

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 22 JULY 1886

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LEGISLATIVE ASSEMBLY.

Thursday, 22 July, 1886.

Petitions.—Questions.—Notice of Question.—Formal Motions.—Members Expenses Bill—third reading.—Patents, Designs, and Trade Marks (Amendment) Bill—third reading.—Labourers from British India Acts Repeal Bill—third reading.—Correspondence from Divisional Boards and Local Authorities.—Adjournment.—Pacific Island Labourers Act Amendment Bill—consideration in committee.—Marsupials Destruction Act Continuation Bill—second reading.—Pacific Island Labourers Act of 1880 Amendment Bill.—Elections and Qualifications Committee.—Motion for Adjournment.—The Cook Ballot Papers.—Case of *McSharry v. O'Rourke*.—Elections Tribunal Bill—second reading.—Adjournment.

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

PETITIONS.

MR. NORTON presented a petition from the inhabitants of Bundaberg and the surrounding portions of the Burnett district, asking the House to take into consideration the construction of a combined railway and traffic bridge over the Burnett River. He had examined the petition, and seen that it was in accordance with the Standing Orders. He might explain that the reason the petition was presented by him was that the hon. member for Mulgrave had signed it

before he became a member of the House, and on that account could not present it himself. He moved that the petition be read.

Question put and passed, and petition read by the Clerk.

On the motion of Mr. NORTON, the petition was received.

MR. DONALDSON presented a petition from the chairman of the Paroo Divisional Board, on behalf of the pastoral tenants in the district who desired to bring their holdings under Part III. of the Crown Lands Act of 1884, asking that their rents should not be raised above the rates at present paid for the first three years of their new leases under that Act. He moved that the petition be read.

Question put and passed, and petition read by the Clerk.

On the motion of Mr. DONALDSON, the petition was received.

MR. BAILEY presented a petition from the residents in the Wide Bay district, praying for the early opening of the completed portion of the Kilkivan branch line; and moved that it be read.

Question put and passed, and petition read by the Clerk.

On the motion of Mr. BAILEY, the petition was received.

QUESTIONS.

MR. KATES asked the Premier—

Is it the intention of the Government to introduce during the present session a Bill, or to otherwise legislate, for the extirpation of that noxious weed commonly called the "prickly pear," or *Opuntia vulgaris*?

The PREMIER (Hon. S. W. Griffith) replied—

The Government propose to ask Parliament to confer increased powers upon local authorities for the purpose mentioned by the hon. member.

MR. KATES asked—

Is it the intention of the Government to re-introduce during the present session the Bill to amend the Local Government Act of 1878 with respect to loans for waterworks?

The PREMIER replied—

The Government propose to introduce at an early date a Bill containing the provision referred to by the hon. member, together with other provisions dealing with matters in which the Local Government Act of 1878 requires amendment.

MR. BUCKLAND asked—

1. The number and amount of tenders received for the erection of Richmond Bridge over Bulimba Creek?
2. The cost of the construction and erection of the said bridge by the Government?

The MINISTER FOR WORKS (Hon. W. Miles) replied—

1. Two tenders were received—namely, J. W. Mott, £4,141 17s.; B. Porter, £2,339 9s.
2. £1,667 8s. 4d.

NOTICE OF QUESTION.

On the hon. member for Rosewood (Mr. ISAMBERT) giving notice of questions in connection with the Government introducing measures for the relief of the industrial depression in the colony—

The SPEAKER said: I must remind the hon. member for Rosewood that the third question he has just given notice of to ask the Chief Secretary to-morrow is one that he can scarcely put to a member of the Government, as it contains a very decided expression of opinion, which is contrary to the Standing Orders and the rules of Parliament. A question can be put for the purpose of obtaining information, but must not contain an expression of opinion. The hon. member must not, therefore, be surprised if he discovers that the third question does not appear on the business paper.

FORMAL MOTIONS.

The following formal motions were agreed to :—

By Mr. LISSNER—

That there be laid on the table of this House, a return showing the amount of duty collected on machinery in the different ports of Queensland since this tax has been imposed, and how much has been collected at each port up to the 30th June, 1886.

By Mr. LISSNER—

That there be laid on the table of this House, a return showing the different amounts paid by the Honourable the Minister for Mines as subsidy to encourage and assist deep sinking, specifying the locality and claims which have received any aid since the measure has been adopted up to the 30th June, 1886.

By Mr. STEVENS—

That there be laid upon the table of this House—

1. A copy of all correspondence in connection with dredging the bar at Hope's Island, Coomera River.
2. A return showing the amount already expended in dredging the Coomera River.

By the COLONIAL TREASURER (Hon. J. R. Dickson)—

That this House will, at its next sitting, resolve itself into a Committee of the Whole to consider the desirableness of introducing a Bill to amend the law relating to the importation, storage, and sale of refined mineral oil.

MEMBERS EXPENSES BILL — THIRD READING.

On the motion of the PREMIER, this Bill was read a third time, passed, and ordered to be transmitted to the Legislative Council for their concurrence, by message in the usual form.

PATENTS, DESIGNS, AND TRADE MARKS (AMENDMENT) BILL—THIRD READING.

On the motion of the PREMIER, this Bill was read a third time, passed, and ordered to be transmitted to the Legislative Council for their concurrence, by message in the usual form.

LABOURERS FROM BRITISH INDIA ACTS REPEAL BILL — THIRD READING.

On the motion of the PREMIER, this Bill was read a third time, passed, and ordered to be transmitted to the Legislative Council for their concurrence, by message in the usual form.

CORRESPONDENCE FROM DIVISIONAL BOARDS AND LOCAL AUTHORITIES.

Mr. MELLOR, in moving—

That there be laid upon the table of this House, copies of all correspondence between divisional boards and local authorities of the colony, as requested by the Government, for the purpose of suggesting amendments in Acts at present in force—

said : Mr. Speaker,—I am not aware of the reasons which induced the Minister for Works to call "not formal" to this motion. My reason for asking for this correspondence is to put members of the House in possession of the opinions and suggestions offered by the various local bodies to the Government some two years ago, with a view to the amendment of the Divisional Boards and Local Government Acts. I believe it is the intention of the Government to propose an amendment of the Divisional Boards Act this session, and I think it would be of very great benefit to hon. members in dealing with this question to have the opinions of the different local bodies in the colony. I do not know the Minister for Works' reason in calling "not formal," except perhaps that the papers are considered too cumbersome. The opinions given by the local

bodies were solicited by the Government, and would, I am sure, be of very great assistance to us in amending the Divisional Boards Act, as is contemplated this session. I beg to move the motion standing in my name.

The MINISTER FOR WORKS said : Mr. Speaker,—My object in calling "not formal" to the hon. member's motion was this : I myself invited the various divisional boards and local authorities throughout the colony to furnish the Government with their views as to the desirability of amending the Divisional Boards Act. In nearly every case there was a response to the appeal, but when the correspondence came in I found it so conflicting as to be perfectly valueless. The preparation of a return of the documents would cause a considerable amount of expense, and I am perfectly certain that if I were to agree to the hon. member's motion the correspondence would be found so conflicting that it would be of no use. I have looked over the correspondence very carefully and I found that, as a rule, no two boards agreed upon any one subject, and so far the experiment of consulting them was entirely a failure. The papers will be at the disposal of the hon. member to peruse them, and if he can make either head or tail of them he will be able to do a great deal more than I could. I found them worthless to assist the Government to come to any conclusion in the amendment of the Divisional Boards Act. I hope, after the explanation I have given, the hon. member will not press his motion, as I can assure him no advantage will be gained by it. If the hon. member will come up to the Works Office he will have the whole of the correspondence to look over, and I am sure if he could have seen the papers he would not have put his motion on the business-paper. Hon. members will get every facility to look over the papers, and as the expense of printing them would be considerable—and they would not be of any use—I hope the hon. member will not press the motion.

Mr. BAILEY said : Mr. Speaker,—I am sure the hon. member had no intention of asking for the correspondence on his own account. What he wished was that hon. members should be aware of the correspondence that has taken place between these boards and the Government, in order that they may be able to judge for themselves as to whether the suggestions offered are of any value. As the correspondence is so voluminous and conflicting, I would advise my hon. colleague to withdraw his motion, especially as we have the promise of the Minister for Works that every facility will be given to hon. members to look over it. As it seems to be so conflicting that no two boards agree, it would really not be worth while printing the correspondence or placing it upon the records of the House. I am quite sure many hon. members, as well as my hon. colleague and myself, would like to see the correspondence; and as every facility will be given hon. members to see it I would advise my hon. friend to withdraw the motion.

Mr. PATTISON said : Mr. Speaker,—I think the Minister for Works has shown good reasons why this correspondence should be published. I do not know how many of the boards or local authorities replied to the invitation of the Minister for Works, but surely out of the number there must be some opinions given that would guide us in amending the Act. There must be suggestions from some of the boards that would be valuable. The reason given by the Minister for Works—that there are so many conflicting opinions—seems to me a strong argument that some of them must be good. Various boards have given their honest opinions; let the House see those and select those which they think worth adopting.

Mr. LUMLEY HILL said : Mr. Speaker,—I think I can suggest a way to meet the difficulty. Let a sort of informal committee from both sides of the House examine those voluminous papers, draft out the best suggestions, and submit that paper to the House. It is much more likely to be read than a Government paper containing a lot of rubbish that not half the members would wade through. It would save members an infinite lot of trouble in perusing their papers, to get rid of a lot of useless matter. The hon. member for Blackall, who has just sat down, is an experienced divisional boardsman, and his assistance would be most valuable in drafting out what was worth printing.

Mr. GRIMES said : Mr. Speaker,—I think the suggestion made by the hon. member for Cook is a very good one. There must be some valuable information amongst that given to the department. In one case no less than six or seven divisional boards met in conference, and made suggestions to the Minister for Works ; so there is a case where six or seven boards did agree on certain matters. I think it is advisable to follow the suggestion made by the hon. member for Cook.

The PREMIER said : Mr. Speaker,—I think it is not desirable for the hon. member for Wide Bay to press his motion. The papers are very voluminous ; it would take a long time to have them copied and printed ; and I hope the Bill will be under the consideration of the House before that could be done. If the hon. member will withdraw his motion, I will undertake to have a *présis* made of the various recommendations of the different boards. That could be done in a short time, and laid on the table of the House. I think it would be an assistance to hon. members, and it would be much more likely to be read than the whole correspondence if it were published. The recommendations which have come in recently are not very numerous, and certainly not very voluminous. The correspondence my hon. colleague the Minister for Works refers to took place when the hon. member for Townsville was Minister for Works, and before the last amending Act of 1882. The Government of that day weighed all the recommendations, adopted such as they thought fit, and embodied them in the Act of 1882. The recommendations that have come in since are comparatively few, and there would be no difficulty in printing them. I am happy to say they are so brief and precise that they could not be shortened with advantage. I think if what I suggest were done it would be more convenient for members of the House ; and I will undertake to see that it is done as speedily as possible.

Mr. MELLOR : I think that will meet the views of most hon. members of this House, and of myself too. I therefore beg to withdraw the motion.

Motion, by leave, withdrawn.

ADJOURNMENT.

The PREMIER : I beg to move that this House, on its rising, adjourn till Tuesday next, as there are no notices of motion for to-morrow.

Question put and passed.

PACIFIC ISLAND LABOURERS ACT AMENDMENT BILL — CONSIDERATION IN COMMITTEE.

On the motion of the PREMIER, it was affirmed in Committee that it was desirable that a Bill be introduced to further amend the Pacific Island Labourers Act of 1880.

The resolution was reported to the House and adopted.

MARSUPIALS DESTRUCTION ACT CONTINUATION BILL—SECOND READING.

On the Order of the Day—Marsupials Destruction Act Continuation Bill—Resumption of adjourned debate on Mr. Moreton's motion, "That this Bill be now read a second time," being read—

Mr. DONALDSON said : Mr. Speaker,—My object in moving the adjournment of the debate was that there is likely to be considerable opposition to the Bill, and that we should have an opportunity of having the matter fully discussed, so that when the division is taken it should be in a full House, because I think that after 10 o'clock many hon. members do not care about going on with new matter. This is a Bill that has done a great amount of good in the past, and it would be a very great mistake to discontinue it now when it is about accomplishing all the ends for which it was first framed—that is, the extermination of marsupials. By the return that I have in my hand I find that upwards of five and a-half millions of marsupials have been destroyed under the operation of the Acts of 1877 and 1881. Can we realise the consequence that would have ensued if that number of marsupials had been allowed to remain in the country? because, as hon. members must know, it would be hardly possible for private enterprise to accomplish all that has been done with the assistance of the Government. What is any man's business is no one's business, and it may often happen that one person may be anxious to destroy marsupials, whilst his neighbour has no desire to do so and would let them go on increasing ; in fact, this has been my experience in the past, and no doubt, in some districts, if marsupials had been allowed to increase they would have overrun the whole country and converted it into a wilderness. During the last few years they have been spreading gradually to the far West, where at one time there was hardly a marsupial to be seen. I think it very desirable that this Bill should continue for a few years longer, and by that time I hope that the marsupials may almost be exterminated. I am not going to traverse the work that has been done by the different boards under previous Acts, but I will take the opportunity of saying that certain amendments which were introduced last year have hardly come into working order, and the effect of them is not yet seen. One of the amendments was that it should be within the power of boards to increase the amount to be paid upon the scalps up to 2s. per head ; but at one time the maximum amount per scalp was 8d. Now, the fact was this : that when marsupials became thinned down in numbers it did not pay persons to hunt them. Men could not make a sufficient wage at that rate, and the consequence was they discontinued killing them, and the marsupials began immediately to increase. It was only when they increased again to their original number that the shooting and snaring were started afresh. Now, it is quite competent for the boards to keep increasing the pay until they reach the maximum of 2s., and there is no doubt that that will have the effect of reducing the number very much more quickly than under the old Act, because it will pay people to destroy at the maximum rate, when it would not pay when they received the smaller rate. I am certain, therefore, that was a very good amendment indeed, the good effects of which we have hardly seen yet ; but if this Bill is continued for another period the numbers will have decreased considerably. For the last three years the numbers have slightly decreased, and the late drought—if I may call it so, for it has not entirely passed away in some districts—had the effect of still further reducing

the number; while at the same time they got into such a weak condition that people were able to kill them at a much quicker rate than formerly. I think we should not lose sight of the fact that this is really a national question. By continuing this Act we are really protecting national property by keeping down the numbers of these pests, and I really believe by proper organisation and with the aid of the amendments passed last session, that in a few years there will be very few marsupials indeed left. I have very much pleasure, therefore, in supporting the second reading of the Bill.

Mr. PALMER said: If I could be assured that the statement made by the last speaker that by the continuation of this Act the marsupials would become extinct in the colony, I certainly would feel inclined to vote for the continuation of the Act; but neither the introducer of the Bill, nor the arguments used by the hon. member for Warrego, incline me to think that such would be the result. We see before us the return of the work done in the marsupial districts since the inception of the movement, and we find that so far from decreasing the numbers seem to keep up. The supply is always equal to the demand, and so long as the large scrubs which are the breeding places of the wallaby exist, so long will the wallabies exist in equal numbers. I venture to state that if the Act had never been in force it is possible some epidemic might have swept out the marsupials just as epidemics have been known to sweep out the dingoes. In one district that I know of the dingoes were almost exterminated, and it took years before the country was restocked with them. The Act is drawn, in my opinion, upon too narrow a basis. For instance, there are a great many fruit-growers all over the colony who have their means of living destroyed by the flying foxes, which ought to be included in the Act. Those men have a claim to consideration, and I assert that the principle of this Act was departed from when the kangaroo rat was introduced. It is not a grass-feeding animal, although the Act is supposed to preserve the national estate, as I think the hon. member for Warrego termed it. I contend that the principle of the Act was departed from in introducing that very interesting and handsome little animal, the kangaroo rat. So far as it is concerned, it is the most harmless and inoffensive little creature in the colony. The hon. member for Darling Downs, I believe, introduced the amendment, and in doing so said he was not in the least afraid of the rabbit, yet he could see a great deal of danger in the kangaroo rat. As far as inoffensiveness is concerned, the two animals are not to be compared.

Mr. KATES: You know nothing about it.

Mr. PALMER: As for dingoes, I think it is the duty of everyone to kill their own. I never found any difficulty in keeping them down. The dingo question can be very easily settled. Strychnine is very cheap now. It can be bought at 5s. an ounce; and an expenditure of £4 or £5 in that article will clear a district of them. I know that to be a fact, for I have been engaged in the practical working of it for several years. With regard to wallabies, I may state that when I took up land on the Mitchell River eight or nine years ago the scrubs were alive with wallabies; but they are not so numerous now as they were then, although the Act is not in force in that district. From some cause or other their numbers have been largely reduced. I speak the sentiments of a large proportion of the pastoral tenants in that district—a district comprising 124,000 square miles—when I say that we object to being taxed for killing

this pest in other parts of the country, far away. I have been assessed for that purpose, and am likely to be, every year, as long as the Act is in force; but the danger from kangaroos is so remote that the aboriginals of the district, who have been living there for hundreds of years, have not even got a name for them. Every man in that large district, therefore, objects to the tax, and there are many other districts in the same position. If you include kangaroo rats and dingoes it would be hard to say how far the Act may be extended. I notice that a petition was recently presented from the farmers of Riverina against grasshoppers in that district. They want the ibis and native companion to be preserved so as to extirpate the grasshoppers. The principle may be extended indefinitely. On behalf of a great number of stock-owners in my district I protest against the continuation of the Act.

Mr. LUMLEY HILL said: Mr. Speaker,—I also protest against the continuation of the Act. We have had quite enough of it. Pastoral tenants want relief badly enough, but they do not want it in this shape—speaking of them as a body. The Treasury is low, and we have had impressed upon us the necessity of economy and retrenchment; and I can assure the Government that a great deal of this money is wasted. The hon. member for Warrego tells us that since the Act came into operation over 5,000,000 marsupials have been disposed of. This Act has led to the establishment of the interesting trade of manufacturing scalps; and I should like to know how many of those 5,000,000 were real scalps and how many were the manufactured article. Under the Act there is no doubt that a considerable amount of fraud has been perpetrated both upon stock-owners and upon the country. I say let the people kill their own kangaroos if they want to; and they will do it quickly enough if they have any enterprise and energy about them. Besides, the dingoes will kill off the kangaroos fast enough if they are left alone. The great increase of marsupials in the Peak Downs district was greatly owing to the destruction of their natural enemies. The eagle-hawks were shot off, the dingoes were poisoned with strychnine, while the blacks were dying out. There was thus nothing left to preserve the balance of nature, and the consequence was that kangaroos increased to such a degree that they drove sheep, cattle, and everything else out of the country. That is hardly likely to occur again. Pastoral tenants, if they have any encouragement to remain on their runs, will take care to keep the marsupials within reasonable limits. Speaking personally, I have had to do with both sheep and cattle stations. I now speak as a cattle man. I say I do not care two straws about the marsupials. I leave the dingoes to look after them, and when the dingoes get too numerous I poison a few of them and so keep up the balance of nature. It may be considered selfish, but I fail to see why a cattle man should be called upon to pay part of a sheep man's expenses, or anybody else's; that is a thoroughly sound argument. The Act has been tried and found wanting, and the time has now come when it might well be abandoned.

