Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 9 AUGUST 1887

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LEGISLATIVE ASSEMBLY.

Tuesday, 9 *August*, 1887.

Appropriation Act No. 1, 1887-8.—Message from His Excellency the Governor.—Petitions—Establishment of University.—Provincial Councils.—Question—Motion for Adjournment—Logan Railway Bridge—Howard-Bundaberg Railway.—Gladstone-Bundaberg Railway—Toowoomba Electoral Revision Court.—Ministerial Statement—Resignation of the Colonial Treasurer.—Formal Motions.—Divisional Boards Bill—committee.—Adjournment.

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

APPROPRIATION ACT No. 1, 1887-8.

The SPEAKER: I have to inform the House that I presented to His Excellency the Governor the Appropriation Bill No. 1, 1887-8; and that His Excellency was pleased in my presence to give his assent thereto in the name and on behalf of Her Majesty.

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

The SPEAKER announced the receipt of a message from His Excellency the Governor, conveying His Excellency's assent to the Appropriation Bill No. 1, 1887-8.

PETITIONS.

ESTABLISHMENT OF UNIVERSITY.

Mr. ADAMS presented a petition from the committee of the Bundaberg School of Arts, praying for the establishment of a university; and moved that it be read.

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

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

Mr. ALAND presented a similar petition from the committee and members of the Toowoomba School of Arts, and moved that it be received.

Question put and passed.

PROVINCIAL COUNCILS.

Mr. PATTISON presented a petition from the residents of the central districts, praying for a measure of decentralisation in the government of the colony in the direction of the establishment of provincial councils; and moved that it be read.

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

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

QUESTION.

Mr. KATES asked the Minister for Lands—

1. Is it arranged that the Under Secretary for Agriculture is to leave shortly for Victoria and New Zealand?

2. If so, what are the special objects of his visit to those colonies?

3. How long is he likely to be absent from Queensland?

The MINISTER FOR LANDS (Hon. C. B. Dutton) replied—

1. Yes; in about ten days.

2. To acquaint himself with the work done by the Agricultural Departments in the other colonies.

3. About two months.

MOTION FOR ADJOURNMENT.

Logan Railway Bridge.

The Hon. G. THORN said: Mr. Speaker,—Seeing the hon. Minister for Works in his place—and I may say that I am glad to see him there—I intend to move the adjournment of the House with the view of calling the attention of the hon. gentleman to a matter of very great importance to many residents in the south-eastern part of Moreton. I refer to the tardiness of the contractors in the re-erection of the bridge over the Logan River. I am informed by a number of people who are residents in the Logan and Lower Logan districts—the latter of which is represented by the hon. member for Logan, Mr. Stevens—that little or no progress has been made with the bridge for some considerable time past, and so far as I can judge I have come to the conclusion that the work that has been done could very well have been done in one month. I am told that the work should have been completed in four months from the date of the contract, but I can safely say from what I have seen that if the same rate of progress is continued it will be twelve months before it is finished. A great inconvenience has been inflicted on the residents in the Logan electorate by the delay in the construction of the bridge. Not only has there been a break in the railway communication in consequence of the collapse of the bridge, but navigation has been closed owing to the river being silted up above the bridge. The settlers even on the Lower Logan are unable to get their produce to market except at very great inconvenience. I believe, too, that the contractor for the railway from the Village of Logan to Beaudesert has nearly all the cuttings and embankments completed and is waiting for plates, which, I understand, will have to be carted and punted across the river. If so, I can tell the Minister for Works that the cost of that will come to more than the bridge can be put up for. I understand also that the contractor for the South Coast line will be put to considerable expense. I am quite satisfied that he will, before many months, want his rails, and they too will have to be punted and carted over the river. I would further point out that the public have been seriously incommoded in consequence of having to get out of the train, go down to the punt, and then walk up the bank at the other side of the river. I have found that out myself, sir, and I know that when I got to the top of the bank I wanted a glass of water. I saw women and children going across the river in that way, and they experienced very great difficulty indeed. I hope, therefore, that the Minister for Works will see his way to accelerate matters in connection with this bridge. I can tell the Treasurer that he has lost considerably by this delay, which is a very great consideration in these impecunious times, and he will lose a great deal more unless his hon. colleague wakes up and presses on the construction of the bridge. I trust, then, that the Minister for Works will see his way to expedite its re-erection, as it is a matter of very great concern to many producers in the southern part of the colony. I beg to move the adjournment of the House.

The MINISTER FOR WORKS (Hon. W. Miles) said: Mr. Speaker,—In reply to the hon. member for Fassifern I may state that, after the collapse of the iron bridge across the Logan, the Government, with as little delay as possible, invited tenders for the erection of a wooden pile bridge for the purpose of carrying on the traffic. A tender was accepted for the construction of the bridge at a cost of something like £5,000. It was afterwards discovered that the bed-rock ran across the river, and considerable difficulty was consequently experienced in drilling the holes for the piles. It was pretty well understood at the time that it would be utterly impossible to carry out the work for the amount of the tender or within the time specified. During my absence some arrangements have, I think, been made, giving the contractor additional terms, so that he may be enabled to fix the piles in the bed-rock. The rock is very hard, and it will be utterly impossible, as I have already stated, for him to carry out the work according to the terms of the present contract. The object the Government have in view is to push on the work as quickly as possible, so that the traffic may be continued; and I can only assure the hon. member that everything that could be done has been done to have the bridge completed in as short a time as possible. The bridge will, I believe, be completed and opened for traffic somewhere about the month of December.

Howard-Bundaberg Railway.

Mr. ADAMS said: Mr. Speaker,—I have to thank the hon. member for moving the adjournment of the House, as it gives me an opportunity of calling attention to an almost *fac-simile* matter in connection with the Howard-Bundaberg Railway. I see by the local Press that at the rate the work is carried on at the present time it will take some twelve months before getting into Bundaberg. One cause of this I believe is, that although the contractor has men, there are not sufficient of them, and although he has men he has no timber. It has come to my knowledge that this particular contractor has been offered timber at a certain price, which he would not give, and that that price is only a penny a hundred more than he was actually paying. When he commenced the work I am advised that he was able to get tenders for the supply of timber, but he would not accept the tenders. What his reason was I do not know, but I know that the work has been so retarded that it will take some twelve months before it is completed. In answer to a question the other day, I was informed that the time allowed for the contract expires on the 1st September. I trust the Minister for Works will see that the work is carried on more quickly than it has been up to the present time. It is useless for people to think they are going to have railways and make them pay if they are constructed at the present rate of progress.

Gladstone-Bundaberg Railway.

Mr. NORTON said: Mr. Speaker,—I also wish to bring a subject under the notice of the Minister for Works, but before doing so I must congratulate the hon. gentleman on having returned to his place in the House. I am quite sure that hon. members on both sides of the House are very glad to see him there,

and I think they will have a good many questions to ask him; though, perhaps, not all to-day. There are a good many subjects which, I believe, have been postponed because of the hon. gentleman's absence. For my own part I can only say that I have gladly postponed bringing forward any business until his return, and I do hope, now that he has come back, he will be able to continue in his place without feeling any inconvenience from his illness. The subject I wished to bring up has reference to a question that I asked during the hon. gentleman's absence with regard to the Gladstone-Bundaberg line, and to some extent is the same matter as was referred to by the hon. member for Mulgrave. In answer to the question I was told that the Works Department would probably be in a position to call for tenders for the first section of that line in about six months. I refer to the subject now because the survey of that line, which is about 100 miles in length, has been going on for over four years; that is too long for the trial and permanent surveys of a line like that. The first surveyor put on the line, Mr. Amos, was sent elsewhere before he completed the trial survey, and after he was removed the Gladstone-Bundaberg line was left for a time. Eventually a gentleman was put on to make the permanent survey, and I have it on very good authority that he was put there because the Chief Engineer of the Northern Division would not employ him. Now, I object very much to a gentleman like that being put on the survey of a line which will eventually be of very great importance. Before I went to Gladstone some few weeks ago, I called at the Chief Engineer's office to inquire what was being done with respect to the survey, and I found that the surveyor had been there two or three months. He had been delayed by rain to a certain extent, but the work done was almost entirely in connection with trial surveys. Very little of that sort of work is absolutely necessary, and I urged the Engineer-in-Chief to put on another surveyor to assist in the work. Eventually a surveyor was put on this end of the line nearer Bundaberg; and when I inquired less than a month ago he told me that nearly the whole of the time Mr. Delisser was employed he was engaged in making trial surveys, which I do not think are necessary. I think that if a surveyor is to be put on work of that kind he should have judgment enough to know what route the line would take through country with ranges on one side and flat on the other, without eternally going over the country making trial surveys here and there, and after all arriving at the same conclusion probably as he did at first. I suggested to the Chief Engineer that, if he was to be allowed to go on with trial surveys, someone else should be sent to do the permanent work; and I will undertake to say that if Mr. Amos had been sent to make the permanent survey, instead of not having reached the Boyne, which is only seventeen miles from Gladstone, he would have been halfway to Bundaberg. I do not wish to say a word about the gentleman sent there; I believe he is acting in a straightforward and conscientious way, but the fact that he had been rejected by the Chief Engineer for the Northern Division, and that he has lost so much time doing work which does not appear to be necessary, is an indication that he has not been put on the class of work he is best qualified to perform. I hope the Minister for Works will see that the matter is pushed forward with something like reasonable progress now that he has returned to the Works Office. The hon. member for Fassifern (Mr. Thorn), who is acquainted with the country, knows that all I say is correct; and I am sure that almost anyone who has lived there could have shown the surveyor the route the line would take. The people there have great reason to complain; but we must make allowance for the Minister for Works, because he has not been in good health. I hope, however, now that he has returned to his office, he will do his best to see the work pushed forward as fast as possible.

TOOWOOMBA ELECTORAL REVISION COURT.

Mr. LUMLEY HILL said: Mr. Speaker,—Following the practice which is being pursued in this House, and of which I do not approve—that is, bringing up several matters upon a motion for adjournment—I must say that I think the sooner that practice is done away with, and the House confines itself to the consideration of one question at a time, the better.

The PREMIER (Hon. Sir S. W. Griffith): Why don't you set the example?

Mr. LUMLEY HILL: I may be able to attain what I require by going in the reverse direction, and showing what a nuisance the practice may become. The question to which I have to call the attention of the House is with regard to a motion for adjournment brought forward by the hon. member for Toowoomba (Mr. Aland) last week. I have received a letter from Toowoomba, which says:—

"Touching the matter of the rejection of the voting claims in Toowoomba, I was thunderstruck at the injustice of the attack on Murray, and in my own mind I am satisfied that the greater part of the applications were most impudent forgeries. An honest inquiry as to who collected these applications, who paid for their collection, and who wrote and signed each one would startle some of those who attacked Murray and the other magistrates."

This letter is from a friend of mine whom I have known for twenty-five years.

An HONOURABLE MEMBER: Name!

Mr. LUMLEY HILL: His name is E. B. Jeune.

Mr. ALAND: Who is he?

Mr. MOREHEAD: His father was Bishop of Peterborough.

Mr. LUMLEY HILL: He is a friend of mine who has been living at Toowoomba for a year. I think myself that an inquiry should be made. The only mistake made by the police magistrate with regard to the rejection of the papers appears to have been in regard to the reason given for their rejection. He has to give his reason by the Act, but I suppose he did not want to go to the extreme length of prosecuting the people who had perpetrated those frauds and forgeries. I do not mean to say that all the claims rejected were rejected on account of being fraudulent or forgeries—some legitimate ones might have suffered in the press of business. It was obvious, however, that a whole lot were frauds, and I have heard that a great many were in the same handwriting.

Mr. ALAND: That does not matter.

Mr. LUMLEY HILL: Signature and all. Some people are not particular what hand they get hold of; but I believe it is necessary that the applicant should sign his name, or that his mark should be affixed to his application if he cannot sign. I think that the only mistake made by the police magistrate was in giving a reason at all for the rejection of the papers, or in not giving the real reason. I presume that if he had given the real reason he would have had to prosecute those men for forgery, or something tantamount to it. I daresay he did not want to

do that, and therefore passed it over; but, in rejecting these claims, some few rightful claims accidently got put out too.

Mr. ALAND said: Mr. Speaker,—When I brought this matter before the House last Thursday I was perfectly aware that statements somewhat similar to those made by the hon. member for Cook had previously been made in the town of Toowoomba; but that, sir, did not deter me from bringing the matter under the notice of this House. I am quite prepared—in fact I am anxious, as I stated last Thursday—that a proper inquiry should be made into this matter; and if wrong has been done, let the person who has done the wrong suffer for the wrong. I, for one, will not shield any person from the just consequences of his wrongdoing. I would only like the charge of forgery to be made outside this House as well as within it. Persons have been whispering about the town of Toowoomba on this matter, and have thrown out insinuations, but no one yet has been manly enough to charge the person,—who is well known—there is no secret about the matter,—to charge the person who took the active part in the collection of these names with the crime of forgery. If there has been forgery I hope the party who has been guilty of it will be brought to account for it. But, sir, what has fallen from the hon. member for Cook, Mr. Hill, this afternoon, certainly has nothing whatever to do with these claims which I brought before the House last Thursday, and which I now hold in my hand. These are but samples of at least 150 to 200 more which I could get by a little trouble. I would like hon. members to look at these papers, and to tell me if there is any indication whatever of forgery in any of these names—whether any of the papers have been filled up and signed by the same person. There was some little irregularity in some cases, and certainly it showed a great want of judgment in the person who collected the names. In some places there was no pen or ink procurable, and the parties making out their claims made them out in pencil, and requested the person who was collecting them to ink the pencil-marks over. It was a very foolish thing for him to do, but he did it, and those claims were rejected by the bench, and I think rightly so. But what I argue is, that if there were some claims that did not appear to be regular, that was no reason why these *bonâ fide* claims should be rejected. I have no doubt that that letter which the hon. gentleman read was written in all sincerity; the writer has heard something, and he believes, I suppose, that what he has heard is perfectly true; but I guarantee this from my knowledge of the person who collected these names——

Mr. LUMLEY HILL: Who was it?

Mr. ALAND: His name is Symes. There is no secret about the matter; it has already been made public. When you and I, Mr. Speaker, found that names were left off the roll, we employed Mr. Symes to collect those names and have them placed on the roll. I think we were doing our duty, and that our constituents will be very much obliged to us. I know that the electors who have had their names disallowed are not at all obliged to the bench in Toowoomba; and if there are suspicions afloat as to how these names were collected, there are stronger suspicions afloat as to why these names were rejected by the bench. I trust that the Government will cause the strictest inquiry to be made into the matter, and let the matter be decided upon its merits.

Mr. THORN: I beg to withdraw the motion.

Motion, by leave, withdrawn.

MINISTERIAL STATEMENT.

Resignation of the Colonial Treasurer.

The PREMIER (Hon. Sir S. W. Griffith) said: Mr. Speaker, — I rise to make an announcement to the House, which I have to make with very great regret, and which I am sure will be received by the House with very great regret. Hon. members are aware that the Government have promised that the Financial Statement should be made on Thursday next, and that the Estimates are not yet before the House. I regret now to have to inform the House that, in the course of discussion in the Cabinet on the subject of finance, differences of opinion have arisen, which have resulted in my hon. friend the Colonial Treasurer tendering his resignation. It is, of course, rather awkward at the present time, as the Financial Statement has to be made on Thursday. The difference of opinion which has arisen is upon financial matters, as to which it is right that the House should be taken into confidence before anyone else. What I propose at present is that the Financial Statement should nevertheless be made on Thursday, though my hon. friend will not be able to make it, but I hope that the indulgence of the House will allow me to make the Statement under the circumstances. I shall not now explain the nature of the differences of opinion which have arisen—that will necessarily be one of the subjects referred to in the Financial Statement. My hon. friend agrees with me that this announcement should be made to the House this afternoon.

