Queensland

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[Hansard]

Legislative Council

THURSDAY, 22 SEPTEMBER 1887

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LEGISLATIVE COUNCIL.

Thursday, 22 *September*, 1887.

Formal Motions.—Question.—Valuation Bill—third reading.—Divisional Boards Bill—committee.—Bundaberg School of Arts Land Sale Bill—second reading.—Message from the Legislative Assembly—Fisheries Bill.—Divisional Boards Bill—committee.—Refreshment Rooms Committee.—Local Government Act of 1887 Amendment Bill—second reading.—Adjournment.

The PRESIDENT took the chair at 4 o'clock.

FORMAL MOTIONS.

The following formal motions were agreed to :—

By the HON. A. HERON WILSON—

That there be laid on the table of this House, a list of all persons who have had railway sidings made into their properties or to the boundary line of their property, stating the length and cost thereof, and whether paid by the State or the private individual, or if portion only paid by the State, say how much.

By the HON. A. HERON WILSON—

That there be laid on the table of this House copies of all papers and correspondence between the Government and the Vernon Coal and Railway Company (Limited) or others, respecting the Maryborough and Urangan Railway.

QUESTION.

The HON. A. HERON WILSON said: Hon. gentlemen,—With the permission of the House, I wish to amend the question standing in my name, by adding the words, "at what cost," after the words, "if any," in the 2nd paragraph.

Question, by leave, amended.

The HON. A. HERON WILSON asked the Postmaster-General—

1. Was the Maryborough Wharf Branch Railway Extension made in accordance with the plans, etc., approved of by both Houses of Parliament, and in accordance with the report from the Legislative Council's Select Committee of 18th December, 1884, to the effect that "sidings to the different mills shall not be constructed at the expense of the State"?

2. What alterations were made—if any, at what cost, and who paid for them?

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

1. The Maryborough Wharf Branch Railway Extension has been constructed according to plans approved by Parliament as far as the reserve in Kent street, but has not yet been constructed beyond that point.

2. The cost of sidings on private lands only has been paid by the owners thereof; all other expenditure has been charged to the Railway Department.

VALUATION 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.

DIVISIONAL BOARDS BILL.

COMMITTEE.

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

The POSTMASTER-GENERAL moved that the Chairman leave the chair, report no progress, and ask leave to sit again.

The HON. W. APLIN asked what was the object of postponing the consideration of the Bill for another day?

The POSTMASTER-GENERAL said the object in moving the motion he had proposed was that Orders of the Day Nos. 2 and 3 should be postponed until after the consideration of Order of the Day No. 4—namely, the second reading of Bundaberg School of Arts Land Sale Bill. He understood that it was a matter of convenience to his friend the Hon. Mr. Macpherson that the second reading of that Bill should be taken first, and he had therefore consented to the adoption of that course, and trusted there would be no objection to it on the part of the Committee.

Question put and passed.

The House resumed; the CHAIRMAN reported no progress, and obtained leave to sit again at a later hour of the day.

BUNDABERG SCHOOL OF ARTS LAND SALE BILL.

SECOND READING.

The HON. P. MACPHERSON said: Hon. gentlemen,—I have the honour to move the second reading of this Bill, which is prepared upon the lines of the South Brisbane Mechanics Institute Land Sale Act, which was passed last session. The object of the Bill is to enable the trustees of the Bundaberg School of Arts to sell the whole or a portion of the trust property, and to use the proceeds in the erection of a more suitable hall, to be called the Bundaberg School of Arts, on the remaining portion of land, or on some other more convenient portion within the town of Bundaberg. It appears, from the report of the select committee of the other House, that the present building is of a character altogether unsuited to the growing importance of Bundaberg, and that the erection of a new building is, in point of fact, almost a public necessity. It has also been proved—anyway to the best of the petitioners' belief it is probable—that the proceeds realised by the sale of a portion of the land will be amply sufficient for the purpose. I need not, I think, go further into the particulars connected with the Bill. As I have stated, similar measures have already met with the approbation of the House, and one was passed no later than last session. There is a clause in the Bill enabling the trustees to mortgage, but the amount is limited, and they will only be at liberty to mortgage the present trust premises. I now move that the Bill be read a second time.

The HON. W. H. WALSH said: Hon. gentlemen,—I do not rise for the actual purpose of opposing the second reading of this Bill, nor do I intend to oppose the passage of the Bill at all in any of its stages, but I avail myself of this opportunity to call the attention of hon. members to what I consider is the absolute necessity for altering our Standing Orders so that we may be able to deal with a private Bill introduced in its first stage. As the Bill is now sent up to us it is accompanied by the report of a select committee of the other Chamber, and we are supposed, according to our practice, and according to rulings given in this Chamber, to take that as sufficient evidence that the Bill should receive the concurrence of members in this House. I say that that is asking too much from us. I do not suppose that one single hon. gentleman in this House, except myself, has read this Bill, and I doubt if any hon. member has seen the evidence which was taken before the select committee of the other Chamber, and formed an opinion thereon. It really amounts to something like reducing our labours to a farce in passing Bills through this Chamber in the way we do, and I call attention now, as I did on previous occasions, when the Tooth Enabling Bill was passing through this Chamber, to the necessity of having a Standing Order of our own to enable us to deal with a private Bill in the same way as we are enabled to do with railways on their introduction into this House. Our Standing Order lays down the mode of procedure with reference to the passing of private Bills. Order 68 says:—

"Until special Standing Orders for the initiation of private Bills shall have been adopted, this Council will not enter on the consideration of any private Bill which has not first been considered by the Legislative Assembly, and referred by that body for the concurrence of this Council."

So that we have actually refused, for what reason I never could understand, to pass a Standing Order authorising us to initiate private Bills in this Chamber, and we deny ourselves, I will not say that right, but that duty which it is incumbent upon us to undertake. The following Order, No. 69, provides for private Bills sent up from the Legislative Assembly, if accompanied with the proceedings of a select committee of that House. It says:—

"Every private Bill sent up from the Legislative Assembly, if accompanied by a printed copy of the report and proceedings of the select committee of that House, to which it shall have been referred, shall be dealt with in the same manner as a public Bill, and shall not be referred to a select committee of this Council, unless the same shall be opposed, and then only by motion, on notice to be made before the second reading."

