Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 31 OCTOBER 1901

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The SPEAKER (Hon. Arthur Morgan, *Warwick*) took the chair at half-past 3 o'clock.

PAPERS.

The following paper, laid on the table of the House, was ordered to be printed:—Return to an order, relative to retrenchment among lengthsmen on railways, made by the House, on motion of Mr. Browne, on the 23rd instant.

The following paper was laid on the table:—Return to an order, relative to deaths by falling into asphits on Charters Towers, made by the House, on motion of Mr. Dunsford, on the 17th instant.

QUESTIONS.

SPECIAL TRAINS FOR CHIEF MECHANICAL ENGINEER.

Mr. JACKSON (*Kennedy*) asked the Secretary for Railways—

1. How many times has the Chief Mechanical Engineer visited the railway workshops at Ipswich since the cancellation of his special train?

2. How many men and boys are employed in the railway workshops at Ipswich?

3. What would be the total cost of each special train used by the Chief Mechanical Engineer between Brisbane and Ipswich, if calculated at per train mile according to table No. 16 and Return E accompanying the last Report of the Railway Commissioner?

4. What is the usual charge made by the Railway Department for a special train between Brisbane and Ipswich?

The SECRETARY FOR RAILWAYS (Hon. J. Leahy, *Bulloo*) replied—

1. Six.

2. Four hundred and fifty-five men and ninety boys.

3. £4 16s. 10d.

4. £9, exclusive of the fares of passengers.

WORKMEN'S COMPENSATION BILL.

Mr. RYLAND (*Gympie*), without notice, asked the Attorney-General—

When will the Workmen's Compensation Bill be introduced?

The ATTORNEY-GENERAL (Hon. A. Rutledge, *Maranoa*) replied—

I am hard at it now, and hope to have it ready very shortly.

MEMBERS of the Opposition: Hear, hear!

INSPECTION OF EXPLOSIVES.

Mr. CAMERON (*Brisbane North*) asked the Secretary for Agriculture, for the Secretary for Mines—

1. Is he aware that within the last two years the inspection under the British Explosives Act of continental explosives intended for use in British colonies has been discontinued?

2. Is he aware that explosives made in Great Britain are manufactured under the British Explosives Act of 1875 and Orders in Council; that Government supervision is exercised over the selection of raw material used in their manufacture; that Government inspectors test them during manufacture, and afterwards when packed and ready for shipment?

3. Is he aware that no Act similar to the British Explosives Act, nor any modification of it, is in force on the continent of Europe for the regulation of the manufacture of explosives intended for use in the British colonies, and that no Government inspection is exercised as to the selection of raw material on the Continent?—That no Government examination of the finished explosive compounds is made under any Act similar to British Government supervision, nor any corresponding test?

4. Will he instruct the Queensland Government Mining Inspector at Charters Towers, and elsewhere, to report with reference to the effect of explosives manufactured on the Continent on the health and safety of the men employed in deep levels?

The SECRETARY FOR AGRICULTURE (Hon. D. H. Dalrymple, *Mackay*) replied—

Inquiries are being made, and I shall be able to hand the reply to the hon. member to-morrow.

FRAUDULENT INTRODUCTION OF CHINESE IMMIGRANTS.

Mr. LESINA (*Clermont*) asked the Treasurer—

1. Has he received any communication through the Home Secretary's Department referring to frauds perpetrated by certain Chinese merchants in Brisbane in bringing into Queensland "new chum" Chinese, male and female, on "return permits" of other Chinese?

2. Is it his intention to take action in the matter complained of; and, if the facts warrant it, cause the guilty persons to be prosecuted?

The TREASURER (Hon. T. B. Cribb, *Ipswich*) replied—

1. A letter from a Chinese missionary was sent to the Home Secretary containing certain charges against a Chinese merchant. I wrote to the missionary asking him to call and furnish further promised particulars, but he has not yet done so.

2. If the particulars revealed bear what I consider reasonable evidence, the matter will at once be referred to the Crown Law Office for such action as may be necessary.

PARLIAMENTARY DEBATES.

ALLEGED INACCURACY—INTERPOLATION OF WORDS.

REPORT OF SELECT COMMITTEE.

Mr. BELL (*Dalby*) presented the report of the select committee appointed to inquire into the alleged inaccuracy in *Hansard*, and moved that the paper be printed.

Question put and passed.

MINING ACT AMENDMENT BILL.

SECOND READING.

Mr. JENKINSON (*Wide Bay*): It was my intention to have moved the second reading of this Bill this afternoon, but I doubt the wisdom of following such a course after the notice which has been given by the Secretary for Agriculture, who is acting on behalf of the Secretary for Mines.

Mr. LESINA: The same method as was taken with the Workmen's Compensation Bill—to shelve both.

The ATTORNEY-GENERAL: You have no right to say any such thing.

Mr. JENKINSON: It is with a certain degree of satisfaction that I realise that I have prodded the Government at last to take action in this most important matter. The importance of it is apparent to all those who have taken an active interest in the mining industry, and I am very glad that at last the Government have seen their way to turn their attention from syndicates and others and pay a little attention to this most important industry. What their Bill will be of course we do not know. I hope, at all events, that it will be a comprehensive measure such as we who represent mining communities and constituencies have a right to expect. Promises have been made by the Government at various times to introduce such a measure. Although Queensland has so far occupied rather an invidious position with regard to this particular subject, yet "it is never too late to mend," never too late to start in the right direction, and we shall all await with interest the

Bill of which the Secretary for Agriculture has given notice. With regard to the interjection made by the hon. member for Clermont, I do not know that I can altogether endorse it. I am only too pleased to congratulate the Government that at last they have seen the advisableness and wisdom of bringing down such a Bill as they propose to introduce.

Mr. BROWNE: For the second time.

Mr. JENKINSON: For the third time.

The SECRETARY FOR AGRICULTURE: Where does the prodding process come in?

Mr. JENKINSON: I will tell the hon. gentleman. It will be within the recollection of hon. members that in 1898 a mining commission was appointed, and that one of their strongest recommendations was that at an early date a Mining on Private Property Bill should be introduced. They gave very cogent reasons why this action should be taken, and I had intended to refer to those reasons, but it is no use detaining the House by doing so now. Then in 1899, in the Governor's Speech, the Government promised, among other measures, a Bill to provide for mining on private property. On the 16th August, 1898, *Hansard*, page 209, the Secretary for Mines stated, in reply to the hon. member for Kennedy, that it was the intention of the Government to introduce such a Bill. On the 10th of October, 1900, *Hansard*, page 1247, the Minister said, in reply to a query of mine, that the Government intended to bring forward such a measure that session. None of those promises has ever been complied with, consequently when I saw that the Government did not intend to take any action, I gave notice of my intention to introduce the Bill I have in my hand this afternoon. The Government have made three promises, and they have not fulfilled any of them. Therefore it was within the privilege of any hon. member to endeavour to do something to get a measure of this sort placed on the statute-book of the colony, particularly as this is the only State on the mainland of Australia which has no such Act embodied in its statutes. Victoria passed a Mining on Private Property Act on the 25th of November, 1884; New Zealand on the 18th of August, 1886; South Australia on the 8th of December, 1888; New South Wales on the 11th of June, 1894; and Western Australia on the 28th October, 1898. So that the mining people of Queensland, and all those who take an interest in the great mining industry, have a perfect right to expect some consideration from the Government in this matter. I have previously said from my place in the House, and also in other places, that it does not matter to me from where a measure comes that I consider will be beneficial to the State. Consequently, now that the Government have given notice of their intention to introduce a Bill to provide for mining on private lands, I shall be only too happy to assist them in passing that measure, and in making it as workable as possible. Under the circumstances I do not think it is advisable to detain the House any further on this matter at present, and I ask permission to withdraw the Bill.

The SPEAKER: As the Order of the Day is for the second reading of the Bill, the proper course for the hon. member would be to move that the Bill be now read a second time.

Mr. JENKINSON: A I understand that the proper course is to move that the Bill be read a second time, and let it be negatived, I now formally move the second reading of the Bill.

The SECRETARY FOR AGRICULTURE (Hon. D. H. Dalrymple, *Mackay*): I agree with the hon. member that in view of the introduction by the Government of a Bill dealing with mining on private property he is acting wisely in asking the House not to proceed with his Bill; and I think that when the Government Bill is brought forward it will be found to be on the whole likely to be more beneficial to the mining industry than the one introduced by the hon. member. I don't know that I should have been disposed to say much on the matter—I am not disposed to say much as it is—except in reference to the statement the hon. member thought fit to make that the introduction of the Government measure was owing in some way to prods which the hon. member had found it necessary to make. Though the hon. member is leader of a party in this House, and is always ready to take credit to himself whenever he can, I venture to say it is notorious that his prods have been comparatively insignificant, and I entirely join issue with him when he says that the Government Bill is being introduced in consequence of anything the hon. member may have done. A good many portents have been observed in the world at various times, and persons who happen to be born at those particular times, according to Shakespeare, sometimes have taken credit to themselves and consider that the discolouration of the sky, for instance, was owing to their being born just then—quite an illusion on their part. If the hon. member had not been in existence at all the creation and introduction of the Government Bill would have taken place all the same. The hon. member's Bill is a copy of the Bill which has been in possession of the Government a very long time, and which it is proposed to introduce, and under the circumstances it is very singular that the hon. member takes credit for having got the Government to introduce at last a Bill when he seems himself to have taken possession of legislation previously in possession of the Government.

Mr. JENKINSON: Failing you moving in the matter.

The SECRETARY FOR AGRICULTURE: It seems to me that his memory is not sufficient with regard to past events. It is certain that if a very great deal of talking goes on as occurred last session or the year before—if the most open deliberate stonewalling goes on—it is not right to charge the Government with any delay in bringing forward legislation which is delayed in consequence of the absorption of time by hon. members. If delay has occurred it has been unavoidable as far as the Government are concerned.

Mr. JENKINSON: There is plenty of time for syndicate railways.

The SECRETARY FOR AGRICULTURE: In connection with the imputation that the Government have delayed the Bill unnecessarily or that the introduction now of the promised legislation is due to any action on the part of the hon. member for Wide Bay, I say that the hon. member's statements are not correct and not justifiable.

Mr. BROWNE (*Croydon*): After all I think the hon. member for Wide Bay has been prodding the Government in this matter. It is now three years since the Government first introduced this measure. It was initiated in committee on the 18th October, 1898, by the Hon. R. Philp, and anyone looking at *Hansard* will see that most solemn promises were made by the Minister for Mines, Hon. R. Philp, by the then Premier, Hon. J. R. Dickson, by other Ministers of the Crown, and by the Government whip that there was real business in it, and that they were going on with the Bill. Before the second reading took place there was another Bill on the paper dealing with mining, and I and other members, including the hon. member for Wide Bay, hon. member for Kennedy, and the members for Charters Towers, wanted

the Government to embody this in the Mining Act, but they would not do that. So far as it goes I think it is almost word for word the same as the Bill introduced by the hon. member for Wide Bay; and the gist of it was embodied by the hon. member in an amendment proposed by him when the Mining Act was going through in 1898. We were solemnly assured by Ministers of the Crown that that was going to go through that session. We had it initiated in committee, and it remained there ever since, until the hon. member for Wide Bay managed to resurrect the old affair again. Every session mining members have referred to this matter, and I hope that when we do see the Bill it will be a real Mining on Private Property Bill, and that there will be business in it. This Bill introduced in 1898—a Bill to provide for mining on private property—is "neither fish, flesh, nor good red herring." I have copies of the Mining on Private Property Acts in the different colonies, and I find that they are very simple. I have always thought the suggestion made by the Hon. John Macrossan—the best mining member who ever sat in this House, and an able man, too—I think his suggestion was the simplest way out of the difficulty. That was to have one clause making all the provisions of the Mining Act applicable to alienated land the same as to land on goldfields, and then have two or three clauses providing for compensation for damages. I hope something like that will be in the Government measure dealing with the matter, and I think the hon. member for Wide Bay is acting very sensibly in the course he is taking.

Question—That the Bill be now read a second time—put and negatived.

CAMBOOYA ELECTION.

PROPOSED REFERENCE TO ELECTIONS TRIBUNAL. RESUMPTION OF DEBATE.

On the Order of the Day being called for the resumption of the debate on Mr. Burrows's motion—

That, owing to fresh facts and disclosures contained in the report of the select committee appointed to inquire into the alleged improper registration of certain names on the Cambooya electoral roll, and the disappearance of certain documents connected therewith, the matter of the late Cambooya election should be referred to the Elections Tribunal in accordance with the petition of the electors of the Cambooya electorate—

which stood adjourned at 7 o'clock p.m. on Friday, 11th October—

The HOME SECRETARY (Hon. J. F. G. Foxton, *Carnarvon*) said: I am somewhat handicapped, inasmuch as that at the present time I have not been able to obtain sufficient time to say all that I desire to say upon this case, and naturally the thread of one's argument is considerably interfered with and interrupted by an interval of a week or a fortnight. I have not had time to cast my eyes more than casually over what I have actually said upon this case, but I shall endeavour to make my remarks as short as possible. I have endeavoured—and I believe in the minds of unprejudiced persons, successfully endeavoured—to show that the imputation cast upon myself, that I knew nothing at all about the theft of those stolen claims at Pittsworth, is absolutely without foundation. What motive could I have? If I had known that they were the same claims that three gentlemen, Mr. Turley, Mr. Dawson, and Mr. Daniels, desired to see, what more natural than that I should have told them, as I did afterwards, "I am sorry that you cannot see them," but I told them, "You can see them," provided the Attorney-General has no objection from a legal point of view. The matter was [4 p.m.]

then referred to him, and he had an objection, and afterwards, when a further application was made for them, it became known to me that they were the same claims as had been stolen, and I said, "You cannot see them, for the simple reason that they have been stolen." I should certainly have given that information. There was no object in doing so if I had known anything at all about them, but really I do not know that it is necessary, except to a few ignorant and prejudiced persons outside, who think I would lend myself to such a proceeding, to dwell further upon that point. I notice, or at any rate I am informed, that Mr. Daniels is persisting outside this Chamber in public meetings at the corners of streets and elsewhere, in saying that the Home Secretary is more or less implicated in the case, not individually—apparently he qualifies it in that way—but as Home Secretary and officially, I am implicated, because some officers in the department are implicated. Well, I have yet to learn that any officer in the department, whether in the police or in any other branch of the department, is in any way implicated in regard to the theft of these claims. That the claims were stolen is undoubted, and I may say that at first suspicion rested upon Mr. Daniels himself, or some of his friends. I have here documentary evidence which tends to show that that suspicion was not altogether ill-founded. I do not for a moment accuse Mr. Daniels of having done it, nor do I believe that he did it; but I say, having regard to certain information which is now in my possession, and always supposing that Mr. Daniels has all through the piece conducted himself in such a way in regard to placing people on the roll for Cambooya—always supposing that, and I think we presume he has not changed in that respect—that there was some justification at all events for people suspecting him of having had something to do with the theft of those claims. Mr. Daniels does not hesitate at all to accuse the member for Cambooya of being implicated; he also accuses me, though I of course do not take much notice of that.

Mr. KERR: I do not think he does that.

The HOME SECRETARY: Yes, he does; and the hon. gentleman who introduced this motion fathered it.

The SECRETARY FOR RAILWAYS: He said it in the streets outside.

The HOME SECRETARY: Yes, I have seen it reported in the Press. I have seen reports in the Press of Mr. Daniels's meetings, in which he says that I am implicated; but "people living in glass houses should not throw stones," even if they only throw stones at people who live in iron houses, and I am going to show presently the glass house in which Mr. Daniels lives. Mr. Daniels has stated, and the hon. member for Charters Towers, who introduced this motion, stated, that every possible obstacle had been placed in the way of Mr. Daniels in carrying on these prosecutions. Now, I have with me an official report, which will show that Mr. Daniels was aided and assisted in an exceptional manner by the police in regard to these prosecutions. The Acting Commissioner of Police on 12th March, 1901, wrote to the Under Secretary of the Home Department to this effect—

I have the honour to submit a *précis* of the services rendered to Mr. Daniels by the Police Department, in his various prosecutions against voters and others in connection with the late Cambooya election.

I think there should be a limit to these services, which take up a great deal of police time, besides entailing considerable expense to the department. Mr. Daniels has failed up to the present in securing a conviction in any of the cases that have been tried, and

in many others, where he has, through the department, obtained an opinion from the Crown Solicitor, such opinions have been against him. I therefore request your permission to inform Mr. Daniels, if he should again seek police assistance in matters connected with the late Cambooya election, to inform him he must in future obtain legal advice himself and proceed on his own initiative.

Now this is a *précis* of what the police have been doing for Mr. Daniels. I find that, "On the 5th October—

Mr. Daniels wrote forwarding list of persons whose names were on Cambooya electoral roll who were not qualified to vote, and requesting that they be prosecuted according to law.

I am now reading from the *précis* which was enclosed in the letter I have just read. I may interpose here that I take it that that was some little time after Mr. Daniels visited me in my office, when he produced a bundle of papers and laid them on my table, in the Home Secretary's Office, and when he asked me to institute prosecutions in these cases. He was apparently then in entire ignorance that it was not the duty of the Home Secretary to take a lot of papers from a casual informer, or others, and prosecute in such cases. The police office was the proper place for him to go to. I remember Mr. Daniels once saying that Ministers had nothing to do, that the country was run by the Under Secretaries, that any fool could do what the Ministers had to do. That may be Mr. Daniels's idea of what Ministers have to do, and it occurred to me that Mr. Daniels imagined that I have nothing else to do but to look through lengthy statements dealing with proposed prosecutions against people, and to put papers together and draw out the informations and otherwise interest myself on his behalf. That is not my duty. Instead of Mr. Daniels coming into my office, he should have gone to the police office—that was the proper place for him to go to. The next entry on 6th October reads—

Crown Solicitor instructed to draw up informations so that legality of same should be assured, afterwards police employed filling in information.

Then on the 9th—

On application, Mr. Daniels granted railway pass to Pittsworth.

That was not for the purpose of his attending the court, but to enable him to investigate and assist him in the prosecutions. It was altogether an unusual proceeding and one which I have been blamed for by the persons against whom the proceedings were directed. Then on 11th October this occurs in the *précis*—

Pittsworth police instructed that all sworn informations laid by Mr. Daniels were to be issued free.

Cases set down for hearing, 14-11-00.

That was another concession to Mr. Daniels. I knew the man I had to deal with; I knew the kind of support he would probably get in this House, and I knew that unless I allowed him every possible latitude—unless I allowed him the fullest possible rope—that charges would be made against me on his behalf, that I was denying him justice.