The COLONIAL TREASURER (Hon. J. R. Dickson) said: Mr. Speaker,—I would ask by way of an explanation to add to the remarks of the hon. the Premier. I am gratified to find from what he has said that the House need be under no apprehension of delay in the financial position of the country being disclosed. I promised the House that the Financial Statement would be made this week, and I had intended to fulfil that promise. It would have been made earlier, but owing to the desirability—and the necessity, in fact—of having a full Cabinet conference before the financial policy of the Government was finally formulated, it was delayed through the unfortunate illness of my honourable late colleague (Mr. Miles), whom we are all glad to see in his place to-day. It is a matter for very deep regret to dissociate myself from gentlemen for whom I entertain a great personal regard and esteem, and who, I believe, entertain the same feeling for me; and only a deep sense of what I consider is due to the country at the present time could have compelled me to take such a step. I wish to exonerate myself from any desire to embarrass the country at the present time by acting as I have done, but it was impossible for me, under the policy they intend to declare, to remain a member of the Cabinet. Under those circumstances I tendered my resignation with the very deepest regret to my hon. friend, if I may still continue to address him as such. The full reason of this action on my part will be before the country when the Financial Statement is made by the Premier. I may say that I continue to hold office until my successor is appointed.

Mr. MOREHEAD said: Mr. Speaker,—With the permission of the House, I would like to say a few words. Speaking on behalf of the Opposition, and I think also with the consent of the cross-bench party, I have to express our great personal regret that the hon. member for Enoggera has severed his connection with the Government. I say "personal regret," because we do not agree with him, as a rule, in his

politics, but he has always treated this side of the House with the utmost courtesy and consideration. During all the years that he has been in the House, and during all the years that many hon. members on this side have been associated with him, we have met with nothing but consideration and courtesy at his hands, and I think it only my duty to express that as the opinion of this side of the House. It is not altogether with unqualified regret that I see him leaving the other side, because I think the future will show that his policy will assimilate itself probably with the policy held on this side of the House.

FORMAL MOTIONS.

The following formal motions were agreed to:—

By Mr. BUCKLAND—

That there be laid upon the table of this House, a Return of all papers and correspondence in connection with Selection No. 3731, Brisbane District, selected under the Crown Lands Act of 1876.

By Mr. W. BROOKES—

1. That the Australian Joint Stock Bank Act Amendment Bill be referred for the consideration and report of a Select Committee.

2. That such committee have power to send for persons and papers, and leave to sit during any adjournment of the House; and that it consist of Mr. Rutledge, Mr. Donaldson, Mr. S. W. Brooks, Mr. Ferguson, and the mover.

DIVISIONAL BOARDS BILL.

COMMITTEE.

On the Order of the Day being read, the Speaker left the chair, and the House went into committee to further consider this Bill.

On clause 159—"Construction, &c., of main sewers, &c."—

The PREMIER said he understood that some hon. members wished to speak upon the clause. He was content to leave it as it stood, but it was intimated to him last Thursday that there was likely to be discussion upon it.

Clause put and passed.

Clauses 160, 161, and 162 passed as printed.

The PREMIER said since the Bill was in committee on Thursday he had received a deputation from a divisional board in the West Moreton district—the divisional board of Purga—who had pointed out that in that part of the colony some difficulty would arise in consequence of coal-mines being worked under the roads, which would lead to the subsidence of the roads. No doubt in cases of that kind the board would be entitled to bring an action for damages against the persons through whose negligence the subsidence of the road was caused, and recover from them the amount of the damage done, but it might be years before the subsidence happened, and in the meantime the persons liable might have gone away or might not be found. Now, if licenses were granted to mine by divisional boards they would have to take the responsibility of maintaining the roads in case of subsidence. The suggestion appeared to him to be a very good one. The matter was brought before the Cabinet and the result was that the two first clauses which had been circulated that afternoon were framed to deal with the matter. He proposed to insert here a new clause, as follows:—

A board may grant licenses to mine for coal under the surface of any road in the district, on such conditions as to securing the surface, payment of license fees or royalties, or otherwise, as it thinks fit. Any license fees or royalties received in respect of any such license shall be paid into the divisional fund.

At the present time the Minister for Lands could grant licenses to mine under reserves, but that did not apply to roads, and he thought that as the roads were under the control of the divisional boards there was no reason why that right should not be given to them. He had not had much time to consider the matter—it having only been brought under his consideration yesterday—still, it was one which it seemed desirable to deal with, and the suggestion was one which, he believed, would commend itself to hon. members.

Mr. NORTON said the question was one in which many other questions were involved. In the first place there was likely to be a misunderstanding about what were roads. As a matter of fact a large number of roads, which were kept in repair by divisional boards, were not really roads within the meaning of the Act.

The PREMIER: The term "road" is defined in the Bill.

Mr. NORTON said it was defined there as "any road or highway dedicated to the public," and he doubted if half the roads so called were dedicated to the public. Of course it might have the effect of compelling the Government to dedicate roads to the public all over the colony, which would be a good thing. But if the right was granted with regard to mining for coal, why not extend it to mining for gold and other minerals?

The PREMIER: That is dealt with in an Act passed last session.

Mr. NORTON said that was so, but if fees or royalties derived from mining for coal should be given to divisional boards, why should not the fees or royalties derived from mining for other minerals under roads be also given to divisional boards? The principle was the same in the one case as in the other. And, again, why should not the same right be extended to municipal corporations and other local governing bodies? In fact, the motion opened up some very wide questions, and it would be advisable to devote a little more consideration to it than it had yet had. The first he had heard of the proposed proposition was in that morning's paper, and, as the Premier himself admitted that it had only been brought under his notice yesterday, it would be advisable not to press the matter forward that evening.

Mr. FOOTE said he did not like the clause as it read. It appeared to him to give an unlimited power to boards to levy any amount they chose on persons desiring to mine under a road; it gave them power to fix the fees or royalties at any amount they might think fit, and there was nothing to prevent such amounts from being enormous. A person might have coal property on each side of a road. The works would, of course, be on one side only, and if the coal-owner wanted to get from one property to the other by tunnelling under the road, the board might compel him to pay such fees or royalties as would damn the works altogether, or cause him to put down new shafts, which meant an expenditure of thousands of pounds. Some limit ought to be fixed in the clause as to the amount payable to boards by persons desiring to mine under roads, and not leave divisional boards to fix whatever amount they might choose.

Mr. FOXTON said he could see in the clause means by which blackmailing might be levied by divisional boards on owners of coal properties. It was not at all unusual, as the hon. member for Bundanba had said, for coal properties to lie on the two sides of a road, and in order to make both sides available for work without ruinous expense, it was necessary to work them from one side or the other of that road, and the works must extend under the road for that purpose. If the clause were passed as it stood he could see no reason why divisional boards could not assess

their fees on the value of the coal on the other side of the road. Members of divisional boards were very human—although as corporations they had neither souls nor consciences—and it was very possible that such heavy demands might be made on coal properties of that character that it would be almost impossible, in some instances, to work such outlying properties except at a loss. In fact, the power of the boards in that direction was only limited by the amount they thought they could get. He could mention one property of the kind to which he was alluding, where a small piece of it, amounting to six or eight acres, was entirely surrounded by roads. It would be impossible to sink a shaft 300 or 400 feet in depth for the purpose of working that particular piece of the property; and if the clause were passed in its present form the board would be at liberty to fix its own price upon the right to go under those roads, and it would practically fix the license fee to be paid at probably very near the marketable value of the coal lying in those six or eight acres, which were only accessible by approaching them underneath the roads. He would suggest that a provision be inserted giving coal-owners liberty to work under the roads, paying a fair royalty to the divisional boards, but providing that the amount of such royalty be settled by arbitration. That would be very much more to the purpose than the system proposed.

Mr. PATTISON said he saw no objection to the clauses except that he did not see why they should be confined to coal. Why not apply them to gold and other minerals? The Chief Secretary had said that under an Act passed last year power was given to mine on reserves.

The PREMIER: You misunderstood me—under roads in reserves.

Mr. PATTISON said he would like that matter explained.

The PREMIER said it would be very inconvenient to allow divisional boards to interfere with the administration of gold mining. To do so it would be necessary to alter the Act which passed after a great deal of consideration last year, dealing with the right to mine under streets on goldfields. There was a good deal in what had fallen from the hon. members for Port Curtis, Bundanba, and Carnarvon. They appeared to be afraid that the boards could not be trusted to be reasonable in the matter.

Mr. NORTON: I did not say that.

The PREMIER: Well, some hon. member did.

Mr. MOREHEAD: I say it.

The PREMIER said under existing Acts they gave boards power to impose licenses by by-laws. Of course those by-laws must receive the approval of the Governor in Council, who might veto them if they were unreasonable. The amount to be paid to the boards ought only to be sufficient to indemnify them for any expense they might be put to by subsidence of the road. It would be really in the nature of an insurance. He did not desire to press the matter to a decision that evening, and had not the least objection to postpone it, or to withdraw the clause with the intention of recommitting the Bill later on, which probably would be the better course. The 1st and 2nd clauses went together; the 3rd was on a separate subject. For the present he should withdraw the first new clause, with the consent of the Committee, having attained the object he had in view—namely, to get preliminary discussion upon it. It could be argued more fully hereafter.

Mr. MOREHEAD said he hoped the hon. gentleman would withdraw the clause for further consideration. He really could not see why coal should be treated in a different way from other subterranean products.

The PREMIER: Coal is the only one likely to cause subsidence of a road.

Mr. MOREHEAD said he thought the hon. gentleman was wrong there. There might be other mineral deposits, the removal of which might cause subsidence of roads—gold or copper, or almost any mineral. The hon. gentleman was right to a certain extent, but if they had a tunnel driven close to the surface of the ground, no matter what mineral they were mining for, it might cause subsidence. He had not heard any reason alleged why coal-mining should be placed under the control of divisional boards more than any other minerals. However, he had no objection to the clause being postponed.

The HON. J. M. MACROSSAN said the Chief Secretary must be under a misapprehension if he thought mining for coal was the only mining that was likely to cause subsidence of roads. He must know that mining for alluvial gold or tin would do just the same thing.

The PREMIER: They cannot do that.

The HON. J. M. MACROSSAN: It would just have the same effect as mining for coal, and if they were going to give power to grant licenses to mine for coal he did not see why any difference should be made between coal and other minerals, unless the Government wished to retain the fees received for mining for gold under the Act passed last year. That might be the chief reason. He knew that under that Act they got a good many thousand pounds from Charters Towers last year which they would not be very willing to let the municipality get hold of. Mining under the streets there might some day have the effect of causing subsidence of the streets, or perhaps of causing buildings to fall, as it had done in other places, but the Government would not put the streets in order, seeing that it was a municipality. He thought there was a great deal to be said upon the subject before it became law. There was another point. They had already a Mineral Lands Act which dealt with all minerals except gold and silver. They had also an amendment of that Act, and now it was proposed to deal with coal in an exceptional way. He thought that if they were going to legislate especially for coal they should do so in a Mining Act, not in a Divisional Boards Act. He did not think it was a proper thing to do. Let them keep their mining laws embodied in one or two Acts at the very most—in fact, one would be sufficient—and not introduce the enactments relating to that subject into Acts intended for a different purpose.

Clause, by leave, withdrawn.

The PREMIER said he would like to remark, with regard to the remarks respecting alluvial mining, that they did not apply, because it was not contemplated under the clause that the surface of the land would be disturbed. He now proposed to move the third of the new clauses, which provided—

> When a railway is constructed across a road, the owner or other person using the railway shall, at his own expense, at all times maintain in good condition and repair, in such manner as the board directs, and to the satisfaction of the board, so much of the road as lies between the rails and extends fifteen feet beyond the rails on each side thereof.

The clause was analogous to one in the Tramways Act, which required the owners of the tramway to keep the road in repair to the extent

of eighteen inches on each side of the rail. Tramways, of course, ran along the streets; the clause was intended to deal with railways crossing a road—compelling the proprietors to keep the level crossings in order.

The HON. J. M. MACROSSAN said he would ask the hon. gentleman in charge of the Bill whether at present the owner of a railway was not bound to keep level crossings in order?

The PREMIER said he had thought till yesterday every railway at present had an Act of Parliament. A man might run a railway through his own property or through anyone else's property if that person liked, subject to the consequence that he rendered himself liable if any accident happened. If a man took a railway across a road certainly he should keep the crossings in order.

The HON. J. M. MACROSSAN said he thought no private person had a right to make a railway across a road without an Act of Parliament. He thought that was the law. He knew that a great many railway owners came to the House a few years ago and got Acts of Parliament to make railways. He had never heard of a railway yet being constructed across a road or public highway without an Act of Parliament.

The PREMIER: There are a lot of them.

The HON. G. THORN: Mr. Lindsay has one at Bundanba.

The PREMIER said he believed that there were several railways which did go across roads, but they obtained licenses from the boards to do so. However, if a horse was frightened by a train crossing a road at such a place he did not think such license would be much in the way of protection.

Mr. FOXTON said the question would arise as to what was a railway crossing a road. There was an instance in the colony in which a railway came on to a road on one side, and ran along the road for a considerable distance, and then went off at the other side. In that instance the unfortunate proprietor would have to keep a width of thirty-six feet of road in order.

The HON. J. M. MACROSSAN: What railway is that?

Mr. FOXTON: Mr. Gulland's railway. I believe it runs a considerable distance along the road.

The HON. J. M. MACROSSAN: Has he an Act of Parliament?

Mr. MOREHEAD: Yes.

Mr. FOXTON said he simply mentioned that as an instance which might be typical of others. He thought the clause was rather severe, as a convenient crossing might not be practicable directly across a road. If the railway ran along the road for a short distance the proprietor of the railway would practically have to keep the whole of the road in order for that distance. He did not see why the margin should be fifteen feet on each side of the rails.

The PREMIER: That is only an arbitrary space.

Mr. FOOTE said he thought the clause was a very good one, and one which was needed. When Parliament was not sitting there was a difficulty in getting authority to take a railway across a road. He did not think the parties taking their railways across roads would be in any way put about, or put to much extra expense, in keeping the roads in order. He did not suppose that any coal proprietor or coal company would object to keep the road in order across which the line ran, for a short space on either side. The Premier alluded to horses being frightened at such crossings, and said the owners of the line would be subject to actions for damages. But he (Mr. Foote) did not know how actions would lie in those cases any more than in the cases where Government railways ran across roads.

The PREMIER: The Government are protected.

Mr. FOOTE said it appeared that the Government were the only parties who had a right to kill persons; but he thought it was a very good clause.

The PREMIER said of course the fifteen feet was a purely arbitrary distance. In the case mentioned by the hon. member for Carnarvon, probably six feet would be sufficient. There was one alteration he proposed to make in the clause. He moved that the word "using," in the 2nd line of the clause, be omitted, with a view of inserting the words "in possession of."

Mr. MOREHEAD said before the amendment was put he would like to suggest to the Premier that it might be as well to withdraw all the proposed new clauses. He was not speaking offensively, but he thought they were in rather a crude form, and could be brought in in a better shape. If it were considered necessary the Bill could be recommitted for the purpose of inserting them. It looked something like "impulsive legislation," as it had been described by a friend of his, but he thought it was more like legislation by deputation, as these clauses were suggested by a deputation which waited upon the Premier.

The PREMIER: That is true.

Mr. MOREHEAD said there was no desire on his side of the Committee to check the passage of the Bill; but they did not like having important clauses like these sprung upon them, and which evidently required more consideration than they had received. They could go on with the other clauses of the Bill until those before them could be brought in in a better shape than they were at present. The position at present was, that they had had three new clauses before them, of which two had been withdrawn for further consideration, and they were about to amend the third. It would be much better to go on with the Bill and if necessary recommit it for the introduction of the new matter. It would save time and a considerable amount of trouble.

