Queensland

Parliamentary Debates
[Hansard]

Legislative Council

THURSDAY, 1 OCTOBER 1885

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LEGISLATIVE COUNCIL.

Thursday, 1 *October*, 1885.

Beer Duty Bill.—Beauaraba Branch Railway.—Victoria Bridge Closure Bill—second reading.—Customs Duties Bill.—Victoria Bridge Closure Bill—second reading.—Elections Bill—committee.

The PRESIDENT took the chair at 4 o'clock.

BEER DUTY BILL.

The PRESIDENT read a message from the Governor, intimating that His Excellency had, on behalf of Her Majesty, assented to this Bill.

BEAUARABA BRANCH RAILWAY.

The POSTMASTER-GENERAL (Hon T. Macdonald-Paterson) moved—

1. That the plan, section, and book of reference of the proposed Beauaraba Branch Railway, commencing at 120 m. 52 chs. on the Warwick line, as received by message from the Legislative Assembly on the 24th September, be referred to a select committee, in pursuance of the 111th Standing Order.

2. That such committee consist of the following members, namely:—Mr. F. T. Gregory, Mr. E. B. Forrest, Mr. W. Horatio Wilson, Mr. Pettigrew, and the Mover.

Question put and passed.

VICTORIA BRIDGE CLOSURE BILL—SECOND READING.

The POSTMASTER-GENERAL said: Hon. gentlemen,—In asking your attention to the second reading of this Bill, which is entitled "A Bill to Authorise the Temporary Closure of the Victoria Bridge," I think I may fairly claim to be able to say that it is of the highest importance to the city of Brisbane, and that its becoming law will be of great public benefit and utility. I have considerable pleasure in moving the second reading of this Bill, in view of the fact of the Supreme Court having held that the municipal council, being charged with the control and management of the bridge, were bound to open it at certain times when called upon to do so, and were liable for damages to persons who suffered loss from their refusing to open the bridge. It is very necessary that the matter should be settled—I was going to say, once for all—but, as hon. gentlemen will notice, there is a clause which makes it only a temporary closure. I hold very strong views about this matter and I think it is to be regretted that the question is not to be settled at once and for ever. We are all intimately acquainted with the enormous amount of traffic that passes over that structure, and we know that it would be extremely detrimental to both North and South Brisbane if the swing were liable to be opened from day to day or from hour to hour, that thousands of inhabitants on both sides would suffer monetary loss, and that trade would be damaged and crippled if the swing were not closed. I think we all agree that it is not desirable that the municipal council should be liable to actions for damages such as took place recently; and without further observation or comment on this matter—as every member of this Chamber is intimately acquainted with the history of the bridge from its inception up to the present day—I simply move that this Bill be now read a second time.

