to the 34th section, dealing with gates across country roads; but as the House handed over the construction, maintenance, and control of all highways and roads to the boards in 1880, he wondered that those boards had not realised their powers, and dealt with the gates themselves. The matter of the conflict between the two Acts of 1864 and 1880 was one on which various benches had given contrary opinions, and it had never been decided by the Supreme Court. The Government ought to repeal by a section of the Bill the Enclosure of Roads Act of 1864 so far as related to the exercise of the power to license by justices, and make a new clause which would settle the matter clearly. With regard to by-laws, almost all the provisions under the Local Government Act were incorporated in the Bill; everything that was made the subject of a by-law in that Act was the subject of a by-law in the Bill before the House. A board had authority to regulate the construction, elevation, materials, and form of buildings in every part of the division. When it came to that, divisions should merge into shires and shires into municipalities. It was going too far to allow boards having jurisdiction over houses widely separated to say to one, "You shall build a house of brick"; to another, "You shall build a wooden house"; to a third, "Your roof shall be of zinc"; and to a fourth, "Yours shall be of slate." It was preposterous to allow boards to exercise their ingenuity in framing such by-laws. There were also by-laws relating to traffic and processions. A case happened recently in which the members of a shire council close to Brisbane enacted a by-law regulating cab traffic, and took upon themselves to adopt the by-laws of the city of Brisbane, and make every cabman pay a license fee for driving in that division. If they included the Shire of Toowong there would be no less than nine divisions or municipalities about Brisbane through which cabs had a right to ply, being within the compass of a few miles of Brisbane; and how absurd it would be to allow each of those divisions to make such by-laws as would compel drivers to pay a license fee to each division! He did not hold with the clause relating to the destruction of dogs and goats, commended so highly by the hon. member for Toowoomba. They were multiplying taxes right and left. There were rates, special rates, separate rates, and rates for interest—four systems of rates provided for by the principal Act and the amending Acts, and surely that was exorbitant taxation! It was more than they had a right to expect the people to pay, yet it was proposed to arm the boards with authority to make by-laws compelling people to pay a tax of 10s. a year on goats and dogs. Though dogs might not be required in a division for minding sheep, they might be required as destroyers of vermin; and how many men with 160 acres and 320 acres required them to keep down the snakes, wallabies, opossums, and bandicoots! So that where a man kept half-a-dozen dogs to destroy vermin he was to be made pay a tax of 10s. a year for every one of those dogs. The case stated by the hon. member did not apply in that case at all. It was like saying because a man broke his neck through a mongrel cur running out at his horse in Brisbane they should destroy all the dogs in Aramac. A dog tax might be very well in crowded towns, but it could not be applied where dogs were kept—he was going to say as part of the stock upon a selection—and he deprecated the imposition of such a tax. He did not wish to take up any further time in discussing the Bill now, but he would assist other hon. gentlemen by doing what he could to make it a good measure.

Mr. PALMER (Maryborough) said that, notwithstanding the fiery denunciations of the hon. gentleman who had just sat down, he thought the amendments now proposed were a very great improvement upon some of the clauses in the former Act.

Mr. RUTLEDGE: I did not denounce all the clauses. I pointed out two or three requiring denunciation.

Mr. PALMER said the difficulties found surrounding the working of the present Act would no doubt be simplified and made workable under the Bill. In the matter of voting it was quite impossible in many cases to apply the system of voting which worked well in municipalities to the country, as any hon. member would know who knew anything of the country. Voters under the amending Bill would be able to exercise their right to vote by ballot or by post; and he did not see how the Government could make the working of it more simple. A very great difficulty had been overcome in the matter of voting, and he was sure the Bill would work well, especially in the country districts where the settlers were scattered throughout the districts. The taxation upon ratable property was really the greatest difficulty to be met with in the Bill. He should himself much rather see a system of taxation upon land. He had considered the matter over and over again, and he had no doubt taxation on improvements was a great hindrance to people improving their property.

Mr. RUTLEDGE: Then you object to some of it, too?