The PREMIER said he had no objection to postpone the clauses; but he had introduced them that afternoon for the purpose of having a preliminary discussion upon them, as the light thrown upon them by such discussion would enable them to be put in a more satisfactory form. Many Parliaments did not allow clauses to be passed on the same day that they were first introduced; but the practice here was rather loose in that respect. In other places new clauses had to be read a first and a second time. As he was only anxious that the subject referred to in these clauses should be well considered, with the permission of the Committee he would withdraw them.

New clauses, by leave, withdrawn.

Question—That clause 163 stand part of the Bill—put.

The HON. J. M. MACROSSAN asked if the last two new clauses suggested had been withdrawn? He thought they should have a discussion upon them.

The PREMIER said that was not the place in which they would properly come in, but he had no objection to take the discussion upon them then.

The PREMIER said he would propose, for preliminary discussion, the following new clauses:—

Every action against a board for the recovery of damages in respect of any injury alleged to have been sustained by reason of the negligence of the board in respect of any highway, road, bridge, culvert, ferry, wharf, jetty, or other public work under the control of the board, shall be brought in a district court.

A district court shall have jurisdiction to hear and determine any such action whether the amount sought to be recovered does or does not exceed two hundred pounds.

Every such action shall be tried by a judge without a jury.

No such action shall be maintainable unless notice that injury has been sustained is given within three months, and the action is commenced within six months, from the occurrence of the accident causing the injury, or in case of death, within twelve months from the time of death: Provided that the want of such notice shall be no bar to the maintenance of the action if the judge is of opinion that there was reasonable excuse for such want of notice.

The clauses were similar to clauses in the Employers Liability Act passed last session. Last week, in committee, they had discussed the liability of boards for negligence in maintaining their roads; and the great objection, he thought, was not to the law at the present time—which he believed was reasonable enough—but to the application of it. He did not know that he could add anything to what he said on that occasion as to the law itself. No doubt the sympathies of juries were often against boards. In these cases what was reasonable was a question of fact to be determined according to certain rules of law. It was provided by the clause that such questions should be decided by a district court judge without a jury, as under the Employers Liability Act similar questions of a similar kind were to be determined by a judge without a jury. Some of the verdicts given against the boards might be considered hard, not upon the board, which was impersonal, but upon the ratepayers. The clause embodied a suggestion which occurred to him during the time the deputation waited on him yesterday. They called attention to hardships suffered by boards, and made suggestions which he considered impracticable. The suggestion in the clause occurred to him at the time, and he now moved it formally for consideration by the Committee.

Mr. CHUBB said that while there was something to be said in favour of the new clause, there was also something to be said against it. He was rather inclined to think they had made a mistake last year when they accepted that clause in the Employers Liability Act. He thought it should be left optional, as he did not consider it a good thing that a case should be tried absolutely without a jury. Again, he did not know that they would be right in insisting that an action should be tried in the district court. As the law at present stood, if the damages claimed were less than £30, the plaintiff could bring his action in the small debts court. The new clause proposed would prevent that, and would compel the claimant to go to the district court. Again, if the damage claimed under the present law did not exceed £200, the action could be initiated in the Supreme Court, and it might be sent down to the district court; and again, if both sides agreed that the district court should have jurisdiction over £500 they could do so, and the district court could try the action. He did not see why, if a plaintiff claimed damages over £200, he should not be at liberty to go to any court he chose. He could not see why he should not have the power of taking action in the Supreme Court if he wished. Of course he knew that it would add very much to the expense to carry an action into the Supreme Court, and that was a very important matter to consider. Whether the trial by a district court judge alone, without a jury, would work well was a question upon which they had not much experience. There had been but one or two cases of the kind, and in a recent case tried under the Employers Liability Act the judge assessed the damages at £62, although the amount claimed was £500. The plaintiff was nonsuited in that case, because it was considered that the injury was not the fault of the employer. That would go to show that, supposing the valuation put on the injury by the judge was wrong, there would be no redress against it, because the judge was judge of fact as well as of law. If the matter had come before a jury they might possibly have given the same decision, or they might have allowed the plaintiff more, and probably some sum between £500 and the amount awarded by the judge would be nearer the mark. There were cases in which a jury were much better than a judge. On a pure question of law a judge was undoubtedly the proper tribunal, and where the matter was simple he might also possibly be the best jury; but there were many circumstances in which a jury would be far better. It seemed to him that there was some danger in introducing that clause, making it absolute that such cases should be tried by a district court judge without a jury, and, at all events, the clause should not be adopted without further discussion.

The HON. J. M. MACROSSAN said he did not like the new clause for several reasons, most of which had been urged by the hon. member for Bowen. If they wished to abolish trial by jury they should, he thought, do it in a different shape from that proposed in the clause.

The PREMIER: I do not wish to abolish it.

The HON. J. M. MACROSSAN said that last year they abolished it in the Employers Liability Act and now they were trying to do it in the Bill before them, and they would probably go on step by step and find in the next year or two that they had abolished trial by jury altogether.

The PREMIER: I hope not.

The HON. J. M. MACROSSAN said if there was any doubt about the advantages of trial by jury the matter should be debated in the House by itself, and not be introduced by side issues in that way. He did not see why a man bringing an action against a divisional board should be compelled to have his case tried by a judge without a jury. He had nothing to say against judges personally, but he would sooner trust a jury than a judge.

Mr. FOXTON said he quite agreed with the hon. gentleman who had just sat down. If suitors chose by mutual agreement to abandon their mutual right to a jury they might be permitted to do so, and by that means make the judge an arbitrator. An arbitrator in the ordinary case was judge of law and fact, but in that case the judge would be an arbitrator bound by law. He did not like the idea of depriving either plaintiff or defendant of a jury if either desired to have one. Again, he could not see why, if a district court was competent to try a case of that class, no matter what the amount involved might be, and no matter what the questions of law involved might be—he did not see why it should not be competent in all cases. He thought that if that was to be the law it should be one of general application. He did not agree with the clause. In his opinion the arguments in favour of the clause would apply to all, or nearly all, cases of trial by jury.

Mr. MOREHEAD said he quite agreed with every word that had fallen from the hon. member for Carnarvon The hon. gentleman had

raised the point he himself intended to refer to —namely, that if cases of the sort which would come under that new clause involving thousands of pounds, and not simply £200, were to be relegated to a district court judge without a jury, why should not all cases? If those cases were to be tried without a jury, why should not similar cases be tried elsewhere without a jury? He hoped the Premier would see his way to withdraw the amendment. He did not see why divisional boards should be treated in a different way from any other body of men or individuals. If an accident happened through their lâches and became the subject of litigation, he did not see why they should be particularly excused, and it appeared to him that that clause did particularly excuse divisional boards. He would not be a party to assisting in such an alteration of the law, nor would he be a party even in a minor way to interfering with the privilege of every Englishman, which they were very proud of—namely, the privilege of trial by jury. He would certainly oppose the clause if it went to a vote.

The PREMIER said he should be very sorry to be supposed to be an advocate of the abolition of trial by jury. He dissented entirely from the advocates of that innovation in the law, and believed that trial by jury was one of the most valuable institutions they had. But there were certain cases involving intricate questions of law and fact—cases in which questions of law and fact were so closely mixed, and in which questions of law predominated—that it was better should be tried by a judge. It was, however, simply a question of convenience, and he thought there was a great deal to be said for exceptional legislation in those cases. The matter before them was one well worth consideration, and they should not, he thought, come to a hasty conclusion.

Mr. PATTISON said the only case that he was at all intimate with in which the matter at issue had been tried by a judge without a jury was tried before Judge Miller at Rockhampton. In that case the board were of opinion that if they had had a jury there would have been a different result. He (Mr. Pattison) was certainly of that opinion, and thought a jury of sensible men would have given a decidedly different verdict.

Mr. MACFARLANE said he did not agree with all these amendments, but he thought that the fifth of the new clauses was one of the best. He was sorry to find that so many members disagreed with it. He had always found that governments, municipalities, divisional boards, and public councils suffered at the hands of juries; and he thought the Committee would also admit that they seemed to be regarded as fair prey for coming down heavily upon. He thought that actions brought against corporations should be settled by a judge rather than by a jury. He had always thought that, and thought so now more than ever. He was of opinion that it was a good amendment, and believed that it would work very well.

Mr. GRIMES said he thought the amendment was a very good provision. They knew that divisional boards and all public bodies were reckoned to be fair game to be plucked, and it would certainly cheapen the process, if it did nothing else, by allowing and restricting cases of that kind to be tried only in the district court, and without a jury. He was thoroughly in favour of the amendment, and thought it would answer well if it became law.

Mr. MOREHEAD said he did not think the last speaker, or the hon. member who preceded him, thoroughly saw the meaning of the clause. Not only did it give power, as was pointed out by the hon. member for Carnarvon, to the judge of a district court to try actions for damages against boards in respect of injuries sustained through their negligence, but it widely increased the jurisdiction of the judge, so far as the adjudication on large damages was concerned. Although there were perhaps many people who would be prepared to allow a matter of £200 to be adjudicated upon by a judge of the district court without a jury, yet when it came to a matter of thousands of pounds he (Mr. Morehead) would certainly oppose, if he could, the determination of an action for so large a sum being left to a judge without a jury. He objected to the right of trial by jury being taken away from anyone, because juries had done wrong, and might do wrong. He held that as a rule juries had done right. If divisional boards had been badly treated they had probably forgotten one thing—namely, that the boards might be bad administrators, and that the members might not be fit for the positions to which they had been elected. The boards had not recognised that, but thought, in fact, that they were the salt and intelligence of the earth; and when a verdict went against them they thought it was not because they were in the wrong, but because the unfortunate man who had been injured had had a jury in his favour. Why should the jury be in his favour any more than in the favour of the divisional board? He said that, taking one thing with another, juries had given substantial justice, and he was perfectly certain that if they had not done so some amendment of the law would have been proposed long ago.

The PREMIER said he thought it was scarcely worth while pursuing the subject further that evening, and he proposed to withdraw the clause for the present. He agreed with the last remark of the hon. gentleman, that as a general rule juries gave just verdicts. People had smarted under them at the time, but he thought from his experience, and he had had a good long experience now, that there were few instances in which juries had given unjust verdicts.

Mr. NORTON said that before the clause was withdrawn he wished to say a few words. He felt a great deal of sympathy with divisional boards, and believed they had sometimes had to pay damages for accidents which they could not have averted. At the same time, as the leader of the Opposition had pointed out, such actions for damages might involve very large sums of money. In Victoria at the present time, in the case of a gentleman whose name was pretty well known, and who was killed by a railway accident, a claim was made against the Government of £29,000. If an action involving a claim for such an enormous sum as that were brought against a divisional board its decision would be rather a serious task to impose on a judge sitting without a jury. In dealing with the amendment there were one or two points to be considered, one of which was the taking away of trial by jury in certain cases; and another, the increased responsibility imposed on the judges—a responsibility which he did not think any judge would care to accept. He therefore thought it was just as well to withdraw the clause.

Mr. CHUBB said that, instead of providing that the action should be tried in the district court, it might be provided that where a claim exceeded the amount to which the jurisdiction of the district court extended, and the plaintiff recovered a less sum than that amount, he should pay all the costs of the action, or the difference between Supreme Court costs and district court costs.

Mr. BUCKLAND said he thought the clause a very good one, and there was some reason why cases of that sort should not go before a jury.

The other evening he referred to the case of Wendt *v.* Tingalpa Divisional Board, stating that the costs were upwards of £800. He found that he was somewhat in error as to the amount of costs, but not very much. The items were:—Plaintiff's costs, £466 12s. 4d.; defendant's costs, £250; witnesses' expenses, £17 3s. 1d.; Dr. Webb, £23 2s.

The PREMIER: That includes damages.

Mr. BUCKLAND said the damages amounted to £75. He was reading a copy of the expenses bearing the chairman's signature, and sealed with the seal of the board. The actual costs on both sides, including chairman's expenses, £15, were £696 17s. 5d.; and all that was for a £75 verdict. The total amount, including damages, was £771 17s. 5d.

The PREMIER: If the case had been tried in the district court the amount could not have exceeded £200, including damages.

Clause, by leave, withdrawn.

Clauses 164 to 171, inclusive, passed as printed.

On clause 172—"Penalty for damaging or leaving open gates"—

The PREMIER said there was a change in the clause providing that the penalty should be paid to and retained by the holder of the license. That was only fair, seeing that he was the person injured.

Mr. MELLOR said the clause might act harshly in some cases. For instance, people travelling with restive horses might be able to open a gate but not be able to shut it, and he thought a penalty of £10 too much in such cases.

The PREMIER said the cases dealt with under the clause would vary. In one case a person might accidentally leave a gate open and not a farthing's injury might be done, while in another case a person might cause a great amount of injury through wilfully leaving gates open. The law was not changed as to the amount of the penalty; the only difference was that the holder of the license would be entitled to the penalty. He did not think £10 too much to fine a man for deliberately leaving a gate open.

Clause put and passed.

On clause 173, as follows:—

"No person driving horses, cattle, or sheep along a road through freehold lands enclosed under the foregoing provisions of this Act shall depasture the same within the enclosure except by permission of the owner or occupier of such land, and any horses, cattle, or sheep which are so depastured shall be deemed to be trespassing, and may be impounded accordingly."

Mr. NELSON said that seemed rather hard upon travelling stock. If a road were within the enclosure the stock must be depastured as they went along the road.

The PREMIER said the clause introduced no change in the existing law, but he was glad the hon. gentleman had called attention to the matter. He proposed the substitution of the words "upon such land" for "within the enclosure," and of the word "thereof" for the words "of such land."

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

Clauses 174 and 175 passed as printed.

On clause 176, as follows:—

"1. A board may cause the extirpation and destruction of any noxious weed or plant growing within the district, and for that purpose may, subject to the following provisions, enter upon and dig and break up the soil of any unoccupied Crown lands, public reserves, or private lands within the district.

"2. It shall be the duty of the board to extirpate and destroy any such weed or plant found existing upon any road or reserve under the control of the board.

"3. Before exercising the powers hereinafter in this section conferred the board shall, by a by-law passed for that purpose, declare such weed or plant to be a noxious weed or plant, and to be a nuisance within the meaning of this Act.

"4. When any such noxious weed or plant is found existing upon any public reserve not under the control of the board or upon any rateable land within the district, the board shall cause to be served upon the occupier or person in charge thereof, or, if there is no occupier or person in charge, upon the owner, except in the case of unoccupied Crown lands, a notice requiring him to extirpate and destroy the weed or plant within one month from the service of the notice.

"5. If at the expiration of such period of one month the weed or plant has not been extirpated and destroyed, the board may forthwith enter upon such reserve or rateable land, and extirpate and destroy any such weed or plant that may be growing thereon.

"6. Any reasonable expense so incurred by the board in extirpating and destroying any such weed or plant shall be a charge upon the land on which it existed, and shall be recoverable—

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

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

in the same manner as by this Act rates due and in arrear may be recovered from the occupiers or owners of rateable land.

"7. The cost of abating any such nuisance upon unoccupied Crown lands shall be defrayed by the Treasurer out of funds appropriated by Parliament for that purpose: provided that the sanction of the Treasurer shall be obtained before any such cost is incurred."

