Queensland

Parliamentary Debates
[Hansard]

Legislative Council

WEDNESDAY, 21 SEPTEMBER 1887

LEGISLATIVE COUNCIL.

Wednesday, 21 *September*, 1887.

Question.—Real Property (Local Registries) Bill—third reading.—Valuation Bill—third reading.—Divisional Boards Bill—committee.—Adjournment.

The PRESIDENT took the chair at 4 o'clock.

QUESTION.

The HON. P. MACPHERSON asked the Postmaster-General—

Whether it is the intention of the Government to give effect to all or any of the recommendations of the board appointed to inquire into the general management of the gaols, penal establishments, and lockups of the colony?

The POSTMASTER-GENERAL (Hon. W. Horatio Wilson) replied—

The matter disclosed by the report appears to the Government to require very serious consideration, which will be given to it at as early a date as possible.

REAL PROPERTY (LOCAL REGISTRIES) BILL.

THIRD READING.

On the motion of the POSTMASTER-GENERAL, this Bill was read a third time, passed, and ordered to be returned to the Legislative Assembly by message in the usual form.

VALUATION BILL.

THIRD READING.

On this Order of the Day being read, the POSTMASTER-GENERAL moved that it be discharged from the paper.

Question put and passed.

The POSTMASTER-GENERAL moved that the President leave the chair, and the House resolve itself into Committee of the Whole to reconsider the second schedule of the Bill,

The PRESIDENT: I do not know how the House is to consider the second schedule of a Bill which has been discharged from the paper. The hon. gentleman is all wrong, as he cannot deal with the Bill. It has gone. However, in my opinion, it is a question for the House to decide whether the Order of the Day having been discharged from the paper the hon. member can go on with the consideration of a clause in the Bill which is included in the Order of the Day. I am informed by the Clerk of the House that it has been done frequently, and that it is the usual method of procedure. For myself I cannot say that I remember any instance in which an Order of the Day having been discharged from the paper, the House has gone on with the consideration of the same Bill. I am inclined to think that the Postmaster-General will have to move the recommittal of the Bill in another form; but I should like to hear the opinion of hon. members on the subject.

The HON. T. MACDONALD-PATERSON said: Hon. gentlemen,—I think there was one occasion, not very long since, when a course similar to that which I believe the Postmaster-General intended to take this afternoon was assented to by the House. The omission on the present occasion, I think, consists in this: that the Postmaster-General postponed informing the Council what his intention was in seeking the discharge of that matter from the paper. I do not think it would be a good practice to trust to chance in a matter of this kind—to trust to the chance conduct of the leader of the Government as to what he may do with a valuable Bill of this nature, after having it discharged from the paper on a purely formal motion; and it would have been better, as I suggested to the hon. member before he proposed the motion, if he had explained what was his object, and what was the intention of the Government in having the matter discharged from the paper and dealt with in that way. Had he informed the House that he intended to have the matter discharged from the paper for the purpose of recommitting the Bill, with a view to do a certain thing with respect to the second schedule, then there would not have been any trouble, and the consent of the House would probably have been given, as it has been, at least on one occasion before, which I remember. We all believe that this is a valuable Bill, and I hope that no technicalities will be suggested that will prevent it from becoming law.

The PRESIDENT: I find on reference to the records of the House, that on the 7th October, 1886, precisely the same thing occurred. On that date there is the following minute:—

"EMPLOYERS LIABILITY BILL.—On the motion of the Hon. T. Macdonald-Paterson, the Order of the Day for the third reading of this Bill was discharged from the paper.

"Mr. Macdonald-Paterson then moved, 'That the Presiding Chairman do now leave the chair, and the House be put into a Committee of the Whole for the consideration of clauses.'

"Question put and passed."

That is a precedent. It would have been better, as the Hon. T. Macdonald-Paterson has very properly observed, if the Postmaster-General had done what I am informed he intended to do—namely, given his reason for moving that the Order of the Day be discharged from the paper. However, in the instance I have quoted we have a precedent which we may follow.

The HON. W. H. WALSH said: Hon. gentlemen,—I am not quite sure that a precedent not founded on our practice is one that should be reiterated. I myself regard the practice and custom of Parliament as of far more importance than even our desire to assist a Minister, or any other member of this House, in getting through any Bill he may have in his charge.

The HON. T. MACDONALD-PATERSON: This is within parliamentary practice.

The HON. W. H. WALSH: My hon. friend, Mr. Macdonald-Paterson, says that the course proposed to be followed is within parliamentary practice. I am very much inclined to think that he established that practice. I have a pretty long experience of the practice of the House, and I have a petty good memory as to its usages; and I do not remember having ever seen such a course adopted previously. We have a Standing Order bearing on the subject, and it says that—

"No amendment shall be made in any Bill on the third reading unless notice thereof have been previously given."

That seems to me to utterly confound those who are desirous of breaking through our Standing Orders, and going into committee this afternoon. Now, understand that I have not the least desire to frustrate the passage of this Bill. I do not think, however, that there is any immediate necessity to pass the Bill this afternoon, but I do believe there is a most pressing necessity, on the part of all hon. members, that we should insist upon the constitutional practice of the House of Lords, which has been handed down to us, and also insist on our Standing Orders being carried out as rigidly as possible, and not altered at the desire of any Minister or ex-Minister in charge of a Bill. As I have pointed out, "no amendment can be made on the third reading of a Bill unless notice thereof has been previously given." That is the law of this Chamber. What was done when the Hon. T. Macdonald-Paterson was Postmaster-General and the leader of the Government does not matter at all. I am very sure that my hon. friend the Postmaster-General will disregard any advice that will place him in opposition to the Standing Orders. I ask you—I implore hon. members to protect and defend the constitution of this Chamber; it is your bulwark, your safety. It is the only protection the weak have against the strong. I need say no more except that I do not believe the Postmaster-General cares very much whether the Bill is recommitted this afternoon or to-morrow. I am sure he is as anxious as I am, while he is leader of this House, to preserve its landmarks and strictly carry out its rules.

The POSTMASTER-GENERAL said: Hon. gentlemen,—It was my desire that the forms of the House should be strictly observed, which has led to this little trouble. On my notes I have this, that "with the view of reconsidering schedule 2 of this Bill, I move that this Order of the Day be discharged from the paper, for the purpose of inserting an amended schedule." But on making inquiries whether that was the correct form or not, I was informed that my proper course was to move that the Order of the Day be discharged from the paper, and after that to propose that the President leave the chair in the ordinary manner, and that then would be the proper time for me to explain to the House why the Order of the Day was discharged from the paper. With regard to the remarks of the Hon. Mr. Walsh, that no amendment can be made on the third reading of a Bill, I would point out that this motion does not interfere with the third reading, which has been formally discharged from the paper, and I have no doubt that authorities can be quoted to show that the course I have adopted is entirely within the law.

The HON. T. F. GREGORY said: Hon. gentlemen,—It appears to me that the question before the House just now is resolved into a very simple matter, and that is that the Postmaster-General moved that the Order of the Day—that is, the third reading of the Bill, and not the Bill itself—be discharged from the paper. That motion has been passed. The effect of that is to put the Bill in the position it occupied prior to the notice of motion for its third reading, and it is therefore in a position to be recommitted for further consideration. It would not do, of course, to recommit the Bill on a motion for the third reading. I think that is the position of the whole matter.

The HON. W. GRAHAM said: Hon. gentlemen,—I believe the motion for the third reading of this Bill was proposed.

The POSTMASTER-GENERAL: It was called.

The HON. W. GRAHAM: The third reading was called! I certainly consider that the House can make no amendment in the Bill now, as that is contrary to Standing Order 61.

The PRESIDENT: Our own Standing Order which has been quoted by the Hon. Mr. Walsh, disposes of the question. No amendment can be made in the Bill on the third reading unless notice of it has been given previously. It is no use talking about the Order of the Day and not the Bill being discharged from the paper. The Order of the Day has been discharged. The Bill is there, and there is no objection even now to the Postmaster-General proposing, with the consent of the House, that the Bill be read a third time. But I cannot see my way to go over the Standing Order, which provides that no amendment shall be made in any Bill on the third reading unless notice thereof has been given previously, and I may add that the hon. gentleman cannot give notice of any amendment now that the Order of the Day has been read and discharged from the paper.

