Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 4 AUGUST 1887

LEGISLATIVE ASSEMBLY.

Thursday, 4 *August*, 1887.

Petitions—Chinese in Queensland—Establishment of University.—Motion for Adjournment—Toowoomba Electoral Revision Court.—Warwick Elections.—Questions.—Absence of the Minister for Works.—The Australian Joint Stock Bank Act Amendment Bill—first reading.—Newspaper Proprietors Relief Bill—first reading.—Formal Motion.—Cairns Railway, Second Section.—Motion for Adjournment—Misreporting.—Adjournment.—Divisional Boards Bill—committee.—Fassifern Election.—Member Sworn.—Divisional Boards Bill—committee.—Printing Committee.—Adjournment.

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

PETITIONS.

CHINESE IN QUEENSLAND.

Mr. ADAMS said: Mr. Speaker,—I beg to present a petition from certain inhabitants of the Mulgrave district, on the subject of Chinese in Queensland. I am not aware that it is entirely in accordance with the Standing Orders, and I suppose I had better move that it be read.

The PREMIER (Hon. Sir S. W. Griffith): The hon. member must satisfy himself that it is in accordance with the Standing Orders before he can present it. That is the rule.

The SPEAKER: The 206th Standing Order says:—

"Every member presenting a petition shall take care that the same is in conformity with the rules and orders of the House."

The hon. member did me the honour this morning to show me this petition from his constituents at Bundaberg. It is peculiarly prepared, and is, perhaps, not altogether in a correct form. Nevertheless, it is an expression of opinion on the part of the hon. member's constituents, and I think that if the House hears it read hon. members will be better able to determine whether it should be received or not. I am not prepared to say it is not in accordance with the Standing Orders, though it is not in a complete form. I would rather hear an expression of opinion from the House on the petition before taking upon myself to say it should not be received.

The PREMIER: I must have misunderstood the hon. member. I understood him to say the petition was not in accordance with the Standing Orders, and that is why I raised the point.

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

Mr. ADAMS moved that the petition be received.

Mr. LUMLEY HILL: Mr. Speaker,—How does Standing Order 195 apply to this petition? It says:—

"Every petition must be signed by at least one person on the skin or sheet on which the petition is written."

The SPEAKER: It is so signed. I noticed that it was, when the hon. member showed it to me this morning. It is in proper form so far as the signatures are concerned. It is only the phraseology of the prayer that is peculiar, and I did not care to say the petition should be refused on that account, on my own responsibility.

The PREMIER: I can see no objection to receiving the petition in its present form. The address in this case is at the end of the petition, but with that exception it is in accordance with the Standing Orders.

Mr. NORTON said: I quite agree with the hon. gentleman that this petition may be received. We cannot expect everyone to send in petitions in the ordinary form in which they are sent in.

The HON. J. M. MACROSSAN said: Mr. Speaker,—I think the petition ought to be received. I heard nothing while it was being read that would indicate that it should not be received. It professes the sentiments, I think, of a majority of the members of this House.

Question put and passed.

ESTABLISHMENT OF UNIVERSITY.

The PREMIER, in presenting a petition from the Board of Trustees of the Rockhampton Grammar School, praying that the House might take early steps for the establishment of a university, said the petition was similar in form to petitions presented on the same subject during this session. He moved that it be received.

Question put and passed.

The PREMIER presented similar petitions from the Tiaro Divisional Board, the Windsor Shire Council, Duaringa Divisional Board, the members of the Winton Divisional Board, the chairmen of the committees of the Rockhampton, Springsure, and Maytown Schools of Arts; and moved that they be received.

Question put and passed.

MOTION FOR ADJOURNMENT.

TOOWOOMBA ELECTORAL REVISION COURT.

Mr. ALAND said: Mr. Speaker,—I wish to move the adjournment of the House in order to bring under the notice of the Government and of this House certain facts in reference to the proceedings of the Revision Court that sat at Toowoomba in the early part of last month. Hon. members will no doubt have noticed that there has been considerable correspondence and also articles in the newspapers concerning the manner in which the claims that were sent in were dealt with by the magistrate. Hon. members will recollect that some two years ago, I think it was, we passed an Elections Act. One clause of that Act dealt with the purging of the electoral rolls. It was generally agreed on both sides of the House that it was really necessary that there should be a regular purging of the different rolls of the colony. Consequently that was done, and I presume that in every other electorate, as well as in that in which I am interested, after the rolls were purged the number of names on them were very considerably reduced. At all events in the Drayton and Toowoomba roll the number on the original roll was 2,225, and after the roll was purged there only remained 1,376. Of course it was not known at once that there was so large a discrepancy between the original number and the new number, as I may

call it, of names on the roll. The rolls were not printed and circulated in the electorate until last May, which was a considerable time after they were revised by the bench, and therefore it was impossible to have the matter rectified as soon as perhaps it would have been desirable for it to have been done. At the revision court in January and April something like 100 applications were sent in, and most of them were, I believe, passed by the revising bench of magistrates. At the revision court in July last there were about 300 applications sent in, and out of this number I think only some fifty odd were accepted, and the others were returned, as I shall presently try to show, for very unjustifiable reasons. Hon. members may perhaps wonder why so many names were sent in at the July revision court, but that can easily be accounted for. As I have already intimated, those persons interested in getting names placed on the roll of the electorate were not in possession of a copy of the roll until the time I have mentioned, so that they could not find out before what *bonâ fide* names had been omitted, or, in other words, what electors had failed to send in their claims to the revising bench. When that was ascertained it was thought advisable that steps should be taken to have those names placed on the roll, and those interested in the matter made a house-to-house canvass with the rolls in their hands, with the result, as I have just stated, that 300 names were collected and forwarded to the revising magistrates. Those claims were, of course, in respect of different qualifications—some were for residence, and a large number were for freehold possessions; but it is a singular thing that no matter whether the claim was for a freehold or whether it was for a residential qualification, the ground of objection taken by the bench was always that of residence. I may illustrate what I mean in this way: Supposing I lived in Brisbane, and had a freehold qualification in Toowoomba, and supposing I sent in a claim as follows: "Robert Aland; residence, Brisbane; qualification, freehold (giving the particulars in respect to its situation) of the clear capital value of £100 above all encumbrances"—the bench at Toowoomba, instead of taking my freehold qualification into account, would send back the application stating that my residence was not clearly defined. The qualification in this instance would be not residence, but a freehold estate of the clear value of £100 above all encumbrances. I hold in my hand several of those applications, and they are only specimens of somewhere about 250 others. I would like to point this out also: that the bench, in my opinion, seemed to have erred in this matter in another respect. According to the Act they are required to send a notice of objection to the parties to whom they object. What the bench did in this case was to send back the forms of application themselves with an endorsement thereon, and not a notice of objection. Some comment was made in the public Press on this matter, and after that it appears that the registrar of the court found out that he had made a mistake, and to one person he sent a notice of objection which was duly received. This is the notice that was sent:—

"To Mr. W. Ellis, West street, Toowoomba.

"I hereby give you notice that your claim to have your name inserted in the electoral roll for Drayton and Toowoomba has been rejected on the following ground:—'Residence not clearly identifiable.'"

Mr. Ellis' qualification was residence. I have not seen the application he sent in, as that, in this instance, is a record of the court; but here in the notice of objection is Mr. Ellis' address, as given in his application, and it appears that although, according to the bench, his residence is not clearly identifiable, yet the postman could find it and deliver him the notice, which he received and brought down to me. I think this shows, on the face of it, that the revising magistrate certainly did not know what he was about when he rejected that application. I would like to trouble the House with one or two of these papers, which have been given to me. Here is one:—

"Anders Neilson, residence Eton street, Toowoomba. Particulars of qualification:—Possession for six months of a freehold estate in Eton street, Toowoomba, allotment 22, section 13, of the clear value of £100 above all encumbrances."

That is endorsed, "Residence not clearly identifiable." What has residence to do with it? Surely "Eton street, Toowoomba," is quite enough. A town like Toowoomba is not like the city of Brisbane, where the houses are all numbered. We have not yet got to that state of civilisation in Toowoomba. I hope, before I die, that the place will be populous enough to have the houses all numbered, as is done in large cities. However, the qualification in this instance, as hon. members will notice, is the possession for six months of a freehold estate of the clear value of £100, and the applicant states clearly—as clearly as it is possible to state—where that qualification is situated, and yet, in the face of all that, the magistrate returns the application endorsed "Residence not clearly identifiable." Here is another case: "John Macnamara, Ruthven street, Toowoomba." The particulars of his qualification are "Residence for six months at the Railway Hotel, the property of Mr. P. Crotty, and which I rent from him." The police magistrate says that is not sufficiently identifiable. If I were to ask any hon. member here to go to Toowoomba to the Railway Hotel, would I give him any other instructions? I will guarantee that the moment he got to Toowoomba he would find the hotel. Here is another case: "John R. Keogh, residence, Ruthven street, Toowoomba; residence for over six months in Mr. Keogh's furniture shop, Ruthven street, opposite the School of Arts." That is marked, "Residence not clearly identifiable." I do not think I need go any further with these papers. If hon. members would like to look at them, I shall be pleased to show them. There is one, however, which I must read, because further information was given by the registrar in this case. It is Christian Lepke, a man who has lived on the Main Range for the last twenty-five or thirty years. His residence is Main Range, Middle Ridge; qualification, a freehold thirty-six acres in extent, portion 186, top of Main Range, Middle Ridge, of the clear value of £100. That is returned because the residence is not clearly identifiable; and the registrar gave the additional information that the applicant ought to have written under No. 2—that is, residence—that he lived on his own farm on the Main Range, Middle Ridge. Because he had not written this the claim was rejected. That was the statement made when a complaint was made to the registrar in reference to this case.

Mr. STEVENS: Give us the instance of th two partners.

Mr. ALAND: I will give that instance also. There is a firm in Toowoomba, White and Mackirdy, large storekeepers, who have been in business there for the last twelve months; both being joint occupiers of a leasehold, and having the right to votes, they each sent in an application filled up in precisely the same way with the difference of the signatures. The claim of one of the partners was passed, but that of the other was returned endorsed "Residence not clearly identifiable." They have a store in Toowoomba, a large store—nobody can go up and down the street without knowing where White and

Mackirdy's store is—yet the residence is not "clearly identifiable." It appears to me that the bench confounded the residence with the qualification. It is no doubt intended that the residence should be stated as plainly as possible; but the magistrates should pay particular attention to the qualification under which people claim the right to vote. I do not think I need say any more on this matter; I think I have done my duty, Mr. Speaker, in bringing it before the House, because it is one which not only concerns you and me as representatives of Drayton and Toowoomba, but also every other member of this House. Persons sending in claims for registration should certainly have those claims properly attended to when they are true and *bonâ fide* claims; and I think the more so on account of the Redistribution Bill which is about to be brought forward. Suppose the Redistribution Bill had been brought in, and these claims sent in to enable persons to vote at the then coming election, there would have been from 250 to 300 persons, as much entitled to vote as I am, whose claims would have been refused, and who would therefore not have been able to vote. I beg to move the adjournment of the House.

The PREMIER said: Mr. Speaker,—I had heard some rumours of the strange mistakes made by the revision court at Toowoomba, but I did not suppose that any such absurd errors as those now mentioned could have been committed by any magistrate in the colony.

Mr. DONALDSON: They have been committed in other places.

The PREMIER: I am the more surprised, because the police magistrate and the registrar at Toowoomba are two of the most experienced officers in the public service. I suppose it is an instance of how even wise men may make mistakes, because the words of the Act are plain enough. According to the 30th section of the Act, the claim must set forth sufficient facts to show that the claimant is possessed of a qualification under the Act; and lower down it says that the situation of the property, if any, in respect of which registration is claimed, shall be specified in such a manner as to enable it to be clearly identified. There is nothing in that which would lead one to think that a man must give the number of the allotment where he resides. In the case of a property qualification it is quite immaterial where he resides, but he is to specify the name of the street if he resides in a town. In the case of a residence qualification, all that is required is that the claim must be sufficient to show that the claimant is entitled to registration under the Act; that is, it must state that he has resided within the district twelve months, and he must say where, giving the name of the street if it is in a town. I think the decisions which have been cited are utterly absurd, to use a very mild expression, and there is no doubt that the claims should have been registered. It is only an instance of a mistake on the part of a court, but it is just as well that attention should have been called to it. As to returning the claims to the applicants, that is not strictly warranted by the Act, but I do not think any harm was done. Possibly it is an advantage that they have been returned, because the applicants can send in the same claims again, and I think they will be received. It is only necessary to call the attention of the justices to a matter of this kind, when I am sure they will see the errors of their ways and set things right.

Mr. WHITE said: Mr. Speaker,—I think, sir, that this is a very serious matter indeed, arising in such a place as Toowoomba, where there are so many people living in the town and surrounding the town itself, who have been, as it were, for the time being disfranchised. There are people all over the country districts, whose letters find them perfectly well, who do not know how else to fill up their application forms; and when they come back without further instruction they are simply disheartened, and make no further application. There are hundreds of people all over the colony who have been served in the same way, and they are not come-at-able. They are disheartened, and they will not make any further application again. The police magistrates evidently have not been doing their duty. They have been taking some short-sighted view of the matter, and they do not seem to be interested in the benefit of the people of the country, or they would not do such actions as these.

The HON. J. M. MACROSSAN said: Mr. Speaker,—I should like to know what the Government intend to do with such a flagrant breach of the law as this committed by men who are magistrates. Surely the mere expression of opinion by the Chief Secretary is not sufficient punishment for those men. I think that dismissal from the bench would be the least that could be done by the Government, and it ought to be done in a case of this kind. This is not the only case; there are many cases of this kind occurring, and an example ought to be made of the men who make—I do not say mistakes, I do not believe it is a mistake——

The PREMIER: Oh, yes!

The HON. J. M. MACROSSAN: I do not believe it is a mistake. No man with the slightest amount of common sense at—I was going to say Woogaroo, but I will say Dunwich—an old man almost worn out, could make such a blunder. I say the Government should step in and exercise the authority they possess by putting these men off the bench.

Mr. LUMLEY HILL said: Mr. Speaker,—With regard to exercising the power the Government have of removing from the bench a gentleman who, for the last twenty years to my knowledge, has been a useful, efficient, good, fair Civil servant, I think it would be absurd, and carrying things to an extreme. I have heard incidentally that one of the gentlemen now particularly referred to has been very ill lately, and unable to exercise his judgment with the same care and precision which hitherto has attended all his work. I do not for a moment think of imputing to an old Civil servant of his long and high standing, that this thing was done with corrupt intention, and I am perfectly certain that the hon. member for Toowoomba who brought forward this matter will endorse what I say in that respect—that no base or corrupt motives can be imputed in this case.

Mr. CAMPBELL said: Mr. Speaker,—I think with the last speaker that it would be a pity if any corrupt motives should be charged to Mr. Murray, who is an old and tried servant. How the mistake was brought about I am not prepared to say, but I regret it very much for his sake, and I trust no further notice will be taken of it so far as he is concerned. I would like to point out another ridiculous case. On the second day of hearing the applications Mr. Murray invited two gentlemen of the Licensing Bench to stay and go through the remainder of the applications with him—a Mr. Gregory and a Mr. Cocks. An application was brought forward—I do not remember the name—but the magistrate said, "Who is this?" "John So-and-so, Rangeworthy." Mr. Gregory, sitting on the bench with him, said, "Rangeworthy is my place, and that is my man. He has been in my employment for twelve months,

and is entitled to have his name on the roll." The magistrate said, "It is not clearly defined, and I will pass it." Mr. Gregory was so nonplussed that he could not reply, and it was passed. After that they came to another, and the magistrate said, "Henry Cocks; who is Henry Cocks, residence, Ipswich?" It was Mr. Cocks's own son, but he was so nonplussed by the treatment Mr. Gregory got that he allowed the application to be passed, though he knew positively that his son was entitled to be put on the roll. I am sure I cannot account for the conduct on that occasion, but I should regret very much if anything should happen to our respected police magistrate, who, I believe, is looked upon, not only in Toowoomba but throughout the colony wherever he is known, as one of the most efficient Crown servants.

Mr. STEVENSON said: Mr. Speaker,—I certainly, with the hon. member for Townsville, am surprised that the Premier did not suggest some remedy for what has taken place; but I do not sympathise with him at all when he suggests the removal of Mr. Murray, the police magistrate. I am perfectly satisfied that if Mr. Murray were applied to he could give a satisfactory explanation of his conduct in the matter. I have known Mr. Murray for, I think, twenty years, and I am perfectly satisfied that there is no more efficient officer in the Government service. I am sure that whatever he has done he had good reason for doing it. But while I hope that no action will be taken in the way of removing Mr. Murray, I think it is only right that the Premier should tell this House that he will take steps to have these men's names placed on the roll.