What is the consequence? According to the ruling which was given by a previous President in this House, in reference to some notice I took of the lax way in which the evidence seemed to be taken elsewhere and the inconclusiveness of that evidence, it is out of order for any member to do that, inasmuch as we are not permitted to criticise the proceedings which take place in another Chamber. I was forced to submit; I know very well that that is a rule of Parliament, but what does it involve? What does it entail upon us? Simply that we are to take for granted that which we see is manifestly wrong; that we should follow a course which we would not do if we were left to our own clear or undirected judgment. I am sure if hon. members would only look at the insufficiency of the evidence for the passing of this Bill they would, at any rate, see that it is wise that we should have a Standing Order on the subject, and that we should not pass a Bill of such importance without the fullest information. That the trustees of the Bundaberg School of Arts are doing right in endeavouring to pass a measure through this Chamber to enable them to make better use of their property I do not dispute; but I do not think, when we are without evidence that we can criticise, that we should agree to the passing of a Bill of this sort. If we were to criticise it I am perfectly sure that it would create suspicion rather than confidence, and I say that with these facts before us it is a most unpleasant duty that we have to perform. Even though my hon. friend Mr. Macpherson is father of the measure, I do not think that there is sufficient evidence before us. I think that the Bill has not been introduced in such a satisfactory way as should lead us to agree to the passing of the Bill. However, I again take this opportunity of calling attention to the necessity of perfecting our own Standing Orders, so that we should not have to depend upon any action of the other branch of the Legislature, or submit to a dictation which prevents us criticising evidence taken elsewhere, but which we are nevertheless bound to accept.

The HON. F. T. GREGORY said: Hon. gentlemen,—I think this Chamber may well give the Hon. Mr. Walsh credit for having brought prominently before it a question which

deserves very earnest consideration. Without referring specially to the case now before us, I may say that I think this House should always be provided with full information upon any subject connected with every Bill introduced before it is passed or rejected. Were it not that I have every reason to believe that there are just grounds for passing this particular measure—although that is not before us in evidence—I should not be inclined to agree to the second reading of the Bill. But in view of the fact that I believe there are good grounds for passing the measure I should be sorry to throw it out. Nevertheless I think it is quite right that we should give expression to our views in protesting against imperfect measures being brought before us unsupported by evidence. I trust, however, that a sufficient number of members present are aware of the circumstances of this particular case, and satisfied that the measure is one that may be passed without detriment or prejudice to the public interest. But, with the Hon. Mr. Walsh, I sincerely trust that some steps may be taken to prevent a recurrence of measures being brought up in the crude form in which the present Bill is introduced.

The HON. W. PETTIGREW said: Hon. gentlemen,—I think that Bills of this description should be very carefully looked into, and that very good reasons should be shown for their introduction before they are passed by the House. Grants of land are made for particular purposes—as in this instance for a school of arts—and for the institutions who receive the land to sell it, or a portion of it, is, I consider, wrong in principle. If people have not sufficient patriotism to put their hands into their pockets for the purpose of building on the land granted to them, they ought not to get a grant at all. At all events, I think that on no consideration ought land that has been granted by the Government for a school of arts, or for any other purpose, be misappropriated, for that is what selling a part of it in order to put up a building thereon amounts to, and such a course is, I believe, contrary to the grant. The words of the grant are, I believe, that "the land shall be used for no other purpose whatever." If we allow this to be sold we shall be doing away with the grant by Act of Parliament. I think that land granted by the Crown for such purposes ought not to be sold on any consideration whatever, and for that reason I intend to vote against the second reading of this Bill, and all Bills of the same description, unless very good reasons are shown for taking a contrary course.

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

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.

FISHERIES BILL.

The PRESIDENT read a message from the Legislative Assembly, forwarding this Bill for the concurrence of the Legislative Council.

On the motion of the POSTMASTER-GENERAL, the Bill was read a first time, and the second reading made an Order of the Day for Wednesday next.

DIVISIONAL BOARDS BILL.

COMMITTEE.

On the Order of the Day being called, the President left the chair, and the House went into committee to further consider the Bill.

Clauses 179 to 190, inclusive, passed as printed.

On clause 191—"Board may levy and make rates"—

The HON. F. T. GREGORY said he would call the attention of the Postmaster-General to the fact that the word "district" was used in the 4th line instead of the word "division." The clause had no power to levy rates outside of the division. The interpretation clause defined the term "district" as the district in which a local authority had jurisdiction, including any place under the control of the local authority outside the limits of the division or municipality. Under special provisions a board might join with another in carrying out some joint work; but that had nothing to do with the rates.

The POSTMASTER-GENERAL said he thought the word "division" would be better than "district," and he believed it was a clerical error.

The HON. F. T. GREGORY moved that the word "division" be substituted for the word "district" in the 4th line.

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

Clauses 192 to 206, inclusive, passed as printed.

On clause 207, 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."

The HON. W. D. BOX said that seemed a very queer clause. An absentee proprietor might, without any neglect of his own, have all his timber destroyed. Many trees were objects of beauty and health and everything else, and they could be sacrificed by the malicious persecution of a local authority. The land was always there, and it seemed to him that giving power to a board to cut down the timber was remarkable. He hoped the Committee would not agree to it. It was a barbarous thing to cut down trees which might have been growing for centuries, and which could never be replaced in suburban localities or in town allotments, and the only gain to the authority would be a miserably small sum in rates. The owner of the land would return some day and could be prosecuted in a court of petty sessions.

The HON. W. H. WALSH said he quite agreed with the hon. gentleman in his opposition to the clause, and he trusted that the Postmaster-General would consent to expunge it altogether. It was an abominable power to give. A man might not know he was in arrears with his rates; he had been in that position himself frequently, and any man who coveted a tree on his land might go and take it. There was not even any provision in the Bill for giving notice to the owner of the land that his trees were in danger of being seized. He had lately seen a tree cut down without any authority—a tree that stood opposite the railway station at Sherwood, which was an ornament to the neighbourhood, and which he would not have taken £50 for. Trees beautified the landscape and offered a shade for the comfort of people, and they should not be ruthlessly sacrificed for the sake of a board getting some paltry rates. He considered that the man who grew shade trees was a benefactor to his country, and to say that that man's property should be invaded without any notice being given, and the timber cut down and carried away in that summary manner, was absurd. He trusted that the Postmaster-General would allow the clause to be struck out, as it did not give a man a chance of saving his property.

