Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 16 SEPTEMBER 1886

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LEGISLATIVE ASSEMBLY.

Thursday, 16 *September*, 1886.

Members Expenses Bill.—Message from the Administrator of the Government.—Petition.—Formal Motions.—Royal Commission on Irrigation and Water Supply.—Messages from the Legislative Council—Settled Land Bill—Succession Duties Bill.—Justices Bill—Legislative Council's Amendments.—Divisional Boards Bill No. 2—committee.—Adjournment.

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

MEMBERS EXPENSES BILL.

The SPEAKER said: I have to inform the House that I this day presented to the Administrator of the Government, for the Royal assent, the Bill to provide for the payment of the expenses incurred by members of the Legislative Assembly in attending Parliament, and that his Excellency was pleased, in my presence, to subscribe his assent thereto, in the name and on behalf of Her Majesty.

MESSAGE FROM THE ADMINISTRATOR OF THE GOVERNMENT.

The SPEAKER announced the receipt of a message from the Administrator of the Government, notifying that the Royal assent had been given to the above Bill.

PETITION.

Mr. JORDAN presented a petition from the South Brisbane Ministers' Association, praying for the repeal of the Contagious Diseases Act; and moved that it be read.

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

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

FORMAL MOTIONS.

The following formal motions were agreed to:—

By Mr. NORTON (for Mr. Stevenson)—

That the papers in connection with the remission of fines for selling wines on Sunday, laid on the table of the House on the 18th August last, be printed.

By Mr. FOXTON—

That there be laid upon the table of the House, a return showing the proportions of the expenditure upon the Defence (Land) Forces of the colony for the financial year 1885-6, incurred in respect of the Permanent Force, the Defence Force, and the Volunteer Force respectively.

By Mr. DONALDSON—

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

1. The amount of duty collected at the different Customs' stations on the borders of New South Wales, showing the amount collected at each; also the value of goods thus imported from New South Wales.

2. The number of bales of wool sent from this colony into New South Wales over the border.

By the PREMIER (Hon. Sir S. W. Griffith)—

That this House will, to-morrow, resolve itself into a Committee of the Whole to consider the desirableness of introducing a Bill to amend the laws relating to quarantine.

By the MINISTER FOR LANDS (Hon. C. B. Dutton)—

That this House will, to-morrow, resolve itself into a Committee of the Whole to consider the desirableness of introducing a Bill to further amend the Crown Lands Act of 1884.

ROYAL COMMISSION ON IRRIGATION AND WATER SUPPLY.

Mr. KATES, in moving—

That, with a view of obtaining further information respecting the Water Bill, read a second time on Tuesday the 7th instant, it is expedient that a Royal Commission be appointed to make diligent inquiries into the best methods of conserving the rainfall, and of searching for and developing the underground reservoirs supposed to exist in the interior of this colony, and of conserving the water in our various river and mountain streams for purposes of irrigation and general water supply, to avert the disastrous consequences of the periodical droughts to which this colony from time to time is subject—

said: Mr. Speaker,—In approaching this very important question I do so with a considerable degree of confidence, inasmuch as I have ascertained and gathered during the debate on the second reading of the Water Bill, introduced by the hon. the Chief Secretary, that it is the wish of many members to obtain further information in connection with this great and important scheme. I have also ascertained, outside this House, that it is the wish of the public in general that we should obtain further information in order that this measure may be perfected and matured. At the same time I would not like to see the whole of the Bill shelved or postponed. I would suggest to the hon. gentleman at the head of the Government, if he will accept a suggestion from me, that that part of the Water Bill referring to riparian rights and the definition of water rights should be detached from the measure and be dealt with during the present session. It has been pointed out that this is the most important part in connection with the water scheme. I always look upon the definition of water rights and riparian rights as the *crux*—the kernel—the essence of the whole Bill. I do not see any reason why we should postpone the whole of the Bill, because we shall have plenty of time during the present session to deal with it, and even if it necessitates prolonging the session for another fortnight or three weeks we should do so. I firmly believe that it is the wish of hon. members of this House that we should come to a proper understanding as to riparian rights before we go into the second and third parts of the Bill. The chief object of this motion is to ascertain what can be done by way of getting further information in connection with this great scheme, knowing what has been done in the southern portion of this great continent in this direction; for this reason I believe that this resolution will commend itself with particular strength to the favourable consideration of hon. members. The object of this motion is to ascertain the feasibility and capabilities of our water supply in this colony with respect to three different purposes—first, a water supply for domestic purposes; second, a water supply for stock purposes; and third, a water supply for irrigation purposes. It is true that we have in this colony no such great rivers as the Murray and Murrumbidgee of the southern portion of Australia; neither have we snow-capped mountains such as they have in Lombardy—the Italian Alps; in India, the Himalayas; or in the western portion of America—the Cordilleras or the Andes. Yet I do think that our main ranges, trending almost parallel with our coast, are sufficiently bold to direct the flow of water in well-defined watercourses, east and west, for a considerable distance from their bases. We have in the interior some extensive watercourses such as the Warrego, Maranoa, Landsborough, Thomson, and Flinders Rivers; whilst in the coastal districts we have well-defined watercourses, such as the Burdekin, the Fitzroy, with its grand tributaries, the Mary River, the Burnett, Logan, and Albert Rivers, and many other watercourses. I think if we design a scheme for the impounding of water we will obtain a very fair supply. We have hitherto allowed thousands of tons of water to flow into the sea eastward and to lose itself in the sand and swamps westward. I think, after all, we have a very fair supply of water to enable us to promulgate an extensive scheme for its conservation. What I want to do by this motion is to better ascertain the physical features of this country, our rainfall, and the best means at hand for the supply of water to the different districts of this colony—by impounding it, by diverting it into natural depressions, or by the construction of tanks or dams, and so on. With regard to the influence of conserved water on the rainfall, it is generally believed that the construction of large works for the distribution of water will have a beneficial effect upon the humidity of the atmosphere. It is generally thought that by the evaporation from extensive water surfaces the humidity of the atmosphere will be increased, and we might thus obtain a much better rainfall in the interior of the country in the course of time. With regard to a subterranean water supply, I have only to point out that the water struck by miners is nothing else but water from underground invisible rivers, which form the underground drainage area of this colony. We know that water has been obtained in other parts of the Australian colonies, and at a very cheap rate, by means of conservation. I have only to point to the reservoir at Campbelltown in Tasmania, where the large supply of 6,048,000,000 gallons had been obtained at the small cost of £7,600. We also know that water has been struck in South Australia at a depth of 1,220 feet, or 1,040 feet below the level of the sea, and it rose 20 feet above the surface; while at Hergott Springs, in the south-eastern portion of that colony, water was struck at a depth of 339 feet, or 139 feet below the level of the sea, and the flow of water there was 65 feet above the tubes upon the surface, and gave a supply of 100,000 gallons a day. With regard to the first part of the subject—water supply for domestic purposes—it will be within the recollection of hon. members that not very long since the Railway Department was compelled to despatch water trains to Rosewood to save human beings from perishing for want of water; last year the department was compelled to send water trains to Mitchell for a similar purpose, and water trains had also to be sent to some places in the Central districts by railway for the same purpose. It is therefore evident that a water supply is, in the first instance, necessary for domestic purposes to supply human beings. With regard to the second part—a water supply for stock—there cannot be two opinions about the necessity for that when it is pointed out, according to Mr. Gordon's report, that we lost in one district over 700,000 sheep within fifteen months. I have calculated myself that we have lost through want of water no less than three millions of money from the loss of stock, such as sheep, cattle, and horses. With regard to the third part of the subject—irrigation—there was very little said on this very important point during the second reading of the Water Bill. The hon. member for Rockhampton was, I think, the only member who touched upon this question, and I am sure that I am prepared to endorse what he said on the subject at the time. Hon. members must not consider that irrigation is a new thing. It was practised by the ancients in China and Egypt many hundreds of years ago, and in Syria and Persia irrigation ditches, long since disused, were recently discovered. We know, sir, that irrigation was practised in Peru by the Incas long before the advent of the Spanish into that country. We now find that

rrigation works were constructed in the Sandwich Islands. In modern times, the English in India and the Americans in the south-western portions of the United States have taken the greatest pains to develop the water supply upon a very large scale indeed. Now, sir, hon. members must not think that it is desirable, nor is it practicable, to irrigate all the irrigable lands, or a large proportion of them. We find that in America, on the great dry tracts comprising 1,000,000 square miles, according to the report of the Chief Secretary of Victoria, Mr. Deakin, only 2,500,000 acres have been brought under the influence of irrigation. We find that in India a very small proportion of the irrigable land has been brought under irrigation. In the Madras Presidency, out of 90,000,000 acres, only 2,600,000, or less than 3 per cent., have been irrigated by public works, and, including private tanks and wells, the proportion irrigated from all sources does not exceed 5 per cent. In Spain, where irrigation has been practised for hundreds of years, the proportion of land brought under irrigation is actually no more than 5 per cent. In Lombardy circumstances favour irrigation to a degree scarcely approached elsewhere. The remarkable fertility of the soil, a most industrious peasantry, beneficial legislation, and a water supply beyond their requirements, combine to make that part of the world the most extensively irrigated place on the globe ; but even there we find that only one-sixth of the area has been brought under irrigation. Summarising all this, Mr. Speaker, we find that in the most favourable localities for irrigation purposes, a very small proportion has been brought under that influence; but where irrigation is practised the settlement is very close, and the people are almost as thick as bees in a bee-hive, engaged in intense cultivation. I wish to make a remark about intense cultivation. It has been said that he who makes two blades of grass grow where one grew before is a benefactor to his country ; then how much greater a benefactor is he who makes grass and other things grow where never anything at all grew before. This is the position that special industries and special productions hold with respect to the development of our natural resources. Skill and intelligence are as much required as labour ; all these must go into partnership, and the mind become the senior partner of the firm. Now, I wish to draw the attention of hon. members to the enormous wealth that lies in special industries and special productions. Of course, by special productions I mean such things as are not common staples—like wheat, or maize, or barley, or potatoes, or hay—but things which are of higher value per acre than these staples. To show to what extent labour and skill and industry will yield riches, I have only to point to the flax industry. It is said that in Ireland an acre of flax properly tilled and cultivated, and manipulated into a product called cambric, is worth £4,000. Of course, this is after it has been manufactured ; but simply as flax in its manufactured state it is of great value to the acre. That is one special production. Now let us take another—hops, for instance. It is said that in the county of Kent hops on the pole in the field have been sold for £200 an acre. From the experience we have had in the old country I would place the vine at the head of special industries. We have in this country a stretch of land—I refer to the eastern slopes of the Main Range between Toowoomba and Killarney—which I am sure will in the course of time produce a wealth of vegetable products in connection with irrigation. In some parts the vine will flourish as well as it does in the hilly country of the Rhine lands. In France the cultivation of the vine and mulberry plantations has been a great source of wealth. It is said that the production of wine was chiefly the means of paying off the great war indemnity exacted by Germany from the French in 1871. There also the cultivation of silk has been a source of great wealth Another special production is the olive. In Spain it is said that an olive plantation is a mine of wealth above ground ; and I am sure that in this country, by skilful agricultural hands—by educated farmers—there might be planted in the corners of our paddocks or alongside the fence, olives which in the course of time will yield greater returns than are now produced by an ordinary farm. The fact is, we are too apt to follow the ordinary beaten track. We have seen, in the old country, maize and potatoes, and all those things produced, and we think we must follow in the same rut ; we forget we are in a different geographical position. We can obtain these special productions to which I have alluded to a considerable extent by means of irrigation, and they would produce a great wealth to this country. If hon. members would read the reports that now and then come from America, they would be astonished at the wealth of information they contain. We find there that a man holding a ten-acre lot under the influence of irrigation, not only makes a living for himself, but is able to lay something by after paying expenses. We also find in these reports an account of one of the biggest efforts ever made in the range of special productions. A Mr. Stanford, residing in Sacramento Valley, succeeded in less than two years in organising a vineyard to the extent of 2,500 acres. The production of fruit is another of the special industries. It is astonishing to see the great quantities of fruit that have been exported from the United States to Europe and other parts of the world the last year or two, and the consumption has kept pace with the production; in fact fruit has almost become one of the necessaries of life. In this colony we are importing fruit from Tasmania, from Victoria, and from the United States, whilst we ought to produce it ourselves. I have seen in this country the enormous price of 2s. per lb. paid for French prunes. Nobody can deny that there is great wealth in the raising of special productions. I know some hon. members will say, "What are we going to do with this enormous production that will be raised by the farmers on the irrigation system?" To that I reply, first, that we have still to fill up a big gap. If hon. members will look at the statistics laid on the table to-day they will see that we are compelled to import from other parts of the world produce to the amount of £700,000 or £800,000. If we could only achieve so much—if we could only fill up that gap—we should do a great deal of good to the country. But there is a system of farming which will in course of time have to be adopted by our farmers. At present there is a great glut of hay. Farmers say they cannot sell their hay ; everybody has got hay. Why not turn that hay into milk, fat, butter, or things of that kind? I remember some years ago a farmer, not far from Clifton, came to me and said, "I have a lot of hay that I cannot sell ; I have offered it to several people, but they offer me such a ridiculous price that it would not pay me to take it." I said to him, "Can you sell butter?" "Oh, yes!" he replied, "I can sell butter." I said, "You turn your hay into butter." I assisted him in getting eleven or twelve good milch cows, which cost £60. He gave the hay to those cows, made butter, and sent it down to my hon. friend, the member for Fassifern, who gave him as much as 2s. and 2s. 2d. per lb. for it. He has carried on that system of turning his hay into butter up to this day, and has paid off the loan, and is in possesion of a very fine herd of milch cows of his own. This

is the system which will have to be followed by our farmers in course of time. They will have to turn things which are not saleable into things which are easily disposed of. Some hon. members, Mr. Speaker, will say that this irrigation scheme is a sort of hobby of mine. I have been told more than once by my hon. friend and colleague the Minister for Works that it is a hobby of mine. See what has been done in other countries because some man happened to have the same hobby! I need only refer to the late Hugh McColl, member of the Legislative Assembly of Victoria. That gentleman was for years looked upon as a dreamer, a visionary; he was pointed at sometimes and made a jest of. But when in June last the Chief Secretary of Victoria introduced his great water scheme, and mentioned the name of Hugh McColl, a murmur of sympathy and an expression of satisfaction pervaded the House on both sides of the Speaker's chair; and both the Opposition and the Government side admitted that the late Hugh McColl had done good service to his country by his forethought and foresight in constantly advocating in that Chamber a comprehensive scheme of water supply. Last week the question of riparian rights was discussed here at considerable length, but nothing was said as to the danger of imperfect riparian rights. I will give an illustration of what happened in New South Wales in connection with imperfect riparian rights. From a communication made by a Mr. Brodribb, a resident of that colony, I gather that in the early part of 1878 a party went out to the Coree Creek in the middle of the night and destroyed the Coree dam, the property of Mr. Desailly, who repaired it, and for weeks kept a lot of men there to prevent it being destroyed again.

Mr. NORTON: There have been lots of cases of that kind.

Mr. KATES: That is because of imperfect riparian rights. A party of twelve armed men went up and destroyed a number of dams under the impression that by doing so their own runs would be supplied with water. Mr. Desailly prosecuted them at the Deniliquin Court of Petty Sessions, and three of them were committed for trial to the Goulburn Quarter Sessions. They were acquitted, however, and brought an action for damages against the Deniliquin magistrates. That was in consequence of imperfect riparian rights.

Mr. NORTON: In what year did that take place?

Mr. KATES: That was in 1878.

Mr. NORTON: It is much more likely to have been in 1868.