Mr. JORDAN said: Mr. Speaker,—In spite of the opinion of the hon. member who has just sat down, that good reasons could be given by the magistrate who is responsible for what has taken place at Toowoomba, I cannot but think, after hearing the detailed statement made by the member for Toowoomba, that a grave error at least has been committed. I was afraid when we were passing that Act that a great many people would be disfranchised. We boast of having manhood suffrage in the colonies. If we pass an Act, the effect of which is that half the people in certain constituencies are disfranchised, we shall have great reason to regret that such an Act has been placed on the Statute-book. I think it is a disgrace that such a thing should have taken place; and though Mr. Murray may be a very efficient officer and very much respected, he should be called to account for his very serious breach of duty in this matter, which has resulted so unfortunately. What has taken place in other revision courts all over the colony since that Act passed we do not know. If this has been the effect of the Act in the hands of a gentleman very competent, very intelligent, and very highly respected, what has been done by other men all over the colony not so efficient and experienced? It may have the serious effect of disfranchising half the people in the colony. I am not quite satisfied with the reply of the Chief Secretary. I think that at least effectual means should be taken by the Government to make this gentleman aware of what has taken place in the House to-day, and to give a formal intimation of their displeasure, so that nothing of the kind will take place anywhere else.

Mr. SCOTT said: Mr. Speaker,—We have only heard one side of the question, and I do think we are not in a position to judge at present, but I trust a thorough inquiry will be made. I am perfectly sure that Mr. Murray never contemplated for a moment doing any action which was corrupt in any shape or form. I have known that gentleman for thirty years; I have known him as police magistrate for many years, and I never heard any bad motive imputed to him by anyone, from one end of the colony to the other. I am, therefore, convinced that he will be able to give a clear explanation of what he has done. It may not be satisfactory to some people, but he will be able to give a reason for his action when called upon to do so.

Mr. NELSON said: Mr. Speaker,—It would be well to have an explanation before we jump at the conclusion that the bench are to blame. For my part I have heard some very ugly rumours as to how these applications were brought before the bench, and the manner in which they were collected. What truth there is in those rumours I cannot tell, but I think an investigation ought to be made before we arrive at any conclusion.

Mr. STEVENS said: Mr. Speaker,—Although perhaps it may be a good thing that an investigation should be held, still I do not agree with the last speaker when he implies that the manner in which these applications were brought before the bench was taken into consideration. The bench has to deal with the forms as they are sent in, and there is clear and conclusive evidence in these forms that the applicants were not treated rightly. I do not agree with the hon. member for South Brisbane, Mr. Jordan, in attributing these mistakes to the failure of the Electoral Act. It is simply want of knowledge on the part of the applicants themselves. Nine times out of ten people will not take sufficient trouble, but the Act itself is as simple as it possibly can be if people will only take the trouble to make themselves acquainted with it. Whether there is an investigation or not, I think it should be pointed out very clearly to the presiding magistrate that he had better be very careful for the future. If, as has been said, he was too ill to carry out his duties properly, then he should not have attempted to do them. I believe Mr. Murray is a very estimable man in every sense of the word, and there has been a great deal of sympathy shown for him, but there appears to be no sympathy shown for the men who have been debarred from exercising one of the greatest privileges a man can exercise in the country.

Mr. GRIMES said: Mr. Speaker,—I think this is a very serious matter and should not be passed over, because the consequences might have been a great deal more serious. If an election had come off about this time 200 people would have been disfranchised. We might have lost two estimable gentlemen through that cause, and, more serious still, the Ministry might have been overthrown. I am glad no serious consequences have followed, but still I think that instructions ought to be given that no frivolous objections should be entertained. In the country districts those who are illiterate have no opportunity of going to a political agent to have their forms filled up, and it seems to me absurd that such frivolous objections should be entertained.

Mr. DONALDSON said: Mr. Speaker,—I think the thanks of this House are due to the hon. member for Toowoomba for bringing this matter before the attention of the Government, and I am convinced that when inquiry is made it will be found that this is not the only instance of the same kind of thing. Several complaints have reached me with regard to the manner in which the rolls have been manipulated by several of the police magistrates. The Act requires that persons who were on the roll when it was passed should send in a return showing their present qualification, and if that was not done within a certain time the police

magistrate had power to object to the names. That may be all very well in closely settled districts where letters would probably reach the persons to whom they were addressed, but in large districts like the Warrego, Gregory, and Burke many persons had left the stations on which they resided, but if the police magistrate had made inquiry he might have found that many of those persons were still in the district. Some of them were drovers, who were away at the time; but almost in a spirit of mischief their names were struck off the rolls. However, there was one satisfaction —that the applicants put in their applications again, and the police magistrate had the trouble of writing them out. There is no doubt that police magistrates have a great deal of power in some districts, through the chief magistrate not being in harmony with the rest of the magistrates; and I can mention one case where the police magistrate is not assisted by the resident magistrates—in fact, they have refused to sit on the bench with him; yet notwithstanding the fact that applications have been sent in from the other magistrates and from local bodies to have him removed, the Government have taken no action. Now, if a police magistrate exercises his judgment in such an arbitrary manner there is no doubt he can do a very great amount of mischief. I have felt that a great injustice was done in the Warrego district, and if an election had taken place near that time all those names would have been put off the roll. It is not every man who is intelligent enough to fill up the forms exactly as required by the Act, but at the same time I think if it is done in a sufficiently intelligent manner to show the intention of the applicant it should be accepted. I do trust that the suggestion that has been thrown out by an hon. member will be accepted by the Government, and that due inquiry will be made, and no injustice done to the electors who may desire to have their names reinstated. In country districts where mails are only delivered weekly, and sometimes fortnightly, it is very likely that through the miscarriage of an application a man may be prevented from getting on the electoral roll, and have to wait for another three months.

The ATTORNEY-GENERAL (Hon. A. Rutledge) said: Mr. Speaker,— I have no doubt this discussion will do a very great deal of good. The attention of magistrates whose duties require their attendance in revision courts will be drawn to the fact that it is very easy to make serious mistakes, to the detriment of a number of persons who are qualified to have their names put on the electoral roll. I think it is quite impossible that Mr. Murray, whose name has been mentioned, could have been actuated by any unworthy motive in taking the part he did. In fact, that is shown by the circumstances mentioned by the hon. member for Aubigny. He tells us that on the same bench were Mr. Gregory and Mr. Cocks—both magistrates—and that in one case a friend of Mr. Gregory's and in another a son of Mr. Cocks's were left off the roll. It is hardly likely that improper motives could be imputed to an action of that sort, disfranchising the friend and the relative of two of the magistrates sitting on the bench at the time. There must have been some doubt in the minds of the bench; and the two magistrates who sat with Mr. Murray deferred to his supposed superior judgment in the matter, and were led by him to give the decisions they did. This is not a question of persons being left off the electoral roll. The Act requires that persons who desire to get their names on the roll shall make application in a certain way. I can conceive it quite possible that even intelligent magistrates may fall into error in interpreting an Act which they have had brought before them for the first time. But as the provisions of the Act—and they are neither lengthy nor very elaborate—become familiar to the magistrates, and they become more accustomed to what is required of them under that Act, I am sure less and less cause of complaint will arise. There is nothing at all in this matter that requires any investigation on the part of the Government. It is clearly an error of judgment, and after what has been said here this afternoon I am sure that neither Mr. Murray nor any other police magistrate will fall into the same error again.

Mr. HAMILTON said: Mr. Speaker,—I also have heard of cases where persons who filled up their applications in a proper manner have failed to get their names on the roll. No one has said specifically that the magistrates of Toowoomba were actuated by corrupt motives in depriving these voters of their rights. But there is either corruption or incapacity, and whichever is the case it shows that they are unfit to occupy the position they hold.

Mr. ANNEAR said: Mr. Speaker,—I am very glad indeed that this question has been brought up, and I feel bound to say a few words on what fell from the hon. member for Stanley, Mr. White. For myself I do not believe this is the duty of the magistrates at all, but of the electoral registrars. Every hon. member knows that claims have to be sent in in accordance with the Elections Act. Recently in Maryborough 2,000 claims were sent in, and they had been put into such proper form by the electoral registrar that when they came before Mr. Rankin, the police magistrate, not one of them was rejected. It is the duty of the electoral registrars throughout the colony to see that the claims are in proper order before they are submitted to the bench. In places like Toowoomba and Maryborough, I should prefer to see the bench presided over by the police magistrate alone. There can be no charge of partisanship where the court consists of the police magistrate, and, as to the way in which the work is done, here is the instance of Maryborough, where the police magistrate received over 2,000 claims without rejecting one. The hon. member for Townsville, Mr. Macrossan, was quite right in asking what the Government intend to do in cases of this kind. The Attorney-General says that these 250 or 300 names were not struck off the roll. But supposing a sudden election for the district had occurred, every one of them would have been disfranchised. It is the wish of all that every man in the colony who has the qualification should be placed on the electoral roll, and to see that no impediment is placed in his way in having his name inserted thereon. I feel sure that this discussion will be the means of doing a great deal of good, and will be the means of wakening up all the magistrates and electoral registrars throughout the colony who do not properly perform or do not understand their duties.

Mr. ADAMS said: Mr. Speaker,—I should not like this discussion to end without saying a word on the subject. I am glad the hon. member for Toowoomba has brought it forward, but it is not a matter which affects Toowoomba alone; similar things have been done in other parts of the colony. In my own district I have known persons struck off the roll who have been living in the district for nine or ten years, on the ground that they were missing or dead, when it must have been known that they had not even changed their places of residence. Those persons are disfranchised for the time being, because, if they made application the very next day to be restored to the roll, some time must elapse before that can be done. The registrars are not to blame; they have nothing whatever to do with it, they can neither confirm nor reject. That business must be done by the

bench of magistrates, and it is the duty of the Government, even if they do nothing else, to send notices round insisting that greater care must be taken in future. With regard to Mr. Murray, I have known him over thirty years, and have never heard a word said against him. He has been a valuable servant of the Crown. It is also desirable that the clerks of petty sessions throughout the colony should be notified to the effect that the provisions of the Act must be complied with. It is not every man of even ordinary intelligence who can fill up a paper strictly in accordance with the Act, and clerks of petty sessions ought to be allowed to use their own judgment to a certain extent, and so long as the qualification is correct and the residence can be found by the postman, it ought to be enough.

Mr. NORTON said: Mr. Speaker,—No one who personally knows the police magistrate of Toowoomba, or who is aware of the high character he has borne for many years, will ever think that he has been actuated by corrupt motives with regard to the matter now before the House. I feel sure it is capable of some explanation which, if not entirely satisfactory to hon. members, will tend to remove the suspicious circumstances connected with it. But this is not the only case where applications have been sent in and rejected without sufficient reason. I have heard of other cases in different parts of the country. The suggestion of the hon. member for Maryborough, Mr. Annear, is, I think, a good one, that the police magistrate alone should sit on the revision courts. All the responsibility would then rest upon him. Under the present system the responsibility is shouldered from one to another. It is well known that gentlemen are occasionally placed on the Commission of the Peace because they are strong political friends of the party in power; and that alone is sufficient reason why they should not sit in cases of this kind. I have heard it stated that justices with partisan feeling have rejected applications that were brought before them, and I have good reasons to believe they knew the political views of the men whose applications they rejected. This Toowoomba case seems such an extraordinary one that I am not in the least surprised that anyone who did not know the police magistrate there should be a bit suspicious about it. In fact, I may say that until certain papers were disclosed I could scarcely credit the reports I heard; and I cannot see now, with the evidence before us, how many of those papers came to be rejected. But I think there is evidence in the fact of the rejection of so many that there was no corrupt motive, because Mr. Murray, if he had been actuated by corrupt motives, would not be such a born fool as to expose himself to the consequences which would ensue from corruptly rejecting so many applications. I am quite sure that those who know Mr. Murray's high character will not attribute any wrong motive of that kind to him.

Mr. MELLOR said: Mr. Speaker,—I hope that now this matter has been brought under the notice of the Government some action will be taken respecting it. But there is another phase of the question which I should like to mention. I hope that now the matter has been discussed in this House, benches will not go in the opposite direction—that is, of allowing names to be put on electoral rolls without sufficient care and caution. I am rather afraid that the discussion may have that effect. At the same time I should like to say, in reference to what the hon. member for Stanley mentioned—that it is the case all over the country—that I do not think it is. In our district I know that the registrar and the police magistrate have not been very particular about the forms if they knew that the persons were residents and their names were on the old rolls. I know that they took good care to have the names put on the rolls if they knew that the persons were legally entitled to vote, although their applications might not have been exactly in legal form—in the form specified in the Act. I hope that now the matter has been discussed it will receive the attention of the Government. It is clear that those names which have been struck off or rejected have been illegally rejected. I very much question whether my application was in more correct form than many of these—I am very much afraid it was not; but at the same time I know it was not rejected.

Mr. ALAND, in reply, said: Mr. Speaker,—I wish simply to endorse every word that has been said by the several members who have spoken as to the ability and integrity of the police magistrate of Toowoomba. There is no member of this House who has a higher opinion of that gentleman than I have in every possible way, and in bringing the matter before the House I had not the slightest idea or intention of impugning the integrity of his action concerning it. I am inclined to believe that he has acted from want of judgment; that he has acted according to the light that he possessed. There may perhaps be something in the contention of the hon. member for Normanby when speaking of the late illness of the police magistrate. About a fortnight ago I was speaking to Mr. Murray upon this subject, and said to him something to this effect: "Murray, the only reason I can give why you rejected those names was that you had this illness"—he was then just recovering—"hanging over you, and you scarcely knew what you were about." However, I agree, Mr. Speaker, with all hon. members in the manner in which they have spoken of Mr. Murray, and I do hope that the Government will have an investigation made into this matter. I am anxious to know whether there is anything really behind this—whether there were any other reasons why those papers were rejected besides those written across them. One hon. member has said that we had only heard one side of the question. I maintain that there is only one side to the question as I brought it before the House. I have handed to an hon. member the papers referring to the matter, and they speak for themselves. And even supposing there were some papers sent in to the bench which were not regular—I will go so far as to say, that really were not sent in by the persons from whom they purported to come—still that does not affect the cases which I have mentioned this afternoon. I hope, sir, the result of this discussion will be that benches of magistrates will really be more careful in the future than they appear to have been in the past. With the permission of the House, I will withdraw the motion.

Warwick Election.

Mr. MOREHEAD said: Mr. Speaker,—I do not intend to speak with regard to the subject-matter respecting which the adjournment of the House was moved, but thought it better to reserve my remarks until one matter was disposed of. What I now wish to say is this: A certain statement was made in another place last night with regard to myself and the Warwick election which cannot be cleared up for the next fortnight. I may say that I have seen the gentleman who made that statement, and have put him in possession of all the information I could, and he is now going to pursue his investigations at Warwick. He will no doubt give the other Chamber the result of those investigations, which I think, Mr. Speaker, will not prove so satisfactory as he anticipated.

Motion, by leave, withdrawn.

QUESTIONS.

Mr. STEVENS asked the Minister for Works—

1. Whether the contractor has abandoned the construction of the railway bridge over the Logan?

2. Do the Government intend finishing the work themselves?

3. Have the Government any idea when the bridge will be open for traffic?

The PREMIER (on behalf of the Minister for Works) replied —

1. No.

2. No.

3. We expect the bridge will be opened about the 15th December.

ABSENCE OF THE MINISTER FOR WORKS.

Mr. NORTON said: Mr. Speaker,—May I ask the Premier when the Minister for Works is likely to be in his place? I ask the question because I am deferring some business until he is present.

The PREMIER: I believe my hon. colleague will be in his place on Tuesday next.

HONOURABLE MEMBERS: Hear, hear!

THE AUSTRALIAN JOINT STOCK BANK ACT AMENDMENT BILL.

Mr. W. BROOKES moved for leave to introduce a Bill to amend the Australian Joint Stock Bank Act.

Question put and passed.

FIRST READING.

Mr. W. BROOKES: Mr. Speaker,—I beg to move that the Bill be now read a first time.

Question put and passed.

NEWSPAPER PROPRIETORS RELIEF BILL.

Mr. LUMLEY HILL moved for leave to introduce a Bill for the relief of newspaper proprietors.

Question put and passed.

FIRST READING.

Mr. LUMLEY HILL said: Mr. Speaker,—I move that this Bill be read a first time.

The SPEAKER: I must point out to the hon. gentleman that he has omitted to put a title to his Bill.

Mr. LUMLEY HILL: The title is at the bottom.

The SPEAKER: That is the short title, not the title by which it would be known as an Act of Parliament.

Mr. LUMLEY HILL: I can soon remedy that.

Question put and passed.

On the motion of Mr. LUMLEY HILL, the second reading of the Bill was made an Order of the Day for Thursday next.

FORMAL MOTION.

The following formal motion was agreed to:—

By Mr. SALKELD—

That there be laid upon the table of the House,—

1. A return showing the names of the owners of all land resumed for railway purposes between the race-course and the railway terminus, Southport, with the area resumed and the area unresumed in each case.

2. The amount claimed by the owners, the amount assessed by the Railway Valuer, and the amount offered by the Commissioner for Railways, as compensation in each case; also the cases in which the Commissioner for Railways' offer has been accepted.

3. A plan showing the resumed and unresumed portions of the above land.

CAIRNS RAILWAY, SECOND SECTION.

Mr. HAMILTON, in moving—

That there be laid on the table of the House,—

1. Copies of all tenders received for construction of the second section of the Cairns Railway.

2. Copies of amended tender or tenders for construction of second section of Cairns Railway.

3. Copy of tender finally accepted for construction of said section.

4. Copies of all papers and correspondence relating to the original tenders and to the amended tender or tenders and accepted tender.