Mr. PATTISON said that last year he had failed to get any satisfaction from the Chief Secretary upon the question how the Government intended to deal with unoccupied Crown lands, and he did not see that the Bill provided for it now. He had pointed out last year the difficulty of getting the sanction of the Treasurer when weeds had to be destroyed at very short notice. When Bathurst burr seeded it was necessary that the plants should be destroyed forthwith, and giving notice to the Colonial Treasurer would cause delay. The board should have some guarantee that when they had gone to the trouble and expense of having all weeds destroyed on private lands or reserves under their control the Crown would find the necessary funds to clear unoccupied Crown lands. Unless that were done all the efforts of private individuals and of the boards would be worthless. The Committee ought to be assured that some provision would be made on the Estimates for the purpose.

The PREMIER said he could not agree that it was desirable to allow any board, however trustworthy or capable, to draw upon the Treasury at their own discretion. It was quite inconsistent with our system of government, and was a position that no Government could accept. In an urgent case, such as that the hon. member had suggested, he was sure that whether the formal consent of the Treasurer was given beforehand or not, it would be given afterwards if the expenditure was a reasonable one. But suppose the board took it into their head to destroy all the prickly pears on the Moonie, for instance, and asked the Treasurer to pay for it, that would be unreasonable. He was afraid he could not meet the hon. gentleman's wishes. That was the third time the matter had been discussed. In 1882, when he (the Premier) had not the same responsibilities as now, he was at first inclined to be favourable to the view of the hon. member, but he was quite satisfied with the answer given to his argument.

Mr. PATTISON said if the boards destroyed noxious weeds and sent in a reasonable account, the Treasurer would very likely say, "We have no funds to operate upon." That would probably be the answer, so that Parliament should really vote some funds for the purpose. Some assurance should be given that there would be funds to meet reasonable demands, the Treasurer being the judge as to whether an account was reasonable or not. There were numbers of Crown lands rangers who could look after those matters, and see that the money was well expended.

Mr. NORTON said that was a matter that had been discussed over and over again without bearing any fruit, and he did not believe it ever would. He did not think the difficulty was so much in getting the sanction of the Colonial Treasurer; that Minister would not mind giving his consent, but when he was asked to pay up he would say he had no funds. The difficulty was that the money must be asked for by the Colonial Treasurer, and he would not ask Parliament for it. He would not put down an item of that sort on the Estimates, as he wanted his funds for other purposes. The Treasurer did not mind what weeds were declared to be noxious, but he was afraid of the boards clearing enormous areas of Crown lands of those weeds, and then demanding payment. Of course, if the Treasurer would not ask the House to grant a sum of money for the purpose, then the boards might cut away as they liked, but they would not be paid for it.

Mr. CHUBB said there was an addition to the clause as it appeared last year. The words "provided that the sanction of the Treasurer shall be obtained before any such cost is incurred" had been added. He rose chiefly to ask whether Parliament had appropriated any funds last year, or the year before, for that purpose?

Mr. NELSON: Yes, the year before.

The PREMIER: I think we did last year.

Mr. NELSON: Not last year.

Mr. MELLOR said there was another matter to be considered which seemed to him to affect very considerably a great number of people. The boards were unable to pass a by-law stating what noxious weeds were. He thought some effort should be made to define noxious weeds. They knew that *Sida retusa* was stated to be a noxious weed, but there would be great difficulty in extirpating it if a by-law was passed to deal with it. In fact, it would be a great hardship in some cases to destroy it, because many people thought it a valuable fodder for the use of their stock. Hon. members, he thought, were well conversant with all the noxious weeds, and there might be no difficulty in defining them.

Mr. MORGAN said if the hon. member attempted to undertake the task he would find it would become a very large one. Three years ago a municipal conference was held in Brisbane, and he brought the question forward. Prickly pear and the Scotch thistle were the two noxious weeds he wanted to get at. Almost every delegate had some particular weed which he wanted to have destroyed. The mayor of Townsville wanted particularly to legislate against "Townsville twins." He (Mr. Morgan) did not know what they were, but it appeared that they were a great infliction in the North. However, he wanted to put in a claim for less discretionary power being given to boards. He thought the Governor in Council ought to have the right to insist upon boards doing their duty in regard to noxious weeds. Of course, the question did not so much affect the metropolitan district, but in the unsettled or sparsely populated districts the noxious weed nuisance was a very grave one. On the Darling Downs the prickly pear nuisance was becoming serious, and in other districts the Scotch thistle, Bathurst burr, and Noogoora burr were equally objectionable. He knew that some of the boards had failed in their duty in regard to noxious weeds, and there should be some power of compelling them to do their duty. He knew of one instance in which a board, having year after year destroyed Bathurst burr, stopped suddenly owing to a difference of opinion between the members of the board, and the consequence was that in one year the effects of several previous years' work were entirely nullified. Under the Health Act the central authority had power to compel the local authorities to do their duty, and there seemed to be no reason why the same principle should not apply to the destruction of noxious weeds. He would suggest that the clause be amended so as to read, "A board may and shall if required by the Governor in Council cause the extirpation and destruction of any noxious weeds or plants growing in the district." That would get over the difficulty, and he did not see that there would be any hardship in making such a provision.

Mr. MOREHEAD said he knew, and had known for many years, that the Darling Downs was particularly prolific in noxious weeds. With regard to the clause, however, he would say distinctly that the proper way to destroy noxious weeds would be to destroy the reserves which were the nurseries of those noxious weeds. Those reserves had been a curse to the colony with regard to the evil which the clause proposed to remedy. Town reserves were used either by the stock of the inhabitants of the towns or by travelling stock, with the result that all the good grass was eaten off, and only the hardier noxious weeds survived. He had said it for years, and every hon. member who knew the country would agree with him that the town reserves were really the nurseries of all the noxious weeds which divisional boards were now called on to destroy; and when he said that those town reserves should be cut up and sold wherever buyers could be found, he felt sure that the Minister for Lands would agree with him also. No doubt, in the present state of the public exchequer, the hon. gentleman would fully agree with him in that assertion. Those reserves had been created, in many instances, under great pressure from the various towns, and steps should be taken by the Government, irrespective of divisional boards, where those reserves existed, to put them under such control that the use of them would not be abused as it had been, and as it continued to be up to the present time. The small town of Clermont had, he believed, the largest town reserve in the colony, and there were other townships, which were not at present great centres of population, whose vast reserves should be looked after by the Government, either in the way of reducing the area or contributing to the cost of clearing them from noxious weeds. Surely that was the duty of a Government which had allowed such a state of things to come about. It would be very hard indeed on divisional boards if they were to be compelled to clear such enormous reserves as those to which he had alluded.

Mr. KATES said he agreed with the hon. member for Balonne that those reserves should be sold, and he also agreed with the hon. member for Warwick that those responsible for the reserves should be compelled to keep them clear of noxious weeds. It was obviously quite useless for one divisional board to cut down burr and thistle, while the adjoining board allowed them

to grow *ad libitum*. He might mention a case in point. The Clifton Divisional Board had spent large sums of money in keeping the burr outside of its boundaries, while the adjoining board of Gowrie had refused to do anything of the kind, the result being that the money expended by the former had been virtually thrown away. The only remedy was that suggested by the hon. member for Warwick. The clause should be made compulsory, and if the boards failed to obey it they should be brought before a bench of magistrates and compelled to do their duty.

The PREMIER said the hon. member seemed to forget that a board was a corporation, and could not be brought before a bench of magistrates. Supposing there was a close division, four being in favour of carrying out the provisions of the clause and five against it, would the hon. member proceed against the majority, or would he punish also the minority who had endeavoured to give effect to the clause? It was by no means an easy thing to say what a corporation should do. It must not only be provided that they "shall" do a certain thing, but it must also be provided what would happen if they did not. And then, it would not do to confiscate the board's money, because it was the money of the ratepayers. It was only in regard to matters affecting the public health that the Government could step in and say that if the local authority did not do a certain thing it would be done for them by the central board, and they would have to pay the cost. But to apply that principle to the eradication of noxious weeds would be a serious interference with the principle of local government, especially when the boards might deem it desirable to expend their funds for other purposes which they considered to be of more importance. Only on matters which pertained to life and health should compulsion be introduced. But there was another difficulty as to what were noxious weeds. There had been more than one discussion there as to whether Scotch thistles were noxious weeds, and although several amusing evenings had been spent upon the subject, they could never get so far as to define what the Scotch thistle was. Some hon. members said there was no such thing in the colony as the Scotch thistle; others affirmed that there was; while others again said that what was considered to be the Scotch thistle was one of the most useful and beneficial plants ever introduced into Australia. And the same with regard to the prickly pear. All things considered, the Government did not deem it desirable to declare what were noxious weeds, and the only alternative was to fall back upon the plan as set forth in the clause under discussion.

Mr. DONALDSON said that no doubt it was a good provision to allow the boards to decide what were noxious weeds; at the same time very little would be done under the Bill with regard to exterminating the most noxious of them, on which there could be no difference of opinion—he referred to the prickly pear and the Bathurst burr. There were some divisional boards not very far from Brisbane whose entire funds it would take to exterminate those weeds from their districts. The work would cost an enormous amount of money, and the evil of the spread of prickly pear alone could never be successfully grappled with by the local bodies without help from the central authority. Hundreds of thousands of pounds would be needed for the eradication of the prickly pear, and as it would be impossible for the boards to do the work unaided in addition to meeting all the other responsibilities cast upon them, the sooner the question was grappled with the better. The expenditure of £100,000, or even a less sum, now would probably save millions in the future. In his travels, not only in this colony but in New South Wales, he had seen the prickly pear gradually spreading in all directions. It had been thoroughly neglected, because holders of runs would take no trouble with it; they were not forced to do so, and would take no steps to try and exterminate it. He was quite certain that it would be a big legacy for the future residents of the colonies to exterminate that weed.

Mr. KATES said he hoped the Premier would see his way to amend the clause. It was a very serious question with some of the boards. He was quite agreeable to the insertion of the words "may or shall." Something must be done in the matter. It was a great hardship last year, because in several instances the money spent by one board was rendered quite worthless, as the adjoining board refused to do anything in the matter.

The PREMIER said he had pointed out that the amendment suggested by the hon. member for Warwick would not carry out what they wanted. To be of any use it must go further. It was very easy to say "The boards shall do so and so," but that would not make them do it, and how were they going to make them do it? The only way would be to provide that if the local authority did not do the work the Government should do it and charge the cost to the board, but that was a very serious question. If they did not spend money in destroying the weeds it might reasonably be assumed that there were other purposes for which it was more urgently required. And supposing the board had no funds?

An HONOURABLE MEMBER: Levy a special rate.

The PREMIER said he was afraid that would not work. The hon. gentleman must recognise this: that in saying "The board shall do so and so" he must be prepared to show how they could be compelled to do it.

Mr. DONALDSON: They are compelled to keep the roads in order.

The PREMIER said they were required to keep them in order, but if they did not do so he did not know who was to make them.

Mr. DONALDSON: They are liable to an action.

The PREMIER: So they might be under the clause, but he did not think it was desirable to facilitate the bringing of actions. He thought the best thing was to trust to the boards. If the ratepayers were not satisfied with the boards they would elect new ones.

Mr. DONALDSON said he was sure the system would not work satisfactorily, inasmuch as in the case of some boards it would take the whole of their income to destroy those noxious weeds; therefore they would not touch them. Other boards might be anxious to get rid of them; but what was the use of their destroying them if their neighbours would not do so? That was the trouble in Victoria; some shires went to great expense to destroy noxious weeds, others would not do so, and the consequence was that the Act became almost inoperative. He was satisfied that the same result would happen here. In some places on the Darling Downs he was confident that the whole income of the boards there would not destroy the prickly pear alone, and therefore they would not touch it.

The PREMIER: What remedy do you propose?

Mr. DONALDSON: The only remedy would be for the Government to come to the assistance of the boards to enable them to exterminate the weed.

Mr. FOOTE: Another Rabbit Bill.

Mr. DONALDSON said he could tell the hon. member for Bundanba that the district he (Mr. Donaldson) represented had not a noxious weed of any description in it so far as he was aware. But he contended that the prickly pear was a source of great future trouble and danger.

The PREMIER: It is said to be very useful.

Mr. DONALDSON said if it was he was not aware of it. He had heard people say so who had had no experience of it, but he was not aware that it was useful for any one purpose, except as an ornament in some gardens. He was satisfied that the system would not work, and that if those noxious weeds were to be kept down the Government would have to come to the assistance of the boards.

Mr. MORGAN said the hon. the Premier seemed to regard the application of a remedy in this case as rather a desperate measure, but he (Mr. Morgan) would point out that it would only be required in desperate cases—where boards consistently and persistently neglected to carry out their duty. Every board had a certain income from the Government in the shape of endowment, and if they did not do their duty the Government should withhold the endowment, as they did in certain other cases. He thought that would soon bring such boards to a sense of their duty. It might be said that they would require authority to do that, but he thought that if the Governor in Council or the Government of the day undertook to wield that authority without the express words of an Act of Parliament nobody would be disposed to quarrel with them. He believed the insertion of the words he had suggested would have a very good influence upon boards, and, as the matter was one of very great importance to country districts, he hoped the Premier would endeavour to make such provision in the clause as would lead to the results he (Mr. Morgan) desired to obtain—that was, to bring some of the boards to a sense of their duty.

Mr. CHUBB said another point that ought not to be overlooked was that under the clause the Colonial Treasurer himself might assist in preserving weeds. The clause provided that the cost of abating the nuisance upon unoccupied Crown lands should be defrayed by the Treasurer out of funds appropriated by Parliament for that purpose, provided that the sanction of the Treasurer should be obtained before any such cost was incurred. Supposing in the case of unoccupied land there was an enormous quantity of weeds, and the board applied to the Treasurer for sanction to remove them, he might say, "This will cost a very large sum; I cannot give you my sanction," and thus block the whole thing. It would be useless for the board to clear the lands under their control if the Treasurer would not find the funds to clear the adjoining unoccupied Crown lands.

Mr. GRIMES said the divisional boards were elected by the ratepayers, and if they neglected their duty they would certainly be brought to book at the next general election. He therefore thought there was no need for the Government to step in and override the action of the board in the manner proposed. If the ratepayers desired to see certain weeds destroyed they would bring pressure to bear upon the boards, and the work would be done.

Mr. NELSON said he agreed with many hon. members that the clause would not be successful in clearing noxious weeds from the lands of the colony; but at the same time he thought it would have a very beneficial effect, tending very much in that direction. His experience of divisional boards was this: that the clause would come into operation almost immediately if the Minister for Lands would make haste and decide what was to become of the reserves. That matter had been before the Lands Office for he did not know how long—for a very long period—and nothing whatever had been decided yet. The boards did not know in whom the reserves were vested, and unless they knew how the matter stood they were not going to make improvements on those reserves, or to keep the weeds down, when the Administration might at any time put a reserve up to auction, or offer it for selection. None of the reserves at present were permanent—they were only temporary in their nature, and might be cancelled at any time by the Minister for Lands. If the reserves were put upon a proper footing, and the boards knew that they had some lasting interest in them, he had not the slightest doubt that they would see that the noxious weeds in those reserves were kept down. One matter that he was not quite clear about was the use of the word "district" in the clause, instead of "division." The 4th subsection referred to "any rateable land within the district," and he feared the term was likely to lead to confusion For instance, take the case of Dalby: there was a large commonage there which was in the Wambo Division, but it was supposed to be vested in the municipality. Was it the duty of the municipality to keep the weeds down? and had the board any authority under the clause to enforce that duty upon the municipality?

An HONOURABLE MEMBER: Yes.