The POSTMASTER-GENERAL said he thought there was something to be said on the other side. They must recollect that it was not a new clause. They were not called upon to make a new remedy for divisional boards by the clause. The clause was taken from the Divisional Boards Act Amendment Act of 1882, clause 19,

which said that whenever the rates upon unoccupied property were unpaid a board might levy upon the timber. The object was to give boards a means of obtaining their rates. They had power to distrain by the chairman's warrant upon goods and chattels, and it would be straining the point to a great length to prevent them from going upon unoccupied property. That was the only remedy they had, and it could only occur where a man had nothing but unoccupied property to levy upon. Rates, as a general thing, were not a very serious matter; but the boards could not carry on their business without them. He did not think that the omission of the clause would have any good effect. Boards had power to seize goods and chattels and sell them by public auction, and there could be no objection to allowing them to enter upon unoccupied land if the ratepayer had nothing else to levy upon. There might be a good deal of dead timber which the board might sell to get the rates. He knew of a case of a paddock, not far from Brisbane, from which 18s. a week was obtained for allowing a man to have the privilege of taking away the dead timber, and by that means the rates were paid. That was the object of the clause.

The HON. F. T. GREGORY said there was much force in the arguments advanced by the Hon. Mr. Box, and supported by the Hon. Mr. Walsh, in regard to the destruction of handsome or valuable timber. Hon. gentlemen, however, had overlooked the fact that that was a Divisional Boards Bill and not a Municipalities Bill. In the case of a municipality the power given by the clause might be very serious, as it would cover planted trees that might be worth, as the Hon. Mr. Walsh said, a great deal of money. He hardly saw that the clause would act unfairly in the case of country land. The only thing upon the country land was timber, unless there was stone which might be removed. Timber was more readily got at, and would pay the rates, and those persons who did not care to protect their land by paying the rates justly deserved to suffer for it. He did not place as much value upon the clause as the Postmaster-General, and looked at the matter from about as interested a standpoint as anybody. As a member of a board he wanted to see revenue coming in, but still he thought the clause could be left out without any serious detriment to the Bill.

The HON. W. G. POWER said the clause could be very easily amended. The words "standing or" in the 2nd line might be omitted, and also the words "cut down and" in the 3rd line. The board would still be able to seize the dead timber; and amending the clause in that direction would suit just as well as striking it out.

The HON. W. D. BOX said half a loaf was better than no bread, and if the Committee decided to take away the power of cutting down timber, it would be better than nothing. There was nothing to be gained by keeping the clause in the Bill. He was pleading not for the owner of the land; but on behalf of the general public. Eucalyptus trees were valuable and were taken to Europe, and trees which might be hundreds of years old could not be replaced. The board would only gain a few shillings in rates, and he trusted that the Committee would consent to the omission of the clause. A clause they had just passed provided that instead of proceeding by distress and sale, the board might, if it thought fit, recover the rates in arrear from either the occupier or owner by complaint of the chairman before any two justices, or by action in any court of competent jurisdiction. Then clause 214 provided distinctly that the board, in order to recover rates, might take possession of the land and hold it as against any person interested therein, and grant leases of the same from time to time. Having those two clauses, he hoped the Committee would not give boards power to recover rates by destroying the timber growing on land. If they would not agree to omit the clause altogether, they ought to protect the timber standing on the land. If a man residing near such land wanted the timber he had only to cut it down, and then it was at the option of the State to remove it. What he (Hon. Mr. Box) wanted to do was to preserve the timber, which it would not be possible to replace for generations.

The HON. W. G. POWER said that the argument that anybody could come along and cut down the timber was not a good one, because anyone doing that would be a trespasser. However, he would move that the words "standing or" in the 2nd line be omitted, and, if that were carried, would afterwards propose the omission of the words "cut down and" in the last line of the clause. He now proposed the first amendment.

The HON. W. D. BOX said he should vote against the amendment, because he hoped to see the whole of the clause rejected.

The HON. W. H. WALSH: The hon. member can vote for both—vote for the amendment and then negative the clause.

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

The HON. W. G. POWER proposed that the words, "cut down and," in the last line, be omitted.

Question put and passed.

Clause, as amended, put; and the Committee divided:—

CONTENTS, 16.

The Hons. W. Horatio Wilson, W. H. Walsh, G. King, T. Macdonald-Paterson, A. C. Gregory, H. C. Wood, J. Swan, W. Pettigrew, F. T. Gregory, W. Aplin, A. Heron Wilson, J. F. McDougall, A. Raff, W. Graham, W. G. Power, and A. J. Thynne.

NOT-CONTENTS, 4.

The Hons. J. D. Macansh, W. D. Box, J. C. Smyth, and F. H. Hart.

Question resolved in the affirmative.

Clauses 208 to 245, inclusive, passed as printed.

The POSTMASTER-GENERAL said he proposed to move four new clauses to follow clause 245. The object of the first was to put a limit to the power of boards obtaining advances by way of overdraft, and to prevent them doing that to the extent that they did at the present time. The new clause was very simple, and read as follows:—

For temporary accommodation a board may obtain advances from any bank by way of overdraft of the current account. Provided that no such overdraft or accommodation shall, at any time, or under any circumstances, exceed the amount actually raised in the division by general rates in the year then last past.

He thought that from the returns which had been laid on the table of the House showing the advances which had actually been made to divisional boards, it was evident that there should be some check to prevent them incurring very extensive liabilities by way of advances from banks. He believed that hon. gentlemen would agree with him that the clause would be a very useful one, and that while giving boards ample power to obtain overdrafts for ordinary purposes it would

prevent them borrowing to such a large extent as might at some future time embarrass them very seriously. He moved the insertion of the new clause.