5. Copy of schedule of prices of the accepted tender, and also copy of schedule of prices of Mr. J. Robb's original tender.

6. Copy of Engineer's estimate of cost of construction of second section of Cairns Railway.

—said: Mr. Speaker,—I am surprised, after the statements that have been made in this House in connection with this contract, that the Premier should refuse to give the information that is asked for by my motion. At the opening of this Parliament the Works Department was accused of favouritism in giving this contract to Mr. Robb, and the Premier said that he accepted the responsibility for the act, and he gave his reasons for accepting the tender he did. In my opinion, the reasons he gave only made the case worse, because they were not founded on fact. One of the reasons he gave in his explanation was that some of the bridges were impossible. That was simply, as I stated before, a reflection upon Mr. Hannam, the Engineer, who is eminently fit for his work, and knows far better than the Premier whether a bridge is impossible or otherwise. The Premier also informed us that he was tolerably familiar with the country, and on that account considered that the tenders which were sent in were purely speculative. In making that statement the hon. gentleman intended to mislead the House as he was never over the line which is being constructed. He has been over the road, and I have been over the road also a great many times, much more frequently than the Premier. But going over the road would give one no opinion whatever of the country over which this railway is being made. In fact, the hon. gentleman stated that because he had been along the road several times he was in a better position to know whether the tenders were fair tenders or not than the contractors who had actually been over the very route by which they are making this line. That was a simple absurdity. The Premier then gave as another reason for accepting Mr. Robb's tender that it was done in order to save time. That is evidently also an absurdity, for the reason that it will not hold water. If he wished to ask anyone to send in an amended tender, the proper plan would have been to have asked the man who had offered to do it at the lowest price, if that man was a capable man—a man of position. It is well known that Mr. Carey has undertaken expensive contracts, and has always performed them properly, and there could be no objection to him on that score. The Premier himself has not even hinted it, and therefore, if any man was to be asked, it should have been Mr. Carey, whose tender was lower by some £24,000, more or less, than Mr. Robb's. Not only that, but there would have been no lost time if he had asked both Mr. Carey and Mr. Robb to state the amount by which they would reduce their tenders. It would not have taken any more time to have asked both than to have asked only one of them. It would appear that it was the intention to have given the tender to Mr. Robb. I did not intend to say anything upon this question beyond asking for this information, which I think the House is entitled to, and which the Premier now objects to give. I

have also heard that Mr. Carey actually wired, stating that he would make his tender as low as Mr. Robb's, and his offer was not accepted. The Premier informed us the other day that one of the objections taken to Mr. Carey's tender was that it was so far above the Engineer's estimate; and he further said that Mr. Robb's tender was near the Engineer's estimate. I find since, on reference to the *Courier*, that Mr. Robb's last tender was about £16,000 above the estimate. However, we will hear what reason the Premier gives for refusing to lay these papers on the table of the House.

The PREMIER said: Mr. Speaker,—I objected to this motion going as formal, because much of the information asked for is information which obviously cannot be given without violating the rules understood to prevail with respect to all railway tenders sent in. I am quite sure no such information has been asked for before, except on one occasion when, inadvertently, an order was allowed to go for somewhat similar information, and as soon as it was discovered a motion was made for its rescission.

The HON. J. M. MACROSSAN: When was that?

The PREMIER: It was on the motion of the hon. member for Townsville that the order was rescinded, because the information asked for was considered confidential.

The HON. J. M. MACROSSAN: What case was that?

The PREMIER: It was the third or fourth section of the Southern and Western Railway.

The HON. J. M. MACROSSAN: The papers were laid on the table and printed.

The PREMIER: A motion was made by the hon. member to rescind the order. I am not going to answer the hon. member for Cook upon what he alleges to be my speech on the occasion he refers to. What I said on that occasion is reported, and I prefer to refer to *Hansard* for what I then said to accepting the hon. member's recollection of it, which is quite different from what I said. The Government are willing to give all the information they can honourably give in respect to this matter, but they are not justified in giving other tenders than the successful tender. Such information has never been given so far as I know. On a previous occasion the hon. member for Townsville, Mr. Macrossan, moved for information with respect to the extension from Warwick to the border, but on that occasion all he asked for was information that could be fairly given—the names of the contractors, the amounts of the tenders on the first and second occasions of calling for tenders, the Engineer's estimate, and the amount for which the contract was let. Such information as that, and any correspondence between the contractors and the Government, may be fairly given; but we have no right to disclose the prices showing how the different tenders are made up. That ought not to be given, and anyone having experience in these matters knows that that is considered confidential. In its present form, therefore, the Government object to the motion, and will take upon themselves the responsibility, even if it be carried, of failing to comply with it. If the hon. member will withdraw the motion and bring it forward in such a form as it can be received without violating the ordinary rules in such cases, the Government will be very glad to comply with it. So far as the Government are concerned they have nothing to conceal, and are prepared to give all the information that will throw any light upon the conduct of the Government in this matter.

The HON. J. M. MACROSSAN said: Mr. Speaker,—The hon. Premier raises an objection to tabling the schedule of prices in this particular case of Mr. Robb's original tender and the tender which was accepted finally by the Government.

The PREMIER: I have no objection to give the amounts of the tenders.

The HON. J. M. MACROSSAN: Of course I know that is the very least that could be furnished by the hon. gentleman. The House will observe that the hon. member for Cook does not ask for Mr. Carey's schedule of prices or the schedule of prices of the other tenderers, no matter who they were. What he does ask for is for the purpose of comparison—for comparing Mr. Robb's original tender with his second tender as accepted by the Government, and I say that is a legitimate thing to get, because this House will not be in a position to know the difference between the two tenders by saying that one is so many pounds less or more than the other.

The PREMIER: I have no objection to give that.

The HON. J. M. MACROSSAN: That is all that is asked for.

The PREMIER: No; copies of all tenders.

The HON J. M. MACROSSAN: Copies of all tenders, but not copies of all the schedules of prices. A copy of a tender is not a copy of the schedule of prices. The hon. gentleman is simply asked to give the amounts of all the tenders, and copies of the schedule of prices of Mr. Robb's tenders only. I know such information was given in this House. It was given in the case of Mr. Thorn's tender on the Western Railway, and I could also find in the New South Wales "Votes and Proceedings" where it was given there in the case of tenders for the Mudgee line.

The PREMIER: I have no objection to that information being given if the statement of amounts of all the tenders is asked for as in Mr. Macrossan's motion previously referred to.

The HON. J. M. MACROSSAN: The schedule of prices is only asked for in the case of Mr. Robb's tenders, and copies of the tenders in the other cases.

The PREMIER: The schedule of prices is the most important part of the tender.

The HON. J. M. MACROSSAN: It is, of course, a most important part of the tender, but the tender is the actual amount—£100,000, £200,000, or whatever it may be.

The PREMIER: If the first paragraph is amended to read, "A return showing the amounts of all tenders," &c., I shall have no objection to that.

Mr. HAMILTON said: Mr. Speaker,—With the permission of the House, I will amend the motion in that way so as to make the first paragraph read, "A return showing the amounts of all tenders received for the construction of the second section of the Cairns railway."

The PREMIER: What about the second paragraph—"Copies of amended tender or tenders"?

Mr. HAMILTON: There is only one amended tender.

The PREMIER said: Mr. Speaker,—Before you put the motion I may say that there is no objection to give that information. With respect to the second paragraph of the resolution, I should perhaps state that understanding as I do that the schedule of prices in only the one amended tender is asked for, I make no objection to it; but if it turns out that there are any amended tenders from other gentlemen I shall not feel bound to lay the schedules of those on the table of the House.

Mr. HAMILTON : I simply ask for a return similar to that mentioned in the first paragraph.

The PREMIER : As to the rest of the information, as I said before, the Government have no objection to give it.

Mr. ANNEAR said : Mr. Speaker,—Do I understand the resolution to mean that the schedule of prices will be given, or only the total amounts of the tenders?

The PREMIER : The schedules will not be given except in the case of the successful tender.

Mr. ANNEAR : I do not think it is fair to give the schedules of prices even in the case of the successful tender. Here we have a railway under construction of which about 23 miles will be completed when this section is made, and there will still remain a considerable length to be built—I do not know the exact distance, but I think it is about 40 miles. If the schedule of prices sent in by the contractor carrying out the work is given, you will be telling men who know nothing at all about railway construction for what prices the different works can be carried out, and some of these persons may tender for the next section, merely taking the schedule of prices of the present contract, cut a little off each item, and by that means obtain the contract. I do not think the schedule of prices of a contract in existence should be in the possession of any one but the contractor, the Engineer-in-Chief, and the Government. The other day a section of the Gympie railway was tendered for, and twelve tenders were received. The schedules to those tenders are in pamphlet form under two covers. The whole of those tenders when taken to the office of the Engineer-in-Chief are there impounded and do not again come into the possession of the contractors. I think that if the schedules of tenders are published it will be a very serious departure from the system which has, I believe, been carried out ever since Queensland has been a colony. It is information which, in my opinion, should not, as it were, be scattered broadcast over the colony for people who know nothing about railway work to make use of in tendering. We saw the contract for the first section of the Cairns railway taken up by a man who knew nothing at all about it; the work has not been carried out by him, and a great hardship and wrong on many men in this colony has been thereby inflicted. I need only instance, as proof of this, the case of the gentlemen who entered into a contract with McBride to supply sleepers for that section of the railway. After the ships loaded with sleepers arrived at Cairns they were told by the Engineer-in-Chief that they could take their sleepers back again; the Government would have nothing to do with them or their sleepers. We ought to be very guarded in dealing with a matter like this now before the House. I may say that I have not gone into the question with anyone, and have never referred to it except on the present occasion, but I think we should be making a very serious departure if we once make the schedule of prices to a contract a public document which anyone could buy over the counter at the Government Printing Office. I do hope, therefore, that the House will pause before passing the resolution. There will be no harm in giving the total amounts of the tenders, but, if copies of the tenders be given, the schedules which are attached must also be published, and that would be very unfair.

Mr. MOREHEAD said : Mr. Speaker,—I really do not entirely, or to any considerable extent, agree with what has fallen from the hon. member who has just sat down. He appears, if I am not out of order in so saying, to speak almost in the position of an interested party. I think myself that in the interest of the State it might be as well that these tenders should be printed, in order that they may give information to those who are not in the inner circle of contractors. It might do a great deal of good, and tend to cheapen our work, if we knew at what price work could be done. The Premier, however, is, I think, right in this particular case, because I take it that what this House may have to consider is what took place with regard to Mr. Robb, and the alteration in his tender. There are various unpleasant rumours with respect to the manner in which that contract was dealt with by the Government, and the sooner they are cleared away the better. I am therefore of opinion that the Premier is right in narrowing the matter down, at any rate for the present, to Mr. Robb's tender only. I think myself that it is unfortunate that the hon. gentleman was not in the colony when this affair occurred.

The PREMIER : I was here.

Mr. MOREHEAD : Not in Brisbane, surely?

The PREMIER : I was.

Mr. MOREHEAD : When the amended contract was let? I think not.

The PREMIER : I am not sure whether I was here at the final settlement, but I am quite as responsible as anybody.

Mr. MOREHEAD : The hon. gentleman says he is quite as responsible as anybody. Was he in the colony at the time?

The PREMIER : I was here when Mr. Miles was negotiating with Mr. Robb.

Mr. MOREHEAD : Was the hon. gentleman here when the contract was let?

The PREMIER : I think so, but I am not sure.

Mr. MOREHEAD : I was under the impression that the hon. gentleman was not in the colony when the contract was let. I think it was settled without the advice of the Premier, unless it was given by telegraph.

The PREMIER : No, I don't think so.

Mr. MOREHEAD : However, the dates are easily fixed, and this matter can be settled hereafter. But whether the hon. gentleman was here or not, the contractors from the southern colonies, and I believe those in this colony also, think that an injustice has been done them; and a large section of the community also think that they have been unfairly treated in the matter, and that we shall have to pay more for this railway than we should have done if another course of procedure had been adopted. I think it would be for the benefit, not only of the Government, in the present instance, if they can prove they were right, but also hereafter, because the feeling amongst other contractors is that an undue preference has been given to a certain contractor. There is no doubt an impression, both here and in the southern colonies, that Mr. Robb has been favoured, whether unduly or not I cannot say; and there are many reasons assigned why this preference has been extended to Mr. Robb. Those reasons I prefer to give when the Minister for Works is in his place, because, notwithstanding the chivalrous way in which the Chief Secretary tries to shelter his colleague—though his attempt to do so commends itself to us—I prefer to deal with the Minister for Works himself, holding, as I do, that the Minister for Works is the gentleman who is primarily responsible for this action—this improper action I will say—which, at any rate, cannot be dealt with till we get the returns promised by the Government.

Mr. SCOTT said : Mr. Speaker,—The publication of schedules of prices is not a new thing. If I remember rightly several contracts have been made on schedule prices. A portion of the Brisbane and Ipswich Railway was carried out

in that way, and the Hon. Mr. Walsh, who was then a member of the Assembly, called for a committee of inquiry as to the cost of that railway, in which everything came out. The schedule of prices was then published and anybody could get hold of it.

Mr. FOXTON said: Mr. Speaker,—I think, sir, that there is something in what has fallen from the hon. member for Maryborough, Mr. Annear, and also in what the hon. the leader of the Opposition has said. It does appear to me that if these schedules of prices have been given in with the tenders on the tacit understanding that they should not be made known, it would be a breach of confidence on the part of this House to make them public. But if it was laid down as a rule that the schedules of prices were to be made public, and the tenderers knew that at the time they sent in their tenders, and if they were subsequently made public, I believe it would be a very great advantage to the State. A great deal has been said from time to time about the action of the Government with regard to this contract, which has been given to Mr. Robb, deterring tenderers from having anything more to do with the Queensland Government. Well, sir, I think the number of tenders that were received for the fifth section of the North Coast Railway is a very sufficient answer to that argument. Twelve tenders were received, and four out of the twelve were from the southern colonies. But if we begin to break faith with tenderers by publishing their schedules of prices, when the tenders have been sent in under the seal of confidence, so to speak, I think we are far more likely to injure our prospects of receiving tenders from eligible men in the future.

The HON. J. M. MACROSSAN said: Mr. Speaker,—I have no intention of entering into the merits of the case; I have risen again for the purpose of setting some hon. members right, and showing the Premier that I was right in stating that schedules of prices had been laid on the table of this House before, and printed, and are now to be found in "Votes and Proceedings." As to the contention of the hon. member for Maryborough, Mr. Annear, that contractors are going to be injured because of the schedule of prices being laid on the table, I think it is a most mistaken idea. There are no two railway sections alike, so that the schedule for one section is no guide in regard to another, and the man who cannot make up a schedule of his own without filching from his neighbour is not fit to be a contractor. Mr. George Bashford has been a contractor in Queensland for a long time; whether a succesful contractor or not I do not know, but I presume, from the time he has been making railways here, and from general appearances, he has been successful. I have never heard him complain of the Government having printed his schedule of prices, and yet it was published.

Mr. FOXTON: After the work was over.

The HON. J. M. MACROSSAN: No. What difference would that make? Here is vol. iii. of "Votes and Proceedings" for 1876; and in it I find, "Queensland Western Railway.—Schedule of prices attached to Contract No. 3." It begins with "Clearing (1·50 chains wide), at per mile, £110; ditto (additional width), at per acre, £8; earthworks—excavation from cuttings, at per cubic yard, 2s. 6d.;" and so on right through the items to the end of the schedule. At the end I find:—

"The foregoing schedule of prices is the one referred to in our tender, dated 2nd October, 1876.

"Signature of parties tendering—George Bashford and Co.

"Witness to signature—T. W. Jowett."

Therefore the Premier in consenting to do what has been asked is not deviating from an invariable rule, as laid down by the hon. member for Carnarvon. And this is not the only time the rule has been broken in this House. It has also been broken in the other colonies.

Mr. FOXTON: Was that published during the currency of the contract?

The HON. J. M. MACROSSAN: It was. In 1876 the tender was sent in, and in 1876 the work was proceeding The fact remains that, though Mr. Bashford sent in that schedule of prices for that particular section, if the Government choose to examine another section they will find the schedule of prices very different. It must be different, because the work is different. Though contractors are, perhaps, a little fastidious in regard to their neighbours knowing their prices, there is nothing whatever in it; and if a man knows his work he need not be afraid of any man knowing his prices.

Mr. KELLETT said: Mr. Speaker,—The question was asked across the House just now, when the hon. member for Townsville was speaking, whether that schedule of prices was published while the contract was going on, and we were told it was. I think if that is so it was very bad for the contractor. It is well known that a great deal of this work is given out to sub-contractors, and if the price of every item on the schedule is known, how is the contractor to get the work done at a profit? I do not think a contractor could possibly get the work done at a fair rate if the sub-contractor knew exactly the price that was being paid. Even if this rule has been broken through once I do not think it is advisable that it should be broken through again. The full amount that the railway is to cost is all the public want to know, and the amounts of the other tenders; but they do not want to know that one man can supply cement cheaper than another, or can make his profit out of a particular class of work. We know that good business men can make a profit where other men cannot make a profit; it is simply a question of brains. I do not think it is advisable that the schedule of prices should be published; all the public want to know is the amount of the tenders, and they are satisfied if the work is done at the lowest price.