Mr. JACKSON: You ought to give every other man the same privileges.

Hon. A. S. COWLEY: Otherwise we will all join the Labour party?

Mr. JACKSON: You ought not to select one man and give him these concessions.

The HOME SECRETARY: I admit having done this, because Mr. Daniels asked for these concessions, and I also admit that this course was unusual.

Mr. JACKSON: And you would refuse the same concessions to anyone else?

The HOME SECRETARY: The hon. member must admit that I was fully justified in doing what I did, because how many cases are there in which informations are laid, and in which similar applications are made political matters in this House? Very, very few. Although I have departed from the exact line usually laid down, I am glad to be able to show that this departure has not been in the direction of depriving Mr. Daniels of certain rights and privileges and facilities, but that it has been in the other direction. It was knowing or taking it for granted that this matter would be brought up here, and that certain imputations would be made, that I was particularly careful that no such imputations would have any justification, and that I would be able to show that Mr. Daniels was exceptionally well treated. Then the *précis* goes on to say—

20 October, 1900.—Sub-inspector Nethercote instructed to proceed to Pittsworth to prosecute in cases. Mr. Daniels to pick out six of the strongest. Those picked out were—P. J. Maher, Pat. Molloy, J. Scully, F. Weimers, John Geaney, and Michael Geaney.

After several consultations Mr. Daniels withdrew charges against John and Michael Geaney, and substituted those against William M. Farmer and Hon. F. H. Holberton.

12 November, 1900.—Sub-inspector Nethercote wired Toowoomba and Pittsworth police to have cases adjourned until 19th November, as Clerk of Parliament could not attend the court on any day but Monday.

14 November, 1900.—Bench refused to adjourn the cases, but dealt with them on their merits. Cases all dismissed.

15 November, 1900.—Mr. Daniels was informed that the witnesses would not be required on the 19th November, 1900.

12 December, 1900.—Cases against Alexander McPhie and Robert Sinclair again came on for hearing at Pittsworth Police Court, Sub-inspector Nethercote prosecuting. All evidence Mr. Daniels could bring forward was given. Both cases dismissed. As the claims which had been stolen could not be produced, it was impossible to convict defendants.

As the names of defendants in other cases were called, Sub-inspector Nethercote informed bench he had no application to make, but that Mr. Daniels, who was present, might.

Mr. Daniels requested that they be discharged.

At the conclusion of each case Sub-inspector Nethercote asked Mr. Daniels, whilst in the witness box, if he had any further evidence to offer, to which he replied "No." He was then asked "if it was his desire that the case should now be closed," and he replied "Yes."

6 November, 1900.—Mr. Daniels laid four sworn informations against Mr. Mackintosh—two of forgery and two of perjury.

27 November, 1900.—Upon the cases against Mr. Mackintosh being called, Mr. Lilley, barrister, informed the bench that he appeared to prosecute, whereupon Sub-inspector Nethercote retired from the prosecution.

Mr. Nethercote was employed from the 6th October to the 27th November, 1900, obtaining evidence and prosecuting for Mr. Daniels; Constable Mullens was also employed for a considerable time on the above cases.

28 December, 1900, 26 January, 1901, 27 February, 1901.—Letters on these dates from Mr. Daniels, charging Acting Sergeant Knox and Constable Kean with wilfully giving false evidence before the parliamentary committee last session in regard to the stolen claims from Pittsworth, but refusing to give the names of his witnesses. Informed that if he did so, and the Commissioner of Police considered a *primâ facie* case was made, an inquiry would be granted.

27 February, 1901.—Further letter from Mr. Daniels *re* Pittsworth police.

28 February, 1901.—Further complaints from Mr. Daniels against Donald Mackintosh, and submitted to Department of Justice for an opinion.

1. For wilfully making false statements on an electoral claim.

2. For solemnly and sincerely declaring the above statements to be true.

8 March, 1901.—Reply to Mr. Daniels *re* Pittsworth in terms of Minister's minute previous page.

13 March, 1901.—Reply to Mr. Daniels *re* Mackintosh stating Crown Solicitor did not consider prosecutions would succeed.

Altogether there were eleven cases in which Mr. Daniels was the prosecutor, and in which he

received more than the usual amount of assistance from the police which is given to persons laying informations in cases of this sort. I am not going to dwell on the aspect of the question which the Attorney-General dealt with—that is, the terms of the motion which proposes to refer this matter back to the Elections Tribunal, for the case has already been decided by them, and, so far as they are concerned, they have done their duty, and I do not think there is any necessity to send the matter back to them. I am not going to do that; but as Mr. Daniels is so free in making imputations against others with regard to the theft of these claims, I think it is a very fair thing to let the public know the extent to which people, other than the people he accuses, have been guilty of roll-stuffing in the Cambooya electorate, and who might therefore be as much as anybody interested in the destruction or removal of any claim form. There is no evidence, as far as I know, as to who witnessed these particular claims that were stolen. That was one of the complaints, that they could not find out the justices who witnessed them. But the proceedings of Mr. Daniels himself in regard to a claim form concerning which I have some papers, and which were officially brought under my notice by the Principal Electoral Registrar, are very suggestive indeed. I have here a copy of a claim form filled in as for Joseph Watson, aged forty, residing at Brookstead, and described as an overseer, and resident for the last six months at Brookstead. That claim is witnessed by Mr. Mahoney, J.P. I caused inquiries to be made, and Mr. Mahoney and Mr. Watson when asked for an explanation of what was palpably an attempt to get a name on the roll in an improper manner, gave some information which shows that if Mr. Daniels had been in the habit of stuffing the Cambooya electoral roll——

Mr. KERR: Did Mr. Daniels sign the claim?

The HOME SECRETARY: I will tell the hon. member directly.

Mr. KERR: Give us the whole facts and not a garbled statement.

The HOME SECRETARY: Oh yes, I will; but the hon. member must not interrupt. Hon. members do not want to know the facts. I say if Mr. Daniels had been in the habit of stuffing the Cambooya roll in this way—and I will show the extent to which he is involved in this particular case—he has brought himself very nearly within the law. In fact, if he was treated as he treated others, he would now be under prosecution at this moment. There is no doubt about that.

Mr. BOWMAN: Why do you show favour?

The HOME SECRETARY: I am not showing any favour.

Mr. HARDACRE: He has dared you to prosecute him, you know.

The HOME SECRETARY: Well, I have papers here which I think could do it. However, that is not the point. I want to point out that Daniels was advised by the Crown Solicitor that the evidence which he had was not strong enough, but that gentleman was so thoroughly satisfied that he was right that he instituted eleven cases, which all fell through. Now, it is just a question whether the Crown Solicitor upon being appealed to would have advised that this case was any better than the cases in which Mr. Daniels prosecuted, and it is no use instituting a prosecution if we are advised that the evidence, however clear it may be so far as moral implication is concerned, will not sustain a conviction.

Mr. GIVENS: It is very hard to get a conviction if you have the whole of the Government against you.

The SECRETARY FOR RAILWAYS: Has every man who is convicted got the Government against him?

Mr. DUNSFORD: Tell us a little about referring this to the Elections Tribunal.

Mr. GIVENS: We want a cheap legal opinion.

The HOME SECRETARY: I will not give any legal opinion. If I want a legal opinion, officially, I send the matter on to the Department of Justice. This is how the matter was brought under my notice by the Principal Electoral Registrar:—

1st October, 1901.

SIR,—I have the honour to enclose a letter received by me from the electoral registrar at Pittsworth. On the facts as stated by him there appears to have been an intention on the part of Daniels to "wilfully mislead" the electoral registrar in the compilation of his list, and I submit the matter for your consideration.

I have, &c.,
A. J. BOYCE.

The following is the letter referred to from the electoral registrar at Pittsworth:—

27th September, 1901.

SIR,—I have the honour to report that on the 15th instant, Henry Daniels, ex-M.L.A. for Cambooya, handed me an electoral claim of which I enclose a copy. As I had reason to believe that the claimant Watson had left Brookstead, I remarked so to Daniels; he said, "Oh, no, he has not left, but he is going to leave; every man had a right to have his name on the roll." I afterwards ascertained from the owner of Brookstead Station that Watson left there on the 13th August last. Watson on being interviewed by the police at Toowoomba, where he is at present, and was residing when the claim was made out, says Daniels informed him that he was entitled to have his name on the roll for Cambooya, and supplied him with an electoral form. When filling up the form Watson says he told Daniels he had left Brookstead, and Daniels replied. "It does not matter, you are entitled to a vote for five months after leaving."

That is the statement made by Knox on the authority of Watson.

Mr. GIVENS: Give us the evidence at first hand.

The HOME SECRETARY: I will give the hon. member all the evidence directly.

Mr. DUNSFORD: This is only a red herring.

The HOME SECRETARY: Is it. It is a very suggestive red herring and it smells very bad. (Laughter.) He goes on to say—

The attesting magistrate says Daniels and Watson came to his house with the claim. Watson told him he was six months at Brookstead, but did not tell him he had left there. Daniels said. "I must get those fellows names on the roll—they are entitled to be on. I have sent a form J notice to Watson, who no doubt acted innocently in this matter."

Mr. BURROWS: Why are you reading all this?

The HOME SECRETARY: Why did the hon. member read all the rubbish he read?

Mr. GIVENS: Because it was directly bearing on the question.

The HOME SECRETARY: I have told the hon. member and the House that when these electoral forms were stolen suspicion rested on Mr. Daniels and his friends, and Mr. Daniels was very ready to pass the suspicion on to other people.

The SECRETARY FOR AGRICULTURE: That was his red herring.

The HOME SECRETARY: Yes, that was a red herring. I am showing now that if Mr. Daniels was in the habit of doing what it is perfectly certain hon. members must admit he did in this particular case, there might have been very good reason for his desiring that those claim forms should never see the light of day.

Mr. HARDACRE: He did his utmost to get those forms before the court.

The HOME SECRETARY: Any man could do that if he happened to know that they were not capable of being produced.

Mr. GIVENS: That is a mean insinuation.

The HOME SECRETARY: I am only replying to an insinuation from the other side. Are hon. members on the other side the only people in this country who can accuse other people of perjury, and robbery, and all the crimes mentioned in the Criminal Code? As soon as anybody ventures to suggest the possibility of some of their friends being implicated, see how they interject! The hon. member asked what am I reading this for? He will see what I am reading this for before I finish—

[4·30 p.m.]

As Daniels claims to be an authority on electoral law and has recently instituted legal proceedings against over eighty persons for alleged offences against the Act, besides making grave charges against myself and others, I respectfully submit he has rendered himself liable to prosecution under section 122 of the Elections Act of 1885. I have, therefore, the honour to ask for authority to prosecute him and to bring Watson up as witness.

Watson had signed this claim, it must be remembered, and Mahoney had witnessed it. I wanted to know to what extent they were implicated, and whether they ought not to be prosecuted too. However, that went through the usual course—to inquire and report.

Mr. GIVENS: What was the report?

The HOME SECRETARY: The report is very interesting. All the reports are exceedingly interesting.

Mr. GIVENS: The question is, who stole the claims?

The HOME SECRETARY: The people Daniels alludes to as having an interest in stealing the claims were possibly not the only persons who were interested in the theft. That is why I am reading these documents.

Mr. GIVENS: It is a pity the ones at Warwick were not stolen also.

The HOME SECRETARY: On the 13th October, Acting Sergeant Knox forwards statements of J. Watson and T. Mahoney, J.P., together with previous correspondence in the case which he—

Respectfully submits, clearly shows Daniels's intention to wilfully mislead the electoral registrar, and also that Watson acted in ignorance, and under the influence of Daniels, who, he had no doubt, was considered an authority on such matters. Watson being previously registered as an elector for Carnarvon, could legally claim to have his name placed on the Cambooya roll after three months' residence at Brookstead; but that he did not do so shows that he was indifferent.

Joseph Watson states—

I am a labourer, at present residing at Gowrie road, next Heffernan's Hotel, and am employed at Hooper's Cordial Factory, Toowoomba. I have recently been employed at Brookstead Station, near Pittsworth. I went there last January, and left there about the middle of last August. I do not remember the date. When I left I came with my wife to my present residence, Gowrie road, Toowoomba. In the beginning of September I went to Pittsworth on business, and stayed at the Union Hotel. Mr. Henry Daniels, who was at one time member for Cambooya, was also staying at the hotel. I do not remember the date. Daniels spoke to me, and asked me if my name was on the roll. I said, "No, it is not." He said, "You should put it on," and at the same time handed me an electoral form. I said, "I don't think I have a right to be on, as I have left Brookstead." He said, "Oh, yes, you have. You can get it on for five months after leaving." I am not sure of the words Daniels used, but that was the impression what he said gave me. I did not tell Daniels I was living in Toowoomba then, but he knew it. He knew I came from Toowoomba, as I and others were talking about it with him at the teatable. On the following morning he asked me if I filled up the form. I said, "No." He said something which I do not remember, and handed me an ink-pencil to fill up the form with. Mr. Mahoney, J.P., was also present. I filled up the form and signed it, and Mr. Mahoney witnessed it, and I then handed it over to Daniels.

I was no way anxious to get my name on the roll, and would not have thought of it only Daniels mentioned it.

I did not read the form carefully; I just glanced at the questions. I did not read the declaration clause at all, although I signed it. I was quite sober when I filled up the form.

Before filling up the form I told Daniels distinctly that I had left Brookstead.

There were two points that struck me when I read that. The first was as to the statement that Daniels "spoke to me and asked me if my name was on the roll. I said, 'No, it is not.'" And also the statement, "I did not tell Daniels I was living in Toowoomba then, but he knew it. He knew I came from Toowoomba, as I and others were talking about it with him at the teatable." It struck me it was very desirable that one should know whether it was before or after tea, and also in the statement concerning the tea, was it before or after the conversation above referred to; what was said at the table, who was present, and what did they hear? These men, it must be remembered, have stated that they are prepared to swear this in a court of law.

Mr. GIVENS: It is only an impression.

The HOME SECRETARY: There is no impression about it. Watson distinctly states that he had told Daniels that he had left Brookstead.

Mr. DUNSFORD: He must have answered the question stating he was then living at Pittsworth in the form.

The HOME SECRETARY: "Residence for the last preceding six months at Brookstead." There is nothing at all about Pittsworth. Brookstead, I may say, is in the Cambooya electorate.

Mr. GIVENS: What does the magistrate say.

The HOME SECRETARY: We will see what the magistrate who signed the paper has to say. Thomas Mahoney states—

I am living privately at Pittsworth. I am a justice of the peace for Queensland. I know Henry Daniels, who was at one time member for Cambooya. I also know a man named Joseph Watson, who was recently employed at Brookstead. I have known both of them for several years. I remember the 5th of September last. Between 9 and 10 o'clock that morning I was standing at my front gate next the Union Hotel. Daniels and Watson came and spoke to me. Watson said, "I have an electoral form to sign. Will you sign it. I want to get my name on the roll." I said, "Is it properly filled?" He said, "Yes." Daniels also said, "Yes, it is, Tom." Daniels said, "Come inside (meaning to go into the sitting-room of the Union Hotel); we can do it there." The three of us went in, and I looked over the form, and as it appeared to me to be correct, I attached my signature to it. Watson signed it in my presence. Daniels said, "The more of this sort we can get done the better. I must get all those fellows' names on the roll." Daniels then took the form and went down the street. Watson went into the hotel yard for his horses. I saw him driving them out in a buggy. In about half-an-hour afterwards Daniels came back to my gate; he had the form in his hand; he said "There is a little error in this; I want you to initial it." I put it on the gate-post and initialled it with a pencil which he handed me, and he then took it away. I would know the form again. The one now shown me is the same.

Mr. HARDACRE: But was he entitled to be on?

The HOME SECRETARY: Certainly he was not.

Mr. HARDACRE: He was residing in the electorate at the time.

The HOME SECRETARY: Not at the time. He had been, but he had gone to reside in the electorate of Drayton and Toowoomba some time before.

Mr. HARDACRE: He says that he was residing there during the last preceding six months.

The HOME SECRETARY: He said that he told Daniels he was not entitled to be on, and Daniels said that he was entitled to get on for five months after he left. Daniels persuaded him to sign the claim against his own better

judgment. Men do not put their names to a thing like this unless they are prepared to swear it in the witness-box. I am giving hon. members what these men have put their names to word for word, and they are prepared to swear it in the witness-box—

John Tyson Doneley states: I am a grazier, residing at Brookstead. I am the owner and also the manager of that property.

I know a man named Joseph Watson; he was in my employment at Brookstead, and resided there with his wife from the 19th of January to the 13th of August last.

I paid him off on the 3rd of August, and he went away from my place; he returned again on the 12th, and finally left with his wife on the 13th, and has not been on Brookstead since.

I fix the dates by referring to my books.

Now, in answer to the queries that I put, and which seemed to me to be very material——

Mr. DUNSFORD: Have you a statement from Daniels, or any explanation from him on this case?

The HOME SECRETARY: No.

Mr. DUNSFORD: That is very unfair, you know.

Mr. GIVENS: You want to condemn a man unheard.

The HOME SECRETARY: Did Daniels consider me much before he accused me of complicity in a theft?

Mr. DUNSFORD: You should set a good example.

The HOME SECRETARY: There are some people upon whom a good example is entirely thrown away.

Mr. DUNSFORD: But it is not justice to condemn a man unheard.

The HOME SECRETARY: I am not condemning the man. I am reading official documents which have come into my hands, and which tend to show that, if Mr. Daniels has been carrying on this sort of game during his tenure or occupancy of the seat for Cambooya and since that, a very great proportion of any bogus claims that there are in the Cambooya electorate are probably due to the fact that similar tactics to these were pursued.

Mr. GIVENS: If that is a bogus case, why don't you prosecute Daniels?

The HOME SECRETARY: He may be prosecuted yet, but that does not rest with me.

Mr. HARDACRE: You have carefully refrained from doing it because you know you have no grounds for it.