Mr. PALMER said he objected and always did object to taxing improvements; but he did not see how it could be got over. He would prefer a real property tax himself, but then the question arose, could it be thoroughly carried out? He failed to see how it could. Taxation on land or real property that might work well in farming or agricultural districts would not apply in pastoral districts. He would take the case of agricultural land which was taxed according to its quality, and that might be 3d., 4d., or 6d. an acre, beyond which they could hardly go. That would be fair and reasonable in agricultural districts. If they taxed pastoral lands according to their quality in the same way, say at 1d., 2d., or 3d. an acre, that would be equally fair in the settled districts; but if they went hundreds of miles into the interior, how would such a rate work, as there would be only pastoral land to fall back upon, and upon that a tax of 2d. or 3d. an acre would be found intolerable? That was one reason why the Act had been and would for many years be found to work differently in different districts. The divisional boards, from the very first, took root and worked well in districts where there was a settled population; and on the contrary, in districts hundreds of miles out, where the population was sparsely settled, they did not work so well. He should like to see the taxation upon real property, although he confessed he hardly saw how that was to be done. He had never approved of

taxing improvements, and such a mode of taxing would always be unpopular, and no doubt in some cases it would have the effect of retarding improvements. It was proposed by the Bill to tax tanks and dams, and that would add to the unpopularity of the Act. The hon. member for Logan had alluded to the question of endowment, which was very important. He hoped the Minister would take into his consideration the fact that at the expiration of five years the endowment of £2 to £1 would cease. Some provision, he thought, should be made even now to meet the contingency which would arise at the end of the five years, as he did not know of any divisional boards that would be able to carry on if the endowment was stopped. It had been said that some of the boards in the interior were hoarding up thousands of pounds. He could not understand that, and if it were the case he thought it was in contravention of the Act, for surely it was never intended that it should be so. He hoped that matter would not be overlooked. In regard to the 14th clause, which said :—

"Every ratable property shall, for the purposes of levying rates thereupon, be deemed to have been assessed at an annual value of not less than two pounds ten shillings."

That was of course the minimum, and he thought it was too small. He was not in favour of adding to the burdens of the people to any appreciable extent, but he knew very well from the working of the Act that 2s. 6d. as a minimum was not sufficient. He thought that they should substitute something like 6s. or 7s. upon all vacant lots. In their divisions, as they now knew, there were large townships springing up, and allotments were bought upon speculation and held over for years to make money out of them. 2s. 6d. was not a sufficiently high rate upon such lots, and they should be assessed at a higher value ; and if no one else moved it he should himself move that the minimum assessment should be 6s. or 7s. Clause 28 was a most difficult one, as the Minister himself confessed. It related to the endowment to be given upon Government lands, and was as follows :—

"Where a considerable portion of the area of a division consists of lands not ratable under the provisions of the principal Act, the endowment payable in each of the first five years after the establishment of such division under the seventy-first section of the said Act may be increased to the following extent, that is to say—

1. Where less than one-fourth of such area is ratable property the endowment so payable shall be a sum equal to but not exceeding eight times the whole amount actually raised by rates (not being special loan rates) in the year past.
2. Where more than one-fourth but less than one-half of such area is ratable property, the endowment as aforesaid shall be a sum equal to but not exceeding six times the amount so raised.
3. Where more than one-half but less than three-fourths of such area consists of ratable property the endowment as aforesaid shall be a sum equal to but not exceeding four times the amount so raised."

There was to be an endowment of £8 to £1 in some cases, and £5 to £1 and £3 to £1 in others. The Minister appeared to be in doubt as to how it would work, and he (Mr. Palmer) hoped some other system would be substituted for it, as he did not think it would be found to answer the requirements of the Act. His opinion was that it would be better for the Government to admit the main roads question to be embodied to some extent in the Bill, and that they should give a certain amount in proportion to the length which the roads ran through unalienated property. If the clause was carried in its present shape the boards would not be able to work it. The Government claimed the right to step in and control the boards to which the endowment was given. The matter should be left altogether in their own hands by giving a lump sum per mile to carry out the work. He agreed with the hon. member for Mackay with regard to gates and public thoroughfares ; the board should have full control over them. Clause 38 also required a little explanation, and if not simplified it might become a great hardship. With regard to the eradication of noxious weeds, it would be as well to have a definition of what were noxious weeds. The space also should extend to a much greater distance back than two chains ; but, in any case, the taxpayers should not be made to suffer any unnecessary hardship. A good deal had been said about goats and dogs, and he agreed with the clause that gave power to destroy them wherever they were found. The maximum of 10s. might or might not be too high, but the boards were not likely to exercise their rights in an arbitrary manner. In committee he should be glad to offer any suggestions he could in order to improve the Bill ; and he believed that, when taken in company with the previous Act, it would be found a very useful and workable measure.