The HON. F. T. GREGORY said he thought the Postmaster-General should be congratulated upon having taken that matter in hand. It had been very forcibly pointed out by several hon. members on previous occasions, not only during the present but also during former sessions, that some boards were going far outside reasonable limits in regard to borrowing. If the penalty for over-borrowing fell on the shoulders of those who incurred the indebtedness one might not care so much about it, but seeing that the misdeeds of those boards who involved their constituencies in debt very often fell on the shoulders of the innocent, a clause like that was very desirable and necessary to protect the ratepayers of the various divisions of the colony.

The HON. A. C. GREGORY said the clause proposed, and the three clauses which were to follow, were nearly the same as clauses 232 and 233 in the Local Government Act, with the exception that, whereas in the Local Government Act provision had not been made to protect that part of the income which was mortgaged to the Colonial Treasurer, in order to secure the repayment of loans; such provision was made in those new clauses. They were, therefore, more stringent than the law with regard to municipalities under the Local Government Act. The Treasurer's rights with respect to the endowment for repayment of loans were not interfered with by the new clause.

New clause put and passed.

The POSTMASTER-GENERAL said the next clause he had to propose was taken from the 231st clause of the Local Government Act. In considering the new clause last passed, it was thought better to add a provision to the effect that if a board exceeded their powers they should be liable to a penalty; and the penalty proposed was that if a board borrowed money which they ought not to borrow, the members of the board should be personally liable for the repayment of the same with interest. He moved that the following new clause be inserted after the clause just passed, namely:—

If a board borrows any money which it is not legally bound to repay, all the members of the board who have consented to the borrowing of such money shall be jointly and severally liable to repay the same and all interest thereon to the person from whom the same was borrowed; and the same may be recovered from such members, or any of them, as money lent by such person to such members by action in any court of competent jurisdiction; but in no case shall such money be recoverable from the board, or be payable out of the divisional fund.

If any moneys are appropriated from the divisional fund for the purpose of repaying any money so borrowed, the members of the board who have consented to the misappropriation of such moneys for that purpose shall be jointly and severally liable to refund the same, with interest at the rate of eight per centum per annum, and the same may be recovered from such members, or any of them, by action in any court of competent jurisdiction, at the suit of any ratepayer or creditor of the division who, on recovery of the same, shall pay the amount recovered into the divisional fund, but shall be personally entitled to full costs of suit.

Clause put and passed.

The POSTMASTER-GENERAL said the object of the next new clause was to provide that boards borrowing illegally should be liable to a penalty. Under it if a board borrowed money which it was not legally bound to repay, or attempted to bind itself or its successors to pay any money borrowed after the commencement of the Bill which it was not legally bound to repay, every member of the board who consented to the borrowing would be liable for the repayment of the money, and to a penalty not exceeding £200. That provision was taken from the 279th section of the Local Government Act. He moved that the following new clause be inserted after the clause last passed, namely:—

When a board borrows any money which it is not legally bound to repay, or when a board purports or attempts to bind itself or its successors to pay any money borrowed after the commencement of this Act which the board is not legally bound to pay, every member of the board who consents to such borrowing or to such purporting or attempting to bind shall for every such offence, in addition to any liability to repay such money, be liable to a penalty not exceeding two hundred pounds, which may be recovered with full costs of suit by any person who may sue for the same in any court of competent jurisdiction. Any money so recovered shall be retained by the plaintiff for his own use.

Clause put and passed.

Clauses 246 to 252, inclusive, passed as printed.

On clause 253—"*Gazette* notice to be published before borrowing"—

On the motion of the POSTMASTER-GENERAL, the words "other than is provided for by section 246" were inserted after the word "money" in the 1st line, and clause, as amended, put and passed.

Clauses 254 to 269, inclusive, passed as printed.

Clause 270 agreed to with a verbal amendment.

The remaining clauses of the Bill were passed as printed.

Schedules 1, 2, and 3 passed as printed.

On the motion of the POSTMASTER-GENERAL, the consideration of schedule 4 was postponed.

Schedule 5 passed as printed.

Schedule 6, on the motion of the POSTMASTER-GENERAL, was amended by the omission of the words "standing or," near the end; and, as amended, put and passed.

Schedules 7 and 8 were amended on the motion of the HON. A. C. GREGORY, by the substitution of the words "three months" for the words "one month" in the last paragraph of each respectively.

Schedule 9 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 to 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. J. D. MACANSH said it was not stated in that clause at what age a ratepayer was competent to become a member of a board. In clause 28 it was stated that a ratepayer must be the full age of twenty-one years before he was entitled to vote. He, therefore, moved that clause 15 be amended by inserting after the word "person," in the 1st line, the words "of the full age of twenty-one years."

Amendment put and passed,

The HON. F. T. GREGORY moved that the words "before noon on," in the 2nd line of the 2nd paragraph, be omitted, with the view of inserting the words "seven clear days before."

Amendment agreed to.

The HON. F. T. GREGORY moved that the word "district," in the same paragraph, be omitted with the view of inserting the word "division," and said the reason for proposing that amendment was, as he stated on a former occasion, that the word "district" was not appropriate.

Amendment agreed to; and clause, with further consequential amendments, put and passed.

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. F. T. GREGORY moved that the words "before noon on," in the first proviso, be omitted with the view of inserting the words "seven clear days before."

The POSTMASTER-GENERAL said that was a very serious alteration. The object of the Bill was that persons should be able to pay their rates up to the day of nomination, and that had been found very convenient, and a means of obtaining rates that would not have been paid under other circumstances. If they limited the time, and provided that rates must be paid seven days before the date of nomination, in order to entitle a person to vote, he thought that would work inconveniently, and that divisional boards would not be able to obtain rates that would otherwise be paid. For instance, a man coming in from the country on the day of nomination to see about the election would have an opportunity of paying his rates which he probably would not have under other circumstances; but if the rates were to be paid seven days before the date of nomination it would probably prevent the boards collecting arrears, which they would be able to obtain under the clause as it now stood in the Bill.

The HON. F. T. GREGORY said he thought the clause would have quite the contrary effect to that anticipated by the Postmaster-General, because if it was left to people to pay their rates on the last day it would be impossible to get in the rates at all before the election, and it would embarrass the returning officer and the clerk of the division if everything was left to the last two or three days. Supposing twenty or thirty voters came in to pay their rates at once, how could they attend to them and perform their other functions at the same time? His original intention in proposing to amend the clause was to make the period longer; but in deference to the opinion of others, who thought that a week would be sufficient, he had restricted the time to the shortest reasonable limit, and he thought the Committee would act wisely in accepting the amendment.