The HOME SECRETARY: I only knew of this within the last month. In my opinion Daniels has laid himself open—I may be quite wrong—to prosecution at the hands of a number of persons—myself included—for criminal libel. But I have been sufficiently long in politics to know that it is no use for a public man to institute either a criminal or a civil action against men outside the House—newspaper men and otherwise—who say unjust and unfair things against you, and even impute crimes to you. It is not a bit of good for a public man to do that. He must accept that sort of vilification with as good a grace as he can. It is a part of the business. He has his own consciousness that he is doing right, and that is quite sufficient for me. When, however, a member takes occasion in this House to fling charges at me, that is a different thing. I then challenge him to substantiate what he says outside, and then I should be prepared to deal with him in a totally different manner, because, for the time being at all events, he is a responsible member of Parliament and a representative of the people. But people outside, whether they be newspaper people, or whether they be Danielses, or anybody else, I have nothing to do with them, and do not bother about them. I treat that sort of thing with the contempt it deserves. I am at this moment the subject of very severe criticism and vilification at the hands of a certain section of the Press. It would, perhaps, be very interesting to this House that it should know—and possibly it may become desirable that I should let them know—the whole of the facts which are lying behind that vilification. At present I hold my tongue; but it will be very interesting when it does come out.

Mr. DUNSFORD: "Silence is golden."

The HOME SECRETARY: Yes. In the meantime it does not concern me a bit—it does not hurt me at all events. In answer to the queries which I put, Mr. Watson gives his version, to this effect—

Joseph Watson, in continuation of previous statement, states as follows:—

It was after tea Daniels asked me if my name was on the roll. He said the Cambooya roll. There was no one present when he asked me.

It was while we were at tea we were speaking about Toowoomba. There was only another man present, but I do not know who he was. I do not remember what was said; we were just talking about the crops, and things in general. It was also after tea I told him I had left Brookstead.

Daniels has known me for several years. He and his father and mother lived near my parents' place twenty or thirty years ago on the Gowrie road. My father and mother live there still, and I live with them, and have since I left Brookstead. That is in the electoral district of Drayton and Toowoomba.

When speaking to Daniels about Toowoomba I told him I was living with my father and mother.

In my previous statement I said I did not tell Daniels I was living in Toowoomba, but on thinking over the matter since I remember I did tell him. I am now certain I did tell him. It was at the teatable.

JOSEPH WATSON.

Mr. DUNSFORD: He has got a very convenient memory.

The HOME SECRETARY:

That was the first place I met him at Pittsworth on that occasion. The man at the teatable must have heard me tell him. We spoke in ordinary tones.

Mr. GIVENS: The net result of the reading of these papers is that you and your officers have tried very hard to get at Daniels, and you have failed.

The HOME SECRETARY: I am not sure that we have failed. I have done nothing except to ask for an inquiry, exactly in the way that Daniels made demand that inquiry should be made on his behalf.

Mr. BURROWS: There is nothing there to charge Daniels with, anyway.

The HOME SECRETARY: That is only from the obfuscated point of view which the hon. member apparently takes of everything connected with this matter.

Mr. BURROWS: What charge has been levelled against him?

The SPEAKER: Order!

The HOME SECRETARY: The hon. member must surely have been listening when I read out the charge to which he has probably rendered himself liable.

Mr. HARDACRE: It is only impression and belief.

The SPEAKER: Order!

The HOME SECRETARY: No, it is not. It is as clear as noonday that knowing that Watson was no longer resident in the Cambooya electorate—it is perfectly clear that Daniels knew that he had left—he yet asked him to sign an electoral claim form. When Watson objected and said, "But I am not residing there. I am residing in Toowoomba with my parents," Daniels said, "You are entitled for five months after you have left to go on to the Cambooya electoral roll." And then, when he takes that form to the electoral registrar, knowing all

that—having persuaded the man against his desire to sign that form, the man believing himself—and properly believing—that he was not entitled to sign it, or to be on the Cambooya electoral roll, Daniels said——

Mr. DUNSFORD: That is what the man says Daniels said.

The HOME SECRETARY: Well, he is prepared to say it in the witness-box.

Mr. DUNSFORD: A man who breaks the law.

The HOME SECRETARY: Who breaks the law?

Mr. DUNSFORD: The man who signed that claim.

The HOME SECRETARY: Yes, at Daniels's request. Why did Daniels take possession of the claim?

Mr. W. THORN: Watson is an honest man, too.

The HOME SECRETARY: Watson is an honest man; he is a well-known man; and I am perfectly satisfied that he is speaking the truth in this matter. This is the result of doing as some hon. members have done—and have boasted that they intend to do—I do not say all of them—going round the country carrying electoral claim forms in their pockets, and inducing people—whether rightly or wrongly—to put their names on the electoral rolls.

Mr. BOWMAN: That is a very strong assertion—that members are going round with claim forms in their pockets, putting names on rightly or wrongly.

The HOME SECRETARY: I was referring then to Daniels; but one hon. member has—well, I think I may leave the Gladstone cases to speak for themselves. I think I can safely do that.

Mr. DUNSFORD: If he is wrong you should prosecute.

The HOME SECRETARY: It very often happens that we are thoroughly satisfied that people are guilty, but it is impossible to get the necessary legal evidence to prove the thing up to the hilt. I have merely brought this forward by way of illustration of what has been going on in the Cambooya electorate on the part of Mr. Daniels, who has had a very good innings in showing, according to his way of doing it, what has been going on in that electorate at the instance of the sitting member and his friends. I should not have read the whole of the papers had it not been that hon. members desired that I should do so. It is in response to their request that I have read the whole of the papers, so that they should not be able to say that I had suppressed anything.

Mr. DUNSFORD: You should have brought Daniels's statement; the fact that you have not done so almost amounts to a suppression of his side.

The HOME SECRETARY: I do not suppose Mr. Daniels will deny the facts; he will probably try to justify his action in the matter. He was the moving spirit in the matter. The man was not entitled to be on the roll. Why then did Daniels give him the form, and take it from him after it was signed, and give it to the electoral registrar when he knew it was not true?

Mr. DUNSFORD: I do not think he would wilfully put a man on the roll if he was not entitled to be registered.

The HOME SECRETARY: The hon. member is entitled to his opinion, but I say that a man who is so ready with aspersions and accusations against other people as Mr. Daniels appears to be is always a person concerning whose own actions I for one am inclined to have a certain amount of suspicion. When a man is constantly bringing accusations which he is unable to support against other people, you can depend upon it that that man has a crook in his nature somewhere, and anyone to whom that remark applies can take it to himself whether he is a member of this House or not. I do not know that I need say any more on that subject, except that the hon. member for Dalby, who was one of the members of the select committee to which this resolution refers, added a rider to the finding in the report to the effect that he had attended only two meetings of the committee. Apparently that was enough for him. The hon. member for Dalby said—

> Owing to circumstances over which I had but slight control, I have been able to attend only two meetings—the first two—of the select committee. I have, however, gone through a great deal of the evidence with the chairman, and have seen enough of it to warrant me in saying it is too evident that the Cambooya electoral roll, at the time of the last contest for the seat, contained a number of names which were upon it in defiance of the provisions of the Elections Acts.
>
> I trust that the condition of the roll at that time is not typical of the electoral lists of the colony; but if it is, the necessity for a drastic system of purification is obvious and imperative.

I think we may admit that there is every probability that the electoral roll was not in a satisfactory or healthy state at the time the last Cambooya election took place. Efforts have been made to show that the unsatisfactory state of the roll from stuffing or otherwise was due to the machinations of the present hon. member for Cambooya, Mr. Mackintosh, but the documents which I have read go to indicate that there is at least just as great a probability——

The SECRETARY FOR AGRICULTURE: Much greater.

The HOME SECRETARY: That Mr. Daniels himself has been concerned to a very large extent in creating a fictitious state of the roll.

Mr. HARDACRE: There are dozens of cases on the other side.

The HOME SECRETARY: And every one of them has fallen through.

Mr. HARDACRE: No, they were proved before the select committee.

The HOME SECRETARY: It was not proved who signed the claims.

Mr. HARDACRE: Yes.

The HOME SECRETARY: Not all of them.

Mr. HARDACRE: I did not say all of them.

The HOME SECRETARY: Mr. Daniels has been very busy, and it is evident from the documents which I have read that he is not too scrupulous in the means he employs to gain his ends, and to get his friends, or those whom he believes are his friends, on the electoral roll. It seems to me that I am justified in bringing the matter up here, because if it happens that it is decided that there is no legal evidence for a prosecution, there is in those documents enough to convince any person of the fact that, legal evidence or no legal evidence, Mr. Daniels was doing his level best to get a man on the roll who he knew had no possible right to be there.

Mr. DUNSFORD: Who he knew?

The HOME SECRETARY: Yes; because he had been told the night before at tea in the Union Hotel by Watson that he was not entitled to be on the roll. Watson said, "I have ceased to reside at Brookstead; I am not entitled to be on the roll; I am residing with my parents." Yet after getting Mahoney to sign the claim Daniels went boldly to the electoral registrar and handed it to him, telling him that Watson still resided at Brookstead.

Mr. DUNSFORD: You have only the man's statement.

The HOME SECRETARY: Yes, and that would be sufficient to convict him in a court of law. The information the man gave Daniels was that he had left Brookstead, but Daniels,

having been a member of Parliament, overruled the objection, and got the man to sign the claim form, and then took it to the electoral registrar and told him that the man was still in the electorate.

Mr. GIVENS: That is not an offence.

The HOME SECRETARY: It will, perhaps, be very fortunate for Daniels if he is able to convince a court of law that it is not an offence. Men get convicted of murder and other things, and all sorts of little peccadilloes, on the assertions of other men. But it so happens that there are the assertions of two men in this case. I shall not detain the House any longer on this matter. I hope I have satisfied hon. members who are reasonable and are not blinded by party prejudice, as are some hon. members opposite, who have made this a strong party matter, and martyrised Daniels in a way that he is not entitled to be martyrised—I trust that those hon. members who are unprejudiced will at least absolve myself and the officers of the department over which I preside, and the police, from any desire to place obstacles in the way of Mr. Daniels going on with the prosecutions. I have shown that he was afforded facilities which even members of the Labour party have blamed me for giving—facilities [5 p.m.] which are not ordinarily given to others, though they are sometimes given. It became a matter of some doubt as to whether Daniels was really entitled to those privileges at the hands of the police. However, he got them. I thought it best to err on the side of giving plenty of rope rather than giving too little, and every possible assistance was given. The services of Mr. Nethercote, the oldest and most experienced detective we have, were placed at his disposal, and he did nothing for six weeks but work up his case; free passes up and down were given to him; yet with all this assistance, the advice given him in the first instance by the Crown Solicitor that he had no case turned out to be perfectly correct, and the whole thing was abortive. The only result has been that Mr. Daniels has put the country to a great deal of expense. Even the police court proceedings he instituted cost the country a considerable sum of money, and they also have been entirely abortive.

Mr. HARDACRE (*Leichhardt*): I hoped some members of the select committee who took part in framing the report would have said something on their report to the House. I don't know that it is much use going into all the details of this case, because, after all, the chief matter is the question of the report of the select committee appointed by this House; at the same time, I wish to make a few remarks on what has happened between Mr. Daniels and the Home Secretary. I think anyone who looks back to the commencement of this Cambooya case, and Mr. Daniels's attempt to obtain justice, will see that Mr. Daniels has been thwarted on every occasion.

The SECRETARY FOR AGRICULTURE: Good gracious!

The HOME SECRETARY: The member for Kennedy blamed me for giving him too much assistance.

Mr. HARDACRE: I am not responsible for the hon. member for Kennedy's opinion. I think it must be evident that he was thwarted in every possible way by those in charge of the administration of the Home Secretary's Department, the Police Department, and some other departments, in his attempt to obtain some redress for the injustice which he had suffered.

The SECRETARY FOR AGRICULTURE: It has not been proved that he suffered any yet.

Mr. HARDACRE: I think the select committee's report proves that conclusively. In the first place, the election took place under most peculiar circumstances. Special trains were run, a number of wires were sent offering substantial advantage to the electorate if the electors would only vote against Daniels. Then one of the candidates, Davidson, retired illegally, and that was passed over in Daniels's appeal against Mackintosh. Then a large number of the ballot-papers were written instead of being printed, and in some cases had not the signature of the returning officer or the presiding officer upon them. Then when Mr. Daniels afterwards found that a number of persons who had voted had done so on forged claims, and on claims falsely sworn to, in his attempt to obtain the production of those in court he was prevented. He was prevented in the first place even from being allowed to inspect the claims to see for himself whether certain persons who were upon the roll had their own signatures attached. I think it was a most reasonable request—a request which I believe was never refused by anyone else, but was refused by the Home Secretary; and strange to say afterwards——

The HOME SECRETARY: What request was refused?

Mr. HARDACRE: Perhaps I had better be more exact. He was refused permission to see the claims by the Home Secretary, but I remember now from his explanation he said he had asked some advice from the Attorney-General.

The HOME SECRETARY: On the contrary, I expressed my perfect willingness that he should see the claims if the Attorney-General had no legal objection.

Mr. HARDACRE: The Attorney-General could not see his way, and so Mr. Daniels was bandied about like a shuttlecock from one to another.

The HOME SECRETARY: At all events, the then leader of the Labour party was satisfied with the objection raised by the Attorney-General.

Mr. HARDACRE: No.

The HOME SECRETARY: Yes, he was—Mr. Dawson—he was thoroughly satisfied that it was a valid objection.

Mr. HARDACRE: This is one of those casss where you cannot perhaps lay your hand on anything to bring home a wrong deed to any particular person; it is a case of cumulative evidence, showing not exactly a wrong doing of which anyone can be convicted, but showing personal antagonism generally on the part of departments——

The HOME SECRETARY: Not at all. There is no justification for that statement.

Mr. HARDACRE: His request to see the claims was refused.

The HOME SECRETARY: He could not see the claims because they had been stolen before that.

Mr. HARDACRE: They had not been stolen at that time.

The HOME SECRETARY: Yes, they had.

Mr. HARDACRE: Not when he made the request, but afterwards.

The HOME SECRETARY: Yes, they were.

Mr. HARDACRE: Not at the particular time he made the request. There is evidence that someone had heard he wanted to see the claims, and was trying to see the claims, and that they were stolen by someone personally interested.

The HOME SECRETARY: They were stolen before the application was made to me.

Mr. HARDACRE: Not in the first place.

The HOME SECRETARY: Yes.

Mr. HARDACRE: It was suggested that possibly Mr. Daniels himself——

The HOME SECRETARY: The hon. member is wrong. They had been stolen before I was ever asked for them. That is the complaint made against me—that I misled them when I was asked for them, knowing they had been stolen.

Mr. HARDACRE: No.

The HOME SECRETARY: Will you kindly give the dates? I ask you that as a fair thing.

Mr. HARDACRE: I admit that I cannot give the dates. I am speaking from memory when I say that, long before the time they were stolen, Mr. Daniels and myself went to Pittsworth together to see the claims. Mr. Daniels had been told that he could see the claims, but when he got there a wire was sent up refusing him the right to see those claims.

The HOME SECRETARY: A wire from whom?

Mr. HARDACRE: A wire from the Home Secretary.

The HOME SECRETARY: Very well; it must have been after they were stolen.

Mr. HARDACRE: How could the Home Secretary send a wire saying that he could not see claims which he did not know were stolen?

The HOME SECRETARY: I did not know that they were stolen until long after they had been stolen. At least I did not know that the claims which had been stolen were the same claims.

Mr. HARDACRE: The hon. the Home Secretary knew that they were stolen within twenty-one days after they were stolen. I must have been up with Mr. Daniels two months at least before they were stolen to try to see those claims before they were reported to have been stolen in the Home Secretary's office.

The HOME SECRETARY: I think when you make a statement of that sort you should be prepared to give the dates.

Mr. HARDACRE: I tell the Home Secretary that I am speaking from my own memory of the matter, and I know from my own memory that it was a considerable time after we went up there that it was reported to the Home Secretary's Department that they were stolen. I cannot lay my hand upon the exact dates, but I give you my own personal impression from my memory of the occurrence as it took place with myself and Mr. Daniels, but the Home Secretary has insinuated that perhaps it was Mr. Daniels who stole the claims.

The HOME SECRETARY: No. I said I did not think that he did. I merely gave certain facts which justified the suspicion that he did at the time.

Mr. HARDACRE: Is not that an insinuation that he was interested in stealing the claims?

The HOME SECRETARY: No; that someone thought he was—that someone was justified in thinking that he was.

Mr. HARDACRE: That is an insinuation that Mr. Daniels stole these claims.

The HOME SECRETARY: I did not insinuate that he did. I only justified those who suspected him.

Mr. HARDACRE: That is an insinuation that he did. Mr. Daniels was the person who was actively from the first trying to obtain the production of these claims in order that he might sheet home certain charges.

The SECRETARY FOR AGRICULTURE: And win the election for himself.

Mr. HARDACRE: Quite so; but he was not interested in preventing those claims being produced. That being so, I say that that insinuation falls to the ground.

The HOME SECRETARY: I did not make the insinuation.

Mr. HARDACRE: I am very glad that the Home Secretary withdraws or explains that he does not insinuate that Mr. Daniels stole these claims.

The HOME SECRETARY: Mr. Speaker,—I rise to make a personal explanation. I am reminded that what I said was that I did not believe that Mr. Daniels had anything whatever to do with it, and I do not think that he had. I merely did so for the purpose of showing that there might have been some justification in the minds of other persons for suspecting that he did it without any imputation that he did.

Mr. HARDACRE: But that is an insinuation. You say that there are certain things which may make it reasonable to believe in the minds of some people that he did. If that is not an insinuation, I do not know what it is.

The HOME SECRETARY: His manipulations of the rolls were of such a character as to induce people to believe that he had something to do with it.

Mr. HARDACRE: Quite so. I am very glad to accept the Home Secretary's personal expression that he believes that Mr. Daniels had nothing to do with it.

The HOME SECRETARY: So far as I know. I make no imputation.

Mr. HARDACRE: After that, Mr. Daniels commenced certain prosecutions against persons who he charged with being upon the roll wrongfully by means of false statements and false representations, and in those prosecutions the police certainly took the matter up for Mr. Daniels. But what did they do? They bungled the matter in such a way that he was prevented from pressing nearly the whole of these charges.

Mr. TOLMIE: He made some very serious charges.

Mr. HARDACRE: And the select committee have proved that his charges were proved up to the hilt.

Mr. TOLMIE: Read a sentence in the report of the select committee which shows that he proved his charges up to the hilt.

Mr. HARDACRE: I will by and by.

Mr. TOLMIE: I would now if I were you.

Mr. HARDACRE: I do not know what sentence the hon. gentleman means. If he will tell me what sentence I will refer to it.

Mr. TOLMIE: Read me a sentence in the report of the select committee which shows that Mr. Daniels proved his charges up to the hilt.

Mr. HARDACRE: Mr. Daniels made charges against persons of getting on the electoral roll by means of false statements and misrepresentations, and I say that the report of the select committee proves those charges to the hilt—proves that the names were on the roll wrongfully, for qualifications which they did not possess, and in some cases they were sworn falsely, and in many cases there were forged signatures.