Mr. FERGUSON said he did not rise to condemn so valuable a measure as the one before them, because he considered that even if carried in its present shape it would form a valuable addition to the statute-book of the colony. The Government had acted wisely in calling for suggestions from the various divisional boards. The circulars forwarded by the Government had been to a certain extent responded to, and the result was that the Bill before them was framed on the suggestions and opinions of men who had had a practical knowledge of the working of divisional boards for three years. Many members of divisional boards were men who had served as aldermen in municipalities, and many chairmen of divisional boards were men who had served as mayors of municipalities. The Bill was, therefore, framed on the opinions of men to whom the House should give a good deal of weight. The Bill was not altogether perfect as it stood, and he would briefly refer to one or two clauses which seemed to require amendment. The first was clause 7, according to which a member might absent himself from board meetings for six months before his seat could be declared vacant. That was giving too much latitude ; three months was plenty. Meetings of boards were generally held monthly, and in some cases fortnightly, and there might be some outside cases where the meetings were not held so often. According to the clause, a member by attending six meetings could remain in office for three years. That was not fair to the working members of a board who attended to their duties properly. There were drones in nearly every public body, and the sooner they were cleared out the better. If no one else would move the amendment in committee, he would move that the word "six" be omitted from the clause with the view of inserting the word "three." There was a clause in the Local Government Act a few words of which would make the clause workable, and that was that if any member showed reason that required him to be absent more than three months, on application to the board, leave of absence would be granted to him. He himself was at present away on leave of absence. Being a member of the Municipality of Rockhampton, that body had granted him leave of absence for four months. The next clause he would refer to was clause 10, wherein voting by post was discontinued in certain cases. The power should not be left in the hands of one-third of the ratepayers, but in those of one-half. A minority should not have power to make so

mportant a change. Voting by post was inexpensive, and well adapted for the purpose. The Bill gave the board the power of appointing a day for the hearing, and the ratepayer had also the power of appointing his day for appealing. The provision had worked badly in the original Act and also in the Local Government Act, and he did not think the proposed alteration would be any improvement whatever. Ratepayers, when appealing, were not generally on very good terms with the board, and they would be more than likely to appoint their own day. Power should therefore be given to the board to appoint the day of appeal. Clause 31, if he understood it rightly, provided that one or two or more taxpayers who put a certain amount of money into the funds of the divisional boards for a special work might get an endowment of £2 for every £1. That was not consistent with the general provisions of the Bill. If the board struck a rate for the purpose of general improvements in the division, they would only get the ordinary endowment; but if a few ratepayers chose to pay each a small amount on their own account, the Government would endow them with £2 for every £1. A few selectors, for instance, whose selections adjoined one another, might wish to construct a dam to supply the selections with water. If they subscribed £1,000 themselves the Government would give another £2,000, which would enable them to make a dam at a cost of £3,000, and thereby, with Government money, make valuable property which was before almost valueless. The provision would be only useful to those persons who wished to make their own property more valuable. Clause 11, relating to assessments, was no doubt a step in the right direction, providing as it did that wells, dams, tanks, and fences should be assessed at half their valuation instead of the whole, as at the present time. There was a class whom he should like to see treated more liberally even than they had been—namely, the small selectors. The net value of selected land was computed on the amount of rent paid annually to the Government; but he thought that until the land became freehold the occupier should not be rated for any improvements whatever. As a rule, the selectors were a hard-working class whose capital was only about sufficient to enable them to pay the first year's rent and to erect a cottage. From that time it was a continual struggle until the selection became a freehold. In some localities, such as Mackay, where the land was very rich, the remark might not apply; but generally the selector lived from hand to mouth until the property became freehold. He considered that the Bill was a great improvement on the present Act, and he hoped the House would deal with it in such a manner as to make it a great benefit to the colony as a whole.

Mr. FOOTE moved the adjournment of the debate.

The PREMIER thought the hon. member might have given some reason for taking such a course. Why should they adjourn an important debate like that at ten minutes to 10?

Mr. MILES said he knew there was a large number of members desirous of speaking on the Bill. Perhaps one or two other members might now speak; but he trusted the Government would not press the division that night. There would probably be no division, because he thought the whole House was in favour of the measure, but members wished to express their opinions upon it.

Motion, by leave, withdrawn.

