

**Record of the
Proceedings of the Queensland Parliament**

...
**Legislative Assembly
30th July 1863**
...

Extracted from the third party account as published in the
Courier 31st July 1863

THE SPEAKER took the chair at twenty minutes past three o'clock, and read the usual form of prayer.

PAPERS.

The MINISTER for LANDS laid upon the table certain regulations referring to the waste lands of the colony, and moved that they be printed.

The motion was put and carried.

The MINISTER for LANDS laid upon the table the Report of Mr. Fitzgibbon, C.E., on the proposed railway from Ipswich to Dalby.

DRAYTON AGRICULTURAL RESERVES.

On the motion of the MINISTER for LANDS, the returns laid upon the table yesterday by him with reference to the Drayton Agricultural Reserves were ordered to be printed.

COMMITTEE OF ELECTIONS AND QUALIFICATIONS.

The SPEAKER appointed the first meeting of the Committee of Elections for Wednesday next.

PETITION OF WILLIAM BROOKES.

On the motion of the COLONIAL SECRETARY the petition of William Brookes, praying that the late election for East Moreton be rendered null and void, was referred to the Committee of Elections and Qualifications.

ROAD TO WARWICK.

Mr. WIENHOLT asked the Minister for Lands and Works—Whether the money voted for the road to Warwick, for the year 1863, has yet been expended, and what is the state of the vote?

The MINISTER for LANDS, in reply, stated that with the exception of £231 18s. the whole of the money voted for the Warwick road was under engagement.

LIENS ON CROPS BILL.

The COLONIAL TREASURER, in moving the second reading of the above bill, said it was a similar bill to that introduced by him last session, the provisions of which appeared to have given much satisfaction to both sides of the house. The squatter was enabled to get money advanced upon his wool, and it was only fair that the same advantage should be given to the agriculturist to obtain advances upon his crops. The passing of the bill into law would prove to be of great benefit to the parties concerned. It was the following out of a system which had worked very successfully in the neighbouring colonies, where it had been found to be a great boon to the agriculturist. It was not necessary for him to make any further remarks, but to simply move that the bill be read a second time.

The MINISTER for LANDS seconded the motion, which was put and passed, the committal of the bill being made an order of the day for Tuesday next.

ROAD BETWEEN IPSWICH AND THE MAIN RANGE.

Mr. BELL moved "That this house will, on Tuesday next, resolve itself into a Committee of the Whole, to consider of an address to the Governor, praying that his Excellency will be pleased to cause to be placed on the supplementary estimates for 1863, the following sums, to be expended upon the repairs of the road between Ipswich and the Main Range:—£4638 near the Rosewood Scrub, £2350 near Bigge's Camp, £3280 between Bigge's Camp and the Main Range (including Laidley Flat), £1232 between O'Brien's blacksmith shop and the Seven-Mile Creek Bridge. Total, £11,500." He said he believed that the motion then before the house bore upon the face of it the urgent necessity which existed for its adoption. Hon. members were aware that the road on which there was the greatest amount of traffic of any in the colony—the road on which the whole of the traffic to the north-west and south-west was done—was next to impassable. On the portion of that road between Ipswich and Toowoomba there was every year a loss of property of every description through the frightful state of the road. It had been his own lot to witness the non-success of an attempt which had been made to get an empty horse cart through a portion of the road referred to. Absolutely, the horse was killed, both his legs having been broken in the bog. That was merely an illustration of accidents, which were of daily occurrence on the road. It must be remembered, too, that the fencing on either side of the road was rapidly increasing, so that it would shortly be impossible to make the usual detours to avoid bad places. He might state, in fact, that the roads had never been in so bad a state as it was at that moment; and unless something was speedily done the road would become totally impassable. With regard to the question of railways, he might state his opinion that the fact of the probability of a railway being constructed at some future date was no reason at all why in the meantime the traffic should be stopped on the principal road in the colony. He certainly hoped that the Railway Bill would be passed as speedily as possible; but, at the same time, he must submit that it would be very desirable to remove the many obstacles which at present were in the way of carrying goods from Ipswich to Toowoomba. The carriers' charge for conveying goods from one town to the other was as high as £8 and £9 per ton, and even at that enormous rate it was not considered to be a profitable source of employment. That fact alone said much in favor of the motion. It was nearly as far again from Ipswich to Dalby, as it was from the former town to Toowoomba, yet the charge for carriage to Dalby was very little more. When it was considered that the charges for carriage up and down during the year amounted to from £50,000 to £60,000, he thought that hon. members would not refuse to vote for the comparatively small sum asked for further repair of the road. He had brought the figures forward in a detailed manner, and could assure the house that he had it on the authority of a skilled engineer, who had already done a vast amount of good to the road, that the money, if applied upon an economical principle, would suffice to render the road at least passable until the proposed railway was formed. He desired to do away with an impression which might have arisen in hon. members minds, that the object of the motion appeared to be to get an amount of money expended upon one road to the prejudice of roads situated in other districts of the colony; and it was possible that hon. members representing those districts might, in consequence, come down to the house, and demand their quota. He conceived therefore that the only objection which could be raised against the motion was the way in which it had come before the house; but hon. members must concede that none of the other roads of the colony could be compared in importance with that on which the money asked for was to be expended. There could not be the slightest doubt but that, if the necessary repairs were not quickly made, there would be a dead lock to business with the interior; and he believed that if hon. members took a broad view of the question and seriously considered how it would affect the best interests of the country they would support the motion.