Mr. TOLMIE: Does it prove that a single person was put on the roll?

Mr. HARDACRE: I am not dealing with that now. I am dealing with the way in which the police bungled those prosecutions.

The HOME SECRETARY: Did he do any better when he employed his own barrister? He took the cases out of their hands and gave them to Mr. Lilley.

Mr. HARDACRE: He took it out of their hands when he found that they bungled the cases.

The HOME SECRETARY: He had no better luck with Mr. Lilley.

Mr. HARDACRE: That may be. Unfortunately he has not had any luck anywhere, and it is not easy to get good luck when you are fighting the Government, and fighting a depart-

ment, every officer in which knew that the head of the department is unsympathetic to the action Mr. Daniels was taking.

The HOME SECRETARY: You say that the police bungled it; did Mr. Lilley bungle it, too?

Mr. HARDACRE: I am now dealing with the Police Department under the Home Secretary.

Mr. TOLMIE: You are impugning the integrity of a magistrate on the bench.

Mr. HARDACRE: I am going to impugn the bench, and he ought to be impugned. That is why I say the Home Secretary did not deal fairly with Mr. Daniels in the administration of his department. The charges were made, witnesses were called, the cases came on, and then it so happened—whether from want of knowledge, or whether from, I won't say any desire, but in some way it happened that the Clerk of this House had not been called upon to give evidence, and therefore, being the Clerk of this House, he could not be compelled without a subpœna to attend, and in consequence of his non-appearance the magistrate dismissed the case, or rather in some cases he dismissed the charge. Now, there was a request that the court be adjourned in order to give time for the Clerk of this House to be present and give his evidence. Was not that a reasonable request? Was it not a request for adjournment which in any other case would have been readily granted by any honest police magistrate in the colony? I say it would have been granted in any case in which serious charges were made.

The SECRETARY FOR AGRICULTURE: You are charging the magistrate with being dishonest.

Mr. HARDACRE: I am not saying that the persons in charge were dishonest. What I am saying is Mr. Daniels made certain very grave and serious charges against certain persons, and they could not be pressed home simply because the Police Department had neglected to give the Clerk of this House the necessary legal subpœna to attend.

Mr. TOLMIE: One case was adjourned from the 14th November to the 19th November, and again from the 19th November to the 18th December.

Mr. DUNSFORD: Who is making the speech.

Mr. TOLMIE: I am saying something now.

Mr. HARDACRE: Some few cases were adjourned, but the big majority of them were dismissed altogether, and they were not allowed to be gone on with—because the Clerk of this House was not present to give evidence. It would have been a most reasonable thing for the police magistrate to have permitted these cases to be adjourned, so as to enable the Clerk of the House to be examined.

The HOME SECRETARY: What about the unfortunate defendants who would be put to a lot of expense, and who would lose a lot of time by such adjournments?

Mr. HARDACRE: The Police Department summoned the whole of those defendants. That department gave a general summons to everyone concerned.

The HOME SECRETARY: Mr. Daniels insisted on that.

Mr. HARDACRE: No.

The HOME SECRETARY: Yes, he did.

Mr. HARDACRE: No; Mr. Daniels did not insist on that. Mr. Daniels said it was necessary to summon certain witnesses, and he asked the Police Department to summon them, so that the cases might be gone on with in the prescribed time; and I say that the Police Department showed a lack of sympathy, and they were so antagonistic to the charges that were made that the prosecutions did not succeed, and the department absolutely failed to censure the police magistrate for his action. I say that if it had been anyone else but Mr. Daniels, the proceeding would have been different.

The ATTORNEY-GENERAL: No.

The HOME SECRETARY: I am not a court of appeal.

Mr. HARDACRE: Police magistrates are under the Home Secretary, and when a police magistrate does an action of this kind——

The HOME SECRETARY: What kind?

Mr. HARDACRE: He refused a reasonable request for an adjournment in such a way as to cause a great miscarriage of justice. If the Home Secretary wants to deal fairly with everyone in the colony, I say that it was his duty to censure that police magistrate for his action.

An HONOURABLE MEMBER: We have had these matters up before.

Mr. HARDACRE: I know that, but they will bear bringing up again.

The HOME SECRETARY: You are all wrong.

Mr. HARDACRE: No, I am not.

The ATTORNEY-GENERAL: Fortunately, the Department of Justice is above political patronage or influence.

Mr. HARDACRE: By way of interjection I said that I acquitted the Attorney-General's Department from any blame in this matter. I believe that at the time of these prosecutions the Attorney-General gave Mr. Daniels all the assistance he could. It is only fair to say that. But I am not so sure that the Attorney-General's Office is free from blame in connection with these charges. A *nolle prosequi* was entered in some of these cases. I am not saying anything against the Attorney-General personally, but I am speaking against his department. Is not the Crown Solicitor under the department of the Attorney-General?

The ATTORNEY-GENERAL: The Crown Prosecutor is not under my department.

Mr. HARDACRE: Is he not under the Attorney's-General Department? I am not saying that the Attorney-General himself is responsible in this matter.

The ATTORNEY-GENERAL: The Crown Prosecutor is not an officer of my department, except in the sense that he prosecutes in the name of the Crown, but he is not a servant of the Government in the same sense as the Under Secretary for Justice and the Crown Solicitor are.

Mr. HARDACRE: I am not blaming the Attorney-General personally; I am speaking of the officers of his department. In any case, the Crown Prosecutor refused to proceed with the charges which Mr. Daniels made against certain persons, and yet I say that these charges which Mr. Daniels has made have been proved up to the hilt by this select committee's report beyond the possibility of dispute.

The SECRETARY FOR RAILWAYS: Where does the committee say that?

Mr. J. HAMILTON: Read it.

Mr. HARDACRE: I am not quite sure——

The SECRETARY FOR RAILWAYS: Read where the committee say that.

Mr. HARDACRE: I am not quite sure how far I can go under the Standing Orders in referring to the charges which have been made against Mr. Donald Mackintosh.

The HOME SECRETARY: No one believes the charges against Mr. Mackintosh.

Mr. HARDACRE: Mr. Daniels made charges of forgery against Mr. Mackintosh, and also charges of swearing falsely with regard to certain claims. These were the charges on which the Crown Prosecutor refused to proceed, on the ground that there was no evidence to prove them.

The ATTORNEY-GENERAL: The Crown Prosecutor will only proceed on evidence which the court will admit.

Mr. HARDACRE: Yes, and that is one of the many legal technicalities that there are.

The HOME SECRETARY: That is where Mr. Daniels may get off.

Mr. HARDACRE: It is quite possible that one may be certain that he has moral proof against a man on a certain charge, yet he might not be able to legally prove the charge. I quite admit that. I do not know what legal technicalities the Crown Solicitor urged against the charges made by Mr. Daniels being gone on with, but I say that as far as the evidence is concerned, these charges are borne out by the select committee's report. I am dealing with the matter generally, and I am not going into the matters which have occurred between the Home Secretary's Department and the Attorney-General's Department and Mr. Mackintosh. But I wanted to get back to this most important report of this select committee. This report is of a very grave nature indeed. Apart from the merits or demerits of Mr. Daniels personally, and in the interests of political purity and political justice and political honour, and in the interest of the honour of this House, I say that members cannot justly and fairly pass by this very grave report of this select committee. What does the report say?—

> The committee also find—
>
> (*a*) That the names of fifty-eight persons were on the Cambooya electoral roll for freehold qualifications at the date of last election, none of whom owned freehold land within the electorate so as to qualify them, and the great majority of whom resided outside the electorate;
>
> (*b*) That those names were placed on the roll means of false statements, and in some of the cases by forged signatures.

The report further on says—

> After hearing the evidence of the two Geanys, of Mr. D. Mackintosh, M.L.A., and of three well-known experts in handwriting, the committee are of opinion that Mr. Mackintosh, the sitting member for Cambooya, filled up those two claims, and declared that he had seen M. Geany sign the claim with his own hand and John Geany make his mark, when, as a matter of fact, he had not done so. Whether Mr. Mackintosh wrote the signature "M. Gaeny" seems less certain, but two of the experts were of opinion that he did.

Many of those persons were on the roll who had no qualification or a false qualification. What is the position with regard to Mr. Daniels and the sitting member for Cambooya? At the present time, the sitting member holds his seat by virtue of a decision of the Elections Tribunal, which gave him a majority of one.

The SECRETARY FOR AGRICULTURE: Every member is here by a majority.

Mr. HARDACRE: Not of one. The decision arrived at by the Elections Tribunal gave Mr. Donald Mackintosh a majority of one.

The SECRETARY FOR RAILWAYS: You have had a man on your side for the last four months with a majority of one.

Mr. HARDACRE: That may be so, and because it was found that some of
[5·30 p.m.] the votes were given without the voters being properly qualified that member has lost his seat.

The SECRETARY FOR AGRICULTURE: No longer having a majority of one.

Mr. HARDACRE: Now, I am going to prove from the select committee's report that Mr. Donald Mackintosh, the sitting member, has absolutely lost the majority which was given to him by the Elections Tribunal, and that Mr. Daniels has a majority instead. The decision of the tribunal giving Mr. Mackintosh a majority of one was obtained on evidence given by Mr. Mackintosh himself—namely, that a person named John Byrnes lived in the electorate. On that statement alone the judge gave Mr. Mackintosh his majority.

Mr. TOLMIE: State the whole of the facts in connection with the case of John Byrnes?

Mr. HARDACRE: The fact is that Mr. Mackintosh holds the seat, and that he swore that John Byrnes resided in the electorate, but the very next day he admitted in court that the statement he had made in reference to that man was incorrect.

Mr. TOLMIE: Of course he did. He admitted it like an honest man.

Mr. HARDACRE: He swore wrongly—I will not say falsely—before the court, and upon that evidence the court gave its verdict.

Mr. TOLMIE: Oh, no; you are all wrong.

Mr. HARDACRE: I say he made an incorrect statement in court, and the judge's decision was obtained by virtue of that wrong statement.

Mr. TOLMIE: No.

Mr. HARDACRE: Of course it was, because Mr. John Byrnes's vote was allowed against Daniels.

Mr. J. HAMILTON: What have you to say about Daniels's evidence?

Mr. HARDACRE: I say the court gave a verdict on that incorrect evidence of Mr. Mackintosh, and yet he continues to sit in this House when he no longer holds a majority.

The SPEAKER: Order, order!

Mr. HARDACRE: Well, I am not imputing motives against anyone.

The SECRETARY FOR AGRICULTURE: You are making charges.

Mr. HARDACRE: I am stating a fact.

MEMBERS on the Government side: Oh, oh!

Mr. HARDACRE: Can hon. members dispute the fact that the vote of John Byrnes was allowed upon a wrong statement that he lived in the electorate, and that if that vote is now taken away, as in justice it ought to be, from Mr. Mackintosh, he would no longer have a majority?

The SECRETARY FOR AGRICULTURE: He might still have a majority.

Mr. HARDACRE: Yes, and so might Mr. Daniels. At any rate, the voting would then be equal. Now, I will show by the evidence given before the select committee that there were other votes recorded in favour of Mr. Mackintosh, which votes were obtained by putting in false claims and, therefore, should be disallowed. If they were disallowed Mr. Daniels would certainly have a majority. Take the case of William Robinson. On page 14 you will find this evidence—

> 404. *By the Chairman:* Have you any freehold land in the electorate of Cambooya? No.
> 405. How did your name come to get on the roll for Cambooya for a freehold qualification? I do not know.
> 406. You did not sign any claim yourself? No.
> 407. Did you authorise anyone to sign it for you? No.
> 408. When did you learn that your name was on the Cambooya roll? The morning of the election, I think, as far as I remember.
> 409. Who told you your name was on the roll? I think it was Mr. Mackintosh's son.
> 410. That is the Mackintosh who is the present member for Cambooya? Yes.
> 411. And you went and voted? Yes.

That proves that he did not sign the claim himself, that he had not the freehold qualification which he purported to have, and that, having no qualification, he went and voted.

Mr. DUNSFORD: That vote should be scrutinised.

Mr. HARDACRE: It should be disallowed. I am now going to prove that that vote, admitted to have been wrongfully used, was given in favour of Mr. Mackintosh.

Mr. TOLMIE: Judge Real decided that fact.

Mr. HARDACRE: Yes, he decided many things; but the committee's report indisputably proves that the decision of the judge was wrong on that point, and we now ask that justice should be done to Daniels.

The SECRETARY FOR RAILWAYS: There were two men in Linnett's case who said they voted one way when they voted another.

Mr. HARDACRE: That is not so. The claimant for the seat said they voted one way when they voted another.

The SECRETARY FOR RAILWAYS: They made a declaration.

Mr. HARDACRE: They made a statement.

The SECRETARY FOR RAILWAYS: No, a declaration.

Mr. HARDACRE: However, we have nothing to do with that case, and I am dealing now with this select committee's report. This witness admitted that he voted on a wrong claim, and he admitted how he voted. At question 419 he is asked—

419. *By Mr. Newell:* Did you know your name was on the roll for Cambooya until the morning of the election? I cannot say that I did. I never looked the rolls up. I may have been told before, but I didn't take very much interest in it. Mr. Mackintosh was a very old friend of mine for years past, and, of course, I voted for him.

There, then, we have two cases. In the first John Byrnes voted wrongly, and voted for Mackintosh, and it is admitted that Mr. William Robinson voted on a wrong claim for Mackintosh. As Mackintosh therefore only had a majority of one, those two votes being disallowed would give Daniels a majority of one. Then there is the case of Patrick Maher. He is asked the following questions :—

623. *By the Chairman:* You live in Fortitude Valley? Yes.

624. Have you any freehold land in the Cambooya electorate? No.

625. Do you know that your name was on the Cambooya roll? Yes.

626. And you voted at the last election? Yes.

627. How did your name get on the roll, seeing that you had no qualification? Oh, I lived up there.

628. But how did your name get on the roll for a freehold qualification if you had no freehold qualification?—Did you fill up a claim? I am not exactly sure. I think I filled in a claim. I have a hazy recollection of filling in a claim, and sending it to the electoral registrar at Pittsworth.

* * * * * * *

644. Do you remember the last election for Cambooya? Yes.

645. You were scrutineer for Mr. Mackintosh in Brisbane? Yes.

646. How long had you been living in Brisbane at that time. I do not think I was living in Brisbane then. I was going up and down.

647. Where was your home? I was staying at Campbell's, the next selection to where I lived before.

648. Were you working in Brisbane, Fortitude Valley? No.

I admit that does not say exactly that he voted for Mackintosh, but it is reasonable to assume that, being his scrutineer, he did vote for him. It is so reasonable a presumption that I think it can be urged that that vote should go to Daniels. Michael Geany is asked—

724. *By the Chairman:* Do you own any freehold land in the electorate of Cambooya? No; I have leasehold land there.

725-6. No freehold land? None.

727. Did you sign a declaration that you owned freehold land in the Cambooya electorate? No; never.

728. You never signed any declaration to that effect? No.

729. This is an electoral claim, filled up, and showing that you hold freehold land worth at least £100. [*Claim handed to witness. Christian name and surname: "Michael Geany." Date: "28th November, 1898." Signature: "M. Gaeny." Signature of attesting witness: "Donald Mackintosh, J.P."*] Is that your signature? No; that is not my signature.

730. This is a claim addressed to the electoral registrar at Warwick for the registration of Michael Geany, forty years of age, who lives at Allora, and whose occupation is "farmer." The particulars of qualification are: "Part-ownership for the last preceding six months of a freehold estate in possession at Canal Creek, near Leyburn, being portion 4v, my part being of the clear value of not less than one hundred pounds above all encumbrances." That is sworn to? No; the selection mentioned as 4v is my property, but no one has a partnership in it except myself.

731. Then you did not make this declaration? No.

732. Did you know that such a declaration had been made on your behalf? Never. I will give it from the start to the finish how it has come about. It was on the 27th November previous to the last general election that I met Mr. Mackintosh, in Allora, at the opening of the Roman Catholic Church. Of course, there was a considerable amount of electioneering going on, and he asked me about the properties, mentioning them. I told him I could have been on the roll, but I was not enthusiastic about it, and that my father and brother had been on the roll these ten years. I said, "It is rather late now, is it not?" "Not a bit of it," he said, "I will fix up that part for you." I looked upon my claim as a right, and not as a favour. That is all I know about the whole concern.

* * * * * * *

738. You have not spoken to Mr. Mackintosh about the matter since that time? Yes; he came to my place about the 6th of this month—yesterday week—and he said he had a paper for me to sign. He asked would I admit that I assented to him putting my name on the roll—would I exonerate him. I said I was bound to admit that I assented.

739. Mr. Mackintosh brought a paper for you to sign? Yes.

753. *By the Chairman:* I asked you the same question before, and I ask you again, is that your signature on this claim. [*Claim signed "M. Gaeny" again handed to witness*]? I deny any knowledge of it. It is a forgery, in my estimation. I know nothing about it.

Two experts in handwriting swore before the select committee that the signature of "M. Gaeny" was forged, and it must have been forged by Donald Mackintosh.

The SPEAKER: Order!

Mr. HARDACRE: I admit that that is a grave charge, and I do not wish to unnecessarily make it. Then we have the evidence of Michael Cronin—

212. *By the Chairman:* Do you own any freehold property in the Cambooya electorate? Not to my knowledge. But I want to know who put me on the roll for that. I would like to know that.

213. So would we? I gave no authority to anybody to put me on the roll.

214. You did not send in any claim to have your name put on the roll for Cambooya? No.

215. Did you give anyone authority to fill up a claim for you? No. And I was induced to vote, thinking Cambooya and Drayton came in together.

216. Who came to you on election day and asked you to vote? Mackintosh's son.

217. He told you your name was on the roll? Yes. He showed me my name on the roll. Who put it on is a mystery to me.

* * * * * * *

231. You have no idea who signed the paper for you? I may be able to tell you in the afternoon, because I am going to wire up.

232. Why do you say you think you can tell us in the afternoon? I will tell you the truth. It is either Mackintosh or John Scully, of the Union Hotel, who put me on. It is either of them.