The HON. A. C. GREGORY said: Hon. gentlemen,—The Bill now before us has been apparently brought in to set at rest any doubts as to the legality of keeping the Brisbane bridge closed. There are certain matters with regard to the swing and the opening of the bridge which it is perhaps just as well should be brought before the notice of the Council. So many years have passed since that time that perhaps many hon. gentlemen present are not acquainted with the details. In the first instance, before the Government proceeded to bring in a Bill to enable the corporation to construct the bridge, the question arose whether holders of land higher up the river would be entitled to compensation, and I prepared a memorandum for the information of the Government, pointing out that under the clause in the Act 4 William IV., No. 11, no person would be entitled to compensation for damages or to commence or continue any action against anyone erecting a bridge, if the Government thought fit to direct the bridge to be erected across tidal or navigable waters. It was a general Act which debarred anyone from getting damages on account of a bridge being constructed across a navigable river or an arm of the sea, and the exact words can easily be found, having been already quoted in this House several times. That Act was in force before the lands on the banks of the river were alienated, and no persons who bought land in any part of Moreton Bay, as it was then called, could have any rights contrary to the Act in existence at the time they purchased. With that knowledge before them the Government introduced the Bill, and it was considered desirable, though not necessary, that a swing should be placed in the bridge about to be constructed, and provision was made in the Bill accordingly. The original swing of the bridge approved by the Government, was so much narrower than the present one that it would have been actually impossible to get sea-going vessels through; and had it not been that the corporation made a mistake in submitting one specification to the Government for approval, and entering into a contract to construct the bridge according to another specification—which put them in the position of commencing to construct a bridge illegally—the swing would not have been widened. When it was discovered that they proceeded to construct a bridge they were not authorised to construct, pressure was brought to bear upon them, and they agreed to widen the swing in order to get the Government to agree to the alteration in the designs which they had illegally adopted. That is the reason of the swing being as wide as it is now. The clause of the Act 4 William IV., No. 11, appears to have been forgotten, for some people have become impressed with the idea that they have some legal rights against the corporation if they do not open the swing; but I apprehend that the Brisbane Bridge Act only applied to restrict the corporation to the construction of a bridge of a certain kind. And keeping the swing closed should have been a question between the Government and the corporation, and not between the corporation and people who considered they were entitled to damages. If, however, the decision recently arrived at was in consequence of any oversight, that is not the question for us now to consider; but it is quite clear that there is no right on the part of anyone who may hold land anywhere on or near the banks of the river above the bridge to any compensation whatever for the permanent closure of the swing. Under those conditions we may dismiss the question of interfering with vested rights, and consider what is expedient for the benefit of the greatest number; and undoubtedly the greater number will be benefited by the swing being kept closed. It would be impossible to allow vessels to pass through the swing at all times without seriously interfering with the traffic between North and South Brisbane. The opening of the swing would become a nuisance, and most likely be the cause of serious accident. This being so, we may fairly pass the second reading of the Bill, which, I think, will be very much to the advantage of the

inhabitants of Brisbane and the community generally. The operation of the measure is limited to a period of five years; there is no objection to that, because it will be easy to prolong the operation of the measure, or allow it to lapse at the end of that time; and Parliament will then be in a better position to consider the merits of the case. There is one part of the Bill which I do not like, and that is the apparent retrospective provision contained in the 3rd clause. I do not think, unless there is a special purpose to be served, that it is desirable to have any retrospective provision in any Act of Parliament; but the 3rd clause provides that the Act is to be considered to have come into operation on the 20th August, which will make it retrospective for nearly two months. If this is to have any effect on any proceedings which have been taken or commenced, I think it is highly undesirable—at least, we should in that case know what cases are referred to by the clause; if not, what is the use of putting it into the Bill? In other respects I think the Bill may fairly be passed.

The HON. J. TAYLOR said: Hon. gentlemen,—The Hon. Mr. Gregory has a most excellent memory, but he was incorrect in one or two particulars. The first plans brought forward did not provide for the opening of the bridge at all, but the power that the Ipswich and West Moreton members possessed compelled the Government of the day to alter the plans and provide for an opening. The alteration was made to please that powerful clique of which Mr. Bell, the member for West Moreton, and Mr. Macalister, the member for Ipswich, were members. I am very glad this Bill has been introduced, and it shall have my earnest support. The Hon. Mr. Gregory also stated that no land was bought above the bridge at the time the plans were made.

The HON. A. C. GREGORY: I said that the Act was passed providing that such people should have no claim to compensation on account of the erection of a bridge.

The HON. J. TAYLOR said he misunderstood the hon. gentleman, but that had not much to do with the question. He took the same objection as the Hon. Mr. Gregory to the Bill being made retrospective. He thought that sort of legislation was bad in every way, but he trusted the Bill would pass; and he was only sorry, with the Postmaster-General, that it was not made permanent instead of being only in force for five years.

CUSTOMS DUTIES BILL.

The PRESIDENT read a message from the Governor, intimating that His Excellency had, on behalf of Her Majesty, assented to this Bill.

