

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

FRIDAY, 2 SEPTEMBER 1864

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E R R A T A .

Page 125, at the conclusion of Mr. Groom's speech, add "The question was put and passed."

Page 346, at the conclusion of The Honorable G. Harris' speech, add "and he begged to move, as an amendment, that the Bill be read this day six months."

LEGISLATIVE COUNCIL.

Friday, 2 September, 1864.

Railway between Rockhampton and Westwood.—Subdivision of Land Bill.—Writ of Summons Bill, read 2^d.
Loan Bill, read 2^d.—Appropriation Bill, read 2^d.—Law of Evidence Amendment Bill, read 2^d.—Jury Bill, (Legislative Assembly's Message).

RAILWAY BETWEEN ROCKHAMPTON AND WESTWOOD.

The Hon. J. BRAMSTON moved, pursuant to notice,—“That this House approves of the plans, sections, and book of reference, submitted for the inspection of honorable members, and now on the table of this House, of the proposed railway from Rockhampton to Westwood.” He said it was not his intention to enter into the details of the plans, as honorable members must be aware that the Government had to depend in a great measure upon the responsible officers of the department in their preparation. He might state that there were no particularly heavy gradients, the highest being one in fifty or fifty-one, and the sharpest curve something over twenty chains; the work would consequently be very light in comparison with the other lines sanctioned by Parliament. The proposed line would be thirty-seven miles in length, from Rockhampton to a point at or near Westwood, and would embrace the traffic of the roads from the Dawson to Taroom, by which all the produce was brought down from the Upper and Lower Dawson, the roads from the Peak Downs, and the roads by which the produce was brought down from the pastoral districts of Nogoia, Belyando, and Comet. The traffic upon those roads had nearly doubled during the previous year, and the rapidity with which the country to the northward and westward had been taken up for pastoral purposes, was a sufficient guarantee that it would continue to increase year by year. It was not too much to expect that the railway in a very short time would pay the interest of the money borrowed for its construction, and probably maintain itself. The Legislature had authorised the construction of a line of railway for the southern and western portions of the Colony, it was only fair that the same should be conceded to those other portions where it was considered that the amount of traffic would justify them in constructing a line. The cost of the proposed railway, according to the plans on the table, would be from £6,000 to £7,000 per mile, which was somewhat heavier than was expected, in view of the fact that there were no heavy gradients or sharp curves. But the country near Rockhampton was low lying country, and subject to floods, and the first few miles of the line would be considerably

more expensive than the remainder. The average cost was not, however, likely to exceed £6,000 or £7,000 per mile.

The Hon. W. WOOD said he should not oppose the motion, as such opposition would come with a bad grace from one whose interests were identified with the north. If those gentlemen who resided in the districts through which it was proposed to carry the railway considered it necessary, he had nothing to say. But from his knowledge of the road from Westwood to Rockhampton, he looked upon the undertaking as perfectly useless. The road was a very good one, and he thought most persons would prefer sending their drays to Rockhampton.

The Hon. ST. G. R. GORE said the fact that the road was a good one, was no argument at all against the construction of a railway. There was an excellent road between Brisbane and Ipswich, but he should like to know how many bales of wool were sent down by it. The cases were perfectly analogous. No persons would be so suicidal as to send loaded drays a distance of thirty-seven miles, when the goods could be carried over the distance in a few hours.

The question was then put and passed.

SUBDIVISION OF LAND BILL.

The Hon. J. WATTS said he had been requested to take charge of the above Bill. It was purely a sanitary measure, and he thought honorable gentlemen would agree with him that, in a hot climate like that of Queensland, it was absolutely necessary a measure should be enacted to prevent the over-crowding of houses, and the existence of nuisances calculated to affect the health of the inhabitants. The honorable member quoted the principal clauses of the Bill, and moved that it be read a second time.