The POSTMASTER-GENERAL said: Hon. gentlemen,—I ask the permission of the House to move that the President leave the chair, and the House resolve itself into a Committee of the Whole to reconsider this Bill.

The PRESIDENT: The hon. member cannot ask the consent of the House except through the President.

The POSTMASTER-GENERAL: I ask the consent of the House through the President to move that the President leave the chair, and the House resolve itself into a Committee of the Whole to reconsider the Bill.

The PRESIDENT: I rule that, according to the Standing Order, if there is any amendment to be made in the Bill it cannot be considered. There must be notice given of it. If, however, the hon. member wishes to move that the House resolve itself into a Committee of the Whole for the consideration of this Bill he will be quite in order, but he cannot make an amendment on the third reading of the Bill. I hope the hon. member understands me. I can put the motion in this form, that the President leave the chair and the House go into Committee for the consideration of the Bill.

The POSTMASTER-GENERAL: To reconsider the second schedule.

The PRESIDENT: No, the consideration of the Bill. The hon. member cannot move that the Bill be read a third time in order to amend it, but he can amend it without giving notice as long as he does not move the third reading of the Bill. If the hon. member will put his motion in this way: that I do now leave the chair, and the House resolve itself into a Committee of the Whole for the consideration of the Bill, he can do what he likes with the Bill, but he cannot read it a third time, and then amend it.

The POSTMASTER-GENERAL said: Hon. gentlemen,—I move that the President do now leave the chair, and the House resolve itself into a Committee of the Whole, for the consideration of the Valuation Bill.

Question put and passed, and the House went into committee accordingly.

On schedule 2, as follows :—

FORM OF VALUATION AND RETURN.

Municipality [*or* Division] of
a valuer for the Municipality [*or* Division], of the undermentioned rateable land therein situated.

Valuation by me	OCCUPIER.		OWNER.			Description of land. (Town or suburban or country land, or pastoral lease or license), and in the case of town and suburban land, whether occupied or improved or not.	Situation of land.	In case of town and suburban land, if let, for what term and in what manner.	ANNUAL VALUE.	
	Christian Name.	Surname.	Christian Name.	Surname.	Residence.				At two-thirds of lettings value. (*a*)	At per cent. on capital value of £ , [or Rent paid to the Crown].

(*a*) *This need not be stated in the case of country land.*

Returned this day of A.D. 18 .

(Signed) A.B., Valuer.

The POSTMASTER-GENERAL moved that the schedule be omitted, with the view of inserting a new schedule, which he would afterwards propose.

The HON. J. TAYLOR said that before that question was put he should like to know what the Postmaster-General considered improvements on suburban lands. That was a very important question indeed. Several people had asked him what were considered improvements on suburban lands. For instance, if land was fenced all round with a substantial fence, and there was no house on it, and it was used as a grazing paddock, would that land be improved within the meaning of the Bill?

The POSTMASTER-GENERAL said that would be partly improved land, and would come under the proviso in the 1st subsection of section 7, which provided that—

"The annual value of land which is improved or occupied shall be taken to be not less than five pounds per centum upon the fair capital value of the fee simple thereof."

It would therefore be rated at 5 per cent. upon the capital value, whereas if it were fully improved land it would pay a rate on a sum equal to two-thirds of the rent.

The HON. J. TAYLOR: Is that a positive answer?

The POSTMASTER-GENERAL: Yes. With regard to schedule 2 of the Bill, he wished to explain to the Committee that the schedule he was about to propose was a much simpler one, and more effective than the present one. It had been pointed out to the Government that it was the form in use in several divisional boards, and it was far simpler in character than the one already in the Bill. Hon. gentlemen would see the difference between the two forms. There were columns in the new form for the "occupier" and "owner," and there was also a column for the number on the rate-book. The forms for the description and situation of the land were also better put. There was the county and parish in one, then columns for the portion, section, allotment, subdivision, acres, roods, and perches. Then there were three columns showing the assessment on the land. The words above and below the form were exactly the same as at present. He moved that the following new schedule be substituted for the present second schedule of the Bill :—

FORM OF VALUATION AND RETURN.

Municipality [*or* Division] of
a valuer for the Municipality [*or* Division] of the undermentioned rateable land therein situated.

Valuation by me	No.	OCCUPIER.			OWNER.			DESCRIPTION AND SITUATION OF LAND.									In case of town and suburban land, if let, for what term and in what manner.	ANNUAL VALUE.	
		Number.	Surname.	Christian Name.	Occupation.	Surname.	Christian Name.	Residence.	County and Parish or Town.	Number of—					Area.				
										Portion.	Section.	Allotment.	Subdivision.	Acres.	Roods.	Perches.			At two-thirds of letting value (*a*)	At per cent. on capital value of £ , [or rent paid to the Crown.]

(*a*) *This need not be stated in the case of country land.*

Returned this day of A.D. 18 .

(Signed) A.B., Valuer.

The HON. A. C. GREGORY said he had looked over the Bill, and, having had to deal with the practical working of divisional arrangements, he thought the new form would be a convenience, because it specified the particulars better, and would save the clerk a considerable amount of writing in the valuation-book. There was one clerical error—the printer had forgotten to put the word "number" before the word "occupier" at the head of the first column; but no doubt the Postmaster-General would see that that was set right. The new schedule was an improvement, and they should accept it as such.

New schedule agreed to.

The House resumed; the CHAIRMAN reported the Bill with an amendment.

The report was adopted, and, on the motion of the POSTMASTER-GENERAL, the third reading of the Bill was made an Order of the Day for to-morrow.

DIVISIONAL BOARDS BILL.

COMMITTEE.

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

Preamble postponed.

Clauses 1 to 14, inclusive, passed as printed.

On clause 15, as follows :—

"Every male person who is a natural-born or naturalised subject of Her Majesty, and who is a ratepayer of a division, and is not under any of the disabilities hereinafter specified, shall be qualified to be elected and to act as a member of the board of such division, but so long only as he continues to hold such qualification.

"Provided that no person shall be qualified to be elected unless before noon on the day of nomination all sums then due in respect of any rates upon land within the district for the payment of which he is liable have been paid.

"And provided that any male person who is a natural-born or naturalised subject of Her Majesty, and is an occupier or owner of rateable land within the district, and is not under any of the disabilities hereinafter specified, shall be qualified to be elected and act as a member of the first board of the division.

"When a division is subdivided it is not necessary that the qualification should arise in respect of land within the subdivision for which the member is elected."

The HON. A. C. GREGORY said the remarks he had to make in connection with the clause applied equally to clause 28; but he mentioned the matter now, although it was not a convenient place for an amendment. When they reached clause 28 he would move an amendment which would touch the clause before them, and it would be to the effect that the owner should have the right to pay the rates if the occupier failed to do so within sixty days. There should be a specified time during which the occupier could claim the right to vote, and after that time the owner would have a right to step in and become the actual voter. It would be better to introduce the actual amendment in clause 28.

The HON. W. H. WALSH said he wished to call attention to the first proviso of the clause. It occurred to him that the time was too short before the nomination to require an individual to qualify himself. He should have to pay his rates at least a month before in order to qualify himself as a candidate for election. It appeared something like playing into the hands of the tricksters to allow a candidate to astonish persons who never knew there was such a man in the field and who they knew had not paid his rates thirty-six hours before. There was bound to be dissatisfaction through it on the part of candidates who had announced their intention of contesting the division. They might have been lulled into quiescence by the idea that there were no other persons coming against them, and put themselves forward as candidates, and at the eleventh hour some man qualified himself by paying up his rates. Candidates should have to pay up their rates a fortnight before, so that it might become known throughout the electorate that they had done so.