VICTORIA BRIDGE CLOSURE BILL—SECOND READING.

The HON. W. PETTIGREW said: Hon. gentlemen,—I have not much to say on this matter, but some years ago I had something to do with the bridge, and for that reason I propose to offer a few remarks. My memory is not very clear on the subject, but I know that one of the alterations made in the plans was to have the swing on the south side instead of on the north side. I believe the corporation had no authority from the Government to make that alteration; but if the swing had been on the north side, as originally proposed, it would have stood considerable risk of being carried away by rubbish and logs coming down the river in flood time. The plans were sent home for alteration without the authority of the Government, and when the Ipswich people, who were not satisfied with the construction of the bridge, found that the alterations were not approved by the Government, they commenced to make a bother about the swing and the necessity for its being made wider, and a lot of trouble and loss to the corporation ensued. With reference to the 3rd clause, I think, instead of the operation of the Act terminating on the 31st December, 1890, the bridge might have been closed for ever. At the end of five years the traffic will have increased so enormously that the Government of the day will be compelled to bring in a Bill to close the bridge permanently.

The HON. E. B. FORREST said: Hon. gentlemen,—It is my intention to support the second reading of this Bill, and I think, with the Hon. Mr. Gregory and other speakers, that the only mistake is to fix the limit of five years for closing the bridge. In my judgment it should have been closed for ever. I hope, however, that when the matter is reconsidered at the end of five years there will be no intention on the part of the Government or anyone else to open the swing—at all events until a second bridge has been erected. I do not think it would be possible to work the traffic over the bridge at the present time if the swing were allowed to be opened; and either one of two things ought to be done—either the swing should be closed altogether, or another bridge should be erected, so that when one is opened the other can be used for traffic. I regret that the Government receded from the position they took up in the first instance, and gave way to the extent of limiting the closing of the swing to five years only. I do not think much of the objection that has been raised by the Hon. Mr. Gregory as to the clause being retrospective; and I take it that it has been put in to stop those daily applications that are being made to the corporation in view of the decision of the Supreme Court. Hon. members are aware that notices are served every morning on the municipality, claiming demurrage for the delay of certain vessels, but I do not think much damage was sustained by Mr. McBride. That gentleman will not be prejudiced in any way by the closing of the bridge. If he had got any grounds for damages against the corporation he would get his verdict, but I do not think that the clause will affect him very much. As I said before, I regret that the Government have not seen their way to stick to their first intention of closing the bridge for all time.

Question put and passed, and the committal of the Bill made an Order of the Day for Wednesday next.

ELECTIONS BILL—COMMITTEE.

On the motion of the POSTMASTER-GENERAL, the President left the chair, and the House went into Committee to consider this Bill.

Preamble postponed.

Clauses 1, 2, 3, and 4 passed as printed.

On clause 5—"Interpretation"—

The POSTMASTER-GENERAL said there were some trifling new matters in the clause which did not exist in the original Act. He would mention one or two of them. In line 29 it was stated "the term 'district' includes where necessary an electoral division of a district." Lines 39, 40, 41, and 42, referring to an elector and an electoral registrar, was new matter, and the reference to the Elections Tribunal was also new matter.

The HON. SIR A. H. PALMER said he noticed that the word "justice" was used in several places in the Bill, but it was not defined in the interpretation clause. The word was to be found frequently mentioned in the after part of the Bill, but it was not defined.

The POSTMASTER-GENERAL said the word "judge" was likewise omitted from the interpretation clause, but that term was very well understood, and he thought the word "justice" was in the same category. Everyone knew what a justice was.

The HON. SIR A. H. PALMER said the term "Speaker of the Legislative Assembly" was very well understood, as was the term "Minister," but they were in the interpretation clause.

The POSTMASTER-GENERAL said he thought that a "justice" was defined elsewhere in other Acts, but he would make a note of the point, and if any other points arose it was very easy to recommit the Bill and put them right. He did not, however, think that would be requisite.