Dr. CHALLINOR supported the motion.

The MINISTER for LANDS said he had no doubt but that many of the statements of the hon. gentleman who had just sat down were correct. He would state, however, that the government had found it quite impossible to go on making the repairs needed to all the roads in the colony with the amount of money at their disposal, and had, therefore, determined not to take

the matter upon their own shoulders, but had requested hon. members to come down to the house and make out their own cases. If the house thought the hon. member had made out a good case he (the Minister for Lands) was quite willing, as an independent member, to vote for the resolutions. With reference to the motion to be brought forward the next day by the hon. member for Rockhampton, he should certainly oppose it. In conclusion, he would mention that the estimates sent to the government by the road office for the next year's expenditure were enormous—more than the whole revenue of the colony; and he should not have considered that he had done his duty had he not sent them back. The sum of £500,000 could easily be spent in one year on the roads; but the question was—would such an expenditure be for the good of the colony. He should support the motion.

Mr. DOUGLAS was really much surprised at the arguments used by the hon. Minister for Lands; and he thought it strange that the government should submit without demur to a motion such as that then before the House. With regard to what the hon. member for West Moreton had stated as to the impassability of the road, he (Mr. Douglas) was quite prepared from actual experience to confirm those statements; and could quite believe that if terrible struggles and pangs were experienced by gentlemen who travelled the road in those light easy-going vehicles generally known as buggies, how much more difficulty must there be in getting over with heavily laden drays. With reference to what had been stated by the government as to the want of money for the repair of the roads, it just showed the absurdity of spending large sums of money upon objects of a delusive character, and their being entirely forgetful of the necessity of its being saved for securing some good practical results. It was his intention to vote for the motion, although he believed that if it were to be carried it would be found to be the precursor of a large crop of motions of a similar character. In conclusion, he would state that it was not a party motion and that it was well worthy of the earnest consideration of the house.

Mr. GROOM could not altogether agree with some of the remarks of the hon. member for Rockhampton, believing, as he did, that the hon. member for West Moreton had succeeded in making out a special case, and considered that the hon. member was entitled to the thanks of the colony for having brought the motion forward. He would, however, suggest that the sum of £2000 be added for the repair of the road between Toowoomba and Dalby, seeing that a certain portion of that road known as the forest, was in a very bad state indeed. He would move an amendment to that effect.

Mr. COXEN seconded the amendment.

Mr. MACKENZIE said it appeared to him that the estimates had been cut down, and the money which had been placed thereon for the roads in other districts of the colony taken off, in order that other particular districts might be favored. He was perfectly aware that the money asked for was absolutely wanted, but if it were to be granted what should prevent him from coming down to the house and asking for £1000 for his own line of road, which was in an equally bad state to the one on which the money applied for was to be spent. He must say that the principle enunciated by the hon. Minister for Lands was quite contrary to his (Mr. M.'s) ideas on such subjects. That hon. member had confessed that the government had done wrong by cutting down the estimates, and that that wrong had been committed in deference to public opinion. ("No, no," from ministerial benches.) He quite agreed with the opinions expressed that the main roads of the colony must be kept in repair, in spite of the contemplated formation of a railway, and should, therefore, not oppose the motion.

The COLONIAL TREASURER said he quite believed the statement of the hon. member for Rockhampton that a perfect crop of motions would follow the passing of the one then before the house. It might be considered a somewhat dangerous precedent to adopt the resolution, unless it was understood that some definite system was agreed to as to the distribution of the money. With reference to the particular road in question, the fact that it was the main-trunk road of the colony could not be refuted, and he should vote for the motion. It would be as well, perhaps, if other hon. members should come forward and make application for the vote of money for the repair of the roads in their districts; they would no doubt, after doing so, point out the particular method of obtaining the money and distributing it. He considered that there was no greater proof of the wisdom of the government in preferring a railroad to expending large sums of money on

macadamised roads which are permanent only so long as other large sums of money were expended in keeping them in repair. He agreed with the desirability of arrangements being made to carry on the traffic until the railway was formed; and, as an independent member of the house, he should vote for the motion.

Mr. SANDEMAN was also of opinion that whether railway operations were commenced sooner or later, it was absolutely necessary that something must be done to keep up an uninterrupted communication with the interior; and he quite agreed with the hon. member for the Burnett that there were requirements existing that the roads should be repaired in every district in the colony. Perhaps the best way, in order that every district should receive its fair share of money, would be to appoint a select committee, the duty of which would be to inquire into the matter, and see that a system was initiated by which the desired object could be attained.

Mr. COXEN had much pleasure in supporting the amendment of the hon. member for Drayton and Toowoomba, and would confine his remarks to the question involved in the amendment. So far back as eighteen months since, application had been made to the government for a sum of money to repair the road mentioned, and since that time, nothing having been done, the road had been getting worse and worse, and it was at the present time in a much worse state than it was last year. A deal of fencing had been done in the agricultural reserve which bordered the road; consequently the traffic was confined to one track, from which it was impossible to deviate. If hon. members were of opinion that it would be undesirable that the road should become altogether impassable, they would vote for the amendment.