There is a case where a man was informed that his name was on the roll by Mackintosh's son, and he swears his name was put on the roll either by Mackintosh or John Scully. Of course there is no absolute proof that Michael Cronin voted for Mackintosh, but the whole surroundings of the case go to show that that was almost certain. That is a strong reason why his vote also should be referred to the Elections Tribunal; and if those two votes are rejected, instead of Mackintosh having a majority of one, Daniels would have a majority of one. But there were a number of other names got put on falsely, and many of those persons were induced to vote by Mackintosh or his son. On all grounds of justice and political morality those should be scrutinised by the Elections Tribunal. The charge is one of

the most serious that has ever come before the House, and it is necessary that justice should be done as between Mackintosh and Daniels, not only in their own interests, but in the interests of the electors of Cambooya who have already petitioned the House to refer the matter to the tribunal—a petition which no honest-minded member ought to refuse.

An HONOURABLE MEMBER: You are assuming a lot.

Mr. HARDACRE: I am assuming nothing. I am stating facts, and I challenge any hon. member to dispute them.

The SECRETARY FOR AGRICULTURE: I dispute them at once.

Mr. HARDACRE: When the Attorney-General spoke on this subject he said it would be a monstrous thing in law, after a man had once been tried, to try him again for the same offence. I interjected that according to that argument the hon. gentleman would have refused to send back the Dreyfus case for retrial when fresh evidence was forthcoming.

The ATTORNEY-GENERAL: Not at all. I answered that. Suppose a man is charged with murder and acquitted, and that afterwards the Crown have a lot of fresh evidence, would you put him on his trial again to get that in?

Mr. HARDACRE: Suppose a man is tried for murder and found guilty, and that afterwards a select committee appointed in a judicial way declare on sworn evidence that he was wrongly found guilty, the Attorney-General would say that having been tried once he could not be tried again, no matter how unjust the verdict may have been, and that he should be hanged. This is the position. The select committee has indubitably proved that the decision of the Elections Trihunal was given on false evidence—was given mistakenly with regard to some persons who had no right to vote—that in justice the seat belongs to Daniels and not to Mackintosh; yet, according to the Attorney-General's argument, no matter how unjust the decision was, we cannot have the case reopened. Section 11 of the Elections Tribunal Act applies to the matter.

The ATTORNEY-GENERAL: The Dreyfus case was a very different case to this.

The HOME SECRETARY: The court was impeached there.

Mr. HARDACRE: Yes; on account of fresh evidence. There were certain confessions made.

The HOME SECRETARY: Confessions by members of the court.

Mr. HARDACRE: Confessions which were largely instrumental in rousing public opinion to such a pitch that it compelled a fresh hearing of the case.

The HOME SECRETARY: There was a conspiracy in which the members of the court took part.

Mr. HARDACRE: Section 11 of the Elections Tribunal Act provides—

> Election petitions shall be heard and determined by an Elections Tribunal, which shall consist of a judge of the Supreme Court and six assessors, being members of the Assembly, and who shall be chosen as hereinafter provided.
>
> Such tribunal shall have power to inquire into and determine all questions which may be referred to it by the Assembly respecting the validity of any election or return of any member to serve in the Assembly, whether the question relating to such election or return arises out of an error in the return of the returning officer, or out of his failure to make a return, or out of an allegation of bribery or corruption against any person concerned in the election, or out of any other allegation—

This is the point—

> or out of any other allegation calculated to affect the validity of such election or return, and also upon all questions concerning the qualification or disqualification of any person who has been returned as a member of the Assembly.

As far as my reading goes, that gives this House the power to refer the matter to the Elections Tribunal, and it gives the Elections Tribunal power to reconsider the matter. Last session, on the ground of the report of the select committee, we asked in this House, and also by a deputation to the Premier, that the matter be referred back to the Elections Tribunal; and what was the reason then given for not doing so? The answer was not that it should not be referred to the tribunal, but that, as certain matters associated with Daniels's case were *sub judice*, it would not be fair to the sitting member to send the matter to the Elections Tribunal until those charges had been heard. All the charges have now been heard, so that all objection on that score has passed away; and what are we told now? We are now simply met with a blank refusal on the ground of antagonism to Daniels. Whether it is personal or political I am not concerned to say one way or the other; but I do express my opinion that, if it had been a member on this side of the House who held the seat on the same slender grounds as the member who at present holds the seat for Cambooya, he would have been fired out quick and lively.

The HOME SECRETARY: You have no right to say that. What sort of an imputation is that?

Mr. HARDACRE: All the machinery of the departments and all the Government influence would have been used in order to have the case reheard.

The SECRETARY FOR RAILWAYS: I think it has been the other way, if anything.

The HOME SECRETARY: Was not this side strong enough to have prevented the appointment of the select committee, if it chose?

Mr. HARDACRE: Well, it had to be fought for by members on this side.

The SECRETARY FOR AGRICULTURE: Fought?

Mr. HARDACRE: Yes; it had to be fought for by this side.

The HOME SECRETARY: The Premier agreed that the select committee should be granted.

Mr. HARDACRE: Yes, after urging all kinds of objections, and because the request was of such a nature that he could not possibly refuse.

The HOME SECRETARY: You have just told us that under similar circumstances it would be refused—that this side of the House would act dishonestly and dishonourably.

Mr. HARDACRE: I do not want to be compelled to give the reasons that the Premier gave me for granting the select committee.

The HOME SECRETARY: You can please yourself about that.

Mr. HARDACRE: At any rate, it was not with the intention——

The SECRETARY FOR RAILWAYS: It is much better to give the reasons than to make slanderous innuendoes of that kind.

The SECRETARY FOR AGRICULTURE: If you have got a charge, make it.

The SPEAKER: Order!

Mr. HARDACRE: I do not think that I made any slanderous insinuations. But I say this—I am not giving the Premier's statement at all. I am giving my own statement. I say that the select committee was given with no intention of anything further being done on the committee's report.

Mr. STEPHENSON: How do you know?

Mr. J. HAMILTON: It is the House that decides that.

Mr. HARDACRE: I know, and I make the statement that I know; but hon. members need not take my word if they do not like it.

Mr. STEPHENSON: I say it is an absolutely erroneous statement.

The SECRETARY FOR AGRICULTURE: And a slander.

The SPEAKER: Order!

Mr. HARDACRE: I make the statement that I know.

The SECRETARY FOR AGRICULTURE: Under privilege.

The ATTORNEY-GENERAL: Was I not consulted at the same time as the Premier?

Mr. DUNSFORD: The fact remains that you are doing nothing on the report.

Mr. HARDACRE: The select committee was appointed, and brought up a report. What action has the House taken with regard to that report? Should the action of the House, or of the leader of the Government, be to take no notice of the report at all—simply to act as if no select committee had been appointed? Is the leader of the Government not going to take some action? Not necessarily the action embodied in this motion. He might have an objection to that particular line of action; but surely, in the interests of political justice in this colony, and in the interests of the honour of this House, it is his duty and his obligation to take some action with regard to the grave report that has been made by a committee appointed by this House, and laid upon the table of the House.

Mr. J. HAMILTON: The House has not adopted it.

The SECRETARY FOR RAILWAYS: Did you ever move that the House should adopt it?

Mr. HARDACRE: If anybody should move the adoption of the report it should be the leader of the Government.

The SECRETARY FOR AGRICULTURE: Could you not have done it?

Mr. HARDACRE: And if the Government had intended to do anything at all in the matter, that would have been the first thing they would have done.

The SECRETARY FOR RAILWAYS: The chairman of the select committee should have moved its adoption.

Mr. HARDACRE: When a charge of such a gross character was made, affecting the honour of the House, the leader of the House should have moved that the report be adopted, or that the report be not adopted—one of the two. As it is, a stigma rests upon the honour of this House, and upon the honour of members of this House, and so long as no action is taken, that stigma will continue to rest upon us, and a dark and black scandal will rest on the political morality of this House.

The SECRETARY FOR RAILWAYS: You are refraining specially from moving the adoption of the report.

Mr. J. HAMILTON: Why don't you try to take the stigma off yourself?

The SPEAKER: Order!

Mr. HARDACRE: I am quite willing to move that.

The HOME SECRETARY: The chairman of the select committee should have moved the adoption of the report.

Mr. HARDACRE: You know he is sick.

Mr. JENKINSON (*Wide Bay*): I move that the debate be now adjourned.

Question put and passed.

Mr. BURROWS: I move that the resumption of the debate stand an Order of the Day for Friday, 6th December.

The HOME SECRETARY: You wanted a division three weeks ago.

Mr. HARDACRE: We know we would not get a division.

The SECRETARY FOR RAILWAYS: You talked the motion out yourself.

Mr. GIVENS: Your side did.

The SECRETARY FOR RAILWAYS: I have not spoken at all, but I am going to.

Question put and passed.

At 7 o'clock the House, in accordance with Sessional Order, proceeded with Government business.

PASTORAL HOLDINGS NEW LEASES BILL.

RESUMPTION OF COMMITTEE.

Mr. HARDACRE (*Leichhardt*), in moving that the following new clause be inserted after clause 4, namely:—

The court may recommend to the Minister the advisability of appointing special commissioners for the purpose of the classification or of assisting in the classification of holdings under this Act, and the Governor in Council may thereupon appoint such special commissioners not exceeding three in number.

Each of such commissioners shall, for the purpose of the classification of holdings, have all the powers and authorities and be subject to all the disabilities and duties of members of the court; and the recommendation of any such commissioner as to the classification of any holding shall, in the same manner as the recommendation of a member of the court, be deemed to be a recommendation of the court.

All or any of such commissioners may be suspended or removed from office in the same manner as members of the court may be suspended or removed from office. Unless so suspended or removed, they shall hold office until the classification of holdings under this Act is completed, whereupon they shall cease to hold office—

said his object was to give the Land Court power to recommend to the Minister the advisability of appointing special commissioners to assist them in the classification of holdings. The clause provided that if the Land Court so recommended, the Governor in Council might appoint such special commissioners, not exceeding three in number. When special commissioners were appointed they would have the same powers for the purposes of classification as the individual members of the court, and the classifications they made would be deemed to be classifications of the Land Court. It was further provided that the commissioners might be suspended or removed from office in the same way as members of the Land Court could be suspended or removed, and that unless so suspended or removed they should continue in office until the classifications of holdings was completed, when they would cease to hold office. While there might be some objection to making a classification now of some holdings, particularly holdings where the leases had from thirteen to twenty years to run, he would point out that there were a large number of holdings the leases of which would fall in within the next seven years, and as fully 90 per cent. of those were cattle runs, which would not be very likely to be required for settlement, there would be no danger in classifying them now, and it would be a great advantage to the lessee to have them classified as soon as possible. But it would be very difficult for the Land Court to classify the whole of those holdings within a fairly reasonable time, and it seemed to him that if the court found that they could not do the work in the time, they should have power to recommend the appointment of the special commissioners, but under the clause which he was proposing they need not do that unless they deemed it desirable. The proposition was a reasonable one, and he hoped it would be favourably considered. He might here say that anything he had to say he would endeavour to put as briefly as possible. In the report of the Lands Department would be found a list showing the dates on which the leases of runs would

expire. From that he found that the leases of six holdings would fall in in December, 1900, five in June, 1901, eleven in December, 1901, ten in June, 1902, thirteen in December, 1902, thirteen in June, 1903, ten in December, 1903, eleven in June, 1904, two in December, 1904, thirteen in June, 1905, thirteen in December, 1905, eleven in June, 1906, one in December, 1906, and one in June, 1907. The same list showed that of the twenty-one years' leases, no less than forty-three would expire in December, 1906, seventy-three in June, 1907, forty-nine in December, 1907, seventy in June, 1908, and fifty-six in December, 1908. It was evident from those figures that it would be most difficult for the Land Court to do the work of classifying the runs in addition to their other work.

Mr. JACKSON: Why cannot the dividing commissioners do it?

Mr. HARDACRE: The dividing commissioners could do none of the work under this Bill. The Bill said the work of classification must be done by the Land Court. The persons who had acted as dividing commissioners in the past would be available as special commissioners under this clause, but they could not be called upon to do the work without a provision like this giving them the necessary status.

The ATTORNEY-GENERAL: Cannot the court get the benefit of their knowledge?

Mr. HARDACRE: Provision has been made that all classifications must be made in open court. If they had to be made in the Land Office they could get the knowledge of the dividing commissioners to assist them. The fact that the classifications had to be made in open court entailed on the members of the court the necessity of going to the different districts; and this new clause would enable the work to be done expeditiously. Those who were in favour of the classification being made as soon as possible would be in favour of the new clause.

The SECRETARY FOR PUBLIC LANDS (Hon. W. B. H. O'Connell, *Musgrave*): He thought the hon. member overlooked the position in which Parliament had put the members of the Land Court, the members of which were appointed for life and could not be removed except by both Houses of Parliament. The officers whom the hon. member wished to appoint under this clause would hold office only temporarily, and he thought it would be very unwise to put the responsible duties to be performed by members of the Land Court upon the shoulders of men who would be appointed temporarily for the purpose of making classifications under the Bill. On that ground alone he would ask the hon. member not to press the amendment, which was one he could not accept.

The SECRETARY FOR RAILWAYS: What salary would they get?

The SECRETARY FOR PUBLIC LANDS presumed they would get the same salary as the present members of the Land Court—£1,000 a year.

Mr. HARDACRE: It does not say that.

The SECRETARY FOR PUBLIC LANDS: Even supposing everything was in order, he maintained that the work to be put on the shoulders of the Land Court was so important that nobody unless he was appointed for life should be empowered to do that work. Although the new clause would no doubt enable a press of work to be got through, there was the objection that nobody should be entrusted with the work to be done by the Land Court unless he occupied a guaranteed position. Even with all the buttresses with which the Land Court was surrounded, some people might say they were not doing their duty fairly.

Mr. W. HAMILTON: Do you think the present court is adequate to meet all requirements?

The SECRETARY FOR PUBLIC LANDS: He thought so, as far as he could see. Of course it was impossible to forecast what might occur, but he knew there would be no shirking of work on the part of the members of the Land Court, and he thought it would be quite time enough hereafter, if it was found that the work really could not be done by the court as at present constituted, for Parliament to authorise an increase of members of the court. If men were to be trusted with this work, they must be put into an unassailable position so that they would have small temptation, if any at all, not to do their duty; but under the proposal of the hon. member—though he gave him credit for attempting to obviate a difficulty that might arise—the officers appointed would not be in the unassailable position occupied by the present members of the Land Court. For the reasons he had given he thought it would be unwise to pass the new clause.

Mr. HARDACRE: The Minister said that he had overlooked the fact that these commissioners must be in an unassailable position. He had not done that. He had put them in as unassailable a position as they could possibly be put in. The work of the Land Court in making the classifications might not be completed within twenty years, and they could not be removed from office except in the same way as the present members of the Land Court. They were practically members of the Land Court, but only for this particular purpose, and they held all the responsibilities of the position and the security of office for fully twenty years. If the Minister thought that that was not sufficient he could make the position more secure. He did not think that it was possible for the Land Court to do the work.

Mr. W. HAMILTON (*Gregory*): The object of the hon. member for Leichhardt was to make provision if it should prove that the present staff of the Land Court were not adequate to meet all the demands upon them on account of the increased work entailed by the classifications required to be made under this Bill. The classification of runs might extend over a long period of years, and they wanted to secure that the work should not be slummed. They did not want the classifications made in the same way as was done last year when they divided the country into schedules. He had been out into the country this year where mistakes were made in the manner of classifying the runs, and there were some holdings put in the 8s. schedule which ought to have been in the 10s. schedule, and there were other holdings in the 10s. schedule which ought to have been in the 8s. schedule. They could not classify the runs by taking the areas; they would have to take every holding individually. They knew that this classification would require expert men to do it, but he doubted whether there were any great number of experts in the colony. It was not very long ago that they had to go to New South Wales to get an expert, in the person of Mr. Woodbine, now a member of the Land Court. They might have excellent officers in the department, but when they came to classify holdings, they wanted men with expert knowledge of the grazing capacity of the country, and of many other things. This amendment would enable the Government to increase their staff if they found it necessary. Of course, if the Minister found that his staff was inadequate he could bring in an Act to increase it, but this amendment would make sufficient provision for that at the present time.

Mr. CAMERON (*Brisbane North*): He could not support the hon. member for Leichhardt in this amendment. All the data necessary for the classifications under this Bill were now in the Lands Office. The whole of the runs that were dealt with

had been reported on, he thought twice, and he could not see what further information could be obtained by a further examination of these holdings. He would sooner leave the matter in the hands of the Land Court—a body which had been proved to be not only extremely capable, but of well-known integrity. He was satisfied to leave himself in their hands. If it was found that the tribunal was not able to deal with the work in a sufficiently short time, it would be open to the Minister to appoint other persons to assist them; but until that was proved, he would prefer to leave things to the Land Court.

Mr. W. HAMILTON: You say the classifications can be made in the office?

Mr. CAMERON: Yes, he said that.

Mr. FOX (*Normanby*): Having listened very attentively to the arguments on both sides with regard to this question, he was inclined to support the hon. member for Leichhardt, because it did not compel the Minister for Lands to appoint anybody, but gave the Executive power to make the appointments. If the matter went to the vote he would support the amendment.

The ATTORNEY-GENERAL (Hon. A. Rutledge, *Maranoa*): He entirely agreed with the Minister of Lands. There had been an outcry against the multiplication of high-salaried appointments, and they had only recently done away with three, because it was believed that the work of the officers holding those appointments could be done by other people. Here they were starting a new era. To begin with they could not afford it, and in the next place, although the hon. member said that the amendment was open to improvement, it contained nothing about the salaries, nothing about the tenure of office of these officers, or anything of that kind. The hon. member for Gregory had spoken of the necessity of having experts. Well, experts were got before, and, as the hon. member mentioned, Mr. Woodbine was appointed. He was an expert, and his services were availed of by the Land Court prior to his appointment to his present position. He was not the only expert whose knowledge and services could be availed of by the Land Court. He did not agree with the hon. member for North Brisbane when he said that this work could be done inside the Brisbane office. The inquiries would be held in open court, and what was to prevent the Land Court from asking the Minister to procure for them the assistance of experts like Mr. Woodbine? That gentleman was sent out to do certain work, and acquire certain knowledge, and he came into court as the other witnesses did, with the information that he had about each particular case. His evidence was given in open court, and it was open to everybody to criticise, object, or refute it as the case might be, and the court acted upon the evidence. The court consisted of persons who had a large amount of experience and general knowledge of the country in different parts of the State; a general knowledge about the reliability of the evidence that was put before them, and were accustomed to sifting evidence on various questions.