Mr. NELSON said he instanced the Wambo Divisional Board and the municipality of Dalby. He did not mean to say that there was any disagreement existing between those two local bodies. On the contrary, they had always worked amicably together. He was simply quoting that as an instance where a case might arise, and saying that if the Dalby Municipality neglected their duty in the way of keeping the commonage free from noxious weeds, he did not see how the Wambo Divisional Board could compel them to do their duty. The same thing might arise with other adjoining boards—boards, for instance, at the head of waters that flowed down to other boards. In those cases the land adjoining streams might be infested with noxious weeds to a very large extent, and whenever a flood occurred the weeds, if not destroyed, would be carried down to lower boards. If the words suggested by the hon. member for Warwick would meet the case and give one local body the right to compel an adjoining one to do their duty in that respect, it would be advisable to amend the clause to that effect. In regard to the prickly pear, he did not think they could deal with that in the present Bill, because he believed that it was such a very wide and important subject that it would require legislating for itself. It was a very difficult thing to deal with, no doubt, and he did not think it could be dealt with unless there was some provision made for it by the central Government. He did not believe that local governments could deal with a nuisance so very extensive as prickly pear. He hoped the Minister for Lands would be able to give them some information in regard to what was to be done with reserves, because he thought, if they were put on a proper footing, that itself would assist very materially towards dealing effectually with the subject dealt with in the clause—namely, the extirpation of noxious weeds.

The MINISTER FOR LANDS said several hon. members, in the course of their speeches, had referred to the evils which resulted from the large areas which had been set apart as reserves in the different districts of the colony. Every man who knew anything of the country districts must endorse what had been said. He believed

there were five times as many reserves in the colony as were needed for public use, and in many instances they were ten times larger than was necessary, especially around townships, and they degenerated year by year. In many instances where there had been large reserves for pasturage they had been utterly overrun by noxious weeds, and the boards had asked the Government to give them fresh country out of some pastoral leaseholders' land which had been kept clear from those things. There was only one way of dealing with the subject, and that was by abolishing reserves, and simply giving what was sufficient for the actual requirements of the people in the neighbourhood. Several boards, including that mentioned by the hon. member for Northern Downs, Mr. Nelson, had urged that the reserves were too numerous, and often too large, and they sent in proposals for cutting them down and proclaiming others that they could designate as necessary for the future requirements of the people, as permanent reserves, which would be under the absolute control of the boards. But before permanent reserves of that kind could be made the Government must feel assured that they were in such positions as would meet the requirements of the public, and not larger than they ought to be, because it would be practically impossible to deal with permanent reserves hereafter. In the case of the Wambo, Gogango, and Baramba Divisions, and one or two others, he had cut them down and left only those which might remain as permanent reserves. Those were now quite ready, and at as early a date as possible he would submit them to the Cabinet for the purpose of making them permanent reserves, and placing them under the control of the boards. At present he believed the boards had control of those reserves and could say what use should be made of them and what travelling stock should be allowed to make use of them. He did not believe they had ever exercised all the authority they possessed in that respect. They could do anything but lease them, but some boards had even gone as far as that. They had leased the reserves, putting them outside the use of the public altogether, and drawing a revenue from them. He believed that to be wrong, and held the opinion that the control of the boards in respect to reserves in their divisions did not extend as far as that. The lands in some reserves were leased from year to year, and he had given the boards notice, where that had been done, that in each case as the lease current terminated they must understand that they could not lease the reserve lands any more. The control of the reserves was a large matter affecting all the boards in the country. The matter had been carefully considered by him, and he believed the suggestion he would make would be found satisfactory.

Mr. PATTISON said that no doubt the Minister for Lands was sincere in stating that he believed the boards had the control of the reserves; but as an actual fact they had not got the control of them. They should have control of them, and the boards were applying for that control, and in some cases it had been refused. The Minister for Lands would recollect a conversation he had with him on the subject. If the Government gave the boards control of the reserves they would be able to devote them to the purposes for which they were intended. They were so misused now that they were perfect nuisances in his district, and if they were to remain so the sooner the Government sold them or resumed them the better.

Mr. GRIMES said that one reason why the boards were not anxious to spend money in the improvement of their reserves was that they were not certain how long they would be allowed to have control of them. He knew a board not far from Brisbane, the members of which fancied they had a reserve under their control. It occurred to them that they might make a revenue out of it. There was a mountain ridge in it of good scrub land, and they cut it up and leased it out as farms at a small rental. The Government had since taken possession of that reserve, and intimated to the board that the rental received from those farms would have to be paid into the Treasury.

The MINISTER FOR LANDS said the hon. member must know that the divisional board had no right to lease out the reserve on a clearing lease or for any other purpose. Where anything of that kind had occurred he had simply set his face against it, and as the hon. member had said, he had told the boards that they must return the money received in that way to the Government, as such a practice as that was diverting the reserves altogether from the purposes for which they were intended. If, as the hon. member stated in the case he referred to, the reserve included scrub land, there must have been a mistake in the first instance in proclaiming land of that character as a reserve. It should not have been granted as a reserve, but should be kept for the purpose of throwing it open for selection, and putting it to good use. It was certainly never intended that divisional boards should be permitted to lease the lands of a reserve, as by deriving a revenue for reserves in that way they would be endowed independently of the endowment they already received.

Mr. GRIMES said that the board in the case he referred to took the best means possible of making good use of the reserve. It was of no use to them as a forest, and they took the best means they could to make good use of it for the benefit of the district.

Mr. ADAMS said that the suggestion of the Minister for Lands to hand over all the reserves permanently to the public bodies was a very good one. He had been a member of a public body for many years, and he knew that the management of the reserves as at present was unworkable. That he had found to be the case even in a small place like Bundaberg, where there were several reserves. The municipal council at Bundaberg were doing some work in one of the reserves there, and they had to make an excavation. They intended to use the stuff that came out of the excavation for the purpose of forming the roads. They were allowed to put on the necessary improvements for their work without molestation; but when they went to take them off again they were threatened by a Crown lands ranger that if they did so they would be prosecuted, and they had to make an application to the Government to be allowed to take them away. When the reserves were given to the boards it should be intimated to them what the nature of their control over them would be. He did not see how the clause referring to noxious weeds could well be altered. It must be understood that the clause provided that the public bodies could make by-laws for the purpose of eradicating noxious weeds. One divisional board might consider *Sida retusa* a noxious weed, whilst the board of the next division might not consider it so. It depended greatly upon what the land was being used for, whether for agriculture or for grazing purposes. He knew of instances where *Sida retusa* was considered very good food for stock, and where it might be considered desirable to retain it in case of bad seasons, but in agricultural districts there was no doubt that *Sida retusa* was a noxious weed. He did not think it would be wise to alter the clause at the present stage, and he agreed with some other

hon. gentlemen who had spoken that some additional legislation would be necessary for the eradication of those weeds. He knew that they were very numerous in some parts of the colony, and he believed the worst weed they had was *Sida retusa*.

Mr. MOREHEAD said he did not agree with the last remark of the hon. member who had just sat down that *Sida retusa* was the worst weed they had in the colony. He believed that a large number of stock about Brisbane and in the coast districts had been kept alive by *Sida retusa*.

Mr. MACFARLANE said he did not think any clause in the Bill had caused more discussion than that with reference to noxious weeds. It would be a very difficult matter indeed to settle the question satisfactorily. The remarks made by the last two speakers as to the *Sida retusa* being a nuisance, and having been used as feed, showed how boards might differ, and, therefore, to amend the clause so as to compel boards to rid the district of noxious weeds would be an impossibility. Where they could not get the boards to agree they could not expect them to eradicate these noxious weeds. He did not think the clause could be improved by being amended as suggested. According to the 5th subsection, if at the expiration of one month after notice given a person did not destroy noxious weeds, then the board could enter the land and do so. If the amendment were adopted and the board did not do so, then the Government could step in and compel the board to do so. That would be an interference with local government that he thought the Committee would not submit to. Local bodies had different opinions with regard to noxious weeds, and what was considered feed in one district might be regarded as a noxious weed in another. He thought they had better leave the matter as it stood, and allow the boards to eradicate the weeds the best way they could in their own districts.

Mr. MORGAN said some hon. members were discussing the clause as if it were definite, and stated "The boards shall do so and so." The clause was indefinite; it said "A board may." His proposition was that, after the word "may," on the 1st line of the clause, they should insert the words, "and shall, if required by the Governor in Council." He would point out, in reference to previous arguments, that the action of the Governor in Council in dealing with one weed need not necessarily apply to the whole colony. He was simply alluding now to the Darling Downs, where they might say prickly pear had been proved to be a nuisance. Supposing half-a-dozen of the boards had discovered it to be so, and the ratepayers had declared it to be so. Of those boards five might set about their duty of destroying and coping with the nuisance, but the sixth might persistently neglect its duty and refuse to take any steps in that direction, and the result would be that the efforts of the other five would be totally neutralised by the default of one board. He thought, if the Governor in Council had the discretionary power which he proposed, the difficulty would be met. He moved that the clause be amended by inserting, after the word "may" in the 1st line, the words, "and shall, if required by the Governor in Council."

The PREMIER said he did not see his way to accept the amendment, because it would carry them no further. Merely to introduce the words proposed was not sufficient to accomplish the object in view; machinery would have to be provided to compel the boards to take the necessary action, and that could only be done by enabling the Government to take the administration of the funds of the divisional board into their hands. He thought that would be too great an interference with local government. He quite admitted that the matter was in an unsatisfactory condition, but he did not think that to enable the Governor in Council to control the boards to the extent proposed would be beneficial to the boards or in the interests of local government.

Amendment put and negatived; and clause passed as printed.

Clause 177 passed as printed.

On clause 178, as follows:—

"A board may make by-laws with respect to any of the following matters, that is to say:—

(1) The times for holding meetings of the board and committees thereof, the summoning and adjournment of such meetings, and the proceedings and the preservation of order thereat, the duties of the officers and servants of the board, and the transaction and management of business;

(2) Sewerage and drainage;

(3) The supply and distribution of water, and the making, levying, and collection of rates payable therefor by consumers in cases where the works for the storage of water have been formed at the expense of the division, or have been placed under the control of the board in due course of law;

(4) Restraining or licensing noisome and offensive trades;

(5) The health of the division and the prevention of the spreading of contagious or infectious diseases;

(6) Preventing the pollution of streams, watercourses, public wells and dams, or other public waters;

(7) The cleansing of premises by occupiers or owners and keeping them free from offensive or unwholesome matters;

(8) The kerbing, paving, guttering, gravelling, and cleansing of roads, and imposing the duty of cleansing footpaths upon the owners or occupiers of property abutting thereon;

(9) The establishment and licensing of slaughter-houses or abattoirs, the slaughter of cattle, and the sale of butchers' meat;

(10) The regulation or prohibition of the interment of the dead elsewhere than in public cemeteries;

(11) The prevention and extinguishing of fires;

(12) The suppression of nuisances, houses of ill-fame, and gaming-houses;

(13) The regulation and licensing of exhibitions held or kept for hire or profit, bowling alleys, and other places of amusement;

(14) Public decency;

(15) The conditions on which bathing or washing may be allowed in any public water or near a public thoroughfare;

(16) The width of the tires of wheels of vehicles used in the district;

(17) Requiring any vehicles used in the district, not being cars used on tramways, and whether plying for hire or not, to obtain licenses from the board;

(18) The form and construction of vehicles plying for hire, not being cars used on tramways;

(19) Regulating the traffic upon tramways within the district;

(20) Requiring the drivers and conductors of vehicles plying for hire, and of cars used on tramways, to obtain licenses from the board;

(21) Regulating traffic generally;

(22) Regulating ferries under the control of the board, and the construction and loading of ferryboats;

(23) The rates or fares to be charged for the use of vehicles plying for hire, not being cars used on tramways;

(24) Requiring persons carrying on the business of public carriers, carters, water drawers, porters, or ferrymen, to obtain licenses from the board;

(25) The establishment and regulation of markets;

(26) Imposing, collecting, and managing tolls, rates, and dues upon roads, bridges, ferries, wharves, jetties, and markets, under the control of the board;

(27) The lighting of roads or other public places with gas or otherwise, and protecting any lights maintained by the board in such roads or places;

(28) The prevention of injury or obstruction to roads or other public places by digging or otherwise;

(29) The prevention of injury to bridges, buildings, wells, reservoirs, or other works, being the property of or under the control of the board;

(30) The enclosure of lands where necessary for the public safety;

(31) Planting and preserving trees and shrubs;

(32) The control and management of roads or reserves under the control of the board;

(33) The establishment, maintenance, and management of public libraries, schools of arts, museums, parks, botanical gardens, public baths and washhouses, or other public places of recreation or improvement under the control of the board;

(34) The rights and privileges to be enjoyed by the inhabitants of the division or other persons over any such place of improvement or recreation, or over any common or reserve under the control of the board;

(35) Prescribing fees (not exceeding two pounds for each gate) to be charged for licenses to erect fences across public roads under the provisions of this Act;

(36) The registration of dogs, and goats other than Angora goats, and authorising the sale or destruction of unregistered dogs or goats;

(37) Declaring any weed or plant to be a noxious weed or plant, and to be a nuisance within the meaning of this Act;

(38) The general good government of the division.

"But no such by-law shall contain any matter contrary to this Act or any other law in force in Queensland."

The PREMIER said that more changes had been made in that clause than in any other clause of the Bill, but the changes were more in the form of the language than in the substance. The different subjects on which a board might make by-laws were arranged in a more logical manner. First, there were the formal matters, then the questions of sewage, drainage, water, and health, then nuisances, then entertainments which might interfere with public decency, then traffic, including the width of tires of wheels of vehicles and the licensing of vehicles, then markets and tolls, then the protection of the works of the board, and the establishment of institutions for the benefit of the inhabitants; and lastly some small matters were grouped together at the end. Various questions had arisen from time to time in the courts of law as to the powers of local authorities to make by-laws under the different sections of the Acts enabling them to do so. So far as he knew, from the difficulties that had arisen from the cases that he was acquainted with, and that had come under his notice by official correspondence and otherwise, he thought they were dealt with in the clause as it now stood. He was sorry that his hon. and learned friends who were members of the same profession as himself were not in the House, as he had hoped that the Committee would have had the benefit of their criticism of the language of the clause. He believed it dealt satisfactorily with all the matters referred to, and he did not think it introduced any matter that the Committee would consider a change. He believed it removed all the doubts which were supposed to exist in connection with the making of by-laws by divisional boards.

Mr. ADAMS said there were some parts of the clause to which he objected last year, and he objected to them now. Paragraph 17 provided that by-laws might be made "requiring any vehicles used in the district, not being cars used on tramways, and whether plying for hire or not, to obtain licenses from the board." It was well known that every individual who had a piece of land in a division paid taxes ostensibly for making and maintaining the roads. Why, then, should he be taxed for bringing his produce to market along those roads? It was a double tax, and a very obnoxious one. It was all very well to say that the board need not levy the tax if they did not like, but he thought the power ought to be taken away. Suppose a man had to take his produce through two or three divisions, he might have to pay a tax in each division; because he (Mr. Adams) took the word "district" to mean division. He thought that very unjust, and he would move, as an amendment, that the words "whether" and "or not" be omitted from the 17th paragraph, so as to make the by-law apply only to vehicles plying for hire.

The PREMIER said it would be more convenient if the hon. member would move the omission of the word "used," with the view of inserting the words "plying for hire." He would not say that he would agree to the amendment.

Mr. ADAMS said he would accept the Premier's suggestion. He moved that the word "used" be omitted from the 17th paragraph with the view of inserting the words "plying for hire."