Mr. RAFF said that it was certainly only correct to imagine that a sum of money should be expended on all the roads of the colony, seeing that in all probability the railway would not be completed for at least four, or five years hence; and it was ridiculous to suppose that traffic must cease during that time. It appeared that the government were afraid to take upon themselves the responsibility of apportioning the various sums of money required for each district; and that they had resorted to the very constitutional expedient of telling hon. members to scramble in the best way they could for the money. There was no doubt that such would be the case should one hon. member succeed in his attempt, and therefore he thought it would be as well to adopt the suggestion of the hon. member for the Leichhardt to withdraw the motion, and form a select committee to inquire into and report upon the best means of securing to every district its share of the revenue. In his opinion, the roads were much better managed by the function of district trusts, as under those circumstances there was a prospect that the taunts which were occasionally indulged in by hon. members at not getting their share would cease. The money would be much better apportioned, and spent in a more economical manner than by the present arrangement. He had not the slightest objection to the raising of a large loan, which could be liquidated by a special tax, and that the money should be spent in each district in proportion to the amount contributed by that district to the special tax. He quite agreed with the hon. member for Rockhampton that the question was not a party one, but that it was a very important one everybody must acknowledge. He considered that the best plan to adopt would be for the hon. member to withdraw the motion—(No, no)—until the government had decided upon the introduction of some comprehensive scheme. At all events, he had no objection to the expenditure being sanctioned provided that afterwards the amount spent should be held to be a portion of the amount set apart from the whole fund for that district. There were other roads on which families were suffering great privations because of their impassability. He need only refer to the large number of families residing within forty miles of Brisbane on the Northern road, and who were unable to get supplies. Those were new arrivals who had only lately settled on purchased lands; and their requirements, he thought, ought to be attended to as readily as others. (Hear, hear.)

Mr. WIENHOLT said, that having recently travelled on the Toowoomba road, he was well aware that it was in a most deplorable state. Notwithstanding this, he felt it was his duty to oppose the granting of the very large amount of money proposed, more especially as the road proposed to be repaired at such an expense was in the immediate neighbourhood of Ipswich. The amount required was excessive. It would be very desirable that the house should turn their attention to railroads. He agreed with the hon. member for North Brisbane that the general

question of the maintenance of roads should be gone into, and a large sum of money provided for all.

Mr. LILLEY desired to correct an impression that seemed to have got into the mind of the hon. the Treasurer that hon. members on the opposition side of the house were opposed to railways. ("Hear, hear," from Mr. Moffatt.) He would recall to the hon. member's recollection that in a debate in the Assembly, last session, he had stated that he was in favor of railways, and that there was a general expression on his side in favor of them, but they were more cautious than the government. This was the only difference between the two sides of the house; and he thought from what had been said this day on both sides that they were very much of the same opinion as to the necessity for the adoption of a general system of roads. (Hear, hear.) He was inclined to follow the suggestion that had been thrown out for a select committee to enquire into the whole subject; for the common roads of the colony could not be neglected, even if we had railroads. We must have a general road system; for every body would not use the railways, nor would these suffice for all the traffic of the colony. It was monstrous that bullock drivers could cut up the roads as they liked, with what loads and wheels they liked on their vehicles. (Hear, hear.) The traffic on high roads was regulated by law in England, and under road trusts; and he could see no reason why it should not be so regulated in this colony. (Hear, hear.) The house should regulate the public traffic. Private conveniences must suffer when the public good was to be consulted. He thought that some good had arisen from the present discussion, inasmuch as attention had been so much directed to the necessity for some general system of internal communication for the colony. The hon. member for North Brisbane, Mr. Raff, had just hit what he would have said himself—that there was some reason for immediate attention to the road at the Rosewood Scrub and at Bigge's Camp also; and he should be very willing to support the motion on the understanding that the money proposed to be expended should form part of any general grant to be hereafter made for the repair of the roads of the colony. He hoped that the Treasurer was not under the impression that a railway would last for ever; for they required repairs, and that hon. member would find that they were very expensive toys. (Hear, hear.) When he put on his "considering cap" he would find himself puzzled for the ways and means to meet those repairs. Though if he had found out any such self-repairing railway as he had seemed to have in mind when he addressed the house, the hon. member might rest assured that the house would vote for such railways without hesitation. (Laughter, and Hear, hear.) He trusted that something would be done, or the next time the Colonial Treasurer went to address his Constituents he might disappear, and his hon. friend, the member for Port Curtis, would have to show the ministerial coat of many colors. (Hear, hear.)

Mr. WARRY twitted hon. members with affecting to be very learned on the subject of roads, but confessed that he was not much the wiser for all that had been said. Only two members had thrown any light on the subject—one was the Colonial Secretary. (Laughter.) He agreed with the honourable member for the Leichhardt, Mr. Sandeman, that the whole subject should be referred to a select committee. He would vote against the motion.

The COLONIAL SECRETARY thought, from the summing up of the hon. member for East Moreton (Mr. Warry) he had expressed himself with the clearness usual to him. The hon. member had given him credit for throwing more light on the question than any other hon. member of the house. (Laughter.) Now he (Mr. Herbert) believed that was the case, from the very fact that he had never opened his lips (laughter), and that he had not increased the confusion into which the discussion was tending. (Hear, hear; and, from Mr. Warry: "I meant the Colonial Treasurer.") There were a few points on which the house seemed to be unanimous:—First, that a very large sum was required to be expended on the whole of the roads of the colony. (Hear, hear.) Second, that the sum asked for the particular district specified in the motion, was not too much. Third, that we must have some well understood and comprehensive system of management and control of the roads. (Hear, hear.) He was very happy to fall in with the views of hon. members on the other side, that this should not be a party question. He was certain that the country would not receive them with open arms if they went out on a question of internal communication. (Hear, hear.) He agreed with the hon. member for the Leichhardt, Mr. Sandeman, that the general question should be referred to a select committee; and the house might pass the motion now before them as admitted the necessity for particular attention to the roads, while the government would come