Mr. SCOTT said: Mr. Speaker,—The hon. member says the Act has been tried and found wanting. I assert, on the contrary, that it has been found very effective indeed so far as my own district is concerned. Some five or six years ago that part of the country was rendered almost worthless for pastoral purposes by the enormous number of kangaroos and wallabies scattered all over it. They ate up everything. Not a blade of grass was to be seen, except within fences; indeed, except within fences, there

was no more grass from one end of the district to the other than can be found upon the floor of this Chamber. Inside the fences there was always abundance of grass. It is in the interests of the country to keep marsupials down as much as possible; and in doing that the Act has been perfectly successful. I know certain districts where, five or six years ago, there was scarcely a sheep left, which were gradually recovering themselves when the late great drought took place; indeed, but for the drought there would have been as many sheep there now as there were before. The same thing has no doubt happened, and will happen, elsewhere if the Act continues in operation. But if it is not allowed to continue in operation, what has happened before will happen again, and vast tracts of country will be rendered perfectly worthless for pastoral purposes.

Mr. FOOTE said: Mr. Speaker,—I think, with many others, that the time has arrived when the colony might very well afford to dispense with this Marsupials Destruction Act. It has been in force for many years, and has no doubt been productive of a great deal of good. We, on this side of the House, who are not personally very deeply interested in grazing, have allowed members on the other side to decide for themselves whether they would have an Act of this sort or not. They chose to have one, and it has been renewed from time to time; and now, as last year, we find that there is a division of opinion amongst the pastoral tenants about it. Some wish to continue it, while others wish it to be discontinued. It certainly involves a very large expenditure, both to the colony and to the stock-owners. The Act has been in force for many years. It has had a good trial, and the result of it is now easily to be seen. I believe that a great many marsupials have been destroyed under it, but I believe also that the late drought has destroyed as many as have been destroyed otherwise. I think, therefore, they are now in a state in which they can reasonably be kept under by those who feel it to their interest to do so, and for that reason I shall vote against the second reading of the Bill.

Mr. MURPHY said: Mr. Speaker,—I was very glad to hear the hon. the leader of the Opposition, when speaking on this Bill yesterday, say that he would vote for it, because it shows that the Opposition in this House mean to treat any measure that they look upon as a national measure for the good of the whole community from a national point of view—that if it is a good measure they will not offer it any factious opposition. Now, sir, it has not been said that the present Act has done no good hitherto, but the hon. gentleman who has just spoken says it is time it was dropped. But, sir, if we allow the measure to drop just as it is beginning to do some good, all the good that has ever been done under it will be lost. There can be no question of that, and I say so from my own practical experience, having seen the working of the Act in my own district, which is one that is only to a small extent yet troubled by those pests. I say if this Act is allowed to drop that some of the fairest lands in Queensland will be desolated by those animals. The injury they do is to be seen around every scrub in the West of Queensland. They are only second to the rabbit in the destruction and injury they do to pastoral country, and if they are allowed to increase the Minister for Lands might as well burn his Land Act. There will be no selection whatever in the West under it, because a man would require such an enormous amount of money to go on a 20,000-acre selection, if he has to fight

the marsupials as well as the drought, that no one would think of selecting in the West under the Act. I think hon. members should treat this as a national question, and not from a purely cattle-man point of view. It is all very well to say that the dingoes will keep down marsupials, but it is well known, or it is the opinion of an equal number of persons, that the dingo has no effect upon the marsupials. I know of my own knowledge that there are large scrubs in our neighbourhood where a bait has never been laid, where the dingo swarms in thousands, and the marsupials are thicker there than they are anywhere else. The hon. member for Burke said that those animals would continue to be found only in scrubs; but, sir, they will spread from those scrubs gradually over the plains. That is what happened on the Peak Downs. The hon. member for Leichhardt said that a few years ago the Peak Downs was a desert. I can remember when the hon. junior member for Cook went over that country with me; it was a perfect wilderness. The whole of the Downs, from one end to the other, was picked over as clean as if a man had been picking metal in the street. There was not a single blade of grass left, and we could see, as we drove along in the early morning, those little animals retreating back to the scrubs in thousands; in fact the whole country appeared to be perfectly alive with them. Now, sir, when we see the ruin that has been brought upon those districts by these animals I cannot understand how it is possible for this House to refuse to renew this Act. If they are allowed to extend in the West in the same way that they did in some of the inside districts, it is as certain as that we are here this evening the whole of the country will be utterly ruined.

Mr. CAMPBELL said: Mr. Speaker,—I have been somewhat undecided how I should vote on this question, but seeing from the speeches of several pastoralists who have spoken that they are divided upon it I think it will be my duty to vote against it, and have it wiped off the Statute-book if possible, for I am sure that the smaller men of the colony reap but very little benefit from it. If anybody is benefited it is the large pastoralists, and we see to-day that they are divided amongst themselves. We see the sheep men taking their stand in favour of it, and the cattle men opposing it, and I think this will be a good opportunity for the Government to get it wiped off the Statute-book. That will be one step towards introducing that rigid economy which they announced in the Governor's Speech, and I trust it will be wiped out. If not, I hope there will be some amendment made that will relieve certain districts that are not infested at the present time, and which have paid continuously towards the extermination of the marsupial. If the Act is continued I hope those districts will be relieved, and that it will be made to apply only to those who reap benefit from it.

Mr. FOXTON said: Mr. Speaker,—I do not profess to be a practical man, or to deal with this question from a practical point of view; but I do profess to understand the views held by my constituents—a very large number of whom are practical men—respecting it, and they are generally in favour of the continuance of the Act. I join issue, sir, with the hon. member who has just spoken when he states that only the large men are in favour of the Act. Most of my constituents are small men, and not the class of men to whom the hon. gentleman referred, and I say that to a man they are in favour of the continuance of the Act. They have had some experience of the working of it, for I

believe I am right in saying that with one exception the largest number of marsupials has been destroyed in my district since the commencement of the Act, and last year it stood third according to the report of the Chief Inspector of Stock. I cannot for a moment conceive how hon. members who voted for the rabbit-proof fence can object to the continuance of this Act. It appears to me that precisely the same principle applies to both. These marsupials are an acknowledged pest which is already in the colony, and if it is not kept in check—presuming that the Act does no more than that—if not kept in check, to a dead certainty they will increase to such an extent that unquestionably the Act will have to be re-enacted, and far greater expenditure incurred in the future. That appears to me to be the common-sense way of looking at it; therefore, as the representative of a district which takes a deep interest in the matter and is entirely in favour of the continuation of the Act as it stands, I feel bound to vote for the second reading.

MR. MELLOR said: Mr. Speaker,—When this question came before us last year, I think some warning was given that the time would shortly come when the operation of the Act must cease. I believe it has been of great benefit in time past; at the same time, I think it might be discontinued just now with advantage. At the present time I think it scarcely applies to all the districts in the colony, and I know it does not apply to the district I represent. In that district there are a great many farmers who have small herds of cattle. They have to pay the tax, but are not allowed to have a voice in the election of a board, and I think it is unfair for any taxpayer to be without representation. A person who has 20 head of cattle has to pay a tax, but he cannot vote unless he has 100 head, and he cannot occupy a seat on the board unless he is the owner of 500 head of cattle or 2,500 sheep. I think it would be better, in view of what has been said, especially as the measure has proved oppressive in some parts of the colony, that the Act should be discontinued for a time at all events. I know it is the subject of grievous complaint on the part of many farmers who object to paying a tax from which they derive no benefit. There is another matter in connection with the marsupial boards to which I wish to draw attention. It is not their duty to send out notices; all they are required to do is to have them inserted in the newspapers and in the *Government Gazette*. Now, we know that a great many people never see the *Gazette*, and I should like to see it made a little more approachable. It might be published like some of our papers, bound ready to hand and cut, so that people might look at it without the trouble of stitching and cutting it; the expense would not be very great. I say that the boards are not compelled to send out notices, and as many people do not see the *Gazette*, the first they hear about it is a summons. I feel inclined to vote against the Bill, if it should come to a division.

The MINISTER FOR LANDS (Hon. C. B. Dutton) said: Mr. Speaker,—Of course every hon. member has spoken in the interests of the particular part of the country in which he is interested or which he represents. Many parts of Queensland are still sorely afflicted by the presence of marsupials, while other parts are perfectly free. A man whose experience is gained in a district where there are none thinks there is no use in the Act being continued; but a man who has lived in a district infested by marsupials, and who has seen the advantage derived from the working of the Act, thinks that the only salvation of the country is to continue it on the Statute-book. I maintain now, as I

did last year, that a great deal of hardship has been done in many parts of the country by the manner in which the Act operates; and I say that the Government would not have been justified in asking the House to continue the operation of the Act if it were not possible to readjust the boundaries of the marsupial districts so as to separate sheep country from cattle country, or those parts infested from those not infested. Now, the sheep men who are principally interested in the destruction of marsupials, and who last session unfortunately managed to include the dingo in the Act, endeavoured to make the cattle-owners and the men in the back country who are not interested in the destruction of dingoes, pay for the destruction of both dingoes and marsupials upon their sheep country—in many instances, country which they held as freehold. That is a tremendous tax on cattle men in many districts. In the western districts, no doubt, the marsupials are increasing; about the heads of the Warrego and the Barcoo they are perhaps worse than in any other part of Queensland; and that is simply owing to the fact that the dingoes have been poisoned there for a number of years. I do not care what any man says to the contrary. I know that any man who has seen the same class of country under the two conditions—when the dingoes have been poisoned and when they have been left alone—can come to no other conclusion. The man who leaves the dingoes alone and is not infested with marsupials ought not to be asked to contribute in any way towards their destruction. The Government can arrange for that, and in some instances it has been done. The marsupial district of Springsure includes Duaringa, and extends to the Expedition Range. The inferior country on the western side of the range is only occupied by cattle-owners; but on the other side of the Comet, where land is nearly all freehold, there is very high class country. Previously the freeholders managed to tax the cattle men to an enormous extent. One man who owned between 3,000 and 4,000 head of cattle had to pay between £90 and £100 a year for the destruction of marsupials within the enclosed lands of the freeholders near Springsure—a grossly outrageous imposition. But I succeeded in getting the Minister for Works to divide the marsupial district, so that those who preserve the dogs and do not suffer from marsupials have nothing to do with the Act, while the other men have to deal with the marsupials themselves, and the expense of carrying out the work falls on the men who are benefited. One other point there is on which I should like, if I can, to set some hon. members right; but it is, after all, only a question of opinion. In my opinion, they attribute the reduction of the number of marsupials too much to the operation of the Act. At one particular time no district in the colony was so much infested with marsupials as that in which I lived; in fact, the district about Clermont and Springsure was just as bad as the places the hon. member for Barcoo has described. We never spent one shilling in trying to get rid of marsupials. The country was worthless; all we ever did was to take off our sheep, and keep a few head of cattle upon it. The dogs were allowed to increase, and now there is no part of the country freer from this pest—scrub country though it is. There must certainly have been an epidemic amongst them, because in six months there were not one-tenth of the number that there were before. I do not think that any real good can be done to the country by continuing the Act. The Minister for Works, if he is applied to, will readjust the boundaries, so that the tax will fall upon those who have marsupials in their districts, and not upon those who have not.

Mr. STEVENS said: Mr. Speaker,—Although there has been a good deal of discussion upon this Bill, I thought that some other hon. members would have been here still further to discuss the matter. It has been ventilated very freely more than once, and we are very much in the same position as we were twelve months or two years ago. There are just as many members—representatives of pastoral districts—against it now as there were then, and just as many in favour of it as formerly. I am as much against it now as I was last session; in fact, I am still more against it. The more I see of the working of the Act the less I like it. I do not consider that it is at all necessary. I believe, if there had been no Act in force at all, that there would have been fewer marsupials to-day than there are. In the first place, the payment of the money for scalps has the effect of keeping a number of men at this work—a loafing, idle work it is, more in the poaching line of business than anything else—and so long as these men derive a fair living by keeping themselves in congenial employment, so long will they take care that marsupials are not exterminated. They will not do away with a comfortable means of getting a livelihood; they enjoy the sport of trapping and killing, and make a few shillings to keep them in bread and butter and to spend at the nearest public-house, and are satisfied. It will have the same effect as in connection with the rabbits in the southern colonies. Men would not try to exterminate them, but only kill enough to earn a fair day's wages at that work. The Act in itself is thoroughly unfair. Clause 5 of the original Act says:—

“Any owner of not less than five hundred head of cattle or two thousand five hundred sheep in any district shall be qualified to be elected a member of the board of such district, and any owner of not less than one hundred head of cattle or five hundred sheep may vote at the election of members of the board of such district.”

The 10th clause says:—

“For the purpose of creating a fund for carrying out the provisions of this Act, the board of each district shall, within two months after the date of its constitution, and thereafter in the month of April in each year, make and levy an assessment of not more than five shillings nor less than one shilling on every twenty head of cattle and horses, and not more than five shillings nor less than one shilling on every hundred sheep pastured within the district.”

And so on. So that the small owners alluded to by the hon. member for Wide Bay (Mr. Mellor), such as dairymen and farmers, with their 40 head or 50 head, or any number less than 100 head of cattle, may be taxed for the destruction of the marsupials year after year when they do not suffer from them, and yet they are not allowed to have a vote for the members of that board or any voice in their election. A man must own a certain number of cattle before he can vote, and he must own a still larger number before he can become a member of the board. In fact, it is a combination of large holders against smaller ones. The Act is a perfect course of tyranny from beginning to end. The wealthy man brings all the power he can to crush the smaller holders of stock, or farmers. It affects the farmers in districts under the Marsupial Act as much as it does the squatters, and it also affects the general taxpayers of the colony. No less than £74,000 has been contributed by the Government to assist these boards. The average annual amount of subsidy paid by the Government is from £12,000 to £15,000, and that is a consideration, especially in these times when we are suffering from very great depression and the Treasury chest is in anything but an overflowing state. No doubt a large amount of money has been spent in the destruction of these marsupials

—about £136,000. That is the amount that has been actually paid away for scalps, and then there is the expense of working the Act as well. An hon. member said many of the scalps had been manufactured. There is no doubt that that is perfectly true. It is a very well-known thing in marsupial districts. Another thing is this: How many of these scalps have been procured from dead kangaroos—kangaroos that have been killed by the drought? How many have been paid for that were taken from kangaroos not killed by persons employed under the Act? There is nothing sound in the Act from beginning to end. I may as well put in a word for the dingo, as some other members have. My experience of the dingo, in connection with marsupials, is very much the same as that of the hon. the Minister for Lands. In districts in which I have lived in Queensland there have always been more or less marsupials, but never a very great many, and I believe that was chiefly owing to the dogs having been kept down only in a very moderate degree. If it were found that the dogs were so plentiful that they became a curse, any holder of a run, by the judicious use of a little strychnine around the waterholes, could have got rid of them, or thin them down until they became a benefit. On the neighbouring run to the one on which I lived the dingoes were poisoned, I might almost say, religiously—every chance was taken to kill them—and the marsupials increased so much that in a twenty-mile ride you could tell when you were in the marsupial country and when in the dingo country. There could be no clearer case in the whole world, and no better case made out against the destruction of the dingo than that. To show the tyrannical feeling and grasping nature of these boards, I will read an extract from the report of the Chief Inspector of Stock. It refers to a board which has been very much in favour of the Marsupial Act, and has always paid the highest rates for getting rid of kangaroos, and there have been various things suggested in connection with the Act; but I think this is about the richest and coolest and greatest evidence of the tyrannical nature of these boards that can be given:—

“Bauhinia, however, while in favour of a further extension for a period of three years, makes the following suggestion: ‘That a uniform assessment be levied on all owners of stock in the colony and paid into a general fund, in a manner similar to assessment under the Scab Act.’”

I think that is about as cool a thing as could possibly be suggested. It means this: that the whole of the farmers, dairymen, and pastoralists in Queensland, where the Marsupial Act may be in force, should pay a tax into a general fund, and that those who can grab the most money out of that fund are at liberty to do so. That is what the proposition really means. I do not wish to take up any more time this afternoon, as the subject has been pretty well thrashed out, and I do not suppose I can introduce anything which has not been brought before the notice of hon. members by previous speakers. I would, however, just like to refer to one thing which fell from the hon. member for Leichhardt. The hon. gentleman stated that a number of kangaroos have been destroyed by marsupial fences, and that is quite correct. That is the legitimate way of getting rid of marsupials—each man destroying those on his own holding. There is no law to assist the pastoralist in erecting wirefencing, and the marsupials in the cases referred to were destroyed, not by killing them in the paddocks, but by fencing them out of the paddocks. As I have said, the pastoralists were not assisted in any way in the erection of their fences; so that the circumstances mentioned by the hon. member for Leichhardt do not prove that the Act is a

good one. Some reference has been made in the course of the discussion to rabbits, and it has been contended that as so much money was to be expended in keeping rabbits out of the colony, money ought also to be expended to get rid of this so-called curse which is in the colony. But I would point out that in Victoria, where the marsupials were at one time as thick as they are in Queensland, the Government were not asked to assist in the extermination—at any rate, not so far as I am aware—and if they were asked they gave no assistance. The farmers and pastoralists joined together and succeeded in getting rid of the pest, and I maintain that if this Marsupial Act is discontinued here they would also combine for a similar purpose in Queensland. But so long as this Act is in operation and the present arrangement is fostered by the Government, they will never combine. It is worthy of remark, too, that the very men who successfully combated the marsupials in Victoria, and almost wiped them out of existence, were utterly powerless when they attempted to exterminate the rabbits. In one case the animals are above ground, and not very prolific, and in the other they are below ground, and intensely prolific; and the two cases, therefore, are not parallel. I cannot, I think, be accused of inconsistency in voting against this measure, as I stated last session that I was opposed to it. Let those, I say, who wish to destroy marsupials destroy them, and let those who wish to destroy dingoes destroy them, but do not harass men by compelling them to carry out the provisions of a measure which is of no benefit to them.