Mr. FOOTE said the reason why he moved the adjournment was that it was a very important debate, and there were a good many members who wished to speak. The Minister for Works had spoken of the Divisional Boards Act as having met with unprecedented success, and as being appreciated by the colony; but, so far as he (Mr. Foote) knew, the appreciation of the Act was confined to that House, or nearly so. He had noticed that hon. members were like a flock of sheep that stood near a stream waiting to cross; the moment one sheep jumped over, the whole lot followed in quick succession. That evening almost every member had directly or indirectly praised the Bill. The only exception was the hon. member for Enoggera, and he did not join in the applause simply because it was of such an extravagant character. Now, as he had before stated in that House, he (Mr. Foote) was not favourable to the Divisional Boards Act; not because it was a local government measure, but because he believed that the divisional boards had made no progress in road-making. It had been asserted by the hon. member for Logan that since the Act came into operation there had been unprecedented dry weather; but let there be three years of wet weather, and he was sure the opinion of the House would be very much changed as to the working of the Act. The Government claimed to have tided over the financial difficulties of the colony during the last few years without any increase of taxation. The House had properly given them credit for that—they had used their ability, discretion, and keen sight to tide over difficulties; but they ought to give some of the credit to others. They should remember that the previous Government succeeded in passing a liberal measure, which the Speaker had a great deal to do with, with regard to the Railway Reserves; that enabled the Government to utilise land to a considerable extent, and consequently they were enabled to replenish the Treasury as opportunity afforded them. The present Government opposed that Bill strongly, but they availed themselves of it afterwards in order to replenish the Treasury; therefore they ought not to take all the praise to themselves for having got over the financial difficulties of the country. He could not give the Government credit for having tided over those difficulties without increased taxation. What was that Bill, and what was the Act already passed, but increased taxation? It was a direct instead of an indirect taxation. The vast sums of money that had been raised under the Divisional Boards Act were nearly enough to have covered the deficit the Government must year by year have had to deal with. He would not go over the Bill paragraph by paragraph, but would confine himself to a few remarks on some of its objectionable features. One fault he found with the present Act was that the divisions were so small that they could do nothing with the money raised after paying an overseer and clerk, etc. Another objection was that the boundaries were in many places wrong. There might be a creek, one side belonging to one division and the other side to another, and a bridge might be required. Neither would undertake to build the bridge, and they would not amalgamate for the purpose. In no division with which he was acquainted had a bridge costing over £20 been constructed since the Act came into force, notwithstanding the fact that many were required, and that some places would be impassable for two or three months if they should have floods like those they used to see some years ago. He also observed that the Government still had it in their power to favour particular districts with regard to bridges. He referred to Gatton, in the electorate of Stanley, and he wished the Government had been even more liberal; but he knew of a bridge on the same road, over which the same traffic passed, and which was in a very bad state. The bridge was built twenty