Mr. KATES: As a further argument to show the danger of imperfect riparian rights, I may state that wherever the law was uncertain and could be settled by litigation with appeal after appeal in law courts the result will be the creation and aggregation of large estates. Only wealthy syndicates with large resources, able to fight cases through all the courts, could venture to undertake irrigation works. Uncertain riparian rights would bring forth such results, which everyone must deplore. Uncertainty of riparian laws will kill small men. If, on the other hand, riparian rights are properly defined and certain, it would produce the most desirable means of breaking up the large estates; it would make it unprofitable for any person to hold large areas for grazing purposes, or even for irrigation purposes when hired labour was to be employed against the individual cultivator who applies his own labour and that of his family to the intense culture of a small lot of irrigated land. Such a man with his family can produce from 20 acres under wet cultivation far more than from 640 acres under dry cultivation, with a dependence upon the rainfall from the clouds. I look upon these magnificent rains we have lately had as an additional argument in favour of this motion. It shows that we have a sufficient rainfall in this country—all we want is to conserve it in times of flood to meet the shortness of the rainfall in times of drought. The people of this country, I find, are of the same opinion. Not very long since I saw in the *Courier* a very short letter, written apparently by some person near Charleville, touching upon this question. The letter must have been written soon after some remarks were made in this House in connection with the employment of kanakas or coloured labour on board the "Lucinda," as reference is made to that matter. The writer says:—

> "Quoting, from the book of Exodus, Joseph's advice to Pharaoh regarding the prophesied seven years of plenty and seven years of famine, the *Charleville Times* urges the conservation of water during our years plenty, and adds—'Let the officers' "—

I suppose by "officers" he means the members of the Government—

> "'Let the officers cease to quarrel over matters such as kanaka coachmen, Indian cooks, and their own expenses, but set to work, as they are doing in Victoria, to devise a scheme for the proper irrigation of the lands of the colony, in order that the seven bad years may not in the future eat up the seven good ones.'
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> "'What a boon would be accorded the Central districts if our rivers could only be dammed' (says the *Western Champion*), 'and the water now running to waste conserved! If the Government would only enunciate and carry out some comprehensive scheme of irrigation, a far greater good would result to the country than is now obtained from many of the works now performed.'"

Well, it appears from that that the people in the country in the far interior have the same idea on this subject as I have propounded here; that is that we should try to secure every drop of rain and conserve it, because, as sure as the sun will rise tomorrow, we shall, perhaps in twelve months, or even in a less time, want every drop of water that we can conserve during the present favourable season. I would direct the attention of hon. members to the valuable services rendered by the commissioners appointed in the southern colonies to investigate this subject, and to do so I have only to refer to their suggestions, conclusions, and recommendations as embodied in their reports to their respective Governments. Amongst other things they recommend that the destruction of forests should be under strict control, because the forests, they say, render important service in reducing the temperature, in increasing the humidity of the atmosphere, and in diminishing evaporation from the surface of the land and the water near them. That is one recommendation. They also recommend that agricultural farms should be established in localities having command of water, as irrigation would be very valuable as a means of educating the youth in practical and scientific husbandry. The experience which would soon be accumulated with respect to wet cultivation, as compared with returns from dry tillage, would be of the greatest value to the agricultural community. They further recommend that the Surveyor-General should instruct his staff that in the subdivision of land for sale the surveyor should, in view of future settlement, exercise judgment in selecting and recommending for reservation permanent waterholes, springs, and parts of rivers desirable for water supply. There the Surveyor-General, recognising that certain indefinite rights would be conferred by selling Crown lands fronting lagoons and lakes, has instructed licensed surveyors not to treat the contour of such lakes

and lagoons as a boundary, but that the land to be alienated should be defined by right angles to avoid disposing of their beds as far as possible without direct legislation and to leave their banks for public purposes, so that they may be available if hereafter required. They also recommend the appointment of a minister of water supply, with a board of three gentlemen, the chairman to devote all his time to the duties connected with his office. These are the recommendations which have been made by the commissioners, and they prove that their services have been of considerable value in the southern colonies, their work furnishing a proper basis for legislation on the subject. With regard to the commission which I propose should be appointed, I can assure hon. members that I would very much like to see the commission selected by the hon. gentleman at the head of the Government, and I think that if he selected a skilful irrigating engineer, perhaps, from India, he would do good service to the colony. I myself have not mentioned the names of any gentlemen for that commission. I have not the slightest desire to be on it myself, as I shall require all my time during the recess to look after my own business; but I would like a commission to be appointed, as I believe that by that means we should obtain additional information upon this very important subject. We have on previous occasions appointed commissions for much less important purposes. I look upon this question as a most important one, and I think the appointment of a commission would prove of great service to the country. At the same time I can only repeat that there is no necessity to shelve the whole of the Water Bill this year, and that that part dealing with riparian rights might be dealt with before the end of the session. I suppose that in connection with this irrigation scheme hon. gentlemen would like to hear some results that have been achieved by means of irrigation in various parts of the world. I always judge things by results, and I can point this afternoon to many places where irrigation has been followed by the most successful results. I will not detain the House much longer. I only wish to point to a very few cases. I find that in New South Wales, a Mr. Wills Allen, residing on the banks of the Namoi River, obtained last year eighty tons of wheaten hay from twenty-five acres of irrigated land. He also irrigated a crop of lucerne, and between November, 1884, and May, 1885, he obtained five cuttings, averaging one ton per acre. After the crop of wheat was removed, he planted the land with maize, and the result has been forty bushels to the acre in addition to a luxuriant growth of pumpkins among the corn without irrigation. Mr. Allen distinctly says that had it not been for irrigation he was sure that in the season through which we have just passed he would scarcely have recovered the seed be put into the ground. That is one case. Again, in the same colony, we find that on one station experiments were made in two large paddocks, one measuring five miles by six miles, and the other measuring six miles by eight miles, giving a total area of seventy-eight square miles. The manager reported that previous to those experiments the paddocks could not carry 4,000 sheep in a dry season, and that the year before he had lost 1,500 sheep out of 4,000. Now, out of the seventy-eight square miles in the two paddocks twenty-seven have been subjected to irrigation, and the result is that the carrying capacity of these twenty-seven miles has been increased to 12,000 sheep, 120,000 cattle, and 200 horses. In other words, while formerly sixteen acres were required for one sheep, one and a-half acre is now sufficient when only one-third of the land is irrigated.

Mr. NORTON: Where is this?

Mr. KATES: On one of Mr. James Tyson's stations on the Lachlan.

Mr. NORTON: It cannot be twenty-seven miles.

Mr. KATES: The report says so.

Mr. LUMLEY HILL: A newspaper report?

Mr. KATES: The commissioner's report.

Mr. NORTON: Where was the water obtained from?

Mr. KATES: It was diverted from a water-course. In India, Mr. Speaker, from the summary of the "Indian Water Supply" we find that in 1884 there were 6,000,000 acres under irrigation. We also find that in the north-west provinces the Government works return 6 per cent. upon the capital invested, whilst in the Punjaub, in 1883, the return was as much as 8 per cent. or 9 per cent. upon the Government money invested. In the Indian irrigation report procured by the late Mr. Hugh McColl, Sir Arthur Colton says:—

> "All these are vast irrigation works; about £16,000,000 has been spent upon them, and £8,000,000 more will be required. They will secure a supply of food for 24,000,000 people, out of 180,000,000 under our immediate control. Thus some progress has already been made to secure them from famine, and raise them from a terrible state of poverty. The average cost of these works has been £2 per acre."

This is the report of one of the best authorities on irrigation matters—namely, Sir Arthur Colton—the best authority upon Indian irrigation. I also desire upon this occasion to mention the name of Mr. John Garden, the well-known farmer of Cohuna, Victoria. That gentleman has gone into irrigation more extensively than any other farmer in that district, and he reports that he has been irrigating since 1882. The proportion of irrigated to non-irrigated land at Cohuna was 21 bushels to 2 bushels of wheat to the acre. In 1883 Mr. Garden obtained 20 bushels against 12 bushels. In 1884 he could get no water, and lost the whole of his crop, amounting to £1,800. Last year, 1885, his neighbours could only get 10 bushels whilst he got 22 bushels. I only put these figures together to show hon. gentlemen the great success that has followed irrigation schemes in other parts of the world. The State would be a great gainer in connection with the irrigation scheme. There can be no doubt whatever that the enhanced value given to Crown lands by the introduction of such a scheme would to a considerable extent recoup the money laid out by the Government. I pointed out last week that in the waterless districts in the Wimmera, in the northern parts of Victoria, land had been offered some time ago at £1 per acre without finding purchasers, whilst since this great scheme of Mr. Deakin's was promulgated in the Assembly of Victoria, I have been informed that land in that particular spot had risen to from 40s. to 50s. per acre. When the Minister for Lands, Mr. Howe, introduced his Bill in South Australia, he called the attention of the House to a case only a few miles from Adelaide, where, by irrigation on 100 acres of land, they are able to maintain 100 head of cattle. I do not wish to detain the House any longer in stating cases where irrigation has been followed by unparalleled success. Enough it is to say that this irrigation has gone beyond the stage of an experiment. It has become a household word in all dry countries, and has come to be considered a matter of vital importance to the pastoral proprietor as well as to the selector and farmer, and also the fruit-grower. Upon the commissioner's report—upon the success of this scheme—will depend to a very great degree the future prosperity of this colony, in which

irrigation is absolutely necessary to the maintenance of agriculture. By no other means can we hope to maintain and increase our farming population. With a constant supply of water, the wilderness may be made to "blossom like the rose." Cultivation can then be carried on with some certainty of result, and the farmer, rendered independent of the crushing effects of a continuation of dry seasons, may be expected to reap a profitable reward for his exertions. At the same time the experience of the past has shown that without irrigation, struggle on as they may, hope against hope, encouraged by a gleam of fortune with one good season amongst a series of bad ones, destruction must inevitably come to the selectors, and the reversion of a large portion of the settled districts to pastoral occupation. On the other hand, the results to be achieved offer such a glorious prospect as to justify some sacrifice and some risk even as a natural investment. Now, sir, I really believe myself that by the introduction of a comprehensive water scheme not only will the present generation be greatly affected, but it will be the means of rescuing multitudes of our fellow-creatures now suffering, perhaps, unspeakable miseries in the overcrowded localities on the other side of the globe. It may be the means of inducing them to come out and settle here, and raising them beyond the limits of extreme misery and anxiety. I think, by the performance of such a philanthropic action on our part, the present session, and the present Parliament, will be gratefully remembered by those who may come hereafter to settle amongst us, and provide homes for themselves and their families. I do not wish to say any more on this great question. It is a question of the greatest importance to us and to everybody; to the townsmen as well as the farmers and squatters. I therefore beg to move the motion standing in my name.

The PREMIER said: Mr. Speaker,—No one more fully appreciates the great importance of the conservation of water in this colony than the members of the Government. I believe, at the present time, it is the most important subject we have to deal with, and upon what we do with it during the next few years will depend almost entirely the future history of this colony. If the appointment of a commission of this kind would be likely to assist in doing anything in that way, I should be very glad to concur in its appointment. But I confess that I do not see how the labours of a commission of that kind will assist the House in dealing with the Water Bill. What will the commission be appointed to do? If it is to determine what are the best kinds of works to make in particular places—irrigation works or dams, or wells—that has nothing to do with the Water Bill, and the information that it would get would, of course, relate only to particular localities. They might, for instance, find—I believe they would find—that the heads of the Condamine River would be very well adapted for the storage of large quantities of water, and for irrigation to a certain extent. They would find that many other rivers are totally unfit for that, and that some particular parts of the colony could only be utilised either by dams on the surface or by sinking wells to a great depth. To what depth they must go can only be determined by experiment. As for the making of dams, I suppose there are practical men in the House who know as much about that as could be ascertained from witnesses called before a commission. Therefore, so far as regards getting information as to the best mode of carrying out irrigation works and so on, I do not think a commission would be likely, within any reasonable time, to assist Parliament with the knowledge which would be of use in a Bill dealing with the subject. The object, Mr. Speaker, of the Water Bill is, first of all—and that, I think, in the present circumstances, is the most important point—to define the rights to natural water, to wipe away the absurd rules which are at present supposed to exist regarding these rights; and the other object of the Bill is to provide for the administration of the public water rights, and also for the supply of water in different places. But it is not the function of the Legislature to prescribe in what particular mode these functions shall be carried out; that is to say, what particular engineering works are to be constructed. That is clearly not the function of Parliament, but of the water authorities, whoever they may be. I am quite sure that different modes of construction and different kinds of works will have to be adopted in different parts of the colony. Now, if a commission is to be appointed for the purpose of getting information to guide the House in legislation, then the appointing of a commission would be to prevent any legislation from being passed for many years to come, because no commission would be able to do any more than send in a progress report now and again, in less than three or four years. The information—such information as we want—might be got; the information which many members have is, of course, available and might be collected and put in the form of an appendix to a report—such as descriptions of the different watercourses of the colony. But that information is now as well known to most of us as it would be if it were recorded in that form. But that would not assist us in dealing with the subject in the way of legislation. As to any further information respecting the best modes of conserving water, that can only be ascertained by experts. There is no doubt that the circumstances of one part of the colony differ from those of another. You would require to get reports for the Darling Downs, for the Wide Bay district, for the Fitzroy district, and so on. You would require information in respect to each; but all that information, when collected together, would not be of much use to Parliament for the purpose of passing a Bill. I am afraid that the effect of the appointment of a commission would be to delay legislation, and I think myself legislation is urgent. I very much regret, from the course of the debate on the Water Bill last week, to infer that hon. members do not wish to go on with it during the present session. I think it is desirable that we should go on with it even if we do not make it a perfect Act; but it appeared to me that many hon. members did not want to go on with it. The hon. member who moved this motion says, "Let us settle the question of water rights this session, and go on with the rest next session." I should be very glad indeed to settle the question of water rights this session, and, after all, the rest of the Bill—the machinery—is not a matter of much difficulty. When you have settled the question of water rights, the working of the machinery is a matter on which there is not likely to be much difference of opinion. I do not quite know what useful work could be done by a commission of the kind proposed within a reasonable time. In New South Wales a commission has been sitting for many years, and they have brought in two or three progress reports. They sit in Sydney, and get evidence from various parts of the colony. They have expended a lot of money, and after years of work they have done practically nothing, except it be to delay legislation. In Victoria the only practical information of value that has been obtained has been obtained by the commissioner sent to America. But the circumstances of Victoria are very different from the circumstances

of this colony. There are a few parts of this colony about the coast districts where the conditions are like those of Victoria, but the circumstances of the interior are quite different. A Royal Commission might fairly, in a small country like Victoria, get a lot of information in a short time which could not be got in this colony for several years. What I am particularly anxious about is not to cause any delay.

Mr. KATES: That depends on the commission.

The PREMIER: The hon. gentleman says that depends on the commission. No, it does not. Unless the commission is prepared to devote its whole time and attention to the investigation of the matter, and to visit the different parts of the colony from here to the Gulf of Carpentaria, it could not frame a report in less than three or four years. And I suppose that if the commission should visit all the different parts of the colony it would be rather an expensive inquiry to hold. I do not care to oppose the motion of the hon. member, because he is so much in earnest about it. I do not like to do anything to interfere in any way with the attainment of the object which he has in view; but if a Royal Commission is to be appointed it must be understood that it is not for the purpose of aiding in the passing of the Water Bill, but for the purpose of assisting the water authorities at some subsequent period with information in regard to the erection and construction of works for the conservation of water. I want to impress on the House that the Water Bill is not a matter that we can deal with in the way of a commission. On the second reading of the Bill some members said the Bill was defective because it did not deal with irrigation works. But you cannot make irrigation works by Act of Parliament. All you can do in an Act of Parliament is to authorise the appointment of certain persons who may construct them—to give those persons certain powers to raise money to make the works, and to protect the works when made. The Bill does not describe the kind of dams to be erected, nor the mode in which the water is to be supplied after being collected. If hon. members are of opinion that a useful purpose is to be served by the appointment of a Royal Commission, and that it would be convenient and worth the money that it would cost to collect in the shape of a parliamentary paper, information on the subject of irrigation works in different parts of the colony, and of water conservation as applicable to Queensland, with descriptions of the different localities and the kind of works for which each watershed is adapted, then a commission might be of some use. But I think, on the contrary, that the quickest way to go about it would be this: When we have determined what shall be the water areas, and have empowered authorities to deal with these, then those authorities should employ experts to report to them on the best mode of storing water there; to ascertain the flow of water, for instance, in a river—the quantity of water that might reasonably be expected to be collected, and to ascertain also at what depth water is to be obtained by boring. But that information would have to be obtained in respect to each particular locality. No general information could be collected, or general rule laid down as applicable to the whole colony. The physical features and the strata of different districts differ entirely. In some places we may get water at a depth of 150 feet, or even less, while in others it may not be got till 1,500 or 2,000 feet has been penetrated by the bore. This can only be ascertained by practical experiment. The Government are making a bore now at Blackall, which will be a very costly work. They are down to 800 or 900 feet, and there are no signs of water yet. I am afraid it will have to be put down to twice that depth before we get any water. The result of that experiment will of course be of great value to all the districts in that part of the colony—to all places situated on the same geological formation, or on a formation analogous to the Barcoo. That information can only be got by practical experiment, and a commission could not assist in getting it. A commission might get theoretical opinions and descriptions of the different districts. But I point out that if a commission is appointed it must not be allowed to stand in the way of legislation. I am sure the hon. member does not want to shelve legislation.

Mr. KATES: No.