The Hon. G. HARRIS said he thought after the fate which the Bill in question had met with during the previous session, that a more reasonable measure would have been submitted for the consideration of the House. He must confess that he disapproved of it *in toto*, and he thought it would be a waste of time to go into committee upon it. The first clause, for instance, which set forth that "whenever it became necessary to reserve roads of access to any of the sub-divisions of such lands, the said roads shall in no case be of a less width than one half chain throughout and shall be open at both ends," was a most ill-advised provision. In Queen street, where land had been sold at £91 per foot, it would be a very expensive affair to comply with that clause. Supposing, for instance, that the site of the present Parliamentary buildings were sold, as it would probably be before long, thirty feet frontage to one purchaser, thirty feet to another, and so on, who would pay for the roadway half a chain wide, at the rate of nearly £100 per foot. The roadway would encroach upon private property, and endless disputes would

arise. There might be cases in which it was desirable to have ingress and egress to warehouses; but, even then the roadway need not be more than twelve feet wide. In suburban and country places, it might, perhaps, be half a chain. He should be quite prepared to support any reasonable measure, but the Bill before the House appeared to him to be quite unworthy of notice.

The Hon. ST. G. R. GORE said, that the objections raised against the Bill by the honorable gentleman who had spoken last, seemed to him to be altogether groundless. It was not likely that those lanes would be required in the large thoroughfares; and, besides, there was nothing in the Act to prevent persons from having a back entrance to their premises, if they chose. He did not think the provisions of the Bill would apply in any way to the cases the honorable member had referred to. It was intended to prevent the over-crowding of houses, and other nuisances, in the suburbs, where the property was of small value, and to prevent the creation of those "rookeries," which were to be found in London, Sydney, and other large towns. It might be rather hard upon speculators, but they would have to conform to its regulations. Such a measure was considered necessary to the sanitary condition of the town, and would also be a preventive against fire, which frequently broke out in such over-populated localities, and spread over a large extent of ground. He should support the original motion.

The Hon. J. BRAMSTON said the only objection he had to the Bill was, that it provided for the making of roads, which he considered to be too narrow by one-half. He should support the second reading, and reserve to himself the right of moving an amendment in committee, that the width of the roads be increased to fifty feet. He would remind honorable members that the provisions of the Bill would only apply to land which had been so cut up that no access existed to certain portions of it. The Act went even further, and exempted back premises. Consequently the owner of any town property could always have access to his own premises. In reference to the clause which provided that the roads should be open at each end, he should have no objection to alter that, so as to render it imperative upon persons cutting up land to make the road go right through the property. It was absolutely necessary that there should be some provision of the sort to prevent the over-crowding of small houses and the necessary baneful results. There was no retrospective action whatever provided by the Bill, and he trusted it would become law.

The Hon. W. WOOD concurred with the honorable gentleman who had just sat down, that many cases would no doubt occur in which the eyes and ears of the people would be offended. But he thought a more comprehensive measure might be introduced.

He thought, in the absence of appropriate, buildings, which the Anglo-Saxon mind did not seem prepared to entertain, it might not be amiss to take a lesson from the Spaniards, and build in quadrangles, instead of making those little courts and blind alleys which were so objectionable. He was inclined to support the amendment, as he thought the Bill was anything but complete, and it was hardly worth while, at that late period of the session, to entertain it. Its provisions might not be retrospective, but it was clear that they prevented a person from building a water-closet anywhere near his house.

The Hon. E. I. C. BROWNE said he certainly could not concur with the honorable gentleman in his regret that the Anglo-Saxon mind did not run in the same direction as the Spanish. He thought the honorable gentleman who had moved the second reading, had given it up, as he (Mr. Browne) had understood him to say that he was prepared to receive amendments upon the first clause, which was a prominent feature in the Bill. Another reason for not proceeding with the Bill was, that if it were amended in committee, there would be little chance of its being returned to the Council during this session. He was, however, opposed to the alteration suggested by the honorable gentleman who represented the Government, that the streets should be made more than half a chain wide.

The Hon. H. B. FITZ supported the amendment. He said it was evident that the Bill required several amendments, and it was very doubtful whether it could be passed into law at that late period of the session.