[7·30 p.m.] The members of the Land Court would have the benefit of such evidence given in open court, as might and ought to be furnished before they arrived at a decision with regard to the classification of each particular run. The court, having that before them, did not want to have a sort of assistant tribunal which would be at once a Land Court and not a Land Court. As had been pointed out by his hon. colleague, there were many objections to such a tribunal. He thought it would be an undesirable innovation to make considering the system of things prevailing here. There was nothing analogous to this proposal in this State or in any other State. As the Minister for Public Lands had said, they had got an independent Land Court, and there was no reason to fear that they would do otherwise than their duty fearlessly and independently. And yet it was now proposed to establish a sort of nondescript tribunal, in connection with which there was nothing certain beyond the fact that the members of this tribunal would get an unfixed salary extending over an indefinite number of years.

The SECRETARY FOR RAILWAYS: That is not even certain.

The ATTORNEY-GENERAL: No; he thought it most dangerous to have these powers conferred upon individuals unless they were in an absolutely independent position. This might be a sort of attempt to put them in an independent position, but the members of this proposed tribunal would only be independent for a year or two, or until such time as the Minister wanted to get rid of them.

Mr. HARDACRE: Oh, no. They can only be removed by Parliament.

The ATTORNEY-GENERAL: The Minister could come down and inform the House that the services of these men were no longer wanted, or he could cut down their salaries, or make it worth their while to resign. There were many ways of getting rid of these officials without putting them out of their offices directly. In the very nature of things he thought that such a tribunal was undesirable. And another thing, it would have this effect, to make the members of the Land Court say, "Oh, well, we need not bother about this matter; let the other tribunal deal with it, and we can employ our time in doing something else." If the proposal was accepted it would mean offering an inducement to men who worked very hard to keep up to their duties not to work so hard, and it would be offering an inducement to the members of this assistant tribunal to prolong their labours as long as they could so that they could receive their salaries for as long a time as possible. No doubt the hon. member was sincere in his desire to have this provision incorporated in the Bill, but it bore condemnation on the face of it. This was not a proper time to create such a tribunal, which would mean the incurring of fresh expenditure on a large scale, for at the present time they were anxious to avoid extravagant expenditure in any direction. There was another objection. If they were going to create a tribunal which would require certain sums of money to be appropriated for its purposes, the Governor would have to authorise the appropriation before they could deal with it. The suggestion of the hon. member for Gregory might be all right, for if they found that the present members of the Land Board were physically unable to overtake the amount of work which was placed in their hands by this Bill, then it would be time enough for the Minister to come down and ask for an increase in the number of the members of this court from so many to so many. The proposition of the hon. member for Leichhardt, if accepted, would have the effect of damaging the efficiency of the administration of the land laws of the colony, and this sort of thing was unknown in any other State department that he was aware of.

Mr. W. HAMILTON: Was not aware that this amendment proposed that these appointments should be made immediately: they might be made years hence. These appointments would only be made when the stress of work was too much for the present staff. The hon. member for North Brisbane, Mr. Cameron, wanted these divisions and classifications to be made in the office in Brisbane.

The ATTORNEY-GENERAL: The Minister does not want that.

Mr. W. HAMILTON: Was very glad to hear that. Subsection 3 of clause 5 of this Bill read—

> For the purposes of making the division the Commissioner, or some other fit and proper person appointed by the Governor in Council, shall be required to inspect the holding and report as to the best mode of making a fair division thereof.

That rendered it imperative that an inspection should be made of holdings before they were divided and classified. He strongly objected to the suggestion of the hon. member for North Brisbane, that this should be done in the Brisbane office, for the hon. member for Balonne might come along and give one of his characteristic descriptions of the country out West, but that would be very poor information to go upon. He thought the Minister recognised that the proposal of the hon. member for North Brisbane was not a good one.

Mr. STORY (*Balonne*) thought there would be a danger in having too many experts. Lands were divided in 1884, or shortly after that; two reappraisements had been made by the same board, and the country was just the same except that it had deteriorated in some cases. There might have been afterwards conveniences in the way of railway communication which did not exist when these lands were divided. He could not see that any good would be done by having experts to revalue and reinspect lands. The hon. member had read out part of clause 5 of this Bill, but he must know that before the Land Court divided or valued runs the lessees would give evidence as to the carrying capacity of the land, and the land commissioners would also give evidence. With regard to expert evidence, the danger was—particularly in the West—that men might be sent out there who would not have the necessary local knowledge. They knew perfectly well that men were sent out as Crown rangers who had no local knowledge. In his own district a man had been sent from Georgetown to the Balonne district, and immediately commenced to value the lands there. The smartest man in the world, without local knowledge, was not fit to value lands or to judge of their carrying capacity. He would rather trust men who had dwelt for years in the district to make reports with regard to lands in any district with regard to rainfall and the carrying capacity, and so forth. If men without local knowledge did this it might lead to a lot of litigation. He agreed with the hon. member for Gregory that a dividing commissioner, who had been a dividing commissioner for a number of years in a certain district, should divide lands so that the resumptions would be as good as the leaseholds.

Mr. CAMERON explained that he did not wish it to be understood that he advocated the division of the runs in the Lands Office in Brisbane.

Mr. HARDACRE thought the representatives of the pastoral lessees would have jumped at the new clause, for it was certainly desirable that the work of classification should be done as quickly as possible so that pastoral lessees might know exactly where they stood. Altogether, there were no less than 418 pastoral holdings falling in within the next seven years, and that would involve a great amount of extra work. As the classification had to be done within five years, how was it possible that the present Land Court, consisting of three members, could do the work as expeditiously as it was desirable that it should be done.

Mr. CAMERON: They have all the information in the office.

Mr. HARDACRE: But the hon. gentleman forgot that the Committee had already adopted an amendment which made it compulsory to classify in open court, and the classification would be accomplished in exactly the same way as the determination of rents. The work could not be done simply on the data existing in the Lands Office, and it would be necessary for the court to move about from place to place.

Mr. CAMERON: They will follow the same procedure as hitherto.

Mr. HARDACRE: They would not be able to do that and stay in Brisbane. His amendment contemplated the appointment of men to the same responsible and judicial positions as members of the Land Court.

Mr. STORY: But you cannot give them experience.

Mr. HARDACRE: The hon. member ought to know that there are a great number of experienced dividing commissioners who, at the present time, had very little work to do. The dividing of the runs under the Act of 1884 was about completed, and those men would be available for this work. He did not see how they could find more experienced men, and he did not see any objection to their appointment as far as the responsibility of the position was concerned. It had been suggested that when a rush of work came, the Government could bring down an amending Act for the purpose of appointing additional members to the Land Court. He thought it would be very objectionable indeed to appoint additional members to the court for general work, and that the numbers should not be permanently increased; but in that case they had specific work to be performed which was authorised by the Bill they had under consideration, and the new clause simply gave power to the court to recommend the appointment of new officers when they thought necessary. He had only suggested the clause because he thought it would be an improvement on the Bill, but if the pastoral lessees' representatives did not want to facilitate the classification of holdings, and the Minister objected to the clause, he had no desire to strenuously press it. He made what it must be evident to any reasonable minded man was a suggestion for improving the Bill, but if the Minister did not care to accept it then he would let it go.

New clause (*Mr. Hardacre*) put and negatived.

On clause 5—"Division of holdings."—

Mr. KENT (*Burnett*) said he had an amendment to propose on line 41, after the word "holding," where he proposed to insert the words "and shall also adjoin the boundary of the portion previously resumed under the provisions of the Crown Lands Act of 1884, or any amendment of that Act." He did not think it was advisable to resume at one end of a run on one occasion and at another end on another occasion, because such a system not only split up the existing lease, but it also divided the various selections. It was far better that the selections should be adjoining one another as far as possible, and that selectors should not be camped all over the run. As the clause at present stood, the leases would be absolutely spoilt by the resumptions which would be made. If the amendment were adopted, it would save a great deal of expense in classifying the land, because both the public and the lessee would know where the next resumption would take place. In one or two resumptions that he knew of there had been a difference of opinion amongst the residents of the district as to where the land should be taken from; and in the case of a run lately divided, no less than three deputations came down to Brisbane, and wanted three different portions of the lease resumed. When the resumption was made, one section of the inhabitants were not satisfied, but if it was a rule that a certain portion of the run would be

set aside and made available, people would know exactly where to go, and would not be scattered broadcast over different portions of the run.

The SECRETARY FOR PUBLIC LANDS said he could not accept the amendment because it would tie the hands of the Government too much. Subsections 4 and 5 of the clause were specially framed in the interests of the lessee; they protected his interests right through. Paragraph (*a*) of subsection 4 provided that—

The whole resumed part shall be in one block, and when practicable shall be separated from the remainder of the holding by one straight line, and at least one-fourth of the external boundaries shall coincide with the original boundaries of the holding.

But this rule may, with the consent of the lessee or former lessee, be departed from if it appears to the court to the public interest so to do.

The hon. member was asking too much when he sought to further tie the hands of the Government with regard to how they should take the resumed areas, because it might not suit at all to take up areas adjoining the resumptions under the 1884 Act. That might force them to take land they did not want. He was prepared to let the court deal with the matter in a fair way, both for the Crown and for the lessee, and the lessee should be equally prepared to do so.

Mr. W. HAMILTON: I know some stations where, at the request of the lessees, the resumptions have been made at different ends of their runs.

The SECRETARY FOR PUBLIC LANDS: Quite so; and it would be unwise to make the direction to the court too rigid. A certain amount of discretion should be allowed them. Both the lessee and the Crown would be able to be heard, and both would have the right of appeal. He would ask the hon. member not to press his amendment, as he could not accept it.

Amendment (*Mr. Kent*) put and negatived.

Mr. W. HAMILTON: The clause provided that—

The Minister shall, if the report so states, cause the holding to be divided into two parts, one of which, hereinafter called "the resumed part," shall from and after the expiration of the existing pastoral lease be deemed to be Crown land, subject to the right of depasturing thereon as provided by sections 65, 66, and 67 of the principal Act.

The principal Act was the Act of 1897 as far as that Bill was concerned. Did the 1897 Act allow the assessors to assess the rent just as high on the grazing area as on the leasehold?

The SECRETARY FOR PUBLIC LANDS: There is no limit at all. There was in the 1884 Act.

Mr. W. HAMILTON: That was the information he wanted.

Clause 5 put and passed.

Clauses 6 and 7 put and passed.

On clause 8, as follows:—

In every lease granted under the provisions of this Act the following covenant shall be implied on the part of the lessee, that is to say:—That the lessee will not at any time during the currency of the lease cause or permit prickly pear to increase in growth or extent upon any part of the land comprised in the lease.

If it is proved to the satisfaction of the commissioner that the lessee has at any time failed to observe the covenant herein set out, the Minister may, subject to the provisions in respect of forfeiture contained in Part IV. of the principal Act, declare the lease absolutely forfeited and vacated, and thereupon the holding shall revert to His Majesty.

Mr. CAMERON: This provision would operate very injuriously to holders of certain leases. Its operation would be extremely unequal. There were thousands of square miles in the Central and Western portions of the colony on which there was no prickly pear, and possibly would not be for the next fifty years, while on other holdings in the South the land was infested with it, and it would be difficult to prevent it from spreading. He would prefer to see the clause withdrawn, and the matter dealt with in a separate Bill.

The SECRETARY FOR PUBLIC LANDS: He had previously mentioned the case of one of the Crown tenants who had kept his holding clear, not only of prickly pear, but of all kinds of undergrowth—not because he was a philanthropist or a patriot, but because it paid him to do so. He believed the clause would pay the pastoral lessee—to keep his land in reasonable condition. If he did not, it would deteriorate his holding, while he would still have the same rent to pay, and the Crown would every year have a worse property. With regard to one remark of the hon. member, he intended, if possible, before the session was over, to bring in a Bill dealing with prickly pear, providing compensation to some extent for the expenditure incurred. If the clause went through it would be a good thing for the country and for the lessee. If the lessee, instead of waiting for the pear to increase, attacked it on the borders, and got a certificate from the commissioner that he had expended so much money, for which compensation would be paid him at the end of his lease, it would be to his benefit, and to the colony's benefit. It was usual, he believed, in private agreements that a man should keep—allowing for fair wear and tear—his tenement in decent
[8 p.m.] condition, and that was all that was asked by the clause. He admitted that it was very difficult to say whether the pear was at a certain point when the lease was granted or whether it was 2 miles away, unless a survey mark was put in; but it was a move in the right direction, and he hoped that the Committee would accept the clause.

Mr. KENT asked what the hon. gentleman would do in the case in which the pear was brought down on to a man's holding by floods? If the hon. gentleman had any practical knowledge of the country outside, he would know that it took an army of men after every flood to keep the prickly pear down. If he knew the country between the Burnett and Chinchilla, he would know that a few years ago there was hardly any pear; but, owing to the floods coming down the Auburn and the Boyne, and the Burnett, too, the pear was spread all over the country, and now it was to be found stretching for miles and miles. It was almost impossible for the lessee to keep it down where it was to be found to any extent. It was more than the fee-simple, let alone the rental value, of the land was worth to keep it down.

The SECRETARY FOR PUBLIC LANDS: The hon. member had struck a note that was rather unfortunate. He supposed there was no run that was more subject to floods than Welltown. It was continually being flooded, and yet the present lessee had told him distinctly in his office that he had kept his run clear of prickly pear and every other curse, because it was pounds, shillings, and pence in his pocket. If it paid to do that at Welltown, then it would pay on any other run in Queensland.

Mr. STORY: The Minister compared the keeping of a run clear of prickly pear with the agreement of the holder of a tenement to keep his place in order, fair wear and tear excepted. Well, if the land that lessees had to take were clean, that would be a fair illustration; but under the Bill the lessees had to take resumed areas that had not been occupied for years, on which there were miles and miles of prickly pear so dense that it was impossible to ride a horse through it, or to get stock through it, or to use it in any way. It was absolutely impossible for a lessee to prevent the pest increasing when it had got such a hold of the country as that, more especially as the seeds were carried by

birds, floods, stock, and in every conceivable way, all over the country. The hon. member for Dalby had introduced a Bill that went through the House almost with acclamation, offering special inducements to selectors to clear off the pear. Although the prickly pear was becoming one of the curses of the West, and legislation was necessary to prevent its spreading, it was not fair to ask men to pay three, or four, or five times the rent they were now paying for the land on purpose to prevent the spread of the pest, when, through no fault of theirs, the prickly pear was to be found on the land that was to be included in their holdings. The hon. member for Burnett had spoken about floods bringing the pear down. That was so at Welltown and anywhere down the Weir. In the great floods of 1890 and 1893 the Balonne and Moonie met, and there was a stretch of 40 or 45 miles of water, with the result that the pear was spread over an immense area of country. As the Minister said, it would be very hard for a land commissioner to say whether the pear had spread or not. He did not believe that any lessee could possibly undertake such a business. No one was more anxious than he to prevent its spread, and provision should be made in the Bill by which the lessee in prickly pear country who prevented the spread of the pest would be put on an equality with men, say, on the Warrego, or at Hughenden or Winton, where there was no prickly pear at all. Where prickly pear was plentiful the largest item in the cost of management would be the prevention of the spread of prickly pear, while it would be simply impossible to eradicate it, because the value of the land would not be anything like commensurate with the amount of money it would take to eradicate it. The Committee would see how unfairly it would press on different lessees. It would be exactly the same if the Bill provided that selectors were to prevent the spread of the pear. No selector would take land with prickly pear, because he knew what an everlasting work it was, and how very costly, and yet they were asking the men to include land in their holdings which no selector would take up.

Mr. BELL (*Dalby*) quite understood any landlord desiring to have a provision of that kind in an agreement with his tenant, and, on the whole, he was disposed to think the Minister had done well to introduce the clause, inasmuch as he occupied the position of landlord; but he had no hesitation in saying that, on the whole, the clause would probably be more honoured in the breach than in the observance, because unless they were going to have a much more minute inspection on the part of Crown land rangers than they had ever had in the past, they would not have anything like a scientific account of whether the pear on the various runs had been allowed to increase or not. If the clause would induce lessees to make some attempt to combat the growth of the pear, it would do more good than harm, and if it went to a division he felt disposed to vote for it. If the clause were going to be carried out in a rigorous way to the very letter—which he did not think for one moment would be the case—he should be perhaps less disposed to support the clause than he was, but he ventured to say that as long as the lessee made some attempt to fight the prickly pear, the Minister of the day would not be disposed to find fault with him. While he recognised the position of the lessee, he certainly did not forget the duty the Minister owed to the country to make some attempt to prevent the deterioration of our public lands by the spread of prickly pear. All that this clause proposed was to endeavour to prevent the prickly pear increasing in quantity. Probably the measurements would not be made with mathematical accuracy, but all that would be required would be evidence that the lessee had made some effort to prevent the spread of prickly pear on his holding. The Minister had made an allusion to a district which they should hear something more about when the hon. gentleman introduced the Bill which he had referred to and which they might or might not see this session, and talked about doing something with the fringes of prickly pear land. If the hon. gentleman imagined that prickly pear grew like a scrub or a forest in Africa, and that it terminated in a definite manner as the sea terminated on the shore, he was under a misapprehension. The prickly pear had no definite line of limitation at all, but grew in bunches and was scattered about like raindrops falling in a storm. Under this clause all that could be done, and he thought it should be done, was to see that the lessee gave some evidence that he was not allowing the prickly pear to increase in quantity, that whether he tackled the pear in the centre or on the boundaries of his run, he should give some earnest that the property of the State was not deteriorating. He could understand the hon. member for Balonne not viewing the clause with any approval; but hon. members represented the landlord of the country, and on the whole he thought the Minister was deserving of credit for introducing this clause.

Mr. HARDACRE thought the Minister was acting from a praiseworthy motive in endeavouring to do something to prevent the spread of prickly pear on holdings for which extended leases were to be given, and that now that the lessees were going to get longer leases they should do something in that direction. When they gave a lease to a selector they required him to fence the land and perform the condition of residence either personally or by bailiff, and it was not unreasonable to ask that the lessee should be required to perform some condition. He would even go so far as to ask the lessee to perform the condition of improving his holding. In his district there were places, which many years ago were sheep runs, covered with brigalow scrub.

Mr. STORY: You might just as well insert a provision for the prevention of the spread of brigalow scrub.

Mr. HARDACRE: Exactly. But what he wished to point out was that this provision would be all right in the case of holdings on which there was no prickly pear at the present time, but he scarcely thought it should be applicable to the holdings where there were miles and miles of prickly pear, and it was beyond the power of the lessee to prevent the plant from spreading. With a provision of this kind in the lease, which absolutely threatened the forfeiture of the lease if certain conditions were not complied with, if the lessee went to a financial institution for an advance he would probably be told that it was a dangerous lease, and might find difficulty in getting the money required.