The PREMIER: I am very much afraid that the consequence of the appointment of the commission in New South Wales has been that they are waiting there until the commission bring up their final report. If they are to wait for that before they deal with the subject, I do not know when it will be dealt with. If I thought that that would be done here I should most strenuously oppose the motion, but if it can be shown that it is convenient to appoint a commission to gather information on the subject I should have no particular objection to it. I confess, as I said the other night, I am not in love with commissions. They cost a lot of money, and in the case of this commission especially, if they made anything like an exhaustive report, it would cost an enormous lot of money. If a commission is appointed the members must visit the different parts of the colony for information, and such a roving commission would incur a very large expense to the colony, and would after all be of no immediate or practical use. I have said what I have to say on the matter, Mr. Speaker. I, with the hon. member, am only anxious to do the best I can, but I have some doubts whether this is the best thing to do, or is even likely to assist in attaining the object we have in view. I have great doubts whether a commission would be desirable or not.

Mr. LUMLEY HILL said: Mr. Speaker,—I must compliment the hon. member for Darling Downs upon the able way in which he brought this subject before us, and I am only very sorry that I cannot agree with him that a commission would be of any practical use at all. We have practical experienced men in this House who have a knowledge of the different localities, which is the chief difficulty in dealing with a general Bill defining water rights. If the members of the Assembly generally would listen to the expression of their opinion and give them the credit they are entitled to, when they have no knowledge of the special districts themselves, I think they will find that they would derive as much information from them as they would if they send a Royal Commission gerrymandering all over the country. I have my own opinion about this Royal Commission in New South Wales. I think they will go on reporting until their pay is stopped; so long as the dollars come in they will go on reporting, and the final report will never be brought up. I would like myself to see the Water Bill dealt with this session, if only to define riparian rights, and that too with respect to the different districts. The great disadvantage of this colony is that it is too uneven in its formation, though it is not uneven enough in one way, as we have not high enough mountains which would give us a constant source of water supply. What would apply to one district would not apply the least in the world to another. The Logan district is quite different from Darling Downs, and

Darling Downs again is totally different from the Barcoo and Mitchell districts, and the districts about Cairns and Port Douglas are totally different from any one of these others. That is where the great difficulty comes in; we have comparatively no known source of permanent springs or watercourses compared with the immense amount of country we have, owing to the deficiency of high mountains. The only high mountains we have are on the northern coast about Mourilyan Harbour and Cairns. There there are some very high mountains and abundance of water, but the rainfall is also abundant, and we therefore do not so much need irrigation there. I do not here intend to say anything about riparian rights; but, so far as the interior of the country is concerned,—I do not mean about the heads of the Condamine—a difficulty comes in there—but on the Barcoo and Thompson, and that country with which I am best acquainted,—I say everyone should be allowed to save every drop of water he possibly can, and to stop all the water he can, whether in a main or a minor watercourse. I am perfectly certain it will never do any harm. The more water people there save, the better for the country. The idea of anyone going up and cutting dams and wasting the water in that ridiculous way is sufficient to deter enterprising men, who would naturally be afraid to incur such expenditure, if they stood the risk of having it knocked on the head by some spiteful neighbour down below. This is a question that should be settled at once, and if it was settled it would do more good than any Royal Commission. I can understand that a dam might divert water and send it into some other channel altogether and thus do harm to the person below, but from the formation of the country for the most part in the West, nothing of that kind could occur; all the water there would flow on after the dam was full, and they could never save an excessive amount. I am sorry I cannot support the hon. member, but I daresay he has done a good deal of good by ventilating his ideas in the House.

Mr. PALMER said: Mr. Speaker,—I hope the hon. member for Darling Downs will not be discouraged by the cool reception his motion is receiving, or going to receive. His efforts in this direction have been persistent, and I hope he will continue them, because it is only by constant hammering he will ever see the nail driven properly home. I hope he will live to see this scheme, which he has continually brought before the House, brought up to his dreams of the perfection of it. I am quite certain he is on the right track and is advocating the only course which I believe will make this country fit to carry a large population. The happy-go-lucky style of farming we have carried on in the past will never induce close settlement of a thick population. The hon. member this evening showed that he has given the subject great study, and I was much interested in listening to him. He deserves thanks for the way in which he has stuck to it, and his remarks are well worthy of consideration. In his speech he referred to three principal branches of water conservation—for stock, for domestic use, and for irrigation; and that is the very way in which the subject was dealt with by the Bill which was before the House last week. I believe that if the Bill confined itself to the two first it possibly might be passed. The subject of irrigation, as the hon. member for Darling Downs stated, is one of such great importance, and involves so many vested rights and interests, that I think it would require a special Bill to itself. The Premier says he would like to have seen the Bill gone on with this session, and I believe that members would give it their best attention, and that possibly it might pass if it were confined to water for stock and for domestic purposes. But the irrigation question opens up an immense topic, and, as the hon. member for Cook has pointed out, it is only in small localities that it would be successful. The hon. member for Darling Downs himself showed that in India, and other countries where irrigation has been practised for many years, it is applied to a very small area compared with the great extent of country which remains unirrigated. I am quite certain that the farming which will pay best in this country is a combination of grazing farms with cultivation, the one helping the other. A small area devoted to crops and properly irrigated would in adverse seasons, keep alive stock that would otherwise perish. I believe that the value of the stock lost even by small farmers during the last three or four years of the drought would have been sufficient to pay for the storage of water enough to irrigate half the country. Perhaps in the coming Land Bill which has been foreshadowed there may be something dealing with these riparian rights that are so intimately connected with irrigation schemes. In the great State of America, where irrigation has been most successful—Colorado—they began by declaring that there were no riparian rights whatever; the State claimed all the water from the first. They also legislated for permission to enter upon the land adjoining rivers—of course subject to compensation—to enter on these lands and carry water through them, thus entirely relieving a private firm or individual that took up the subject from the onus of sustaining a law suit in the Supreme Court. Where the field has been left clear like this, we have always seen the system attended with the greatest success. Now, with regard to the commission, there is one thing which would prevent it from being entered upon at once. The mere survey necessary before commencing irrigation works—taking the levels, choosing spots for the works, and all that—would occupy several years. All that would have to be taken in hand before any money could be expended on the works. We have the report of the Royal Commission in Victoria, which is full of information; and I suppose we shall have one from New South Wales. I think the information hon. members have is quite sufficient to pilot them through the difficulties of a Water Bill; and if, as the Premier says, a commission would only cause delay, we must remember that delays are dangerous. Some papers read before the Royal Society of New South Wales are well worth the attention of hon. members; they were read in 1880, 1881, 1882, and 1883 by the Government Astronomer in Sydney, Mr. H. C. Russell, and several other scientific men, on the irrigation question, evaporation, and subjects connected with the water supply. The climate, soil, and other conditions treated of are exactly similar to those in Queensland, and the subject was entered into very minutely. The matter has not been taken up in New South Wales; but these papers deal with it thoroughly, and would be a source of very great information to hon. members. The great difficulty in this colony is not the poverty of the soil, but the poverty of the clouds—the difficulty of getting the water to the soil. Hon. members who have noticed the influence of one inch of rain on the herbage in the interior will see the great benefits even a small amount of irrigation would bring to farmers. Where two inches of rain have fallen in districts completely bare of grass, it has left them splendidly grassed—covered with herbage with sufficient permanency to last through several months of dry weather following. The great difficulty is to determine where we are to get the water—whether from streams or artesian wells. That, as the Premier says, can only be settled by practical experience. In the State of

Colorado, where the rainfall is considerably less than ours, the supply for irrigation is supplemented from streams at a distance; but I do not know that our streams are of sufficient capacity to supply water at any great distance; and I suppose our works would have to be supplemented by dams. Practical experiment is the great teacher that will bring this very important question to a successful issue. I congratulate the hon. member for Darling Downs upon having so persistently stuck to it, and I hope he will continue to stick to it and see all the result he desires.

The MINISTER FOR LANDS (Hon. C. B. Dutton) said: Mr Speaker,—The hon. member who has just spoken assumed that the House treated this motion with coolness, because they did not attach sufficient importance to the question the hon. member for Darling Downs has brought forward. I think he is altogether wrong. Other hon. members are quite as fully impressed with the importance of the question as the hon. member for Darling Downs, but what we distrust is the efficiency of the result likely to come from the work of a Royal Commission. It is a very expensive method of gathering information in any case, and in many cases the information is not very reliable either. Now, a Royal Commission which has been sitting in New South Wales for a very long time has been carrying on a series of experiments by putting bores down in different parts of the country to ascertain the nature of the underground supply. That is one part of the hon. member's proposition, and operations of that sort might, I think, be conducted here; but it would be the work of many years, and would involve a large expenditure of money. The Water Bill which has been laid on the table of the House seems to me to provide in almost every case for all that the hon. member asks to be done. The hon. member for Cook, Mr. Lumley Hill, thinks the system cannot be applied in the same way all over the country. I do not agree with him there. I believe that if properly applied, in the way laid down in the Bill, it can be applied to every part of the country. Where the local authority who happens to deal with matters of that kind is allowed to raise money by way of loan advanced to it by the Government for the purpose of carrying out irrigation works, on such security as it may be able to offer—that is all that can be expected by any particular locality. I do not suppose that he proposes that the Government should undertake irrigation works in any particular locality. That would be very unsatisfactory to the general mass of the people. To select one particular spot for expensive works, and to carry them on for the sole benefit of that particular spot, and not for the general benefit, would be very strongly objected to. Where money is expended for purposes of that kind it will have to be paid by those people who derive benefit from it. There are several members of the House who, from their knowledge of the different parts of the colony in which they have lived or visited frequently, will be able to say what would be the best system generally to adopt, whether for boring or for dam-making. Most of us know that in many parts of the country you cannot get water by boring for either irrigation or stock purposes. When you have to go 1,500 or 2,000 feet to reach water, and have no high land in the immediate neighbourhood of your bore, the water will not come near enough to the surface to be of any practical benefit. To be of any practical benefit, water must come to within 100 or 200 feet of the surface; if it does not, it is useless for either stock-watering or irrigation. There are places in the southern portion of the colony—on the borders of South Australia and New South Wales—where water will come up to the surface, but there it is a very gradual descent from the highest land in the colony. But in other places it is very different. I remember taking some specimens of strata, got from a depth of 150 feet, near the heads of the Barcoo, to one of the highest geological authorities we have ever had, the Rev. W. B. Clarke, in order to get his opinion as to the probability of obtaining water there; and he told me the chances were I should have to sink at least 1,500 feet, and very likely upwards of 3,000 feet, before there was any likelihood of striking water. I feel that I need not add anything to what the Premier has said. The Water Bill now before the House—once the definitions are accepted—will give the best practical means of dealing with this question; it will give every facility for the conservation of water, either by boring or dam-making, in the different parts of the colony.

Mr. NORTON said: Mr. Speaker,—I hope the hon. member for Darling Downs, Mr. Kates, will not think that, because members do not enter very fully into the discussion of this proposition, they are not interested in the subject, or that they do not give him credit for the pains he has taken to work it up. I believe there is no member of the Assembly who does not give him the greatest credit for what he has done in the matter, for his great perseverance in connection with it, and for the great trouble he has taken to elicit information to put before the House. My own reluctance to take part in the debate is because I cannot agree to the proposition to appoint a Royal Commission. I do not believe in Royal Commissions. They cost a great deal of money, and the results, compared with the expenditure, are as a general rule very small. On this particular subject, I would point out, already an immense mass of evidence has been taken in New South Wales, Victoria, and South Australia—where they have been inquiring into the questions of irrigation and water storage—and the main duty of any Royal Commission appointed here would be to go through all the evidence taken in those colonies, sift out the valuable portion of it, and put it in a readable form, so that it might be submitted to the House next session. But it does not require a Royal Commission, I think, to do that. In all inquiries of that sort—as hon. members who have sat on select committees know—a vast amount of utterly useless evidence is taken. Questions are put to witnesses leading them up to a certain point; indeed, it is sometimes difficult to get the information you want, unless you lead up to it. In my opinion, if the valuable portions could be sifted from the evidence already taken in the other colonies, we should have as much information on the subject as any Royal Commission would be likely to get. One kind of information we want is on the subject of boring. They have the advantage of us in that respect in New South Wales, because they have put down hundreds of bores, and in very many cases they have come upon salt water. In the Library there is a map issued last year by New South Wales showing the amount of boring done in that colony. All the bores are marked on the map, showing where fresh water and where salt water has been struck, and in some places salt water has been struck four or five times to fresh water once. Then they have another advantage. In the western portion of New South Wales a great portion of the water which lies under the surface has come down from the heads of the rivers of Queensland; and if they bore there the water rises to the surface, or very near the surface. We are at the disadvantage of having a great portion of country on the heads of dividing watersheds, where there is not

much probability of the water rising when we do tap it. For my part, I think it would be a mistake to appoint a Royal Commission; I do not think any good result would come from it. I say so with reluctance, because I am anxious to say nothing that will discourage the hon. member in the work he has set himself to do. With regard to the Water Bill and the question of riparian rights, it has been suggested by some hon. members that it would be better to pass a portion of the Bill this session. I hardly think it would. I think the sooner it is passed the better, but I am also of opinion that it is very advisable that the people of the colony who are interested in that particular subject should know what the Bill is before any measure of the kind is passed into law. For my part I think that all parts of the colony ought to be, and must be, treated alike. A riparian right is as good in one place as another. I believe the wisest course for the Government to pursue in this matter is to take for the State the whole of the running water in the colony whether in small or large streams. To the State should belong the right to all running water, but at the same time we should make no difficulty about giving to the lessees of runs and to others a right to make use of the water on the lands they occupy, by issuing a sort of license to them which would be equally good as any right given under an Act of Parliament. The one great thing we have to do first is to define what watercourses the State is to have a right to and what watercourses are to belong to private individuals. It has been pointed out already by hon. members that in one part of the country private individuals wish to have the right over larger watercourses than in other districts, so that, I think, the wiser course would be to define riparian rights before proceeding further with the subject of water conservation. But although I would like to see the question of riparian rights settled as quickly as possible, I think, on the whole, it would be better to defer the decision of the matter till next session. There is every reason to believe that we shall now have, at any rate, two or three good seasons, so that there is no immediate necessity for pressing the matter forward. I do not intend to discuss the matter any further. I believe that all members in the House will agree with me when I say that as far as the mover of the motion is concerned we give him the fullest credit for what he has done, and for what he intended to do.

Mr. MACFARLANE said: Mr. Speaker,—Like some hon. members who have already spoken, I think there can be no difference of opinion as to the importance of the conservation of water for domestic and irrigative purposes, but the appointment of a commission for the purpose of ascertaining the best mode to be adopted would involve such a length of time that I can scarcely approve of the proposal. In the first place, we should require experts on that commission to devote their whole time to the work, and I do not think they could thoroughly investigate the subject under three years. Then, in addition to their remuneration during the time they were sitting, there would be the cost of their travelling over a large area; so that the expense of a commission would be very heavy, while at the same time legislation on the subject would be delayed. Every year we are promised legislation in connection with water conservation, and every year we hear the cry that hon. members are disappointed that something has not been done. I should like to see a commencement made, and having that opinion, I spoke on the second reading of the Water Bill in favour of trying to settle the matter this session, if possible. I am still of the same opinion. It would, I think, be far better to go on with the Bill than to postpone it for another year. As hon. members are aware, we are very good at bringing in little amendments, and if the measure should be found deficient an amendment can be introduced in some future session so as to improve the Bill. Instead of deferring the matter altogether, I would recommend the Government to try a little experiment. Would it not be possible to do what has been done in other countries? In Scotland I have seen little weirs built across several rivers—that is, the main rivers—and that has dammed the water back for many miles. If that was done here the water thrown back would be water saved to the colony, and not only would it act in that way but little creeks running into the main stream would be filled as well. That would be something to look at, and would also be a guide for future legislation. I think something ought to be done in the matter this session. While supporting the motion to a certain extent, I think it would be well not to appoint a commission, but go on with the present Water Bill, and if necessary amend it some future session.