Clause put and passed.

Clauses 6, 7, 8, and 9 passed as printed.

On clause 10—"Electoral Registrar"—

The POSTMASTER-GENERAL said that was a new clause and was not in the other original Act.

Clause put and passed.

Clauses 11, 12, and 13 passed as printed.

On clause 14, as follows :—

"Between the first and thirty-first days of August in each year the electoral registrars for every district shall examine the electoral rolls then in force for the district and also the quarterly electoral list for July then last past, hereinafter mentioned, and after inquiry of the residents in the district, and the inspection of rate-books, lists of selectors, lists of pastoral tenants, and any other documents accessible to him, shall place the word 'dead' against the name of every person named in any such roll or list whom he has reason to believe to be dead, the word 'left' against the name of every person whose qualification is residence whom he has reason to believe to have left the district, and the word 'disqualified' against the name of every person whom he has reason to believe to have no qualification or to be disqualified.

"He shall thereupon forthwith send by post to every such person, at his usual or last known place of abode, a notice informing him that it is intended to omit his name from the electoral roll.

"When the electoral registrar has reason to believe that any person named in a roll or list whose qualification is residence has left the division of the district for which he is registered, or has changed his residence, but in either case has not left the electoral district, he shall write against the name of such person the words 'changed residence' and in such case he shall send by post to such person, at his usual or last known place of abode, a notice informing him that the statement of his place of residence is intended to be altered in the roll, and in case the electoral registrar has reason to believe that such person has gone to reside in another division of the district he shall forthwith report the fact to the electoral registrar of that division."

The HON. A. C. GREGORY said it was considered by many persons that it would be desirable that the notices which were to be forwarded by the registrar to the various persons, calling upon them to state any reason why they should not have their names struck of the roll, should be sent by registered letter. No doubt it would be desirable and very satisfactory for all persons, both the registrar himself and those to whom the letters might be sent, if they were forwarded in the way he advocated. It would really cost nothing, the expense being a mere nominal one, as the postal authorities could affix their own stamps. Under those conditions he thought it would be desirable that at the end of the 2nd paragraph the following words should be added : "and such notices shall be sent by registered letters."

The POSTMASTER-GENERAL said he did not think that the amendment was at all necessary. It would entail a vast amount of work in some districts, where perhaps there might be 500 applications ; and they knew that the clause had worked so far very well. He had not known of any letters going astray ; and he did not think it at all a compliment to the postal system of the colony that notices of that kind should receive the special care and attention that would be involved by separate registration. The expense, of course, was a mere bagatelle, but the system would mean a great deal of labour and circumlocution, which the importance of the matter did not seem to warrant. He hoped the hon. gentleman would not press the amendment, because he thought the system proposed would work very well, especially in view of the fact that quarterly rolls were kept up.

The HON. SIR A. H. PALMER said he felt quite sure that if the amendment were carried it would not have the effect that it was proposed to have by the hon. member who moved it. In the country districts registered letters would not be delivered except to the persons to whom they were addressed, and the postmaster would require a receipt for them. He would like to know how many men would ride 5, 30, 40, or 100 miles to a post-office to get a registered letter. They would not do it, and the consequence would be that the letters would be detained in the post-office and a great many electors would not receive their notices at all.

The HON. W. FORREST said his experience of the mode in which letters were delivered in the country did not agree with the statement made by the Hon. Sir Arthur Palmer. He lived for many years sixty miles away from a post-office, and whenever registered letters arrived for persons on his station they were put into his private bag and he delivered them himself and sent receipts back to the postmaster. No delay in the delivery of letters ever occurred, and he could call to mind numbers of registered letters that were sent in that way.

The HON. SIR A. H. PALMER said he did not contradict the hon. member in any way, but the postmaster who sent those letters in the hon. member's private bag simply did not do his duty. He had no right to send a registered letter for any person to the hon. member, but his duty was to deliver the letter to the man to whom it was addressed.