The HON. F. T. GREGORY said while fully endorsing the opinion expressed by the Hon. Mr. Walsh, they must not overlook the fact that, besides the annual elections, there were elections taking place at any period during the year in consequence of resignations and retirements. Such an election might take place within a week after the rates were due, and then they ought to be able to pay up even the day before or even on the day of nomination. At the annual elections there should be at least an interval of a fortnight, as the hon. gentleman suggested. The elections took place in January, and they might make it necessary to pay all rates up to 31st December previous to qualify a candidate, but in the cases of extraordinary elections perhaps a week would be enough.

The HON. W. PETTIGREW said there was another view of the clause which might be taken. The owner of a piece of land might have a tenant on it whose business it was to pay the rates. But he might not have paid them, and the landlord, who might want to become a candidate, might have received no intimation as to the rates not being paid until the day came. If they left the clause as it stood it would be better.

The HON. A. C. GREGORY said under the Local Government (Municipalities) Act the period allowed for paying up rates was up to the 1st of November, and the elections took place in January; so that there was ample time for the ratepayers and electors to see who was qualified to come forward. The last time the Bill was before them the point was discussed at some length, and the majority of the Committee were decidedly in favour of giving up to the day of nomination for the payment of rates. He was of opinion that more time should be given—at least one day before the day of nomination. That would give time for the clerk and the returning officer to ascertain who were qualified, as otherwise the returning officer must go with the rate-book in his hand. Perhaps somebody would ask him if he were qualified, and he would have to say, "Well, I do not know; I must look over the rate-book and see if you are qualified or not. What is your name?" The reply might be, "John Brown." "Not James Brown?" And then a long talk would ensue as to whether he was the identical John Brown; so that as it stood it was not a good arrangement. He found then that there was a strong opinion in favour of giving right up to the day of nomination, and he could not prepare any amendment at the time. Of course if any alteration were made they would have to bear it in mind all through the Bill, as the rest of the Bill was framed upon the supposition that the ratepayer had up to the day of nomination to pay his rates. He thought the shortest way could be to make it fourteen days before the day of nomination. The nomination of any candidate could not then take any elector by surprise, and it would give all a chance of paying up their rates. Clause 41 provided that the returning officer, before the 10th of January in every year, should give public notice of the annual election in some newspaper to specify a day, not less than fourteen and not more than twenty-one days after the publication of such notice, so that fourteen days' notice at least would be given to the ratepayers when a vacancy occurred or the annual elections were about to be held, and they

would not be taken by surprise. There was another matter which would also come up in connection with that subject, and that was the provision which stated that "all sums then due in respect of any rates upon land within the district for the payment of which he is liable" must be paid in order that a candidate might be qualified for election to a seat on the board. In another part of the Bill it was provided that the ratepayer should receive notice that he would be required to pay the rates within sixty days, so that if the day of nomination was appointed at a time which was less than sixty days after the date of the notice received by the ratepayer he would be entitled to vote, although he had not paid all his rates. However, he did not think that that would involve any practical difficulty, though it was one of those matters which ought to be borne in mind when they were considering the Bill. Then there was the further question as to who was to be the party liable for the rates. It was all very well to say that both parties should be liable. In another part of the Bill it was provided that both owner and occupier should be liable under some unspecified conditions in the Bill. He thought they ought to insert an amendment fixing a specified time during which the owner should not have to pay the rate as owner, and during which the occupier should have the right to pay the rates. After that either of the parties who chose should, of course, be allowed to pay the rates and secure the right to vote. Some provision of the kind was, he thought, necessary, otherwise it might happen that an owner who had agreed with his tenant that he should pay the rates might find himself disqualified because of the failure of any one of his tenants to pay the rates on the property he occupied.

The HON. A. J. THYNNE said that in clause 206 there was a reference to the sixty days mentioned by the Hon. Mr. Gregory. He (Hon. Mr. Thynne) thought that the effect of the provision with regard to the allowance of sixty days to the ratepayer for paying his rates was slightly misunderstood. As soon as a rate was levied the ratepayer was liable to pay the rates; but by clause 206 payment could not be enforced by divisional boards until sixty days had elapsed. If a ratepayer had not paid his rates he would not be entitled to vote even though the sixty days had not expired. With regard to the proposition to fix some time before the day of nomination on which the rates must be paid in order to entitle a ratepayer to vote, he would point out that if an amendment of that kind were adopted it would be necessary also to alter the length of notice required to be given by the returning officer of an election. If they added a week to the time allowed for paying the rates they must lengthen the period of notice for the nomination to the same extent, otherwise reasonable time would not be given to the ratepayers in some districts to pay all sums due by them, and many would consequently be disfranchised. Was it desirable that they should make such a change? To provide that one month or five weeks' notice should be given was making the time rather too long; at least it appeared so to him. But, perhaps, some hon. members who had practical experience with regard to divisional boards would be able to explain the matter better than he could. He thought that fourteen days or twenty-one days' notice of the day of nomination was ample time for everybody to see that their rates were paid up. He did not, however, see anything in the measure requiring the rate-book to be made up by the day of nomination. If candidates took the risk of being nominated, when they were not qualified, they did so subject to the provisions of clause 46, which provided for a penalty in the case of a person who procured himself to be nominated when he knew that he was incapable of sitting as a member of the board.

The POSTMASTER-GENERAL said he thought it was very desirable that the proviso should be allowed to remain as it was. The principle was simply that candidates should have to pay all sums due by them for rates before they were qualified. However, as the matter seemed to require some little attention, he would move that the clause be postponed.

Question—That the clause be postponed—put and passed.

Clauses 16 and 17 passed as printed.

On clause 18, as follows:—

"The office of a member or chairman shall be vacated—

(1) If he is or has become disqualified, or has ceased to be qualified, under the provisions of this Act; or

(2) If he has been absent from three or more consecutive ordinary meetings of the board extending over a period of three months at the least, without leave obtained from the board in that behalf; or

(3) If he is ousted from his office by the Supreme Court.

"Any member who, being disqualified, or whose office has become vacant as aforesaid, continues to act as a member of the board, knowing that he is so disqualified, or whose office has become vacant, shall be liable to a penalty not exceeding fifty pounds."

The HON. W. H. WALSH said he would like the Postmaster-General to explain whether the word "ousted," in the 3rd subsection, was a proper legal term. He had a very superior dictionary, and could not find the word "ousted" in it at all, and he would, therefore, like to know whether it was a word of established use in courts of justice.

The POSTMASTER-GENERAL said the word "ousted" was entirely a legal term, and was one very well understood in courts of justice, and that was the reason it had been inserted in the Bill. If the qualification of a person to a seat on the board was called in question, then the court would decide whether he should be ousted from office or not.

The HON. W. H. WALSH said he asked the question because his search in the dictionary did not furnish him with any information. He was told that the words "oust" and "oast" were identical, and on looking up the word "oast" he found that it had reference to a hop-kiln.

The POSTMASTER-GENERAL said the word "oust" in law meant, "putting out of possession, disseizin, dispossessing, ejectment."

The HON. W. H. WALSH said it was well to be accurate on the subject, and he would read the meaning of the word "oust" from the "Imperial Dictionary." That authority stated that it was "probably borrowed from Danish—ast, eest, eijst, a kiln," and meant "a kiln to dry hops or malt." He hoped they were not going to transfer the Bill into something connected with hops or malt.

The POSTMASTER-GENERAL: The word in the Bill is not "oust" but "ousted."

Clause put and passed.

Clauses 19 to 22, inclusive, passed as printed.

On clause 23, as follows:—

"Every member going out of office at the conclusion of an annual election shall retain his office until the members elected at such election are declared duly elected, and shall thereupon, unless he is one of such members, go out of office."

The HON. A. C. GREGORY said some little difficulty had occasionally arisen with regard to that clause. There seemed to be some uncer-

tainty as to whether the retiring member retained his seat until the declaration was made by the returning officer, or until the clerk received a written notice of the election of a new member from the returning officer; perhaps, however, it was not a very important matter.

Clause put and passed.