Mr. McMASTER said: Mr. Speaker,—I am sure that not only this House, but the country, owes thanks to the hon. member for Darling Downs for the manner in which he has brought this matter forward, and he deserves success and encouragement in his efforts. I cannot say that I agree with the proposal to appoint a Royal Commission. I am like many other members—I have very little faith in these commissions. They sit as long as the pay is forthcoming. While a commission would be sitting and taking evidence the sheep would be dying waiting for the grass to grow. I think it would be much better, as the hon. member for Ipswich (Mr. Macfarlane) has said, if the House were to go on with the Water Bill, which has been read a second time, and make a beginning in legislation on this subject. During the debate—while listening to hon. members speaking from the other side of the House—the idea struck me that it was a very great loss to the country that, with the magnificent lands we have on the Darling Downs, and, as I have heard, in the Western districts—the Darling Downs I have seen—we should have to import lucerne hay from New South Wales to feed sheep and cattle on the Darling Downs during dry seasons. Why not begin and grow our own lucerne and fodder, which are necessary to preserve the sheep and cattle we have in the colony, and which, we have heard, die by thousands during a dry season? I am convinced, from my experience of farming, that one acre of land well tilled and cultivated is worth five acres badly farmed; and I am satisfied that if 100 acres of agricultural land were irrigated and well farmed, they would be worth 1,000 acres that are laid down only with the natural grasses on which cattle are now dependent. I am sure it would well repay the squatters to irrigate a portion of their runs. If it was only 100 acres it would enable them to store up a considerable supply of fodder for dry seasons and hard cold winters. And even if, with such seasons as we are now experiencing, they could not dispose of some of their crop, and the sheep did not require it, it would still be worth their while to have a certain store for a dry season and a cold bad winter. But instead of that we find that if a dry season or two overtakes the squatters they have nothing to fall back upon. If farming in the old country were carried on in such a way the farmer would lose his stock in one year; but they take care that they have ample fodder stored for the winter when frost and snow are on the ground, and not a blade of grass is to be seen for months. I have seen snow on the ground for two and three months myself, and the cattle have had to be stable-fed. The fodder

is stored to be ready at any time when a severe winter comes. If it is not very severe, when the spring comes they have a surplus, and they make the best use of it that they can; of course it is sold cheaper. I am sure that if we went on with this Water Bill and made a beginning, let it be ever so small, the country would see the effects; the system would very soon spread, and the Government would very soon have to extend it very much further. I cannot say that I am personally acquainted with the watersheds inland; but I should imagine that the Condamine would be a place where irrigation ought to be, at any rate, commenced as an experiment, if not made a permanency. Where these rivers are we shall see what will be the result, and we shall find that the idea will very soon spread over the whole country. I am sure the hon. member for Darling Downs ought to be supported. He deserves to be supported, and I hope that he will amend his proposition and place it before the House in a modified form. I cannot see that I can support him in the appointment of a Royal Commission; otherwise he has my hearty sympathy.

Mr. HORWITZ said: Mr. Speaker,—While supporting the motion of the hon. member for Darling Downs, I think it would be as well not to appoint a Royal Commission. The reason why I say this is, that we have a Water Bill before us already, and it would be as well to get that over. The hon. gentleman may be sure that every member in this House will give him credit for the trouble he has taken to work up his subject, and the knowledge and experience he has shown in his remarks. I have some information upon the matter, and so have other hon. gentlemen who have spoken, and if each member will give his opinion on the watershed of his own district, we shall have quite sufficient information before us to give all the assistance that is required. For instance, in my own district we have certain watersheds, and I shall be able to give all the information which will be required so far as it is concerned, and other hon. members might follow suit with the experience they have of their own districts. We have the Condamine, Emu Vale Creek, Swan Creek, Glengallan Creek, Dalrymple Creek, and Spring Creek, and if all these creeks were dammed we would be able to have sufficient water. I do not feel inclined to speak of the other districts of which I have had experience as well, and am acquainted with, as I think it would be as well to leave each district to its own member, to mention the rivers and creeks with which he is acquainted, and suggest how the water might be used in such a way that it would not entail a large expense upon the colony at large. I do not think it is worth while to detain the House any longer by making a long speech. The hon. member for Darling Downs has made an able speech already, and we all feel satisfied that if he will not press the Royal Commission we shall have a chance of going on with the Bill before us already.

Mr. KATES, in reply, said: Mr. Speaker,—I am afraid I have chosen a very bad day. There is too much rain; it is depressing. If it had been dry weather, my motion would have brought about more enthusiasm.

Mr. NORTON: "It never rains but it pours."

Mr. KATES: It is the opinion of this House that it is not desirable to appoint a Royal Commission. The hon. gentleman at the head of the Government pointed out that it would take too long a time for the commissioners to send in their report. I would be very sorry to see the Water Bill delayed in consequence of this, although there are commissions and commissions. Some commissions will do as much in three months as others will do in six times that period. However, the hon. gentleman has partly promised to go on with the Water Bill—at any rate, to go on with the part dealing with riparian rights; and I shall be very well satisfied if this much is accomplished during the present session. Therefore, with the permission of the House, I will withdraw the motion.

Motion withdrawn accordingly.

MESSAGES FROM THE LEGISLATIVE COUNCIL.

SETTLED LAND BILL.

The SPEAKER informed the House that he had received a message from the Legislative Council intimating that the Council disagreed to the amendment made by the Legislative Assembly in clause 13 of this Bill.

On the motion of the PREMIER, it was ordered that the message be taken into consideration to-morrow.

SUCCESSION DUTIES BILL.

The SPEAKER, in informing the House that he had also received a message from the Legislative Council, returning this Bill with an amendment, in which they requested the concurrence of the Legislative Assembly, said: I wish to call the attention of the House to the amendment made by the Legislative Council in this Bill. I desire to point out that the issues raised, so far as this Chamber is concerned, are even more serious than the amendment of the Appropriation Bill last session. It is the peculiar province of this House to raise the necessary supplies for the Crown to enable it to carry on the Government. The Committee of Ways and Means determines in what manner the necessary funds shall be raised to meet the grants which are voted by the Committee of Supply; the latter controls the public expenditure, the former provides the public income; the one authorises the payment of money, the other sanctions the imposition of taxes and the application of public revenues; and, in no case whatever, from time immemorial, has such an amendment been made in a taxation Bill, originating in a Committee of Ways and Means, as the Legislative Council have made in this Bill—nor indeed would the House of Commons, or any other Legislative Assembly, permit an amendment of this kind to be made in a Bill specially founded on resolutions passed in a Committee of Ways and Means for raising Supply to be granted to Her Majesty. The case is so clear, and the principles of constitutional and parliamentary government so well defined, that I must express my extreme surprise, especially after the decision which has been given so authoritatively by the Privy Council, that this Bill has been amended, and the amendment sent back for the concurrence of this House. It is necessary, I think, that I should clearly show the principle which has guided the House of Commons in these matters. It is one which is very ancient; it is expressed in the old quaint language of Parliament, and is one which has been adopted by the House of Commons from that time to this. There is scarcely an instance on record in which a Speaker has been called upon to give a ruling upon such an important question as this that he has not quoted from "Hatsell's Precedents," the particular case which I shall now quote for the information of the House. It contains a very good and sound constitutional rule, and one which guides all deliberative assemblies, particularly in matters relating to taxation Bills.

In 1689 the Lords thought proper to make an amendment in a money Bill, and a committee of the House of Commons was appointed to draw up reasons why the Commons disagreed to that amendment of the House of Lords. In "Hatsell's Precedents," vol. iii., page 124, we find one of those reasons—the primary reason and the one urged on all occasions by the Commons when amendments of this kind have been made by the Lords :—

"All moneys, aids, and taxes to be raised or charged upon the subjects in Parliament are the gift and grant of the Commons in Parliament, and are, and always have been and ought to be, by the constitution and ancient course and laws of Parliament, and by the ancient and undoubted rights of the Commons of England, the sole and entire gift, grant, and present of the Commons in Parliament, and to be laid, rated, raised, collected, paid, levied, and returned for the public service and use of the Government, as the Commons shall direct, limit, appoint, and modify the same. And the Lords are not to alter such gift, grant, limitation, appointment, or modification of the Commons in any part or circumstance, or otherwise to interfere in such Bills, than to pass or reject the same for the whole, without any alteration or amendment though in case of the subjects. As the kings and queens by the constitutions and laws of Parliament are to take all or leave all, in such gifts, grants, and presents from the Commons, and cannot take part and leave parts, so are the Lords to pass all or reject all, without diminution or alteration."

Now, the reasons given by the House of Commons in 1689 have been the invariable rule followed by that House from that time to this, and also followed in every deliberative assembly in the British dominions. I also draw the attention of the House further to the fact that in 1692 an amendment was made on a money Bill by the House of Lords, and among the other reasons assigned by the House of Commons for disagreement to that amendment is the following :—

"That the right of granting supplies to the Crown is in the Commons alone, as an essential part of their constitution; and the limitation of all such grants, as to the matter, manner, measure, and time, is only in them, which is so well known to be fundamentally settled in them that to give reasons for it has been esteemed by our ancestors to be a weakening of that right. And the clause sent down by your lordships is a manifest invasion thereof."

Now, I do not think that I could give stronger instances to show that in no deliberative assembly in any part of the British dominions possessing representative government has ever an attempt been made to make amendments of this kind in a taxation Bill. The House will observe that there is a wide distinction between an Appropriation Bill and a taxation Bill. The Crown has decided that a certain sum of money is necessary to carry on the Government of the country. In order to raise the necessary supplies the Committee of Ways and Means have passed certain resolutions, and upon those resolutions a Bill has been framed imposing certain duties. That Bill was passed by this Chamber, and the other House has thought proper, in what I can only characterise as a most unconstitutional manner, to make an amendment quite contrary to the usage and practice of Parliament. I have discharged my duty in calling attention to this matter. It is for the House itself to decide what action it will take to uphold its undoubted privileges.

The COLONIAL TREASURER said : I am sure every member of the House will agree with me, Mr. Speaker, that the thanks of the House are due to you for your able vindication of the rights and privileges of this Chamber. I have no doubt that the remarks which you have made will be fully considered when we come to discuss in committee the message of the Legislative Council. I now rise for the purpose of moving that the message of the Legislative Council be considered in committee to-morrow.

The PREMIER said : I should like to add that the ordinary course to take in the case of such an unheard of amendment as that made by the Legislative Council, would be to move that the Bill be laid aside. I am willing, however, to believe that the amendment was made through inadvertence. I cannot think that the Legislative Council seriously intend to assert the right of amending a taxation Bill. Under these circumstances the Government do not propose to lay the Bill aside at once, which would be the ordinary course to adopt.

Question put and passed.

JUSTICES BILL.

Legislative Council's Amendments.

On the motion of the PREMIER, the House resolved itself into Committee of the Whole for the purpose of considering the Legislative Council's amendments in the Justices Bill.

On clause 4—"Interpretation"—in which the Legislative Council proposed to omit the interpretation of the terms "municipal district" and "chairman of a municipal district"—

The PREMIER said the amendments of the Legislative Council in clause 4 must be read in connection with the amendments omitting clauses 8 and 9, because the two paragraphs of clause 4 objected to were for the purpose of interpreting sections 8 and 9. By the Local Government Act of 1878 it was provided that the chairman of a municipality should be a justice of the peace during his term of office, and in 1879, by the Divisional Boards Act, it was provided that the chairman of a divisional board should be a justice of the peace during his term of office. Since that time those laws had been in force, and those provisions had been found of very great convenience to the public. He had never heard any serious objection made to them, except that now and then unsuitable persons were elected. The power, however, always existed to remove unsuitable persons. That power had never yet been exercised in any case, although in two or three instances it would have been exercised had not the chairmen in question been good enough to cease to be chairmen. That power was always sufficient to protect the public interests. There were an immense number of duties performed by chairmen of municipalities and divisional boards so closely associated with acts performed by justices that it was very convenient that they should be performed by the same person. He therefore proposed to move that all the amendments relating to that matter be disagreed to. It would scarcely be disputed that it was convenient that the chairmen of municipalities and divisional boards should be justices. Of course, the difficulty could be got over in another way by appointing them justices; but then the practice of the colony—and he thought it right—was that justices should be appointed on the 1st January. That was a very good plan ; it was the English system, and was very much better than the plan prevailing in New South Wales, where, he believed, it was almost impossible to discover who were justices without a great deal of research. The chairmen of municipalities and divisional boards were elected in February and March, and it would be very inconvenient that 80 or 100 of those appointments should be made during those months, and then hold office until the following February or March. He would point out also that as the annual commission was appointed in January, if all the

chairmen were appointed on the next annual commission they would remain on for the whole year, though they were only wanted to be magistrates during their term of office. It would be most inconvenient to put them on in January and have to strike them off in February or March; and, besides, it would be much like offering them an insult through the *Gazette* every year. He could not see any reason why the present practice should not be continued. Again, the amendment would interfere with the provisions of the Licensing Act with respect to licensing justices. The chairmen of these boards were *ex officio* licensing justices during their term of office, and they were able to render very valuable services in that respect. He therefore moved that the amendment in clause 4 be disagreed to. He had caused to be circulated to hon. members a printed statement of the reasons which they proposed to offer to the Legislative Council for disagreeing to the amendments referred to.

Mr. NORTON said he quite agreed with the Premier that it was desirable that the men holding the positions referred to should be able to exercise the authority justices usually exercised—of course, within their position. He had watched the system for a long time, and there was only one case that came before him in which it was desirable the appointment should be altered. Apart from that he thought it desirable to make the office one that would be sought after and give an inducement to men to take an interest in their districts and look to hold office as members of divisional boards. Of course, under all circumstances they might expect that some would hold office who might not be as suitable as they ought to be. They found that in the case of ordinary justices, not a few of whom—he was going to say—ought never to be on the commission at all. However careful the Government might be in selecting the names, they might be misled and make mistakes. For his part, he thought the provisions to which the Legislative Council objected tended to get a better class of men on municipal councils and divisional boards, and he believed that in time the best men in a district would come forward. He thought the provision had a tendency to improve rather than deteriorate, and for that reason he thought it desirable that those men should be justices.

Question put and passed.

The PREMIER moved that the Legislative Council's amendment, omitting clause 8, be disagreed to.

Question put and passed.

The PREMIER moved that the Legislative Council's amendment, omitting clause 9, be disagreed to.

Question put and passed.

On clause 15, as follows :—

"A justice other than a judge of the Supreme Court or a district court shall not exercise any of the functions of his office until he has taken or made an oath or affirmation of allegiance and the oath or affirmation of office prescribed by the Oaths Act of 1867, or any other Act in force for the time being amending or in substitution for that Act. Notwithstanding anything in that Act contained a justice may make an affirmation of allegiance instead of taking the oath of allegiance as therein provided.

"Such oaths or affirmations may be taken or made before, and may be administered or received by, a judge of the Supreme Court, or of a district court, or a police magistrate, or any justice authorised in that behalf by writ of *dedimus potestatem*."

—which the Legislative Council proposed to amend by inserting the words "or other person" after the word "justice" in the second last line—

The PREMIER said the amendment read rather ambiguously, but it was an improvement, as it was not necessary that the person should be a justice. He might be some person in England or a foreign country. He proposed to amend the amendment by omitting the words "or other," and as a consequential amendment to leave out the word "justice," so that it would read "or any person authorised in that behalf," etc.

Question — That the Legislative Council's amendment be amended by the omission of the words "or other"—put and passed.

Amendment, as amended, agreed to.

The PREMIER moved, as a consequential amendment, the omission of the word "justice."

Question put and passed.

On clause 28, as follows :—

"Except as hereinafter provided, when two or more justices are present and acting at the hearing of any matter and do not agree, the decision of the majority shall be the decision of the justices, and if they are equally divided in opinion, the case shall be reheard at a time to be appointed by the justices.

"Provided that upon a complaint for an indictable offence a police magistrate, if he is one of the justices, may commit the defendant for trial notwithstanding that a majority of the justices are of opinion that the defendant should be discharged. In any such case, a memorandum of the dissent of the majority of the justices shall be made upon or attached to the depositions."

—which the Legislative Council proposed to amend by inserting the words, "and in the absence of a police magistrate, any two or more of the justices"—

The PREMIER said the clause was amended by the Legislative Council to this effect: that if there was a division of opinion on a committal case, although a majority of the bench might agree to discharge the accused, two or more justices agreeing to commit him could do so. In fact, it gave two justices who concurred the same power as the clause when it left the Assembly conferred on the police magistrate. On the whole, he thought it was a good provision, and he therefore moved that the amendment be agreed to.

Mr. NORTON said a good deal of discussion had taken place when the Bill was in committee upon the question whether the power should be given to the police magistrate, and a number of members were opposed to it. He did not quite believe in giving the power to two magistrates. There might be a dozen or more on the bench, and those two might have a hostile feeling towards the prisoner. Of course, the object was to give them the power if they thought the others had a friendly feeling towards the prisoner. He did not think it was desirable that the power should be given to two justices to reverse the decision of the majority. One reason for giving it to the police magistrate was that he was supposed to have a better training and knowledge of law than ordinary magistrates.

The PREMIER said he thought there was a great deal to be said in favour of the amendment. It was much more likely that the bench would be packed for the purpose of getting a man off than for the purpose of securing his committal. It would be a very singular thing if two persons went on the bench actuated by personal feelings against the prisoner, and committed him against the decision of the majority. If such a thing occurred some remedy would be found.