The HON. W. FORREST said he would like to know what safety they had if the letters were not to be registered? What guarantee was there that the notices would be posted at all? The clause simply said they were to be sent by the registrar, and the registrar might have a list, and might tick off the names on the list, but that was no proof that they were posted. Everyone must know that the fact of having a letter put down on a list as having been posted did not prove that it had been. He thought his namesake, the Hon. E. B. Forrest, could give some evidence with regard to a certain matter that happened only last week, in which letters supposed to have been sent were never posted at all.

The HON. E. B. FORREST said that was a common occurrence ; but he quite agreed with the Hon. Sir Arthur Palmer that if the amendment were carried it would defeat the object in view, because a great many men would never get their notices at all. With regard to the letters the Hon. W. Forrest referred to, the fault did not lie with any postmaster ; it was the fault of the clerk, who had passed over a number of names on a list and never sent letters to the persons named. He thought it would be a pity to accept the amendment, for the reasons already stated.

The HON. W. FORREST said he believed if letters found their way into the post-office they would be delivered to the places to which they were addressed ; but what his hon. friend Mr. E. B. Forrest had stated did not answer the

objection taken by himself and the Hon. Mr. Gregory. There would be nothing to show that the letters even reached the post-office. The registrar might tick them off as posted, but there the matter might end. Perhaps the Postmaster-General could suggest some plan by which the posting of notices could be ensured. That was the difficulty to be got over.

The POSTMASTER-GENERAL said he did not think any serious abuse could possibly arise under the clause, for this reason : that it was a special duty put upon the registrar that he should send out notices to every person, and they knew very well that if the registrar omitted to perform his duty it would be very soon found out, and he would be replaced by a man who would perform the duties of his office.

The HON. A. C. GREGORY said the discussion that had arisen tended to show that even if the amendment were carried there would be a great risk, and that it would be inoperative. He thought himself that it was desirable there should be some evidence that the letters were sent, but seeing—as the Hon. Sir A. Palmer had pointed out—that the letters might lie in the post-office until called for, perhaps it would be better not to run that risk. He would therefore withdraw his amendment.

Amendment withdrawn accordingly, and clause put and passed.

Clauses 15 to 33, inclusive, passed as printed.

On clause 34—"Quarterly electoral list to be compiled and exhibited"—

The HON. T. L. MURRAY-PRIOR said that any person was to be entitled to peruse the list at all reasonable hours. What were reasonable hours?

The POSTMASTER-GENERAL : During office-hours. The part of the clause referred to by the hon. member was new.

Clause put and passed.

Clauses 35 to 41, inclusive, passed as printed.

On clause 42—"Returning officer to give copies of rolls"—

The HON. T. L. MURRAY-PRIOR said the term "reasonable price" seemed too indefinite. The price to be given should be stated.

The POSTMASTER-GENERAL said the practice was to charge the exact cost.

Clause put and passed.

Clauses 43 to 50, inclusive, passed as printed.

On clause 51—"Uncertificated insolvent incapable of being nominated or elected"—

The HON. T. L. MURRAY-PRIOR said that if he was not mistaken the clause contained an alteration of the existing law which was a great improvement—namely, that a person adjudged insolvent should not be eligible as a candidate for election.

The POSTMASTER-GENERAL said the clause was the same as section 41 of the Elections Act of 1874.

Clause put and passed.

Clauses 52 to 60, inclusive, passed as printed.

On clause 61—"Proceedings at the poll"—

The HON. A. C. GREGORY said that the clause provided for closing the poll at 6 o'clock instead of 4 as had been the practice hitherto ; but there were many reasons why, in a majority of instances, the poll should not be kept open after 4 o'clock. In many places the elections would be over at a much earlier hour than 6, and in winter it was dark before that time, and electors began to get unruly in some instances. There might be cases in which it was desirable to extend the time after 4 o'clock, and he proposed to amend the clause by providing that the poll should close at 4 o'clock, except where the Governor in Council deemed it advisable to extend the hour to any time not later than 6 o'clock. With that object in view, he moved that the word "four" be substituted for the word "six" in line 50. He would afterwards move the proviso for extending the time where it was considered necessary.