forward with a resolution for a committee to take particular action on the general question. Such a course would show that the government were willing to fall in with the views of the house, and would save many wordy debates and unprofitable discussions. It had been said that the government could make some provision for such a general system of roads as was suggested. Well, it would require a very large sum; and to provide that was very difficult this year. It could be done next year, when there would be a surplus; but it could not be done in 1863, when there was no surplus, owing to the very heavy expenses arising for the public service, and to the tardiness with which revenue was coming in. He thought, however, that this colony, with its large resources and rapidly increasing revenue, might raise a loan. (Hear, hear.) If we had not the money ourselves, we might do as some enterprising individuals would do—get a loan of the money. If we had not the money in the colony our credit was such that persons outside the colony would lend us money. (Hear, hear.) And, he thought that that was one of the questions that might well go for the consideration of the committee. With regard to what had been said as to the propriety of giving the control of the expenditure of the money to persons resident in the several districts—(hear, hear)—he might state that it had been the intention of the government to carry out that principle to its fullest extent—to create road districts in which the local authorities should exercise control over the expenditure of the public money within those districts. (Hear, hear.) Next session, whenever that would be, he expected to have a measure ready; there had not been time to elaborate such an important subject for this session. He thought that by next session he should be prepared to introduce such a measure relating not only to road districts, but to all questions of local self-government. (Hear, hear.) He regretted that he was not able to bring it forward this session; but for the amount of care requisite to be bestowed upon it there was not time. He thought that the principle was sound that persons should tax themselves for the maintenance of the roads, and then have a supplementary grant from the parliament in proportion to the amount of local taxation. There should be tolls, the revenue from which would go far to maintain the roads on which they were placed. It was well known that now persons paid £1 without murmuring, for the passage of a dray through a single paddock; and he could not think that they would grumble at paying a few shillings for good roads. (Hear, hear.) In conclusion, the hon. member said that he could vote for the motion and for the amendment also, on the understanding already mentioned.

Mr. DOUGLAS thought that if there was no time to elaborate the important measures referred to by the hon. the Colonial Secretary, that was no reason why the house should hurry over them. He should not consider three or four months a short time; and he personally would be willing to give all that time so as to give the fullest attention to those measures. He recommended the hon. member (Mr. Bell) to withdraw his motion; or, if it was put to the vote, that it should be on the understanding that the general discussion on his (Mr. Douglas's) motion should be taken next day. He twitted the government with abrogating their right in allowing private members to come down with resolutions directing how the public money should be expended. (Laughter and ironical cheers from the treasury benches.)

The ATTORNEY-GENERAL said that if the hon. member for Port Curtis thought that the hon. members should sit during the heat of summer, to please him, he was much mistaken; and if the country expected it, he feared that there would be no one in the house to hear that hon. member or anybody else. With regard to the measure spoken of by the hon. the Colonial Secretary, it required a great deal of consideration and serious thought; and it must have both. Spite of all the hon. members opposite had said, it was not supposed that the government were going to ask the house to pass the estimates in a hurry, and then retire on their laurels—which he believed they could do. (Laughter, and hear, hear.) In his opinion, the great deal was due to the hon. member (Mr. Bell) for bringing forward his motion. There was no doubt that the roads of the colony were in a very bad state, and that they sadly required mending. But he could not say whose fault it was, unless the clerk of the weather's. He concurred with the observations of Mr. Sandeman, that a select committee should deal with the whole question, yet that was no reason why the £11,000 asked for in the particular motion now before the house should not be granted.

Mr. EDWARDS rose to move, by way of amendment, that a select committee be appointed.

The SPEAKER ruled that the amendment was not in order, there being one already before the house.

Dr. CHALLINOR supported the motion and the amendment.

The question was then put, and both the amendment (of Mr. Groom) and the original motion were agreed to.

HAWKERS' AND PEDLERS' BILL.

Mr. GROOM moved for leave to introduce a bill to amend the Hawkers' and Pedlers' Act.

Mr. RAFF seconded the motion.

Agreed to.

The bill was then presented, read a first time, ordered to be printed, and to be read a second time next day.

THE COMMERCIAL BANK BILL.

Mr. LILLEY moved for leave to introduce a bill to incorporate the proprietors of a certain banking company called "The Commercial Banking Company of Sydney," and for other purposes therein mentioned. The hon. member stated that the proper notice had been given and the standing orders relating to private bills complied with.

Mr. DOUGLAS seconded the motion.

The bill was then presented and read a first time.

MR. COOTE AND THE MORETON BAY TRAMWAY COMPANY.

At the request of Mr. DOUGLAS

The Clerk of the house read the petition of Mr. William Coote, praying the house to take into favorable consideration his case, as represented therein, to the effect that in the negotiations between the Moreton Bay Tramway Company and the government for the transfer of the company's property, full value had not been given by the government in return for the work done by the petitioner for and on behalf of the company, in preparing the plans, sections, &c., of the tramway from Ipswich to Dalby.