Mr. KELLETT said: Mr. Speaker,—My opinion of this Bill is the same as it has always been. I have seen great benefit accrue from the Marsupials Destruction Act. I have seen places in the colony which now carry two or three head of cattle where they only carried one before the passing of the Act. I am, speaking now of cattle country, apart altogether from sheep country, because it appears to be the opinion of some that this law is a benefit to sheep-owners only. I think it benefits the cattle man more than the sheep man, because the sheep are on the plains, while the cattle are near the ranges where the marsupials are most plentiful. I am satisfied if this Bill were wiped off the Statute-book it would result in a great loss to the revenue by causing a decrease in stock. I will now allude to some remarks which fell from the hon. member for Logan. It is strange how a change of climate alters the hon. member's views. When the hon. member represented the electorate of Warrego he had very different views from those he has just expressed.

Mr. STEVENS: No.

Mr. KELLETT: If I am wrong I apologise.

Mr. STEVENS: You are wrong decidedly.

Mr. KELLETT: *Hansard* speaks for itself. I am sorry the hon. member's memory is so bad; but that is his failing, not his fault. I merely refer to this matter to show how the hon. member's views have changed simply because he has removed from the bracing air of the Warrego district to this moist climate below the Range. I am perfectly satisfied from my own knowledge of the subject that it would be a great mistake to discontinue the operation of this Act. A lot of money has been expended already in keeping down wallabies and kangaroos, which are considerably less now than they used to be. Ask any man living along the Brisbane River what has been the result of the destruction of marsupials, and he will tell you that he can now keep two or three more head of cattle per square mile than he could before—and even more

than that; and that if the marsupials are not destroyed the old state of affairs will return. With reference to the dingo, I do not agree with some of the hon. members who have spoken on that subject. When I lived in cattle country, I had not such a down upon them as people have in these days. They had so much feed of various kinds formerly that they did not interfere with calves to the same extent as they do at the present time. Nor were calves worth so much money as they are now, so that it did not matter very much; but I am informed that on the Burnett recently calves have been killed in hundreds by dingoes, although poison has been used there, and used very freely. On the range between the Burnett waters and the Darling Downs a similar state of affairs has prevailed. At Jimbour, for instance, which was fenced in with good secure paddocks for sheep, poison was tried with but little success. The boundary riders carried poison every day and spread it broadcast, yet, after the fences had been erected, it was found that the dingoes got ahead in spite of the poison used, and it was also found necessary to shepherd the sheep in the paddocks. I believe that hundreds of pounds a year were spent on poison on that one station alone. I have tried poison and trails, and I am of opinion that you cannot put too much poison about if you want to accomplish your desired object—namely, to exterminate this animal which threatens the destruction of stock. I hope the decision of the House will be in accordance with the wish of the country, and that this Act will be allowed to remain on the Statute-book.

Mr. BROWN said: Mr. Speaker,—This is a subject upon which I do not profess to know much, but I have listened very carefully to the arguments advanced by the various speakers who have discussed the Bill. It appears to me that some representatives of country districts are of opinion that the Act should be continued, and others that it should be discontinued; and if the Act is allowed to lapse, the districts that really want to continue the process of exterminating marsupials cannot do so. There is one point bearing upon this matter on which I think the Government might afford us more information. I gather from the remarks that fell from the Minister for Lands that no district is compelled to come under the provisions of the Act. It seems to me that certain districts wishing to have the Act continued might have that done by some means upon which I am not informed, and that is a point upon which we might have some more information. However, I think the gentlemen who advocate the continuance of the Act have made out a very good case, and I intend to support the Bill.

Mr. HORWITZ said: Mr. Speaker,—If you do away with the Act in the district which I have the honour to represent, it will be a great evil. I have listened very carefully to the arguments used on both sides of the question, and I think that many hon. members are not aware that in some districts, like Warwick, where we have already got a farming population settled, we have any number of wallabies and kangaroo rats. We have been told by an hon. gentleman that kangaroo rats do not eat grass, and it seems to me they know nothing about those animals. They are the biggest evil we have. They do not eat grass if they can get potatoes, grain, or wheat. The country has already spent some thousands of pounds on this Act, and I think it is advisable to continue its operation. If we do not we will have as many wallabies in two years as we had ten years ago. I shall support the Bill.

Mr. GOVETT said: Mr. Speaker,—I lived on the Barcoo when this great curse was in the

Peak Downs and Leichhardt district, and at that time we could travel for twelve months over the best portion of the Barcoo district and not see a kangaroo; a man might ride forty or fifty miles a day and not see a kangaroo. At that time I advocated that the people in that part of the country should assist the people of Springsure in the destruction of the marsupials, and on the same grounds I hold that the people in the far West, where the hon. member for Logan has a station where there are no marsupials; should now assist the people in the Mitchell and Barcoo districts who are suffering from marsupials. The Minister for Lands spoke of the destruction of dogs. If we want to have sheep in the country the dogs must be destroyed. Some hon. members say, "Let each squatter destroy the dogs on his own run." That is not altogether the question. A man may destroy the dogs on his own run and his neighbour alongside him may neglect to do so, and breed them so fast that they will be constantly coming in. It must be remembered that squatters have to send their sheep to market, and people in the towns must be supplied from a distance. They have to be taken in droves to market, and then comes the trouble when they are passing through cattle runs. Thousands are killed in this way. Any drover will tell you the trouble there is in driving sheep, say from the Barcoo district, where there are no dogs, through the Leichhardt, where there are dogs so plentiful that it is almost impossible to keep them out of the sheep at night. An hon. member spoke of the dogs having killed the marsupials in the Leichhardt district. That is not entirely the case. They have killed thousands certainly, but the marsupials had really starved themselves out. I have ridden across the country myself, and it was not at all pleasant to ride across it, because it was stinking with the bodies of dead marsupials that had not been killed by dogs but had died from starvation. In the Barcoo district I have ridden along by a fence and have seen kangaroos hopping along in front of me drop down from pure weakness, and it was starvation and not dogs that killed them. I have seen thousands in the Barcoo district within the last two years that have died from the drought the same as the sheep have done. I hold that this Act should not be allowed to lapse. That experiment has been tried, and at a very great disadvantage to the people dealing with stock in this country. It was allowed to lapse in about 1880, I think, after having done some good, and then the marsupials began to increase again as soon as we had some good seasons. The continuance of the Act will not destroy them altogether; there will have to be some more stringent measure taken to do that; but if it is continued it will certainly be a very great check to them, and I hope to see the Bill carried.

Mr. GRIMES said: Mr. Speaker,—We generally see a little quarrelling amongst the pastoralists when this Bill is brought before us. Every session that this Bill has been brought forward there has been a little falling out amongst hon. members on the other side, and this afternoon has not been any exception to the general rule. It is claimed by some hon. members that this question is a national question, and that the Act is of national advantage. I think that if any Act on our Statute-book tends towards class legislation, this is one. It has certainly been looked upon all along as one passed for the benefit of the pastoralists alone, and from the debate we have had upon the question so far we find that its effect is now still further divided, and that it is only a subsection of the pastoralists who reap any benefit from the Act. I think, under the circumstances, it is now a question whether the

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time has not arrived to drop it altogether. Some attempts have been made in past sessions to make this Act of more general advantage to the community. The farmers object to being taxed under it and getting no benefit from it, while they have to pay taxes to the State and assist in endowing marsupial boards. They certainly have a claim that some of the money which they contribute should be spent in destroying pests they suffer from. We have tried on several occasions to get the kangaroo rat, bandicoot, and flying fox included in the Act, and if this were done the Act would be of more general use, and a greater number of the taxpayers of the colony would receive some advantage from it. We succeeded last year in getting the kangaroo rat included, but failed with the other two I have mentioned. Now, if we commence destroying pests for one industry we ought to go all the way through. There are numbers of pests annoying the agriculturists, but no notice is taken of them whatever. I have mentioned the bandicoot and the flying fox; there is the cockatoo, and the magpie, and the iguana, and I might mention a lot more. I think if we let this Bill go into committee we should include the whole of these animals, and make the Bill worthy to be called a national one. It seems to me that every hon. member who calls this Act a national one looks upon his own electorate as a little kingdom by itself. "It suits my electorate," he says, "and we had better continue it." Now, it does not suit my electorate, and, as we have failed to make it suitable to most of the electorates in the colony, I shall now vote against the continuation of it.

Mr. JESSOP said: Mr. Speaker,—The speech of the hon. member has amused me very much. He speaks of hon. members voting for a certain measure because it suits their constituencies. I would like to know what he is sent here for but to represent his constituents and vote for any measure that will further their interests. I must say I think the hon. member knows very little about marsupials; I question whether he ever saw one outside of the Botanic Gardens. He talks about class legislation. It is absurd to talk about class legislation in this matter, when a board has a power to levy a rate or not according to the circumstances. The boundary of each divisional board is the boundary of the marsupial board. If they find they have no marsupials, and do not want any money, they do not levy a rate; therefore it does not tax the selector, the small farmer, or the sugar-grower. There are no marsupials about Brisbane; you cannot find them in Queen street or Oxley Creek, but you can find them 150 or 200 miles away in large numbers, where selectors have to pay high prices for their land. The hon. member speaks about pests. I say the marsupials are a pest that it has taken a great deal of legislation and a great deal of talk to get rid of them partially—not wholly. I profess to have some knowledge of the working of the Marsupial Act, because, ever since the Act has been in force, except one year, I have acted as chairman of a very large board, and I am in a position to say it is quite necessary to continue it for another year at any rate—perhaps more—and simply because the marsupials eat grass. Look at the number killed within the last year according to Mr. Gordon's report. I maintain that each of these marsupials eats the grass that would feed one sheep at the very least. As to dogs, I can perhaps give some information. The selectors in my district have had to give up sheep altogether, because the dogs are so bad. For these reasons I am going to support the Bill.

Mr. KATES said: Mr. Speaker,—The only reason for the rejection of this Bill would be the financial point of view. We are told in His

Excellency's Speech to go in for retrenchment, and that would be a reason that might induce me to vote against the Bill; but the reasons in its favour are overwhelming. Who says that this Act has not been a success? Look at Mr. Gordon's report and you will see that there have been destroyed, since the Act came into force in 1877, 5,538,856 marsupials. Now if they had not been destroyed, what would the country have been to-day with those marsupials and their increase together? There would have been twice as many marsupials in the colony as sheep. Surely some consideration will be paid to the report of Mr. Gordon, the gentleman appointed to look after this matter. He says:—

“As compared with former years the foregoing figures show a decrease in the numbers destroyed of both the larger and the smaller vermin. Of the larger the decrease as between the years 1884 and 1885 is 68,486, and of the smaller (omitting kangaroo rats), 83,377, or a total decrease of 151,863.”

I find that the number of wallabies destroyed is greater than that of kangaroos, and I can assure hon. members it is the wallabies we have to fear and not the kangaroos. The kangaroos are forest animals, while the wallabies retire into the scrubs and injure the farmers in the settled districts. We know that under the pernicious system of survey before selection the farmers were driven into the scrub, while the open plains and forests were monopolised by the large landholders. I think we ought to do something to relieve these farmers who have to combat with the scrub and also keep down the wallabies. What does Mr. Gordon say in his report on this subject?—

“The wallaby still hold their own in some places, though not numerous; but in our opinion they are most to be dreaded, as whilst the forest kangaroos are easily got at and destroyed, the wallaby, which alone have caused so much mischief to the country, retire to the dense scrubs, and will no more be extirpated than rabbits so long as the large scrubs exist.” In the more closely settled district of Fassifern, however, the chairman of that board takes a more sanguine view of the matter, and says, “The Germans will keep the wallaby down in the scrubs as long as the Act is in force.”

The farmers want the Bill to keep down the pest. If the squatters are doing well the country is doing well, and if the farmers are doing well the towns, which depend upon the squatters and the farmers, must thrive. With regard to the dingo, I can only say that if the Minister for Lands wishes to make his Act a success in introducing grazing farmers into the country the dingo must be destroyed. I have heard many a selector say that if it was not for the dingo he would be a rich man; and in times of lambing it is well known that the selectors have to take the greatest care of their flocks to preserve them from the dingo; however, we can deal with that subject when the Bill goes into committee. I can only say, as far as the small selectors and farmers are concerned, that they are entirely in favour of the continuation of this Act for at least another year, and I myself think that, in a year or two, when the marketable value of the skins becomes greater—I notice by the reports from Sydney that best kangaroo skins, free from holes, are now worth 80s. a dozen—I say with the increased value sufficient inducement will then be held out to people to destroy the marsupials without calling upon the State for a subsidy. I shall certainly support the second reading of this Bill, because I fear that if we discontinue it the money that has been spent by the Government, and that spent by the public—in all about £160,000—will be entirely wasted, and we shall have, in a couple of years, to re-introduce this measure under greater difficulties. We shall have to commence *de novo*, and it would be an insane thing, I consider, to discontinue the Act now that we are reaping such great benefits from it.

With regard to what fell from the hon. member for Burke in connection with the kangaroo rat, I would advise the hon. gentleman to travel round the farming districts and hear what the farmers have to say upon that subject. The kangaroo rat has undoubtedly been a great nuisance for years past. When the seed which has been sown by the farmers is just beginning to appear above ground, they will run through it and scratch it out in all directions, and, in addition to that, they have a great fondness for potatoes. Altogether they are about as great a nuisance as can well be imagined, and I can hardly think that the hon. gentleman could have made himself acquainted with the habits of the animal. I only hope that hon. gentlemen will not oppose the second reading of this Bill; or, if they do, I fear that in the course of a year or two they will have reason to regret their action.

Mr. HIGSON said: I rise to support this Bill, and I think that anyone who has been long in the colony, whether he is a farmer or pastoralist or not, would make a great mistake in opposing it. We all know what effect the late drought has had upon the revenue of this colony, and we also know that the marsupials are ten times worse than the drought. In my travels on the Peak Downs and in the Clermont district I have seen this pest in enormous numbers, and I have seen those districts with no more grass than there is on the floor of this House. I do not speak as a large stock-holder, but as a small one. It was said here that the Act is simply for the benefit of the large pastoralists, but I say it will benefit the small pastoralists and the small farmers equally as much. I warn hon. members that if this Bill is thrown out they will see in a few years that the country which is carrying large herds of cattle and sheep at the present time will be a wilderness overrun with marsupials. I do not think that hon. members who belong to little pocket boroughs and towns take into consideration the real issue of this question. They are as largely interested themselves as the pastoralists or farmers, if they only look at the question in a proper light. Without the squatters and farmers and pastoralists the towns would be nothing, and therefore it is the interest of everyone to keep down this pest. Last session of Parliament we had on the Estimates a large sum of money for the purpose of excluding the rabbit pest, and now that we have got this marsupial pest partly under control, it would be a suicidal policy on the part of the Government not to continue the good work which has been done so far. I shall therefore support this measure as far as I am able.

Mr. WHITE said: Queensland is not sufficiently populated to expect the people to battle with the marsupial pest by themselves. Twenty-five years ago, in Victoria, a great cry of distress arose from the partially settled districts on account of the marsupial pest eating them entirely out, and had it not been for the smallness of the country and the great inflow of population I do not know what would have been the result. There was not only actual distress, but there was ruin among the farmers in many of the districts, and it would appear their experience was such that the more marsupials were killed the more they multiplied. That was the general belief at that time; they seemed to come in from all sides, and if Queenslanders are going to have the same experience the Act had better be kept in force. If it is allowed to continue in force for another year or two, the people will be able to meet the difficulty, but at the present time I think it will not be for the benefit of the colony to withdraw the Act.

Mr. BAILEY said: I am sorry I cannot join in the enthusiasm of the hon. member for Rockhampton in favour of this Bill. Figures are very lying things sometimes, and the figures which we have before us in this report are not truthful. We have almost a knowledge that a great number of scalps have come over the border from New South Wales, and we have had to pay for them. We know, as a matter of fact, that every mechanic, every labourer, every small selector, living in this country, has had for years to bear the burden of taxation to pay for the killing of marsupials, and for the New South Wales scalps, to the tune of about £75,000. I think the mechanics, labourers, and small selectors have done a very fair thing—they have contributed £75,000 to relieve the pastoralists of a pest. But if the pastoralists had really worked with the Government through all these years I do believe the pest would by this time have been extirpated. At the same time, many of those who contributed were liable to the same and perhaps to worse pests, but they were not relieved in any way. It was only indeed very recently that our wallaby scalp arrangement was brought about; and throughout the whole of this fruit-growing colony—where fruits of all kinds can be grown in greater profusion than in any other part of Australia—fruit is being utterly destroyed by flying foxes; but no remedy is proposed by the gentlemen of the pastoral interests.

Mr. DONALDSON: We never opposed the inclusion of flying foxes.

Mr. BAILEY: The small farmer has had to pay year after year for the destruction of wallabies which were a pest to him, and he has also had to pay for the destruction of kangaroos which were a pest to the pastoral tenant. It is only recently that a sop has been thrown out to the small farmer by including wallabies. But the small farmers do not want a sop; they are quite willing to extirpate the pest at their own cost within their own scrubs. But they are not content to pay, at the same time, for keeping clear the runs of more wealthy men. But, Mr. Speaker, there is another awkward thing about this marsupial business, and that is the manufacture of scalps. It is rumoured that not very far from Warwick there is a scalp manufactory; and I remember a former member of the House—the Hon. George Thorn, I believe—saying that there was a similar establishment somewhere on the Darling Downs. Not long ago I came across a description of how scalps are counted and paid for by one of those boards. The man brought in a rotten heap of pieces of skin, took up what he said was half-a-dozen—they were all stinking—and said “there are six,” “there are twelve,” “there are eighteen,” and so on. An intimate friend of the man, who pretended to watch the counting, said it was all right, and the money was paid without more ado. I do not care about this sort of thing. The country has done quite enough in the matter. We have paid a large sum to relieve pastoralists of this pest, and it is time that those who will now through good seasons become very wealthy should employ two or three men shooting marsupials on their runs, without asking mechanics and labourers and small selectors to assist them.

Mr. ANNEAR said: Mr. Speaker,—I do not think this colony ought to find means to enable a class of men to carry out the fraudulent manufacture of scalps that we have heard so much about. What the hon. member for Wide Bay said about that was perfectly correct. I have seen an account in a paper where it was fairly proved that such cases had occurred in the Warwick district.

Mr. DONALDSON: You mean “asserted.”

Mr. ANNEAR: No, the fact was fully proved; and any system which enables men to become criminals it is the duty of this House to repeal as soon as possible. At present several marsupial boards throughout the colony levy the tax, and do not spend one shilling in the extirpation of the pest. How is the money spent? By keeping clerks riding on horseback throughout the country, and keeping a lot of men doing nothing. It is a great injustice to men who have taken up land and who have had sufficient enterprise to fence it in, that they should have to pay for the destruction of marsupials on the unfenced land of their neighbours. They have to pay just the same as those men who take up land and leave it unfenced. I am like the hon. member for Townsville (Mr. Brown): I do not know much about this matter, but I take a common-sense view of it, and I say it is a great injustice that in these times of depression, with perhaps worse looming ahead, we do not stop this large expenditure from which those who live in towns and cities, and especially farmers and small selectors, derive no benefit.