Mr. McMASTER said: Mr. Speaker,—I think the hon. member for Maryborough has shown that it would be almost a breach of confidence to lay the schedule of prices on the table, seeing that forty miles of the Cairns line has yet to be tendered for. I understand that in the schedule of prices the quantities are taken out. Now, if they are recorded on the schedule of prices, they can be seen by the parties intending to tender for the next section; so that they would be using the brains of the man carrying out the contract now. They will have no difficulty in ascertaining the price he is receiving for taking 1,000 yards out of a cutting, and they can make their tender a little lower for the same work. I think it commends itself to common sense that the schedules should not be laid on the table till the line is complete. There would not be the same objection, were it not that only one section is being carried out, and in a short time tenders will be called for the other sections. It would be unjust to the present contractor to expose his schedule of prices previous to tenders being called.

Mr. ANNEAR: Mr. Speaker——

The SPEAKER: The hon. member has spoken.

Mr. ANNEAR: I wish to make a personal explanation. The hon. leader of the Opposition said I spoke as an interested party.

The HON. J. M. MACROSSAN: No.

Mr. ANNEAR: Now, I have no more interest in Mr. Robb's contract than the value of this sheet of paper. Mr. Robb is a friend of mine. I have known him for many years, and I am very glad of his friendship; but I never have stood up here to advocate anything I had an interest in, and I never shall do it. I have no interest of any value in the contract Mr. Robb is now carrying out.

Mr. SALKELD said: Mr. Speaker,—There have been many reports made about this arrangement between the Government and Mr. Robb. I do not know whether they are true or not; but I would like to ascertain the truth of the report that the original plans and specifications, which the other tenderers went on, were altered in the case where Mr. Robb's tender was accepted. Perhaps the Premier will inform the House.

The PREMIER: I do not know.

Mr. SALKELD: If that was done, it is a very important matter for the House in considering what has been done by the Government in departing from the usual rule. I know there has been a great deal of dissatisfaction with any interference with the ordinary course of tendering, and I believe the best plan is to adhere to the ordinary rules—that is, accept the lowest tender, or, if that is too high, call for fresh tenders, or else let the Government carry out the work themselves. To make bargains with any of the tenderers is calculated to weaken the confidence of the tenderers in the Administration.

Mr. LUMLEY HILL said: Mr. Speaker,—I took considerable interest in this matter at the time the tenders were being called. I should think that in this instance the Minister for Works was guided by a certain amount of experience he gained during the carrying on of the first section of the Cairns Railway, where the lowest tenderer got the contract, although he was pretty well known to be a man of straw. I do not think it is worth while for the Government to go on advertising "the lowest or any tender not necessarily accepted," unless they reserve to themselves the liberty of throwing out any tender from people they do not know—who they are not fully assured are competent to carry out an expensive work. I know that great distress was caused in Cairns by the mere fact of an unsubstantial man getting the contract for the first section. The carrying out of that section was very greatly delayed, and ultimately the Government had to take it over and work it themselves. I think it was very fortunate that, guided by that experience, they set aside the lowest tender from men at all events comparatively unknown—I do not remember their names now. They may be very substantial people, and very well known in New South Wales, but they were not well known here. I had never heard of them myself before. I think the Minister for Works was perfectly right in going for a substantial man and giving him the opportunity of amending his tender. He was a man he knew he could thoroughly rely upon to do the work, a man whose railway contracting fame was not confined to the other colonies but was well known and proved in Queensland. I do not think it would be fair that these schedules of prices should be laid on the table before the work is complete.

Mr. ADAMS said: Mr. Speaker,—When I saw this motion on the paper my intention was to vote against it, because I did not know that a schedule of prices had ever been asked for in this House before. But since it has been shown that it has been done before, and that it would be a benefit to the country, I think it is desirable that the motion should be agreed to.

Mr. HAMILTON said: Mr. Speaker,—I must refer to what the Premier said, just to show that there must be some other reasons than those given at the time. The Premier stated just now that I had put the facts incorrectly. I shall prove by *Hansard* that that statement is not correct. He first stated, "I was tolerably familiar with the country." I say that he was not. He then stated, "I saw the plans of the bridges and some appeared to be absolutely impossible." I have shown that that was a reflection upon the Chief Engineer, Mr. Hannam. He then stated, "The tenders came in and all of them were of a speculative character." Well, the contractors, who have been over the country, are better acquainted with it than the Premier who did not go over the country. His next statement was, "They could either call for fresh tenders, involving considerable delay, . . . or take another course." Well, I think I showed very clearly that it would not have involved any more loss of time by calling for two fresh tenders than by calling for one tender. However, I shall now refer to some of the other statements that have been made in reference to this motion. The hon. member, Mr. Hill, my colleague, stated that Mr. Carey is not so very well known here—that he himself does not know much about him. But it does not follow that Mr. Carey is not well known because the hon. member does not know him. As a matter of fact he has just finished a contract for 136 miles of railway, and he has been a contractor for thirty years. I should be very sorry, indeed, to do any injury to Mr. Robb, and if I thought that the publication of his schedule prices would do him any injury I would not call for them. I think the hon. member for Maryborough was wrong in believing that the leader of the Opposition had imputed any interested motives to him, because I am perfectly certain that he is the last man in this House to do anything of the kind. The hon. member for Carnarvon has urged as an objection to the production of these schedules that if sub-contractors knew the prices the contractors obtained they would refuse to do the work for less than those prices. That is perfectly absurd.

Mr. FOXTON: I never mentioned sub-contractors at all. I never said a word about them.

Mr. HAMILTON: Well, Mr. Speaker, it was the hon. member for Stanley. That, at all events, is an absurd reason, because if a contractor offered me a fair price for clearing an acre of ground it would not matter to me what he got for it. What I would calculate would be, would it pay me to accept the terms he offered? There is no tacit understanding with the Railway Department that these tenders are not to be shown. It is true that after the tenders come into the possession of the Engineer they are sealed, but do not the contractors keep a copy of them? As a matter of course they do. They keep copies for their own use. Now, the hon. member for Townsville has shown that this is no departure from the rule, and that we have actually a precedent for what my motion asks. Moreover, no one can show that publishing that schedule affected the contractor whose schedule of prices was brought forward at the time, and as for anyone who knows nothing about railway work being able to take a contract simply because he knows what the schedule of prices were for which a former contractor offered to do certain work, I think that is

utterly absurd. It does not follow that because he knows the contractor can do certain work for a certain price that he can do the same. For instance, Mr. Robb being a man of wealth, and an old contractor, and having all the latest appliances, he can afford to do work at a far cheaper rate than others; and there is not the slightest fear of an inexperienced man being able to do the same work at a profit simply because Mr. Robb can do it. Mr. George Bashford is one of the most successful tenderers in the colony, and yet his or Mr. Fountain's tenders are well known to every railway accountant in town, and they can be seen on payment of five guineas. Now, Mr. Robb puts in a tender for certain work, and having obtained the contract, no one can take it from him. When he tenders for the next section—and I hope he will, and secure it too—he will not require to have reference to this last contract at all. It will be a different kind of work altogether. The circumstances will be different, and the schedule prices will be altogether different. We cannot investigate this matter unless we get these schedules of prices. It will be a farce if we simply get the lowest tender. I do not know much about these schedules of prices. I am speaking in the dark, but we want to know a great deal more than the lowest price, and I shall give an instance to show that more is required in order to get at the bottom of this matter. Now, we will say that there is a lot of timber work and a lot of concrete work to be done on a certain section. Say there is 4,000 feet of timber work and about 2,000 feet of concrete work, and the contractor puts in 10s. a foot for the timber work, and £2 a cubic yard for the concrete. Well, if he had a tip from a Minister or anyone else that they were not going to put in any timber, but use all concrete, he would simply put a low price on the timber work, say 5s. a foot, and a higher price on the concrete. Any person who was not in the inside running would say, "I cannot do the timber work for under so much, and therefore this man is undercutting me." The fortunate contractor, knowing that he will not have any timber work to do, will offer to do it at half price; but he will double his price for the concrete work, and thus make thousands of pounds. Now, there have been many complaints regarding the manner in which tenders have been accepted for contracts for sections of railway. This is not the only instance in which the lowest tender has not been accepted, and I think it right, for the honour of the country, that this matter should be looked into.

Question, as amended, put; and the House divided:—

AYES, 16.

Sir S. W. Griffith, Messrs. Rutledge, Dickson, Adams, Hamilton, Macrossan, Donaldson, Moreton, Fraser, Mellor, Morehead, Nelson, Norton, Lalor, Ferguson, and Stevens.

NOES, 16.

Messrs. W. Brookes, Sheridan, Foxton, Jordan, Aland, Annear, McMaster, Bailey, Wakefield, Kellett, Foote, Campbell, Grimes, Buckland, Kates, and Bulcock.

The SPEAKER: The numbers being equal, my vote will be with the "Ayes," and the question is resolved in the affirmative.

MOTION FOR ADJOURNMENT.

MISREPORTING.

Mr. KELLETT said: Mr. Speaker,—Before the House passes to the Orders of the Day, I should like to make a personal explanation. I hold in my hands a cutting from the paper that calls itself the leading journal of this colony—the *Courier*. There is less than half-an-inch of it, but the *Courier* can put as much falsehood into half-an-inch as any other paper can put into a column.

Mr. MOREHEAD: Move the adjournment of the House. I have something to say on the subject.

Mr. KELLETT: I shall conclude with a motion, Mr. Speaker. This paper, in its report of last night's debate, makes me use words which I never uttered. Here is the paragraph:—

"Mr. Kellett said he did not see how it was possible to debar publicans, since Her Majesty had conferred on some the title of C.M.G. (Loud laughter.) He knew some storekeepers who had kept stolen goods for years, and in any respect the publicans were as good as storekeepers."

The *Courier* reporters are in the gallery and can hear as well as the *Hansard* reporters, and yet during the nearly nine years I have had a seat in the House I do not think I have altered a word in the *Hansard* report half-a-dozen times. I speak clearly and loudly enough for most people to hear; and there is nothing in what I said last night that can possibly be construed into any such language as the *Courier* attributes to me. It is well known in this country that no man can rely upon a word he reads in the morning paper. If they do not put downright falsehoods into a man's mouth they so manipulate his speeches that no one knows what he actually said. And their leading articles are misleading, and nothing else. I will only allude to one which appeared the morning after the Premier's arrival from home; and I can only say of it that I never read a more low, mean, contemptible article in my life.

Mr. HAMILTON: I rise to a point of order, Mr. Speaker.

The SPEAKER: What is the point of order?

Mr. HAMILTON: The hon. member for Stanley rose to make a personal explanation, and he is going beyond it.

The SPEAKER: I understood the hon. member for Stanley to say, in reply to an hon. member, that he intended to conclude with a motion.

Mr. KELLETT: I shall conclude with a motion. I am saying what I think it is only right to say. I do not care much what the papers say or do about me, but I must say that ever since I have had the honour of sitting on this side of the House the *Courier* has seldom reported anything I have said either inside or outside this Chamber; but whenever it does, it manipulates in its own fashion and mutilates every speech it has reported. And I am not singular in that respect. And they have come to this stage, that very few men in Queensland believe anything that is written in the paper. It is treated with perfect contempt. I do not know whether it is that big building—that "white elephant"—in Queen street or what it is that is so upsetting the managing director of that paper. I was about to mention just now about the leading article that appeared in the *Courier* newspaper the morning after the Premier arrived from England. I say it was as mean and contemptible an article as ever appeared in any paper in the world, and it was false from beginning to end. They knew it would go to all the Australian colonies, and they tried to make out that the Premier had a bad reception; but everybody who was there knows that if it was a king who arrived he could not have had a better one.

Mr. HAMILTON: I heard the groans.

Mr. KELLETT: I heard one or two groans too, but we know that in every public assembly there will always be a few blackguards, and in this assembly as well as any other. There have been always a few ruffians in every assembly in the world from time immemorial, and always will be. I was in the middle of the crowd and heard about half-a-dozen groans, and maybe the same

men who groaned would cheer the Premier on another occasion. And of course the more they groaned the louder were the cheers. The article, from beginning to end, was as false an article as could be in public print. I think it is nearly time that such statements as these should not be allowed to go before the public. Whatever I may have said about the Ipswich storekeepers, they know me very well, and they know that whatever I said it was nothing to do them harm or injustice in any way. To say that I called them rogues and vagabonds —I say it is dangerous to have a Press in the colony that puts such things in public print. It is most dangerous to the liberties of the people. That statement will go through the colony, and people will say, "This must be a nice man who, under his privilege in Parliament, will make such statements, calling men rogues and what not." It is disgraceful, and the sooner the rest of the owners of the *Courier* get rid of the chief sinner who is there, the better it will be for themselves and the better for the Press in general of the country. I move the adjournment of the House.

Mr. MOREHEAD said: Mr. Speaker,—When the hon. gentleman got up to point out that he had been misreported, which I believe he has been in the case he referred to, I thought he was going to confine himself to that statement, but when he went on to show how badly the Premier had been treated I thought it was getting very much like bathos. He was going a little too far. The Premier is quite able when he is attacked by a newspaper or anybody else to defend himself; and if he does not mind it I do not see why the hon. member for Stanley should mind it, unless he has some occult reason, which I do not know—which I may surmise, but which I certainly do not know. With regard to the reports in the *Courier*, I admit myself that it is a matter to be regretted that some arrangement has not been completed between the Government and the proprietors of that paper, whereby *Hansard* might have been sent on as heretofore with the *Courier*. When I say "heretofore," I believe it was not done last session, but the session before *Hansard* was sent round with the morning edition of the *Courier*. As it stands at present very few, except those who can afford to pay the 3s.—which, I believe, is the subscription to *Hansard*—ever see it, but many of them take the *Courier;* and having all due regard to the production of the reports in the *Courier*, they cannot, of course, be as full as *Hansard*. The reporters of that journal may also, under certain circumstances, be actuated by some personal dislike of members of this House.

An HONOURABLE MEMBER: Not the reporters.

Mr. MOREHEAD: Well, whoever it may be, those who have authority over the *Courier* may be actuated—I do not say that they are; I should be sorry to think they are —by some personal ill-will towards certain members of this House; and the only way I can see to meet the difficulty would be one which, I think, would not commend itself to any member of the House—that is, to exclude the *Courier* reporters from the gallery. I should be very sorry to see such a course adopted, because if any injustice is done to a member it can easily be remedied when he goes before his constituents. If the *Courier*, wittingly or unwittingly, has done harm to any member he can appeal to *Hansard*, because we have still the official record, although it is not circulated as it was two sessions ago with the *Courier*. I quite sympathise with the hon. member for Stanley; when such a garbled and improper statement is put into his mouth I think he is perfectly right in calling attention to it, and I have no doubt that even the maligned journal —I will not say "maligned"—the attacked journal, will put the matter right. I think we ought to call attention to anything that appears in the leading journal, or what is called "the leading journal," and which I believe is the leading journal of the colony, when mistakes arise. With regard to the arrival of the Premier, whether those who groaned on that occasion were blackguards or not, I do not know. Of course it may be argued that all who are in a minority are blackguards. I do not hold with the hon. member for Stanley as far as that. There may be even people in this colony who would groan at me, but I would not therefore call them blackguards. I would say that they had adopted a very strong way of expressing their displeasure—it might be personal or political—but I would not go so far as to call them blackguards. I could quite understand the hon. member for Stanley saying that those who groaned at him were blackguards, but why he should say that those who groaned at the Premier were therefore blackguards, is beyond my sight. I cannot see as far as that; probably I shall have to get a pair of Stanley spectacles before I can see it. I certainly do not think it is right to designate those from whom you differ, personally or politically, as blackguards; whether that applies to the minority I do not know. The hon. member said the other night there were no gentlemen in the House. He begged particularly that he might not be called a gentleman, and I do not suppose that anyone has done so since; I certainly have never heard them. With regard to the report in the *Courier* about those men who expressed their displeasure in a very easy way —I think groaning is a very easy operation—I think, and have always said, that it was an indecent exhibition.

The PREMIER: There was no exhibition.

Mr. MOREHEAD: I do not know whether there was or not. I am only expressing my personal opinion, and I repeat that it was indecent on the part of those who groaned. They need not have gone there; they were not asked; only those who desired to welcome the Premier were invited to go, but I think to call them blackguards is going a little too far, and I believe the hon. member for Stanley himself, when he thinks over it a little, will admit that he has used an epithet which is not fitting.

Mr. HAMILTON said: Mr. Speaker,—I think it would have been sufficient if the hon. member for Stanley had brought this matter forward in a mild and—I was going to say gentlemanly way, but the hon. member the other night stated that there were no gentlemen in the House. If there are no gentlemen in the House, I will not accuse him of being a blackguard. If he had mildly and temperately said he had been misreported, I have no doubt the *Courier* would be happy to correct any misstatement that may have inadvertently been made. With regard to the hon. member's own report as to the reception of the Premier, and his statement that there were more cheers than groans, I certainly heard more groans; but I shall give the hon. member best, because his ears are longer than mine.