Mr. STORY: I say some inducement should be given to lessees to prevent the spread of the prickly pear.

Mr. HARDACRE: He thought some inducement should be given in that direction, as well as with regard to ringbarking and the clearing of scrubs. He would suggest that the clause should be amended by inserting after the words "failed to" the words "make reasonable efforts to."

Mr. BELL: What are reasonable efforts? Do you mean to say that under the clause as it stands, if the lessee made reasonable efforts he would forfeit his lease?

Mr. HARDACRE: He did not say he would, but he did say that a financial institution would

express the opinion that the lease was a dangerous one, seeing that it might be forfeited at any time for non-compliance with this condition.

Mr. BELL: You are not usually so solicitous about financial institutions.

Mr. HARDACRE: He thought he was just as solicitous about them as the hon. member for Dalby. On every Land Bill he had taken the stand that they should do absolute justice to the lessee, and to everybody concerned, and whenever he had fought against anything, it was because he thought that someone was trying to get an advantage at the expense of other people. He was trying to do what he thought was a fair thing now. He admitted that he might go too far in looking after their interests, because if they were given an inch they took an ell. He moved the insertion after the word "to," in line 32, of the words "make reasonable efforts to." The question as to what were reasonable efforts would be one of fact. If it was proved that the lessees tried to do something in compliance with the clause they would not be under the liability of having the lease forfeited.

Mr. FOX: He was willing to support a drastic measure to keep the prickly pear off runs where it did not exist at present, but to force pastoralists to take over resumed portions and compel them to remove prickly pear, or to make an effort to remove it, would be ruinous to them, and he believed it would be unfair all round. He did not see what good it would do, because unless somebody was watching the lessee he could easily say the pear was there before he took the land over; and with regard to the amendment, he believed no two men would be found to agree as to what were reasonable efforts. He was glad to find that the Minister was encouraging the eradication of the pear by allowing it to rank as an improvement in the same way as ringbarking. He thought it should be optional with the lessees to take over prickly pear country or not, or else they should get some inducement to deal with the pest.

Mr. SMITH (*Bowen*) thought it was very desirable that something should be done in regard to the prickly pear pest, and if the clause would assist in that direction he thought it would be a very good thing. Where the runs were perfectly clear, it should be incumbent upon the lessees to keep them clear, but it would be very unreasonable to expect a lessee to go to great expense in eradicating prickly pear that was there before he took the lease. However, if he did make exertions towards eradicating the pest, compensation should be given in some shape or form. He thought the rent of prickly pear country should be made as reasonable as possible by the Land Court, so that the lessee would get some compensation in that way. If the pastoral tenants were not encouraged in some way to keep the pest down it would be found in some instances that at the end of the lease the country would not be worth taking up at all, because there was a tendency on the part of tenants towards the end of the lease to allow the country to run wild. If the tenant got some reduction in rent with regard to pear-infested country and some compensation, as suggested by the Minister, he would be only too glad to eradicate the pear or keep it from extending.

Mr. KERR (*Barcoo*) thought the Minister for Lands had made an attempt in this clause to deal with a very important matter. It seemed that the gentlemen interested were not satisfied with getting an extension of lease, but wanted to be paid for leasing country from the Crown. It was well known that if all the leases on which prickly pear existed were to be exempt, there would be a very large portion of Queensland exempt. At the present time there were a large number of sheep stations on which the pear had made its appearance, and he knew there were some sheep stations in the Mitchell district that had prickly pear and no attempt had been made to eradicate the pest. It came out in evidence a short time ago, when the Bulloo Downs case was being

[8·30 p.m.] tried, that the lessees never made any attempt to kill the rabbits off when they first appeared on the run. If an attempt had been made on many of the runs to keep down the rabbits when they first appeared, they would not have had the pest in such an alarming state as it was to-day—and it was the same with the prickly pear. In classifying the runs of infested country, that matter should be considered, and it would depend upon the classification that they were placed under. Some of those runs that were heavily infested with prickly pear might be placed in Class III. or Class IV., which would be a great advantage to the lessees of those runs; but they must remember that within their own knowledge many pastoral lessees had allowed Bathurst burr to overrun portions of their runs, and they had been compelled to fence off large portions of the runs to keep sheep from getting on to them.

Mr. STORY: Bathurst burr will grow itself out in time, but prickly pear will not.

Mr. KERR: Bathurst burr would die out if it was fenced off, but that showed that through neglect the public estate had been brought into a bad state, and the same thing was going to take place with regard to prickly pear. The Minister was attempting manfully to battle with pests that they had allowed too long to overrun the country, and no one had been able to contradict the statement of the Minister that one pastoral lessee that he had named had proved conclusively that for a very small expenditure he had been able to keep his country not only clear of prickly pear but of other pests. If one pastoral lessee could do it, and said it was to his advantage, why could not other pastoral lessees do it, and show that they were taking some interest in the public estate? Then the very strong opposition that was raised by a large section of the people of the colony against the pastoral lessees having extensions of their leases would not be raised; but the neglectful way the public estate of the colony had been treated by the lessees in the past in allowing pests to increase had raised a good deal of feeling against the extension of leases. He certainly thought the Minister had made an attempt to deal with these pests, and he would support the clause as it was in the Bill.

Mr. STORY: The hon. gentleman spoke as if the prickly pear grew of itself in any man's holding, and might be kept down or allowed to increase as he thought fit. It was perfectly well known that in part of the eastern portion of Southern Queensland prickly pear had been brought down by the waters of the Condamine, so that the man who worked hard and spent money to keep prickly pear down might have it spread by every flood that came down. He could quote one instance where the owner of a station had told him that he had spent £7,000 in fighting prickly pear, and he had got a supply coming down with every flood from men who were not obliged to do anything towards its extermination.

Mr. KERR: This clause deals with that.

Mr. STORY: This clause said that the man who had got prickly pear that was sent down probably from his neighbour by the streams up above had to eradicate it without any compensation at all; whereas a man who was fortunately situated a few miles further west where those waters did not come down, and who had no prickly pear, got his run at the same rent perhaps, and he had no obligations and not half

the expense. That meant that they would be loading a certain section of the lessees with an expenditure which would not press on others. He would direct the hon. gentleman's attention to this: There was no doubt the scrubs were spreading very fast, and in the West had a great deal to do with the deterioration of the country. If a man ringbarked 20,000 acres of his run he was allowed by the Crown to do so, and if they were going to make a crusade against the prickly pear, the men who started to do it should not do it at their own loss, as compared with other men who had not the same obligations. The prickly pear pest was a most difficult one to deal with. It required neither soil nor water. All it required was air to enable it to grow, and the only way to deal with it was either to sink it under water, bury it, or to burn it. It was the most expensive thing to deal with in the way of a noxious weed. There might be owners whose runs were being overrun with brigalow, a pest which was spreading frightfully in his own district, and was actually ruining large areas of country. It would be just as fair to insist that the lessees should prevent that from spreading, and thus place them in a different position to other lessees, as it was to require lessees to deal with the prickly pear in the way which had been suggested. If a crusade was intended against the prickly pear, by all means let it be followed up; but it should be done under fair conditions. The Government were going to introduce a Bill for the extermination of the prickly pear, and they should do something to help to get rid of it.

Mr. W. HAMILTON thought the Minister was doing the proper thing in saying to the lessees, that if they were going to give them a further extension of lease, they wanted some guarantee that they would give back the land at the end of the lease as clear from pests as when it was leased to them. That was pretty well what this clause said. He dared say that prickly pear had grown on many of these runs during the tenancy of these lessees, and if they had taken action in the past they could have kept it down. Out West the pastoralists had gangs of men continually employed in keeping down the Bathurst burr, and that was quite as great a pest, and it would do more damage to the wool than the prickly pear. All these pests spread through neglect in the first instance. The same thing occurred in New South Wales in connection with the pine scrubs which spread in the Lachlan district. The Government had to go into the country and clear it, because the pastoral lessees had made no effort to keep it down. Then there was the Bulloo Downs case, in which it was shown that the lessees never made any attempt to keep down the rabbits. He thought it was a very good thing that the Minister should come down and try and make it imperative on the lessees to endeavour to keep these pests down. He did not take it that, because a lessee did not eradicate every pest, his run would be forfeited. He thought it was quite safe to leave the power of saying whether a lessee was trying to keep these pests down in the hands of the Land Court or the commissioners.

The SECRETARY FOR PUBLIC LANDS: This clause makes it permissive on the part of the Minister.

Mr. W. HAMILTON: The hon. member for Balonne referred to one man keeping his land clean and that, owing to his neighbour above him not keeping his land clean, the first man suffered through getting his neighbour's prickly pear on his land; but this clause made a lessee's neighbour keep his land clean. It was just as imperative on the one as on the other. If there was prickly pear on unoccupied land the responsibility of keeping that unoccupied land clean devolved on the Government. He thought this was a step in the right direction, and he did not think the provision would press harshly on the lessees. No doubt it cost a good deal of money to keep down prickly pear, but if the lessees got a long tenure, and their runs were put into a certain class, it would pay them to keep down the pear.

The CHAIRMAN: It is my duty to remind hon. members that this discussion has been on the whole clause; but there is an amendment before the Committee, and hon. members must confine their remarks to that.

The SECRETARY FOR PUBLIC LANDS said he had no objection to the insertion of these words, as they would make the clause less drastic than it was at present. He did not think it was at all likely that any Minister would forfeit a run in a case of this sort, unless it was proved that the lessee, after being called upon to do something he was bound to do, persisted in refusing to carry out this portion of the contract. He did not think any Minister would wilfully forfeit otherwise.

Mr. KERR was in favour of the amendment. He thought the Minister would remember a case where a lease was granted as an occupation license in the Blackall district, and the same provision was put in that lease as the hon. member for Leichhardt wished to put into this clause—that was, that the lessee should make reasonable efforts to keep his land free from the pear. He thought the Lands Department had treated occupation licensees in a very fair manner, and he could not see why the Minister should go out of his way to harass pastoral lessees any more than occupation licensees. It was only reasonable to have this amendment in the Bill.

Amendment (*Mr. Hardacre*) agreed to.

Clause 8, as amended, put and passed.

On clause 9—"Application of the Land Act of 1897"—

Mr. HARDACRE said he wished to move some amendments in this clause. When the Bill was introduced before the Committee he had referred to the matter of compensation for improvements, and he had shown then that under the existing Acts—under the 1884 Act and its amendments, and under the 1897 Act, and by a decision of the Supreme Court on one matter—compensation for improvements were only to be paid when the lessee had actually been deprived of the use of his improvements, or of the land on which the improvements were. He would like to have some such provision in this Bill, but he did not intend to move any amendment now. He was just drawing attention to this matter of compensation.

Mr. STORY: What is the law on the matter?

Mr. HARDACRE: If hon. members desired, he would explain what the law on the matter was.

Mr. STORY: There is considerable doubt on the matter.

Mr. HARDACRE: Perhaps it would be just as well for him, in the interests of lessees and everyone else, to read what the Act said. Section 107 of the 1884 Act read—

> The amount awarded to any pastoral tenant or lessee for compensation under the provisions of this Act shall not, except in the case of the resumption of an entire holding, be payable to him until he is actually deprived of the use of the land or of the improvements in respect of which the compensation is awarded.

This applied to leased land, and in the 1884 Act there was no provision for compensation with regard to the resumed areas, but under the 1886 Act improvements might be made on the resumed areas, and after the resumed areas were

taken away, then compensation could be paid for improvements in the same way. Part of section 9 of the 1886 Act read—

When the land upon which any such improvement is made is selected or otherwise disposed of, the lessee shall be entitled to receive as compensation in respect of the improvement such sum as would fairly represent its value to an incoming selector, but not exceeding the amount specified in the license.

Clause 104 of the 1888 Act read—

Where there is upon a run or holding an improvement, the pastoral tenant or lessee shall be entitled, subject to the provisions of this Act, on the resumption under the provisions of this Act of the part of the run or holding on which the improvements are, or on the determination of the lease otherwise than by forfeiture, to receive as compensation in respect of the improvement such sum as would fairly represent the value of the improvement to an incoming tenant or purchaser of the whole run or holding.

Those sections were very clear. When the resumption took place the lessee was entitled to compensation; but he did not get paid the compensation until, under clause 107, he was actually deprived of the use of the land or of the improvements standing on the land. Clause 8 of the Act of 1892 made the provision that when the lessee had, with the approval of the board, made improvements on the land comprised in the lease or license, he should in the event of the improvements being selected, be entitled to compensation in such sum as fairly represented the value of the improvements to the incoming tenant. It was only in the case where the improvements were absolutely selected that compensation was given. In the 1897 Act there was exactly the same provision under clause 213, which said that the amount awarded to any pastoral tenant should not, except in the case of the resumption of the entire holding, be payable until he was actually deprived of the improvements in respect of which the compensation was awarded. All that he had read out was embodied in a decision of the Supreme Court in the case of a resumed area, the decision being that while the lessees were entitled to compensation, they were not entitled to it until they were actually deprived of the use of the improvements. Nothing could possibly be clearer than section 213 of the 1897 Act, or section 207 of the 1884 Act. In looking over previous debates he found that the enormous danger that would accrue to the Crown if it was called upon to pay for improvements at the expiration of the lease was anticipated. The amendment which he had to move read as follows, and came in after line 44 of clause 9:—

Provided that in respect of compensation for improvements on any holding under this Act there shall be added to the provisions for compensation in the principal Act the following subsection:—

No compensation shall be payable at the expiration of the lease of any holding under this Act for any improvements on such holding until the part of the holding on which the improvements are is selected or in the occupation of another tenant, or is otherwise disposed of by the Crown.

That was exactly the law as it stood now.

Mr. CAMERON: It is your interpretation of the law.

Mr. HARDACRE: It was the definite determination of the Supreme Court as far as resumed areas were concerned. Another question was whether compensation should be paid for the value of the improvements on the whole holding estimated at their value to the incoming tenant, or merely on the value to the incoming tenant on that part of the holding on which the improvements were situated. When the Crown resumed part of a holding it had no right to be called upon to pay the lessee for the depreciated value of the improvements on account of portion only of the holding having been taken. That would very likely entail costly Supreme Court actions in order to determine what the depreciated value of the improvements was. It was mentioned to him last week that a case had occurred in which the Crown had resumed the whole of a holding excepting about a square mile round an artesian well. He did not think that was a justifiable proceeding, and it might be advisable to provide that assuming that the Crown resumed more than three-fourths of a holding, the lessee should be entitled to take the resumption of that amount as resumption of the whole holding.

Mr. STORY: If what the hon. member for Leichhardt stated was the law, it must be evident to hon. members that it was a most flagrant injustice. Cases of resumptions and of leaseholds were necessarily very different. When country was resumed the lessee enjoyed all the benefits of his improvements until the selector took them up, and in the case of a fence which became a joint boundary the lessee still held the half of it. It was therefore only fair and reasonable that until the improvements were selected by somebody else he was not paid for them, the lessee in the meantime having the enjoyment of them. But to say that the improvements on a leasehold should not be paid for on the determination of the lease seemed to him an unheard-of proposition. When a lessee knew he was not to have any extension of lease he made such arrangements that at the end of his lease he would have no stock whatever on his place. Did the hon. member mean that the lessee should live on then, month after month, with neither stock nor anything else on his property, and that the Government should deprive him of his improvements before he was paid? As soon as his lease was up he would be prepared to have and would expect the improvements to be paid for. But the hon. member said the law was that he would stop there until the Government deprived him of his improvements by getting some selector to take them. The improvements on a head station, such as Condobolin, for instance, would never be taken by a selector. He could not suppose that was ever the way the law was meant to be interpreted. If it were so, and the land was not thrown open for selection, the Crown could have the lessee as a sort of modern Rip van Winkle, sitting there year after year, waiting to be deprived of improvements which were no longer his, and which he had no longer any use for.

[9 p.m.]

Mr. W. HAMILTON: He would get six or twelve months' notice.

Mr. STORY: He would get six months' notice, but he would not get any extension of lease, but after a certain day the country was no longer his. The hon. member for Leichhardt said that when that was terminated he would not get paid for his improvements until the Government actually deprived him. Would not the notice be a deprivation? He thought it would. The case at Rodd's Bay was a case of payment for improvements on a resumption, which was quite a matter of course. For certain improvements the lessee never got paid; that was part of his agreement, coming under the Act of 1884, he having the use of the country and the improvements all the time. That argued the country being stocked, and the improvements being put to a profitable use. But, when a man was deprived of his lease altogether, to say that he should remain there for an unknown time before he could get paid for his improvements was neither law, justice, nor reason. That was what was in his mind when he was urging the Committee to leave sufficient country to the lessee to allow him to stay there and keep his improvements, and not ask the Government to pay for them. With 20,000 or 40,000 acres, in

better times it might suit a lessee to carry on the remainder of the station left him. But that would not be so if the area left was reduced beyond the possibility of paying expenses. According to the hon. member, the Government could say to a lessee that they would not pay him for his improvements until they had deprived him of them. That meant that he must wait on a piece of country which he could not possibly work with his expensive improvements until somebody more foolish than himself took them — which was a practical impossibility. In his opinion, at the determination of the lease the amount due for improvements was payable then and there. The matter was one of great importance, because, according to the statement of the hon. member, one might imagine at some time scores of lessees living in their homesteads without stock, without country, and without any claim to the land, waiting for the Government to deprive them of their improvements. What occurred in the South Australian case was that the Government took over the improvements, and, finding that they could not get anybody to take them, had to make special arrangements in the shape of a lease for forty-two years and forty-two years in which to pay for the improvements. Never mind how long they extended the time, there was a date at which the lease must terminate, and that was the date when the Government had to pay the lessee for his improvements.

Mr. W. HAMILTON: The question that the hon. member for Leichhardt and the hon. member for Balonne were discussing was very largely a legal one, and required a legal mind to dissect it. The hon. member for Balonne had given one of his characteristic descriptions of the lessees remaining on their runs after their leases had expired, and going on year after year without any lease; but he would remind the hon. member that under the 1869 Act they had only an annual tenancy, just in the same way as if they held the land under an occupation license. They had no fixity of tenure until they came under the 1884 Act. If a lease expired, the Government would give a reasonable time to allow the lessee to remove his stock. The section in the 1897 Act read very clearly on the point. It stated that a man would not get compensation for improvements on his resumed country until he was actually deprived of the use of the land. When his lease expired by effluxion of time, the Crown might either give him a further lease, or allow him to hold it under an occupation license.

Mr. STORY: But they have already taken three-fourths of his country.