Mr. PATTISON said: Mr. Speaker,—I should have remained content with the few words I spoke on this question last night, but after listening to the remarks of the last speaker I feel called upon to say a little more. The hon. member candidly confesses—and his whole speech shows it—that he is talking about a subject on which he is totally ignorant. I happen to know something about the working of marsupial boards, having been, as I said last night, a member of one since their introduction up to the present time; and I can tell him that there is no foundation whatever in his charge against the boards—that they spend their funds in employing men to ride about the country doing nothing. They employ nobody but those who are actually engaged in destroying marsupials, and they pay by results. That, at all events, has been the case with the Gogango Board of which I am a member. The hon. member for Wide Bay has referred to the existence of scalp manufactories; but I can assure that hon. member that there is no such thing in the electorate I represent. The board is industrious enough to see that the scalps it pays for are proper scalps, and actually killed within its district. All sorts of precautions are taken, and it is the fault of the board if it is imposed upon—which has never yet happened. I represent a selectors' electorate, not a squatters' electorate, and the selectors there take a very real interest in the election of members of the marsupial board. Indeed, the Government have never been called upon to nominate a member from the day it was established up to the present time. The people interest themselves in the matter, and they always take part in the elections and elect their own members. So much for that. Again, the question has been referred to as one between squatters. To a certain extent I am a squatter, and as a cattle man I can speak for myself. I believe the Act has been of great benefit to the colony in the past, and that it will be a great benefit in the future. If it is not continued the money that has been expended will have been simply thrown away. I should like to see it continued for four or five years, and not brought up year after year as it is now and worried and kicked about on all sides. We ought to pass it for four or five years. Then if it has done no good let us wipe it off the Statute-book by all means. In the meantime I think, in the interests of the country, the measure should pass.

Mr. JORDAN said: Mr. Speaker,—It has been said that the passing of this Act year after year was mere class legislation.

An HONOURABLE MEMBER: No.

Mr. JORDAN : It has been so said. I do not say so. If I was satisfied that the operation of the Act during the past nine years has benefited solely one class—the Crown lessees, pastoralists of the colony—to the extent that it has exterminated marsupials very largely, with the prospect of their final extermination—if I was satisfied that it has benefited the colony only to that extent—I would vote for it being again continued. I do not believe in class legislation, sir, but I recognise the pastoral interest as one of the great interests of this colony; and if that is prosperous all the interests in the colony are to a certain extent benefited by it. But I go a little further than that. If by the operation of this Act during the last nine years as many as 5,000,000 marsupials have been certainly destroyed, and there is a prospect, as we have heard from hon. gentlemen who are much better acquainted with the subject than I am, that if it is continued for a few years longer they will be almost entirely exterminated in this colony—as they have been, I understand, in Victoria—it would be well to continue it. Who can doubt, sir, if these marsupials were exterminated that it would be largely beneficial to all interests of the colony? I think there is a prospect of that, and it would be a pity, after expending £74,000 of public money and about £50,000 more that has been contributed for the purpose of exterminating marsupials, that we should stop just now with the prospect that we have of finishing that great work and exterminating this pest entirely. But after listening to several speeches by members on this side of the House who represent the agricultural interest in this colony I am satisfied that the operation of the Act is beneficial to the farmer. I do not know so much of this question as some of those hon. gentlemen who have spoken. Therefore I speak with a certain amount of diffidence; but I cannot but feel satisfied in my own mind, after listening to the speeches that have been made, that the farmers, the small settlers, and agriculturists desire that the Act should be continued. Who could listen to the very distinct statement of the hon. member for Carnarvon to-night—and his statements are always clear—without being satisfied that the farmers in his district are desirous that the Act should be continued? And we have heard from the hon. gentleman who represents *par excellence* the farming interests—the hon. member for Darling Downs—that he holds a very decided opinion on the question. The hon. member for Warwick also is decidedly of opinion that the farmers benefit by the operation of the Act. I take great interest in the pastoral industry, because it is one of very great importance, but I take much greater interest in the agricultural interest, which I believe by-and-by will be the primary interest of the whole colony if we can get it populated. If we could get a large proportion of those who are emigrating to other parts of the world from Great Britain to come and settle here under the new Land Act—real *bona fide* farmers—I believe the agricultural interest would become the most important in the colony, and I would not deliberately do anything that would tend to damage that interest. I wish we could do something more for the farmers in connection with this matter. A difficulty arose when the Bill was under discussion in September last year about introducing the dingo into it, because the Act itself is for the destruction of marsupials; and the hon. the Premier, I feel satisfied, did good service on that occasion by going out of his way in order to permit the introduction of the dingo, an order from His Excellency being got for that special purpose. It was contended last session that our farmers ought to be more fully considered in the matter, and that flying foxes were such an intolerable pest to

them that unless something was done to destroy them all prospects of making this a great fruit-producing colony must be abandoned. I believe, sir, that the production of fruit—semi-tropical fruit especially—will be a great source of wealth in Queensland if we have a large farming population, but that is impossible unless we do something to destroy this pest. Is it not possible—could not the Premier, with his really wonderful versatility and talent for adapting himself to all circumstances and all cases, devise some means by which we could introduce flying foxes into the Bill for the benefit of the farmer, in the same way as we introduced dingoes at the special request of one of the representatives of the great pastoralist interest last session? I do not believe there is any insuperable difficulty in destroying flying foxes. I am informed that you can shoot them in vast numbers, and if you clipped off a bit of their tails in the same way that scalps are taken from marsupials—something, at all events, that could be used for the purpose of identification to show that they had been actually killed and were not manufactured—I think it would meet the case. We are told by one gentleman who knows a great deal about it, that kangaroo skins are purchasable at something like 80s. a dozen. If that goes on it would put a stop to the manufacture of scalps, I think, because the skins would become too valuable to be cut up and made into artificial scalps. I intend, sir, for reasons I have given, to vote for the Bill, and I should have much greater satisfaction in voting for it if the Premier could see his way to help the farmers by including in it the flying foxes. I am sure that if the hon. gentleman attempts it it will be accomplished.

Mr. ADAMS said : Mr. Speaker,—I quite agree with the senior member for Wide Bay in one sense but not in another. As I believe the Act is beneficial to the colony generally, it is my intention to support it. That hon. gentleman has stated that the farmer does not want to pay for the killing of marsupials, and I do not suppose anybody else does, but I am certain that the farmers are perfectly satisfied to leave the Act on the Statute-book, inasmuch as if they do not keep a certain number of cattle they are not assessed. Therefore, they have not to pay, but on the other hand they are paid for the scalps of the animals they kill. I am not aware that the district I represent troubles itself a great deal about this matter, but I know that parties have been organised there who have gone out and slaughtered sixty and seventy marsupials of an afternoon, and when these animals are about in such numbers as this, there is not the slightest doubt that they must be a pest and the sooner they are got rid of the better. It is not my intention to say a great deal upon this Bill; but I think it is only right for this end of the colony, considering it has had its chance, to assist those who are going out further north and west. We know very well that the squatters, generally speaking, are the pioneers of the colony, for they go out and open up the country, and the agriculturists follow them; and I am thoroughly convinced that the marsupials are as great a pest to the farmers as to the squatters. For that reason I say we have not only the squatters to consider, but the agriculturists also, and I think it would be kind to do something to help them; it would be tantamount to settling people on the land if we can keep down the marsupials. I think the better way, after hearing the arguments on both sides of the House, will be to allow the Bill to pass, and when we go into committee, if there is anything else to be added, it can be done then.

Mr. SHERIDAN said : Mr. Speaker,—I was not present during the whole discussion on this

Marsupial Bill, nor do I think the debate is finished yet; but at the same time I have my ideas on the subject, and as briefly as possible I shall endeavour to express them. I personally have an objection to subsidising any industry; as if an industry cannot exist without a subsidy from the people generally, I cannot believe that it is a suitable or proper industry. That is my own individual opinion, but as I perceive that in this colony industries are being subsidised right and left, I consider there is not one of them of greater importance than the one we are now discussing. The squatting interest, from the foundation of Australia up to the present time, has been, and is likely to be, the first, best, and, I hope, most profitable one in the colony; and taking into consideration the new Land Act, wherein it provides that there shall be quinquennial valuations of land, I can foresee that, if the marsupials are allowed to increase, instead of the Government getting an increased revenue from these valuations of land, they will, very likely, lose a good deal of revenue; because if the runs are to be allowed to be overrun with marsupials, though the grass may be growing, yet proportionately will the value of these runs be decreased. It may be inferred from my reasoning that I shall support this Bill, but I hope there will be some improvements made in committee. With regard to the smaller vermin—that is, kangaroo rats and bandicoots—I am of opinion that the farmer could suppress them himself, but he certainly could not the kangaroos and wallabies. As to the introduction of cockatoos and other birds, I do not think they are of sufficient importance to introduce into the Bill. As to the flying foxes, I look upon them as an infinite pest, and I know it is hopeless to expect that fruit will be grown to any extent or profit as long as they are allowed to exist. They can be easily exterminated, because they have particular haunts where they can be got at, and I hope that when this Bill is in committee there will be a reward offered in it for the destruction of flying foxes the same as for kangaroos. The hon. member for Wide Bay mentioned the fact of scalps being manufactured, and I think he alluded to such taking place near Warwick. Whether he is right or wrong I am not prepared to say, but he stated that a magistrate of the territory was present and saw those scalps counted out; and I think he ought to give the name of that magistrate. A magistrate of that description should not be allowed to remain on the roll of justices of the peace—he is too great a disgrace to the colony to be allowed to remain there—and I consider that the proper authority, the Government, whose duty it is to see to the revision of the roll, should demand the name of that magistrate, and at once supersede him. I hope the hon. member for Wide Bay will name the person who stood by and saw such an outrageous fraud committed. I shall support the second reading of the Bill.

Mr. FRASER said: Mr. Speaker,—I am not going to say much on this question. It seems to me that the Bill partakes largely of the character of class legislation, but bearing in mind an axiom enunciated by the mover of the Address in Reply, which was generally accepted by this House, that that which seriously affects one important industry in the colony must necessarily affect to a less or greater degree all others—looking at it from this point of view, the national view of the matter as I may call it—though my sympathies go very largely with much that has been said by hon. members with respect to the small settler, I am inclined to support the second reading of the Bill. There may have been abuses connected with the working of the Act, such as the manu-

facture of scalps; that, however, is not the fault of the Act, but of those who have had the superintendence of its operation, and it is a matter which in no way attaches itself necessarily to the Bill. Seeing that it has been admitted already that a large amount of good has resulted from the operation of the Act in the past, and that there is still a necessity for continuing the destruction of marsupials, and as it is thought that if the operation of the Act be continued for a comparatively short time we are likely to get rid of the marsupials entirely, it would be unwise at the present time to throw out the Bill. As to the interests of other classes of the community, I have not the slightest doubt that if those interests are brought fairly before the House, and it is shown how they can be dealt with, they will receive all the sympathy and support to which they may be entitled. No doubt all that has been said throughout this discussion will be traversed again in committee, and for that reason I shall not trespass any longer on the time and patience of the House. I simply desire to express my concurrence in the desirableness of continuing the operation of an Act which, less or more, is calculated to affect, inasmuch as it affects the leading industry—some people may object to calling it an industry, but I cannot think of a better or happier name—I say that I concur in the continuance of an Act which affects the leading industry, and through that industry, to a less or greater extent, every other industry in the colony, and for that reason I intend to give the Bill my support.

Mr. STEVENSON said: Mr. Speaker,—I omitted to state, when I spoke last night upon the motion for the adjournment of the debate, that I was going to support the hon. member who brought in the Bill, and I wish to say a few words in regard to it. I have had a good deal of experience in this matter, and when an amendment was brought in last year including dingoes I spoke strongly upon it. I cannot understand the opposition that has been given to the Bill by some hon. gentlemen, especially the hon. member for Cook (Mr. Hill), because he ought to know better. He has had a great deal of experience, and has travelled through infested districts for years and years and has seen the devastation caused by marsupials. I can forgive the hon. member for Burke for opposing it, because he has not had the same experience as the junior member for Cook. He has been in the habit of travelling up and down the coast, and going out to districts where marsupials are scarcely ever seen. He is my own partner in two stations up north; but I have not the slightest sympathy with him—although we have no marsupials—in the course he has taken in regard to this Bill. I may also say that a very large number of my constituents are against the Bill, and will very likely take exception to the course I am taking to-night. I have often argued the subject out with many of them, and I know that they do not suffer from this pest; but I have always argued in this way—that a “stitch in time saves nine.” Although they do not suffer now, the time may come when they may, and they ought to pay for the destruction of marsupials in districts where they abound just the same as those people who have suffered. As the hon. member for Warrego says, “prevention is better than cure”; and although the hon. member for Burke says we have never seen a marsupial on our runs, and asks why we should pay, I say that this is a national pest, and if we do not suffer now, the time may come when we may, and it is far better to bear our share of the expenses of the destruction of marsupials in the districts infested at the present time, and prevent them coming in the districts that are not, than have to kill them when they

do appear. I know perfectly well, and the hon. junior member for Cook ought to know it too, that when we went out into the Barcoo first—he went out in the same year as I did, twenty-two years ago—I did not see a dozen head of kangaroo in the eight years I was there. But last time I was there, about five years ago, in a five-mile ride, I could go and find scores of them—I mean that I could see more in a five-mile ride than I did in the first eight years I was on the Barcoo. I do not see why the hon. gentleman or any other squatter should object to pay for keeping down what I call a national pest. The cattle men seem to think that only the sheep men should contribute towards keeping down the pest; but I do not see where that comes in. I consider that the cattle men are just as much interested as the sheep men, and I do not own one single sheep in the colony at present; but I speak in the interest of the cattle-stations. At the same time I consider that cattle men are quite as much interested as the sheep men, not only in keeping down the kangaroo and wallaby, but also native dogs. I believe the last do quite as much injury to the cattle men as they do to the sheep men, and notwithstanding that the coast men and my own constituents do not suffer at present from the pests, I really think they ought to be called upon to pay the tax also. In fact, I would hardly leave it optional, but have every district brought under the operation of the Act. I would like to see it general all over the colony, and make districts that are not infested pay just the same as those that are. Anyone who has had any experience in the Central districts must remember—and I remember myself—the Peak Downs district when there was not a single marsupial there—that it was rendered utterly useless by the devastation caused by marsupials, and I know perfectly well that when they eat out one district they go to another. The hon. member for Burke may think it is very hard lines for him to have to pay to keep down marsupials in the inside districts, where he is not pecuniarily interested. But I can tell him that if he does not contribute—if the whole colony does not contribute—the day will come when we will have to pay very dearly. The rabbit plague is bad enough, we all know; but I really think the marsupial plague is very nearly as bad. It is a very good idea to continue the Bill and to take steps to keep down the plague, although several districts do not feel it at the present time.

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

AYES, 32.

Messrs. Rutledge, Miles, Dickson, Dutton, Macrossan, Adams, Moreton, Griffith, Fraser, W. Brookes, Jordan, Govett, White, Stevenson, Pattison, Kellett, Wakefield, S. W. Brooks, Brown, Kates, Philp, Bulcock, Donaldson, Foxton, Jessop, Lissner, Murphy, Sheridan, Horwitz, Norton, Higson, and Chubb.

NOES, 12.

Messrs. Annear, Mellor, McMaster, Foote, Campbell, Nelson, Hill, Palmer, Grimes, Stevens, Aland, and Buckland.

Question resolved in the affirmative.

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

PACIFIC ISLAND LABOURERS ACT OF 1880 AMENDMENT BILL.

The PREMIER said : I beg to present a Bill, in accordance with the resolution adopted by the House this afternoon, to further amend the Pacific Island Labourers Act of 1880, and move that it be read a first time.

Question put and passed.

ELECTIONS AND QUALIFICATIONS COMMITTEE.

The SPEAKER requested Mr. Jessop, the hon. member for Dalby, and Mr. Foxton, the hon. member for Carnarvon, to come to the table to be sworn as members of the Elections and Qualifications Committee, and the hon. members were sworn accordingly.

MOTION FOR ADJOURNMENT.

THE COOK BALLOT PAPERS.—CASE OF McSHARRY v. O'ROURKE.

Mr HAMILTON said : Mr. Speaker,—I move the adjournment of the House in order to refer to the following matter :—On entering the House on Tuesday I found that the Premier had moved that all ballot papers in the custody of the Clerk of the Legislative Assembly, the period of safe-keeping of which, as prescribed by the law, had expired, should be destroyed; and that the hon. member for Cook (Mr. Hill) had moved as an amendment that the ballot papers for the electorates of Cook and Townsville should be excepted from this destruction. I did not hear any of the speeches made, but voted for the motion of my co-member for Cook, thinking perhaps he might have given some good reasons in support of it. On reading the following morning's *Hansard* I saw that Mr. Lumley Hill had in my absence, without the slightest provocation, attacked me in a most unjustifiable manner. I dislike taking up the time of the House in discussing personal matters, but when in my absence untruthful insinuations are made against me I am justified in challenging them, even although the person making them is one who has achieved an unenviable notoriety for that kind of thing. I find by *Hansard* that the hon. member, in referring to the petition which he and the late Mr. Campbell presented against the return of Mr. Cooper and myself, expressed himself in the following words :—

“One gentleman petitioned against ran away—he could not face the tribunal at all; the other certainly had the pluck to stay and brazen it out, and the committee decided to allow him to retain his seat on the ground, I believe, that there was no direct evidence to show that he put papers in the box.”

The statement that he believed the committee allowed me to retain my seat on the ground that there was no direct evidence to show that I put the papers in the box is utterly untrue. The hon. member knows that the decision of the committee was in these words—“That the committee are satisfied that nothing has been proved affecting the seat of Mr. Hamilton.” He knows that there was not even the slightest suggestion or even insinuation during the whole inquiry that I had anything to do with personation. He knows also that after he produced all the evidence he could in support of his petition, that the committee, the majority of whom was composed of members from his own side, unanimously decided that it was not even necessary for me to bring forward any witnesses to reply to the evidence he adduced. His petition to unseat me was based on his statement that at California Gully only 14 electors voted, yet 178 votes were given for myself and Cooper, and 23 for himself; and that at Halpin's Creek only 25 electors voted, yet 50 were given for me, 43 for Cooper, 7 for Hill, and 14 for Campbell; and his only contention was that he should have the seat on the ground that if the extra number of votes given for me there was deducted from my total number he would be in the majority. The hon. member, however, knows perfectly well that I had such a large majority over him that if every vote recorded for me at California Gully and Halpin's Creek was knocked off my total number, even then I had a large majority over him. He knows

very well, though he does not like to have it stated, that the reason he did not get in on that occasion was that he was not considered good enough. Now, I challenge him to repeat his statement. It does not matter to me whether he does it inside the House or out of it—I challenge him to repeat his statement or the flimsiest insinuation that there was anything during the whole of that affair by which the slightest stigma is attachable to me on account of anything that took place at that election. I beg to move the adjournment of the House.