Clauses 24 to 27, inclusive, passed as printed.

On clause 28, as follows:—

"The following shall be the qualification of voters at elections of members or auditors—

"Every person, whether male or female, of the full age of twenty-one years, whose name appears in the rate-book of the division as of the occupier or owner of rateable land within the division shall, subject to the provisions hereinafter contained, be entitled to vote in respect of such land, and each such person shall be entitled to the number of votes following, that is to say—

If the land, whether consisting of one or more tenements, is liable to be rated upon an annual value of less than fifty pounds, he shall have one vote;

If such value amounts to fifty pounds and is less than one hundred pounds, he shall have two votes;

And if it amounts to or exceeds one hundred pounds, he shall have three votes;

"When a division is subdivided, every person entitled to vote shall be so entitled for every subdivision wherein any rateable land in respect of which he is so entitled is situated.

"Provided that no person shall be entitled to vote unless before noon on the day of nomination all sums then due in respect of any rates upon the land in respect whereof he claims to vote have been paid.

"And provided also that no person shall be allowed to give more than three votes at any election for a division or subdivision, notwithstanding that he is entitled to a larger number of votes in respect of land within the division or subdivision.

"Provided, nevertheless, that the owner and occupier shall not both be entitled to vote in respect of the same land. When the rates have been paid by the occupier he shall be entitled to vote and not the owner, but if the rates have not been paid by the occupier and the owner pays the same, the owner shall be entitled to vote."

The HON. A. C. GREGORY said that would be a convenient place to define what period an occupier should be allowed before the owner could step in and oust him from the position of ratepayer. He thought that the best way to do it would be to insert after the word "occupier" in the last line but one of the last paragraph of the clause the words "within sixty days from the making of the rates." It would then read that "if the rates have not been paid by the occupier within sixty days from the making of the rates, and the owner pays the same, the owner shall be entitled to vote." As, however, he understood that an amendment was to be proposed in a previous part of the clause, he would not move his amendment at present.

The HON. A. J. THYNNE said he thought that would be a convenient place to decide the question as to whether ratepayers who were in arrears with their rates should be allowed to vote, merely because they had paid rates on one piece of land in a district. He thought that many hon. members were of opinion that the position of candidates and voters ought to be assimilated in that respect. In the case of candidates it was provided that—

"No person shall be qualified to be elected unless before noon on the day of nomination all sums then due in respect of any rates upon land within the district for the payment of which he is liable have been paid."

While in the case of a person claiming to vote it was proposed to be enacted—

"That no person shall be entitled to vote unless before noon on the day of nomination all sums then due in respect of any rates upon the land in respect whereof he claims to vote have been paid."

He had already pointed out, on the second reading of the Bill, that that was putting divisional boards in a position in which they ought not to be placed, as they would be compelled to resort to extreme measures for the recovery of rates, which would otherwise come in spontaneously at the time of an election. To meet the difficulty he would move as an amendment that the words "the land in respect whereof he claims to vote have been paid" be omitted, with the view of inserting the words "all the land within the district for the payment of which he is liable."

The POSTMASTER-GENERAL thought that as that amendment bore very much upon clause 15, which had been postponed, it would be well also to postpone that clause. The hon. member had now introduced his amendment and they would all have an opportunity of fully considering it; perhaps the Hon. A. C. Gregory would also postpone his amendment.

The HON. A. J. THYNNE said before the clause was postponed he would like to alter one word in the amendment, and substitute the word "division" for "district."

The HON. J. COWLISHAW said he thought the hon. gentleman had hardly considered the effect of that amendment. It appeared to him (Hon. Mr. Cowlishaw) that the effect of it would be that the owner of land in one subdivision would be debarred from voting in that subdivision, because the tenant of his property in another subdivision of the same division had not paid the rates on the property he occupied. Surely the hon. gentleman hardly intended that.

The HON. A. C. GREGORY said he thought the question raised by the last speaker could be met if the clause was postponed. At present it was provided that a person could not vote unless he had paid all the rates upon the land in respect whereof he claimed to vote. That, of course, would limit him to the subdivision in which he claimed to vote, because his vote would not be for the whole division, but only for a particular subdivision. However, there could be no objection to putting in additional words to meet the objection that had been raised, and he hoped the Hon. Mr. Thynne would make a note of it, and see whether it was desirable to add words to that effect.

The HON. J. COWLISHAW said he thought that the clause already covered what had been alluded to by the Hon. Mr. Gregory. He was of opinion that it was plain enough that the rates must be paid on any land in any subdivision, for which a man claimed to vote, before he could exercise the franchise. What then was the use of altering the clause?

The HON. A. J. THYNNE said the amendment he had proposed would make it compulsory on ratepayers to pay all rates due by them before they were entitled to vote, and not simply on any particular piece of land in respect of which they claimed to vote, or, in other words, they must stand clear on the divisional books before they were entitled to exercise the franchise; if they did not, they would be defaulters, and defaulters should not be allowed to vote.

Clause postponed.

Clauses 29 to 31, inclusive, passed as printed.

On clause 32, as follows:—

"The chairman shall from time to time cause to be made out a list, to be called 'The Ratepayers' List,' containing in alphabetical order the names of all persons whose names appear in the rate-books of the division as of occupiers or owners of rateable land, and distinguishing whether they are occupiers or owners, together with the value upon which the land of which they are the occupiers or owners is liable to be rated,

and such list shall be kept at the office of the board and shall be open to inspection by any ratepayer at all reasonable times during office hours, and any ratepayer may without payment of any fee make a copy thereof or take extracts therefrom.

"When the division is subdivided a separate ratepayers' list shall be made out for each subdivision."

The HON. J. D. MACANSH said there should be some provision made for revising the voters' lists. On the second reading of the Bill he pointed that out, and expressed a hope that the Postmaster-General would make some provision for it. He would now ask the hon. gentleman to postpone the clause for the purpose of giving hon. gentlemen time to think the matter over, and see if it were necessary that such provision should be made. He moved that the clause be postponed.

The HON. A. C. GREGORY said the fact of the matter was the clause would be better eliminated from the Bill altogether. As it stood it said that the chairman should from time to time cause to be made out a list to be called the ratepayers' list. But that list would vary every day. Every time a payment were made it would alter; so that really the only document that could be referred to with any certainty would be the rate-book. Entries must be made in that book immediately any payments were made; so that the clause might well be left out. However, it would be as well to postpone it to give time for consideration.

The POSTMASTER-GENERAL said he would not offer any opposition to the postponement of the clause, as had been requested by the Hon. Mr. Macansh. At the same time, he thought it would be found to be a very useful clause, because the ratepayers' list would have to be a document open to inspection by the ratepayers, who might wish to find out whether their names were on the list. It would be convenient, therefore, for the clerk to make out a list which could be referred to.

Question—That the clause be postponed—put and passed.

Clauses 33 to 40, inclusive, passed as printed.

On clause 41, as follows:—

"In every year, on or before the tenth day of January, the returning officer for every division shall give public notice of the annual election by advertisement in some newspaper generally circulating in the district. Such notice shall specify a day, not less than fourteen nor more than twenty-one days after the publication of such notice, as the day of nomination, and shall require the candidates at such election to be nominated at some place named in such notice in manner hereinafter mentioned.

"On the occurrence of an extraordinary vacancy, a like notice shall be given within thirty days after the occurrence of the vacancy."

The HON. A. C. GREGORY said that some of the boards in the northern parts of the colony, he believed, had sent in petitions to Parliament praying that there should be a modification of the clause so as to allow the annual elections to be held in July instead of in January, and they advanced what appeared to be very good reasons. In the northern parts of the colony the hot weather and the heavy rains generally occurred in January, and there would be far less inconvenience in travelling about in July. He would, therefore, move an amendment to the effect that the Governor in Council might direct that the elections in any specified division should be held in the month of July instead of in January.