The HON. J. D. MACANSH said he quite agreed with what had fallen from the Hon. F. T. Gregory with regard to the payment of rates. He thought the effect of the amendment would be that rates would be paid much more regularly than under the clause as it stood, which fixed the day of nomination as the time up to which a ratepayer might pay his rates in order to be entitled to vote. There were many ratepayers who would wait to see who was nominated, and whether there was likely to be any opposition, and if they found there was not, the probability was that they would not pay their rates on the day of nomination; but seven days before the nomination they would not know whether there would be any opposition, and in order to qualify themselves to vote they would come forward and pay their rates. He would have been better pleased had the amendment fixed the 31st December as the time when the rates should be paid, instead of seven days before the day of nomination, because the former arrangement would have given a longer time to make preparations for the election, and to have the list of ratepayers qualified to vote made out. But even seven days was very much better than leaving it till the day of nomination.

The HON. F. T. GREGORY said he would like to add that he had intended to adopt the view expressed by the last speaker, but if he had done so the amendment would then refer to annual elections, and his object in proposing the present alteration to the clause was to make it applicable to all elections, whether they took place in the middle of the year or at any other time to fill extraordinary vacancies. Under the amendment which had already been made in the measure, there would be two annual elections, one in January and the other in July, and there would also be extraordinary elections at some time or other, all of which would be met by the proposed amendment.

The HON. A. C. GREGORY said he would like further to point out that under the Local Government Act in the case of municipalities, eighty or eighty-five days elapsed between the preparation of the ratepayers' list and the annual elections, so that, compared with that, seven days was a comparatively short period. In municipalities rates had to be paid by the 1st November in order to entitle a person to vote, and the elections did not take place until past the 20th January.

Amendment put and passed.

The HON. F. T. GREGORY moved that the words "the land in respect whereof he claims to vote," in the first proviso, be omitted, with the view of inserting "all land within the division for the payment of which he is liable."

The POSTMASTER-GENERAL said he thought the amendment would be likely to lead to some difficulty. If adopted, a man who had several properties in a division, and who happened to have paid very little less than the whole amount of his rates due by him to a board, would

be disqualified from voting. It was a question for the Committee to consider, whether they wished to disqualify a man under circumstances of that kind. The clause stated very carefully that if a man paid all sums due in respect of any rates on the land in respect whereof he claimed to vote, then he should be entitled to vote; so that if he had land in different parts of the division and he claimed to vote in respect of any of those lands, and had paid the rates on them, he would be allowed to exercise the franchise; whereas, if the amendment were carried, and he happened to have omitted to pay a small sum on one particular piece of land in the division, he would be disqualified from voting.

The HON. F. T. GREGORY said the Postmaster-General had overlooked the other side of the question, that a man who owed £10 in rates, and who had one piece of land on which he had to pay 5s., would pay the smaller sum and be qualified to vote. It was to avoid circumstances of that kind which had already occurred, and to enforce an honest ready payment of rates due, that the amendment was proposed.

Amendment put and passed.

The HON. A. C. GREGORY said he had another amendment. He proposed to omit the words "notwithstanding that he is entitled to a larger number of votes in respect of land within the division or subdivision," in the second proviso. The fact of the matter was that in compiling the Bill, with a variety of others, the words got in accidentally. The words were either meaningless or contrary to the intention of the Bill.

Amendment agreed to.

The HON. A. C. GREGORY said that he proposed to insert the words "within sixty days from the making of a rate" after the word "occupier" in the last line but one of the clause. Although the clause said that the owner might pay, and thereby acquire the vote, there was nothing specified as to how soon after the rate was made he might oust the occupier, and become the voter himself. Sixty days was the time given in another part of the Bill for the payment of rates by the notice preceding distress, and he thought that would be a convenient period within which the occupier should have a right to pay up. If he left it over sixty days the owner would have a right to pay the money and record his vote; but at any time after sixty days, if the rates had not been paid, whichever was quickest in paying up would be entitled to the vote. It was indispensable to decide within what period the occupier would have what he might term a pre-emptive right to the vote. He therefore moved that the words he had mentioned be inserted after the word "occupier" in the last line but one of the clause.

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

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 what was called a ratepayers' list by the clause ought to have been called an electoral list, for he found that a list of all ratepayers must be kept in the book and their names inserted from time to time. It was really an electoral list, and being such there was too much power given to the chairman. The chairman might cause lists to be made out, but there was no provision made for revising those lists. He therefore intended to propose several amendments. The first was in the 1st line of the clause, where he proposed to substitute the words "not later than the 30th June and the 31st December in each year" after the word "shall." Further on, in the 3rd line of the clause, he proposed to insert after the word "persons" the words "who are qualified to vote at elections," and then again on the 7th line, after the word "list," he proposed to insert, "and shall be revised by the members of the board at a special meeting to be held in a fortnight after the list has been completed." He now moved that the words "from time to time" be omitted.

Question—That the words proposed to be omitted stand part of the question—put and negatived.

The HON. T. MACDONALD-PATERSON said he would like the hon. gentleman to say whether the nature of the amendments had been intimated before. No reason had been given for such a change, which would be an incumbrance to the Bill. The words proposed to be inserted, he understood, would have the effect of causing two lists to be prepared per annum. Of course he had only heard the words, and that showed the disadvantage they laboured under in not having amendments printed and circulated. It was a very good thing to adhere to the plan that any amendments other than those of a verbal nature, should be circulated at least one day before they came before the Committee. He regretted very much that he should have to oppose the amendment until he had had an opportunity of considering the effect of it. They must not hamper the operations of the executive of local authorities, and the amendment would have that effect. He hoped the Hon. Mr. Macansh would allow the matter to stand over.

The CHAIRMAN: The words have been omitted.

The HON. T. MACDONALD-PATERSON said he was endeavouring to grasp the matter whilst the hon. gentleman was speaking. He did not think they should hastily alter a clause in a Bill, every clause of which had been most carefully scrutinised and analysed by many minds anterior to its reaching that Chamber. Possibly the amendment might be a very desirable one, but at present he failed to see the effect of it.