Mr. DOUGLAS then said that the petition which had just been read to the house was placed in his hands for presentation by Mr. William Coote, manager and shareholder of the company designated. He represented in that petition a number of shareholders interested in the project known as the Moreton Bay Tramway Company. He (Mr. Douglas) imagined that in moving for a committee to inquire into the circumstances set forth there would be no opposition from the government. He imagined so, as the information to be arrived at would be reciprocal. On the one hand it was to be shown that the conduct of the government was just and in accordance with the resolutions of the house; and on the other hand, it would be satisfactory to the parliament and the shareholders if full publicity was given to all the matters connected with the company. He believed that the company had suffered to some extent pecuniarily. The government would be able to justify themselves as to their conduct of the negotiation. He believed it would be satisfactory to the house and the country to know the exact facts of the case. He moved—"(1.) That a select committee be appointed to take into consideration a petition presented to this House from Mr. William Coote, to enquire into the allegations contained in it, and to report thereon. (2.) That such committee consist of Mr. Herbert, Mr. Mackenzie, Mr. Wienholt, Mr. Edwards, and the mover." He might add that, with the exception perhaps of Mr. Herbert, the gentlemen who had consented to act on the committee were selected equally from both sides of the house. On the one side were the Colonial Secretary and Mr. Wienholt, a gentleman specially connected with the Ministerial side; on the other side, Mr. Mackenzie and Mr. Edwards. For himself he need not say that he was prepared to treat the enquiry with the utmost impartiality. (Hear, hear.)

Mr. MACKENZIE seconded the motion.

The SECRETARY for LANDS and WORKS said, the hon. member was rather in haste in supposing that the motion was to pass unopposed; and he was rather out of order, or rather, out of the usual practice, in moving for a committee before he had got the petition printed. He was somewhat astonished that the hon. member, in introducing the motion to the house, had not got himself a little better "up" than he appeared to be with the whole circumstances of the case. In point of fact, he would like to know who the petitioner was? The hon. member had stated that he represented a certain tramway company. If the hon. member was correct, that the petitioner represented the Tramway Company, he (Mr. Macalister) was quite right in saying that that Company was now in the Insolvent Court, and that if there was any equitable claim on the government, on account of that company, the official assignee was the person to urge it. (Hear, hear; and from Mr. Douglas, "The petitioner claims nothing.") Well, he would see. The petitioner alleged that he was a civil engineer who had done certain work for the company, and so on; which work had not been sufficiently paid for by the government. The motion was for a select committee—what for? To take evidence as to "the allegations contained in the petition." The petitioner was desirous of getting an additional sum of money from the government over and above what was paid under the contract between the company and the government. (Mr. Douglas: "No.") Well, he could not see what else was sought for. The very statements in the petition tended to show, that in consequence of the valuation made of the property of the Tramway Company for the carrying out of the contract the company had sustained a loss; and that the whole subject should be inquired into with a view to afford relief to the sufferers. In that case, as there were many members in the house who had been, or were shareholders in the company, it was referring their own case to themselves.

Mr. LILLEY begged the hon. members pardon—he was not a shareholder. ("Hear, hear," and laughter.)

The SECRETARY for LANDS and WORKS: Well, he had a list, and he would show it.

Mr. LILLEY challenged the hon. member to prove that he was a shareholder.

The SECRETARY for LANDS and WORKS said that as the hon. member had challenged him, and as he had a list of the shareholders of the company, which had been furnished to him by the bank of the company, he would state that in that list was the hon. member's name. (Laughter.)

Mr. LILLEY denied that he was a shareholder.

The SECRETARY for LANDS and WORKS was quite willing to accept the hon. member's denial that he was not a shareholder. The motion was, in point of fact, addressed to the Tramway Company themselves, asking them to make an investigation into the valuation of their plans, sections, and other works, with a view to getting some additional money. The petitioner alleged that not only was the property of the company undervalued, but that, pressed by circumstances, they protested and at the same time accepted the offer of the government; in other words, it was telling the house that the government were either great fools in giving them the money, or that they had not given the full value of the property in compliance with the resolution of the house.

Mr. DOUGLAS rose to order. The hon. member was turning his back on the Speaker. (Laughter.)

The SECRETARY for LANDS and WORKS thought he knew as well how to address the house as the hon. member, and, from the ignorance he displayed with regard to the practice, a great deal better. (Hear, hear, and laughter.) The statements and allegations made in the petition amounted to nothing else than this: that the government, taking advantage of the circumstances of the company, through their engineer forced the company to accept a certain sum of money in full for everything they had. The hon. member who had introduced the resolutions had not shown a *prima facie* case for a committee. He (Mr. Macalister) told the house that the Tramway Company not only never protested against the valuation of the company, but, if they had objected in any way, the government would never have paid the money. What were the facts of the case? By certain resolutions passed by the Assembly, the government were empowered to deal with the Tramway Company, and to give them fair value for their surveys, sections, and plans; but it was never intended by the house that the Tramway Company were to

make a profit out of their contract. It was known at the very time that unless the government interfered, and took up the position of the company, they would then have gone into the Insolvent Court, where the company now was. The resolutions had previously been submitted to the petitioner himself, and had met with his approval. After this the government, with no desire to take advantage of the company, had a right to expect that a detailed statement of the demand of the company would be placed before them, showing the value of the property. There was a letter which he had, dated 15th July, 1862, written from the department of Lands and Works to the petitioner, intimating that the government were then anxiously waiting for the detailed statement of the tramway company's claims. Was the hon. member who brought forward the motion prepared to show that such a statement was ever submitted to the government?