The HON. W. H. WALSH said he had an amendment to move prior to that, and it was in reference to advertising the lists. They had lately had placed in their hands a return showing to what a scandalous extent that advertising had been carried on, and it was their bounden duty to try and protect the taxpayers of the colony from such wholesale robberies as seemed to have been perpetrated. A great many years ago, when he first entered the Queensland Parliament, they were most particular in not allowing such things, and were most jealous of the newspapers having a right, as it were, to advertisements by command of Parliament, and wherever they possibly could, if a Bill were brought in that inordinately required advertisements to be made in newspapers, they eliminated such clauses. They had had quite warning enough as to the extent to which that advertising could be carried by officers connected with divisional boards, and he proposed to prevent a repetition of it so far as possible by omitting the words "some paper generally circulating in the district," with a view of inserting the words "the *Government Gazette* and in some one newspaper, if such there be, published and circulated in the district."

The HON. J. F. MCDOUGALL said he could not agree with the amendment, because advertisements in the *Government Gazette* would be useless. Nine-tenths of the ratepayers would not see them. Since the *Government Gazette* had not been supplied to magistrates it had had no circulation at all in the outside districts. He would undertake to say that the chairmen of boards would take care that no unnecessary expenditure occurred in advertising. The officers of divisional boards would be quite safe, as it was their own money they would be spending.

The HON. W. H. WALSH: What about the return I referred to?

The HON. J. F. MCDOUGALL said that was in connection with Government money, and there was a difference between *meum* and *tuum*.

The HON. W. APLIN said he could not agree with the amendment. It would only be an extra expense to advertise in the *Government Gazette*. If they were going to control boards at all they should make them confine their advertising to one paper. Most boards knew how to control their own expenses and keep them as moderate as possible.

The HON. W. H. WALSH said he did not know whether the Hon. Mr. Aplin had made any calculation as to the expense that would devolve upon a board if his amendment were agreed to. He did not think it would cost a pound.

The HON. W. APLIN: A pound is a pound.

The HON. W. H. WALSH said a pound was undoubtedly a pound, but by so circulating it, it might be made worth hundreds or thousands of pounds in the district comprised by that board. The advertisements would only require four or five inches of print, and in the dearest paper, even in the *Government Gazette*, he did not suppose the cost would be more than 4s. or 5s. That information had to be circulated in some way or another, but they had to limit the cost. They had had some experience already that all divisional boards were not managed as economically and as carefully as those presided over by the hon. gentlemen opposite to him. In fact the return he moved for showed that one board had been utterly reckless in spending people's money and involving people in indebtedness.

The HON. A. J. THYNNE said, although it was not often they had an amendment moved by the Hon. Mr. Walsh, he was very sorry he would not be able to support him in the one he had just proposed. In the first case the *Government Gazette* would be quite useless, because it would not be received in time. There were many districts which the *Government Gazette* could not reach within fourteen days, so that practically advertisements in it would be

useless. In the more populous districts, of course, the newspapers reached the public quicker than the *Government Gazette*.

The HON. A. C. GREGORY said there was another matter. The amendment would make it necessary for every board to become a subscriber to the *Government Gazette*.

The POSTMASTER-GENERAL said he supposed he ought not to object to advertisements being placed in the *Government Gazette*, and for the same reason he ought not to object to divisional boards becoming subscribers. However, he thought the clause was much better as it was. It was taken from the Act of 1879, and it had worked very well hitherto. The Hon. Mr. Walsh apparently wished to reduce expenses, but if the boards had to advertise in the *Government Gazette* as well as in a local newspaper the expenditure would be increased.

The HON. A. H. WILSON said he could not agree with the Hon. Mr. Walsh. He believed that ninety-nine people out of a hundred in the outside districts did not see the *Government Gazette*, and those who did see it would not read it. He had an amendment to move in the same direction as that proposed by the Hon. Mr. Walsh.

The HON. W. H. WALSH said he might clear the way for the hon. gentleman, and would withdraw his amendment, with the permission of the Committee.

Amendment withdrawn accordingly.

The HON. A. H. WILSON said he would move that the words "some newspaper generally circulating in the district" be omitted, with a view of inserting the words "a newspaper published within the district, or if none be published therein, then some newspaper generally circulating in the district." He might say that a paper published within a district was read by every person in it, never mind how miserable a paper it might appear to outsiders; therefore he thought that if there was a paper at all in the district the advertisements should go into that paper.

The HON. J. D. MACANSH said he thought it would be very much better to leave the clause as it was. The members of a board would take very good care that they did not go to any unnecessary expense in advertising, and they would also see that the advertisements were put in papers that circulated in the district, whether they were published in it or not.

Amendment put and negatived.

The HON. A. C. GREGORY said he wished to amend the clause by adding on the 8th line the words "provided that the Governor in Council may direct that the election in any specified division shall be held in the month of July instead of January." The words were simple enough, and he need not detain the Committee beyond simply moving the amendment.

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

Clauses 42 to 45, inclusive, passed as printed.

On clause 46, as follows :—

"Every person who—

(1) Procures himself to be nominated as a candidate for the office of member of a board knowing himself to be under the provisions of this Act incapable of being or continuing such member; or

(2) Knowingly signs a nomination paper nominating or purporting to nominate as a candidate for such office a person incapable of being or continuing such member; or

(3) Knowing that he is not qualified to vote at an election of members signs a nomination paper nominating any person as a candidate at such election—

shall for every such offence be liable to a penalty not exceeding fifty pounds."

The HON. W. H. WALSH said he thought the wording of that clause was rather ambiguous, especially in subsection 2, which stated that every person who—

"Knowingly signs a nomination paper nominating or purporting to nominate as a candidate for such office a person incapable of being or continuing such member."

—should be liable to a penalty not exceeding £50. He thought that provision was either too stringent or not explanatory enough. As it now stood the very fact of a man signing the nomination paper of a person incapable of holding office as a member of a board might render him liable to the penalty, although he was ignorant of the circumstance. He did not believe that was intended, but the clause might be so translated.

The POSTMASTER-GENERAL said he did not think the clause had that signification. A person to come under the penalty specified must sign a nomination paper knowing that the candidate was incapable of being or continuing as member of a board. There could be no doubt that a person signing a nomination paper should be very careful to see that the candidate was properly qualified, and that provision would probably ensure the exercise of due care on the part of ratepayers.

The HON. W. H. WALSH said it seemed to him that by that clause a person who unwittingly signed the nomination paper of a man incapable of holding office as a member of a board and a person who knowingly and intentionally did the same thing would both be subject to the same penalty, which was a very serious one and might be as high as £50. That, he thought, was unfair and unjust.

The POSTMASTER-GENERAL said the object of the clause was simply to prevent a person or persons from nominating a candidate who was not qualified. If they did so, then they would very properly be liable to a penalty.

Clause put and passed.

Clauses 47 to 50, inclusive, passed as printed.

On clause 51, as follows :—

"When a poll is required to be taken, it shall be taken in the mode prescribed in Part V. of this Act, unless the Governor in Council directs that it shall be taken in the whole division or in one or more subdivision or subdivisions in the mode prescribed in Part VI. of this Act, in which case it shall be taken in the whole division or in such subdivision or subdivisions in the latter mode accordingly.

"Any such direction may be given at any time after the passing of this Act, and any such direction given before the first day of January, one thousand eight hundred and eighty-eight, shall take effect on and after that day."

The POSTMASTER-GENERAL said it had been pointed out by the Hon. J. D. Macansh, on the second reading of the Bill, that there were some divisions in the colony where voting by post still continued, and it was also pointed out that it was very desirable that no change in the mode of taking a poll should be made in those divisions, unless under certain circumstances. He (the Postmaster-General) proposed to meet such cases by adding the following proviso at the end of the clause, namely :—

Provided that in respect of divisions in which the poll is now taken by post it shall continue to be so taken until the Governor in Council otherwise directs.

He thought that would meet the whole case, and moved it as an amendment to the clause.

The HON. J. TAYLOR: Did the hon. gentleman read the whole of his amendment, or only a portion of it ?

The POSTMASTER-GENERAL: I read the whole of it.

The HON. J. TAYLOR: The Hon. F. T. Gregory has a better one than that.