Mr. ADAMS said: Mr. Speaker,—I do not intend to delay the House more than a few minutes. I was sorry to hear the hon. member for Stanley speak in the manner he did against the principal newspaper in the colony. We all know that even the *Hansard* reporters are not infallible. They make mistakes as well as others, and they, as well as the *Courier* reporters, are liable to error. The correctness of

the report depends principally upon where a member stands to speak, and whether he speaks to his shoes or speaks to the Chair. In speaking to the Address in Reply the other day, I am made to say—

"I am very happy to think she has done so, and I trust I shall live long enough to see the Premier live long enough to see his jubilee year as a member of the Government."

Now, Mr. Speaker, I never said anything at all about wishing the Premier to be fifty years a member of the Government.

Mr. MOREHEAD: I hope not.

The PREMIER: So do I.

Mr. ADAMS: I have a great respect for the Premier—a very great respect—and, as I said the other day, I should like to see him in the House—I should never like to see him out of it; but as for being a member of the Government for fifty years, I never said such a thing, and never intended to say it. When the question was asked, I said "No" distinctly, and therefore the report is incorrect. I do not blame the reporters for that, simply because I know many times they are not able to hear distinctly, particularly when interjections are being made across the House. I think some latitude should be allowed both to the *Hansard* and *Courier* reporters, and I am very sorry that the hon. member for Stanley should have made such a tirade as he has. I may also say, Mr. Speaker, that there have been one or two other discrepancies in the reports of my speeches. I was made to say the other day by *Hansard* that I believed some small farmers had to cart their "corn," instead of their "cane," to the mill to be crushed. I believe that in place of the farmers taking their corn to the mill to be crushed, the corn crushes them properly. It was "cane" I said, and not "corn." I do not blame the reporters, because I know the difficulties they labour under on many occasions, especially when interjections are being made from one side of the House to the other. I merely wished to explain the matter, and to repeat that I am exceedingly sorry that the leading journal of the colony should be spoken of in the manner it has been by the hon. member for Stanley.

The HON. J. M. MACROSSAN said: Mr. Speaker,—Like the hon. member who has just sat down, I am extremely sorry the hon. member for Stanley was so extremely sensitive, and lost his temper so much as he did in the attack he made upon the *Courier*. Surely he must know that reporters are fallible like other beings! His own common sense should also tell him that no reporter would wilfully report what he has said is stated in the *Courier*. I do not know of such a one. He says he is reported to have said that stores in Ipswich have contained stolen goods for twenty years. Does he not know that no sensible man would make a statement of that kind wilfully? I think it folly of members of this House to attempt to correct the daily journals, whether the *Courier* or any other. Any corrections we have to make can be made in the authorised journals of this House. The authorised journal of this House extends much further in circulation than the *Courier* or probably the *Queenslander*. I hope it does, at all events. You shake your head, sir, as if it did not, but it ought to, at any rate. I can say this with certainty—that it circulates in every electorate of the colony, whether largely or not. Therefore no member need be at all alarmed at being misreported in the *Courier*, *Telegraph*, or *Queenslander*, as such misreports are always certain to happen. Why the hon. member should bring the managing director to account for a misreport of what has taken place in this House, I am at a loss to understand. The hon. gentleman evidently knows nothing about newspaper work. The managing director may never see the paper until it is printed, and all he has to do with it is possibly to write an occasional leading article. To say that he is to be held responsible for a misreport of what an hon. member says in this House, seems to me to show a great want of knowledge of how a newspaper is conducted. I am also quite certain that the managing director, even if he had taken the reporting in this House into his control, would not misreport anyone, even a man he might take to be his enemy. I am quite certain he would do him justice. Hon. members of this House, who look upon that gentleman as a friend, are misreported in his paper, and, further than that, their actions are sometimes misquoted and misunderstood even in the leading columns; but no sensible man would blame the managing director for that, even though he wrote the leading article, because every man is entitled to his opinion. If a person writes a leading article about a member of this House, misunderstanding his motives, I think he is blameless, because we all view things from different standpoints. I hope the hon. member for Stanley does not think the managing director of the *Courier* has a vindictive "down" upon him. I should be very sorry if he does think so, and I am quite certain he would not be correct in thinking so. We probably all think far too much of reports which appear in the newspapers, and take them too much to heart. I believe myself the majority of newspaper men—reporters, editors, and proprietors—try to do their best as far as they can go, and to give a correct statement of what takes place in this House and on every other matter; and as they are fallible and liable to err, hon. members need not take them to task too severely. I, for my part, would never think of correcting newspapers, though if I was seriously misreported in *Hansard* I might attempt to correct that. We have an opportunity of correcting *Hansard* every day, as proof reports of our speeches are sent to us. That should be sufficient for us, and we need not be taking up the time of the House by bringing, as I think, the dignity of this House a little low in making attacks upon newspapers. We are far superior to the newspapers, and should look with a certain amount of indifference upon what newspapers may say of us or what newspaper editors and reporters think of us. We are all trying to do our duty here according to the best of our lights, and if we are misunderstood or misreported we can simply take the consequences of it. As public men, if we are so thin-skinned as to take exception to a misreport, the sooner we leave public life the better.

Question put and negatived.

ADJOURNMENT.

The PREMIER said: Mr. Speaker,—As there is no private business on the paper for to-morrow, I beg to move that this House at its rising will adjourn until Tuesday next.

Question put and passed.

DIVISIONAL BOARDS BILL.

COMMITTEE.

On the Order of the Day being read, the House went into committee for the purpose of further considering this Bill in detail.

Clauses 88 to 90, inclusive, passed as printed.

Clause 91—"Mode of printing papers"—passed with an amendment substituting the word "occupation" for "description."

Clauses 92 to 94, inclusive, passed as printed.

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 a justice of the peace, or the returning officer. 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 envelope so endorsed shall be transmitted post free, any statute to the contrary notwithstanding."

Mr. MELLOR said he thought it would be an improvement upon the present system of voting by post if the voter was not compelled to erase the names of the candidates he did not wish to vote for before the paper was witnessed. They knew that intimidation was sometimes practised by people who witnessed the signature of a voter, and that might be avoided if the ballot-paper could be witnessed first and the names struck out afterwards.

The PREMIER said he had forgotten whether that suggestion had been made before. At first sight it seemed a good suggestion to allow a person to vote after his paper had been witnessed. He thought, however, that the way to meet the difficulty was to turn the names down. If they allowed a man to sign his name on blank they would simply be providing for a man going round and collecting blank papers, and then striking out the names of the candidates he did not wish to be elected. Then it would not be the ratepayer who voted, but the collector of the voting-papers who might get a sufficient number of papers to turn an election. In several large insurance societies a similar thing had occurred. People used to sign the voting-paper in blank, and the candidate whose canvassers were most active got the largest collection of voting-papers, and it was simply voting by proxy, as the person entrusted with the voting-paper struck out whatever name he pleased. It was therefore provided by one of the societies—the Australian Mutual Provident, he thought it was—that the name should be written in the handwriting of the voter, so that he should really vote and not sign a blank paper for the name to be struck out by someone else.

Mr. PATTISON said there were very many cases that had come within his knowledge in which a voter signed his paper, then had it witnessed by a ratepayer or justice of the peace, and afterwards struck out the names of the candidates for whom he did not wish to vote. On the other hand, very active agents had got the papers just signed and witnessed and then struck out what names they pleased, which was of course voting by proxy. So that it worked both ways.

Clause put and passed.

Clauses 96 and 97 passed as printed.

On clause 98, as follows :—

"At any time before three o'clock in the afternoon on the day appointed for closing the poll the returning officer may issue a second or duplicate voting-paper to any voter whose original voting-paper has miscarried. Provided that the voter shall first make a declaration before the returning officer that he has not received the original voting-paper, and has not already voted at the election."

Mr. GRIMES said that a ratepayer might have as many as three votes, and he would like to know from the Premier whether that clause would empower a returning officer to give a man more than one voting-paper in such a case. Again, there was no provision for supplying a second or duplicate ballot-paper to a person who had inadvertently spoiled or destroyed his paper. It was only in the case of a paper being lost or miscarried that according to that clause a second one would be supplied. He thought it would be advisable to amend it so as to allow of a second paper being supplied when the first one was inadvertently spoiled.

The PREMIER said there was a good deal in what the hon. member had said. With respect to cases where the voter had more than one vote he did not think any amendment was necessary, because the Acts Shortening Act provided that the singular should include the plural unless otherwise provided. As to the time of issuing a second or duplicate voting-paper, he was reminded only yesterday by an argument he heard in the Supreme Court that the clause was somewhat ambiguous. It might mean that the returning officer could issue the duplicate voting-paper at any time, on any day, so long as it was before 3 o'clock on the day of the poll, or it might mean that he could only issue it on the polling day before 3 o'clock in the afternoon. He did not know what the clause was really intended to mean. Suppose a man happened to be in a place where the returning officer was, the day before the day appointed for closing the poll, or a week before that day, and was in a place where it was impossible for the voting-paper to reach him by post—why should not the returning officer give him the paper a day or a week before the poll was taken? He did not see why not. If a man attempted to use more voting-papers than the number of votes to which he was entitled, only the proper number would be counted, and the voter would render himself liable to a penalty. It would be better to remove doubt by substituting the word "of" for the word "on" in the 1st line of the clause. With regard to the other matter mentioned by the hon. member for Oxley, he thought they might very well add the words "or has been destroyed" after the word "miscarried."

The clause was ultimately amended to read thus :—

At any time before three o'clock in the afternoon of the day appointed for closing the poll, the returning officer may issue a second or duplicate voting-paper to any voter whose original voting-paper has miscarried or has been destroyed. Provided that the voter shall first make a declaration before the returning officer that he has not received the original voting-paper or that it has been destroyed, and that he has not already voted at the election.

Clause, as amended, put and passed.

Clauses 99 to 105, inclusive, passed as printed.

On clause 106, as follows :—

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

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

Mr. MORGAN said he believed that under the existing law the returning officer at a parliamentary election was debarred from voting except in giving a casting vote, and he knew it was so under the Local Government Act. He would like to hear from the Premier the reasons which had induced the Government to make a departure in this case. He thought that as far as possible the law in cases of that kind should be the same.

The PREMIER said the subject had been debated last year, and the provision had been introduced after considerable discussion. He did not remember the details of the discussion, but as it had been adopted last year the Government had introduced it this year.

Mr. McMASTER said it would be giving the returning officer an advantage in the case of an even vote ; it would allow him to give two votes to the candidate whom he would like to see returned.

The PREMIER said that in ninety-nine cases out of a hundred there was no casting vote required, so that in ninety-nine cases out of a hundred the returning officer was disfranchised. The alteration proposed would give the returning officer a vote in ninety-nine cases out of a hundred, and in the one case would give him an additional vote; and he thought the ninety-nine cases were more important than the one. Moreover, the ordinary votes to which he was entitled would probably be more numerous than the single vote given by him as returning officer.

Mr. MOREHEAD said the same argument would apply in ninety-nine cases out of a hundred in connection with a parliamentary election; and if there was anything in the contention of the hon. the Premier in this instance, the hon. gentleman should be prepared to make the same provision in the Electoral Act.

Mr. MORGAN said he would like to point out that in the ninety-nine cases out of a hundred when the returning officer would be disfranchised his vote would be worth nothing. The principle of the law was that members should be elected by the majority, and in the cases where the returning officer had two votes the member elected would not represent the majority. For that reason he thought the provision giving the returning officer two votes should be struck out.

Mr. GRIMES said he could not see why the chairman of a divisional board, acting as a returning officer, should not be entitled to exercise his right as a ratepayer. He would probably be entitled to three votes, and the contention of the hon. member for Warwick was that he should be deprived of those three votes for the sake of the casting vote if it were needed. If they made that the law they would find that chairmen who had more than one vote would simply hand over the duty to someone else, and the divisional board would have to pay the expense of a deputy.

Mr. McMASTER said that made the case stronger in their favour; it would be giving the returning officer four votes instead of three.

The PREMIER: And by the other plan he would have none.

Mr. McMASTER said he did not see why the chairman of a divisional board should be placed in a better position than the returning officer for the return of a member of Parliament or an alderman. They ought to be put on the same footing.

Mr. HAMILTON said he quite agreed with the contention of the hon. member for Warwick, that no good reason had been advanced against those that hon. member had given why the chairman should be put in a better position than anyone else in regard to his voting power.

Mr. ADAMS said he did not see the force of the argument, that because the returning officer for the return of a member of the Assembly had no vote, therefore the vote should be taken away from the returning officer in this case. The chairman of a divisional board was generally of some weight, and had property in his district, and would probably have two or three votes. Why should he be deprived of those two or three votes simply because he was chairman of the divisional board? It was not like voting for a member of Parliament; the returning officer then would only have one vote in any case. He considered it would be unjust to deprive any man of the right of exercising the franchise in that fashion. Another consideration had already been pointed out—that if the chairman of a divisional board had three votes to lose, he would undoubtedly exercise his right and appoint somebody else as returning officer, and the consequence would be that the ratepayers would have to pay the returning officer for the duties he performed. Now, he could not see why he should not exercise that right particularly as it was possible he would have two or three votes.

Mr. MOREHEAD said he thought there was a great difference between the case of a returning officer giving his casting vote and what would happen if the clause became law. In the former case he would have only one vote when the votes were equal, but it appeared to him that a much greater power was given by that clause. He thought it would be far better for the Premier to alter the clause, and allow it to stand as it originally stood. He did not think that the dual power should be vested in the returning officer, and he thought that that was the feeling of the Committee.

Mr. PATTISON said he trusted the Chief Secretary would not yield to the advice given by the hon. member, but let the clause pass exactly as it stood, as it had worked very well. He had been returning officer, and had been put in the position of having to give a casting vote, and although the Supreme Court upset the election the casting vote had nothing to do with it. The chairman of a divisional board gave his time and devoted his attention to the affairs of the division for nothing, whereas the mayor of a municipality was a paid officer. He thought it was not fair to deprive a man of his voting power, especially when he gave his time for nothing. The individual was simply given a vote as an individual, and he was given a vote as returning officer, and he thought that was a very fair arrangement.

The PREMIER said when the clause was before the House last year he called attention to the change. He spoke very briefly on the subject, and the hon. member for Port Curtis supported the clause, and said he saw good reason for a returning officer having two votes. The hon. member used the same argument that he (the Premier) had used—that it was not worth while to disfranchise a man always because a certain event might happen once in a hundred times. He considered that the arguments in favour of the clause as it stood preponderated.

Mr. McMASTER said he could not permit the remark of the hon. member for Blackall to go unchallenged. The hon. member said the mayor of a municipality was a paid officer. Could the hon. gentleman name one mayor in the colony who was a paid officer?

Mr. PATTISON: Yes. He need scarcely mention Brisbane, and in Rockhampton £300 was voted to the mayor. In Brisbane it was nearer £1,000, he supposed.

Mr. McMASTER said as far as the mayor of Brisbane was concerned he was not a paid officer. There was a certain allowance made to him to keep up the dignity of the position, and he spent a great deal more than what was allowed. The chairmen of boards really had votes given to them, but he never heard of their spending the money in entertaining their constituents.

Mr. PATTISON: I can tell you different from that.

Mr. McMASTER said he had read of a board that spent its whole revenue in entertainments. He had no objection to giving the chairman of divisional boards four votes, provided mayors of municipalities were treated in the same manner. He did not see why a mayor, who had three votes, should be debarred from exercising them simply because he was returning officer. He wanted to put the law right in that respect.

Mr. MOREHEAD: I hope the law will help you right.

Mr. McMASTER said he hoped the clause would be altered as suggested.

Mr. MELLOR said they were not dealing with municipalities at the present time, but no doubt when the law was altered similar privileges would be granted to mayors.

Mr. BUCKLAND said there was nothing to compel the chairman of a board to act as returning officer. He could appoint a deputy, and then exercise his vote.

Mr. CAMPBELL said he hoped the clause would pass as it stood. It seemed to him a great hardship that a chairman who held three votes should lose them all. Doubtless as a rule chairmen of divisional boards were men of property, and they did not like to lose their votes. For instance, the chairman in his district had been chairman for seven years, and had never acted as returning officer, for the reason that he did not want to lose his vote.

Mr. MORGAN said he was sorry to detain the Committee, but the matter was one of very great importance, because it attacked the soundest principle of representative government, which was that the majority should rule. The Premier said an equality of votes seldom occurred, but, if the danger occurred only once in a hundred years, that was sufficient reason for altering the clause. If it should happen that there was an equality of votes, then the member for a division or subdivision would represent not the majority but the minority, because he would have the returning officer's vote and his casting vote. If two candidates polled ninety-nine votes, one of them would have the returning officer's casting vote, which would give him 100, when in reality he polled no more than his opponent. Now, if that power were taken away from the returning officer there would be no possibility of such a thing occurring, and every man would be elected by a clear majority.

The PREMIER said, supposing the returning officer were not allowed to vote, then the candidate would have only ninety-seven votes. The man who had ninety-nine would have a majority, as it would be ninety-nine to ninety-seven.

Mr. GRIMES said he would point out that there was a material difference between a vote for a member of Parliament and a vote for a member of a divisional board. In the latter case it was property that was represented in accordance with the amount of rates paid, and in the former it was the individual.