The PREMIER said the subject was one that had been discussed several times. The provision authorised what was commonly called a wheel tax. There was no doubt that in many divisions the roads were used to a great extent not only by persons the hon. member referred to—ratepayers—but also by persons who contributed nothing to the divisional fund, the only contribution they made being towards the destruction of the roads; and he did not see why the boards should not be entitled to get some contributions from them towards the maintenance of the roads. The ordinary way of levying such a tax was by toll-gates, but he believed the last toll-gate in Queensland was abolished, and though boards were given the power to impose tolls he thought the provision under discussion would be a much more convenient way of imposing the tax. A board could make perfectly fair by-laws by not charging any wheel tax on vehicles belonging to ratepayers in the district. It was simply proposed to give boards power to get some contribution from the owners of vehicles using their roads for the injury done to the roads, and he did not think anyone could suggest any reason why the owner of a vehicle which contributed to the destruction of a road should not also contribute something towards its maintenance. If they limited the tax to the owners of vehicles plying for hire it would be unfair in its application. He had not forgotten what was said last year—namely, that in some cases a vehicle might be obliged to go through two or three divisions, and have to pay taxes to two or three boards. It would be very hard for a man to have to do that, but he thought the matter might be left to the local authorities. Surely no board would do anything to discourage traffic in its division. He only remembered one instance of real hardship arising under a similar power—in one of the West Moreton divisions—and in that case it turned out that the by-law made was unlawful, and it was rescinded.

Mr. MOREHEAD said he hardly followed the hon. gentleman. Did he understand that if he drove out from Brisbane to the Hamilton, going through the divisions of Booroodabin and Toombul, his private vehicle would be taxed?

He understood that his vehicle would not be taxed; but, if the owner of a licensed vehicle went the same journey, he would be liable to pay a tax in each division. Was that so?

The PREMIER: That is what the amendment of the hon. member for Mulgrave aims at.

Mr. MOREHEAD said that a cabman, in the first instance, would have to pay a license to the municipality before being allowed to ply at all. Then he might and possibly would be compelled to pay a tax to the Booroodabin Board and also to the Toombul Board for going a distance of three and a-half miles. A cabman, in order to ply between Brisbane and the Hamilton—he simply gave that as an example—would have, if the by-law was insisted upon, to pay three license fees; whereas he, in his buggy, or the Premier in his, or the owner of any private vehicle, might go through untaxed.

The PREMIER said that was not the case; that was as it would be if the clause were amended as proposed.

Mr. MOREHEAD said he was dealing with the 178th clause and the clauses consequent upon it. He maintained that it was putting an unfair tax upon men who had licensed vehicles. The hon. gentleman's contention was that it did not matter by whose wheels the roads were used or damaged, they ought to pay. He quite agreed with that, and would agree to a wheel tax on all vehicles; but surely it was not fair to put a tax on those men which it was not proposed should be imposed on the owners of private vehicles.

The PREMIER said the hon. gentleman had been speaking against the amendment, and not against the clause. As the clause stood everybody was equally liable to a wheel tax. Whether the owner of a private vehicle or of a licensed vehicle, he would be liable to be compelled to take out a license. He thought that was fair. It was not fair that it should be done in every case, but it was fair that a board should have the power to do so. The case the hon. member referred to was dealt with by the Local Authorities (Joint Action) Act, which would prevent each separate authority from charging a separate tax. He certainly did not think it would be fair to make a distinction, and only allow a wheel tax to be imposed on vehicles plying for hire.

Mr. MOREHEAD: There I agree with the hon. gentleman.

The PREMIER said he thought it would be in very rare cases that the board would impose a wheel tax; but there were cases where such a tax would be most profitable—in divisions where the roads were destroyed almost entirely by vehicles from other divisions.

Mr. FOOTE said he thought the clause was intended to apply to timber waggons and such vehicles that cut up the roads, but as it was worded no one could keep a dog-cart, buggy, spring-cart, goat-cart, or trap of any kind without a license.

The PREMIER: If the board choose to put on a tax.

Mr. FOOTE said he thought it was very unfair. He did not think they had yet come to such an extremity of taxation that every vehicle should be taxed.

The PREMIER: I do not think so either.

Mr. FOOTE said he did not think it was wise to give the boards that extensive power. He was quite prepared to go the length of giving the boards power to tax timber waggons and various heavy vehicles that cut up the roads, but he was in favour of the amendment exempting private vehicles from taxation.

Mr. MOREHEAD said he would like to fully understand the meaning of the word "used" in the 17th subsection. If he were to drive once in the year down to Sandgate, would that subsection empower the several boards through whose divisions he passed to insist on his having a license, and make him liable to a fine for not having it? If that were the case it would be better to put up toll-gates and let each vehicle pay as it used the roads. To drive along a road once or twice in the year could hardly be called using the road, but it would give the board power to stop anyone doing so unless he had a license. He had always been in favour of toll-bars where the necessity arose. He thought they were a very proper way of meeting traffic which passed through a district without in any way benefiting the district which had to keep the roads in order. He had pointed that out many years ago when the Bill was before the House in the first instance, and had advocated that the boards should have power to impose tolls. He did not look upon the toll system as being so barbarous as many people thought it; it was the justest way of meeting a case of that sort. If the subsection was allowed to remain as it was, it might cause a great deal of trouble and heartburning. The board could select any individual they chose, and say, "You have no license to come through our division with your buggy, or carriage, or cart," and it might give rise to a tremendous lot of trouble.

Mr. STEVENS said he thought that the subsection would press very unevenly and most unfairly. In the first place, a man would have to pay the same tax for his vehicle, which he only used a few times in the year, as a man who was continually using the road. Some people had vehicles which they rarely used except to take their families to church, and it would be very hard that they should have to pay the same tax as a man who used the road every day. He took exception to what had fallen from the hon. member for Bundanba, that the timber-getters should be taxed while other people went free. Why should not the districts in which the timber-getters lived be allowed to reimburse themselves for having opened up the roads through the scrub to the rich land which was afterwards taken up by the selectors who followed them? The timber-getters had been of immense service to the country. In almost every instance where there had been large settlement along the coast the roads had been opened up by timber-getters, and if the suggestion of the hon. member for Bundanba were carried out those men who had been of so much use to the colony would be the only ones to be taxed.

Mr. ADAMS said it was a thousand to one that if such a by-law as the one proposed were to come into force the municipalities would tax the vehicles bringing produce to the wharves from neighbouring divisions—and no blame to them—and the consequence would be that the poor unfortunate farmer would be four times taxed before he got to his destination. He thought it would be very undesirable to pass a subsection of that description.

Mr. BAILEY said he would like to see the subsection struck out altogether. It would act very unfairly indeed, especially in his district. There was no tax so bitterly resented in that district as the wheel tax was some few years ago. From one end of the district to the other everyone bitterly resented it, and matters nearly arrived at the stage of legal proceedings being taken. The timber-getters had really made the roads and formed them, and it was very hard that, harassed as they were by royalties and all sorts of restrictions, another

imposition should be placed on them. Many of those men would have to pay four or five licenses before they could get their timber to the railroad. Take Gympie for instance. Most of the firewood used in Gympie was brought from beyond that division, and every carrier of firewood to the mills would have to pay at least three licenses before it could be delivered to the mills. He thought that to give the boards the power of taxation in that way was not fair to the people of the colony. People were taxed quite enough, and he was sure divisional boards had quite enough power. They were given power to regulate the width of tires. He quite agreed with that, because he knew that narrow wheels and heavy loads cut up the roads; but with wide tires the roads were actually made as well as if a steam-roller passed over them. He hoped the clause would be struck out, because he knew it would be keenly felt in his district by hard-working men, and by many men who had no objection to divisional boards, but who objected strongly to that additional power being placed in the hands of divisional boards. Their experience was that when a board had power to tax it always taxed. No consideration was shown; give them the power, and all they wanted was to show a big revenue.

Mr. MELLOR said there was another side to the question, and that was—Was it fair for timber-getters to cut up the roads which the farmers had to make good? He had been a timber-getter, and had made many roads, and he never objected to pay for travelling on a good road. He must say that it was not desirable to tax too heavily, but he thought a tax on timber waggons should be allowed. Perhaps he was saying that against the interests of some of his constituents, but that was the opinion he held. For a long time the Widgee Board had imposed a wheel tax on a sliding scale and regulated by the width of the tire, and it had not operated hardly. Of course, it was not fair to tax a man for going through several different divisions, and that was where the real hardship came in. There was a small divisional board outside of Gympie which not long since wanted to impose a tax upon all vehicles going through it and not tax themselves, thereby deriving really the whole of their revenue from outside. He really did not see himself why parties who were not plying for hire should be rated, and he thought they might well make an amendment in the direction indicated by the hon. member for Mulgrave.

Mr. McMASTER said he could not agree with the hon. member for Wide Bay, Mr. Bailey, that the subsection should be struck out altogether, because in that case vehicles plying for hire would be struck out. He had intended to refer to the clause, because he thought it a great hardship that general farmers on the road to market should have to pay for going through two or three divisions. That of course would not apply to the case mentioned by the leader of the Opposition, because the joint traffic board regulated the traffic of the city and the surrounding divisions. He thought it would be very hard to charge a license upon those people who only used the roads once or twice a week. Personally he had always been an advocate for a wheel tax, and he had stated often in another place that he did not see why the grocer, butcher, or baker should use the roads and cut them up without paying for their repair, as the omnibus proprietors did. Now, in connection with that subject another question arose. Why should tramcars be exempted from being licensed? The driver and conductor had to be licensed, and if the cars were not licensed there might be some difficulty in cases in court. The traffic board had framed a by-law to bring tram-drivers under control, but it was a very nice question whether they could interfere with the cars. He thought the cars should be licensed as well. For instance, what control had they over cars with deficient brakes? If a brake gave way with a crowded car he feared the consequences would be something considerable. He had seen cars coming from the Exhibition with something like eighty or ninety people.

An HONOURABLE MEMBER: In one car?

Mr. McMASTER: In one car, and he believed that on one occasion a car took a hundred and odd fares between the Exhibition and the city. Had the brake given way in that instance, he scarcely dared to think what the consequences would have been. When there was anything going on at the Exhibition Building, people would get on to the cars; the conductors and drivers were utterly helpless to prevent them. He was certain there would be an accident some day if the traffic was not regulated on the trams as well as on other vehicles. The municipal council were trying to bring that about. If the cars were licensed the council would then have some control over the efficiency of the cars in the interests of the public. He was in a car the other day, on the New Farm line, when something went wrong with the brake going downhill, and the driver was compelled to keep his horses at full speed until he came to ascend another hill opposite the Hon. Mr. Roberts's gate. Fortunately there were very few passengers in the car on that occasion. He hoped the Premier would see his way to license those cars as well as the drivers and conductors.

Mr. DONALDSON: What about the horses?

Mr. McMASTER said that no doubt the horses would be looked after by the Society for the Prevention of Cruelty to Animals.

The PREMIER said he did not feel any enthusiasm about requiring all vehicles to be licensed; but certainly all vehicles plying for hire or carrying heavy goods should be licensed.

Mr. MOREHEAD: Why exempt carriages? They are owned by the people who can best afford to pay.

The PREMIER said they were not discussing a question of principle, but rather one of convenience. He should be quite willing to let the subsection stand as it was. It was not a provision that all vehicles should pay licenses, but it gave the boards power to impose licenses if they thought fit. The boards, to do so, must make by-laws under the regulations of the Act, which would be inoperative until they were sanctioned by the Governor in Council, who certainly would not give their sanction to anything unreasonable. When dealing with local authorities, they must go upon the principle of trusting the local authorities until they found they were unworthy of trust; then legislate. But it was no use dealing with them on the principle that they were unworthy of trust. With regard to tramcars, he could see no reason why the tramway traffic should not be under the control of the local authority as well as any other kind of traffic, so long as no unreasonable restrictions were put upon it. It was proposed to allow the boards to regulate the traffic on the tramways, and to require drivers and conductors to be licensed; but he did not see why the cars also should not be licensed, although to do that they would have to omit from the 18th subsection the words "not being cars used on tramways."

Mr. MOREHEAD said he was very glad the hon. member for Fortitude Valley, Mr. McMaster, had raised the question as to tramways. That hon. member's cause of complaint

was a perfectly good and just one, but he forgot that at the source of the evil there was, he (Mr. Morehead) imagined, a pressman—that the managing director of the *Courier* had a great deal to do with the tramway company. He could not for the life of him see why that company should be treated in a different way from the proprietor of any other vehicle plying for hire. They had destroyed the streets of the city, and where their traffic was heavy they had cut them up in a way that would not be tolerated in any other part of the world. They had done a great deal of good, he admitted, in the shape of accelerating locomotion, but they had not been sufficiently checked in the way they had injured the streets of the city. However, the cars were plying for hire, and should not be treated in a way different from others engaged in that business. The company might or might not be making money; on that subject he had no information, but he did not see why, because they were possibly a strong corporation—or the reverse, he did not know which—they should be differently treated from the 'bus drivers or the cabmen of the city.

Mr. FOOTE said he was not quite of the same opinion as the hon. gentleman who had just sat down. As far as he could see, the tramcars had been a great benefit to Brisbane, and the company made and kept in repair their own roads.

Mr. MOREHEAD: Go and look at their roads.

Mr. FOOTE said it was evident that the public took a great interest in the tramcars, not only in Brisbane, but in Melbourne and Adelaide, and in Adelaide the horse-car system was in vogue. But the chief cause of the fault found with them in Brisbane was that the streets were so miserably narrow as to be incommodious for traffic. As to the municipal council, it already did quite enough in that direction with cabmen's and 'busmen's licenses, and they might as well leave the tramcars alone. The cars were perfectly safe to travel by. They had a brake at each end, so that if anything happened to one the other could be immediately brought into operation. It would be unfair to deal with them in a manner which was in any way oppressive, and to bring them into contact with the corporation of Brisbane would be to bring them into continual trouble and vexation. In reference to the wheel traffic he thought an amendment might be moved which would meet the case, to the effect that a timber-getter or carrier who paid a license in one district should not be compelled to pay a license in a second district. He was sure the majority of the timber-getters would not object to pay one license, although they would object to pay two or three.

Mr. STEVENS said he thought tramcars should be subject to regulation as well as 'buses or any other public vehicles. On more than one occasion when he had been travelling on a tramcar the crush of passengers inside had been—well, the only word that would describe it was disgusting—women and children were so huddled together and crushed by men. On one occasion there were four men, all more or less under the influence of liquor, standing in the middle of the car to the great inconvenience of the women and children. In addition to that the stage at the back of the car was crammed by passengers; on one occasion he counted nine, and there were also several on the front stage. That alone was a cause of great risk to the lives of the passengers, because if the horses had taken fright it would have been almost impossible for the driver to control them properly while he was so crowded. He (Mr. Stevens) could not agree with the Premier when he said the boards might be empowered to charge fees for vehicles plying for hire and also upon those engaged in heavy traffic. In many cases the persons who carried heavy articles, such as timber-getters and owners of drays, only used the road once a week or once a month, and he would tax them, whereas other persons with lighter vehicles not plying for hire might run up and down continuously from one week's end to the other, and probably their lighter wheels would cut up the roads much more than those of the heavier vehicles which travelled less frequently. It was absolutely necessary that vehicles plying for hire should be under some supervision—should be licensed—but he did not think the clause should be made to apply to other vehicles.

The PREMIER said the whole matter resolved itself into a question of the balance of convenience. Toll-bars were good in their way, but it was very irritating to people to have to stop and pay toll, and they might prefer to pay a license once a year. He should be prepared when they came to paragraph 18 to move an amendment giving power to regulate the number of passengers to be carried.

Mr. GRIMES said some hon. members appeared to be very much afraid of the powers proposed being placed in the hands of boards, as if they were incapable of using them properly. But although they had power now to impose licenses on any vehicles used on the roads, they had not done so, except in a few cases in which timber carriages were used, and cut up the roads to such an extent, when the roads were soft, that they were rendered almost impassable for other traffic. And even in those cases special privileges were allowed to ratepayers of the district, their rates going towards the expense of the license. Hitherto the system had not worked badly. They had heard no complaints from the public as to the hardship that was experienced through giving those powers to the boards, and why should they restrict those powers now, seeing that the boards had not abused them? He believed the clause would work very satisfactorily, as it had done hitherto.