The HON. J. D. MACANSH said he would like to have the Chairman's ruling as to whether the words he proposed to be inserted were passed or not. It appeared to him that they were.

The HON. SIR A. H. PALMER said he would intimate to the Hon. Mr. Macdonald-Paterson that it was not the duty of that House to take into their consideration what had been done in connection with Bills in other places. He thought it was the special duty of the Legislative Council to weigh every word in a Bill and correct where they saw correction was wanting, no matter how many parties' hands the Bill might have gone through before it reached them. He looked upon it as the special duty of the Council to revise every Bill that came before it.

The HON. T. MACDONALD-PATERSON said he must have used some phraseology other than what he intended if he gave that impression to the Hon. Sir A. H. Palmer, because he was referring to no other place whatever; in fact his mind was running on the framers of the Bill,

and not upon what had been done in another place at all in regard to it, because he was quite ignorant of anything that had taken place there.

The HON. W. APLIN said he was afraid the proposed alteration would be scarcely a desirable one, because if the ratepayers' list were made up to the 31st December it would not be a correct list at the day of election, the ratepayers having power to pay their rates up to seven days preceding the nomination day; therefore the clause had better remain as it was.

The POSTMASTER-GENERAL said he would point out that the clause was exactly the same as clause 33 of the Bill passed by the Council last session. He quite agreed with what had fallen from the Hon. Mr. Aplin, that the amendment would cause confusion, as it would necessitate half-yearly lists, besides giving the boards the trouble of making out two lists; and as parties had a right to pay their rates up to seven days before an election it would not be correct. He should prefer to see the clause in its present form.

The HON. J. D. MACANSH said he thought the discussion was very irregular. They had not had the ruling of the Chairman yet as to whether the words were passed on the voices.

The CHAIRMAN said the question was that the words "not later than the 30th June and the 30th December" be inserted.

The HON. W. PETTIGREW said the amendment would cause a great deal of extra labour, and he could see no need for it. The board with which he was connected had a very small number of meetings in a year, and two extra ones would certainly give a great deal of trouble. Some men who attended the meetings had to travel many miles, and it would be asking a great deal to expect them to come to two extra meetings in a year. He did not see the use of having the lists made up twice in the year.

The HON. J. D. MACANSH said there were several qualifications that were required of ratepayers before they were entitled to vote. One was that they should be twenty-one years of age, and if the ratepayers' list were taken as an electoral list, a lot of persons would vote who were not qualified to do so. It was absolutely necessary that an electoral list showing the ratepayers who were qualified should be made out at some time or other. It would not matter whether it were made out on the 31st December or the 30th June, or only seven days before the election when all ratepayers must have paid their rates, or otherwise they would not be entitled to vote. He was willing to alter the time to seven days before the election. If such a list were not made out there would be many votes recorded by ratepayers who had no qualification to vote under the Bill. He proposed that the lists should be made out twice in the year, because there might be an election during the year; but generally there was only the annual election, so that once would be sufficient, or seven days before the election. He was willing to withdraw his amendment and alter it in that way.

The HON. T. MACDONALD-PATERSON said he could see now that the Hon. Mr. Macansh was under a misapprehension in respect to the intention of that ratepayers' list. The clause really had no connection with the qualification for voting. The object of the clause was that any ratepayer might go to the divisional board chambers and get what information he wished in respect to the owner or occupier, and the value upon which the land was liable to be rented. Incidentally, the list would be of use to the town clerk and the returning officer in ticking off those whose rates had been paid; but the first object of the clause was simply to give business information to any ratepayer seeking it, and offer a facility which had not hitherto been given for acquiring that information.

The HON. A. C. GREGORY said if hon. gentlemen looked at the matter in a practical shape they would take a modified view of it. The fact was that one part of the ratepayers' list would be nothing more or less than an alphabetical list taken from the rate-book. The clerk would have to make out an alphabetical list in which the owners would be put down alphabetically, and another in which the occupiers would be put down alphabetically. It would take some time to make up those lists, but it would be merely a clerical question, and not one of discretion. Therefore he thought the clause as it stood would answer the purpose. As they had left out certain words, he did not see that there could be any objection to inserting words to the effect that the chairman should cause a list to be made out seven days befor the annual election, and in that list would be shown all those who had paid and were qualified to vote. As regarded the question of payment, they had given seven days before the nomination for them to pay in, and during those seven days there would be an interval in which the list could be compiled, and it would be available to the day of nomination, to all the ratepayers and the public generally.

The HON. F. T. GREGORY said he would add to what had been already said, that, practically, a list was made out of all the ratepayers in the district once a year, and they would have to print as many copies of it as there were ratepayers in the district. When an election was going on they got a copy of that list and drew a red line through the names of all ratepayers who had not paid their rates. That was a simple and practical way, as far as his knowledge went, of working the system in the country.

The HON. J. D. MACANSH said that, with the consent of the Committee, he would withdraw his amendment in order that he might propose it in an altered form.

Amendment, by leave, withdrawn.

The HON. J. D. MACANSH moved that after the word "shall," in the 1st line of the clause, there be inserted the words "during the seven days prior to the day of nomination for the annual elections."

The HON. P. MACPHERSON said he was almost sorry that that clause was ever interfered with, as the more he had listened to the arguments on both sides of the question, the more convinced was he that the clause was far better in its first form. He regretted that the words omitted had been struck out, and would be glad to see them restored

The POSTMASTER-GENERAL said he did not like the insertion of the proposed words, "during the seven days before the day of nomination for the annual elections," any more than he did the words, "not later than the 30th June and the 31st December in each year." He thought the clause was altered to such an extent that if they inserted those words they would make it unintelligible. The clause was very simple, and the only object of it was that a ratepayer should be able to see a list of the ratepayers, with the other particulars specified in the clause, made out in alphabetical order, instead of having to go to the clerk of a board and hunt through the rate-book to find out whether his name was on the list. In his opinion,

it was a very great pity that the clause had been interfered with. As to inserting the words that had been struck out, that would be a very easy matter, and he hoped the amendment would not be pressed.