Mr. STEVENSON said the hon. member for Warwick seemed very unfortunate in his arguments. He had told them that the majority should rule, but if a returning officer was to be deprived of his three or four votes he failed to see where the fairness came in. The only chance a returning officer would have of exercising his right to vote, even although he might hold three, would be on the rare occasions when the numbers on each side happened to be even.

Mr. MORGAN said all he was contending for was that returning officers in both cases should be placed on the same footing; and that seemed to him to be the common-sense view of the matter.

Clause put and passed.

The PREMIER said that, as he understood the writ for the election of a new member for Fassifern had been returned, he thought it would be advisable to follow the usual practice and allow the new member to take his seat; and he therefore moved that the Chairman leave the chair, report progress, and ask leave to sit again.

Question put and passed; and leave given to sit again forthwith.

FASSIFERN ELECTION.

The SPEAKER said: I have to inform the House that I have received from the returning officer of the electoral district of Fassifern the return of the writ issued by me for the election of a member, endorsed with a certificate of the election of George Thorn, Esquire, as member for the said district.

MEMBER SWORN.

The Hon. George Thorn was sworn in and took his seat as member for the electoral district of Fassifern.

DIVISIONAL BOARDS BILL.

COMMITTEE.

The Committee resumed.

Clauses 107 to 124, inclusive, were passed as printed.

On clause 125, as follows:—

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

"All powers vested in the board may be exercised by the majority of the members present at any meeting duly held, and all questions shall be decided by a majority and by open voting.

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

"At all meetings of the board, save as herein otherwise provided, all members present shall vote.

"If a member refuses to vote his vote shall be counted for the negative."

Mr. MELLOR said he would like to know, if no one called attention to the fact that there was not a quorum present, could the board proceed with business?

The PREMIER said he should not like to express a confident opinion upon that. It was a very doubtful point.

Clause put and passed.

Clause 126—"Penalty for voting as a member where interested"—put and passed.

On clause 127, as follows:—

"The members present at a meeting may, from time to time, adjourn the meeting.

"If a quorum is not present within half-an-hour after the time appointed for a meeting of the board, 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. MELLOR said he would like to see an hour's grace allowed instead of half-an-hour's. In the case of some country boards the members had to travel long distances, and could not always arrive in time for the meeting. The result was great inconvenience. Another half-hour's grace would be a great assistance.

The PREMIER said that was a matter upon which he did not like to express an opinion. Half-an-hour was a good while to wait for people who were unpunctual. On the other hand, if people had to travel long distances to the place of meeting, as they had in some places in the country—perhaps thirty or forty miles—it would be a pity that they should have to go away because the one was more than half-an-hour behind time. Perhaps the difficulty would be met by inserting after "hour" the words "or such longer period as may be prescribed by the by-laws." He moved that as an amendment.

Mr. MOREHEAD said the clause was very good as it stood. It gave full power to adjourn from time to time.

Mr. NORTON thought everything necessary was provided in the clause. Any member present could adjourn the meeting for two or three hours if necessary.

Mr. McMASTER said the adjournment referred to meant "not later than seven days."

Mr. MOREHEAD: No; it says "to any time."

The PREMIER said they could adjourn for half-an-hour or an hour, or until there was a chance of getting a meeting. He would withdraw the amendment.

Amendment, by leave, withdrawn.

Clause put and passed.

On clause 128—"Notice to be given to members of intention to propose revocation or alteration of any resolution of the board"—

Mr. MOREHEAD said it was a question whether the period of seven days' notice allowed by the clause was sufficient in the cases of some of the outlying divisions. For instance, a man engaged in pastoral pursuits might have his time so occupied that he could not come in the period mentioned. He proposed that the time be extended to fourteen days.

The PREMIER: I accept the amendment.

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

On clause 129, as follows—

"Upon the petition of a majority of the ratepayers in a division, or otherwise if he thinks fit, the Governor in Council may suspend, amend, or rescind, any resolution or order of the board, or may prohibit the expenditure of any moneys from the divisional fund upon any work which he deems unnecessary, or which will impose undue burdens upon the ratepayers of the division."

Mr. MELLOR said he thought the clause gave undue power to the Governor in Council. He considered that the word "otherwise" might well be left out.

The PREMIER said he knew it was an extreme power; but there had been instances in the cases of many boards when that power had been very useful. There had been some gross abuses, and there ought to be a controlling power—a power to be exercised with very great reluctance, and only used as a last resource.

Mr. MOREHEAD said he thought with the Premier that the power was a very useful one, and would go a long way to prevent the abuses that had occurred in the past.

Clause put and passed.

On clause 130—"Notice of meetings"—

Mr. MELLOR said he thought it would be better to alter the time allowed. Two days' notice was not sufficient in many of the outside districts.

The PREMIER said two days was the minimum. Boards had power under the 178th clause to make by-laws on the subject. The present clause merely provided for the least notice. The boards could make it as long as they liked.

Clause put and passed.

Clauses 131 to 141, inclusive, passed as printed.

On clause 142, as follows:—

"The board shall be charged with the construction, maintenance, management, and control of all public highways, roads, bridges, culverts, ferries, wharves, jetties, and other necessary public works within the division, and may from time to time open new streets or roads, or divert any street or road, or alter or increase the width, or cause to be raised or lowered the soil of any street or road, and may construct any bridge or culvert in or over any street or road, and may, for such purposes and for such time as is necessary, close any street or bridge.

"Provided that the board shall not be charged with the construction, maintenance, or control of any highway, road, bridge, ferry, wharf, jetty, or other necessary public works which the Governor in Council, by proclamation, excepts from the jurisdiction of such board."

The PREMIER said the only alteration in the clause was the insertion of the word "jetty."

Mr. PATTISON said he had been requested to bring under the notice of the Committee a very great hardship that might occur to some boards under the clause as it stood. He had received a letter from the chairman of the Gogango Divisional Board, in reference to an action which was recently decided in the district court at Rockhamption, and, with the permission of the Committee, he would state the circumstances of the case. In the month of April or May last the Rockhampton district was visited by floods, and as a consequence some of the roads around the town were submerged. A gentleman who was riding to the Crocodile fell from his horse into a hole on the road, as the board had not sufficient time to repair the damage done, nor were they aware of it. The verdict of the judge was some £58 against the board, with costs, which amounted to a very large sum. The board thought it very hard that, as the law now stood, they should have no chance of protecting themselves, and they had requested him to bring the matter before the House. Following up a resolution asking him to bring the matter before that House, the letter he referred to said:—

"The cause of the above resolution being passed was the action just decided against the board, brought by a Mr. Forbes.

"I would especially draw your attention to the ruling of the Chief Justice, as quoted by Judge Millar in the above case, as follows:—'It has been urged that the largeness of the question would give a great deal of inconvenience to boards, but that is something that I have nothing to do with. If this be a consequence of this reading of the Act, then the boards had better combine and get it amended. Under section 53 it is the duty of a board to maintain its roads in a condition of repair safe for passers-by.'"

The circumstances he had stated showed the utter impossibility of a board dealing with such a case. The boards should properly maintain their roads, but there were emergencies under which they should not be liable. A flood was such a case, where a board could not be made aware of the extent of damage done to a road. A heavy team might pass over the road and cut it up in such a way that when a flood came a great hole might be made in it, and then horses going over the road might tumble into the hole, and the board would be liable though they might not know of the damage to the road. He brought the matter forward in the hope that the Premier would see his way to amend the clause. He could not suggest how, because he felt that in many cases the board should be held responsible.

The PREMIER said there was no doubt there were some cases in which the rule laid down was working very hardly indeed, but on the other hand they could not lay down the rule that the boards should not be charged with keeping their roads in repair. He did not exactly see where the line was to be drawn. What the boards were bound to do was to exercise reasonably good care in the maintenance of their roads. In the case cited by the hon. member, he was not particularly acquainted with the circumstances, but as the hon. member had stated them, he would say that the board certainly did not appear to be responsible. They could not be held responsible for an injury caused through a defect in a road of which they had no opportunity of being aware. There must either be a mistake in the decision or the facts must be different from those stated by the hon. member,

Mr. PATTISON: No; I believe they are as I have stated them.

The PREMIER said that if a bridge was washed away by a flood, and an accident occurred in consequence before the board were aware of the damage to the bridge, he considered they would not be responsible; but they would be responsible if, being aware of it, they did not put up a warning. He had often thought he would like to alter the clause, which seemed to work very hardly in some cases, and especially in the case of a new division, whose funds would not allow them to improve their roads. It had been held that if they touched a road at all, in the way of improving its natural condition, they must make it quite safe. He did not see how the clause could be altered. The accidents that had occurred so far were very few in number, and on the whole, the rule, he thought, worked for the public benefit better than any other that could be suggested. If they were to restrict the cases in which roads were to be kept in repair, it would probably give rise to just as much trouble and litigation to see whether a particular case fell within the new rule.

Mr. PATTISON said that what made the case a good deal harder was that the subdivision in which the accident occurred would have to borrow from the other subdivisions to pay the fine. The letter he had received stated:—

"I may inform you that the subdivision (No. 1) in which the accident occurred has spent all its funds, and is now working on the money borrowed from the other subdivision, but still, owing to the exceedingly wet weather of the past year, and the heavy traffic to Mount Morgan, it has been quite impossible to keep the roads of that subdivision in fair order."

From that it would be seen that the other subdivisions had to come to the rescue, or that particular subdivision would have had no money to satisfy the verdict.

Mr. FERGUSON said that the division referred to by the hon. member for Blackall had about 4,000 miles of roads to keep in repair, and yet, according to the decision of Judge Millar, at Rockhampton, if a rut were made in a road by a heavily loaded dray passing over it and a horseman coming along afterwards suffered injury through his horse getting into the rut, the board would be liable for damages. It was impossible for any board to keep its roads in such repair as that would appear to render necessary, and especially a board having to deal with so many miles of roads. There should be some limit to the responsibility of the boards under the clause. There were certainly some cases in which they should be liable for injury sustained through a road being in bad repair, but there should also be a limit to their liability in the same way; or speculative travellers, who did not care whether they broke their necks or not, would be bringing cases against the boards for the sake of securing damages. It was not the amount of damages that was complained of most, but the costs, as the costs were in some cases three or four times the amount of the damages assessed. In the particular case referred to by the hon. member the expenses were over £100, and the damages awarded £58. The difficulty was that if the boards were to be considered liable in all these cases, instead of having one or two cases to deal with they would have cases brought against the boards all over the colony, and a man who might be riding carelessly along a road and allow his horse to trip in a hole or rut in the road would sue the board for damages. The liability of the board to pay damages for accidents should be limited to cases in which clear neglect on their part could be shown.

Mr. MELLOR said that the divisional boards had very serious responsibilities under the Act, and most of them had had some taste of what those responsibilites were in the shape of actions at law. He knew of a case in which a teamster was drawing timber along a road, and made the road in such a state that one of his horses was killed on it, and the board had to pay for it. There was a great deal in what had been said as to the advisability of limiting the liabilities of boards under the clause. There were many boards that really had not sufficient funds to keep the roads under their control in repair, and what were they to do in case an action was brought against them? In many cases the bridges constructed by the Government and taken over by the boards were already falling to pieces. The boards were over head and ears in debt, and had neither funds nor credit, and it was impossible for them to keep their roads and bridges in order. They should certainly be liable for damages where clear neglect could be shown, but the extent of their liability should be stated. In connection with the clause he might make mention of the practice of selling lands in the colony, and of cutting roads through those lands. The roads were cut up and surveyed without any application being made to the board; they got no information about them, but they had to take the responsibility of maintaining them. Private persons oftentimes cut up their selections and laid out streets without any reference to the board who had to maintain them. Surveyors thought nothing about crossing a watercourse where a bridge would have to be made, because it was the only available road to some selection or selections. He thought that divisional boards should have some say in the laying out of roads, and if the clause could be amended in that direction it would be a great improvement.

The PREMIER said he did not see his way to limit the liabilities of boards, although he had had the matter under consideration several times. If any hon. member would suggest some method of doing so he would be glad. As to boards having control over the laying out of roads, he did not see how that was practicable either, but he thought the Survey Office would in that matter pay great attention to any representations that might be made by divisional boards. If, however, it was compulsory for the survey office to consult a divisional board before laying out a particular road, it might cause a great deal of delay, as the board might take a long time to think over the question before giving an answer. He thought the matter was not one for legislation, but that it might be dealt with by administration.

Mr. NORTON said he thought the liability of boards might be determined by the addition to the clause of a proviso to the effect that boards should not be liable for accidents arising from the disrepair of roads unless it was sbown that they had been guilty of culpable negligence.

The PREMIER: That is the law now.

Mr. NORTON said he knew for a fact that in making many roads there must be a certain amount of risk to people who were careless, and he believed that often the negligence was more on the part of the persons who met with accidents than on the part of the boards.

The PREMIER: I believe it is; but juries find otherwise.

Mr. NORTON said that boards ought not to be liable when there was negligence on the part of a person who claimed damages for injuries sustained in an accident.

The PREMIER: Boards are not liable in such a case.

Mr. NORTON said that might be, but they were made liable because they could not prove negligence on the part of the plaintiff. In carrying out the works of a division it was impossible for a board to keep every road in good repair, and if it was made compulsory for them to fence all cuttings in order to protect them, many of the bush divisions would spend nearly all their money in putting up such barricades. He thought that some proviso should be inserted limiting their liability in respect to the maintenance of roads, and believed that a suitable amendment might be framed by the Premier.

Mr. FERGUSON said the Premier had stated that he could not see his way to limit the liability of boards. He (Mr. Ferguson) thought it might be done by inserting a proviso to the effect that, unless there was negligence on the part of a board or any of their officers, the board should not be liable. Of course they should be liable for accidents caused through their negligence, but not for accidents arising from the disrepair of roads resulting from a storm or flood. According to the ruling of the judge, however, they were liable for any accident on the roads. He hoped the clause would be amended.

The PREMIER said the present rule was that the board was bound to use reasonable care in maintaining the roads. What was reasonable care was a fact depending on the circumstances in each case; they could not define it. Unfortunately juries, when an accident happened, very often took the view that the board could stand a loss better than the plaintiff, and found that it was through the fault of the board that the accident had occurred by which the plaintiff had been injured, though he believed that in most cases it was the person injured who was most to blame. Whether there was reasonable care exercised by the board depended upon an immense number of circumstances. A board, having the large number of miles of road to keep in repair which had been mentioned in one case that evening, could not be expected to maintain their roads in as good a state as were the roads of a small division. What was reasonable in one case might be very unreasonable in another, and they could not define what was reasonable in an Act of Parliament. It was a question of fact depending on the circumstances of each case.

Mr. BUCKLAND said that with reference to the remarks of the hon. member for Wide Bay, Mr. Mellor, as to the condition of roads and culverts taken over by the boards from the Government, he would inform the Committee what had occurred lately to a board a few miles from Brisbane; he alluded to the Tingalpa Divisional Board. In that case a culvert was erected some years ago by the Government, but the approaches to it were not fenced to prevent vehicles meeting with an accident by falling over the embankment. It appeared that a few months ago an accident occurred there, and the board had in consequence to defend an action at law. They were, he thought, cast in damages to the extent of £75, and had to pay costs amounting to upwards of £800, so he was informed by the chairman. He thought it would be better in that clause to define what was reasonable care. He would refer also to another accident, which occurred some years ago, much nearer Brisbane. He thought the board in that particular instance were in fault, as they had taken over no rotten bridge or culvert, but were making a cutting on Galloway's Hill, and they did not protect the embankment, that caused an accident to a man in the neighbourhood, and the board had to pay heavy damages. If the Premier could see his way to amend that clause in the way suggested, it would be much better than it was at present.

Mr. GRIMES said he regretted that the Premier could not see his way to limit in some measure the liability of boards in respect to the construction and maintenance of roads. There had been rather a large crop lately of actions against divisional boards, and it appeared as if those which had been already brought were only providing the seed for others, for they were still springing up. Really the boards could not bear the expense of those suits, and if something was not done many of them would become insolvent, and would have to throw up the control of the roads altogether. He thought that if the Premier would lay his mind to it something might be done to amend the clause, and he would suggest that it be left over for a little time, say until the next sitting day, so that they might have an opportunity of further considering the matter.

The PREMIER said that since there had been any legislation in England nobody had ever attempted to define what was "reasonable" in an Act of Parliament. It was simply indefinable. All they could say was that the board must do what was reasonable under the circumstances; they could not lay down a hard-and-fast rule applicable to all the boards of the colony. The difficulty that existed was certainly not in the law, but in the application of the law, in getting juries to take a proper view of what was reasonable. When corporations or joint-stock companies went to law they generally got the worst of it. The sympathy of juries was with the weak against the strong—he did not blame them for that—and a board was considered stronger than an individual. If he were asked to inspect every bit of road in a division, and lay down a rule as to what was reasonable in respect to that division, he might be able to do so to his own satisfaction and possibly to the satisfaction of some other people, but that rule would not be applicable to any other division. It was of no use to attempt to define the term "reasonable care," because the thing could not be done.

Mr. NORTON said it was a pity they could not insist on jurors being ratepayers.

The PREMIER: That is a ground of objection.