The POSTMASTER-GENERAL: I will read the amendment again. It is as follows:—

Provided that in respect of divisions in which the poll is now taken by post it shall continue to be so taken until the Governor in Council otherwise directs.

The HON. J. TAYLOR: Upon petition?

The POSTMASTER-GENERAL: No; there will be no petition necessary.

The HON. J. TAYLOR: I do not want the Governor in Council to have the power to do that without petition.

The POSTMASTER-GENERAL said he understood that the Hon. A. C. Gregory had an amendment to move in a previous part of the clause, and he would, therefore, with the consent of the Committee, withdraw his until the amendment of the hon. gentleman was disposed of.

Amendment, by leave, withdrawn.

The HON. A. C. GREGORY said his object in proposing the amendment he was about to submit to the Committee was to leave voting by post in its present condition until such time as further provision might be made in respect to it. He proposed to omit all the words in the clause after the words "when a poll is required to be taken," and to insert the following:—

In a division or subdivision in which voting by ballot is in force at the passing of this Act, such poll shall be taken in the mode prescribed in Part V. of this Act; and in any division or subdivision in which voting by post is in force at the passing of this Act, the poll shall be taken in the mode prescribed in Part VI. of this Act.

Provided that on the petition of the board or the majority of the ratepayers of any division praying that voting by post may be discontinued and voting by ballot established, the Governor in Council may direct that the voting in such division shall thereafter be taken under Part V. of this Act.

That simply left the mode of voting as it now stood to continue in force in any division unless a majority of the ratepayers or the board applied to the Governor in Council to have voting by post abolished and voting by ballot established.

The HON. J. TAYLOR said he supported the amendment with a very great deal of pleasure, because he was satisfied that if voting by ballot was carried on all over the colony three parts of the people would be disfranchised. In the division of which he was chairman ninety out of every hundred would be disfranchised if the poll were taken by ballot. It was a hundred miles round, and the people there were careless in going to the poll, but if a voting-paper were sent to them they would fill it up and send it back to the returning officer. And that was what might be called an inside district. He was quite certain that in the outside districts in the interior they would not get ten out of every hundred ratepayers to vote if it were insisted that the poll should be ballot. He hoped the amendment would not be opposed by the Postmaster-General.

The HON. F. T. GREGORY said he would like to add to what had fallen from the two previous speakers that he had been bringing that matter prominently before the board of which he was chairman for the last twelve months, and he could state that there was not one dissentient voice in the board; in fact, all the ratepayers had expressed a strong disapproval of having to attend a ballot. Nobody, except on one or two occasions, had ever taken the other view, and a little simple explanation had caused them also to withdraw their objections. There was perfect accord between the board presided over by the Hon. Mr. Taylor and the one presided over by himself; and there was a number of other divisions where the same views were entertained.

The HON. J. F. McDOUGALL said he would support the amendment. If the clause remained as it was it would cause an immense amount of inconvenience in the division, the board of which he presided over. He had taken the opinion of the ratepapers and they were unanimous in thinking the mode at present in use was the most suitable, and the best in every way.

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

On clause 52, as follows:—

"A voter may vote for any number of candidates not exceeding the number of members then to be elected."

The HON. W. H. WALSH said he would like to know whether, under the clause, a man could vote for four, five, or six candidates. If the clause meant that, all he could say was that it did not agree with clause 28, which only allowed a man to give three votes; it was contradictory.

The POSTMASTER-GENERAL said he did not think the clauses would come into collision at all. The clause before them was very clear. A voter might vote for the number of members to be elected or any less number, so that if there were three members to be elected, and five candidates, he might vote for one, or two, or three, but not for more than the number to be elected.

The HON. W. H. WALSH said if there were four members to be elected under the clause, a man could vote for four, or if there were five to be elected he could vote for five. There was an inconsistency.

The HON. A. C. GREGORY said the *modus operandi* would explain what was the meaning of the clause. A man who had three votes at an election went into the polling-booth and said, "I have three votes," whereupon he was given three papers, upon which there might be eighteen names, only nine of whom could be elected. He would strike out nine names from each of those papers, or he might strike out all the names but one—that was, he might "plump" for a man. Each of those papers gave him one vote, whether he left one name or nine names on it. In ordinary cases there were three members to be elected, and say there were six names on the paper, the voter would then strike out three names from each paper, or he could even vote his right hand against his left if he chose. The process was very simple, and was just the same as under the Elections Act, which the hon. gentleman was so conversant with.

The HON. W. H. WALSH said he did not understand it yet. He gathered that a voter had three votes, and that he could not vote for more than three persons. But who was to see that he did not vote for four? He maintained that there was an inconsistency.

The HON. T. MACDONALD-PATERSON said it would be as well to elucidate the matter a little further. He could not see that there was any disparity between clause 52 and clause 28. Clause 28 referred solely to the qualification of voters and the extent of their votes. It fixed the maximum number of votes and the amount of annual value that should entitle a man to one vote or two votes or three votes. If a man owned £100,000 worth of property in one district he would not be entitled to more than three votes. Clause 52 was intended to give the right of "plumping," and what the Hon. Mr. Walsh had not seen in it was that if a man had three votes in a division and there were five members to be elected out of twenty candidates, such a man would exercise his three votes

in respect to each member required, and therefore he would have fifteen votes. If he liked to plump for any one man out of the three he could do so and not vote for any others.

Clause put and passed.

Clauses 53 to 65 passed as printed.

On clause 66, as follows:—

"At every booth or polling place there shall be a compartment or compartments provided with all necessary materials for the purpose of enabling the voters to mark the ballot-papers as hereinafter provided, and in such booth or polling-place no person shall be entitled to be present other than the presiding officer, the poll clerk, the candidates, the scrutineers of the candidates appointed as hereinbefore provided, and the voters who for the time are voting.

"Every person who intrudes into a booth or polling place, other than such presiding officer, poll-clerk, candidates, scrutineers, and voters actually voting, shall be guilty of a misdemeanour, and shall, on conviction, be liable to imprisonment for any period not exceeding one year with or without hard labour."

The HON. A. C. GREGORY said there was one part of the clause he would draw attention to, and that was in the 2nd paragraph. He did not think that candidates ought to be allowed in polling-places. The presiding officer, clerk, and the scrutineers had to sign a declaration to keep secret anything that came to their knowledge as regarded the voting of individuals. But the candidates were not in that position. They were naturally entitled to do all they could to influence the voters, which was quite right outside; but it would be very inconvenient if they were allowed to do so inside. Further, if they came to know how a man voted, they had not to sign a declaration that they would not disclose it. Of course another part of the Bill provided a penalty for disclosing such things; but there would be no breach of declaration. He moved that the word "candidate" be omitted.

The HON. J. TAYLOR said he cordially agreed with the Hon. Mr. Gregory. He was quite satisfied that if candidates were allowed inside a polling booth there would be no end of a row amongst them, and all secrecy would be done away with. He trusted the Postmaster-General would accept the amendment.

The HON. A. C. GREGORY said that he found a similar amendment would be necessary in an earlier part of the clause, and with the permission of the Committee he would withdraw that which he had just proposed.

Amendment withdrawn accordingly.

The HON. A. C. GREGORY moved that the word "candidate," where it first occurred in line 6 of the clause, be omitted.

The POSTMASTER-GENERAL said he was sorry he could not agree with what had fallen from the Hon. Mr. Gregory in respect to candidates being excluded. He recollected that from the time the Local Government Act of 1878 was passed to the present time candidates had been allowed access to the polling booths, and he thought rightly so. He was not aware that any difficulty had arisen.

The HON. J. TAYLOR: I have seen it.

The POSTMASTER-GENERAL said that under the corresponding clause of the Local Government Act candidates were entitled to be present as well as the presiding officer, clerk, and scrutineers, and the system had worked very well. The clause before them was really an echo of that in the Local Government Act, and he thought that the candidates were just the persons most interested.

The HON. J. TAYLOR: Too much interested.