Mr. NORTON said that when the question of remands was before the Committee, one member of the House, who was a magistrate, said it was a very convenient thing that a magistrate should have the power of making remands. He mentioned a case where he was on the bench, and remanded a prisoner from week to week simply because he had reasor to believe there was not sufficient evidence to convict him, and he felt

satisfied he should be convicted. Thus he punished the prisoner by remanding him continually. The Chief Secretary should bear that in mind, and not place power in the hands of a couple of magistrates, who might have a perfect reliance on their own opinion apart from the evidence, and who would be prepared to do things ike that.

Mr. DONALDSON said the Premier's arguments would cut both ways. The hon. member said it was generally a man's friends who would pack the bench for the purpose of acquitting him; but he did not seem to see the possibility of two opponents going there for the purpose of committing him. In a case tried the other day something of that kind occurred—the case of Hammond *v.* Smith and other magistrates of Windorah. It was within his (Mr. Donaldson's) knowledge that there was a very strong feeling in that district against Hammond; he had the reputation of branding other people's cattle, and it would take very flimsy evidence to commit him. It was possible magistrates might go for the purpose of committing a man; they had very queer law in the West sometimes. He thought they ought to leave the matter to the majority of the justices; if they liked, they could remand the case for the police magistrate, who was an officer of the Government. There might be some justice in giving him the power, though he (Mr. Donaldson) was opposed to it.

The PREMIER said that when five justices came to the bench on an ordinary committal case—that was to say, in country districts—there was generally something suspicious about it.

Mr. NORTON said that was not very complimentary to the magistrates the Government appointed.

The PREMIER said he did not think they often did such things—not those the present Government appointed.

Mr. NORTON said the hon. member might trust them not to do it. The best means to encourage magistrates to do their duty was to treat them with confidence, not to suspect them of doing things they ought not to do.

Amendment agreed to.

On clause 69—

The PREMIER said the clause provided that if a person were taken into custody without a warrant, and no justice were available, the inspector or sub-inspector of police, or other officer in charge of a police station, might admit him to bail, except when the offence was of a serious nature. It was a clause adopted from an Act passed in England some years ago. The Legislative Council proposed amendments giving the same power to a clerk of petty sessions; he did not see any objection, and therefore proposed that the amendment be agreed to.

Mr. FOXTON said he noticed that by the definition of clerk of petty sessions an acting clerk of petty sessions would come under that designation. There were many acting clerks of petty sessions who were merely constables, and he doubted whether it was advisable to give that power to a senior constable.

The PREMIER said he had had some doubt about that at first; but every police officer acting as clerk of petty sessions was always the officer in charge of the police station, and he was already included by another part of the clause.

Mr. NORTON said the provision was sometimes very desirable. Only the other day a constable was drunk and wanted to fight, and when a respectable citizen tried to stop the fighting the constable took him in charge and locked him up. If a thing like that occurred in an out-of-the-way part of the country the man might be locked up for a considerable time. When they had such constables as that to deal with, perhaps it was just as well to give the power to the clerk of petty sessions.

Amendment agreed to.

On clauses 80, 87, 88, and 92, verbal amendments introduced by the Legislative Council were agreed to.

On clause 94, as follows:—

"When justices have fixed as regards any recognisance the amount in which the principal and sureties (if any) are to be bound, the recognisance, notwithstanding anything in this or any other Act, need not be entered into before the same justices, but may be entered into by the parties before the same or any other justice or justices, or before any clerk of petty sessions, or before an inspector or sub-inspector of police or other police officer who is of equal or superior rank, or who is in charge of a police station, or, where any one of the parties is in gaol, before the keeper of such gaol; and thereupon all the consequences of law shall ensue, and the provisions of this Act with respect to recognisances taken before justices shall apply, as if the recognisances had been entered into before such justices as heretofore by law required"—

which the Legislative Council had amended by inserting the words "where it is not practicable to have the recognisance entered into before a justice or clerk of petty sessions" after the words "clerk of petty sessions, or," in the 6th line of the clause—

The PREMIER said he had some doubt about the amendment. It proposed that the provisions of the clause should only take effect when it was not practicable to have the recognisance entered into before a justice of the peace or a clerk of petty sessions. If it were practicable to get a justice of the peace or a clerk of petty sessions, they should do so; but it was not always easy to get one. He thought the amendment might very seriously interfere with the beneficial effect intended to be given by the section. One policeman might say, "It is quite practicable to get a justice of the peace; go and get one," although a justice might not live within five miles. Another man might say, "There is no justice here this afternoon; it is too much trouble to go across the road to get one, and I will take your recognisance." He really could not see what exact meaning was to be given to the word "practicable."

Mr. NORTON: I do not see any good in it.

The PREMIER said the intention of the clause was to facilitate the liberation of a man, and as all that had to be done was a formal act, he would move that the amendment be disagreed to.

Amendment disagreed to.

On clause 125, which the Legislative Council proposed to amend by inserting the words "or if the Attorney-General or other duly appointed prosecuting officer declines to file an information against the defendant for the offence," after the word "charged," and by inserting the words "upon being duly informed of the fact" after the word "justice," in the 8th line of the clause—

The PREMIER said that amendment supplied an omission existing in the clause as passed in that Chamber. The clause provided for the discharge of a witness who had been committed for refusing to enter into a recognisance, in the event of a justice not committing the defendant; but there was another case not provided for, where, although the justices committed him for trial, no information was filed against him. The amendment was a very useful one, and he moved that it be agreed to.

Amendment agreed to.

The House resumed; the CHAIRMAN reported that the Committee disagreed to some amendments of the Legislative Council, agreed to others, and that they agreed to one amendment with an amendment, and a consequential amendment.

Report adopted.

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

"That the Legislative Assembly disagree to the amendments of the Legislative Council in clause 4, and omitting clauses 8 and 9, for the following reasons:—

"It is highly convenient that the chairmen for the time being of divisional boards should exercise the functions of justices, and it is not desirable to depart from the practice, which has been followed for many years, of issuing a general commission of the peace at the beginning of each year. It would, therefore, be impracticable to include the names of the chairmen of divisional boards in the general commission, and it would cause great administrative inconvenience if they were appointed from time to time upon their being severally elected in the months of February and March. Moreover, as the appointment could not be made for a temporary period only, it would become necessary, in order that they might exercise the functions of justices during their whole term of office, to include them all in the general commission for the following year, and then either to retain them on the commission for the whole of that year (which might be inexpedient), or else to adopt the course, open to obvious objection, of formally removing them from the commission if they should not be re-elected. The present law, which has now been in force for several years, is believed to have worked satisfactorily and to the public advantage, and it has never yet been found necessary to exercise the power proposed to be conferred by the 9th clause, which is sufficient to effectually prevent any unfit person from taking part in the administration of justice. It is conceived that the provisions relating to the exercise of the functions of justices by chairmen of divisional boards properly find place in a Bill dealing with the whole question of the appointment of justices of the peace.

"Propose to amend the amendment in clause 15 by omitting the words "or other," and propose as a consequential amendment to omit the word "justice" before those words.

"Disagree to the amendment of the Legislative Council in clause 94, because it might seriously diminish the beneficial operation of the provision of the clause, and it is not easy to define the circumstances under which it would or would not be practicable to procure the attendance of a justice or clerk of petty sessions.

"And agree to the remaining amendments in other parts of the Bill."

Question put and passed.

DIVISIONAL BOARDS BILL No. 2.

COMMITTEE.

On this Order of the Day being read, the House went into Committee of the Whole to further consider this Bill in detail.

On clause 57, as follows:—

"For the purposes of every election the returning officer shall and may from time to time appoint polling-places, but so that if the division is subdivided there shall be always one polling-place at the least in every subdivision thereof, and that no polling-place shall be appointed or abolished after the day succeeding the day of nomination.

"A polling-place may be appointed outside the limits of the division or subdivision for which the election is held, but no polling-place shall be appointed in a church, chapel, or other place of public worship, or in a house or place licensed or registered for the sale of fermented or spirituous liquors."

Mr. NORTON said there was nothing in the clause to define what was a place of public worship. There were schools—he did not mean public schools, but Sunday schools which were used as places of public worship until a church was erected—and he did not see any reason why they should not be used as polling-places if the people did not object.

The PREMIER said he did not know that any doubt had ever been suggested before as to what was the meaning of a place of public worship. Everybody knew what a place of public worship was; it was a place where public worship was ordinarily held. He did not, however, see any harm in having polling-places in churches or chapels if the owners allowed them to be used for that purpose. The provision was one of those found in all Acts of that kind, and he did not know how it first got there.

Mr. NORTON said he thought it would be better to cut the words out altogether, and would therefore move the omission of the words "church, chapel, or other place of public worship, or in a," in the latter part of the clause.

Amendment agreed to.

Mr. GRIMES said he thought it would not be amiss to extend the time for closing the poll from 5 to 6 o'clock in the case of divisional elections. There was a large number of working men who were employed in the city and had their residences in the suburbs. They left off work at 5 o'clock and would have ample opportunity of recording their votes if the poll was kept open till 6 o'clock, but if that was not done they would not be able to vote, as they would not lose a day's work in order to remain in the district for that purpose. He therefore moved the omission of the word "five" with the view of inserting the word "six."

Mr. NELSON said he did not think that would work in country districts.

The PREMIER: This only applies where there is voting by ballot.

Mr. NELSON said it would be better to let the clause stand as it was, and add a few words giving the board the option to extend the time to 6 o'clock if they thought it desirable to do so.

The PREMIER: This does not apply to voting by post.

Mr. NELSON said that, even where the voting was by ballot, it would be very inconvenient in many places to extend the time to 6 o'clock. The object of the mover of the amendment might be attained by giving the board power to extend the time to the hour named, but it would not do to make the extension imperative.

Mr. HORWITZ said 6 o'clock was too late altogether. The working classes had from 12 to 1 o'clock for dinner-hour and generally voted during that time. It was far too long to keep the poll open from 9 a.m. to 6 p.m.

Mr. LUMLEY HILL said the adoption of the amendment was likely to lead to cases of fraud. In winter time it was about dark at 6 o'clock, and that would facilitate any attempts at fraud in voting. They had had enough of that kind of business. The usual hour for closing the poll was 4 o'clock, and he thought 5 o'clock was a very fair extension of the time. If a man could not manage to come between the hours of 9 and 5 to represent his own interest he could not think much of that interest. He would vote against the amendment proposed by the hon. member for Oxley.

Mr. McMASTER said every person would not have the opportunity to vote before 5 o'clock. Many a working man living in the suburbs was anxious to vote at the elections for his division, but could not afford to lose a day's work to do so. The hour at dinner-time was not sufficient for a man employed in the city to eat his dinner and go to a portion of Booroodabin, or Woollongabba, or Toombul, for the purpose of recording his vote. He could not go there and back in that time, unless he ate his meal on the way; whereas, if the poll was open till 6 o'clock, he would have sufficient time after leaving his work at 5, to go and give his vote, if he hurried home.

If they were going to debar the working man from voting, after what they had done the previous evening, they would make that a land proprietors' Bill. They ought not to hinder a working man from giving his vote, or compel him to lose a quarter or half a day in order to record it.

Mr. CAMPBELL said he thought 5 o'clock was late enough, particularly in country districts. If an election took place in winter-time it caused people to congregate in places where there was perhaps no police protection, and rows invariably followed. He thought they should retain the hour of 5 o'clock.

Mr. LUMLEY HILL said they could not be expected to legislate entirely for the city of Brisbane and its suburbs. They must legislate for the country districts as well—they must take the community as a whole. He was as anxious as anyone that the working man should not be deprived of the opportunity of recording his vote. If working men had to make some little sacrifices they would be able to appreciate the franchise all the more. He thought it was unfair to make the amendment apply all over the colony, when the only possible place where it would be of any use was in the city of Brisbane and its suburbs. Why should they make a special law for the city, which would compel returning officers in all the country districts to keep open the poll till 6 o'clock, when, as the hon. member for Aubigny had pointed out, there were likely to be considerable shindies, and rows, and trouble about the business—in addition to what he had pointed out about the opportunities that would be given for personation and frauds?

The PREMIER said the elections should all take place in the months of February and March, and it was not dark then until after 6 o'clock.

Mr. BLACK said the tendency seemed to be to treat this as a municipal Bill rather than a Divisional Boards Bill. They had heard a great deal about tenants, and so on; but it was a Divisional Boards Bill, which should apply to the whole of the country districts—of course Brisbane included. He thought that the working man, from what he knew of him, would endorse anything that encouraged the eight-hours' system—from 9 o'clock to 5 o'clock—and he did not think the working man would be in any way prejudiced by the polls closing at 5 o'clock in the evening. Eight hours were quite sufficient to keep the poll open. As the hon. member for Cook pointed out, in the country districts the electors would, of course, have to travel a considerable distance to record their votes; but he saw no reason why the time for keeping the poll open should be extended to 6 o'clock.

Mr. ANNEAR said the working men employed in the North, and in fact in most of the towns in the colony, generally had property in the divisional boards. Five o'clock was the time when they knocked off, and in many cases they worked a mile or two away from where the poll was to be taken. How was it possible for a man to vote at 5 o'clock when he only left his work at that time? In England, he believed, in parliamentary elections the poll was taken up to 6 o'clock.

The PREMIER: Yes.

Mr. ANNEAR said that in Maryborough nearly the whole of the working men and mechanics held properties in divisions. Suppose, in Brisbane, a man resided at Woollongabba, and worked in the city or in the Valley, he could not go at dinner-time to record his vote, and be back at work in time. He should vote for the extension.

The PREMIER said the clause only dealt with thickly populated places, where there was voting by ballot. It did not affect country districts at all, where the voting was by post.

Mr. BUCKLAND said he should certainly support the amendment of the hon. member for Oxley, because he knew that a large number of working men, under the eight-hours system, left work at 5 o'clock, and therefore, if they had to walk one or two miles, they would be too late.

The HON. J. M. MACROSSAN said the hon. member for Northern Downs had made a suggestion which he thought would meet both sides of the question. A proviso should be inserted leaving it optional for the board to extend the time to 6 o'clock. That would meet the views of those who wished to extend the time to 6 o'clock, and of those who wished the poll to close ordinarily at 5 o'clock.

The PREMIER said that amendment did not commend itself to him so much, because the majority of the board might not desire a certain class of persons to vote after 5 o'clock.

The HON. J. M. MACROSSAN: That is too far-fetched.

The PREMIER said he did not think so. There would be great heart-burnings sometimes through a board refusing to extend the time. It was much more convenient to fix the same rule for all.

Mr. FOXTON said he thought there was another argument why it was inadvisable to adopt the suggestion of the hon. member for Northern Downs, and that was, that where there were a number of divisions close together, as there were about Brisbane, it would lead to a great deal of confusion if some closed at 5 o'clock and others at 6 o'clock. Under the circumstances it would be highly undesirable that such a state of confusion should exist.

Mr. ALAND said he did not think that hon. members need cry out about the working man—that he wanted the hours lengthened. So far as his experience went, the working man was very well satisfied to have the poll close at 5 o'clock. He thought the practice was that when there was an election on, no matter whether it was a parliamentary or municipal election, the working men knocked off work a little sooner in order that they might record their votes, and they could well afford to do so. He did not think they should specially legislate for the working man to save an hour or half-an-hour of his time. There were very serious objections indeed to an extension of the time to after dark, and they knew that if an election took place in the winter months it was dark before 6 o'clock. The whole proceedings should be finished before darkness came on.

Mr. LUMLEY HILL said the Premier had pointed out that the elections took place in February or March. Suppose a vacancy occurred through a death or resignation at any other time? There were very few employers of labour in the colony who would refuse to allow their men to go away an hour earlier to vote. The relations between the labourer and the employer here were not so very stringent as all that. In all his experience an employer did not object to giving his men every facility for exercising their franchise. So far as he was personally concerned he had given them a great deal more than that.

Mr. FOOTE said there was another point. In the thickly populated districts around the city the boards might appoint the poll to take place on a Saturday, when the men knocked off at 1 o'clock and had the whole afternoon to themselves.

Mr. JESSOP said there appeared to be a great difference of opinion in reference to the extra hour. The time ought to be extended to 6 o'clock in the case of voting by ballot, but should remain as it was when the voting was by post.

The PREMIER said the clause only dealt with open voting.