The Hon. J. WATTS, in reply, said he could not see that any inconvenience could accrue from the operation of the Bill, as far as town property were concerned; there might, perhaps be some difficulty with country land. The city of London was a proof of the beneficial effect of such a measure; the rookeries to which one honorable gentleman had referred, were now nearly all done away with. In fact Oxford street ran right through a portion of the city, what was formerly little better than a rookery. He certainly agreed with the honorable E. I. C. Browne in his opinion of Spanish architecture, which he should be sorry to see adopted in this country. It was to prevent the formation of such narrow streets and irregular buildings, that the Bill before the Council had been framed. He believed its effect would be beneficial, and that it would prove a sanitary measure.

The question was then put, and the amendment was affirmed on division, as follows:—

Contents, 6.	Non-Contents, 5.
Hon. D. F. Roberts	Hon. J. Watts
„ W. Wood	„ E. I. C. Browne
„ F. E. Bigge	„ F. N. Isaac
„ J. McConnell	„ St. G. R. Gore
„ H. B. Fitz	„ J. Bramston (Teller)
„ G. Harris (Teller).	

WRITS OF SUMMONS BILL.

The Hon. J. BRAMSTON moved that this Bill be now read a second time. It was, he said, a measure which would enable persons in business to get writs of summons issued in any ports at a distance from the capital. It enabled the Chief Justice of the Supreme Court to appoint a commissioner in any seaport, to prevent debtors from leaving the Colony, which at present they frequently did with money enough in their pockets to pay their debts. The honorable gentleman quoted some of the clauses, for which he claimed the favorable consideration of the House.

The Hon. E. I. BROWNE supported the motion with much pleasure. He thought the operation of the Bill must be beneficial in giving extra facilities to creditors to arrest the progress of dishonest debtors.

The question was then put and passed.

LOAN BILL.

The Hon. J. BRAMSTON moved the second reading of the Loan Bill. He said he anticipated no opposition to the motion, as the expenditure of nearly the whole of the amount named in the Bill had been approved already by the Council.

The motion was put and passed without debate.

APPROPRIATION BILL.

The Hon. J. BRAMSTON moved that the above Bill be read a second time.

The motion was put and passed without debate.

LAW OF EVIDENCE AMENDMENT BILL.

The Hon. J. BRAMSTON moved the second reading of the above Bill. He said that he did not expect any opposition. He had already explained the provisions of the measure when the Bill was read a first time.

The motion was put and passed without debate.

JURY BILL (LEGISLATIVE ASSEMBLY'S MESSAGE).

The Hon. J. BRAMSTON moved that the House be put into Committee of the Whole for the purpose of considering the Assembly's amendment.

The Hon. ST. G. R. GORE opposed the motion, and trusted that one branch of the Legislature, at least, would adhere to the resolutions they had framed, and that the Council would agree to no compromise whatever. He had before expressed his opinions on the subject of juries; they were intended for the benefit of the community at large; and if any one particular class was not calculated to distribute even-handed justice, that class ought to be excluded. He did not see why the Council should be called upon to give their solemn assent to a measure of which they entirely disapproved. He should, therefore, move, that the House go into committee to consider the message of the Legislative Assembly this day six months.

The Hon. W. WOOD supported the amendment, and said he quite agreed with the last speaker that the Council should adhere to the resolution they had previously arrived at. It was perfectly useless for them to make amendments, if those amendments were continually objected to by the Assembly. The Legislative Council had passed the original Bill unanimously, and he thought they would be wanting in a sense of dignity and self-respect if they allowed their decision to be set aside. It was all very well for honorable members in another place to pursue a course which pleased those who sent them there. He thought it was a fortunate thing that another branch of the Legislature had been established, who could step in to meet such cases as the present, where undue pressure had been brought to bear upon those members by their constituents.

The Hon. H. B. FITZ supported the amendment.

The Hon. J. BRAMSTON said, that after such an expression of the feeling of the House, he should not prolong the discussion, but would accept the amendment. He denied, however, that the Government had acted under any pressure whatever. For his part, he had held the same opinions on the subject when the Bill was introduced, and he adhered to them now.

The motion was accordingly withdrawn, and the amendment put and passed.