The POSTMASTER-GENERAL said if they were excluded and some of them did not happen to be elected, they would fancy that something had been done that ought not to have been done, and it would be better that they should be present and see that everything was fair.

The HON. J. TAYLOR said it was evident that the Postmaster-General had not travelled. He ought to go to some elections in the country, and he would find out that, when candidates were allowed into a polling-booth, with a public-house next to it, there would be a considerable "rumpus" amongst the disappointed ones. Candidates had scrutineers there to see after their interests, and therefore they themselves should not be allowed into the polling-booth.

The HON. W. H. WALSH said he differed entirely from the Hon. Mr. Taylor, and for reasons opposite to those which he had advanced. He thought a polling booth without a candidate was only a half-furnished place. He had invariably seen that when a candidate was present order prevailed and not disorder, and he had had a little experience. He would do his opponents in former times justice, and say that so far as his experience went, a candidate's presence in the polling booth had frequently been a very great advantage to the presiding officer. A candidate might be sold by his scrutineer. He had seen scrutineers tampered with, and it was necessary that a candidate should be there to get fair play. He had seen a scrutineer rolling drunk, a state of things brought about by the party in whose interests he was watching. He should support the Postmaster-General.

The HON. A. C. GREGORY said considerable inconvenience occurred in consequence of candidates running in and out of the polling-booths. In fact, they seemed to be far more active than the scrutineers, and he therefore thought the amendment was really necessary.

The HON. T. MACDONALD-PATERSON said he did not think the hon. gentleman who had moved the amendment that candidates should not be permitted to go into the polling-booth was really in earnest. If he were he should have given some reasons from experience that would induce the Committee to adopt his suggestion. In the matter of humanity alone candidates ought to be able to take shelter in the polling-booths. He had been glad to do that both as a candidate at a local government as well as at a parliamentary election, and it had always been understood that divisional, shire, municipal and parliamentary elections should be run as closely parallel as was practicable, necessary, and convenient. That clause was taken almost verbatim from the Elections Act of 1874, section 47 of which provided that—

"At every booth or polling-place there shall be one or more compartments or ballot rooms provided with all necessary materials for the purpose of enabling the elector to mark the ballot-paper as hereinafter provided, and in the said booth or polling-place no person shall be entitled to be present other than the presiding officer, the poll-clerk, the candidates, and the scrutineers of the several candidates, to be appointed as hereinafter provided, and the electors who shall for that time be voting, and every person who shall intrude into such booth or polling-place, other than such presiding officer, poll-clerk, candidates, scrutineers, and electors actually voting, shall be deemed guilty of a misdemeanor. Provided always that it shall be lawful for the presiding officer or poll-clerk to summon to his assistance in such booth or polling-place any members of the police force for the purpose of preserving the public peace or preventing any breach thereof, and for removing out of such booth or polling-place every person who may, in his opinion, be obstructing the polling or wilfully violating any of the provisions of this Act."

He held that if that was necessary for the efficient conduct of an election for a member of Parliament, it was also requisite in the case of

the election of candidates for local governing bodies. Indeed he thought it was much more necessary, and he was at a loss, in the absence of any reason being adduced by the proposer of the amendment, to apprehend upon what ground it was advocated that candidates should be excluded from the polling booth. Nothing whatever had been said to justify the proposal. On the contrary, he distinctly affirmed that it was very requisite indeed that candidates should be permitted to be present in the polling-booth, to leave and go back again as often as they pleased. If there were a public-house next door he thought that every encouragement should be given to the candidate to remain in the polling-booth, and not to go to the public-house. The introduction of the amendment showed the necessity of what he had urged over and over again—namely, that when a member wished to propose an amendment he should give reasonable notice of it to the hon. gentleman in charge of the Bill and also to the members of the Committee. Through not adopting that course a grave question had been introduced that evening without notice. Not only should candidates be admitted to the polling-booth for the purpose of seeing that justice was done by their scrutineers, but also to see that the duties of returning officer were properly performed. He had had experience, very expensive experience, of a returning office in that regard. It was a sound law, for which they could give a hundred sound reasons, that candidates should be present in the polling-booth at any election, whether it was municipal, divisional, or parliamentary, and he hoped that the absurdity of the proposition would be perceived by the Committee, and that hon. members would not vote for the amendment.

The HON. P. MACPHERSON said he trusted that the Hon. A. C. Gregory would withdraw his amendment. A candidate was a very necessary party to an election, in fact he ought to be in the polling-booth in order that voters might have a look at him; possibly they might never have seen him before. It was something like the play of Hamlet with Hamlet left out, when a candidate was not present. He really hoped the amendment would be withdrawn.

The HON. W. PETTIGREW said he thought he had had a pretty good experience of municipal elections. He would not say how many he had attended, but a circumstance which occurred at one was very forcibly brought to his mind while the Hon. Mr. Macdonald-Paterson was speaking. He (Hon. Mr. Pettigrew) was presiding or returning officer at an election, he forgot which. One of the candidates brought him a voter, to whom a voting paper was given. He (Hon. Mr. Pettigrew) put the question, "Can you read?" the man replied "No," and he had to go with him to mark out the names of the candidates for whom the man did not wish to vote; only the scrutineers were with him. He asked the man for whom he wished to vote, and found that it was not for the candidate who had brought him into the polling-booth; and that was the point he wished to direct attention to, as, in his opinion, it showed very clearly that the candidate ought not to be allowed to be present in the polling-booth. Had that candidate heard for whom the man he brought up voted he would have been very indignant. He hoped the Hon. Mr. Gregory would not withdraw his amendment.

The HON. T. MACDONALD-PATERSON said that if the hon. gentleman had failed to perform his duty as returning officer at an election according to the ordinary rules which appertained to the conduct of elections, that was no reason why they should alter the law that evening to the disadvantage of candidates, and the discredit of divisional elections. No candidate had any right to know how any ratepayer voted. If the circumstances detailed by the hon. gentleman were correct, he must have been lax in his method of conducting the election referred to if any man could tell how a person voted. It was not possible under the present law, if a returning officer did his duty, for anyone to find out how a ratepayer voted. But that was not the question under consideration. The question was whether candidates should be excluded from the polling-booth, but the Hon. Mr. Pettigrew wanted to introduce another question—namely, whether a candidate should know how a person voted. Nothing of the kind could happen where there was a good returning officer, though the hon. gentleman almost led them to believe that there was a disclosure of how the illiterate man, of whom he had spoken, had voted. He (Mr. Macdonald-Paterson) reiterated that the amendment would not improve the Bill, and it would make the law with respect to divisional elections dissimilar to that which prevailed in respect to elections for members of Parliament.

The HON. W. PETTIGREW said that on the occasion he referred to he acted strictly within the letter of the law; but if he had not been able to hear better at that time than he could at present, the man who came up to vote must have spoken sufficiently loud to allow the candidate to know how he voted. Fortunately in those days his hearing was much better than it was now, and that, therefore, did not occur.

Question—That the words proposed to be omitted stand part of the clause—put and passed, and clause passed as printed.

On clause 77, as follows:—

"If at any booth or polling-place a ballot-paper has been delivered to any person who has claimed a vote, and afterwards another person claims to vote at such booth or polling-place as being the person in whose name such first-mentioned person received the ballot-paper, the presiding officer shall put to the person so secondly claiming to vote the prescribed questions, and if he appears by his answer to such questions to be entitled to vote, shall deliver to him so many ballot-papers as he appears to be entitled to receive, and such person and such ballot-paper or ballot-papers shall be dealt with in all respects in the same manner as in the case of any other person claiming to vote, but his ballot-paper or ballot-papers shall not be deposited in the ballot-box or allowed by the presiding officer, but shall be set aside for separate custody.

"Every such ballot-paper shall be dealt with as hereinafter provided, and may be allowed and counted by order of the court or judge on a scrutiny, but not otherwise."