Mr. McMASTER said that in country places the voting was done by post, except around the towns. Where the population was very much scattered they voted by post, and if the voting-papers were posted before 4 o'clock they would be in time. But he was speaking of places where the population was closely settled as it was in the large towns. He was sure that Woollongabba and part of Booroodabin were quite as closely settled as some of the inland towns—even as closely settled as Toowoomba. Persons who were living in those places perhaps worked in town, and they must lose an hour or two, or a quarter or half of a day to be in time to vote. It was all very well for the hon. member for Cook (Mr. Hill) to say that no employer of labour would begrudge a person the time to go and vote on a polling day. If he had a score or two of men working at 1s. 6d. or 2s. an hour, he would very soon find that he would not be likely to let them all away for the purpose of voting—particularly if he had any suspicion that they would vote against himself or his friends who might be putting up for election. He would soon tell them that he really could not allow them to go, and so would deprive them of their vote. He (Mr. McMaster) failed to see where the hardship or fraud, which the hon. member for Cook spoke about, would come in after 5 o'clock. If there was fraud such as he spoke so often about, it could be done between 9 and 5 o'clock equally as well as between 5 and 6 o clock.

Mr. LUMLEY HILL: After dark.

Mr. McMASTER said it was not dark when the most of the elections took place, and should there be a by-election, he did not think it was at all likely that any bribery or corruption would take place. Nor did he think that working men would take advantage of the extra hour to take too much strong liquor. They would vote, and vote straight. The extra hour between 5 and 6 o'clock was of great importance to working men who lived a mile or two from their work. He was quite sure they would be thankful for it. The member for Toowoomba, Mr. Aland, said that the working men had not cried out for this boon; but he (Mr. McMaster) knew for a fact that in many of the populous districts round Brisbane they were thankful when the polling hour was extended from 4 to 5 o'clock, and he was sure they would be equally thankful to have it extended to 6 o'clock, so that everyone would be able to record his vote.

Mr. BULCOCK said that from what he had seen of elections he did not think it would be a great improvement to extend the polling to 6 o'clock. People generally got excited; a considerable amount of liquor was drunk; and he had himself been exceedingly glad when the poll had closed at 4 o'clock. It would, he thought, be a serious misfortune if the time were extended to 6 o'clock.

Mr. LUMLEY HILL said they might adopt the suggestion of the member for Bundanba, and have all the elections on Saturday, when there was not the slightest fear of the men being taken away from their work. As for the statement that he himself had no sympathy with the men and would not let them away to vote, he certainly would not scruple about giving them an hour. When his men wanted to go and vote at the only election he had the opportunity of letting them away, he had given them, not an hour, but three days. He lent them horses to go, and told them to go and vote for whom they wished.

An HONOURABLE MEMBER: It was to vote for your man.

Mr. LUMLEY HILL: Yes; they always voted in the way he wanted, for he always enjoyed their sympathy and confidence.

Mr. GRIMES thought that his Californian Gully experience was to the member for Cook what fire was to a burnt child. He was always afraid of fraud. He (Mr. Grimes) had no fear of fraud in this case. He had had considerable experience in municipal and board elections, and it was from that experience that he had moved his amendment. He knew that closing the poll at 5 o'clock had been the means of disfranchising a good number of ratepayers. He did not see how they should be called upon to sacrifice half-a-day's labour in order to record their vote, and he still thought that it would be an improvement to the Bill to have the poll open until 6 o'clock.

Mr. LUMLEY HILL: Can't the hon. member for Oxley accept the suggestion of the hon. member for Bundanba, and have all elections on Saturday?

The PREMIER: What about the people coming into town on Saturday to do their marketing?

Question—That the words proposed to be omitted stand part of the clause—put.

The Committee divided:—

AYES, 29.

Messrs. Macrossan, Norton, Miles, Dickson, Moreton, Hamilton, McWhannell, Jessop, Foote, Lumley Hill, Philp, Lissner, Pattison, Kates, Wakefield, S. W. Brooks, Campbell, White, Bulcock, Lalor, Aland, Nelson, Black, Donaldson, Murphy, Higson, Ferguson, Horwitz, and Palmer.

NOES, 14.

Sir S. W. Griffith, Messrs. Foxton, Annear, Sheridan, Dutton, Salkeld, Bailey, Macfarlane, McMaster, Mellor, Jordan, Adams, Buckland, and Grimes.

Question resolved in the affirmative.

Clause put and passed.

On clause 59—"Candidate may retire within a certain time"—

Mr. JESSOP said that the clause provided that after a poll had been appointed to be taken a candidate might retire not later than four clear days before the polling day. He thought the time was too short to give the ratepayers notice.

The PREMIER: This is voting by ballot, not by post.

Mr. JESSOP said that even supposing it was, some of the country divisions might elect to have voting by ballot, and the time given would not give the ratepayers sufficient notice of a candidate having retired. In the divisions around Dalby the mails only went out once a week, and if a candidate retired only four days before the polling day not one in twenty of the ratepayers would know of his retirement. He thought it would be only fair to make the time seven days. He therefore moved the omission of the word "four" with a view of inserting the word "seven."

The PREMIER said it was only a question of convenience. He did not think that voting by ballot would be likely to take place in any district where four days would be too short a time to send the ballot-papers round. He believed that voting by ballot was better than voting by post where it was practicable. Fourteen days must elapse between the day of nomination and

the day of the poll, and they wanted to give a man a reasonable time to retire and save the expenses of the election if he thought fit to do so. If they made the time for retiring very short it would only increase the expense. As the clause stood the ballot-papers could not be sent out until four days before the poll, and if that was too short it ought to be extended. He did not think it would be found too short.

Mr. MELLOR said that the voting by ballot would be the same as voting for parliamentary elections. The ballot-papers would not be sent out except by the returning officer, and surely it would not take him four days to go to the polling-place. The amendment would only be taking away the time given a man to retire. He thought four days quite long enough.

Mr. NELSON said the difficulty was this: Supposing a man retired only four days before the day appointed for the poll, a great number of selectors would be put to considerable inconvenience in coming to the poll only to find that there was none to be held. If there were only two candidates, and one retired, there would be no necessity for a poll, and the ratepayers would have no notice of that. In his division the mail was only once a week, and if seven clear days was the time stated it would obviate the difficulty.

Mr. MELLOR said he thought voting by post would be the system adopted in sparsely populated districts; they would not be likely to adopt the system of voting by ballot in such divisions.

Mr. JESSOP said they spent nearly an hour in trying to accommodate the working man for an hour, and he asked what was that in comparison to a man having to ride twenty or thirty miles to vote, and then finding that a candidate had retired and there would be no poll? They had been told that in country places they would not have voting by ballot, but he knew that in the division for which he had been a member the ratepayers said they would not have voting by post. Some of the ratepayers there lived twenty and thirty miles away from the board-room, and it would be very hard that they should have to ride that far to vote, and then find that they would not be required to vote, as the candidate for whom they intended to vote had retired. A man might come in to vote for a friend and find he was scratched. The amendment would give time for the ratepayers to know whether a candidate had retired or not, and would not make any difference in the expense to the candidates.

Question — That the word proposed to be omitted stand part of the clause—put, and the Committee divided :—

AYES, 25.

Sir Samuel Griffith, Messrs. Miles, Dutton, Dickson, Moreton, Sheridan, Foxton, Foote, Annear, Grimes, McMaster, Kates, Wakefield, S. W. Brooks, Buckland, Campbell, White, Jordan, Mellor, Bulcock, Higson, Horwitz, Bailey, Salkeld, and Macfarlane.

NOES, 17.

Messrs. Macrossan, Norton, Jessop, Aland, Palmer, McWhannell, Murphy, Ferguson, Lissner, Philp, Adams, Nelson, Donaldson, Hamilton, Pattison, Lalor, and Black.

Question resolved in the affirmative.

Clause put and passed.

On clause 60, as follows :—

"At an election the returning officer shall—

(1) Cause booths to be erected, or rooms to be provided and used as such booths at the several polling places; and

(2) Before the day appointed for taking the poll, cause to be prepared from the rate-books a correct alphabetical list, hereinafter called the 'Voters' List,' showing the names, numbered consecutively, of all the voters entitled to vote at the election in the division or subdivision, as the case may be, together with the number of votes that each voter is entitled to give at the election; and shall cause to be furnished for use at each booth or polling-place a copy of such list, certified under his hand to be a true copy."

Mr. BULCOCK said he thought it would be advisable to insert a provision that any person asking for it could get a copy of the voters' list at a reasonable cost.

The PREMIER said it was a question whether that duty should be imposed upon the returning officer. A copy of the ratepayers' list was always open for inspection, and anyone could make a copy for himself. In most places the lists would not be printed. However, if it was thought desirable to provide that copies should be furnished, it would be very easy to add words to that effect.

Mr. ALAND said he did not see how it would work in most cases. The rolls were generally not printed, but written, and the ratepayer might consider the price he would have to pay for a written copy anything but reasonable. Besides, ratepayers always had the privilege of inspecting the roll.

Mr. BUCKLAND said he took it that the roll would be exhibited so that any ratepayer might inspect it. There would be great expense in having the rolls printed; and the cost of advertising was already a very large item in the expenses of divisional boards every year. He thought it was quite sufficient if the written rolls were exhibited.

Clause put and passed.

Clauses 61 and 62 passed as printed.

On clause 63, as follows :—

"If by reason of the absence of the presiding officer the poll is not taken at any polling-place, the election shall not be therefore void, but the returning officer may appoint another day not later than seven days from the day appointed for taking the poll at such polling-place, of which appointment due notice shall be publicly given, and the poll shall be taken accordingly and be deemed to have been taken on the day first appointed."

Mr. NELSON said there was the same objection in that clause in regard to the term of seven days. Many of the ratepayers would not get the notice in time.

The PREMIER said there would be a mail within seven days.

Mr. NELSON said it would be better to make it ten days in order to make sure that ratepayers would receive notice.

Mr. NORTON said he thought the time allowed ought to be fourteen days. Suppose the mail left on Saturday, and the poll ought to be taken on Monday? Then there would be no opportunity of sending the notice till the next Saturday, and in many cases it would be some days before the ratepayers received the notice.

The PREMIER said that wherever the voting was by ballot there would be a weekly mail at least, and whatever day was fixed for the poll, there would be time before the expiration of a week from that day to give the necessary notice. The only instance in which a week would not be sufficient time would be when the polling was fixed for the day on which the mail left. Of course, notice would be given principally by the newspapers. Perhaps it would be as well to extend the time to ten days.

Mr. NORTON said a fortnight would be better. The hon. gentleman assumed that voters would get the notice as soon as the mail arrived, whereas very often they did not get their letters or papers till two or three days afterwards.

The PREMIER said the clause referred only to particular polling-places, not to the general poll. There would not be many electors at such places as those referred to by the hon. gentleman.

Mr. JESSOP said it would apply to nearly all the outside districts. Beyond Toowoomba the divisions on the Darling Downs had only one polling place each.

The PREMIER said that as it was desirable that the voting should be by ballot in as many cases as possible, he would move that the word "fourteen" be substituted for the word "seven."

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

Clauses from 64 to 66, inclusive, passed as printed.

On clause 67, as follows :—

"Every presiding officer shall have power and authority to maintain and enforce order and to keep the peace at any election or polling held before him; and may, without any other warrant than this Act, cause to be apprehended and taken before a justice any person reasonably suspected of—

(1) Knowingly and wilfully making a false answer to any of the questions hereinafter mentioned; or
(2) Personating or attempting to personate any voter; or
(3) Attempting unlawfully to vote more than once at the same election; or
(4) Leaving or attempting to leave the polling-booth after having received a ballot-paper, and before having deposited the same in the ballot-box as hereinafter provided; or
(5) Causing a disturbance at the election;

and may cause any person to be removed who intrudes into or obstructs the approaches to the polling-booth, or conducts himself in a disorderly manner. And all police officers shall aid and assist such presiding officer in the performance of his duty."

Mr. MACFARLANE said he wished to introduce after subsection 4 the following words :— "Or depositing in the ballot-box a blank form." If a blank form was deposited in the ballot-box, and the person who placed it there took out the original ballot-paper, he could use it as he chose. By getting one ballot-paper out he could make use of papers one after the other all the day, and that ought to be prevented.

An HONOURABLE MEMBER: Is that in Ipswich?

Mr. MACFARLANE said that Ipswich had been mentioned in connection with that.

Mr. FOOTE: George Thorn?

Mr. MACFARLANE said he was not going to say whether that gentleman had ever done it or not. They all knew, however, that such a thing should be made impossible, and he therefore proposed as an amendment that the words "Or depositing in the ballot-box a blank form" be inserted after subsection 4.

The PREMIER: Paragraph 4 means the same thing.

Mr. NORTON said paragraph 4 practically provided for what the hon. member had mentioned; but a man could not be caught depositing a blank paper in the box. There was one matter, however, for which provision had not been made. In the event of a man taking his ballot-paper out of the polling-booth of course he did it to pass it on to someone else; and the clause ought to provide that the presiding officer or anyone else should have power to cause any person bringing a ballot-paper into the booth to be apprehended. Of course, the object in taking one paper out was to give it to someone else, and he believed the dodge that the hon. member for Ipswich had referred to just previously was worked in the following way: The blank paper was put into the ballot-box and the certified form was taken outside; another man took that in and brought out a blank form, and he then put the one with the names already erased in the box and brought the other out. He believed it had occurred in Ipswich. He would suggest that a paragraph be inserted, after paragraph 4, providing that a man having a ballot-paper in his possession, except inside the polling-booth, and which he had then and there received from the presiding officer, should be apprehended.

The PREMIER said that the clause only provided for what happened inside the booth. The 4th paragraph seemed to be the only way of dealing with the offence, by punishing a man for taking a paper outside the polling-booth. Of course they would have to catch him.

Mr. NORTON: I know that; but you have to catch him bringing one in.

The PREMIER: You cannot possibly catch him doing that.

Mr. NORTON: It is just as easy to catch him at that as the other.

The PREMIER said a voter might go in, get a ballot-paper marked by the presiding officer, take it out, and another man bring it in. He got another, and he put the first one into the box; how was it possible to discover it?

Mr. NORTON: He has to deposit one.

The PREMIER said if a man were seen outside handing a ballot-paper to another it would be an easy matter to catch him; but he did not really think a man would be caught doing that. The clause did not provide for what took place outside the polling-booth; but he did not see any other way of dealing with it.

Mr. NORTON said he thought it was possible by marking the ballot-papers and numbering them. The number of the paper should be the number of the man who had to vote, so that if a man took his own ballot-paper out, and somebody else brought it in, it was very easy to prove what had been done. Practically it was personation, although he did not know whether it was personation within the meaning of the Bill; but if a man succeeded in getting a marked ballot-paper outside and passed it on to someone else, there were usually a good many people outside, and it was just possible the transfer of the paper might be seen before the man who received it went inside, by some of the other side who were supposed to have their eyes about them. They might see the voting-paper passed over to him, and, as soon as he went into the booth they might call the attention of the presiding officer to the fact that he had a paper. It was quite as easy to find out if he brought one in as if he took one out.

Mr. JESSOP pointed out that clause 75 provided that no voter should take out of the booth or polling-place any ballot-paper either before or after the same had been so marked, and that any person infringing the provisions of that section, or who obstructed the polling by any unnecessary delay in performing any act within the ballot-room, should be guilty of a misdemeanour.

The PREMIER proposed that the clause be amended by inserting, at the end of the 4th paragraph, the words "attempting to vote by means of a ballot-paper which has been delivered to another person, or."

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

Clauses 68 to 74, inclusive, passed as printed.

On clause 75—"Mode of voting"—

Mr. NORTON said he thought some slight alteration was required in the 2nd paragraph of the clause. The paragraph provided that—

"If a voter is unable to read, or is blind, he may signify the fact to the presiding officer, who shall thereupon, in the booth or polling-place, and in the presence and sight of the poll-clerks, candidates, and scrutineers, strike out the names of the candidate or candidates other than the candidate or candidates for whom the voter says that he desires to vote."

They might not be all present at the time. Would it not be better to insert the words "or such of them as are present," to meet cases of that kind?

The PREMIER said he would accept the amendment.

Mr. NORTON moved that the words "or such of them as may be present" be inserted after the word "scrutineers."

Mr. PATTISON said the clause was a very unnecessary violation of the principle of the ballot. If it was necessary to fill up the ballot-paper at all, let it be seen by as few people as possible—say, the returning officer, or, perhaps, the poll clerk. To fill it up in the presence of the scrutineers and the candidates would violate the principle of the ballot.

Mr. S. W. BROOKS said he had seen the operation of that system at a parliamentary election, and his opinion was that there should be more persons present than the returning officer.

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

Clauses 76 to 78, inclusive, passed as printed.

Clause 79—"Proceedings in case of riot or violence"—was amended by the correction of a printer's error; and the 2nd paragraph of the clause—"Adjournment when from some cause no election on day appointed"—was amended by the insertion of the words, "other than the absence of the presiding officer" after the words "if from any other cause."

Clause, as amended, put and passed.

Clause 80 passed with a consequential amendment.