The HON. T. MACDONALD-PATERSON said he would point out to the mover of the amendment that if he looked at the clause a little further down he would see what was the intention of the framers of the Bill. The clause stated that—

"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."

That was, that every ratepayer should have free access to a *précis* of the rate-book showing who were the owners or occupiers of lands within the division, and the area, value, and assessment of those lands. That was what the clause was intended for, and it would be seen that it was desirable that the list should be made out from time to time; that it should be corrected from month to month, as property was always changing hands. Sometimes an allotment changed hands twice in the same day; and it is usual for the vendor or purchaser to give notice of the change of ownership to the local authority. Supposing the clause was amended by the insertion of the words proposed, and the list was prepared seven days before the annual elections, what use would that list be for a by-election to fill any vacancy caused by resignation, death, or forfeiture of a seat? It would be of very little use in such a case, and the chairman would not be able to prepare fresh lists, because the amendment made it imperative that he should prepare the lists seven days before the annual elections, while the clause as it stood enabled the chairman to direct the clerk to prepare or make out a list as often as circumstances required.

The HON. J. D. MACANSH said that if the list referred to was not intended to be an electoral list, he did not know what was the use of it, because a ratepayer could easily ascertain by application to the clerk of the board whether his name was on the ratepayers' list or not. But he did not think that any ratepayer cared whether his name was down or not, unless it was for the purpose of ascertaining whether he was qualified to vote. He could easily find out whether his rates were paid or not. By clause 203 it was provided that the name of every ratepayer should be entered in the rate-book, and from that book the clerk could, in a few minutes, inform any ratepayer whether his name was or was not entered on the list. He (Hon. Mr. Macansh), therefore, could not see that clause 32 was intended for anything else but the preparation of an electoral list—a list of those who were entitled to vote; and by the Bill all ratepayers were entitled to vote, with the exception of those under twenty-one years of age and those who had not paid their rates seven days before the day of nomination. His object in moving the amendment now under discussion, was to have a correct list made out before the elections, showing what ratepayers were entitled to vote; and unless the amendment was passed he did not see how such a list was to be provided for. He was quite willing to alter the amendment in such a way as to make it applicable to by-elections as well as to annual elections, and that, he thought, would meet the objection raised by the Postmaster-General. If the clause was not intended to provide for an electoral list, then there could be no reason for retaining it at all; it was of no use, and might just as well be struck out.

The HON. T. MACDONALD-PATERSON said that if the hon. gentleman looked at a previous clause he would see that it was the rate-book which was to show who was entitled to vote, not the "ratepayers' list." It was those whose names "appear in the rate-book" who were entitled to vote, and not those appearing on the "ratepayers' list." The list was only prepared for the purpose of furnishing an epitome of the information specified in the clause that would be open to every ratepayer, and also for the purpose of saving the time of the clerk. Two or three copies would probably be hanging in the office on the wall. The hon. gentleman would, therefore, see that it was the rate-book which would decide who was entitled to vote and not the ratepayers' list.

Question—That the words proposed to be inserted be so inserted—put, and the Committee divided:—

CONTENTS, 3.

The Hons. J. D. Macansh, A. Raff, and W. Graham.

NOT-CONTENTS, 11.

The Hons. W. Horatio Wilson, F. T. Gregory, J. F. McDougall, A. C. Gregory, G. King, P. Macpherson, T. Macdonald-Paterson, W. G. Power, W. Pettigrew, W. Aplin, and H. C. Wood.

Question resolved in the negative; and clause, as amended, put and passed.

The fourth schedule—"Form of rate-book"—was verbally amended to make it correspond with a similar schedule in the Valuation Bill.

Preamble passed as printed.

On the motion of the POSTMASTER-GENERAL, the House resumed, and the CHAIRMAN reported the Bill with further amendments.

The POSTMASTER-GENERAL moved that the President leave the chair and the House go into committee for the purpose of reconsidering clauses 32, 41, and 70.

The HON. J. D. MACANSH: I beg to move that clause 16 be added.

The PRESIDENT: That can only be done with the consent of the Postmaster-General.

The POSTMASTER-GENERAL: I cannot consent to it.

Question put and passed.

On clause 32—

The POSTMASTER-GENERAL moved that the words, "from time to time" be inserted after the word "shall" in the 1st line of the clause.

Question put and passed.

On clause 41—"Nomination"—

The HON. A. C. GREGORY said the clause was amended last night by the addition of the words, "provided that the Governor in Council may direct that in any specified division the election shall be held in July instead of in January." But no provision was made for what was to happen in regard to the boardsmen who had been elected until January. What were they to do between January and July? He proposed to add to the amendment made yesterday the words, "and in such cases the terms for which the existing members of the board have been elected shall be extended six months." Some provision should be made for keeping the members in office from the ordinary election in January till the succeeding July.

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

On clause 70—"Questions to be put to voters at all other elections"—

The HON. J. D. MACANSH said there was one most important question omitted from amongst those which the presiding officers were

authorised to ask, and that was the age of the ratepayer who wished to record his vote. He proposed to insert the following question after the first :—

"Are you of the full age of twenty-one years?"

He thought that would meet the case.

Amendment agreed to.

The HON. A. C. GREGORY moved that the words "and second" be inserted after the word "first" in the 2nd line of the last paragraph of the clause.

Amendment agreed to.

On the motion of the HON. A. C. GREGORY, the word "third" was substituted for the word "second" in the next line.

Clause, as further amended, put and passed.

On the motion of the POSTMASTER-GENERAL, the House resumed; the CHAIRMAN reported the Bill with further amendments, and the report was adopted.

The POSTMASTER-GENERAL moved that the third reading of the Bill stand an Order of the Day for Wednesday next.

The HON. J. D. MACANSH : I beg to move that the Bill be recommitted for the purpose of further considering clause 16.

The PRESIDENT : The hon. gentleman is too late. I waited for him to propose his amendment, but he did not do so, and the report of the Chairman has been adopted.

The HON. J. D. MACANSH : I am sorry that my ignorance——

The PRESIDENT : I gave the hon. gentleman ample time, and thought that he had changed his mind. Before the report was adopted he could have recommitted the Bill twenty times if he had had a majority of the House with him. The report, however, has been adopted by the House, and the question now is, that the third reading of the Bill stand an Order of the Day for Wednesday next.