Mr. NORTON said they would not then be so ready to give excessive damages. It seemed to him that, according to the opinion of the judges, the boards must show that they were not negligent.

The PREMIER said the plaintiff must show that the board were negligent before he could recover damages.

Mr. McMASTER said he considered the damages unreasonable in the case referred to by the hon. member for Bulimba: he referred to the accident on Galloway's Hill. The road was in a very bad state when the board took it over. Some time afterwards they improved it and made it very much better, but a man with a jibbing horse passed over the road and met with an accident. If the board had not improved the road no damages could have been recovered from them, but as they had improved the road they had to pay over £400.

Mr. MOREHEAD said he agreed with the Premier that corporations and companies got the worst of it in actions at law; and, so far as corporations and divisional boards were concerned, all the better, because it tended to keep things in order. According to the opinion expressed by Baron Bramwell, when he was

examined with reference to trial by jury, the verdicts of juries in civil cases—actions for damages—were generally right, except when the cases were brought against corporations or companies, when they were as a rule excessive. In his opinion those excessive damages standing out as a possibility might keep divisional boards in order, and he did not think they ought to remove a check of that sort.

Mr. MELLOR said the remarks of the hon. member showed that he had not had much experience in connection with divisional boards. In the district he represented the roads were principally used for the purpose of drawing timber, and though they had to be made and maintained by the board most of the revenue went to the Government. When the expenditure in a division was great, and the board had exhausted their borrowing powers and could levy no more rates, what were they to do if they happened to be mulcted in damages on account of some accident? Would the Government help them? With respect to plans of subdivisions being supplied to boards, he thought it would facilitate settlement and the sale of land in some divisions if they were so supplied, because then the people of the district would be able to inspect them.

Mr. JORDAN said he thought the hon. member for the Valley, Mr. McMaster, was in error with respect to the circumstances connected with the accident on Galloway's Hill. He lived in the neighbourhood, and had occasion to drive over the road just after the accident occurred. The board did improve the road, but they made it very much more dangerous, because on one side of the improved portion of the road there was a steep embankment unprotected by a fence. A man fell over that embankment, and lost his life in consequence. Just before that he (Mr. Jordan) had been living on the old Cleveland road. At what was called "the big hill" a deep cutting was made. It was a great improvement, costing about £800; but while that work was being carried on people had to drive along the top of an embankment fourteen feet high—a perfect wall—for several chains. With a restive horse, to say nothing of a jibber, the journey was exceedingly dangerous; and he was not sorry when the board had to pay heavily for the accident that occurred on the other road. Life was very valuable and ought to be protected, and the boards ought to pay heavily for their negligence when it resulted in loss of life.

Mr. WHITE said he sympathised with the hon. member for Wide Bay in his remarks about timber waggons. The only resource would be to take advantage of the provision regulating the width of tires on the wheels. It was impossible to keep roads in repair when waggons passed over carrying six to eight tons, with only 3-inch tires on the wheels. In the midland counties in England they had most beautiful roads, but there were no tires on the farmers' carts narrower than five inches. In the southern parts of Lancashire they never saw anything but 5-inch tires on the wheels of the farmers' carts drawn by one or two horses.

The PREMIER said that would come under the by-laws clause. He believed it would be a good thing if boards would pay a good deal more attention to width of tires. As to the other matter, he was sorry he did not see his way to propose any amendment in the clause.

Clause put and passed.

Clause 143 passed as printed.

On clause 144, as follows:—

"If—

(1) A road is a main road ordinarily used for traffic of wheeled vehicles from one town or centre of population to another town or centre of population, or from a town or centre of population to a port; and

(2) Such road is not less than thirty miles in length; and

(3) The area of rateable land within ten miles on either side thereof for a distance of not less than twenty miles is less than one-twentieth part of the whole land within that limit; and

(4) The total rates raised or leviable from rateable land within those limits are less than £5 per mile for a distance of not less than twenty miles along such road;

the Governor in Council may relieve the board or boards of the division or divisions within which such road is situate from the obligation to construct and maintain any part of such road with respect to which the conditions herein numbered three and four exist, but may, nevertheless, entrust the board or boards with the expenditure of any moneys appropriated by Parliament for the construction, maintenance, or repair of such road.

"No road shall be excepted from the jurisdiction of a board unless the conditions in this section set forth exist with respect to it."

Mr. NORTON said he believed the clause applied only to the road between Cooktown and Maytown; though he gathered from what was said last year that other roads were treated as if it applied to them. He had taken a good deal of trouble to discover to what roads it did apply, and he believed the only one was the one he had mentioned.

Mr. MELLOR said the clause was very peculiarly constructed, so that no roads in the colony could take advantage of it—at least in southern districts. He did not see what necessity there was to keep the clause in the Bill.

Mr. MORGAN asked if it was not true that the Government were constructing a railway from Cooktown to Maytown? The clause really looked like legislation to enable the Government to spend public money in the maintenance of public roads in one district. It seemed to him like another injustice to the South. The effect of the clause would be that boards, not entitled to claim under it, would harass and annoy the Government with claims which could not be entertained.

Clause put and passed.

Clause 145 passed as printed.

On clause 146, as follows:—

"The board shall, if required to do so by the Governor in Council, assume the management and control of any reserve, park, or commonage within the district."

The PREMIER said he thought that boards should be required to assume the control of parks and commonages. It was a matter of local concern, and not public concern, to look after parks and reserves, as they did in the country from which we derived many of our institutions. He supposed the time had not yet arrived to make it absolutely compulsory, but it would have to be done.

Mr. CAMPBELL said there ought to be some little amendment in the clause, so that reserves and commonages should be vested in divisional boards. They had to maintain the roads around them, and if there was any little revenue to be derived from the parks it was only fair that they should get it. He knew that in many districts where there were large commonages, some vested in trustees and others in municipalities, the divisional boards, while maintaining the roads, derived no benefit from the commonages.

The PREMIER said he did not know the instances that the hon. member referred to. Would not the commonages or reserves be rateable?

Mr. CAMPBELL: No.

The PREMIER: Well, they ought to be.

Mr. CAMPBELL said something ought to be done, for it was a very great injustice to many divisional boards, and caused a great deal of ill-feeling sometimes. He knew of a commonage in the electorate of the hon. member

for Darling Downs, which was a continual source of unpleasantness. The members of the board applied to Mr. Kates, who could give them no satisfaction, and had then applied to him. He had waited on the Minister for Lands two or three times, and he had promised that the land should be vested in the board, but that had not been done. Two meetings had been held for the election of commonage trustees, but there was a continual bother about it. The divisional boards had to maintain the roads all round the commonages, and received not a single penny in return.

Mr. McMASTER said it was a great hardship upon the boards to have to keep the roads in order when the parks were not vested in them. They had the pleasure of spending all the money and the Government got the benefit. He was glad to hear the Chief Secretary say that commonages ought to be rated, but they were not rateable.

The PREMIER: The parks ought to belong to the local authorities.

Mr McMASTER: But they do not.

The PREMIER said under the clause the local authorities would be required to take charge of parks and reserves, but would have no power to sell. An amendment would not effect the object of the hon. member for Aubigny, but the remedy was to place commonages under the control of the boards. Then they could make by-laws, and if there was any revenue to be derived they could get it. All reserves including botanic gardens and parks ought to be under the local authorities, and he hoped they would be before very long.

Mr. BUCKLAND said not only had divisional boards to make roads round reserves, but by clause 176 they had to destroy noxious weeds. That showed the necessity of vesting all reserves in the boards.

Mr. MELLOR said the timber reserves ought also to be under the boards. There were large timber reserves all over the colony, but the boards derived no benefit from them, whilst the Government cut up the roads.

Mr. NORTON said if all the reserves were vested in boards they would want to get rid of a good many of them. He did not see the use of making reserves unless they were devoted to the purposes for which they were originally intended. He knew of boards that wanted to get control over the reserves simply for the purpose of letting them, which was never intended, and would be very absurd. There were the reserves for travelling stock, for instance. He knew of some cases where divisional boards had applied to get control over them, so that they might let them to someone else, and not keep them for travelling stock. He thought nearly half of the reserves might be abolished altogether. He knew of one that had been occupied by settlers who had their own selections, but who preferred to keep their stock in the reserves rather than on their selections, and the Government never got a shilling. Originally the owners of the reserve which formed part of two runs paid rent to the Government, but now it was monopolised by two or three people who paid nothing for the privilege.

Mr. MOREHEAD said he fully agreed with what had fallen from the hon. member for Port Curtis. He had seen those reserves, which were set apart for specific purposes, occupied year by year by a few persons who were not entitled to their use. Those reserves had been abused ever since they came into existence, but he was not at all sure that they should turn them over to the divisional boards. He thought it would be much better to abolish those commonages and reserves, and he was sure it would conduce to the benefit of the Treasury, because the Treasurer and Commissioner for Lands would be able to sell them. He objected, notwithstanding the unquestionable benefits that had been derived from the divisional board system, that everything should be handed over to the boards; and he especially objected to the manner in which the hon. member for Gympie seemed inclined to push that principle. It might really wind up by their all being boarded out.

Mr. CAMPBELL said that if divisional boards were not to have charge of the reserves it was only fair that they should not be asked to maintain the roads around them. The Toowoomba commonage was situated on the eastern slope of the Main Range. The Gowrie Divisional Board, now defunct, was compelled to maintain the Main Range road from the boundary of the Tarampa Division up to the municipality of Toowoomba, and they had not one acre of rateable property in that direction. It was a very great hardship to them, and they applied either to have control of the commonage or to have it vested in the municipal council of Toowoomba, which would then have to maintain the road. Neither had been done, and when the Gowrie Board came to be re-formed the same complaint would again arise. It was a burden to the board which they could not afford to bear.

Mr. PATTISON said he would ask the leader of the Opposition who had so much right to deal with reserves as the local bodies? They were expecting the Chief Secretary every day to bring in a measure doing away with centralisation, and giving extended powers to local bodies. Some reserves were no doubt very much misused, but he contended that no other body was so competent to deal with them as the divisional boards. If the leader of the Opposition would suggest any other body that could deal with them better, he would cheerfully listen to him, but he doubted whether he would be able to find one.

Mr. MELLOR said that many of the reserves, especially those for travelling stock, were of great value, and they would be still more valuable for that purpose if vested in the divisional boards. At the same time, if they were vested in the boards, those bodies should not have the power of re-letting them.

Mr. NORTON said he did not object to the boards having control of the reserves if they were used for the purpose for which they were set apart. But it was an undoubted fact that there were many reserves which were not wanted. There was one which he might mention, on the Burnett, on which a dairyman had settled, with 100 head of cattle, for years, and for the use of which he had paid neither rent nor rates. Such reserves ought to be abolished.

Clause put and passed.

Clauses 147 to 155 passed as printed.

On clause 156, as follows:—

"The board may, if it thinks fit, and shall, if required by the Governor in Council, fix the permanent level of any road in the district.

"When, after the level of a road has been so fixed, the level of the ground in such street or road is altered by the board, except to conform to the level so fixed, the board shall be liable to make compensation to all persons injuriously affected by such alteration. Such compensation may be recovered in any court of competent jurisdiction."

The PREMIER said a verbal amendment was required in the clause. In two places the word "road" was used, and in another place the words "street or road." He moved that the words "street or" be omitted.

Amendment put and passed.

Mr. MOREHEAD said unless the term "permanent level" was fixed by the Bill, the clause before the Committee would give tremendous power to divisional boards. He spoke, he must admit at once, somewhat feelingly in the matter. He lived on the top of a hill, others lived on flats, and great injury might be done under the clause if it passed as it stood, unless "permanent level" was defined, as he believed it had been by some cases in another colony, where it meant that where a road had been formed and made that was to be the permanent level of that road. Now, it would be obviously very hard — and he gave his own case as one in point, for the sake of argument—if people living on the lower level filled up their low-lying land with material taken from the higher levels; if they were to cut down the roads used by those living on the higher levels as a means of access to their property for the purpose of filling up other places—in fact, benefiting themselves by destroying or injuring the property of others. That might be achieved under the clause if the majority of the members of a board so agreed—that was, unless "permanent level" was defined by the Bill. It was a very important question indeed—one not only affecting himself personally, as he had shown, but a great many more people who resided where the Divisional Boards Act came into operation, and more especially in the thickly populated portions of the colony. He thought that "permanent level" should be defined in some form, so that persons who desired to benefit themselves, or by reason of malice or any other cause damaged the property of other inhabitants in the district, should not have the power to do so, at any rate, without giving compensation. Compensation did not come in under the clause until something had been done, after the level had been "so fixed." He held that the permanent level should be fixed under the Bill, so that there would be no trouble afterwards. They all knew what had happened to individuals in the city of Brisbane; they all knew what had happened to Dr. Hobbs, who had been constantly petitioning the House. He (Mr. Morehead) had always opposed that petition, and did so still, because he held that Dr. Hobbs had no claim against the House. Whatever claim he had was against the corporation; and he had failed at law in that, and certainly had no claim against the country. He maintained that it was never the intention of the House that injury should be done to landholders who up to the present time had enjoyed for many years the privilege of access to their properties from the public roads, simply for the benefit of others. If it was done for the benefit of others, then compensation should be given to those who were injured. It was not proposed by the 156th clause, as far as he could see, to give compensation to landholders who were injured in the way he had stated. He thought the present level should be taken to be the "permanent level" in accordance with the meaning of the Act.

The PREMIER: That would stop all improvements.

Mr. MOREHEAD: The hon. gentleman was wrong in saying that. It would not stop all improvements. The clause would probably have the effect of seriously injuring the property of small holders. As far as regarded his own case, he had instanced that first of all to show that he was personally interested in the matter, so that it could not be pointed out by any hon. member opposite. He, however, had access to his property from the other side where there was a sort of level crossing, so that he had two ways of getting to his property. But he referred more particularly to small holders, who, if the clause passed as it stood, might be put upon the top of an enormous chasm by having their roads cut away from them. A clause like that did not affect the rich: it was the poorer class who would suffer by it. The man who owned a considerable amount of property would be affected, only in a lesser degree. He would point out how the thing occurred in the division in which he lived—the Booroodabin Division. They wanted, as he had said, material to fill up the lower ground. They looked round for every hill and said, "Oh, we'll level this"—that was, the road. Of course, they could not touch freehold property, but he had been stupidly generous enough to give them material. He must admit that divisional boards had no conscience as far as his experience went Nor had they ever, so far as he was concerned kept a single contract they had entered into.

The PREMIER: No gratitude.

Mr. MOREHEAD: No gratitude, no conscience, and he supposed nothing that one could kick. That was so. He wished to impress upon the Committee that great injury might be done, and probably would be done, if the clause passed as it stood, and the permanent level was not established. Let the "permanent level" be what it might—he did not claim that the present permanent level was the one that should be adopted—but let owners of property have something tangible to go upon, something by which they could save their property, so that it could not be said, "Oh, you are on the top of a hill; they will cut a road which will put you on the top of a precipice in order to take the stuff to the lower-lying parts of the division." It was never intended that any such power should be given to the divisional boards, and he would ask the Premier to take the matter into consideration. It was a very important one, not only to large holders, who, as he had already said, were to a certain extent independent, but also to the small holders of property who lived on the higher portions of Brisbane. The matter ought certainly to receive the consideration of the Committee, and he was sure that it would.

The PREMIER said the matter referred to was discussed last year. It was impossible to require all divisional boards to fix the levels of the roads at the present time, although it was very desirable in many cases that the levels should be fixed; he quite agreed with that. When persons were making valuable improvements, such as buildings, it was very necessary that they should know what the level of the street was going to be, so that they might not build high above the road or be half buried when the road was finally constructed. Therefore, in such cases as that, where it was practicable—where the division was pretty well settled, and its future condition could be fairly ascertained—it was desirable that the levels should be fixed. But in the more distant and unsettled divisions it would be quite absurd to fix the levels. It was proposed by the clause to give power to the boards to fix the levels if they thought fit. It also gave power to the Government to make them fix the levels in cases where the divisions were such that it might be fairly considered that the time had arrived when they should be fixed. Until the levels had been fixed, it would never do to allow an action against a board for altering the level; it would render the whole system unworkable A board would not dare to cut down a hill or fill up a hollow, because it might injuriously affect some person in the division. He did not think any better scheme could be adopted than the one embodied in the clause. It was a better one than that in the Local Government Act, and he did not think they could make it more definite than it was.

Mr. FERGUSON said he knew the clause was discussed fully last year. At the present time, if there was a water board or a gas company who wished to lay down pipes, they would write to the municipal council and ask them to fix the permanent levels for them, and if the council declined to do so they would lay down the pipes, and if any alteration were made in the future the council would have to pay damages. If the council did give the levels and any change was afterwards made in them, the council would again have to pay damages. But that rule did not apply to divisional boards. Divisional boards were so scattered and so extensive that it could not apply in the same way. It applied only to the more settled parts, such as the boards around Brisbane. Those boards should be put in the same position as municipalities, and if gas companies or water boards demanded the levels they should have to give them, or else be responsible for damages.