Mr. LUMLEY HILL said: Mr. Speaker,—I am glad the hon. member has moved the adjournment of the House, because it gives me an opportunity of speaking upon what I consider does touch the morality of this House. I leave the hon. member's remarks about California Gully to be answered by the Chairman of the Committee of Elections and Qualifications.

Mr. HAMILTON: Accept my challenge.

Mr. LUMLEY HILL: I do not care two-pence about California Gully. It is played out, and the hon. member will find that out when he goes next before the constituents of Cook.

Mr. HAMILTON: You draw it up on every occasion.

Mr. LUMLEY HILL: I intend to take advantage of this opportunity, more especially to refer to the reply the other evening of the hon. member for Port Curtis, the leader of the Opposition, to myself. The hon. member laughs, but he should not laugh until he is out of the wood. When I have done he will have an opportunity to laugh. I think he was real rough on me in his reply, and more especially in his criticisms upon that letter which I wrote him, and which was conceived in a spirit of purely friendly warning. I will read first what the hon. member said of that letter, and then I will read the letter—the whole of it this time. The hon. member said:—

"When I received that letter, before turning to see who the writer was, I had read the first page. It was rather a long letter, and I thought a more spiteful or pursepound letter I had never received, and I wondered who on earth the writer could be. I turned to the back to see who had written it, and to my surprise it was signed with the name of Mr. Lumley Hill. I must say, Mr. Speaker, that I have upon very few occasions in my life experienced such a feeling of surprise and disgust as when I found that the letter to which the hon. gentleman has just referred was written by him. No fellow you could pick up anywhere would have written such a nasty letter as that."

Those are the words of the hon. member. I spared him the other night by not reading that letter, because I was anxious to spare the time of the House, and I did not want to read such a long letter or inflict it upon the House, more especially as I had not the slips of the *Hansard* which were enclosed in that letter, and of which I had only one copy ready at the time to refer to. I did not then think it worth while to take up the time of the House with it, but now here is the letter in its integrity:—

"Mount Marlow,

"Isisford, Barcoo River,

"July 21st, 1883.

"Dear Norton,

"I was very much edified in these distant parts by reading in *Hansard* your speech of July 4th or 5th instant. I enclose you two cuttings from it, to which I wish to call your attention. In the first one—the small one—you say from *your own knowledge*"—

I will read that. That is the first cutting—

"I say from my own knowledge that Mr. Forbes was arguing against the Transcontinental Syndicate before he had read the agreement. I heard him arguing, and saw him cornered, and when cornered he said he supposed the agreement was so, but he had not read it."

My remarks on that were these:—

"Now, I tell you that Forbes had not been in Brisbane thirty hours after his first arrival there before I furnished him with a copy of Kimber's agreement, read it through with him, and discussed it with him, and, further, I at his own request lent it to him for ten days or a fortnight, during which period he was engaged in writing the letter which has caused such a stir. The latter part of that cutting I don't understand any more than I can understand your having seen him cornered on the subject of land-grant railways. He appeared to me to know more about land-grant railways than any man I ever met in Queensland. The other cutting I have been conceited enough to accept as making special reference to myself."

Now, I'll read that—

"I am not referring to large squatters, but to those who hold principalities in their own hands, and who spend as little as possible, and employ as little labour as possible. What money they make is invested in other concerns for their own greater aggrandisement. They work entirely for their own benefit, and when the time and the opportunity come they sell out and clear away from the colony, and take away all those sums they have managed to scrape together to be spent elsewhere. One of those men has been making himself rather conspicuous in opposing the Transcontinental Railway. I do not wish to refer to him by name, but I daresay hon. members know pretty well whom I mean. That gentleman is one of the hon. member's 'liberal-minded graziers' now, while before he was one of the extremest of the extreme, and one of the natural enemies of the Liberal party."

Very well, that's the second cutting. The letter goes on—

"But the only two paragraphs I admit the entire truth of I have underlined. With regard to the first one *re* labour, I should like to know one sound and successful business man in *any line* of business who employs more labour than is absolutely necessary, or he thinks is necessary, to carry on his business properly and with satisfaction to himself. With regard to the soft impeachment that I myself and others like me work entirely for our own benefit, I admit it to the fullest possible extent; but then the question arises, do we, who, in pursuit of our own benefit, pushing into the interior, opening up fresh fields and pastures new—do we or do we not contribute as much to the benefit of the community at large as those who live comfortably in town or squat upon sour-grass coast country, and who, having once established themselves in either the one or the other of these desirable localities, are contented to vegetate on a moderate competence until they become blue-moulded? When in that state the only thing calculated to arouse them is the feeling of envy created by seeing the greater measure of success which has been (in some cases only) dealt out to those who have, at any rate, exhibited more energy and enterprise than themselves. These, I have observed, they invariably denounce. You need not reply to this address, as the reply would miss me. As soon as I have finished taking delivery of 2,000 heifers, intended for fresh fields, &c., I propose visiting Rosebrook, a principality of 1,000 square miles, with 4,000 head of cattle on it, in which I have an interest, and which is now in the market—for particulars, *vide* advertisement. Suffice it to say it is on the head of the Mayne River, a tributary of the Diamantina, and which I shall be happy to sell to you at a moderate figure should you feel as if you wanted change of air. I will, if it is any satisfaction to you, pledge myself not to take any of the monetary proceeds out of Queensland during the term of my natural life. There are not many hands employed upon it at present, I am thankful to say, but you can rectify all that according to your own lights as soon as you become the proprietor."

"I regret that I cannot wish you success in the present course of your Parliamentary career, or that you may long retain the present arduous responsible office you now hold. But I do wish you success in every other way, and, so doing, I strongly recommend change of air, say, to the Diamantina or Herbert River, or even the northern territory of South Australia, or the Kimberley district of Western Australia. Finally, you might even find it as a speculation (though risky) more profitable than the portfolio business, unless indeed, you propose to follow the example of your worthy predecessor and combine the pleasures of office with the profits of railway contracting—in another colony, of course."

"I remain,

"Yours very truly,

"C. LUMLEY HILL.

"P.S.—I am"—

Hon. members shall have it all, postscript and everything, this time.

"I am marking the envelope 'private,' but you can make any use of the letter you choose. I am only anxious you should have first read yourself."

Mr. JESSOP: What has this to do with California Gully?

Mr. LUMLEY HILL: We are not on California Gully just at present; we are going on to something a little more interesting, I think. This was the gentle hint I gave the hon. member for Port Curtis when he went into the important office of Minister for Works to be on his guard what he was doing. What does he do? He goes on to say, after abusing me for my speech:—

"There is one matter in regard to which I have to correct the hon. gentleman, and that is when he said that in settling the affairs of McSharry's contract the hon. member for Townsville, as Minister for Works, had allowed him a certain sum extra on account of some additional cutting which had been made on the range. I forget the exact place. The hon. member for Townsville did nothing of the kind. I settled the contract with McSharry. Whatever concessions were made to McSharry and O'Rourke with regard to that contract were made by me. Mr. Macrossan had nothing whatever to do with the final settlements; they were made months afterwards."

You see Mr. Macrossan had nothing whatever to do with the final settlement.

"Whatever allowances were made by me after hearing what the contractor had to say and the present Chief Engineer. All their claims were put down in writing, and there was a memo. lying in the office in my own handwriting of every claim which had been brought forward, and every amount which had been allowed, and every claim which had been disallowed. If the hon. gentleman likes to appeal to the hon. Minister for Works, I have no doubt they will be found in the office now."

Well, I did appeal; I took the hon. gentleman for Port Curtis at his word and accepted his suggestion. I went to the Works Office and had a good deal of trouble researching there, and I have copies of two authentic documents which I will read to the leader of the Opposition and to you, Mr. Speaker. The first is a Ministerial minute dated the 5th of November, 1883, about one week before the late Ministry went out. I think the present Ministry came into office on the 13th.

"Memo. to Commissioner for Railways.

"Re McSHARRY'S CLAIMS REPORTED ON BY MR. BALLARD.

"*Claim A, £877 10s.*—In this case it is admitted that the department derived great advantage by taking the work over; nor is it denied that contractors might have done all that could have been required of them at less cost than that incurred by the Government. Claim allowed in full.

"*Claim B, £292.*—There is every reason to believe that the contractors did push the work. It is moreover admitted that the department was largely benefited by the early opening to Withersfield, which made available twenty-seven miles of line which would otherwise have been comparatively useless for many months. Claim allowed in full.

"*Claim C, £130 9s.*—Part of this money has been paid to workmen. As there seems to be no equitable reason for retaining it further, balance to be paid to contractors.

"*Claim D, £790 8s.*—

Now mark this particularly—

"These sleepers (12,000) were counted over and paid for by the department, but were not afterwards delivered under conditions of contract for No. 6 section. Had this been done, as it should have been, this claim could not have arisen. There is nothing to show by whom the missing sleepers were taken, nor that they were fraudulently taken. Mr. Ballard's surmise that they were used by the contractors may or may not be correct, but it is positively denied by them. Under the circumstances, the claim must be admitted, price to be the same as per schedule—two shillings and sixpence (2s. 6d.) equal to £494 allowed."

Twelve thousand half-crowns bang at one pop for walking sleepers, which were counted over

and never delivered according to the terms of the contract schedule! Twelve thousand half-crowns of the country's money at one pop! Very well—

"*Claim E, £2,484 2s. 6d.*—There is no doubt that a promise such as that claimed to have been made was given at the time. Mr. Hannam with the Minister for Works"—

That is, the previous Minister—

"Visited the place where deviations were made, and although Mr. Hannam limits the promise to a portion only of the extra work, his view is not borne out by the late Minister, Mr. Macrossan."

His view is not borne out by the late Minister, Mr. Macrossan. Mr. Macrossan takes with him the Acting Chief Engineer to inspect the work, and no doubt Mr. Hannam, under the pressure of his thumb, recommended certain extra allowances. But there it is. The hon. member for Port Curtis assures us that the late Minister for Works exercised no influence at all; yet here we have it plainly. Mr. Macrossan promises, Mr. Norton performs, and the bleeding country pays. That is what is the matter.

"There need have been no difficulty in connection with this matter had a price been fixed at the time by the engineer under paragraph 12 of the general conditions of contract. The work itself shows that the increased depth of cuttings necessitated the removal of an increased quantity of very hard rock—extra allowance to be made of 3s. per cubic yard on 14,195 cubic yards, equal to £2,129 5s."

Out of £2,484 2s. 6d. he gets £2,129.

"Claim of £744 6s. 8d., disallowed."

That was very rough on McSharry; I cannot understand it. I did not go to look up that at all; I did not bother about it; but I thought it was pretty rough on him.

"*Claim N, £130.*—This claim is allowed to be reasonable. It is not affected by the decision in respect to Claim A, and is allowed in full.

"The decisions on these claims have been arrived at after carefully reading papers in connection therewith, and then hearing arguments brought forward by both sides."

I should like to know who the witnesses were on both sides—whether the little gentleman at his elbow there was not one of them. To revert more especially to this Claim E—£2,484. There is no doubt the promise was made by the late Minister, Mr. Macrossan. I will read the report on that of Mr. Ballard, the Chief Engineer. Here is his report and opinion upon McSharry's claim:—

"Extra cost of cuttings, Drummond Range, 14,195 c. yards at 3s. 6d., £2,484 2s. 6d.

"The contractors claim that the features of the contract were sufficiently altered by certain deviations in the centre line as to justify this claim."

Here is this man who was subsidised by the firm of McSharry and O'Rourke at the price of £1,000 a year, being 25 per cent. upon £4,000.

"I am against making any allowance on this claim, on the grounds that under clause 12 of the general conditions (which see) the deviations were bound to be carried out without extra charge, the class of works being the same as those provided in the schedule. Moreover, supposing the validity of the claim be admitted, then by referring to Mr. Hannam's report it will be seen that although some cuttings were increased, as stated by McSharry, to the total amount of 14,195 yards, still others were diminished, so that the total alterations in earthwork on the main deviation, cutting 52 to 59 inclusive, is only 380 cubic yards."

Instead of 14,000 yards claimed for.

"The certificate of the average cost of the cuttings being 6s. 6d. a yard is a disgrace to the contractors."

He does not hesitate to say that. This man who is retained by them, in his confidential report to the Minister, tells him this:—

"I do not dispute it, for I never saw earthwork so badly managed and carried out in all my railway experience. There might have been a fair profit made on it at schedule rates if it had been worked out in a proper manner. I am quite certain that I could have done it

myself and made a fair profit on it at the contract prices. Mr. Hannam's remarks support my views (see correspondence). While I deny all liability on the part of the Government for this claim or any portion of it (I recommend, since a promise appears to have been made by the Acting Chief Engineer in my absence),—

You see in his absence the Acting Chief Engineer went up the line with the late Minister for Works (the present member for Townsville)—went up with him, and under his thumb made a promise of some allowances—

“that such promise be carried out to the extent involved by the promise as stated in his report of 20th inst., herewith furnished—viz., an allowance of 5,935 cubic yards, at 1s. per yard, on cuttings 54 and 55, £296 15s.

“I furnish also a copy of the working section showing the alterations. It will also show how very little the deviations have altered the earth line.

“(Signed) R. BALLARD.

“October 22, 1883.”

And here is a foot-note by “A.N.”—

“These figures have been shown to be incorrect.—See Mr. Ballard's correction on Hannam's report of 20-10-83.”

The fact of the matter is that at the last moment, before the late Ministry were going out, these men, McSharry and O'Rourke, made a good thing out of the country. You are aware, Mr. Speaker, and hon. members are probably aware, that railway and other contractors are in the habit of trying it on a little bit, to say the least of it. They are not satisfied with what they get, but they want to get as much more as they can. This claim is submitted over cutting E, and a claim is made of £2,484. The Chief Engineer, who is all the while subsidised by the contractors in their favour, in sheer impotence must report against the claim, and he does so. And what does the Minister who held the portfolio at the time do? One week before the door was shut on him, he allows this claim nearly in full, and gives the contractor £2,129 3s. 4d., only £405 3s. 4d. short of the full claim. Now, Mr. Speaker, to take the hon. member in his own words, and to deal with him in his own language. What I told him, which caused his discourteous reply to me and caused me to make this investigation, was simply imputing nothing to him except that he had been the tool and dupe of that man, as I was myself for three years, sitting behind him and believing him the while to be honest. I was not surprised at that, but when I sent him a friendly note of warning in July—and I maintain that it was a friendly note—when the scales had fallen off my eyes, and I had ceased to see through the green spectacles of former days, when I warned him to exercise my caution that he should have discarded his Chief Engineer's report; that he should have completely discarded it and acted on the promise of Mr. Macrossan given twelve months before, and having received evidence from parties on both sides, that he should make these monstrous awards, was more than I could conceive possible. The only thing now that I am perplexed about is, whether I was right in looking at the hon. member in the charitable light of being a dupe and tool merely; and I am not sure that I should not, if I had had the same knowledge that I now possess, and if I had had access to the same papers that I have read to-night—I am not sure that I should not have impeached him as an accomplice. I cannot understand how any man calling himself a gentleman could have lent himself to a transaction of this kind. It is surprising to me, and I can only imagine that the man was overcome with the glamour and speciousness of the hon. gentleman on his left, and was led away by his evil persuasions beyond all limits of belief or intelligence. But it is a little rough upon one when one tries to warn

one's friends, to be rebuked in the manner that I was by the leader of the Opposition. I hope that I am not in this case to be accused of anything like malice. I bear no malice against the leader of the Opposition. I simply consider he was too confiding, too simple, too unsuspecting to deal with the men alongside of him and behind him—as much incapable of dealing with those men as is he of dealing with the man now in front of him—perfectly incapable through want of ability. That is the most charitable construction I can put on the position taken up by the leader of the Opposition, the late Minister for Works. In the course of the debate some allusion was made to my having gone upon rumour—that I wrote that letter believing everything I had heard. I do not think my bitterest enemy, or my most hostile political opponent, will say to me that I am a credulous or a confiding individual—nobody will say that, friend or foe. I believe very little I hear, and hardly anything I read; but when I see with my eyes, when I hear with my ears, then I consider I have good grounds for believing, occasionally. I am pretty guarded. I went all over the ground for some weeks—over the railway from Rockhampton. I heard rumour with her hundred tongues, but it went in at one ear and out at the other. I did not pay any attention to it. But when I went myself and saw what had been done, I immediately arrived at the conclusion that there was a pretty good job going on. And I tell you this, Mr. Speaker, that when you find rumour pretty general—all going the same way—it is a pretty safe inference to make that there is something in it. When I see a big smoke I generally infer that there is fire under it. I believe the sun will rise to-morrow morning, but I cannot prove it as a mathematical proposition here; but I believe, as surely as I believe the sun will rise to-morrow morning, that the antepenultimate Minister for Works was in the swim with McSharry and O'Rourke long before he ever knew or thought anything of the New South Wales contract. I say that confidently, and I should be shirking my duty to the people, not only of my constituency, but to the people of the colony, whose money has been stolen from them in this way, if I did not get up here and state my reasons for that belief. It is not a pleasant business to express opinions of that kind to the House, because they are often attributed to malice, and it is said there is no truth in them, and that the man who utters them is bidding for a portfolio. It has been said, “The hon. member for Cook wants a portfolio.”

Mr. STEVENSON: Nobody said so. It is your own invention.