The HON. W. H. WALSH said that appeared to be quite a new provision dealing with a new subject, and no such provision was, he thought, to be found in the laws with regard to voting at elections for members of Parliament. Under the circumstances, he thought the Postmaster-General should favour the Committee with some information about it, show the necessity of the clause, and also show that it would be workable. As it now stood, it seemed to him that two persons could vote under the same qualification. He thought the application of such a principle as that contained in the clause would be likely to lead to very great difficulty, and that it would interfere with the secrecy of the ballot.

The POSTMASTER-GENERAL said that clause was taken from the Elections Act of 1885, and its object was to point out the duty of the presiding officer where a second vote was tendered for one name. It provided that under circumstances of that kind the person claiming to vote should be asked the prescribed questions before he received the ballot-paper, and that after he had voted the ballot-paper was not to be deposited in the ballot-box, but dealt with as "hereinafter provided." If hon. gentlemen

would look at clause 78 they would find that every ballot-paper, which did not contain the mark authorised by the Bill to be put upon it, should be rejected at the close of the poll. The object of those two clauses was that the second vote tendered should receive consideration, and if rejected further proceedings of course could be taken upon it.

The HON. W. H. WALSH: Do I understand the Postmaster-General to say that both ballot-papers are counted?

The POSTMASTER-GENERAL: The second is simply received.

The HON. A. C. GREGORY said that clause was certainly required. He knew a case at an election in which an elector went to record his vote and found that someone else had voted for him, and he was thereby utterly disfranchised. Under that clause the elector would have been able, had he thought it worth while, to have his vote recorded, and it could be afterwards used if it was found that the election was so close that it would materially affect the result.

The HON. W. H. WALSH said that, according to the explanation of the Hon. A. C. Gregory, the ballot-papers set aside would be used in a very close election if it was found that they would turn the election.

The HON. A. C. GREGORY said they would only be allowed and counted by order of the court or judge on a scrutiny.

The POSTMASTER-GENERAL said clauses 77, 78, 79, and 80 must be read together. In clause 80 would be seen the reason why section 77 pointed out with particularity the method in which the prescribed questions should be put to the person who claimed to vote on the second occasion, and the manner in which that vote should be dealt with. It was provided in that clause that—

"Every person who—

(1) Knowingly and wilfully makes a false answer to any of the questions aforesaid; or

(2) Personates or attempts to personate any voter; or,

(3) Votes or offers to vote more than once at the same election"

should be guilty of a misdemeanour. The questions referred to in the 1st subsection were those mentioned in clause 77. He had no doubt that the hon. member would now see the reason why clause 77 was inserted in the Bill.

Clause put and passed.

Clauses 78 to 111, inclusive, passed as printed.

On clause 112, as follows:—

"Every person who wilfully intrudes into the room appointed for the examination of the voting-papers, other than the returning officer, his clerk, and the scrutineers, shall be guilty of a misdemeanour, and shall, on conviction, be liable to be imprisoned for any period not exceeding one year with or without hard labour."

The HON. W. H. WALSH said some reason should have been shown for the omission of candidates from those who were to be allowed into the room where the examination of voting-papers was going on.

The POSTMASTER-GENERAL said the clause was taken from clause 40 of the Divisional Boards Act of 1879. It was in nearly the same words.

The HON. SIR A. H. PALMER said he noticed in clause 66 that the candidates were entitled to be present in the booth, and he was rather astonished at seeing that the clause before them excluded the candidates from a considerable part of the proceedings, and left it entirely in the hands of the returning officer and his clerk.

The HON. W. APLIN said that the only reason he could see for excluding the candidates in the present case was that the voting was done by post, and each ballot-paper would be signed by the voter. Therefore, the candidate would have an opportunity of knowing how every man voted.

The POSTMASTER-GENERAL said the Bill introduced into that Chamber last session stated that every person who wilfully entered into the room appointed for the examination of the voting-papers, other than the returning officer, his clerk, and the scrutineers, should be guilty of misdemeanour.

The HON. SIR A. H. PALMER said as long as the clerk and the scrutineers were allowed to be present they would notice as much as the candidates. Why exclude candidates when the scrutineers were present?

The HON. W. G. POWER said clause 110 forbade any scrutineer or any other person divulging anything which came to his knowledge as to how a person had voted.

The HON. W. H. WALSH moved that the words "the candidates" be inserted after the word "clerk" in the 3rd line of the clause.

The HON. A. C. GREGORY said the candidates were not amongst those who were bound to secrecy, and when they were examining the voting-papers by post it would be patent upon the face of them who voted. Now, the scrutineers were bound to secrecy, and there was a heavy penalty if they divulged anything. That was the reason why on a former occasion when a similar Bill was before them, the candidates were excluded. In the polling-booth it was not necessary that they should see how any voter voted; but in the present case a paper with the voter's signature would be taken, and the way in which that man voted must be upon the face of it, and it would be highly undesirable that a candidate should be a party to the transaction. Certainly he ought not to be present, unless he made a declaration the same as the scrutineers.

The HON. J. F. McDOUGALL said there was no analogy between the two cases at all. The duty of the returning officer was to call out the name of the voter, and the clerk referred to the rate-book to see if he was qualified, and if the candidate were present he would know how men voted, and the whole secrecy of the ballot would be at an end. The scrutineers were pledged to secrecy but the candidates were not. It would be a mistake to allow candidates to be present.

The HON. W. H. WALSH said he would ask the Hon. Mr. McDougall if he thought it was possible to find a man who would act as scrutineer and not divulge anything to his chief as regarded the way in which persons had voted. Nothing of the sort was contemplated by the Bill. He maintained if a candidate were a man of honour, and it was required that he should not divulge anything he heard inside the polling booth, and he was worthy of the confidence of those who put him in that position, he should be trusted with such a secret. It could never have been contemplated that a candidate, who of all persons interested ought to know if fair play was being done, should be excluded from the most important part—the counting of votes after the contest.

The HON. F. T. GREGORY said there was one thing which must not be omitted in considering the question, and that was, of all the persons most interested were the candidates. What was it to the scrutineer or any outside voters whether Smith or Brown voted for one man or another? But the candidates were specially interested, and if any consequential results occurred they would result from their knowledge. He went a long way with the Hon. Mr. Walsh in the matter, inasmuch as if he had his own way he would have e ections decided by open voting, because he believed it would be better for the country. However, it was a generally accepted idea that there should be secrecy, and if there was any advantage in that system at all, it could not be obtained without excluding the candidates. He had been present himself, both in the capacity of returning officer and as a candidate, and he knew, when he came out of that booth, within half-a-dozen who voted for him and who voted against him; but there were scores and hundreds of men who, like him, did not care a rap whether his neighbours voted for or against him. Under the circumstances, if he were a candidate to-morrow he would as soon be outside as inside; but he could see no reason why a candidate should be allowed to be present, as it would encourage any person who had a tendency to be revengeful.

The POSTMASTER-GENERAL said he would point out to the Committee that in clause 103 of the Bill the word "candidates" was excluded, and he found the word was also excluded in the Bill they had before them last session, but that in the corresponding section, section 34 of the Divisional Boards Act of 1879, candidates were allowed to be present.

The HON. SIR A. H. PALMER said that, after the explanation given by hon. gentlemen on the other side, he should recommend the Hon. Mr. Walsh to withdraw his amendment.

The HON. W. H. WALSH said that with the permission of the Committee he would withdraw his amendment.

Amendment withdrawn accordingly.

Clause put and passed.

Clauses 113 to 178, inclusive, passed as printed.

The POSTMASTER-GENERAL moved that the Chairman leave the chair, report progress, and ask leave to sit again.

The HON. W. APLIN said there was plenty of time. He did not think they ought to adjourn yet. They had not worked very hard so far this session, and he thought they might do another hour's work that evening.

The POSTMASTER-GENERAL: I am quite willing to go on. I only wish to consult the convenience of the Committee.

The HON. A. C. GREGORY: There may be some discussion on the next clause, and some of us have a long way to go home.

Question put and passed.

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

ADJOURNMENT.

On the motion of the POSTMASTER-GENERAL, the House adjourned at seven minutes past 9 o'clock.