Question put and passed.

REFRESHMENT ROOMS COMMITTEE.

The HON. W. GRAHAM brought down the report of the Joint Parliamentary Refreshment Rooms Committee and moved that it be printed.

Question put and passed.

LOCAL GOVERNMENT ACT OF 1878 AMENDMENT BILL.

SECOND READING.

The POSTMASTER-GENERAL said : Hon. gentlemen,—This Bill to further amend the Local Government Act of 1878 is based upon the endowment clauses which have just been passed in the Divisional Boards Bill. Clause 3 in this Bill is almost the same as clause 222 of the Divisional Boards Bill, and I do not think it will be necessary for me to go fully into the Bill, because we have already had the subject under discussion, and the principle has been affirmed. There is an alteration in clause 6 which I will ask hon. gentlemen to give their attention to. By this Bill, if the number of votes given against a loan is greater than the number of votes given in favour of the loan, the Council shall be forbidden to proceed further with the loan. This is an alteration of the law as it at present stands. I will now merely move the second reading of the Bill.

Question put.

The HON. F. T. GREGORY said : Hon. gentlemen,—At this stage of the measure before us, I intend to adopt very much the same principle as that followed by the Postmaster-General, and that is not to enter into the details of the Bill generally; but to point out what I see to be the one most grave and objectionable feature in it. The clause I refer to is the sixth, which provides—

"So much of the two hundred and twenty-third section of the Local Government Act of 1878 as is contained in the words—

> And the council shall be forbidden to proceed further with such loan if the number of votes recorded against the loan forms one-third of the total number of votes for which voters are recorded on the voters' roll of the municipality :

is hereby repealed, and the following enactment is substituted therefor, that is to say—

"If the number of votes given against the loan is greater than the number of votes given in favour of the loan, the council shall be forbidden to proceed further with the loan."

The reason why I strongly object to this alteration is, that I think nearly every gentleman present here must be fully cognisant of the fact that when loans are proposed the parties most deeply interested in carrying them out consist of two classes, one the well-to-do class who wish to have some work performed which would benefit them individually or collectively, and the other, and by far the most numerous, the class who are only too glad to have money expended in the locality. We perfectly well know that if it is to be left to simply one-third, the real ratepayers who are most deeply interested will be sure to be out-voted. The interests, as we all know—and it is only natural that it should be so—of the class who derive benefit from the performance of the work would lead them to roll up and vote for the loan; but they have no great stake in the place beyond getting as much money as they can and occupation, while the vote of those who really bear the burden of taxation will be reduced to one in three. I look upon it as a particularly objectionable feature in the measure, and I think when it goes into committee if hon. gentlemen will look at it in the light I do—and I do not see what other light they can look at it—they will object to the alteration. A great deal more might be said upon this point, but I will defer my remarks until the Bill is in committee. In other respects I am prepared to see the Bill pass its second reading.

The HON. W. PETTIGREW said : Hon. gentlemen,—I have failed to pick up the Hon. Mr. Gregory's reason why he objects to this Bill. I can see the enormous objections that may be urged against the law as it now stands, and if the arguments which the hon. gentleman used against this measure were applied to the existing law, I could understand his arguments, but I cannot see how they are applicable to this proposed alteration in the law. It is a positive fact that you have to get one-third of the ratepayers in a municipality to oppose a loan before it can be stopped. I once tried to stop a loan in Brisbane—a most iniquitous loan, in my estimation—but all I could do was to demand a poll, and as I did not get a sufficient number of ratepayers to vote against the proposed loan it was obtained. To get one-third of the votes of those who are entitled to vote is no small matter. As I said before, it passes my comprehension why the hon. gentleman should object to the alteration which will be made in the law by this Bill. If he used his argument in favour of the alteration I could understand him better. I consider the alteration is a very good one indeed.

The HON. F. T. GREGORY said: Hon. gentlemen,—With the permission of the House I would just say that the hon. member has perfectly misunderstood the clause. If he will be pleased to read it again, he will see he has been arguing in favour of my view of the matter.

The HON. W. PETTIGREW said: Hon. gentlemen,—With the permission of the House I wish to say a word or two in reply to the hon. gentleman. The 6th clause in this Bill provides that—

"If the number of votes given against the loan is greater than the number of votes given in favour of the loan, the council shall be forbidden to proceed further with the loan."

That is, a majority can prevent the local authority proceeding with the loan. Under the present law one-third of the ratepayers are required to vote against a loan before it can be stopped, and it is nearly impossible to get that number.

The HON. A. C. GREGORY said: Hon. gentlemen,—As the law now stands, you must get the vote of one-third of the total number of voters on the roll. That means a very different thing from one-third of those who would vote on the question, because we seldom find that more than two-thirds of those who are qualified vote. The words of the existing law are :—

"And the council shall be forbidden to proceed further with such loan if the number of votes recorded against the loan forms one-third of the total number of votes for which voters are recorded on the voters' roll of the municipality."

Then what is to be substituted for that is—

"If the number of votes given against the loan is greater than the number of votes given in favour of the loan, the council shall be forbidden to proceed further with the loan."

Having regard to the average number of voters who exercise the franchise at an election there would practically be no alteration, as usually only about two-thirds of the voters do vote on a question of this kind if it is really an important one. If one-third of the votes for which voters are recorded on the voters' roll vote against the loan it cannot be proceeded with. That is the existing law. But I think we ought decidedly to go further than the proposed amendment, and modify it by saying that if the number of votes recorded against the loan form one-third of the total number recorded for the loan, then the council shall be forbidden to proceed with it. Instead of it being that a bare majority should forbid the raising of the loan, I think a one-third minority should be sufficient for that purpose. We are all prone to grasp at loans at every opportunity, and I therefore think it would be very much better to put greater restrictions upon the obtaining of loans than are proposed. I would not forbid them altogether, because loans are required sometimes; but we should, in my opinion, act wisely in lowering the number of ratepayers necessary to forbid a local authority proceeding with a loan. I think this is the only part of the Bill that will require our special care and attention when we get into committee.

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

ADJOURNMENT.

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