Mr. LUMLEY HILL: It was said so in the debate the other evening. I take this opportunity of making a personal explanation of my position in this House. It may not be very pleasant to some, but it is the truth. I have no personal political ambition whatever. I desire neither place nor pay, but I want the power of stopping and exposing swindles. About eight years ago I was asked by some of my friends if I would enter Parliament for a far-off Western constituency. I told them I knew nothing about the business, that I had no ambition that way, and that I would not take a step towards getting myself returned. I said I should be a failure; that after having been in the bush fifteen years I should not be able to open my mouth in Parliament. I went away to Melbourne, and they returned me in my absence. I never asked for a single vote, and was returned by five head of the best electors of the constituency. And during the two late elections for Cook I never asked as a personal favour any man to give me his vote. I stood upon my merits, and was

returned in that way. But I am anticipating. After I had been in the Assembly for three years I chucked up my seat in disappointment and disgust, because I got suspicious of the men behind whom I was sitting, and I believed they were endeavouring to rob the colony. I threw up my seat in disgust, and took a trip round the world. Travel always enlarges one's ideas, and one sees a great many fresh things; and I came back to my colony resolved never to enter public life again—or pretty well resolved. However, I found that that Transcontinental job was made the price of Sir Thomas Mcllwraith's services to the colony—a fact of which I was certain from knowledge I had obtained in other places. It was said by that gentleman that I “stumped” the country. I made one speech at Rockhampton, which the hon. member for Blackall (Mr. Pattison) heard from behind the door; he was afraid to come into the place. That was the only speech I made, and I did not want to come forward for any constituency. Had I been anxious for a seat in this House I certainly should not have chosen to stand for the Cook electorate—the one of which I knew least, and which knew least of me. However, when I returned to Brisbane the Chief Secretary sent for me and said, “What about the Cook? I can only get one man to fight, and it is no use sending one man to fight against two. If someone else does not go, I shall have to give the Mcllwraith party a walk-over for two seats.” I suggested the Hon. George Thorn. The Hon. George was sounded on the subject, but he would not go that time. On being again pressed, I asked for twenty-four hours to think it over. I thought it over, and when I next saw the Chief Secretary I said, “If you cannot get anyone else I will go and fight the battle for you, though I do not expect to get in for the Cook district.” I had the reputation of being a squatter, which is nearly as big a bugbear up there as it is down here. I fought the battle solely in the interests of the other man—the late Mr. Thomas Campbell—and I was beaten by the facts alluded to by the member for California Gully this evening. I will refer slightly to that. When the matter was before the Elections and Qualifications Committee I challenged two polling places out of, I think, thirty-one. In one of these two I proved distinctly that 182 false votes had been recorded, and in the other I proved that 40 false votes had been recorded, everyone of those forty being in favour of the sitting member and Mr. Cooper. I could not go all through the electorate and test other polling places in it; I could not go to the trouble, expense, and bother of doing that; and when I proved as conclusively and as undeniably as I did that fraud had been committed in these two places I certainly must say that I am at a loss to conceive how the committee came to the decision they did. However, I was perfectly satisfied in everything except in not having been beaten fairly. I had succeeded in winning one seat for my side, and I was content to retire at once into private life. I did not want any more politics at all; but when the opportunity occurred through the lamented death of the late member, I could not resist the temptation to go up and avenge myself for the fraud that had been worked on me on the first occasion. I went up and fought the election again, with the result that I was returned by a majority of two to one, and 100 to spare. That is the only reason that accounts for my presence in this House. I can assure you, Mr. Speaker, that I do not like it; it does not suit me at all. As I stated just now, I have no ambition whatever for a portfolio or office life. Office life does not suit me at all. The confinement of this House is too much for me; I do not like it. I was bred and born in the country; I have lived the best years

of my life in the bush; I do not want either office or to be in this House. I consider that I have been a colonist—a good colonist, too, I take it—for twenty-three years. I think I owe the colony a certain amount of debt, and I shall come forward on every occasion when I see frauds of this nature worked off, or tried to be worked off, upon the country, whatever it may cost me—whether I make personal enemies or get held up to abuse and vilification by the newspapers—whatever it may be, I shall denounce and expose them in this House.

Mr. NORTON said: Mr. Speaker,—I must say that personally I am not surprised at the hon. member's action to-night, nor should I be surprised at any action of his after what took place the other night. The hon. gentleman—I beg pardon, the hon. junior member for Cook, Mr. Hill—spoke of me when referring to that letter as “his old friend.” He was never a friend of mine, sir. When I speak of a man as a friend of mine I mean a friend, not a mere casual acquaintance such as the hon. member. He was never a friend of mine in any sense or form. I do not intend to answer at any length what has fallen from him. I myself directed attention to that document, and he may make whatever use of it he likes. I take the responsibility of it. If I did not take the responsibility of it I should not have left it in the Works Office, nor would I have directed his attention to it. I repeat to-night, sir, what I said before with regard to that cutting on the Drummond Range. No communication of any kind took place between the hon. member for Townsville and myself in connection with it. He never spoke to me on the subject. It is possible that the wording of that memorandum may be misleading and give an impression that the hon. gentleman and I discussed the matter together, but we did not. So far from withdrawing any statement I made with regard to the hon. junior member for Cook the other evening, I feel to-night exactly as I did before—I do not feel any more contempt for him now than I did; that would be impossible. I am not surprised at what he has done, because it is exactly in keeping with his character. I do not think it necessary to say anything further on the subject. I did not reply to his letter, although he seemed to expect it, but treated it with the contempt that I treat him. There is only one other observation I wish to make, and it is this: that in connection with that particular cutting, I not only had the document referred to before me—Mr. Ballard's report—but I had Mr. Ballard himself; and, in spite of his report and of the statement that he made before me in the presence of the contractors, I gave a decision adverse to his recommendation, and I should do so again.

Mr. HAMILTON said: Mr. Speaker,—The hon. junior member for Cook (Mr. Hill) has asserted that he was rejected for the Cook owing to personation. He knows that statement is untrue. In presenting his petition he named only two polling places regarding the voting at which he based his claim to be returned. If he had any reason to believe that similar personation in my favour had occurred at other polling places he would, of course, have mentioned them in order to strengthen his case. It is admitted that there is fraud in every election. No election has ever taken place in Queensland or the other colonies without fraudulent impersonation.

Mr. W. BROOKES: No.

Mr. HAMILTON: And as much in North Brisbane as most places, but of course it does not follow that the members are responsible for it. Why, at California Gully the hon. member (Mr. Hill) alleged in his petition that

only 14 electors voted, yet 23 votes were recorded there in his own favour. At that election I had 835 votes, Mr. Hill had 579. Deduct from my majority every vote given for me at Halpin's Creek and California Gully—even those which Mr. Hill himself admits I was entitled to at those places—and even after doing this I had a large majority over him. But, further than this, the hon. member knows perfectly well that the committee ascertained that, if all the personation which they found on examining the electoral rolls had been effected throughout the district were assumed to have been made in my favour, and consequently taken off my majority, that even then I had a majority of votes over him. I consider that the hon. member who has just spoken has pitifully sneaked out of the position he took up with regard to himself when I challenged him to repeat the insinuation he made behind my back. I have a hearty contempt for such conduct. Though the junior member for Cook and myself are not personally on good terms, still, recognising the fact that we are both members for the same constituency, I have always refrained from going into antagonism with him, even making no interjections, though very much tempted to do so, when he is addressing the House. I cannot help thinking, however, from the rôle which he is enacting in the House—attacking people absent, slandering people without any grounds whatever—that he is actuated by the same feeling which actuated the man who burned the temple at Ephesus, who, recognising the fact that he had no qualities to make him famous, decided to become infamous.

Mr. SHERIDAN said: During the speeches we have just heard, the expressions "senior member" and "junior member" have frequently been used. I ask your ruling, Mr. Speaker, whether that is in accordance with parliamentary practice?

The SPEAKER: It is the practice of Parliament to address the gentleman who polled the larger number of votes as the senior member, and the one who polled the lesser number the junior member; or, supposing both members are returned without opposition, the one who has been longer in Parliament is designated the senior member, and the other junior. That is the ordinary course followed.

The SPEAKER: Before putting the question to the House I have a duty to discharge, and I think it would be inconsistent with the position I hold in the House if I did not on the present occasion say what I am about to say, in order to guide it in its deliberations. It is not the custom or practice of the Imperial Parliament to allow of an attack upon an ex-Minister of the Crown, and calling in question his honour and integrity, under cover of a motion for the adjournment of the House. I have given this matter very great consideration and thought, and I think, without expressing any opinion whatever on the facts, it is my duty to guide the House and point out what I consider is a proper course to take under such circumstances. The honour of members and the integrity of Ministers of the Crown are the honour and integrity of the House itself, and they are bound in honour whenever an accusation is made against a Minister or an ex-Minister of the Crown to take the proper course to allow the member to clear himself from the accusation. As far back as 1801 the resignation of the Right Hon. William Pitt, in consequence of the continued opposition of the House, and charges of corruption, was accepted by the King; but a certain section of the House of Commons, to mark their sense of the conduct of Mr. Pitt, proposed a resolution to the House, in which His Majesty was thanked for having

relieved the Right Hon. William Pitt of his duties as a Minister; but an amendment was moved in which the House expressed its high sense of the value of Mr. Pitt's public services, and the wisdom, energy, and firmness of the Government during his administration, and that amendment was carried. Thus the honour of the Minister was sustained, and the House of Commons maintained its own honour and integrity. Then, in 1855, which is the next incident in history of the House of Commons, wholesale charges were levelled against the outgoing Ministry for having neglected their duty, and being guilty of corruption in connection with the Crimean war, and the following conclusions were arrived at upon that occasion, namely:—

"That a new Ministry should not be held accountable for the misconduct of one of their number under a previous Administration; and that the only available methods of procedure against an ex-Minister of the Crown were by parliamentary impeachment only, addressing the Crown to remove his name from the list of the Privy Council, or otherwise to proceed against him by due process of law."

I therefore consider that such a grave question as that of impeaching the honour and integrity of an ex-Minister ought not to be brought forward under cover of an adjournment of the House, but by a distinct motion by which the House can assert its dignity and uphold the honour and integrity of its members. Of course, I state this to the House as the usual course taken in the Imperial Parliament. I wish to point out that the course taken by the House of Commons is not to permit, under cover of a motion for adjournment, a member to call in question the honour and integrity of a Minister. I think it my duty to place the matter before the House and on record; but I express no opinion, nor is it my duty to do so, on the facts of the case introduced by the hon. member for Cook.

Mr. KATES said: Mr. Speaker,—I should be very well pleased to hear something from the hon. member for Townsville in reply to this most extraordinary attack—an attack such as I would not like to have made upon myself. It is a direct attack, in which the hon. member is accused of fraud and theft; and I am sure that when this is read in *Hansard* to-morrow, without any contradiction, it will not be very much to the credit of the hon. member for Townsville. I think the hon. member is in duty bound to his constituents, and to every member of this House, to refute what fell from the hon. member for Cook, and if he is able to refute it I am sure the hon. member for Cook will be branded as a liar and slanderer; if not, the hon. member for Townsville will be compelled to resign his seat in this House.

Mr. NORTON: Not for that man's accusation.

Mr. KATES: It is one of the strongest accusations that have come before the House during my parliamentary career.

The SPEAKER: I may inform the House that I should have said something when the matter was brought up the other evening, but that I had some doubts as to the course I ought to take. Since that time I have read up the authorities on the subject, and the authority from which I quoted just now is "*Todd on Parliamentary Government in England*," in which the practice of the Imperial Parliament in matters of this sort is clearly laid down.

The Hon. J. M. MACROSSAN said: Mr. Speaker,—I have made all the explanation to this House which I ought to make. I made it last Thursday evening, which was the first occasion I could make it after the House met. If the members of the House or the members of the Ministry are not satisfied with the explanation I made on that occasion, there is open to

them the course just pointed out by the Speaker. If any hon. member is not satisfied to take that course, there is the alternative of a court of law; and I challenge the hon. member for Cook to take the matter into a court of law. I am a poor man and he is a rich man; but if he will take it into court I will prove that he is both a liar and a slanderer. I told the hon. gentleman the other day in this House that sooner than make an explanation to him I would make it to a dog, and I have no reason to rescind that statement. If any further explanation is required I shall be ready to make it to the House when the Ministry or any other members think fit to take the course pointed out by you. As to the statement of the hon. member for Port Curtis about no communication having taken place between him and me, that is quite correct. No communication, either written or verbal, ever took place between us on the subject of those contracts.

Question put and negatived.

ELECTIONS TRIBUNAL BILL—SECOND READING.

The PREMIER said: Mr. Speaker,—I think there was a promise given by the Government last year that if practicable they would propose to the House this session a scheme for an elections tribunal different from that which now exists—the Elections and Qualifications Committee. Some parts of the Elections Act of last year, relating to the disqualifications to follow in case of certain findings of the elections tribunal, were suspended until some other tribunal should be constituted. During the recess the Government have had the matter under their consideration, and the result of their deliberations is embodied in the Bill of which I now rise to move the second reading. I think that the Elections and Qualifications Committee does not deserve the attacks that have been so frequently made upon it, but that subject has been pretty thoroughly debated here, and it is not worth while now to go into it. I think a better tribunal may be constituted; but still I do not think that it deserves all the objections that have been made to it, and I am still of opinion that if we have to choose between a single judge and the Elections and Qualifications Committee the latter would be on the whole the better tribunal. That is still my opinion; but in this Bill a different course is now proposed to be adopted, and one which is, so far as I am aware, not adopted in any other country. However, that does not deter me from proposing it now. It is quite possible that things suitable in other places might not be very suitable here. The reasons why a single judge would not be a convenient tribunal I do not care to repeat. Under the present English system there are two judges; but that would not be convenient here, although probably it would be better than having only one. I have always been of opinion that a single judge is not the best tribunal to determine questions of fact, except in questions where law and fact are much mixed up, in which case very often a judge makes the best tribunal. In questions such as might arise before an Elections Committee here, there are many reasons why it is not desirable that any judge should be asked to perform the duty alone. The scheme of this Bill may be described briefly as a committee of this House, chosen impartially, constituted as a jury, and presided over by a judge. It is not exactly a judge and jury; but it is a committee of the House presided over by a judge. It is, in fact, an attempt to combine the systems of a Parliamentary Committee and of a judge and jury, the judge deciding questions of law and the jury deciding questions of fact. I believe the system of judge and jury is a very good one, and I have

great veneration for it in most cases, except where questions of law and fact are much mixed up. I do not think we can select an efficient jury anywhere outside this House. It is sometimes said that a jury chosen under the ordinary Jury Acts would be a more impartial tribunal, but I will venture to say that you will not get from the ordinary jury list a jury as impartial and unprejudiced politically as you will get from this House as proposed in this Bill. I should not be in the least afraid for myself, even if one of a small minority in this House, and the majority of the panel of assessors from which the jury was to be chosen strongly opposed to me—I should not fear to trust my case in their hands under the provisions of this Bill. I would rather do that than trust to a jury chosen by chance. The proposals of this Bill are that the proceedings shall be commenced in the Supreme Court, and the tribunal shall be attached to that court, being composed of a judge nominated for the purpose for the year, assisted by six assessors who are to be chosen from this House. Provisions are made for the selection of these assessors, and in that matter we have had recourse to a system that used to prevail in choosing juries in this colony. The number of jurors drawn by chance was twice as many as the number who were to try the case, and each party was allowed to strike out one-fourth of the number. I think that was an extremely good way of getting a jury, and we propose to adopt something of that sort in the present case. It is proposed that twelve members of the House shall be nominated in each session, who shall be a panel for the trial of election petitions during that session. They will be nominated by the Speaker, with provisions for the disapproval of the Speaker's warrant or nomination, very much in the same way as at present, with respect to the disapproval of the Speaker's nominations for the Elections and Qualifications Committee. I think myself that this is as good a means of getting twelve impartial men as we are likely to get, because so far as my experience has gone—and I have had a good deal in this colony—the Elections Committee are ordinarily as impartial a set of men as can be found in the House, and I think that every Speaker has always made it his business, as far as possible, to select such men. At a very remote period of the history of the colony, members of the Government used to be appointed members of the committee; but that has been long since discontinued, as also has the practice of appointing leading members of the Opposition. After having got twelve men who will be a panel, in order to select the particular six who are to sit and try the particular case it is proposed that each party should be allowed to strike out the names of three, striking them out alternately. It is not likely, I think, that there will be more than three men against whom any party will have strong personal feelings, or who will be personally prejudiced. Then the remaining six will constitute the assessors for the trial of that case. They will sit with the judge, and, according to what I receive as a correct principle, the judge will determine the questions of law and the assessors determine the questions of fact. If they are equally divided, the judge has the casting vote. That, I think, is better than the present system, under which the committee is composed of seven members, and four can outvote the other three. Then, having regard to the constitution of the assessors, and the possibility that they may not be able always to attend, it is proposed to retain some features of the committee as distinguished from those of a jury—that is to say that as long as there is a quorum of a majority of the assessors present, the business may proceed, although they may not all be there.

This is different from the case of jurors who must all be present during the whole of the trial on which they sit; if one is away the trial must stop till he comes back, or must be begun *de novo*. One observation I will make as to what are to be treated as questions of fact. One reason that I have sometimes urged against the appointment of a judge to try disputed elections is that judges naturally determine a case according to the strict rules of law—technical rules which would be extremely inconvenient, or might be extremely inconvenient, in regard to matters of this kind, where to get strict legal proof may involve enormous expense. At the present time, the rule is, that the Elections and Qualifications Committee “shall be guided by the real justice and good conscience of the case, without regard to legal forms and solemnities, and shall direct itself by the best evidence it can procure, or which is laid before it, whether the same is such evidence as the law would require or admit in other cases or not.” That is contained in the 23rd section of this Bill, and I think it is a very good principle to lay down; but it is a principle that could not be conveniently entrusted to any one man. I am strongly impressed with that view. I should not like myself to be entrusted alone with a duty like that, and it is proposed by the 23rd section of the Bill that this is a question which the assessors shall settle, and not the judge; so that where questions like that arise, questions of common sense and rough justice, as distinguished from questions of strict technical law, the assessors will be the tribunal, not the judge. It is also proposed to leave questions of costs to the assessors. We all know that judges determine questions of costs generally on the principle that the loser pays, and we all know that when laymen decide a question of costs they often apply a different rule. As to which is the better one, I do not offer any opinion. In the present case, I think it is better to leave that question to the assessors, as, with all respect to the profession to which I belong, I think laymen are sometimes better judges in such matters. It is proposed that an appeal shall lie to the Full Court from every decision of the judge upon a question of law, and the judge may himself require a special case to be stated for the decision of the court. The other provisions of the Bill are matters of detail. The outline of the Bill is extremely simple, and I believe the details are such that there will be no difficulty in the working of it. The petition, instead of being presented to the Governor, as is done now, will be presented to the Supreme Court. The same deposit will be required as at present—namely, £100 as a guarantee of good faith. I should have stated that the decision of the tribunal will be conclusive, and it is right, I think, that it should be so. It is also provided that any special matter arising in the case may be reported by the judge to the House. It has never happened in this colony—and it is fortunate that it has not—that a constituency has been disfranchised for generally prevailing corrupt practices, as has frequently happened in Great Britain. It is, however, desirable that if any special circumstances come to the knowledge of the tribunal this House should be put in possession of them, and it is, therefore, provided that a special report may be made by the judge to the Speaker. It is also proposed, for the purpose of facilitating business and saving expense, that the proceedings of the tribunal shall be taken down by one of the shorthand writers of the House. It is further proposed that the trial shall be held where Parliament sits and during the session of Parliament. There is only one other matter I need mention, and that is with respect to costs. One objection I have often urged against the proposal

for transferring the jurisdiction to a strictly legal tribunal is the question of costs. We propose to fix the maximum amount of costs that may be awarded to be paid by one man at £200. Of course this is entirely an arbitrary sum, which may be too much or too little. I think it is about a fair sum. It is not desirable that any man should be oppressed or crushed by the amount of costs awarded against him. On the other hand it is a reasonable amount if the majority of the assessors think a man ought to pay the costs. I do not think it necessary to discuss the principle of the Bill at great length. The scheme is very simple, and I shall be glad to hear the opinions of hon. members on the Bill. I know some hon. members are strongly impressed with the view that a single judge is the best tribunal. I am not; and I am not prepared to accept that. Other hon. members may be satisfied with the present system. I am not very dissatisfied with it, but I believe the system proposed in this Bill will be a great improvement upon it. I believe it is about as good a scheme as can be devised. One thing I have forgotten to say, and one of the most important of all in connection with this Bill, and that is, that the proceedings of this tribunal will be conducted publicly in open court. There is not the slightest doubt that publicity of procedure exercises a very great influence upon persons. A man hesitates to do in the face of the public, where all he does is watched and canvassed and reported, and where arguments are addressed to him openly, what he might do in a private room with the door shut. Not only is the inducement to act fairly, or rather the inducement not to act unfairly, stronger, but the man unconsciously is assisted in acting fairly by the fact that people are looking on, and that things are done openly and canvassed openly; so that I believe a tribunal constituted in this way will be perfectly fair, perfectly just, and as inexpensive as the present system, and will do justice and give complete satisfaction. I have therefore much pleasure in moving the second reading of the Bill, and I hope it will become law.