The HON. T. L. MURRAY-PRIOR said he thought it would have been much better to have fixed a time, and instead of providing that the poll should close at any time between 4 and 6 o'clock, he thought it would be better to provide that it should close at 5 o'clock. That hour would be late enough in most instances.

The POSTMASTER-GENERAL said he should offer no opposition to the amendment proposed by the Hon. Mr. Gregory. With respect to what was stated by the Hon. Mr. Murray-Prior, he might inform the Committee that he had had experience at Rockhampton of a whole day being too short to take the votes of electors. There were several scores of electors at the door at 4 o'clock who could not get in, and a second day had to be given to enable them to record their votes. As the population was increasing it was desirable that provision should be made for extending the hour beyond 4 o'clock. In the country it would not be necessary to keep the poll open so late, but it might be necessary in the larger towns of the colony. He therefore hoped the ability to extend the hour to 6 o'clock would be retained.

Amendment put and passed.

The HON. A. C. GREGORY said he would move the addition of the following words at the end of the clause :—

Provided that the Governor in Council may direct that the voting shall, in any electoral district, or at any polling place or places in the electoral district, terminate at any hour later than 4 o'clock, but not later than 6 o'clock in the afternoon, and in any such place the voting shall terminate at the time so directed accordingly.

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

Clauses 62 to 80, inclusive, passed as printed.

On clause 81, as follows :—

"As soon as possible after the returning officer has received from the several presiding officers the sealed parcels so transmitted to him, containing the ballot-papers taken at the polling places at which such presiding officers respectively presided, and the several statements of the numbers of votes so transmitted by them, he shall from his own and such other statements ascertain the gross number of votes for each candidate, and shall also, in the presence of his poll-clerk (if any) and of such candidates and scrutineers as may attend, open such sealed parcels, and examine and count the number of votes for each candidate at each polling place ; and after having counted the same shall make up in separate parcels the ballot-papers, rolls, books, and papers received from each presiding officer in like manner as hereinbefore required concerning the ballot-papers, rolls, books, and papers kept and used by him at his own polling place, and shall seal up, and also permit to be sealed up by the scrutineers, and shall endorse in like manner as aforesaid, the said several parcels, and deal with the same as hereinafter provided.

"The returning officer shall also make out in respect of each polling place a like written statement, signed and countersigned as hereinbefore required, concerning his own polling place.

"No returning officer shall open or examine any sealed packet in the joint absence of any candidate and his scrutineer unless he has given twenty-four hours' previous notice in writing to such candidate, or to his scrutineer, of his intention to open and examine the same.'

The HON. A. C. GREGORY said he did not object to the clause as it stood, but he thought it would be improved by an addition, which

would come in at the end of the 2nd paragraph. The following was the addition he proposed to make to the clause :—

The returning officer shall also examine the rolls which had been used and marked by himself and the presiding officers at the several polling places, and ascertain if any voter is recorded therein as having voted at more than one polling place, and shall make a list of all the votes which shall have been so recorded at more than one polling place, and shall forward a copy thereof to each of the candidates, and enclose the original with other papers that relate to the election.

His object was to disclose the fact of double voting. Of course it was desirable that there should be as little disclosure as possible, but where any matter rendered it necessary that an exposure should be made, nothing should deter them from making it. The effect of the amendment would be that the candidates would be aware and authoritatively informed as to how many cases of double voting there were. In every case where there was any such attempt to personate, the matter should be at once made publicly known to the candidates, so that they might take such steps as they might think fit, and the original document would go along with the general papers, and would be available before any court to which a disputed election might be referred.