On clause 81, as follows:—

"Every presiding officer other than the returning officer shall, at the close of the poll, in the presence of the poll-clerk, if any, and of such of the candidates and scrutineers as may attend, examine and count the number of votes received for each candidate at the polling-place at which he presided, and shall make out a written statement, signed by himself and countersigned by his poll-clerk, if any, and any scrutineers who are present and consent to sign the same, containing the numbers in words as well as figures of the votes received for each candidate so counted as aforesaid; and after making out and signing such statement shall make up in one parcel all the ballot-papers, together with the voters' list supplied to him by the returning officer (which shall be signed by him and the poll-clerk, if any) and all books and papers used by him during the polling, and in another parcel all ballot-papers set aside for separate custody as aforesaid, and shall seal up such parcels and permit the same to be sealed by the scrutineers present if they so desire, and shall with the least possible delay deliver such parcels and statement or cause them to be delivered to the returning officer; and shall, by the next practicable opportunity thereafter, also transmit a duplicate of such statement, signed and countersigned as aforesaid."

Mr. BULCOCK said there had been cases in some divisional elections where the voting-papers had been merely rolled up and a piece of paper wrapped round them and gummed without any other sealing, so that the voting-papers could be easily slipped in and out, and some returning officers maintained that that was quite sufficient. He thought the voting-papers should be made so secure that they could not be tampered with, and therefore moved that words "securely fastened and" be inserted between the words "shall" and "seal," in the latter part of the clause.

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

Clauses 82 and 83 passed with consequential amendments.

On clause 84, as follows:—

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

"If the number of votes for any two or more candidates is found to be equal, he shall decide by his casting vote which shall be elected.

"The returning officer may, if qualified, vote at the election in addition to his casting vote."

The PREMIER said he would call attention to the last paragraph, which was new. The present provision was that a returning officer should only have one vote. The clause would enable him to give a second vote. He forgot the reason that induced the Government to propose that, but it was suggested by some of the divisional boards if he remembered rightly. He did not see any reason why a returning officer should not have two votes—a vote, and a casting vote.

Mr. NORTON said there was a good reason why a returning officer should have two votes; he was entitled to a vote as a ratepayer, and if there was an equality of votes, he should then have a casting vote. An equality of votes occurred so seldom that they might just as well give him the right to vote in his capacity as a ratepayer.

Clause put and passed.

On clause 85, as follows:—

"The returning officer shall forthwith, after the declaration of the poll at any election, enclose in one packet the several sealed parcels so made up and sealed by him, and shall seal up such packet and endorse the same with a description of the several contents thereof, and with the name of the division and subdivision, if any, and the date of polling, and shall sign such endorsement with his name, and shall cause such sealed packet to be delivered to the clerk, who shall safely keep the same for twelve months after the receipt thereof.

"At the expiration of such twelve months the chairman shall cause the ballot-papers to be destroyed in the presence of at least three members of the board.

"If any question at any time arises touching the votes alleged to have been given at any election, the ballot-papers contained in any such sealed packet shall be received in evidence as proof of such votes in any court of justice upon production thereof, and upon proof that the same were transmitted to the clerk in due course by the returning officer."

On the motion of the PREMIER, the words "fasten and" were inserted after the word "shall" in the 3rd line.

Mr. NORTON said he did not know whether it signified much, but the 2nd paragraph provided for the destruction of the ballot-papers after twelve months. Would that apply in the case of disputed elections?

The PREMIER said an election must be disputed within four months.

Clause, as amended, put and passed.

Clauses 86 to 88, inclusive, put and passed.

On clause 89, as follows:—

"The returning officer shall forthwith after the day of nomination transmit by post to every voter entitled to vote at the election a printed or written, or partly printed and partly written, voting-paper, or if a voter appears by the rate-books to be entitled to give more votes than one, then so many voting-papers as are equal to the number of votes which such voter appears to be entitled to give.

"The envelopes containing the voting-papers so posted by the returning officer shall be endorsed with the words 'Voting-paper, Division of ,' and shall be transmitted post free, any statute to the contrary notwithstanding.

"Every voting-paper shall contain the names in full in alphabetical order of all the candidates for the division or subdivision, as the case may be, and shall be in the form in the Third Schedule to this Act, and shall be initialled by the returning officer."

Mr. MELLOR said he thought it would be better if some person other than the chairman of the board were to be returning officer. He believed that the police magistrate would be better. He knew of instances where it had made a difference as to who a ratepayer voted for, whereas a police magistrate would have no interest in the election.

Mr. NORTON: There might be no police magistrate there.

Mr. MELLOR said it would be as well if some other person were made returning officer. He was certain that in some instances it influenced elections—the chairman being cognisant of the voters, and for whom they voted.

The PREMIER said that under the Local Government Acts it was one of the functions of the chairman to act as returning officer, and he did not see how they could alter it. There must be a returning officer to give a casting vote, and to do that he must be a ratepayer, and entitled to vote. He had never heard of any abuse arising from that source.

Mr. BULCOCK said he had known cases in which the result of an election would have been different had it not been for the fact of the chairman being returning officer also. The ratepayers knew that the chairman of the board had a good deal to say as to how the money should be expended, and on that account the election had been altered in its results. If it could be done—he himself did not see how it could—an alteration should be made. He was sure it would commend itself to the people gener lly.

Mr. PATTISON said he did not see what the returning officer could have to do with the expenditure. Each subdivision expended its own money and received its own subsidy, and therefore a returning officer could not influence the funds of any other subdivision than his own. He thought it was rather a poor argument to use, and he was pleased to see the Premier take the stand he did. To import police magistrates into the question would be a very great mistake. Certainly, if a chairman was not fit to carry on an election, he was not fit for the position he held.

Mr. BULCOCK said he knew this to be a fact. In one case not far from Brisbane, the chairman said, when he saw how several ratepayers had voted, "I will take good care that they get no money spent in their district this year." The chairman was returning officer, and when there was an unprincipled chairman it was a kind of intimidation to the ratepayers, and they had said so.

Mr. BUCKLAND said the only way to get over the difficulty was to vote by ballot. This, of course, referred to voting by post, and it might be obviated by voting by ballot.

Mr. GRIMES said it might be obviated by having the voting-papers so printed that they could be folded without the signature being seen when the paper came before the returning officer. The names of the candidates might be put upon the top of the paper, and the signature of the ratepayer below. He thought that could be managed.

Mr. PATTISON said that could not be done, as the signatures would have to be witnessed to identify the ratepayer, and would be exposed. As a matter of fact, during elections there were many officious persons who went around and collected the papers.

Mr. ADAMS said they were not all, certainly, better than they ought to be, but if returning officers said such outrageous things as had been stated the penalty contained in the 2nd paragraph of clause 86 would apply to them:—

"Every returning officer, presiding officer, poll clerk, or scrutineer who attempts to ascertain or discover, or directly or indirectly aids in ascertaining or discovering the person for whom any vote is given, except in the case of a person voting openly, or who having in the exercise of his office obtained knowledge of the person for whom any voter has voted, discloses such knowledge unless in answer to some question put in the course of proceedings before some competent tribunal; and

(3) Every returning officer, presiding officer, poll clerk, or scrutineer who places upon any ballot-paper any mark or writing not authorised by this Act;

shall be guilty of a misdemeanour, and on conviction shall be liable to imprisonment for any term not exceeding two years, with or without hard labour."

He did not think that any man that would be elected to a position on the board or a chairman of a board would lay himself open to such a penalty. He considered that to take the responsibility out of the hands of the board, or its chairman, would be a very great slur indeed.

Mr. MELLOR knew that a great many chairmen of divisional boards would be very glad to get out of the position. They did not like to know how the people voted—to have the secret, which in a moment of excitement they might slip out without thinking. The proposal was not throwing a slur upon the chairmen of the boards, for, as he had said, he knew many instances of chairmen who would be glad to get out of the position.

The COLONIAL SECRETARY pointed out that by clause 95 every voter must sign his voting-paper in presence of another voter, so that it was known how he voted.

The PREMIER said they could not have the secrecy of the ballot in voting by post, and there was no use trying to get it. But they ought to see that voting by post was not made the vehicle of fraud, and they must have the signature on the voting-paper attested by somebody else's signature. When that was done they could not help the returning officer knowing who voted and how they voted. Then if they got another man as presiding officer, they might get a man who could not give a casting vote. He was quite aware of all the disadvantages of the system, and for that reason the less voting by post there was the better.

Clause put and passed.

Clauses 90 to 92, inclusive, passed as printed.

On clause 93, as follows:—

"If the returning officer, before posting the voting-papers, receives from a candidate notice in writing of his intention to retire from his candidature, in the form following, or to the like effect:—

"I, A.B., hereby retire from being a candidate at the election of members to be held on the day of for the division [*or* subdivision of the division], of

"Dated this day of 18

"(Signed) A.B.

"Witness—

"C.D.

the returning officer on receipt of such notice shall make known as publicly as possible, by advertisement or otherwise, the fact of the candidate's retirement,

nd if the number of candidates is by his retirement reduced to the number of persons to be elected at the election, shall declare the remaining candidate or candidates to be duly elected, and if the number is not so reduced shall omit or erase the name of the candidate so retiring from the voting-papers."

Mr. JESSOP said there was no time specified for the returning officer posting the voting-papers. The returning officer might not get notice of the retiring of a candidate before he posted the voting-papers. He would suggest that the words "fourteen clear days" be inserted in the 1st line after the words "returning officer."

The PREMIER said that the returning officer was required by the 89th clause to post the voting-papers forthwith after the day of nomination. If a candidate wished to retire, why on earth should he not do so up to the last moment? He did not see any necessity to put in any specified number of days; the returning officer was to post the voting-papers as soon as he could.

Mr. JESSOP said that in country places they had not the same facilities as they had in towns.

The PREMIER said the voting-papers had to be filled up with the names of the candidates and of the electors, and the returning officer was to get them ready immediately after the nomination. He might require one day or two days or three days, but if before posting them a candidate retired, he should strike the name of that candidate out. Any time before the ballot-paper was posted a candidate might retire. Possibly the returning officer might post them one day after the nomination. Why not, if he was ready? But it would be no use for a candidate to retire after that. If they fixed a period, and said that a man might retire seven days, or four days, after the nomination, then practically they would be postponing the sending out of the ballot-papers for that period.

Mr. JESSOP thought a fixed time would be far better. Reference had been made to some actions of returning officers. Supposing a returning officer wanted to "slate" a candidate, knowing he had no chance whatever, he might delay two days and give him no chance of retiring.

The PREMIER thought that the sooner the returning officer got the ballot-papers away the better. He was to send them forthwith after the day of nomination.

Clause put and passed.

Clause 94 was put and passed.

On clause 95, as follows:—

"The voter shall strike out from the voting-paper the name of every candidate for whom he does not wish to vote, and shall then sign such paper in the presence of some other voter for the same division, or of a justice of the peace. He shall then place the voting-paper in a closed envelope addressed to the returning officer at the place of nomination, and endorsed 'Voting-paper, Division of ,' and shall transmit the same by post, and any post letter so endorsed shall be transmitted post free, any statute to the contrary notwithstanding"—

Mr. ADAMS said he had called attention to this clause on the second reading of the Bill. There had been a great deal said about voting as near as possible by ballot. Here it said that—

"The voter shall strike out from the voting-paper the name of every candidate for whom he does not wish to vote, and shall then sign such paper in the presence of some other voter for the same division."

On the second reading he had requested the Premier to see whether it would not be advisable to turn that part of the clause right round, so as to make the voter sign the paper first, and after he signed to strike out the name of the candidate he did not wish to vote for. He had seen the difficulty himself, and he knew that many would be glad to see the man sign his name before he struck out the candidate's name.

The PREMIER said, had the hon. member thought of the question from the other point of view of allowing a signature to be attached before the name was struck out? Any number of votes might be obtained in that way; they would be attested in blank, taken away, and the person who held the papers might sell them, or do anything else he liked with them. It would never do to attest a man's signature on a blank paper.

Mr. ADAMS said there was another way of looking at it. Any persons who took a blank voting-paper in that way were punishable by the Act.

The PREMIER: You have to catch them first.

Mr. ADAMS said he maintained that there was no secrecy preserved if voting was carried out in the way the clause provided.

Mr. PATTISON said the very thing the hon. member called attention to was often done. The voter would sign, and the witness would sign, and then the name would be struck off.

Mr. SALKELD said if a person was allowed to witness a signature before the names were struck out, the paper might be carried away and any other name struck out afterwards. That could be done without the consent of the voter himself. If he liked to hand over a blank paper he could do so, and if a voter would do that he would mark out the names of anyone.

The PREMIER: That would be voting by proxy, instead of voting personally.

Mr. SALKELD said it was just as broad as it was long. If a voter wished to vote in the way he was wanted to vote, whether he gave over the blank paper or marked out the candidates' names which he was requested to mark out, it would be just the same. He thought there was a real necessity to protect, as far as they could, persons who wished to vote for a particular candidate and who did not wish it to be known for whom they voted. That system was not the same as voting by ballot, but they wanted to make it as clear as possible, consistently with carrying out the Act, and it would be a very much better thing to allow a voter to sign the paper before it was witnessed and before the name of one of the candidates was struck out. He might not be able to get a witness, and even if he could, he might not wish him to know how he voted. It would be a protection to many voters if they were allowed to sign their names before they marked out the name of the candidate.

The PREMIER said there was no doubt that what the hon. member said was quite right. It would be a protection to many voters, but it would be a very easy way of encouraging fraud also. If the suggestion was carried out there would be on the face of the Act a suggestion as to how to commit a fraud, and it was not desirable to amend the Bill in that direction. They could not combine all the advantages of voting by post and voting by ballot, and it was no use trying. They must continue to suffer some of the disadvantages attaching to that method. But why could not a voter, after he had scored out the name, turn it down, and sign the paper in the presence of his friend? But if, on the other hand, the paper could be signed before the name was struck out, that would be suggesting, on the face of the Bill, a means by which fraud could be committed.

Mr. SALKELD said, as far as he understood the Bill, the object of having the signatures witnessed was to certify that the person who voted was the person who was entitled to vote, and not to certify that he voted for one person or the other.

Mr. ADAMS said he had no intention of prolonging the discussion, but he would point out that he had known cases in which two neighbours had submitted their papers to one another for verification, and if they had to get another witness to their signatures they would have had to travel two or three miles. There appeared to be a number of bad people down here, and if they really wished to take away the ballot-papers in blank they could score out the names and take the papers with them. His only object in drawing attention to the question was to make the ballot as secret as possible.

Mr. BULCOCK said the clause permitted any voter who wished to vote by post to score out the name, and then turn it over and ask any ratepayer to witness his signature. If he chose to let his witness see for whom he voted he could do so, but if he chose not to do so all he had to do was to turn over the ballot-paper, and ask someone to witness the signature.

Mr. NORTON said that showed that the system must be imperfect whatever they did, because if any elector complied with the provisions of the clause he could erase the name and then cover it up, so that the man who witnessed his signature could not see whether he had erased it or not. He might profess to erase the name and then double the paper down, and the difficulty would be the same. They could not make it perfect, and he did not see how it could be improved.

On clause 96, as follows :—

"No person who is a candidate or the agent of a candidate at the election shall witness the signature of a voter to a voting-paper for use in the election; and any such person who so witnesses a signature shall be guilty of an offence against this Act, but the vote shall not be thereby invalidated"—

Mr. PATTISON said it was as well that they should settle a question that had been a vexed question in his district, and remained so still; that was as to who was a competent witness for the signature of a marksman. At an election some three or four years ago some papers came in to him as returning officer, signed by a marksman and witnessed by a marksman; he refused those papers, and it was held that he was wrong.

The PREMIER : Who held that ?

Mr. PATTISON : The board's solicitor. It appeared to him that it was not possible for a marksman to witness a marksman's signature, and that should be made clear to returning officers.

Mr. BLACK said he would like to know how the second marksman witnessed the first marksman's signature. Did he get a third to witness his? It seemed a little "mixed."

Mr. PATTISON said the witness did exactly as the ratepayer did—made his mark on the paper, and it was held to be sufficient.

An HONOURABLE MEMBER: Were there no names?

Mr. PATTISON: Yes, the names were written by some other person, who was not a ratepayer.

The PREMIER said it was absurd to suppose that one marksman could witness the signature of another. He thought it would be as well to say that a marksman's signature should be witnessed by a justice of the peace, and also to say that no person who could not write his name should witness the signature of a voter. It would perhaps be better to insert a new clause dealing with the matter before the clause before them. He would therefore, with permission, withdraw the motion that clause 96 stand part of the Bill.

Motion, by leave, withdrawn.

The PREMIER moved the insertion of the following new clause, to follow clause 95, as passed :—

The signature or mark of a voter who cannot write must be attested by a justice of the peace or the returning officer.