Mr. ANNEAR said he could not at all see why the tramcars of Brisbane should be exempt when other vehicles were compelled to pay a license. In fact, he thought it was absolutely necessary that by-laws should be made whereby the tramway company should be compelled to regulate their traffic in a proper manner. What did they do at the present time? One hon. member just now seemed to demur when the hon. member for Fortitude Valley said that he had seen ninety persons on one tramcar. Well, he (Mr. Annear) had seen 120 persons in one tramcar. A gentleman of Brisbane, whom he could name, asked the driver, "How many passengers have you on this car?" and he replied, "I have 120 people here." They were standing up as thickly as they could be packed inside the tram, and there was a large number on the top. The driver also said, "I must carry as many people as I can possibly put into this car; others do it, and if I do not take home as much money at night as they do I shall be dismissed next morning." Hon. members would bear him out when he said that in Melbourne when the trams were full—that was when all the sitting-room was occupied—no more people were allowed to go into that tram. It was disgraceful the way in which the tram service was conducted in this city. People were sometimes huddled together like sardines in a tin, and he thought it was not creditable to Brisbane that when people came from the other colonies, or from other parts of the colony itself, they should see the slipshod manner in which the tramway business was conducted.

Mr. McMASTER said his reason for raising the question with regard to the licensing of

tramcars was this: He did not wish to impose a license fee—at least, he was not going to press that question.

Mr. MOREHEAD: Why should you not?

Mr. McMASTER said the matter was well discussed last session, and reasons were then given why a license fee should not be imposed. That was because the tram company kept the roads in order and paid a certain amount of revenue. He was not going to propose that, but the licensing of the car, he thought, was of even greater necessity than the licensing of the conductor, because, when the by-laws were passed, the question was certain to arise whether the municipal council could interfere with the cars in any shape or form. And how were they going to regulate the number of passengers if the car was not licensed to carry so many? He had been told that there was a very nice point waiting to be decided in a court of law, whether, on the by-laws being adopted, they could interfere with a car, because it was looked upon as a private vehicle, not being licensed.

An HONOURABLE MEMBER: They ply for hire.

Mr. McMASTER: They were plying for hire, but that was not the question. Their fares were regulated by an Act of Parliament. The traffic board had no control in regulating the fares charged by the tramway company. They could charge, according to Act of Parliament, 2d. per mile and no more, and they could charge as much less as they thought proper. If the tramcars were not licensed, he was afraid that they would be counted as private vehicles, and the traffic inspectors would have no control over the number of passengers that might go into them. It was to avoid that that he had called attention to the matter. There would be no hardship on the tram company in asking that a car should be licensed as well as the driver and its conductor, and it would be a great safeguard to the public. When he made the statement that eighty or ninety passengers had been carried on one car he noticed that some hon. members opposite demurred to the statement, but he was one of the number and was perfectly satisfied that he was correct, and he had since been backed up in the statement by the hon. member for Maryborough, Mr. Annear. In fact, he had been told by a person, who was a good authority, that 120 fares had been taken in one car from the Exhibition to Brisbane.

An HONOURABLE MEMBER: All at the same time?

Mr. McMASTER: All on one trip. Not very many persons got out of the tram after it left the Exhibition until they reached Brisbane. He had seen them hanging on all round the tram, as had been stated by the hon. member for Maryborough, and the drivers allowed them to do so, because they were under no control, and were expected to take as many people as they possibly could. He should move an amendment as soon as the present one was disposed of.

Mr. DONALDSON said he had a doubt about the number mentioned by the hon. member as being on a tram at once. He could understand the hon. member wishing to have the traffic controlled, because it was a disgrace to the city that such large numbers should get into the cars as he had seen in them repeatedly. It was very uncomfortable for those who had to travel, and he should like to see some regulations introduced to control the traffic. He had very great doubt about 120 persons being on one car, notwithstanding the assurance of the hon. member for Maryborough.

Mr. ANNEAR said the hon. gentleman need have no doubt. He had travelled with Mr. Brydon, of Brydon, Jones, and Co., several times, and on that particular occasion to which he referred Mr. Brydon asked the conductor how many he had on the car, and the conductor replied "125 passengers."

Mr. SALKELD said he could not speak positively in regard to the cars in Melbourne, but in nearly all the cities he had been in in England —Liverpool, Newcastle-upon-Tyne, and other places—the traffic was strictly regulated in regard to the number of passengers the cars were allowed to carry. There was a card in each car bearing the words "full inside" or "full outside," and they would not receive a single passenger afterwards. He had seen a score of people waiting in the wet unable to get on a car. It was necessary not only for the safety but for the comfort of the public that some means should be taken to prevent overcrowding the trams. It was very difficult when there were a number of people wishing to travel for the conductor to resist taking them, unless there were strict regulations. He never remembered travelling in a tram in England with more than the proper number of passengers. He hoped that the amendment to be moved by the hon. member for Fortitude Valley would be carried.

The PREMIER said members of the Committee had been mixing up two amendments. The present question was that the word "used" be omitted, with a view of inserting the words "plying for hire." That was entirely irrespective of the question of tramcars.

Mr. FERGUSON said the whole argument so far as it had gone applied only to the divisions around Brisbane. There were some divisions in the colony where there were no vehicles plying for hire; but there was a heavy traffic at the same time. Taking, for instance, the Gogango Divisional Board, there was some very heavy traffic in some parts of that, by drays carrying goods. There was no such thing as a licensed vehicle in the division.

Mr. FOOTE: Are they carriers?

Mr. FERGUSON: They do not pay licenses.

Mr. ADAMS asked what was the definition of goods. Anything they could carry, he supposed. The consequence would be that farmers carrying produce to market would be carrying goods, and would therefore be taxed.

The PREMIER said a board could arrange it this way: That vehicles carrying farm produce should pay 6d. or nothing, and those carrying timber from two tons upwards should pay 20s. per annum.

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

AYES, 21.

Sir S. W. Griffith, Messrs. Miles, Rutledge, Dutton, Donaldson, Moreton, Sheridan, Chubb, Kates, Salkeld, Bulcock, McMaster, Buckland, White, Isambert, Jordan, W. Brookes, Macfarlane, Grimes, S. W. Brooks, and Ferguson.

NOES, 11.

Messrs. Morehead, Norton, Bailey, Annear, Nelson, Stevens, Morgan, Mellor, Pattison, Foote, and Adams.

Question resolved in the affirmative.

The PREMIER said, to raise the question about tramways, he would suggest that it should be done by moving the substitution of the word "including" for the words "not being" in the 17th section. He understood the hon. member for Fortitude Valley wished to move an amendment to that effect, and he suggested that as the best form in which to make it.

Mr. McMASTER moved the omission of the words "not being," with a view of inserting the word "including," in the 17th section.

Mr. MOREHEAD asked whether the words could not be struck out, or whether it was better, simply for convenience' sake, to adopt the course suggested by the Premier?

The PREMIER said he had thought of what the hon. member said. There was a doubt about it, and as they afterwards in clause 179—"Licenses not being licenses to conductors or drivers of cars used on tramways"—were specially mentioned, it was as well to draw the distinction there also to avoid the possibility of litigation on the subject.

Amendment agreed to.

The PREMIER moved the substitution of the word "including" for the words "not being," in subsection 18.

Mr. FERGUSON asked if the boards were to have a say in the construction of cars if the amendment were passed?

The PREMIER: Yes.

Mr. FERGUSON said the matter was well discussed last year, and the House decided unanimously not to interfere in any way with the form and construction of the cars. He thought they were proposing to interfere too much with companies of that kind. He was sure the Tramway Company had provided a great boon for the public of Brisbane, and he wished other towns in the colony had the same advantages in that respect. The company had laid out an enormous amount of capital, and were working under a very strict Act, independent of anything the Committee might pass at the present time. They were compelled to keep about one-half of the street in order, and so saved an enormous amount of money annually to the corporation. It was now proposed to restrict them in such a way that it would interfere with companies of that kind being established. It was wrong to interfere too much with traffic of that kind, especially when, as was well known, the company were conducting their business in a very fair manner. Scarcely an accident had happened in connection with the tramways since their establishment in the town, and instead of hampering them in every way as was now proposed, the Committee should encourage the company, who, he was sure, were not getting anything out of the business yet; and it should be remembered that the whole of their property was liable to be taxed, and the corporation would not be likely to forget to tax them.

The PREMIER said there was a good deal of force in what the hon. member said, and he believed that what was wanted was more particularly to regulate the number of passengers to be carried on the cars. He would withdraw the amendment, with the permission of the Committee, and deal with it in another way.

Amendment, by leave, withdrawn.

The PREMIER moved the addition of the words "and the number of passengers that may be carried in such vehicles or in cars used on tramways," at the end of subsection 18. It had always been supposed that the board had power to do that, but it was as well to remove all doubt, and that was the object of the clause.

Amendment agreed to.

Mr. MORGAN said that if there was no objection to be taken to any previous subsection he would like to say a few words on subsection 36, which gave boards power to make by-laws for the registration of dogs. A subsequent section gave boards power to levy a tax on dogs. He would point out that there, as in other Acts, local bodies were brought into conflict with the central authorities under the Towns Police Act. The police in towns which were so proclaimed collected the fees on dogs, and thereby deprived the boards of their right to collect the tax. He thought that in such cases the Government should forego their claim, and allow the tax to be collected by the local authorities to whom it ought to belong.

The PREMIER said the only way to get over the difficulty mentioned by the hon. member would be to withdraw the operation of the Dog Act. Up to the present time local authorities had not, he thought, the power to levy that tax, though he was not quite sure whether they could do it under the Act of 1882. Municipalities had not the power, although they sometimes exercised it. He hoped that some of the provisions of the Bill would shortly be introduced into an amended Municipalities Act. The difficulty could then be got over very easily. As soon as the Local Government Act was amended, so as to enable municipalities to do the same thing as that subsection empowered divisional boards to do, he thought the Dog Act ought to be repealed.

Mr. CHUBB said he suggested last year that Angora goats should not be exempt from the operation of that subsection, as they were quite as great a nuisance as the ordinary goat. He saw no reason at all why they should be exempt.

The PREMIER said that limitation was suggested and inserted when the Bill was previously before the Committee. At one time there were in the colony some Angora goats which were valuable animals, and were kept for growing wool or hair, and he would be glad to hear some hon. members who knew more about Angora goats than he did, express their opinions on the subject. Perhaps the hon. member for Warwick could give them some information, as he believed there were some Angora goats near Warwick.

Mr. MORGAN said there were none there now, but there were some hybrids which were as big a nuisance as the ordinary animals. He did not see why Angora goats should be exempt.

Mr. MOREHEAD said he was very glad that the Angora goat question had been raised. It appeared to him that it was absurd to exempt Angora goats from the operation of that clause. He did not think any member of that Committee or anyone outside could tell an Angora goat from any other kind of goat. The exemption of the Angora goat was absurd, and should be struck out; it was an animal that ought not to exist here.

Mr. FOOTE said the Angora goat question came up as often as the Bill came before the Committee. Some hon. members seemed to have a down on the Angora; unfortunately they thought only of themselves, and did not consider other persons.

Mr. DONALDSON: They think of persons who have gardens.

Mr. FOOTE said because a man grew roses that was no reason why goats should not be kept in the district, or, at any rate, it was a very selfish reason. He thought members must forget that many poor families in the interior of the country obtained their milk and meat to a very great extent from the little herds of goats they kept. The hon. member for Balonne had stated that it was not possible to tell an Angora goat from the ordinary goat. If the hon. member would produce a thousand goats he (Mr. Foote) would pick out the Angora goats one by one, and not make a mistake. There was a very great difference between the common goat and

the Angora goat. The latter was a valuable and very good-looking animal, and the wool on it was of a valuable character. He did not say that Angora goats were as valuable as sheep, but they were as valuable to the persons to whom they belonged. It was not difficult to keep them from doing harm if people were careful. There was no law for the common goat; anyone could shoot them; but were they all gone? No; they were as numerous as ever, notwithstanding all the legislation and regulations that had been passed in reference to them. He thought it was a very selfish thing for hon. members that, because some of them might cultivate a flower garden, or peach garden, they should suggest that all goats should be banished from the district; especially as they could easily be kept out if they kept their fences secure and their gates closed.

Mr. MACFARLANE said he quite agreed with the hon. member for Bowen that there should be no exception in favour of Angora goats. He might say that he had had an Angora goat at one time, a beautiful "billy," and he was very glad to get rid of it. He thought that some Angora goats were far more dangerous than common goats, and saw no reason why they should be excepted.

Mr. MOREHEAD said it appeared to him that if that exception was to be made the members of divisional boards would have to go through a sort of examination to show whether they could distinguish the Angora from the common goat, otherwise a difficulty might arise, the settlement of which would involve considerable expense. If they were going to deal with goats in that clause, the proper way was to put them all in the same category and treat them all in the same manner.

Mr. SHERIDAN said he did not believe there was a single Angora goat in the colony, because they were very rare goats, and had been crossed so frequently. He saw no reason why they should not come in the same category as the others. They destroyed gardens as quickly as the common goat, and of the two the common goat was the most useful.

Mr. FOOTE said the hon. member stated his belief that there was not one Angora goat in the colony, and then said they were no better than other goats, and that no exception should be made in their favour. If they did not exist, it was not possible to legislate for them.

Mr. MOREHEAD said that after what had fallen from the hon. member for Maryborough, Mr. Sheridan, who appeared to be an authority on goats, nothing more need be said on the subject.

Mr. CHUBB moved the omission of the words "other than Angora goats" in the 36th paragraph of the clause.

Mr. NORTON said that, though goats were a great nuisance to people who kept gardens in some places, in other places they were almost indispensable. Lengthsmen on the railways, who could get no milk in any other way, kept a few goats—he had noticed them particularly along the Central line—and it would be very hard for them to have to pay a license for keeping a few goats. Power might be given to the local authorities in populous places to compel the owners of goats to pay in some way for keeping those animals, but he thought some exception should be made in cases where people had no other means of getting milk for their families, and where their goats did no injury to property. He would rather see the registration of goats struck out altogether than have people fined for keeping what was to them a necessity.

The PREMIER said he did not see why people should be allowed to keep goats any more than cows, to prey upon other people's gardens. It would be a good thing if they could have the same system in Queensland as in some parts of America, where animals were not allowed to stray, and the gardens were not fenced at all.

Mr. MOREHEAD said he regretted very much that the leader of the House, as a native of Wales, had not done more for the goat.

Amendment put and passed.

The PREMIER moved the insertion of the words "or goats found straying in the district" at the end of the 36th paragraph.

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

Clause 179—

On the motion of the PREMIER, the clause was amended to read as follows:—

A by-law may impose reasonable fees or charges for or in respect of licenses granted under the by-law, not being licenses of cars used on tramways, or of drivers or conductors of such cars.

A by-law may also impose reasonable fees or charges for or in respect of the registration of dogs or goats.

A by-law establishing tolls, rates, or dues upon or in respect of roads, bridges, ferries, wharves, jetties, or markets, may impose the same in the form of taxes or charges upon vehicles passing over the roads of the division.

Clauses 180 to 184 passed as printed.

On clause 185, as follows:—

"The production of a copy of the *Gazette* containing a notification of the approval of a by-law shall be sufficient evidence of the due making of such by-law and of the contents thereof until the contrary is shown."

The PREMIER said a change had been made in that clause. At present the law was that the production of the *Gazette* should be conclusive evidence of the making of a by-law. A case had come under his notice last year in which a by-law of a most unjust character had been made, and on inquiry it was found that it had not been properly made at all; it had not been advertised, and no notice had been given. As a matter of fact it was invalid; but a prosecution might have taken place under it and great injustice been done. He thought the alteration would be a great improvement. If the boards did not choose to make by-laws according to law he did not see why they should be allowed to enforce them.