The POSTMASTER-GENERAL said he was rather sorry that the amendment had not been printed and circulated so that hon. members would have been able to consider the matter. The amendment was certainly simple enough, but it had certain bearings that wanted thinking out, and, of course, he must say at once that it was his duty to oppose it. There were many reasons to be given why the amendment should not be carried. The first was that it was not the policy of this country to charge returning officers with the duty proposed to be put upon them. If there was any cavil or question as to the character of the voting that was a question that should be inquired into in another quarter. Moreover, the candidates themselves were able to get the information, if they wanted it, through the scrutineers. The scrutineer's duty was such as kept him at the table of the returning or presiding officer from the moment the poll opened until it closed. He had the same means of getting information as the returning officer had. If any evil arose—any double voting—then the parties aggrieved should take the necessary steps to have a remedy ; but he did not think it would be wise to make it compulsory upon every returning officer to furnish such information on the occasion of every election. Double voting was a matter that was very carefully watched and looked after by the candidates themselves and their agents, and it was not good policy to mix up a returning officer in matters of that nature. He hoped the hon. gentleman would not press his amendment, which he thought would be of no utility and would be productive of some evil, especially in view of the fact that all candidates —whether successful or defeated—could have the information they required as the law at present stood, and as the Bill under consideration provided.

The HON. A. C. GREGORY said he admitted that the amendment had been brought forward hurriedly ; in fact, when it was considered that they took the second reading yesterday and had only had a day to go through over 100 clauses, it was easily understood why amendments were not prepared beforehand. He would, therefore, suggest that the consideration of the clause be deferred with a view to giving the Postmaster-General an opportunity of considering the amendment. One of the arguments that the Postmaster-General used was that scrutineers would themselves have the information, but unless all the lists could be gathered together it would be of no avail, and therefore he thought if there was double voting it should be brought so prominently before the candidates that they could not avoid noticing it. He remembered a case in which a candidate complained to him that there were fifty cases of personation and double voting against him at an election, and he (Hon. Mr. Gregory) at once asked why he did not take steps to put a stop to it and bring the matter before the Elections and Qualifications Committee. "Oh!" he said, "the fact is that I had seventy double votes in my own favour." That was a case in which a candidate, for his own convenience, did not care to bring the matter before the Elections Committee; and he thought they should take some steps which at all events would bring malpractices at elections directly under the notice of candidates. Where there was very little of that double voting, the duty to be performed by the returning officer would be very light, but if there was a great deal of personation or double voting it was certainly highly expedient that the matter should be brought forward, and the electors shown what electorates were most liable to indulge in such practices. He would propose that the consideration of the clause be postponed, and as he presumed it was not the intention to sit after 6 o'clock, it might be taken on the next sitting day. He would formally move that the clause under consideration be postponed.

Question put and passed.

On clause 82, as follows :—

"The returning officer, as soon as possible after he has examined and counted all the ballot-papers taken at the different polling places and ascertained the gross number of votes received for each candidate, shall then at the place of nomination openly declare the general state of the poll so ascertained, and shall at the same time and place declare the name or names of the person or persons elected.

"In the event of the number of votes for any two or more candidates being found to be equal, he shall, if he is registered as an elector of the electoral district, decide by his casting vote which shall be elected.

"No returning officer shall vote at any election for the electoral district of which he is the returning officer except in the case of an equality of votes."

The HON. A. C. GREGORY said although there was an earlier clause which showed that a returning officer when appointed should be an elector of the district, there was nothing that required him to continue to be so ; and in the event of his illness or unavoidable absence, his substitute might not be an elector ; and in such a case there was no provision whatever in any part of the Bill for a casting vote to be given. He did not wish to suggest any particular way of getting over the difficulty, but there should be some means by which, in the event of the returning officer not being then a registered elector of the district, and in the event of there being an equality of votes, a casting vote should be given. The existence of an equality of votes would not be a case of frequent occurrence, but still it might occur, and after hundreds upon hundreds of pounds had been spent in conducting an election, and an incalculable amount of trouble gone through, it was not fair to expect that the election should be re-contested simply for the want of some provision of the nature he had pointed out. He did not know what the present law on the subject was, but the difficulty might be met by the omission of certain words in the clause, and he would therefore move that the words "if he is then registered as an elector of the electoral district," on the 17th and 18th lines, be struck out.