He thought that a far better way of dealing with the matter.

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

Mr. PATTISON asked would it be competent for a marksman to be a witness of a ratepayer's signature? That was another question that might arise.

The PREMIER said he should add something to the clause to cover that. He proposed to add the words "No person who cannot write shall be competent to attest the signature of a voter." So that the new clause would read :—

The signature or mark of a voter who cannot write must be attested by a justice of the peace or by the returning officer. No person who cannot write shall be competent to attest the signature of a voter.

Mr. BLACK said he would like to have it explained why a voter should not be competent to attest the signature of a marksman as well as of a voter who could write. Why should a marksman be put to the trouble of finding a justice of the peace to attest his signature?

The PREMIER said the reason was to secure the genuineness of it. They knew that in practice the mark of a marksman was always attested by a justice of the peace or some person who could be identified, otherwise marksmen's signatures might be too easily got.

New clause, as amended, put and passed.

Clauses 96 to 99, inclusive, passed as printed.

On clause 100, as follows :—

"No candidate or agent of a candidate shall receive or take any voting-paper or envelope containing a voting-paper from a voter.

"Any such person who so takes or receives a voting-paper or envelope containing a voting-paper from a voter shall be guilty of an offence against this Act, and the election of a candidate who, or whose agent, so takes or receives a voting-paper or envelope containing a voting-paper shall be void."

Mr. BLACK asked what constituted an agent? It was not defined in the interpretation clause. He did not know what they did in Brisbane, but in the country districts he never knew an agent to be employed by candidates for divisional boards.

The PREMIER said everyone who had had any experience of elections knew what an agent for a candidate was; he did not think it necessary to define it. The same question might arise in every case of parliamentary elections; they all knew perfectly well what it meant.

Mr. PATTISON said that in almost all elections there was some very active person taking an interest in one of the candidates, going about soliciting votes for him. In some cases it was not unusual to find forty or fifty votes coming in witnessed by one ratepayer; he thought that was proof of agency.

Clause put and passed.

Clause 101 passed as printed.

On clause 102, as follows :—

"The returning officer shall, then and there, in the presence of his clerk, if any, and of such of the scrutineers as may attend, examine and count the number of votes for each candidate, and shall make out a written statement, signed by himself and countersigned by his clerk, if any, and by any scrutineers who are present and consent to sign the same, containing the numbers in words as well as figures of the votes received for each

candidate so counted as aforesaid, and shall, as soon as possible, there openly declare such numbers, and shall at the same time and place declare the name or names of the candidates elected.

"At the time of opening the ballot-box the returning officer shall produce, for the information of the scrutineers, the rate-books of the division, as well as an alphabetical list signed by him of all voters to whom he has posted or issued voting-papers.

Mr. SALKELD said he saw the clause provided for the presence of the clerk and scrutineers; the previous part provided that the candidates might be present as well. Was it intended to leave out the candidates?

The PREMIER said it was intentional. It was desired to keep the working as secret as possible; and the persons named in the clause were bound to secrecy.

Clause put and passed.

Clauses 103 to 105, inclusive, passed as printed.

Clause 106 passed with a verbal amendment.

Clause 107 passed as printed.

On clause 108, as follows:—

"If the returning officer is prevented from attending to any of his duties by illness or other sufficient cause, he may, or in case of his refusal or inability the clerk shall, by writing under his hand, appoint a substitute to act for him: and such substitute shall thereupon for the time being have all the power and authority of his principal."

Mr. PATTISON said he thought an amendment was necessary in order to provide that the substitute should be a member of the board.

The PREMIER said he ought to be a member of the board; but in many instances there might not be more than two or three members of the board resident in the place where the returning officer acted, and they might be candidates. Of course the substitute could not be a candidate, and it would be better to leave the clause as it stood.

Mr. MELLOR pointed out that clause 62 contained the same provision with regard to presiding officers.

Clause put and passed.

Clauses 109 to 114, inclusive, passed as printed.

On clause 115, as follows:—

"In every year two persons, being ratepayers, shall be elected to be auditors for the division, and such auditors shall continue in office until the close of the then next ensuing annual election; and such election shall take place at the same time and in the same manner, and subject to the same conditions in all respects, as the election of members of the board.

"If the division is subdivided the auditors shall, nevertheless, be elected by the voters of the whole division."

Mr. BUCKLAND said he thought it was desirable that one auditor should retire annually, and not be eligible for re-election.

Mr. NORTON said it was sometimes very difficult to get auditors to act, and he did not know that it was essential that they should be ratepayers.

The PREMIER: Hear, hear!

Mr. NORTON said that if persons other than ratepayers might act, there would be a greater number to choose from, and he therefore moved the omission of the words "being ratepayers."

Mr. BUCKLAND said there would be no difficulty in getting auditors if the fees were large enough.

Mr. PATTISON said he could not see any objection to ratepayers being auditors. The provision had worked very well in the past, and they might just as well leave it alone.

Mr. NORTON said that ratepayers might be auditors, even if the clause were amended.

The PREMIER said it was very difficult to get auditors to act. Half of them were appointed by the Government.

Mr. McMASTER said he thought it would be better to get outsiders to act as auditors; they were more likely to be impartial.

Mr. PATTISON said that one very good reason why the clause should not be amended was that the affairs of a division were managed by the ratepayers themselves, and not by outsiders.

Mr. MELLOR said it would be entirely in the hands of the ratepayers to elect ratepayers as auditors if they liked, but if the clause were amended there would be a wider field to choose from.

Mr. NORTON said they should look at the matter as men of business. In some public companies the selection of auditors was limited to their own members; other companies preferred to take their auditors from outside. He thought it should be optional on the part of the ratepayers whether they elected auditors from among themselves or from outside.

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

Clause 116 was passed with a consequential amendment.

On clause 117, as follows:—

"The Governor in Council may, at the request of the board, remove any auditor elected or appointed for a division"—

Mr. NORTON asked whether an officer so removed would be eligible for re-election? As the clause stood, that seemed to be left an open question. The ratepayers ought to have the decision in their own hands.

The PREMIER replied that the clause did not remove that question from the hands of the ratepayers.

Clause put and passed.

Clause 118 passed as printed.

On clause 119, as follows:—

"The board of every newly constituted division shall hold its first meeting at some convenient place within or near the district on the second Wednesday after the conclusion of the first election of members, or the notification in the *Gazette* of the appointment of the first members, or as soon afterwards as conveniently may be, at the hour of twelve o'clock noon.

"On the second Wednesday after the conclusion of every annual election of members, or at such other time as shall be appointed by the by-laws, the board shall hold a meeting at the hour of twelve o'clock noon."

Mr. NORTON proposed the omission of the words "at such other time as shall" in the 2nd paragraph, with the view of inserting the words "on such other day as may."

Amendment agreed to.

Mr. BUCKLAND asked why the second Wednesday after the election had been fixed upon for the first meeting of a board?

The PREMIER said there was no particular reason for choosing the second Wednesday after the election, but some day must be fixed, and that was probably considered a convenient day. It was a mere arbitrary date made to meet the case of boards who had no by-laws. Where there were by-laws, the board would fix its own day of meeting

Clause, as amended, passed.

On clause 120, as follows :—

"At the first meeting of the board of any newly constituted division, or at some adjournment thereof, and thereafter at the first meeting of the board after every annual election of members, or at some adjournment thereof, the board shall choose one of the members to be chairman of the division, who shall hold office until the conclusion of the next annual election of members, except as next hereinafter provided.

"If the chairman resigns his office of chairman or member, or his office becomes vacated, the board shall elect another of the members to be chairman in his stead who shall hold office until the period aforesaid."

Mr. NORTON said that under the 2nd paragraph of the clause as it stood, a chairman who had resigned his office was not eligible for re-election ; and that might prove inconvenient. He proposed to amend the clause by the omission of the words "another of the members," with the view of inserting the words "a member."

Mr. MELLOR said a chairman, when elected, held office until after the next annual election. Supposing he was chairman of a subdivision, and his successor had been elected before the other elections were concluded, would he still continue to hold office as chairman ?

The PREMIER replied that the chairman held office until the conclusion of the annual election ; that was the law. Although his successor had been elected, he would not assume office until the conclusion of the election.

Amendment put and agreed to.

The PREMIER said that yesterday the hon member for Northern Downs called attention to a difficulty that might arise with respect to the interval between the conclusion of the election and the first meeting for the election of a new chairman. Immediately after the election the chairman went out of office, but no new chairman could be elected until the first meeting was held. It was necessary to meet that difficulty, and, having given the matter some consideration, he had prepared the following amendment, which he proposed should be added to the clause :—

If the chairman is not one of the members going out of office at the next annual election, he shall hold office until the first meeting of the board after that election.

If the chairman is one of the members going out of office at such election, the board may appoint a member who is not a member going out of office to act as chairman during the interval that elapses between the conclusion of the election and the first meeting of the board after the election.

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

On clause 121, as follows :—

"The chairman shall preside at every meeting of the board at which he is present, and if at any meeting he is absent another member shall be elected chairman at and for such meeting.

"Upon every question the chairman shall have a vote, and if the members are equally divided he shall have a second or casting vote."

Mr. NORTON said an amendment was required in the 1st paragraph of the clause. The chairman could not be absent "at any meeting," and he would therefore move the omission of the words "at any meeting he is absent," with the view of inserting the words "he is absent from any meeting."

Mr. PATTISON said it appeared to him that the proper thing to do was to leave out the words "at which he is present," and amend the clause so as to read, "The chairman shall preside at every meeting of the board, and if he is absent from any meeting, another member shall be elected chairman at and for such meeting."

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

Clause 122—"Meetings of board"—passed as printed.

On clause 123, as follows :—

"All powers vested in the board may be exercised at any meeting duly held under this Act by the majority of the members present.

"But no business shall be transacted at any meeting unless a majority of the whole number of members for the time being assigned to the division are present when such business is transacted.

"At all meetings of the board, save as herein otherwise provided, all members of the board present shall vote, and the questions shall be decided by open voting."

The PREMIER said it had been suggested to him since the Bill was in print that some provision should be made to meet the case in which a member refused to vote. As the clause stood now it said a member "shall vote." But suppose he did not, what would happen then ? He proposed to settle that matter now. It had been suggested that if a member refused to vote he should be taken as voting for the proposition ; but it appeared to him that it would be better the other way, that if he did not vote his vote should be taken for the negative. He therefore moved that the following words be added at the end of the clause—namely, "If a member refuses to vote, his vote shall be counted for the negative."

Amendment agreed to.

Mr. GRIMES said he was afraid they had not caught the member yet. If he would count in the negative he would walk out.

The PREMIER : That is what he has to do.

Clause, as amended, put and passed.

On clause 124, as follows :—

"No member shall vote upon, or take part in the discussion of any matter in or before the board in which he has directly or indirectly, by himself or his partners, any pecuniary interest, and every member who knowingly offends against the provisions of this section shall, for every such offence, be liable to a penalty not exceeding fifty pounds"—

Mr. FERGUSON said he called attention to this clause on the second reading of the Bill. It would act this way : that if any member of a board happened to be a member of a company, and that company had any contract or any business transactions with the board, and he took part in that business—in the discussion—or voted upon the question, he was liable to a penalty of £50. Clause 17—the qualification clause—admitted a member of a company to be a member of a board ; but here was a clause which fined him £50 for taking part in any business before the board. It might happen that perhaps a quorum could not be got together without some of the board who were members of a company, having business transactions with the board, being present, such as members of gas companies, who had contracts with the board for lighting the streets. According to this clause members of that company would be fined £50 for voting.

The PREMIER said the mere fact of a man having a contract with a board in such matters as were specified in the 17th clause did not disqualify him from being a member of the board ; but it certainly should disqualify him from voting upon questions in which he had a pecuniary interest. He did not see how they could make any exception. A member of a company might be present to make a quorum, but could not vote on matters in which he was pecuniarily interested.

Mr. PATTISON said it might possibly happen that all the members of a board were holders of shares in a gas company.

Mr. FERGUSON said that when a gas company was started in a small town nearly every person would have shares in that company. They would take them for the purpose of floating it, and in some cases they would not be able to get a quorum without some of the members belonging to it.

The PREMIER said they could make a quorum, and allow two or three to go on with the business.

Mr. FERGUSON said the Bill allowed them to be members, but in that case they would be dummies; they could not take part in the business, which would be transacted by two or three members.

Mr. MELLOR said there appeared to be a very nice point there. He did not know that there were many boards, the members of which were not more or less interested. A member would be very much interested if he wished to get a road made to his place.

Mr. McMASTER said he did not think it was at all likely that there would be a gasworks in a division where the ratepayers were very much scattered.

Mr. PATTISON: I only referred to that as an illustration.

Mr. McMASTER said that if the clause were not kept in they would have two or three members, who were interested persons, voting in the board for the benefit of their own firms. It was desirable to keep these things as far from suspicion as possible.

Mr. FERGUSON said he quite agreed with that. No member of the board should have any contract with the board in any way, or have anything to do with providing the board with goods. A storekeeper who was a member of a board should not vote upon matters of that kind. But this was quite a different matter. Was a man who had five shares in a company, valued at something like £10, to be debarred from taking part in any business before the board? Every member of the board might be a shareholder in a company, and they would have to resign in a body or dispose of their shares before any business could be carried on. It was altogether a different thing from having a direct interest. The interest was so indirect that it could not influence any member of a board.

Clause put and passed.

On clause 125, as follows:—

"The members present at any meeting may from time to time adjourn such meeting, and if at any meeting of the board a quorum is not present within half-an-hour after the time appointed for such meeting, the members present, or the majority of them, or any one member, if only one is present, or the clerk, if no member is present, may adjourn such meeting to any time not later than seven days from the date of such adjournment"—

Mr. NORTON said the clause wanted altering. If there was no quorum there could be no meeting. He proposed to omit the words "at any meeting of the board," in the 2nd line."

Amendment agreed to.

Mr. NORTON moved that the words "any meeting of the board" be substituted for the words "such meeting" at the beginning of the 4th line.

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

On clause 126, as follows:—

"No resolution adopted at any meeting of the board shall be revoked or altered at any subsequent meeting unless notice of the intention to propose such revocation or alteration is given to each of the members seven days at least before holding the meeting, nor, if the number of members present at the subsequent meeting is not greater than the number present when such resolution was adopted, unless such revocation or alteration is determined upon by a majority consisting of two-thirds of the members present at such subsequent meeting"—

Mr. GRIMES thought it would be very inconvenient to allow a resolution rescinding a former resolution to be carried by a less number of members than the original resolution was carried by. If the clause passed as it stood, four members of a board might rescind a resolution which had been passed by a majority of eight. He moved that the word "members" in the 30th line be omitted, with the view of inserting the words "of the board," so that two-thirds of the members of the board would be necessary to carry a resolution rescinding a former resolution.

The PREMIER agreed with what the hon. member said, but thought it would be better to make it the majority of the whole board. He therefore moved the omission of the last two lines of the clause with the view of inserting the words "of the whole of the members of the board."

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

Clauses 127 to 130, inclusive, passed as printed.

On clause 131—"Minutes of proceedings"—the word "them" in the 2nd line was omitted and "the board" inserted.

Clause, as amended, put and passed.

On clause 132, as follows:—

"Such books shall at all reasonable times be open to the inspection of any member, and of any ratepayer of the division, or creditor of the board, any of whom may at all reasonable times during office-hours, without payment of any fee, make a copy thereof or take extracts therefrom. And every clerk, or other person, having the custody of any such book, who does not, on the reasonable demand of any such member, ratepayer, or creditor, permit him to inspect such book or to make or take such copy or extract, shall be liable to a penalty of five pounds."

Mr. NORTON asked what was the necessity of putting in the words "reasonable demand"? It had already been provided at the beginning of the clause that the books should be open to inspection at all reasonable times. The demand could only be made at a reasonable time.

The PREMIER said, suppose a man came into the office at 4 o'clock and said, "I want to make a copy of a book, and it will take me two hours to do it." That was an unreasonable request, and ought not to be allowed.

Mr. BUCKLAND said during a sitting of the board would be an unreasonable time for a ratepayer to ask to inspect the books.

Clause put and passed.

Clause 133 passed as printed.

The House resumed; the CHAIRMAN reported progress, and obtained leave to sit again tomorrow.

ADJOURNMENT.

The PREMIER: I move that this House do now adjourn. I hope that hon. members will assist the Government in going on with the Divisional Boards Bill to-morrow, as it is a subject in which we all take an equal interest. There is very little private business on the paper for tomorrow, and after disposing of it, it is proposed to deal first with one or two other matters sent down from the Legislative Council.

The House adjourned at twenty-six minutes to 11 o'clock.