Mr. DOUGLAS would establish nothing himself.

The SECRETARY for LANDS and WORKS: The hon. member, before coming to the house, ought to be able to establish something. He (Mr. Macalister) would not take up time with the correspondence, but would put the house in possession of the close of the transaction; and then it would be for the house to say if the petitioner was justified in turning round, and, with assertions that were unfounded and untrue, asking from the country that to which he was not entitled. The resolutions were passed on the 4th July. A good deal of correspondence between the government and the company followed; but the government could get no detailed statement from the petitioner, as representing the Tramway Company. The only alternative that was left was for the government to instruct their own engineer to test the surveys, and make an estimate of their value. The company, through the petitioner, were informed by the Lands and Works department that that was the course which the government intended to pursue; and they were not only told that, but also, that if the petitioner had the slightest objection as to the estimate put on the works—if there was the slightest difference between him and the civil engineer of the government—the government would be prepared to refer the whole subject to a third party. (Hear, hear.) The report came in, and the estimate amounted to £3140. It was transmitted to the Tramway Company, with an offer to abide by it, and to take over the whole affair for the amount named; and, in answer to that letter, he (Mr. Macalister) received a communication from the petitioner, requesting an interview between himself and the engineer and the members of the government. That interview was granted, and was held in the office of the hon. member at the head of the government, who, if called into question, would be perfectly prepared to state what took place with reference to two or three small matters of difference. He was not aware that at that interview any protest was made to accepting the money. Time went on, and after two months had expired he received from the Tramway Company, through the petitioner, a communication to the following effect:—"By direction of the board I enclose you a copy of a resolution passed at a special general meeting of shareholders, held pursuant to notice at the company's office on 17th instant, and I am to state that in consequence thereof the board are prepared to hand over plans, sections, &c., to the proper officer of the government, whenever the government are prepared to complete the transaction." Now, what was the resolution? It set forth that at a special general meeting held on the 17th of September, it was moved by Mr. William Brookes, and seconded by Dr. Dell, and carried, that the acceptance of the offer made by the government to the directors be confirmed. (Hear, hear.) There was no intimation that the petitioner or anybody else made any protest; or that there was any mental reservation on the part of the company that the money should be taken, and by-and-bye ask for more. (Hear, hear.) In consequence of that resolution, the matter was placed in the hands of the Crown Solicitor, with instructions to that gentleman to obtain from the Tramway Company a deed of assignment and release of all their claims. The matter again lay over; and the difficulties to which the petitioner referred did not come upon the company at that time. But afterwards there was a hurried attempt to press the government to complete the matter. He then became doubtful whether the company could give a title, and he would not complete the transaction until he got the legal opinion of the Attorney-General. (Hear, hear.) After that the bargain was completed, and the money paid. He produced the deed between the Moreton Bay Tramway Company—not the petitioner—and himself as representing the government. It set out that the company being desirous of relinquishing the work, had entered into negotiations to dispose of it to the government, and that in pursuance thereof, the government had agreed to purchase the same, and all the interest of the said company therein

for the sum of £3141, and so on, reciting the consent of the company. The deed also acknowledged the receipt of the money and set forth that it was in full satisfaction and discharge of all surveys, plans, and sections, and plant of every description. The deed was signed by the directors of the company, and sealed with the company's seal. The names of the directors were T. B. Stephens, George Edmondstone, and the petitioner, William Coote. In conclusion, the hon. member asked if the house would sanction an act which was nothing else but an act of dishonesty. He had not stated one-fourth of what he would have stated had the petition been printed.

Mr. LILLEY, in explanation, stated that though he had been a shareholder, he was not now; and that the hon. member would have ascertained this fact if he had looked to the report of Mr. Justice Lutwyche. (Hear, hear.)

The ATTORNEY-GENERAL said he was astonished at the petition; and, amongst other matters, stated that the money which had been paid by the government to the company did not go to the shareholders, but to the bank in satisfaction of three promissory notes, for payment of which the company had eagerly pressed the government to close the transaction. Yet, now, the secretary of the company, desiring to get a few thousand pounds in his pocket, came down with this petition to have this solemn compact reopened. Supposing the Assembly granted the money, who would benefit by it? The shareholders would not get a sixpence of it.

Mr. LILLEY stated that there was an impression abroad that the government did not deal fairly with the company, and did not, in carrying out the resolutions of the house, give them full value for their property. (Hear, hear.) He would not say whether the petitioner was right or whether the government were right; but he thought that for the satisfaction of all parties the committee should be granted. He deprecated anything on the part of the government which would bear the construction of their driving a hard bargain: here was the money, take or leave it. That was not the way for a government to act; there should be nothing of the huckstering spirit in their transactions. It was stated that at this very moment the government were in possession of plans, sections, and surveys of the company, which were worth two or three times more than had been paid. (Hear, hear.) It was no unusual thing to open up a bargain between private persons, even though it was signed, sealed, and delivered, with all the solemnity of the law. Suppose that the officer of the government had made an error of judgment. Would it be for the government to act in the spirit of hucksters, and snap their fingers and say they would not act equitably. The hon. member spoke at length on the necessity to act according to the equity of the case; and said that the committee would best enable the house to judge if there was any foundation for the allegations of the petitioner, and best place the verdict of the government fairly before the country. He admitted that he was a creditor of the company; but laughingly expressed his doubt that he should ever be a far thing better or worse whatever the result of the motion. He did not pretend to judge between the government and the petitioner; but would vote for the committee, who would place him and the house in a position to judge.