Mr. NORTON said: Mr. Speaker,—I have no doubt that every member of this House who has taken any part in the discussions which have occurred here with regard to the Elections and Qualifications Committee has listened with attention to the speech delivered by the Premier. I daresay we have spoken rather too warmly about that committee at times. I daresay, in our remarks—I do not exempt myself when I say so—we have referred to individual members of the committee, in the session before last, in too strong terms. I do not feel at all warm on the subject now. If I have said anything too strong I express my regret at having done so. At the same time, in any remarks I make to-night, it will be perfectly understood I refer in general terms to the committee, and do not wish to think of anyone in particular. I cannot help thinking that any tribunal which is formed of members of this House will have associated with it a very considerable amount of feeling. I do not think we can avoid that, and I need only refer to the very strong feeling that existed in this House some time ago. However unwilling hon. members may be to think anything wrong of any other member, their party feelings and prejudices influence them to a certain extent. Knowing what has taken place on previous occasions, I cannot help feeling that if anything of the kind takes place at any future time it will be impossible to set aside that feeling altogether. I say at once, so far as the Bill is concerned, it is a decided improvement on the present law. It is far better to have a tribunal such as this than the Elections and

Qualifications Committee as we now have it. The mere fact of a judge presiding will do a great deal to ensure a fuller consideration of a subject than it might otherwise have, and I am quite sure that the fact of having the examination in open court will do much to remove the impression which now exists against the Committee of Elections and Qualifications. I do think there is one strong objection to the assessors being selected in the manner now proposed. I think it is scarcely fair to the Speaker that he should have the somewhat unpleasant duty of selecting the gentlemen to form the tribunal. From what we have heard to-night and a night or two ago, members may think they are taking high moral grounds in what they do, and yet are quite prepared to get up and make the most reckless statements without taking the trouble to find out what foundation there is for their suspicions. There are some gentlemen in every community who are ready to form their own conclusions without the slightest regard to the feelings or honour of anyone else whom they may choose to attack or form an opinion about. They arrive at these conclusions often without the slightest evidence, except such as happens to be put before them at a particular time, and which they think for their purpose, or perhaps in their peculiar frame of mind, is quite sufficient evidence on which to ground a charge. It, at any rate, seems sufficient to enable them to arrive at a conclusion which they think is right. I do say that the extraordinary exhibition we have had to-night, and the extraordinary exhibition we had two nights ago, are sufficient to prove that whoever may have the appointment and selection of these twelve assessors will be liable to very unpleasant remarks and suspicions in consequence. I confess that if I occupied your position, Mr. Speaker, I should certainly not like to have the selection of these assessors. I do not think it matters in many cases to the individual suspected that such charges should be made, but still it is very undesirable that any opportunity should be afforded to give ground for such suspicions. It occurs to me, in reading this portion of the Bill with respect to the selection of the assessors, that it is hardly a fair thing to either side of the House that the Speaker should choose whoever he likes to form the twelve. In the first place, under the present arrangement for selecting the number on the Elections and Qualifications Committee, it is the usual practice to choose one more member from the Government side of the House than from the Opposition; so that at once a direct advantage is given to one side. It is quite possible that a gentleman who may at some future time occupy the position which you, sir, at present hold, and who cannot set aside his prejudices as, no doubt, you would under the circumstances—it is quite possible that, though having every desire to act fairly, he may still be so influenced by prejudice that in making the selection of the assessors he would involuntarily give a preponderance to one side. That is, I think, one objection to the proposal. It occurs to me that, if we are to have the assessors chosen in this way from members of the House, it would be almost fairer to allow the leaders of the two sides to choose their own. If there is a chance of its being made a party question, as I think it may very probably be made and as we know it has been made—I do not say intentionally, but merely because members of this House get into a tone of thought which it is impossible for them to alter at a moment—they become biased to a certain extent, and they cannot avoid it—I say, if there is any chance of the assessors being chosen in that way, it would be almost better to allow the leaders of

both sides of the House to choose their own men. At any rate, under such circumstances no suspicion could be entertained of a gentleman occupying the Speaker's position that he had unduly favoured one side or the other; and if one side got an advantage over the other the whole onus of failing to make the other side equal would rest upon the leader of that party. That is one idea which occurred to myself, and I admit that it is not in any way satisfactory, but at the same time I say without any hesitation that no other more satisfactory solution of the difficulty appeared to myself. Since that time I have discussed the matter with my hon. friend the member for Townsville—Mr. Macrossan—and he made a suggestion which I think the House will be more willing to adopt, and one which I think the Premier will adopt when he hears it—at any rate I am sure it will receive his fullest consideration. I will leave the hon. gentleman to mention that himself, because, as he named it to me, I think it desirable to leave it to him to put it in his own words, and I have no doubt he will make himself perfectly clear. Of course, it is pretty well understood that a great portion of this Bill follows the practice now followed, except with regard to the selection of the tribunal. The manner in which the petition is to be sent in and other matters are very much the same as now. In the 23rd provision it is stated that the assessors are to be guided by the justice and good conscience of the case. That is the same as in the present Act; but it occurs to me, if it has not occurred to the Premier, that when he speaks of the presiding judge having to decide matters of law, while the assessors are to decide matters of fact, that the good conscience of the case may be a matter of law. Now, if we were speaking under ordinary circumstances of a matter being settled by gentlemen who were guided by the real justice and good conscience of the case, we would hardly understand from that that they were to be guided by law. In this particular case it is the law that they should be guided in that way, and therefore I should imagine the presiding judge should be the one who has to decide what is the real justice and good conscience of the case. Of course, to the Premier this will be clear; but I confess it is difficult for me to understand whether the judge or the assessors would have to decide nice points. Then in the latter portion of the same clause it is left to the assessors, or a majority of them, or the judge if they happen to be equally divided, to receive or reject, as they may think fit, any evidence tendered to the tribunal. Now, if, as it seems to me, it is the judge who has to decide what is the good conscience of the case, then I think the judge should also have to decide what evidence should be accepted. It becomes a little complicated there, Mr. Speaker, and I do not know if I make myself clear to hon. members. It is not clear to me where the distinction comes in between the duties of the judge and of the assessors, and it is therefore difficult for me to make my meaning clear. However, I trust hon. members will have been able to follow me so far. In many respects the Bill is a decided improvement on the present system. Of course, I can quite understand that when a decision has to be given in this way it will become more costly than it is at the present time. I do not suppose that is to be avoided where the services of a judge are employed.

The PREMIER: Because it will be done more formally.

Mr. NORTON: Yes, it will be done more formally, and therefore I think more satisfactorily. The mere fact of its costing more may

be considered an objection by some hon. members. At the present time the petitioner has to deposit £100, but I think in every case that has yet been tried before the committee here the £100 has been returned intact.

The PREMIER: I do not know of any instance to the contrary.

Mr. NORTON: I remember returns being tabled with reference to that, and I think in every instance the £100 deposited was returned intact, so that in each case the petitioner paid his own costs and the member his. In this case, the process not being so simple—though it is a simple process—of course, a petitioner would be placed in greater difficulties, because he would know that under any circumstances he would be bound to lose some of the money he had staked as security for his *bona fides*—unless he won. I suppose if he won his costs would be paid. Then, sir, in the 17th clause I see the Premier has recognised the difficulty I spoke of—the mere fact that members of the House are generally considered prejudiced. It is perfectly fair that the assessors should be challenged, but at the same time I think it shows that the hon. member, in drafting the Bill, had in his mind the fact, that whatever has been done, or is likely to be done, by the Elections and Qualifications Committee under the present system, is associated with a great deal of this prejudice. I think the mere fact of the wording of the clause, giving the right to reject several members, is an admission of that fact. I do not know that it is necessary for me to occupy time by discussing the matter any further. I have already admitted that I consider the Bill a decided improvement on the existing tribunal. The matters I feel any doubt about—or that I feel any disposition to oppose—will be better dealt with in committee. I have no doubt the Bill will pass the second reading without objection, as no member, I think, on either side of the House is opposed to the measure itself, but only to the constitution of the tribunal. I hope some hon. members will be able to suggest an improvement in that which will be satisfactory to the House. I feel confident that the proposal to be made by my hon. friend the member for Townsville, if it does not meet the approval of the Government, will receive very great consideration and be admitted to be a very good suggestion indeed.

The COLONIAL TREASURER (Hon. J. R. Dickson) said: Mr. Speaker,—The hon. member, the leader of the Opposition, has left us in a state of expectancy as to what is to follow from the hon. member for Townsville. He himself has not raised any formidable objection to the Bill, and there is very little to answer in the remarks he has addressed to the House. I may say that I consider the Committee for Elections and Qualifications have, as a rule, done good service and substantial justice in their decisions on questions submitted to them. I will go even further. We all know that at times here hon. members express themselves very warmly, and possibly transgress in the matter of language and decorum in this House—at any rate in the matter of good taste and propriety. But still, when those passions have subsided and cooled down, I am sure we might each and all trust our cases to their consideration without any apprehension that political feelings would warp their minds in dealing with matters of fact. Therefore I contend that we are perfectly safe in allowing the assessors to be selected from this House. I myself am not very warm with regard to change in the character of the tribunal. As I have already said, I believe the Elections and Qualifications Committee have done very

good service, and in all cases, as far as I have observed, they have dealt out substantial justice. I do not think that any member can lay his hand upon any weak verdict which they have recorded. Of course, there will always be dissatisfaction expressed by the losing side. That is inevitable in a matter of arbitration. Both sides cannot be satisfied, and the losing side for the time being feels annoyance at the result; but upon after reflection, and by the light of subsequent events, I may unhesitatingly say that the verdicts given by the Committees of Elections and Qualifications appointed by this House have awarded substantial justice. However, it seems to be the desire of the House that the character of the tribunal should be changed, and in that light I think the present Bill introduces a change in its most beneficial aspect; I do not think we ought to look outside this House for assessors. I again repeat that if we were to seek for assessors outside the House we might get men as jurors who are much more fervid politicians, and who would not be responsible in any way for their actions on such a jury; and therefore I think it is better for members of this House, who are acquainted with its forms and procedure, and who are more cognisant with the circumstances under which the elections of the country are conducted, to form the tribunal by which election petitions shall be tried. I do not think that the duty put upon the Speaker in naming the assessors would be an invidious one. At the present time the Speaker lays upon the table of the House at the commencement of the session his warrant for the constitution of the Committee of Elections and Qualifications without anyone challenging the fairness or justice of the nominations he makes, and I do not consider it at all a probable thing that either you, Mr. Speaker, or your successors will be challenged by members of this House for having acted unfairly. At any rate, the Bill provides that, should the Speaker select names for assessors which are objected to by the House, the remedy is in the hands of the House, and the list can be reformed in the manner prescribed by the Bill. Therefore I think that the Speaker is relieved, not only from the invidious task of favouring either side of the House, but the House has the opportunity of altering or amending the selection which he has made. I know this is a matter which has given my hon. colleague cause for much anxious consideration. I think the subject is introduced in a moderate form, and in a form which will commend itself to both sides of the House as being the most convenient way in which the investigations of election petitions can be conducted apart from their being conducted by the present Elections and Qualifications Committee. At any rate, we will be very glad to hear any suggestions which may be made by the hon. member for Townsville. I deemed it my duty to rise in reply to the leader of the Opposition, or otherwise I should have preferred waiting to have heard the suggestions which the hon. member for Townsville has to make.

The Hon. J. M. MACROSSAN said: On the occasion of the second reading of a Bill like this—the most important Bill that has been introduced this session—I would have liked a much larger audience than is now present. I would prefer to have an audience such as we had half-an-hour ago, and certainly it would be more conducive to the better consideration of this Bill. I am not going to enter into a discussion as to the composition of former Committees of Elections and Qualifications of this House. I have given expression to my opinions upon the composition of those committees before, and I have no reason to withdraw anything I have said. I may have

said some things when heated, but I said them in earnest, although I never attempted to pick out any particular committee or any member of a committee. I believe that on the whole the work of those committees has not been satisfactorily done. I have been a member of those committees myself, and I came to that conclusion through having been a member and actually participating in the work of the committee. I think that is quite sufficient for me to say on the subject, and I am satisfied that a much better system can be adopted than the one in existence. The system contained in this Bill, defective as I think it is, is an improvement on our present system. I was not aware that my hon. friend the member for Port Curtis had made any allusion to my probable suggestions, but if he did I suppose it was in consequence of the conversation we have had upon this subject. I take exception to the panel as appointed, and I think it is an invidious position for the Speaker to be placed in; but somebody must do the work required to be done, and the Speaker is no doubt the best person in the House to do it. There can be no question about that, but in spite of that I think it is an invidious position to place him in if we can avoid it. The Colonial Treasurer says that if any successor of or the present Speaker did not act impartially a remedy is proposed in the Bill—namely, giving the House the invidious power of objecting to any member on the panel. That would be still more invidious than the power given to the Speaker himself, and I am certain myself that most members would feel very chary about exercising such a power. Now, I do not suppose that, if I proposed anything which would take the control of elections out of the hands of the House, the Government would be inclined to agree with it. I do not agree with the Premier in his opinion about the trial by a single judge. It has been found on the whole to work very fairly in Great Britain.

The PREMIER: They have two judges now.

The HON. J. M. MACROSSAN: I heard the hon. gentleman say before that they have two judges now. Well, two heads are better than one, and three judges would be better than one; but still I think that the single judge system would be preferable to the system which we have at present, and also preferable to the system proposed by this Bill. Now, the system which I thought might be an improvement upon the one proposed in the Bill is this: Leave the judge still to be the chairman of the committee and to be the judge of the law, although I agree with the member for Port Curtis that there seems to be very little law left for him to decide. The decision will in reality rest in the hands of the assessors, and they are to be guided by the good conscience and equity of the case. The system which I propose is this: Let the whole House be the panel of assessors and let the petitioner and the sitting member have the right of challenge. Let whatever officer is appointed draw the names of members out of an urn in the same way that jurors' names are drawn in the courts of law, and let each side have the right of challenge until three men, or the number required, are chosen who will satisfy both sides. I think that is a simple plan, and one which would remove any suspicion of partiality of any kind, and also remove the Speaker from the position which he is placed in by this Bill of putting the panel on the table. I do not know that a fairer system could be proposed than that. Let the six, or whatever number is decided upon, who are chosen, be the assessors to try the case, with the judge sitting as chairman, and all the rest of the Bill can go in its present form. I

have no exception to take to the details of the Bill, but only to the appointment of the panel. These are my suggestions, and I leave them to the hon. gentleman at the head of the Government to think over.

Mr. PALMER said: Mr. Speaker,—Having been a member of an Elections and Qualifications Committee, and having heard both inside and outside the House remarks made about that committee, I feel an interest in the question before us. I feel additional interest in it from the probability that when the members who constitute the Northern phalanx of the separation movement are shifted to the Northern colony they will very likely have to take this tribunal with them to start with. I agree with the hon. member for Townsville that the principal point in this Bill is the panel. Such a jury, if taken from the House as proposed, would, it strikes me, really be persons interested in the verdict, as distinguished from an ordinary jury who are taken from outside, and have no feeling one way or the other in the question before them. However impartially such a jury may think they are acting, party feeling is bound to give them a bias. That is the weak point in the Bill, the choosing of the assessors. The Speaker himself, whoever he may be, is elected by a majority of the Assembly, and in appointing the assessors would, no doubt, appoint the majority from one side—seven from one side and five from the other. Striking out three would leave four on one side and two on the other; and it is needless to say what verdict they would give in any particular case. The Premier says that the last Elections and Qualifications Committee, he believed, always acted fairly and justly; and he says the same about other similar tribunals. But opinions differ on that point; and I believe the majority of hon. members differ considerably on it from the Premier. There is no doubt that the system proposed under the Bill is an improvement on the existing one, and that is the most that can be said for it. It is one step in the right direction. But we are not advancing at the same rate as the British House of Commons. Many years have elapsed since that body directed that election petitions should be tried before one judge, and afterwards by two judges of the High Court of Justice. I suppose some amendments will be introduced into the Bill before it passes; but even for the small mercy that it is an improvement on the last we shall no doubt very willingly accept it.