Mr. MOREHEAD said he agreed with a great deal that had fallen from the Premier, but that gentleman did not altogether grasp the position which he had pointed out, and which was this: that certain people living on the higher levels would have their roads cut down, and be put to enormous inconvenience in order that the material removed could be used for filling up and improving the value of other people's property. Taking his own case again, of what was known as O'Reilly's Hill: supposing, for the sake of argument, that the level of the road was taken from the Montpelier road on the left-hand side—the first road that fringed the hill—then they went round what was called the Cintra road, and afterwards what was called Jordan terrace, and if they took the level of the road round there his house would be about 165 feet above the level of the road from which they started. There was nothing to prevent it. The same remarks would apply to Mr. Cowlishaw's house, and also to Mr. Perry's, and to others in a lesser degree that were situated on the slope of that hill.

The PREMIER: That is the present law.

Mr. MOREHEAD said the clause left the power in the hands of the Governor in Council, but more particularly in the hands of the board, because the board would have more weight than anyone else. A very great evil might exist under the clause. It did not give a sufficient limitation to the power of the board in regard to establishing what were called permanent levels, and very great harm might be done to property holders. There was the danger of the power of divisional boards being stronger than that of the individuals who were actually affected, and it was very hard that people who had bought, and, in many cases, highly improved their property, should have their rights imperilled by a clause of that sort going through.

The PREMIER said the clause was intended to remove the hardship complained of as far as possible. It did not allow boards to do what they liked. At present they could cut down a road twenty feet one year, and another twenty feet in the next year, and continually keep persons in trouble. The clause was inserted so that that power would be taken away.

Mr. MOREHEAD: It is only limited; it is not taken away.

The PREMIER said if the hon. gentleman wished to take it away altogether he would have to give it to the individual ratepayers, and allow them to fix the levels before their own doors.

Mr. MOREHEAD: I would give it to the Governor in Council.

The PREMIER said if the board did anything unreasonable there was power of appeal to the Governor in Council. If they acted reasonably and fixed the levels, any change afterwards would render them liable to pay compensation. Somebody must fix the level.

Mr. MOREHEAD: There is no rule.

The PREMIER said under the existing law there was no provision at all, and it was necessary to introduce a clause compelling boards to fix the levels. If they fixed the levels unfairly the Governor in Council would cancel the decision, and if they refused to fix the levels the Governor in Council would make them do so. If the boards acted unfairly the Governor in Council would cancel their action and make them act fairly. He did not think any better scheme than that could be devised. The hon. gentleman said the Government might be too weak for a board; but he did not know what other power the matter could be referred to.

Mr. MOREHEAD said the hon. gentleman misunderstood him. The clause was clear. The whole power was vested in the board. "The board may if it thinks fit and shall if required by the Governor in Council fix the permanent level of any road in the district." The board might do so if it thought fit, and then there would be no appeal.

The PREMIER: Yes, there is. The Governor in Council may cancel its action. The hon. member forgets that under section 129 the Governor in Council can rescind any unreasonable resolution.

Mr. MOREHEAD said that was not intended to apply to such cases as those.

The PREMIER: It does so.

Mr. MOREHEAD said the board came before the Governor in Council unquestionably. The clause said "the board may if it thinks fit."

The PREMIER: So it ought.

Mr. MOREHEAD said he did not think so. The clause gave a dangerous power to boards, and one which had been abused to a certain extent already, and which would be abused in future if the clause passed in its present shape. He did not expect to get any remedy, because he knew if the hon. gentleman made up his mind to pass the clause he would pass it. But he (Mr. Morehead) was determined to record his protest against a clause which put it in the power of boards to damage property holders. He distinctly objected to it. The clause might have one good effect. It might make the ratepayers in a division look more carefully after their representatives, and see that their rights were not trusted to men who in many cases had very little claim to the offices they held. Possibly in that direction the clause might do good, but otherwise it put a tremendous power in the hands of boards, and one which in the cases of most boards they had around Brisbane was very likely to be abused.

Mr. McMASTER said he hoped the clause would pass as it stood. He should like to know to whom the hon. gentleman would delegate the power of fixing the levels of roads. Would the hon. gentleman like the levels to be fixed by every individual ratepayer in the division? Perhaps the hon. gentleman would like to fix the level of his own hill. If they could request a board to make a road, they ought to have the power to cut down a hill and fill up a gully. The hon. member said the wealthy people did not so much care, but it was the poorer people who were affected by the clause; but as a matter of fact it was the wealthy man who generally picked out the high sites like Cintra, and the poor man got the land down in the gullies, and he had no means of getting to his property except over the hill which

the wealthy man would like to prevent being cut down. He had heard it stated that a very large amount of the revenue of the board had been spent in improving the Cintra Hill, though the hon. member had been generous to them in allowing them to take away a good deal of the soil from his property, and yet it would appear they had not made the road as he would like it; but that was no reason why all the boards should be prevented from fixing levels. A board was bound to give the level within six months after application was made, and if they altered it afterwards they were bound to give compensation. He thought the clause an excellent one.

Mr. MOREHEAD said he would like to put the hon. member right on one point. The Booroodabin Board had done him no harm.

Mr. McMASTER: I thought you regretted giving them the soil.

Mr. MOREHEAD said he did regret it, and he regretted that he trusted any municipal authority. They cheated him, he knew; they lied to him, he knew; and that they were prepared to lie again, he knew. He held the opinion that there should be some power of appeal in the clause where actual or supposed damage was done.

Mr. MELLOR said he did not like the expression "if it thinks fit" in the clause. Those who resided in divisions should have the same privileges as those who lived in municipalities, and the board should be obliged to give the level of a road or street upon the request of a ratepayer. In many divisions there were close settlements, and if a man wanted to put up a building he would like to know what the level of the street would be. Under the clause as it stood it might be very difficult for him to get the information, because the board might give the level if it thought fit, and the Governor in Council might compel the board to give the level if he thought fit to do so; but suppose neither thought fit to give the level? The clause should compel the board to give a level on request.

Mr. GRIMES said that if he understood the leader of the Opposition rightly, the hon. member wanted the levels of all the roads and streets fixed on the passing of this Bill. Such a thing would be impossible. It should be remembered that they were dealing with country lands as well as town and suburban lands, and there were hundreds of miles of roads in the country districts on which a pick and shovel had not been used. If the boards were asked to fix the levels of such roads after the passing of the Bill they would not be able subsequently to cut down a hill or fill up a gully without rendering themselves liable to an action at law.

Mr. FERGUSON said the clause was introduced last session to meet the case mentioned by the hon. member for Wide Bay. If in a case where there was close settlement the board declined to give the levels of a street or road, the Governor in Council might compel the board to fix the levels. To make it a rule that the board was bound to do it all over the colony would be ridiculous. There were thousands of miles of roads through the bush, and it was nonsense to say that if a settler asked a board to fix the level of a road opposite his place they should be bound to comply with his request.

Mr. MOREHEAD said he could see that there was a majority against him, but that majority was composed of members of divisional boards on both sides of the House, who, he was sure, would hold to their privileges as against what he believed to be right and just. He thought that *imperium in imperio* was not a good thing so far as regarded domestic government in the colony. Whenever a Divisional Boards Bill was brought in, or anything that touched the local government bodies, divisional boardsmen, aldermen, councillors, and God knew what other names they called themselves by, would be found jumping up and altogether on that question. The question touched their local importance, and God knew, if it was not for the divisional boards and councils, some of them would not have much! An alderman thought himself God knew what, and it would be impossible for him to describe what the alderman for Fortitude Valley thought himself. That hon. member thought himself a whole team with a yellow bulldog under the dray. He (Mr. Morehead) was not an alderman, and he thanked God for it. He was not a divisional boardsman, and he thanked God also for that. He was a member of Parliament, and he was also thankful to Providence for that. The present was a matter which affected not divisional boardsmen or aldermen—not even the Lord Mayor—but the humblest person who lived in the colony, and it showed how those taxmasters were going to rule the colony. He used the term "taxmasters" as applied to aldermen and divisional board members who ground the people down, and tried to be petty tyrants, as in nine cases out of ten they were. They wanted to dominate it most directly and indirectly, and he knew that so sure as he was standing there that evening would the time come when the people of the colony who were taxed by those petty tyrants would rise up and say, "We will have no more of this taxation within taxation—of this tyranny under tyranny." He was convinced of that. Hon. members might laugh as much as they chose; they had laughed at him before now, and a number of years ago the leader of the Government had chosen to term him the "Cassandra of the House"—a lying prophetess, who would not be believed; but he would point out that his predictions had proved true in almost every particular, and so they would in the present instance. They were going a great deal too far in that domestic legislation. He knew it was the fashion to say that self-government was good. In a great measure it was good, but in a great measure it was bad, and in passing such a provision as clause 166 they were parting with a great deal of their freedom, and were injuring most materially persons who held property, whether small or great, in the colony of Queensland.

Mr. McMASTER said he regretted that the hon. gentleman was smarting so keenly under the lash of divisional boards and local authorities. The fact that so many divisional boardsmen and aldermen had seats in that House showed that they had the confidence of the ratepayers whom they had represented—some of them for many years. The leader of the Opposition had said that he was not an alderman, but he was a member of Parliament. He could remind the hon. gentleman that he had very great difficulty in becoming a member of Parliament; that the divisional board of which he had spoken would not send him in; and that he had to go a long way inland to the "Never-Never Country" before he obtained a seat. It was no disgrace for a member of Parliament to be a member of a divisional board or municipal council, but, on the contrary, it showed that he possessed the confidence of the ratepayers.

Mr. W. BROOKES said the conversation was getting rather varied, and he thought he might as well have a little share in it. He really did sincerely believe that the leader of the Opposition was far nearer the truth than some of the aldermen on that Committee. He confessed that personally he had witnessed with feelings of mild terror the proceedings of some

divisional boards. One did not know what they would do next. They spent their money lowering hills that did not need it, and he did not know what they did with the stuff. He did not think they always got full value for the large expense they incurred. With reference to the residence of the leader of the Opposition he did not wonder at his being frightened, as the hon. gentleman had solid, substantial reasons for thinking that in course of time he would be perched on the top of a hill, possibly 165 feet high, which was rather higher than was desirable. He (Mr. Brookes) did not know how that could be amended, but he repeated that there was a great deal of strength in the arguments of the leader of the Opposition. Those small lords of divisions had really got the idea that they could do anything, and they went cutting and carving away perfectly irrespective of the value of property. They really did, and that was a great evil which he would leave to the Premier and more competent persons to remedy.

Mr. GRIMES said he hoped the chairmen of divisional boards throughout the colony would quietly submit to the castigation they had received at the hands of the leader of the Opposition. But, at the same time, he could not forget that the hon. gentleman had aspired to that position himself on one occasion, and was defeated by a very large majority. He thought it was a case of "sour grapes." He hoped, however, that members of divisional boards would profit by the castigation they had received that evening.

Mr. JORDAN said he could not help thinking himself that divisional boards were rather a dangerous power in the colony, and that they were rather a dangerous power in that Committee. The members of the divisional boards were highly intelligent gentlemen, and there were a great many of them in that Committee. They had had a specimen that evening of how they could sit on an hon. member even, though he was the leader of the Opposition. He had for a long time thought that property in the neighbourhood of the city had been very greatly damaged by the activity of divisional boards in their zeal to expend a great deal of money and do a great deal of good. It had been greatly damaged by the unreasonable cuttings made in every direction. He dared say that the people living on the lower levels, when they saw a gentleman perched on the top of a hill, desired to get part of that hill to fill up the hollows. They all knew the case of Dr. Hobbs, and how his property had been almost ruined. And there were many other cases of the same kind. The suburbs of the city had been disfigured by unnecessary cuttings and the filling-up of hollows. He believed that divisional boards, though the members were an intelligent class of men, had too much power. He did not, however, suppose it was possible to make any amendment in that clause. He might say that they all accepted whatever the Premier said, and if the hon. gentleman said a clause could not be amended it could not be done.

The PREMIER: No one has suggested any improvement.

Mr. JORDAN said it took a very brave man to suggest an improvement in a clause framed by the hon. gentleman, and which he had carefully considered and said it was impossible to amend. But he (Mr. Jordan) agreed with the suggestion that had been made that it should be provided that any property holder might require the board to fix the level of a particular street in the vicinity of his property, within, say, six months from the date of the notice. He did not see anything impossible in a case of that kind.

The PREMIER: That could never be done except in divisions near towns.

Mr. JORDAN said the provision might be so framed that it would only apply to divisions within a certain radius of towns. He knew it would be impossible to apply such a rule to the whole colony, but it would work very well in the suburbs of towns where there was a considerable population.

Mr. MOREHEAD said that surely some alteration might be made giving a certain number of ratepayers in any particular locality the privilege of petitioning the Governor in Council to direct the divisional board to declare the permanent level. If they felt aggrieved at the level fixed by the board the matter might be left to the final decision of the Governor in Council.

The PREMIER said the clause provided for that, only, instead of a fixed number, any person aggrieved could do so. The clause had been drawn to meet every objection raised by hon. members. They were attacking the remedy for the grievances of which they complained.

Mr. MOREHEAD: Where is the remedy?

The PREMIER: The board may be compelled to say what the level shall be.

Mr. MOREHEAD: On what compulsion?

The PREMIER: The Governor in Council.

Mr. MOREHEAD: Who is to move the Governor in Council?

The PREMIER said the clause provided that the board should do so if required by the Governor in Council. Did the hon. member want half-a-dozen ratepayers to override the board?

Mr. MOREHEAD: No.

The PREMIER said the board were *primâ facie* the persons best qualified to fix the level, and they should not be interfered with unless it could be clearly shown that they were wrong. Under the 156th clause the Governor in Council might compel the board to fix the level, or the board might do so by its own resolution; but the 129th clause provided that if the board fixed an unreasonable level the Governor in Council might, upon the petition of a majority of the ratepayers, or otherwise if he thought fit, rescind the resolution.

Mr. MOREHEAD: "Or otherwise" is too vague.

The PREMIER said it was wide, but not vague. It was so extensive that it embraced every possible contingency. He would be glad to accept an amendment if anyone would suggest it; but every objection raised yet was met by the clause as it stood.

Mr. MOREHEAD said he knew the Premier had a majority, and could carry the clause as it stood.

The PREMIER: Suggest an amendment.

Mr. MOREHEAD said the hon. member could surely suggest an amendment himself, seeing that he was a lawyer.

The PREMIER: I have not the least idea of what you are driving at.

Mr. MOREHEAD said he had explained half-a-dozen times. The 129th clause did not cover such a case as that to which he had referred.

The PREMIER: You want to fix your own level.

Mr. MOREHEAD said he did not care two straws for the level so far as he was concerned. The hon. member for Fortitude Valley had the

hardihood, or rather the impertinence, to make personal reference to his property, to which he had alluded for the sake of example, saying that rich men picked up the best situations. He picked up that property and had the deeds of it by paying for it; he did not know whether the hon. member picked up things without paying for them. He had simply pointed out, with reference to O'Reilly's Hill, that great damage might be done to the locality and to the scenery of Brisbane by the unnecessary or improper alterations of the existing levels.

The PREMIER said that if the hon. member would only suggest what he wanted, he would be only too glad to meet his wishes.

Mr. MOREHEAD said he had already asked that there should be a right to appeal to the Governor in Council under the 156th clause. That was all he wanted.

The PREMIER said the right of appeal was provided for already. If the hon. gentleman did not think an absolute power was an absolute power, he could not help it. Power was given to the Governor in Council to rescind a resolution if he thought fit, with or without a petition. What could be wider than that?

Mr. MOREHEAD: But the board may, if it thinks fit, fix the permanent level.

The PREMIER: And the Governor in Council may rescind the resolution of the board.

Mr. NORTON said the clause gave great power to the Governor in Council—that was, the Government; but he thought the power would be used only in extreme cases. It might be better to provide that the level should be fixed on the petition of the majority of the ratepayers on the road or in the street concerned.

The PREMIER said that was just the thing the hon. member did not want—he did not want one individual injured for the benefit of several others. To leave it to several others to say whether one should be injured or not would be very unreasonable; and the majority would always have the best of it. That would be handing over a tyrannical power to the majority. He thought the clause was quite safe as it stood.

Clause, as amended, put and passed.

Clauses 157 and 158 passed as printed.

On the motion of the PREMIER, the House resumed; the CHAIRMAN reported progress, and leave was given to sit again on Tuesday next.

PRINTING COMMITTEE.

Mr. FRASER, on behalf of the Speaker as Chairman, presented the first report of the Printing Committee, and moved that it be printed.

Question put and passed.

ADJOURNMENT.

The PREMIER: I move that the House do now adjourn.

Mr. MOREHEAD: I would like to ask the hon. the leader of the Government when the Redistribution Bill is likely to be introduced? I intend to make this a weekly question.

The PREMIER: I was about to say that on Tuesday it is proposed to take the second reading of the Fisheries Bill, and then proceed with the consideration of the Divisional Boards Bill in committee. I am not in a position to say at present when the Redistribution Bill will be introduced.

Mr. NORTON: This session?

The PREMIER: I answered that a day or two ago. I daresay I shall be able to give the hon. member much better information next week than I can now.

Mr. MOREHEAD: The Financial Statement is to be read on Thursday next?

The PREMIER: I believe so.

Question put and passed.

The House adjourned at twenty-two minutes past 10 o'clock.