Mr. BELL could not see that the government had any great cause for refusing the committee; but having heard what had been said both in and out of the house, and in order that everything might be fairly made known, he would vote for the motion. (Hear, hear.)

Dr. CHALLINOR opposed the motion.

Mr. WARRY did not think there was any need for the inquiry; not that the government had taken the best stand in opposing it, as the hon. member for Fortitude Valley had told them that there was such a thing as equity, which afforded an opportunity for the correction of a mistake, he could see no harm in the motion.

The COLONIAL SECRETARY, after referring to the support given to the motion by hon. members who knew little of the affairs of the Tramway Company, and who he doubted not were anxious to act fairly and impartially, said that the hon. member for Port Curtis had been made a cat's paw of by the audacious petitioner. After recapitulating what he called the proofs afforded by the Secretary for Lands and Works as to the deliberate nature of the negotiations on the part of the Tramway Company, he said that he was certain in his own mind that the intention of the house in passing the resolutions was that the government should pay to the company only that

value which the works would be to the government if used at any future time. He stated that those works were not worth nearly as much as had been paid for them. The present was an attempt to extort further payment; it was an attempt to cajole the government and the country to which the house should not listen for a moment. The house had no knowledge of what had been done with the money already paid by the government and received by the company; what assurance had the house that any other money voted would go to the shareholders. He hoped that the house would not entertain the motion.

Mr. GROOM, though a shareholder, would vote for the committee; and he did not expect to receive any money or profit whatever the result of the inquiry. He understood that a gentleman employed by the government had recently gone over the line surveyed for the tramway, and that it was found very suitable for the railway proposed by the government.

The COLONIAL TREASURER said that if the house went to a vote on the motion, he would certainly object to the vote of any gentleman who had been, or happened to be, a shareholder of the company. (Oh, oh, disapprobation, and hear, hear.) He stigmatised the insidious policy that had guided the petition into the house, and pointed out that the proposed committee was composed chiefly of gentlemen who had been in the house for the first time. (Hear, hear.) He insisted that there was no other object in presenting the petition but to get a sum of money, a motion for which would be the next step, if the committee were granted. This house ought to make a stand against such a gross attempt.

Mr. RAFF said hon. members on the other side had repeatedly referred to the new members, who, he thought, must be convinced, from the tone and temper of the government in opposing the inquiry, that there was something to be brought to light which the government did not like. (Hear, hear; and laughter.) He had seen it stated in the newspapers that the government had first agreed with the Tramway Company to arbitrate, and afterwards refused.

The SECRETARY for LANDS and WORKS said the government had never declined any such proposition.

Mr. RAFF thought that the house ought to insist that the government should show by the committee that they had acted fairly and equitably by the company. He regretted extremely that he stood in the house as a shareholder; for if he were not he would be a little more free in his remarks. He might say, however, that he always abstained from taking shares in the company, because he was a member of the house; but when he was asked to audit the accounts he took shares to qualify himself. His interest in the company was very slight—it mattered little whether he got anything from it, £5 or £50. But though he did not care for his own interest in the affair, he did care to see the government of this country free from imputation. (Oh, oh, and laughter.) And, therefore, he would vote for the inquiry. He would vote for the inquiry; but if the money question was before the house he should not vote at all. (Hear, hear.) He called attention to the occasion when hon. members opposite kept their seats and voted to fix the rents they paid for their runs:—they had a pecuniary interest in that question. Again, they voted to increase their own salaries. (“Hear, hear,” and laughter.) The protest from the other side came with a very bad grace.

Mr. SANDEMAN thought that, in consequence of the insinuations thrown out against the government, the enquiry ought to be granted. (Hear, hear.)

Mr. DOUGLAS rose to reply, and said that he hardly expected, when he moved the resolution, that it would have evoked the warm debate that had taken place. He maintained that a *prima facie* case had been made out for the inquiry; and the Secretary for Lands and Works had failed to convince him that there was not. The hon. the Minister for Lands had denied that he (Mr. Douglas) had failed to bring forward any *prima facie* evidence whatever of there being a case against the government. How that hon. member could make such an assertion it was difficult to understand. It had also been stated that it was a matter of money; he begged to state most unequivocally that it was not a matter of money with him. It was merely a natural wish on his part to see that inquiry be made into an alleged case of hardship, and that justice should be done to all parties concerned. The hon. the Colonial Secretary had stated that it was hardly fair to place the case into the hands of a man who knows nothing at all about the matter. He (Mr. D.) must submit that the reasoning of the hon. member was not correct. The less previous acquaintance

he might have in the matter would be the best guarantee of his impartiality. Objection also had been taken to his having placed the names of the new members of the house upon the committee; the same argument applied to them—that the very fact of their not having known anything of the matter previously would be calculated to induce them to form an impartial judgment; and in conclusion, he must state that he saw no reason why the matter should not be submitted to them. (Hear, hear.)

The COLONIAL SECRETARY would, before the question was put, desire that his name might be taken from the list; he had a great objection to having anything to do with it, seeing that it was not at all a creditable thing.

The SPEAKER was about to put the question, when

The MINISTER for LANDS rose to a point of order. He had stated, in his previous speech on the question, that he was addressing the tramway company; and he objected to those hon. members who were shareholders in the company, being allowed to vote.