years ago and was twenty feet too low, and a new bridge was required. The division could not possibly build it, as all the rates and endowments for the next five years would not supply the amount required; and unless provision was made in the Bill for such cases, or the Government took the matter into their hands, the people in the locality would have to resort to the old system which existed when the colony was part of New South Wales—travel through the bottom of the creek. The bridge he referred to was the One-mile Bridge. The hon. member for Mackay applauded the Act, and thought it was working well; and from what the hon. member said it would appear that Mackay was a very wealthy district. The hon. member said they were able to raise a considerable revenue there; and if that was the case he congratulated the hon. member. But he was sorry to say that, in every division he knew, such was not the case. The best thing was to make the Act as good as possible; and every matter they possibly could hand over to the boards should be handed over. For instance, the timber licenses now issued by the Government should be issued by the boards; and he did not see why publicans' licenses should not be under the boards also. The Government should not receive the revenue on liquor in two ways; if they received the duty that should be sufficient, and the license for the privilege of selling the stuff should be granted by the boards. He believed the goat had very few friends on the face of the earth; but he knew some gentlemen who had a pleasure in keeping a better class of goat —the Angora—and were they to be taxed at the rate of 10s. a head? If so, they might just as well go a little further and tax sheep. And there were many poor people who prized the common goat on account of its milk, and who could not afford to pay 10s. a year. That was taxation with a vengeance. He was aware that it rested with the board as to whether they would levy the tax or not; but, as an hon. member had asserted that night, if there was any opening for the board to tax them they would tax them to the highest extent, and the powers of the board in that direction should be well defined in the Bill. Then he came to the dog tax. He must confess that dogs of an inferior kind were sometimes a nuisance; but there was another view to take of the matter. In the country districts he knew that persons often left their homes for two or three days together, and he knew of persons leaving children night after night with no other protection than a faithful dog. All dogs were not of the quality described by the hon. member for Toowoomba. He was free to admit that the case mentioned by the hon. member was a deplorable one; but the power to impose a dog tax should be properly restricted. He was quite prepared to support a small tax upon dogs of, say, half-a-crown a year, but that he thought should be the outside. He could not say that he approved of the licensing of gates being handed over to the boards, as he had seen some unpleasant squabbles in connection with them already, and some cases had been brought before the bench. One case he knew of in which the chairman of a board opposed the gate, and he remembered the presiding magistrate on the occasion asking the chairman what was his reason, and he said it was because he would have to get down to open it. The magistrate further asked him whether, if he had a boy provided to open the gate, he would object, and the chairman of the board said he would. That showed that there was very often animus in those matters, and it interfered with the justice of the thing. If a man could get the gates for £5 or £10 he should not object to it; but, as the hon. member for Mackay put it, he thought the board should provide the gates and see that they were kept in repair. There was another obstacle in the Bill—that of the taxation on tanks and dams. He said that was not only a tax upon improvements, but it was a tax upon the actual necessaries of life, and it should be borne in mind that many of the country districts had for some time been badly off for water. He thought that the tax was one which should by no means be adopted, and if his vote would do anything in doing away with it he should vote against it. There was another matter which referred to that clause of the Bill which enabled the Government to give £8 for every £1. His objection to that was that he believed it would give too much power to any Government. A Government always had its friends, and the present Government—and he said it with pleasure—looked after its friends well, and did not perform those foolish acts which were done when the present Opposition was in office. He remembered that whenever there were any plums to give away the Liberal Government generally selected some Opposition member to bestow them upon. He did not say that the present Government would favour its friends in respect to the proposed endowment, but there might be an unscrupulous Government in power. There might, for instance, be a Minister who considered himself well gifted in matters connected with electioneering, and who might make use of such a power as the clause would give; but he did not say that any member of the present Government would do that. In reference to the rates to be levied by divisional boards he might at once say that he was opposed to any rates for improvements. If any portion of the Bill could be framed so as to provide for the cases of small townships only he would accord it his support, but as regarded small farmers and graziers outside townships he considered that a land tax was the proper thing—not an extravagant tax like that suggested by the hon. member for Maryborough (Mr. Palmer), but one in accordance with a proper classification of the land. Had such a tax as that been levied hitherto there would have been less heartburning than there had been since the passing of the Act. Direct taxation always met with a great deal of opposition and prejudice, but there were, nevertheless, systems by which such things could be made very easy to the people; and he found on making inquiries that a large majority would have no objection to a land tax who had a most decided objection to a tax on improvements. As had been already stated by one or two hon. members, it was necessary that provision should be made for a renewal of the endowment, which would cease, he believed, some two years hence. He thought that if the Act was to remain in force it would be well that some such provision should be made at once, as he was quite certain that ere long if there were a couple of bad seasons they would have another Divisional Boards Act Amendment Bill brought forward, as the amount of money which could be raised under the present or proposed system would be insufficient to meet requirements. The present Act did not apply equally to all parts of the colony; in the settled districts it became a burden to which the people were hardly yet accustomed, whilst in the outside districts all that was wanted were bridges and dry weather and they could get along very well. He trusted that for the benefit of the colony some system would be adopted by which the value of the runs leased in the settled districts would be increased, when he hoped those runs would be let or sold. That would be the proper way, and the colony would be likely to get something like a fair value for them, and they would

be a source of great revenue to the colony. The Bill would require all the care, study, and caution that hon. members could possibly give in order to make it into an Act that would be beneficial to all classes of the community.

Mr. MACFARLANE said that as most of his remarks had been anticipated by previous speakers he would not trouble the House for more than a minute or two. The Bill was no doubt founded on suggestions made by the various divisional boards, but to make the measure a good one still further amendments would have to be made in it. He would refer to clause 7, and to something that had taken place in connection with it within his knowledge. As the hon. member (Mr. Ferguson) had said, that clause wanted some amendment. The qualification for membership was that a man must be a freeholder or a leaseholder. He knew of a case where a freeholder, a member of a divisional board, sold his property and yet retained his seat; he would not go out and the board could not put him out. He would now refer to the 38th clause, which provided for the extirpation of noxious weeds. In one of the subsections of that clause it was provided that—

"Nothing in this Act shall render the Colonial Treasurer liable to defray the cost of abating any such nuisance upon waste lands of the Crown."

What would be the good of asking leaseholders or freeholders to destroy noxious weeds on their selections within two chains of the main road, if the Crown lands were to be left to breed the same noxious weeds to any extent? No good whatever would be done, for wherever the selector, at a considerable expense, had extirpated the noxious weeds on his own property, the Crown lands would prove to be a nursery that would produce weeds enough to cover the whole colony. Without an amendment that clause would be useless, or worse than useless. Along with some other hon. members he had always been in favour of taxing the land, and the Divisional Boards Act would never become what it ought until that was done. But the hour was getting late, and as many of his remarks had been forestalled he would not detain the House any longer.

Mr. GRIMES moved that the debate be adjourned.

Question put and passed, and the resumption of the debate made an Order of the Day for Tuesday next.

The House adjourned at half-past 10 o'clock.