Mr. W. BROOKES said: Mr. Speaker,—So far as my opinion goes with regard to this Bill, from what I have read and heard to-night, I agree considerably with the very sensible remarks made by the leader of the Opposition. The Bill will be generally admitted to be a great improvement on the old system. I may say, in passing, that I have had a bitter experience of the old system; I have been its victim more than once. There is no doubt a great deal of human nature in these elections committees, but I confess I do not see the danger that appears to be seen by hon. gentlemen opposite of the partiality of the Speaker. We entrust to the Speaker many valuable and important powers; indeed, we are in his hands to a very large extent; and I should not be afraid of whoever may be in the position of Speaker acting with an amount of partiality which would be obvious. We cannot, of course, divest the Speaker of his partisanship as a servant elected by the majority of the House. The politics of the Speaker are perfectly well known to everybody, and we cannot divest him of them. Nevertheless, I think you might go further and fare worse. Indeed, I do not see how else we can choose our assessors

except through the Speaker or by the plan suggested by the hon. member for Townsville. I speak subject to further thought, but having just heard that proposition it appears to me to introduce into the election of assessors the element of chance. I should not like the assessors to be balloted for, because it would rather endanger the prospects of a due balance between parties being arrived at. On the whole I should be perfectly satisfied to leave it in the hands of the Speaker, who, I believe, would be found to be perfectly impartial. The proposition which pleases me is that these inquiries are to be held in open court. My experience goes to show that when the public are not admitted, and the proceedings are not open, men otherwise incapable of doing anything wrong will do things that they ought to be ashamed of. A general laxity is induced by the consciousness, unexpressed, that there is nobody looking on. In open court where the public and, I presume, also reporters are admitted, there is a vast deal more caution, and the decencies and proprieties are very much more likely to be carefully attended to. I consider this one of the greatest improvements in the Bill, but I should like it to be understood that reporters from any newspaper which chooses to send its representative shall be admitted. I know it is the practice in England that, when election inquiries are going on, the *Times*, the *Daily News*, or the *Standard*, or any other paper send their reporters, and next day the report of yesterday's proceedings are before the world, as in ordinary civil trials. I think that will be an advantage. I do not know whether that was in the hon. the Premier's mind when he framed the clause providing that the proceedings should be held in open court. There is one thing I scarcely like, though I suppose it is inevitable—that is, that the sittings must be before a judge. I do not see how it is to be avoided. The object of the Bill is to arrive at an impartial decision, and it seems to be considered that unless there is a judge or some other impartial person taking part in the proceedings—constituting one of the tribunal—the certainty of impartiality is somewhat doubtful. It is difficult for anyone connected with politics to divest himself of all partiality, and so a judge of the Supreme Court would perhaps be the proper person. I think the point raised by the hon. the leader of the Opposition was rather a subtle one; at any rate it was too subtle for me just now. Still there is substance in it. That is where the common sense of the assessors comes into conflict with the law of the judge. I can see that that might arise in the practical working of the measure. Then, as to the element of costs. There is provision in the Bill that costs shall not exceed £200. That is all very well. I do not know whether they can be reduced, but if they can I trust that they will be reduced to the minimum. I am not sure that £200 is the minimum. Probably we shall know when we get into committee whether the taking of these matters before a judge of the Supreme Court will entail any considerable amount of costs, because even £200 is a sum of money which many defeated candidates would not care to face. I have had some experience of elections committees, having presented three or four petitions, and my remembrance of them all is that of having to appear before a very partial tribunal indeed. I never had a shadow of a chance, and at that time, if the proceedings had involved the expenditure of £200, probably I should not have troubled myself to petition. Therefore, if the amount can be reduced I think it should be. I should like to know—probably we shall learn in committee—whether a person can appear in his own behalf?

The PREMIER: Certainly.

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Mr. W. BROOKES: It is not necessary that he should employ a solicitor?

The PREMIER: No.

Mr. W. BROOKES: That is a great advantage, because I know that in cases where I employed a solicitor I did not do a bit better than when I appeared myself. Taking the Bill as a whole, Mr. Speaker, I gladly accept it, because I am glad to get rid of the old tribunal. I never believed in it. I do not believe in it now, and if this is only a small step in advance of that tribunal it will be of very great benefit. I shall, of course, cordially support the second reading of the Bill.

Mr. JORDAN said: Mr. Speaker,—I have very few words to say, sir; but having been a member of the Elections and Qualifications Committee twice during my short parliamentary career, and having been once victimised before a committee of that description when I was an unsuccessful candidate for the electorate of Logan, I am specially interested in this question. I am satisfied with the law as it at present exists. I do think that the tribunal which has existed in its present form for many years is a fair one, and that no manifest injustice has been done knowingly or intentionally. It may be that the members of that committee are sometimes unwittingly biased in the direction of their political party. That is only natural, and perhaps cannot be fully overcome, however honest and upright hon. members may be in intention. When I said I was victimised I wish to be understood that it was not in the sense in which my hon. friend the member for North Brisbane was victimised. The impression seems to be that the tribunal as it at present exists is one of this tendency: that inasmuch as the nomination of the members of that committee is made by the Speaker, and inasmuch as it is the custom of the Speaker to nominate three from the side of the Opposition and four from the opposite side, there is at the outset a degree of partiality which is likely to tend in the wrong direction. Now, my own impression is this: that injustice is sometimes done, as I suggested just now, unwittingly and unknowingly from political bias, not voluntarily, but involuntarily. I remember in my own case the Liberal party were in power. I have had the credit during my political career of being considered a very extreme Liberal—a Radical, in fact—in politics. I do not know why that impression has been imputed to me, because I have always considered myself a very moderate and reasonable man in my politics, not a violent partisan either in my manner of speech or in the views that I hold. I am quite prepared to give credit to those who are in opposition for honesty of purpose, intelligence, and ability, and, in fact, to perform my duties as a member of this House as far as I can impartially. But, sir, although I was considered to be a Radical in politics, the Elections and Qualifications Committee that sat on my case did an injustice as against the Liberal party, because they gave a verdict unfavourable to myself. The impression is that the Elections Committee will always necessarily have a bias in the direction of the party who have placed them in that position, but in my case the result was quite the reverse. The verdict was against me, inasmuch as it was decided that the case should be tried over again, that the two candidates should go back to the constituency, and be put to a great deal of trouble and expense; whereas the evidence was so plain that it seemed impossible that the committee could come to any other decision than that the seat belonged to me. That was the general impression, both out of doors and, generally speaking, in the House. I did

not complain of that. I interpreted it in this way: I have observed that the decisions are generally in favour of the sitting member. When these petitions are tried there seems to be a disinclination to giving a verdict unfavourable to the sitting member; and if there has been any unfairness it has generally been in that direction. I have never complained of the constitution of the committee as it exists; at the same time I am perfectly satisfied with the Bill which has been so clearly explained to the House by the Premier. I know that there has been in the minds of hon. members and people out of doors a feeling that the tribunal should be altered, and I think the alteration proposed is an admirable one. It is very important that there should be a learned gentleman in the chair who will be able to decide questions of law. Questions of fact will be decided by the assessors. I do not think, sir, there is anything invidious in the duties you will have to discharge under this Bill when it becomes law. I think every hon. member will be as well satisfied with your nominations as at present. Moreover, there are safeguards. You will have to assign twelve men, and six of them can be challenged one by one alternately by each party. I do not agree with the amendment suggested by the hon. member for Townsville; I hope the Premier will not accept any amendments which will alter the scheme of the Bill in any way. I believe that when it becomes law we shall be satisfied with the tribunal, and that it will give entire satisfaction to the public at large.

Mr. CHUBB said: Mr. Speaker,—I confess that I do not like this Bill. What my opinion is as to the tribunal that ought to try disputed elections is pretty well known from the resolutions I submitted to this House last year. I have not altered the opinion I then held. It is a matter of opinion as to whether the tribunal should be one altogether apart from this House—a judge sitting alone, or with a jury not composed of members of this House—or whether it should be as proposed in this Bill. I frankly admit that this is a better tribunal than the one we have already, but the great difficulty still remains. Hitherto it has been the custom for the committee to contain a preponderance of the members who form a majority in the House. I do not know, sir, how far that practice will be altered if this measure should become law, or whether you will choose twelve of the most impartial members—six from one side and six from the other—what number from the cross benches, or whether the panel will be drawn having regard to the proportion of members sitting on one side or the other side of the House. That is a matter for you, Mr. Speaker, but it seems to me that we shall arrive at the same thing as before. After all, it will be the judge who will determine who is to sit or who is not, when the assessors disagree, if there is not a majority, because the judge has to give the casting vote. That may happen in a great many cases, and the judge will have to give his decision. If so I should not complain, because the principle for which I contended will have practical effect. The scheme of the Bill is very well worked out, and I have no fault to find with it on that account. With regard to the suggestion of the hon. member for Townsville, to make a panel of the whole House, I am not prepared to say, on the spur of the moment, that it would work. In the first place, we should have to limit the number of challenges; in the second place, we must exclude Ministers of the Crown, for we could hardly expect or allow them to be on a panel; and there are other objections to which I need not refer, but which will occur to hon. members. I am not prepared to

suggest anything better at the present moment than this: The only tribunal satisfactory to me would be the tribunal I proposed last session—that is, trial by a single judge; and the House appears determined not to have that. The hon. gentleman at the head of the Government declined last session to accept a tribunal of that character, and he has announced now that he is not prepared to accept it at present. It would, therefore, be ridiculous for me to discuss the effect of a tribunal constituted as that would be. With regard to the division of the labours of the tribunal between the judge and the panel there seems to be a little bit of sarcasm in the Bill. The judge has to determine questions of law, but where the questions of law come in it is hard to find, because they are principally matters dealing with the reception of evidence, and that is entirely left to the discretion of the panel; so that the judge is almost like a giant fastened by a band unable to do anything—like a figure-head merely preserving decorum. Publicity will be given to the proceedings, however, and the judge will be a valuable addition to the tribunal. He will give the casting-vote in the case of a tie. On these grounds he is of great importance, and I attach no little importance to the publicity which will be given to the proceedings. The Premier has said that publicity is a great safeguard. So it is. We shall have the tribunal sitting in open court, the proceedings reported daily, witnesses examined in the face of the public, and there will be, to a certain extent, a check on the proceedings of the panel if they are inclined to do anything they ought not to do. In my opinion the result will be the same under this Bill as under the present law. But I may point out that at the present time some very severe provisions of the Elections Act are suspended in view of the passing of this Bill. Immediately this tribunal comes into force these provisions will come into force, and the question is whether hon. members are prepared to accept the responsibility which will be incurred by those provisions. I suppose the Bill will pass. As I have said already, it will be an improvement in many senses upon the old tribunal. It is not such a tribunal as I would like myself, but we will have to accept it. We cannot induce the Government to accept any improvement upon it, but must take it as an instalment of what we may be able to get in future—a perfect tribunal, unbiased in every way, for the determination of disputed elections.

Mr. STEVENS said: Mr. Speaker,—Although it is rather late in the evening, I do not like the second reading of the Bill to pass without saying something, more especially as I have spoken strongly upon the same subject on previous occasions. The Bill is not what I hoped for. It does not come up to my expectations, but I am free to admit that it is a great advance in the right direction. The two points I chiefly object to are the appointment of assessors and the length of time given to persons to bring in petitions. Still, with regard to the latter, it is better than the provision in the last Bill, which allowed two years. The present Bill reduces that time by one-half. But I maintain that twelve months is too long to enable persons to work up a petition. If there had been any bribery and corruption it would not require half that time to bring the evidence together. Allowing such a length of time as that gives an evil-disposed person, or an interested person, time to perfect a scheme by which he can bring forward evidence against the sitting member which would possibly lead to his being unseated, or would give some colour to the alleged bribery and corruption. During that time the petitioner may have found out that rebutting evidence had

disappeared entirely from the colony, and could not be obtained by the sitting member, and he would have the game in his own hands. With regard to the appointment of assessors—although I do not believe that you, Mr. Speaker, would show the slightest partiality, we may have a Speaker in future who would not be so impartial, and it would be in his power to choose a majority from one side; therefore, I think a clause should be introduced into the Bill to the effect that the Speaker should be compelled to appoint a certain number from each side. The Premier deserves to be complimented for having done so much as he has to meet the wishes of people sitting on this side of the House. The greatest exception to the old measure was taken chiefly from this side of the House, and the Bill before us has been brought in, if not to meet our wishes, at any rate to go a good way towards doing so.

Mr. FOXTON said: Mr. Speaker,—I deny that the objections to the present tribunal came from the other side of the House.

Mr. STEVENS: I said "chiefly."

Mr. FOXTON: I myself have on previous occasions expressed my dissatisfaction with the constitution of the Elections and Qualifications Committee under the present system. I have not in any way altered my opinion about it; but at the same time I believe that, notwithstanding the opinion expressed by the hon. member for Townsville, in the main the decisions given by that committee have been fair and perfectly just. The hon. member says that he may have said strong things about that tribunal—I believe he did—but that he said them from his heart, and he will not withdraw them one bit. I regret that the hon. member should have adopted that tone, because my reason for thinking that the present committee is unsatisfactory is not because I think that unfair decisions are given, but because I think that it is almost a necessity of the present situation that hon. gentlemen sitting in the minority, and holding the views of the minority, cannot restrain their tongues, and treat the majority as they ought to.

The Hon. J. M. MACROSSAN: I was not always in the minority.

Mr. FOXTON: But when the hon. gentleman uttered the strong language to which he himself referred, he was in the minority, and the remark especially referred to the decision given by the committee of which he was one of the minority.

The Hon. J. M. MACROSSAN: I was in the majority then.

Mr. FOXTON: I remember sitting on one side of the committee, and he on the other; and I distinctly remember that I was in the majority.

The Hon. J. M. MACROSSAN: When did I sit on the committee with you?

Mr. FOXTON: I think it was on the last committee.

The Hon. J. M. MACROSSAN: I have not sat on the committee for seven years.

Mr. FOXTON: Possibly it might not have been the Elections and Qualifications Committee after all, and I will withdraw what I said; but at any rate the hon. member was defending the minority. Whether he was a member of the committee or not is quite immaterial. He spoke as holding the views of the minority, and, as he

said, spoke strongly against the majority. Nobody has better cause to know than the hon. member himself that it is not good for the honour and welfare of this House that strong remarks should be made by one hon. member against another; and it is for that reason, and not because I think that unfair decisions have been given, that I disagree with the present constitution of the Elections and Qualifications Committee. While speaking of the hon. member for Townsville, I would also refer to his proposition as to an alternative scheme for the constitution of a panel. He would have the whole House as a panel. Suppose an election petition were presented at the present moment against one of the gentlemen recently returned, and this Bill were already law, what would be the state of things? Simply this: We will assume that the numbers respectively of the two sides of the House are thirty-four and twenty-four. I think twenty-four is about as many heads as they can raise, and they commence to strike a panel. The total number, without yourself, sir, of members in the House would be fifty-eight.

The Hon. J. M. MACROSSAN: Without Ministers?

Mr. FOXTON: I do not see why Ministers should be excluded, unless we exclude ex-Ministers, and the gentlemen sitting on the front Opposition benches. I will assume that the petitioner is on this side of the House, and he proceeds to strike out the whole of the twenty-four one after the other on the other side. Where are the six to come from? That, sir, shows, I think, that the scheme suggested by the hon. member will not work. Of course, if he is going to exclude Ministers and others, he might work it in some other way, but I think the system proposed in the Bill for constituting the panel is the better one. At present the Elections and Qualifications Committee consists of seven members. The panel from whom the assessors will be chosen will consist of twelve members. It has been the custom, I think, though there is no law on the subject, for the Speaker to choose four members of the Elections and Qualifications Committee from the majority in the House, and three from the other side. I presume that has been recognised as a sort of rough justice; but I see no reason why, if this Bill passes, it should not become a recognised custom that, as far as possible, the Speaker should select six members of the panel from each side of the House. I think that would be perfectly fair, notwithstanding that there may be a majority on one side equal to twice the number on the opposite side, and that the challenging would be made perfectly fair. If the assessors are equally divided upon any question the judge will have the casting-vote. I think that arrangement perfectly just and reasonable. With regard to the clause relating to the assessors being guided in their decision by the real justice and good conscience of the case, I may say that at first I looked upon it in the light in which it is regarded by the hon. member for Bowen. I thought it was rather mixed, but on further consideration I was not of that opinion. I take it that there is a certain law—a pretty stringent law too—which will guide the tribunal. I refer to the Elections Act. That law must prevail; but, with regard to legal forms and solemnities, equity and good conscience must prevail. That is to say, short cuts to justice may be taken provided you do not infringe any portion of the Elections Act. In connection with this matter, I may point out how this rule applied to two cases which came before the late Committee of Elections and Qualifications. I allude to the Burnett and

Aubigny election petitions, both of which actually turned upon, and were decided upon, points of law. There were differences of opinion as to whether the committee were right in their law or not, but unquestionably they decided the petitions upon points of law—upon their interpretation of the Elections Act. In the case of the Aubigny election, the question was whether the election was valid when a polling place had been changed, and, in the case of the Burnett election, whether the ballot papers were in order and in accordance with a proper reading of the Act. Both these matters were purely questions of law, and yet during the hearing of those two cases a number of minor questions cropped up which were decided in accordance with equity and good conscience, or were attempted to be so decided. I merely mention these instances as showing the way in which the provision I have referred to will work. The law must prevail, but where short cuts can possibly be taken they may be taken by the tribunal in order to save time and expense. And here the question of costs comes in. Unquestionably the cost of a petition under the Bill will be very much increased. I can see that, because, as has been pointed out, there will be more formalities to go through where a judge presides, and that will lengthen the proceedings, and you cannot prevent any party to a petition appearing by counsel if he so chooses. Counsel must be paid whether the other side pays it or not, and every day the trial is lengthened adds to the cost. It is immaterial to the present inquiry as to who must pay the cost; it is sufficient that it must be paid, hence the necessity of fixing the maximum. I think £200 is too much, and would like to see the amount limited to £100. If a man is not prepared, like the junior member for North Brisbane, to conduct his own case, let him pay for the luxury of having a lawyer himself. I cannot see that the Speaker will ever be placed in any invidious position in choosing the panel. He has the whole House to choose from. I take it that it may be assumed he will not choose prominent leaders on either side; that he will choose as far as he can members who occupy a middle position in the House. Of course, we know every man must sit on one side or the other, but there are many men on the opposite side of the House whose sympathies are with this side, and some on this side whose sympathies are with the other—members who are technically called “cross-benches’ men”; so that the Speaker would never have any difficulty in choosing a fair panel. I had something more to say on the subject, but I will reserve further remarks till the Bill is considered in committee.

Question—That the Bill be read a second time—put and passed, and the committal of the Bill made an Order of the Day for Tuesday next.

ADJOURNMENT.

The PREMIER, in moving that the House do now adjourn, said: The order of the business-paper for Tuesday will stand as follows:—After the formal business—and I presume the motion for going into Committee of Supply will be formal—has been disposed of, the second reading of the Local Authorities Joint Action Bill will be taken, then the Pearl-shell and Bêche-de-mer Fishery Act Amendment Bill will be considered in committee, and after that the second reading of the Pacific Island Labourers Act of 1880 Amendment Bill.

Question put and passed.

The House adjourned at nineteen minutes past 10 o'clock.