Clause put and passed.

Clauses 186 to 204 passed as printed.

On clause 205, as follows:—

"If any person, liable to pay any rates under the provisions of this Act, fails to pay the same for the space of *sixty* days after demand thereof made in writing by the clerk or any duly authorised collector, or by post letter sent to the latest known address of such person, or by advertisement in some newspaper generally circulating in the district, the chairman may issue his warrant for levying the amount with costs, according to the scale in the Fifth Schedule to this Act, by distress and sale of the goods and chattels found on the premises in respect of which such rates are due.

"Or, instead of proceeding by distress and sale, the board may, if it thinks fit, recover any rates in arrear from either the occupier or the owner at the option of the board, by complaint of the chairman before any two justices, or by action in any court of competent jurisdiction."

The PREMIER said it would be observed that the word "sixty" was printed in italics. It might be a question whether sixty days was not too long a time to allow. The Municipalities Act only allowed fourteen days, and as there was such a great difference it deserved consideration. He did not propose any amendment, but merely asked for hon. members' opinions.

Mr. NELSON said he could see no provision for making the rate chargeable on the land.

The PREMIER: You will find that afterwards.

Mr. NELSON said: If a man owned property, failed to pay the rates due, and then sold it and left the colony, was there anything to provide that the new owner would be liable?

Mr. PATTISON: That is a matter of course.

Mr. MELLOR said the term of sixty days was too long, and he thought thirty would be quite sufficient. The clause, he noticed, gave the boards power to advertise in some newspaper, but he thought they should be obliged to send out notices.

Mr. PATTISON said the Act had worked very well, and sixty days seemed to be a reasonable time to allow before issuing warrants for the recovery of rates. He thought they had better leave well alone.

Mr. MELLOR said he should certainly wish to see the words "some newspaper generally circulating in the district" struck out, and he would make a motion to that effect.

Mr. PATTISON said it was only at the expiration of sixty days that the warrant was necessary.

The PREMIER said as the clause stood the demand might be made by advertisement, and he thought perhaps those words had better be struck out.

Mr. GRIMES said in the case of unoccupied properties it was difficult to get the names of the parties or their addresses, and the clause as it stood certainly met those cases.

Mr. PATTISON said that objection was met by "the latest known address."

Amendment put and negatived.

The PREMIER said that, with respect to a question asked by the hon. member for Northern Downs as to arrears being a charge on the land, that was specially met by the second part of the clause; they remained a charge on the occupier or owner of the land. Until they were barred by the Statute of Limitations they could be sued for at any time. It would be very inconvenient to provide that occupied land should be taken possession of. If the owner was responsible he could be made to pay. To meet the other point, he would move that the following words be inserted after the word "fit," in the 2nd paragraph of the clause: "and notwithstanding any change of occupation or ownership."

Amendment put and agreed to.

Mr. NELSON said he had another suggestion to make with regard to the clause. The ordinary course, in recovering arrears of rates, was to proceed at the petty debts court nearest to the residence of the defaulting ratepayer. A case had occurred lately in the division of which he was a member, where the board had been compelled to go to great expense in attending a petty debts court forty miles away from the board's office, because it was the court nearest to the residence of the ratepayer who was sued. They argued that point before the local bench, and the bench ruled against them, the ground they took being that they were entitled to have the case tried at the court nearest the board's office. It would be very hard, especially in large divisions like his, to compel the board's officer to take his books a long way into the country to prove debts for small amounts of arrears of rates.

The PREMIER said the Small Debts Act provided that such cases should be heard in the petty debts court where the defendant resided or where the debt was incurred. There might be doubts where rates were payable, and to meet the objection he would move that the following words be inserted at the end of the clause: "for the purpose of any such action, all rates shall be deemed to be payable at the office of the board."

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

On clause 206, as follows:—

"When rates due in respect of any unoccupied land are unpaid and in arrear, any timber standing or lying thereon may be distrained and sold, and for that purpose may be cut down and removed."

Mr. MOREHEAD said that possibilities might arise under the clause which he did not think the clause entirely met. Take the case of a man being in arrears of rates who had an orchard, or a garden of fruit or shade or other trees, which might have taken years to grow. Under the clause, if the rates were not paid, the board might, if they thought fit, destroy the whole of his place. He did not suppose that that was meant to be the effect of the clause; still such a thing might happen, and it ought to be provided against. A man's orchard might be completely destroyed by the board distraining on the trees, and cutting them down, and selling them for what the timber would fetch. Of course that was not intended, but if the clause became law in its present form it might have that effect, and it might be advisable, therefore, to modify it in some form.

The PREMIER said the word "timber" was a well-known legal term. Fruit-trees were not timber-trees.

Mr. MOREHEAD said that a walnut-tree was a pretty well known timber-tree. He only wished to correct the statement of the hon. gentleman that fruit-trees were not timber-trees, and to point out that possibly some damage might arise under the clause. He did not know that there were any walnut-trees growing in Queensland that would be affected by the clause, but he had often known that tree to be used as timber.

Mr. PATTISON said he thought it was giving boards too much power to allow them to cut and remove a man's timber without notice.

The PREMIER: It means timber-trees—gum-trees—hardwood.

Mr. PATTISON said he knew that. What he wanted to point out was that the clause gave power to a board to cut and remove timber without notice; in fact, to do as they liked with a man's property.

Mr. MOREHEAD said he agreed with the hon. member for Blackall that the clause gave the boards too much power. It would be better to give them power to enter upon and sell a man's property at once. The whole, or the greater part, of the value of a property might lie in the timber, which if properly cut down and used might be of considerable value; but if the divisional board could step in and pick out the best trees and fell just as much as they liked, they might destroy the whole property. It would, therefore, be better to give the boards power to take a man's property at once and sell it. In fact, he was rather inclined to think that members of that Committee had better give up their mission there altogether, and hand the whole colony over to the divisional boards. That was practically what they were coming to. Year after year the boards asked for more, and year after year they got it, and perhaps it would ease matters if they gave them up everything at once. Perhaps the boards would not be so hard upon them when they had extracted the last possible tooth, and had not even the civility to give them a false set.

Mr. BUCKLAND said the clause was not a new one.

Mr. MOREHEAD: I know that.

Mr. BUCKLAND said it was in the present Act, and had been in force for some years. He had known several cases in which sales had taken place under the clause for the recovery of rates, and it pointed specially to unoccupied lands, not lands fenced in and occupied upon which distress could be levied for unpaid rates.

Clause put and passed.

Clauses 207 to 212 passed as printed.

On clause 213, as follows:—

"When any rateable land is unoccupied, and the rates accrued thereon under this Act, or any of the said repealed Acts, have been unpaid for four years, the board may, subject to the conditions hereinafter prescribed, and notwithstanding anything to the contrary contained in the Real Property Act of 1861—

(1) Take possession of such property;

(2) Hold the same as against any person interested therein; and

(3) From time to time grant leases of the same."

The PREMIER said he proposed to amend the clause by adding the following words after 1861: "and notwithstanding any change that may have taken place in the meantime in the ownership of the land."

Mr. CHUBB suggested that the Act of 1876 should also be included.

Mr. MELLOR said he was under the impression that the term of four years, after which a board might take possession of land and lease it, was rather too short. They might lease it for seven years, so that the owner would be deprived of it for that time.

Mr. BUCKLAND said the clause was an improvement upon the provision in the present Divisional Boards Act, which limited the term to seven years. He would point out the heavy loss in the shape of endowment that boards were at present subjected to during that period, and he certainly thought the shorter term preferable, especially as it was likely that when the present term had expired the subsidy of £2 to £1 would not be continued. He thought four or five years—he would not object to five—was a very good term indeed.

The PREMIER said he thought the time specified quite long enough for a board to wait. He would accept the suggestion of the hon. member for Bowen, so that the amendment would read, "or the Real Property Act of 1877, notwithstanding any change that may have taken place in the meantime in the ownership of the land."

Amendment put.

Mr. MOREHEAD said the clause and the succeeding one appeared to go a little too far. Supposing a man owed £20 upon a piece of land, and £20 could be obtained by leasing that land for one year, would it be proposed to lease that land for more than one year? The property might be increasing in value, and it did not seem fair, if the board could recoup itself in one year, to allow it to give a lease for four years. It did not seem to be quite fair.

The PREMIER said as the law stood the board could lease for seven years. As soon as the rates were paid the land belonged to the original owner. The lease would be valid.

Mr. MOREHEAD said that was just the information he wished to obtain. He thought it was unfair.

The PREMIER said the board would be in the position of a trustee. When trustees under a will had power to sell in order to pay debts, the person who bought was not bound to investigate the whole estate to see whether debts were due. If they were going to trust boards they must give them some discretionary power.

Mr. MOREHEAD said, if the power of leasing were given as proposed under clause 216, power would be given to lease for seven years, when they might be in a position from the first year's rent to pay off the rates. It might lead to corruption in the case of land of an increasing value, which might be locked up for seven years, and would not be touchable, so to speak, by the owner during that period. Under the succeeding clause there were means, and proper means, too, by which the owner could recover his property. But it seemed to be a very heavy fine to put upon a man who did not pay his rates, in order to obtain such rates, to lock up his property for seven years at a rent which would only cover the rates thereon. That was practically what it came to.

Mr. FERGUSON said four years were allowed before the board took possession, and it was generally vacant land. No person would lease unimproved or unoccupied land for less than seven years, and that would be to the benefit of the owner, who might be in England or in some other part of the world. The person who paid the highest rent would obtain the land, as it would be put up at auction. No one would give anything for the lease of unoccupied land for one year. He considered seven years was short enough to make the lease of any benefit at all.

Mr. McMASTER said that at present a proprietor had five years in which to pay his rates, even if they adopted the four years' clause, because the owner could release it within twelve months from the date of the lease by paying the whole of the rates. Even if the land was leased by the board at any time within the first twelve months the owner could step in, and by paying the whole of the rates demand the property back.

Mr. MOREHEAD: Then what is the position of the person who takes the lease for seven years?

Mr. McMASTER said the tenant took the lease at present at his own risk for twelve months. The municipal council of Brisbane had leased the property of persons which had been ten years or twelve years without any rates being paid upon it, and if the land were not claimed within twelve months the lease stood for the term, and any amount accruing over and above that due for rates was refunded to the owner at the expiration of the lease. He thought that the four years was ample. If boards were to carry out improvements they must have rates, and it was not fair that they should get no rates upon vacant land for over four years, while an individual holding property close by and occupying it had to pay them. The latter could be sued because the board could put bailiffs in his house, so he was compelled to pay. If a man did not claim his property within five years it ought to be leased for seven years.

Mr. MOREHEAD said that argument might apply in the cases of persons who knew the land was lying vacant.

Mr. McMASTER: It would be advertised.

Mr. MOREHEAD said there would be some very hard cases. A man might die away on the other side of the world, and the widow and orphans might know nothing about it until after that period had elapsed. There was no provision made for people who had no knowledge of property being vested in them. Even if there was, it was an Algerine proposal to say that the land should be locked up for seven years.

Mr. BUCKLAND said he thought the leasing clause was a very good one indeed. He had known of more than one case under the present Divisional Boards Act in which, when land was advertised to be offered for leasing at public auction, the owner or his representative came forward and paid the arrears in the rates, and cleared the matter up. The clause was a very good one, as it would find out the proprietors of land, and the rates would all be paid.

Amendment agreed to.

The PREMIER moved the omission of the word "property" in the 1st subsection, with a view of inserting the word "land."

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

Clause 214—"Notice to be given before taking possession"; and clause 215—"Notice to be affixed on taking possession"—passed as printed.

On clause 216—"Terms of lease"—

Mr. CHUBB said there was a section in the Real Property Act of 1877 which gave power for a lease of not exceeding three years to be granted by parol in certain cases, and he did not know whether a lease under the clause might not come into collision with that section.

The PREMIER said it appeared to him that a lease under the clause would take precedence of everything. It only dealt with unoccupied land, and would take precedence whether the prior lease was registered or unregistered.

Clause put and passed.

On clause 217, as follows :—

"1. Upon demand made by any person who but for the provisions of this Act would be entitled to the possession of any such land, such demand being made within thirty years after the taking possession thereof by the board, and upon payment of all rates due in respect thereof, and interest upon all arrears of such rates at the rate of five pounds per centum per annum, the board shall within three months execute under its seal a release of such land from all rates due in respect thereof.

"2. If the board makes default in executing such release, the Supreme Court may, at the suit of any person interested in that behalf, order it to execute the same.

"3. Upon the execution of the release such person or persons shall, subject to any lease theretofore lawfully granted by the board under the provisions of this Act, be entitled to such land and the possession thereof as would have been so entitled if this Act had not been passed; and the tenant of such land under any such lease shall attorn to such person or persons accordingly."

Mr. MOREHEAD said, would it not be a matter of account under the clause? Supposing a divisional board leased certain land and got a rent from it equal to, or even more than, the amount of the rates accruing upon it, it would be very hard upon the owner, who might not be discovered up to that time, to pay up the rates with interest at 5 per cent. per annum. Surely it should be a matter of account, and a man should not be asked to pay twice over.

The PREMIER said it would no doubt be a matter of account. It was an ordinary principle of law that if a man had a debt he had to pay the money due to his creditor and interest on it as well, if he neglected to pay up for some time.

Mr. MOREHEAD said he assumed a case where the property was leased at a rent which paid more than the rates due on it; a contra account would be kept, and the money coming to the owner should also be allowed 5 per cent. Say the rates came to £15, and the rent to £20, what would the position be then? The board should not have it all on their side.

Mr. FERGUSON said that if the rent was more than the rates there would be money coming to the owner of the property, which he could get on paying up his rates at any time within the thirty years.

Mr. MOREHEAD: Yes; but what about the interest?

Mr. McMASTER said that if a property was leased to pay arrears of rates, the interest would only be charged on the first four years' rates which were allowed to remain in arrear. The man who retained the use of the money for four years might be getting 10 per cent. for it, and why should not the board get something for it when they had to make the roads and improvements which increased the value of the property.

Mr. CHUBB: They lose the endowment too.

Mr. McMASTER: Yes; they lost the endowment, too, for the time the rates were in arrears, as well as the use of the money, and he thought 5 per cent. was very small interest to allow.

Clause put and passed.

Clause 218—"Appropriation of rents received by board"—put and passed.

On clause 219, as follows :—

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

Mr. FERGUSON asked if the board would get the fee-simple of the land at the end of the thirty years?

The PREMIER: Yes.

Mr. FERGUSON said he thought it was a question whether the board should get it or whether it should revert to the Crown. The board might come into possession of valuable properties, and be competing with private enterprise in the erection of buildings and leasing them, and he could not see why they should become possessed of valuable properties in that way after getting a good rental from them all the time. He would rather it went back to the Crown.

Mr. MOREHEAD said he was certain that by the time the clause came into effect the whole colony would either be under boards or in boards.

Clause put and passed.

Clause 220 passed as printed.

On the motion of the PREMIER, the House resumed; the CHAIRMAN reported progress, and obtained leave to sit again to-morrow.

ADJOURNMENT.

The PREMIER said: Mr. Speaker,—I move that this House do now adjourn. I had intended this afternoon to give notice that I propose to-morrow to move—and I intimate it now, hoping that I shall be allowed to do so without notice—that the House at its rising on Thursday do adjourn till Wednesday next. I take this opportunity of saying that I have heard this evening that a misconception has arisen concerning something I said in the afternoon in respect to the resignation of the Colonial Treasurer. It has, I believe, been inferred that a change in the tariff is contemplated. That inference is quite unfounded. No change is contemplated at present.

Question put and passed.

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