Mr. WIENHOLT expressed a desire that his name should not continue on the list. He wished to have nothing to do with it, believing as he did that it was a one-sided affair.

Mr. DOUGLAS rose to order. What did the hon. gentleman mean by stating that it was a one-sided affair? That hon. gentleman had stated, when he first made his appearance in the house that he was an independent member. He (Mr. Douglas) was under the impression that the hon. member had very soon lost his independence—that he had become, indeed, a blind follower of the government.

Mr. WIENHOLT explained that he meant nothing personal by the term one-sided. In his opinion, however, the conduct of the government in the matter had been quite straightforward.

The MINISTER for LANDS was proceeding to read the names of the hon. members to whom he had referred, when

Messrs. LILLEY and DOUGLAS rose to order. In their opinion, the conduct of the hon. Minister for Lands was not in accordance with parliamentary practice.

The SPEAKER ruled that it was necessary for him to know the names of the hon. members referred to by the hon. the Minister for Lands; therefore, that gentleman was in order.

The MINISTER for LANDS said the names he referred to were as follows:—Messrs. Stephens, Edmondstone, Kennedy, Lilley, Coxen, Raff, Pugh, Warry, and Groom.

Mr. Coxen left the house.

Mr. LILLEY objected to the assertion that he was a shareholder in the company, and could assure the house that such was not the case.

Mr. PUGH did not consider that the result of the issue of the question would affect pecuniarily any hon. member in the house. The hon. gentlemen on the ministerial benches had certainly voted on the Civil List Amendment Bill, whereby their salaries had been increased.

The COLONIAL TREASURER said that the case mentioned by the hon. member was not in point. It was possible that the ministry might only be in office for a week.

The ATTORNEY-GENERAL expressed a similar opinion.

Mr. LILLEY said that at the time the Tramway Bill was before the house it was conceded by the members of the government that the hon. members of the house who were shareholders in the company should be allowed to vote. At all events, the Speaker would have to find that the hon. members had a direct pecuniary interest in the question before the house.

The ATTORNEY-GENERAL was of opinion that the hon. the Speaker did not require to be lectured by Mr. Lilley.

Mr. LILLEY had not the slightest intention of lecturing the Speaker.

The SPEAKER said that the question of whether or not the members of the government could be allowed to vote for ministers' salaries was not similar to the one then before the house, seeing that as had been stated by two hon. members, they held offices as it were only

temporarily. [He then proceeded to quote from May's Parliamentary Practice, and cited two cases in point wherein the votes of certain members of the House of Commons had been negatived in consequence of those members being pecuniary interested in the result of the issue then before the house.] He should proceed to ask the hon. members the necessary questions, and of course it lay with themselves principally as to what might be the result.

The SPEAKER: The hon. member for South Brisbane, Mr. Stephens, are you personally interested in the question at issue?

Mr. STEPHENS: I have no direct pecuniary interest in the question.

The SPEAKER: You make that statement upon your honor as a member of this House?

Mr. STEPHENS: I do.

The SPEAKER: The hon. member for East Moreton, Mr. Edmondstone, have you any direct pecuniary interest in the question at issue?

Mr. EDMONDSTONE: All my shares in the Company have been paid up, and I have nothing further to do with it. (Cries of "give a direct answer.")

The SPEAKER: Will the hon. member be kind enough to answer yes or no?

Mr. EDMONDSTONE: I have no direct pecuniary interest in the question at issue.

The SPEAKER: The hon. member for North Brisbane, Mr. Raff, have you any direct pecuniary interest in the question at issue?

Mr. RAFF: I really do not consider that the question is at all necessary, or that any answer I might make could disqualify me from voting. (Oh, oh.)

The SPEAKER having repeated the question,

Mr. RAFF said: I have no pecuniary interest in the question.

The SPEAKER: The hon. member for North Brisbane, Mr. Pugh, have you any direct pecuniary interest in the question at issue?

Mr. PUGH: I certainly had become possessed of a few shares, but do not believe that I have any direct pecuniary interest in the question. (Cries of "Give a direct answer.")

The SPEAKER: Will the hon. member answer the question in a direct manner?

Mr. PUGH: I have no pecuniary intent in the question.

The SPEAKER: The hon. member for Drayton and Toowoomba, Mr. Groom, have you any direct pecuniary interest in the question at issue?

Mr. GROOM: None whatever, Mr Speaker.

The SPEAKER: The hon. member for East Moreton, Mr. Warry, have you any direct pecuniary interest in the question at issue?

Mr. WARRY: I have every reason to believe that I have an interest in the question, and shall therefore take what I conceive to be the most dignified course, namely, leaving the house, and refusing to vote on the question. [The hon. member then left the house.]

The house divided, with the following result:—

Ayes, 9.		Noes, 9.	
Mr. Pugh		Mr. Herbert	
Stephens		Pring	
Groom		Wienholt	
Bell		Sandeman	
Mackenzie		Edwards	
Edmondstone		Royds	
Lilley		Challinor	
Raff	} Tellers.	Moffatt	} Tellers.
Douglas	}	Macalister	}

There being an equal number of names on both sides,

The SPEAKER said that it remained for him to give the casting vote, and he might state that there was very little doubt in his mind as to which side he should vote with; and considered that he should merely be doing his duty to the house by voting with the noes. (Hear, hear.)

ADJOURNMENT.

On the motion of the COLONIAL SECRETARY, the house adjourned at ten minutes to seven until three o'clock this day.