The POSTMASTER-GENERAL said he did not know whether he was right in supposing that the Hon. Mr. Gregory said that the clause he objected to was not the present law?

The HON. A. C. GREGORY: The present law is that the returning officer gives a casting vote.

The POSTMASTER-GENERAL said there was no alteration proposed in the Bill before the Committee. The clause was an exact copy of one of the sections of the Act of 1874.

The HON. A. C. GREGORY: That would not alter my view on the subject.

The POSTMASTER-GENERAL said no inconvenience had arisen under that section of the Elections Act of 1874. The Government had considered the matter referred to by the hon. gentleman, but they did not see their way to accept the suggested modification.

The HON. SIR A. H. PALMER said the case was one that might not arise during the next twenty years in any of the districts where there were at present so many more electors than there used to be; but if things went on as they used to go on they would find that very considerable inconvenience would arise. In outside districts, his experience told him that it was very difficult to get returning officers, and, seeing the numerous penalties that were to be imposed upon returning officers by the Bill if they did not perform their duties satisfactorily, he did not think they would get very many gentlemen in the future to accept that position. He had frequently had to appoint police magistrates as returning officers simply because he could not get anyone else to perform the duties, and that emergency might arise again. He was very sorry that the Government had not struck out that part of the Bill which necessitated a returning officer being an elector of a district before he could give a casting vote. If any man was fit to be a returning officer he was fit to decide an election in case of a tie. Although the question might not arise during the next ten or twenty years, still it would be much wiser to give the returning officer power to vote whether he was an elector or not.

The HON. W. FORREST said he understood that it was the intention of the Postmaster-General to adjourn the House at 6 o'clock, and as it was nearly that hour now he would suggest that it would be better to adjourn at once, so that they could think over the subject, and possibly they might be able to take the clause they had just postponed after the one now under consideration. They should probably not be out of order in doing that.

The HON. T. L. MURRAY-PRIOR said although they had gone through eighty clauses of the Bill, and there had not been much discussion, still some difficulty had arisen over two clauses, and as they certainly could not get through the Bill that afternoon it would be better to adjourn. Hon. members would then be able to think over the various parts of the Bill which had not come before them, and would be able to arrive at a more correct conclusion. He fully agreed with what the Hon. Sir A. H. Palmer had said, that inconvenience might arise if returning officers who were not electors were not allowed to give a casting vote; and he could endorse what the hon. gentleman had said about the difficulty of obtaining returning officers. Under those circumstances he would suggest an adjournment, so that hon. gentlemen might have some little time for considering the Bill before the next meeting of the House.

The POSTMASTER-GENERAL said he knew of one or two cases where police magistrates were returning officers at the present time, and they made very good returning officers indeed. The provision of the Bill was that, if a police magistrate was a returning officer, as a registered voter he could use his vote as an elector to give a casting vote.

The HON. SIR A. H. PALMER: Another part of the Bill says he cannot vote.

The POSTMASTER-GENERAL said a returning officer could not give a casting vote unless he was a registered voter. There was something reasonably fair in that, because, if a returning officer was not a registered voter, the result of an election in which there happened to be an equality of votes would be determined by a man who had no interest whatever in the electoral district. As it seemed to be the wish of hon. gentlemen, he would move that the Chairman leave the chair, report progress, and obtain leave to sit again.

Question put and passed.

The House resumed; the CHAIRMAN reported progress and obtained leave to sit again on Wednesday next.

The House adjourned at four minutes to 6 o'clock.