Mr. FITZGERALD (*Mitchell*) understood the hon. member for Leichhardt had mentioned the Rodd's Bay case. He would like the hon. member to explain more fully what he meant by his amendment. He had taken a great deal of interest in the question, as it was a legal point. The statement had been made the previous night that when the leases terminated the Government would be able to take over all the country without having to pay for the woolsheds and all the other improvements. He would like to know whether that was what the hon. member for Leichhardt meant. In the Rodd's Bay case the point was this: Under the 1886 Act compensation was allowed for improvements so long as the lessee obtained permission from the Crown to erect those improvements. When the lease of Rodd's Bay expired the lessees claimed compensation, not only for improvements on the resumed area, but also for those on the leasehold, and Judge Real expressed doubt as to whether the Act would allow the whole of the improvements to be paid for at once. He (Mr. Fitzgerald) contended that under the 1884 to 1889 Land Acts the lessee could ask the Minister to pay for all improvements when his lease expired, and he would sit down at the door of the Treasury until he was paid. He really thought that that was a good law. Last night they had agreed to give extensions of tenure ranging from ten years to twenty-eight years, and the point he understood the hon. member for Leichhardt wanted to make was that at the termination of those extensions all the improvements would just simply fall due to the Crown until a man came along and selected the country, and then of course he would have to pay for the improvements. If he owned a station, and the Land Court gave him permission to erect certain improvements on his resumed area, when the resumed country was selected he would demand payment for his improvements and get it, but he would not get it from the Crown, but from the selector; but when the leasehold portion became due his contention was—and he was speaking as a lawyer—that as soon as the resumed portion became due the station man could come along and demand from the Government payment for his woolshed and for all other improvements on the place. Take for instance the station of the hon. member for Brisbane North—Kensington Downs. They would presume that the hon. member had a beautiful woolshed, that he had got a homestead, and that his lease expired. As soon as the lease expired the hon. member could come along and say to the Government, "I want payment for that woolshed, for that homestead, and for every fence and every stick I have put on the place"; and the hon. member would be entitled to such payment if his run were resumed. Mr. Justice Real expressed a doubt as to whether the Government must pay the money, but he (Mr. Fitzgerald) contended that if they threw a lessee out of his property they must pay him for all his improvements if he held his run under the Act of 1884 or 1886.

The SECRETARY FOR RAILWAYS: He will make you if you don't.

Mr. FITZGERALD: He believed the lessee would make them pay him, and he gave that opinion as a lawyer; but Mr. Justice Real expressed a doubt on the subject, and it was their duty as members of Parliament to decide the question now.

The SECRETARY FOR RAILWAYS: Was it in the Rodd's Bay case that His Honour gave that opinion?

Mr. FITZGERALD: Yes. When the second reading of the Bill was before the House he made a big point of this question, and he held that if a lessee was given a further extension of his lease he should agree that as a *quid pro quo* the woolsheds and the head station should not be a charge on the Government when the extended lease expired. He wished to know whether that was what the hon. member for Leichhardt meant by his amendment. In the Rodd's Bay case the Crown actually paid for the improvements on the leasehold when they resumed the land, and the only question that was then raised was whether, after they had given leave to make certain improvements on the resumption, they were bound to pay for those improvements out of their own pockets until the country was selected. The report of Mr. Justice Real's judgment appeared on page 207 of the *Queensland Law Journal*, and it would be seen from that that His Honour would not offer any opinion as to whether the Crown would have to pay for the improvement at the end of the lease, and they all knew that Mr. Justice Real was one of the best lawyers they had ever seen in Queensland. This point had arisen years after the Act had been passed, and as they were now going to grant a certain number

of concessions to the squatters, he wished to know whether the squatters would, in return for those concessions, have this question properly settled. If they came under Class IV. that meant that they would have twenty-eight [9·30 p.m.] years at the end of the present leases, which would not expire till 1919. The question was what the country was going to get in return for these extensions. When the time came to make the resumptions, could the land be taken away without paying the lessees for expensive woolsheds which the Government would not be able to get off their hands? He thought there should be a clause in the Bill, just like there was in a building lease, providing that if the tenant was to get an extension for ten, or twenty-one, or twenty-eight years, the Crown should get a *quid pro quo*. He would like to hear the Attorney-General's view of the matter.

The ATTORNEY-GENERAL said he had two objections to the amendment proposed by the hon. member for Leichhardt. One was arising out of the consideration that the law as laid down in the Land Act of 1897 was either clear on the subject or it was not.

Mr. HARDACRE: Perfectly clear.

The ATTORNEY-GENERAL: If it was clear, then it ought to be allowed to remain as it was without casting doubt upon it by the insertion of a clause of this sort, which was only to provide against the existence of a doubt. They had at the present time a law with regard to leases that were issued under the 1884 Act and the 1897 Act, and when this Bill became law leases would be issued under it—leases having all the same incidents as belonged to leases issued under the 1884 Act; and one of the incidents of those leases, which was repeated in the 1897 Act, was that—

> The amount awarded to any pastoral tenant or lessee for compensation under the provisions of this Act shall not, except in the case of the resumption of an entire holding, be payable to him until he is actually deprived of the use of the land or of the improvements in respect of which the compensation is awarded.

That either meant that until the lessee, even after the expiration of his lease, was turned out he is entitled to compensation or it did not mean that. That was a question they need not now discuss; but putting in a provision of this sort was equivalent to saying that the legislature was in doubt as to whether it meant that in the Acts of 1894 and 1897, and it wanted to say that at all events it should mean that in this new Bill. The second objection he had was that the 2nd paragraph of this amendment could be used for purposes of spoliation. They were not now dealing with resumed areas at all; they were dealing with the right of a tenant under the Bill at the expiration of his lease, and this clause would mean that when a tenant had ceased to use or occupy his holding, did not want to occupy it any longer, and it was cut up for selection, everybody might give a wide berth to the selection on which the improvements were, and select all the other parts of the run on which there were no improvements, and the result would be that the unfortunate lessee would not get a farthing.

Mr. HARDACRE: They could not select unless the Crown threw it open for selection.

The ATTORNEY-GENERAL: It was open to that objection, in his mind. His reading of the law was that if a man was chucked out—to use an expression which had been employed—he would be compensated. If at any time during the currency of the lease the land was taken away from the holder, he clearly had a remedy under that Act, but he could not be compensated until he was actually deprived of the land. The only point on which there had been any difference of opinion, so far as he knew, was whether a man could be said to be deprived of the land or the use of the land after the expiration of the lease, when the Crown did not eject him from the land, but permitted him to go on, as often happened in the case of landlord and tenant. Suppose a man gave a lease of his house in Queen street for ten years at a certain rent, and at the end of that period neither the landlord nor the tenant said anything. The tenant lived on and the landlord said nothing but accepted rent as usual. They then had a tenancy from year to year created by operation of law on the terms of the former lease.

Mr. STORY: Suppose the tenant leaves.

The ATTORNEY-GENERAL: If he left he was not deprived.

Mr. FITZGERALD: Are you going to repudiate?

The ATTORNEY-GENERAL: It was time enough to deal with difficulties when they arose; or, as a former very worthy member of this House used to say, it was time enough to bid a certain old gentleman good morning when you met him. It was time enough to deal with the difficulties that were supposed to exist by his hon. friend the member for Mitchell when they arose. The insertion of a clause like this would declare positively that at the end of the lease, if the land were not taken up by anybody, the lessee would get nothing for his improvements—that might under certain circumstances be a great injustice. By attempting to make the law clear in this Bill, they would make obscure the Act of 1897.

Mr. HARDACRE: He considered the law was perfectly clear, and he had only moved this amendment because at the commencement of this discussion it had been asserted that unless they gave a certain extension of lease, the lessees would claim compensation for the improvements. That was stated in the public Press, and in order to meet that threat, so to speak, he introduced the amendment to make it sure that they could not do so, though at the same time he said the Act was so clear that there was no danger of that kind. He maintained that the law was really as clear as it possibly could be made, and the matter having now been discussed he was quite prepared to withdraw his amendment.

Mr. STORY: The Attorney-General had made the important admission that though a contract had been made with the pastoral lessees that at the termination of their leases they should be compensated for their improvements, the Government were not going to deprive them of their land, because they did not want to pay for those improvements. It was just as well that the pastoralists should know that. There was another case in which they had been similarly treated. When the Act of 1892 was passed and they were allowed to get an extension of lease for rabbit netting, they understood that they would get an extension of lease for seven years for the whole of their holdings. They neglected to take counsel's opinion on the question, and they found that they had to give up one-fourth of their land and one-fourth of their rabbit fencing. If they had known that they would not have put up rabbit fencing, and the whole of the country would have been covered with rabbits. Although it was not imminent that the lessees would want to be paid for their improvements at the present time, it was just as well that they should know that on the highest authority they had in the House—the Attorney-General—they could not claim to be paid for them until they were deprived of their land by the Crown, and the Crown was not going to deprive them of it, because it did not want to pay for those improvements.

Mr. FITZGERALD said he would take very good care that he would not allow such an important matter as this to pass without expressing

his opinion. Even presuming that the Attorney-General's opinion was right — presuming that the station leases expired at a certain time, and the lessee was not entitled to payment for improvements under the present law—supposing that a station lessee agreed with the Government of Queensland to do certain things —after twenty-eight or thirty years he might say his time was up, and he did not want the country any more. He might say, "Give me back the money I have spent on my woolshed, and on my homestead, and on my fences," and the Government would say, "No, we will do nothing of the kind." The matter was very obscure, and he would like the whole thing settled before the Bill passed.

The SECRETARY FOR RAILWAYS: You cannot settle it now.

Mr. FITZGERALD: It was all very fine for the Attorney-General to say that legally the squatter must walk out and wait for his money until a selector came along and selected his improvements.

The SECRETARY FOR RAILWAYS: He did not say that.

The SECRETARY FOR PUBLIC LANDS: We cannot decide this question here to-night.

Mr. FITZGERALD said he had raised this question long ago.

The ATTORNEY-GENERAL: Supposing your view of the law is correct, how can you alter existing leases?

Mr. FITZGERALD: Supposing his view of the law was wrong altogether, and supposing that one of these leases fell due and the lessee of that run came along and told the Government that he would not take advantage of this Bill—that he did not want any extension of the lease —that he wanted to get away to Ireland, Scotland, or France, or Germany, and then he would say to the Government, "Pay me the money you promised me under the 1884 Act."

The ATTORNEY-GENERAL: They will get new leases under this Bill. We are not discussing the conditions of current leases.

Mr. FITZGERALD: This was a very serious matter, and he did not think that the Attorney-General should try to pooh-pooh it. Even admitting that the hon. gentleman's version of the law was right, did anyone mean to say that any Minister could take the whole of a man's country back and say to him, "Get out, we won't pay you for your woolshed, or your homestead until someone selects it"? He believed that in this connection the Government would have to raise millions of pounds to meet claims that would arise. They should not repudiate. He was totally against repudiation, but he did not want to see some people boss the whole country.

The SECRETARY FOR PUBLIC LANDS: Any amount of discussion to-night will not affect the position. These matters will have to be settled by the court.

Mr. FITZGERALD: That was all very fine, but he did not care a button about the court. Hon. members were the bosses of the colony; they made the laws for the whole colony; and unless something was done in regard to this matter, he was sure that it would lead to great trouble in the future.

The CHAIRMAN: I must say that I think the hon. member for Mitchell is tediously repeating himself, as we have heard [10 p.m.] the same arguments from him over and over again. I do not think there is any necessity for this repetition, and I hope the hon. member will bear that in mind.

Mr. FITZGERALD: This was the second time the Chairman had called him to order for repetition. He did the same thing yesterday. He had simply been answering the Minister, and, with due respect to the Chairman, he did not think he was repeating himself in doing that. If the Minister would show him how he had repeated his argument he would be prepared to sit down.

The CHAIRMAN: It is not the Minister, but the Chairman, who is the judge of whether a member is repeating himself.

Mr. FITZGERALD: Well, I have very poor respect for your opinion.

The CHAIRMAN: Order! The hon. member must not use language of that description when addressing the Chair. There is no doubt that the hon. member was tediously repeating his argument.

Mr. FITZGERALD: I have very poor respect for your statement.

Mr. HARDACRE: The hon. member for Mitchell had raised the question as to whether the provisions of the Bill would in any way affect the power of the Crown to resume a quarter of the area under the provision of the 1886 Act.

The SECRETARY FOR PUBLIC LANDS said that, as far as he understood, any preliminary act that might be taken by the present lessees towards taking advantage of the Bill would not deprive the Crown of rights which they at present possessed. If the Crown had the right to resume a quarter of the area at the expiration of fifteen years, it would still retain that right. That had never been disputed, and he did not see how the Bill could possibly affect an agreement that already existed. It was an agreement that did not come into effect until after the expiration of the present holdings. He moved the insertion of the words "in the aggregate" after the word "exceeding," on line 1, page 5. Those words were in the 1890 Act, and would merely have the effect of making the clause clearer.

Amendment agreed to.

On the motion of the SECRETARY FOR PUBLIC LANDS, similar amendments were made in lines 23 and 26.

Mr. HARDACRE moved the insertion of the following words after the word "holding" on line 51:—

> During the first fourteen years of the term, and at any time during the last eleven years of the term, may resume, on the recommendation of the court, a further one-third of such area for purposes of settlement.

The object of his amendment was to enable the Governor in Council to resume an additional one-third of the lease during the last eleven years of the lease. Although the long tenure of twenty-eight years would only be given to holdings of an inferior description, still it was a very long term indeed, and it might happen, owing to the development of our railway system and the general increase of population, that some of the land in Class IV. would be required for settlement. Gold discoveries might be made, and large centres of population arise. It was necessary, therefore, to give a larger power of resumption than was already provided.

The SECRETARY FOR PUBLIC LANDS: He had no particular objection to the amendment, but the lands under Class IV. were those which were of such a nature as to be difficult to get people to keep. He referred particularly to the South-western part of the colony, which was liable to severe droughts and was heavily infested with rabbits. For such holdings it was desirable to give an exceptional tenure. He was inclined to think that land there would never be required for resumption; and the lessees there had no doubt had a very bad time. He would ask the hon. member to withdraw his amendment, although he had no strong opinion with regard to it one way or the other.

Mr. HARDACRE: He admitted that there could not be much necessity for resumption in the South-western portion of the colony, but he had in his mind more particularly the South Kennedy pastoral district. Between Clermont and Charters Towers there was a lot of country liable to be flooded, and much infested with brigalow. A good deal of that country might be placed in Class IV. It was quite possible that a railway might be constructed between those two places, where there was a good deal of mineral land, and much of the country might be required for settlement. It was, therefore, desirable to have the right to resume, if necessary.

The SECRETARY FOR PUBLIC LANDS: The clause gave very big powers of resumption under Class IV. for all public purposes except closer settlement, powers which they should not take with regard to the other classes.

Mr. W. HAMILTON: Is that the only class for which special powers are provided?

The SECRETARY FOR PUBLIC LANDS: All the others were provided for under the principal Act.

Mr. W. HAMILTON understood that the power was going to be given in regard to each of those classes. When he interviewed the Minister last year before he introduced the Land Bill, the hon. gentleman informed him that he thought that power should be put in every Land Act, and that it would be put in every Bill which he introduced. Under the 1884 Act, the Government had no power to resume lands from the leaseholds without the lessees being at liberty to consider it as a resumption of the whole of their holdings, and claiming compensation. The Government were therefore precluded from proclaiming reserves for travelling stock and carriers on leaseholds. There were several applications made last year by all classes of people in his district for reserves to be proclaimed on the main road from Kynuna to Winton, but the Government had no power to proclaim them until the leases terminated. Of course they had power to proclaim reserves on the resumed areas, but they could not do it on the leaseholds. In the Act passed last year, however, power had been reserved to resume land from any part of a leasehold for the purpose of proclaiming public reserves without compensation, except for the actual improvements on the land so reserved. It was necessary that that provision should apply to all classes, and not only to Class IV.

The SECRETARY FOR PUBLIC LANDS: Look at clause 14.

Mr. W. HAMILTON: That only gave the Minister power to make a reservation at the termination of the existing leases, but it gave him no power to proclaim a reserve during the extended lease. If such power was given there would be this safeguard—that the Government were not likely to proclaim reserves unnecessarily, because they would thereby deprive themselves of revenue.

The SECRETARY FOR PUBLIC LANDS: You can raise the point on clause 14. We might make that clause apply more fully than it does at present. If the hon. member wishes he can move an amendment on that clause.

Mr. W. HAMILTON: The power was more necessary in connection with Class I., because that was where close settlement took place. In many places sufficient provision had not been made for roads and reserves. They had to open another stock road now into Hughenden.

The SECRETARY FOR RAILWAYS: You have the resumed area available for all that.

Mr. W. HAMILTON: The resumed areas on many runs were not on the roads. The road from Kynuna to Winton traversed the leaseholds, and the Government could not proclaim a reserve, and, unless there was a reserve, the carriers were shifted off. The lessees would not allow them to get a drink of water during the last dry season, and fenced off the waterholes. There were several places along the road where there was natural water, and all classes of people wanted reserves proclaimed there.

The ATTORNEY-GENERAL said that it was unlikely that there would be any necessity for those resumptions in regard to lands under Class IV. One effect of having such resumptions would be to lower the value of the security, and there would not be much margin, as it was the very worst lands that would be put in Class IV. If there was a certainty of tenure with regard to these lands, financial institutions would look with more favour upon them. He thought it would be better to let the clause stand as it was.

Mr. HARDACRE did not think the Minister was correct when he said that it was only proposed to make the resumptions equal to the resumptions that could previously be made. At present it was possible to resume one-third every seven years, whereas it was now proposed to allow resumptions of one-third of the holdings every fourteen years—just double the time. They had heard about the discretionary powers that should be given to the Land Court. They were giving them power to give leases, but they were not giving them power to make resumptions, and he thought they ought to keep that power in their own hands, especially as it could only be exercised at the discretion of that very trustworthy Land Court that the Minister made so much of. If the Minister would accept it, he would suggest one-fourth instead of one-third.

The SECRETARY FOR PUBLIC LANDS: I think you had better leave it out altogether.

Mr. W. HAMILTON thought the Minister should see that he had ample powers of resumption under clause 14, because for
[10·30 p.m.] Class IV. they were legislating for possibly forty-eight years ahead.

The SECRETARY FOR PUBLIC LANDS: We have power to resume half of the holdings when they come under this Bill.

Question—That the words proposed to be inserted (*Mr. Hardacre's amendment*) be so inserted—put and negatived.

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

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