

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY, 16 OCTOBER 1867

Electronic reproduction of original hardcopy

LEGISLATIVE ASSEMBLY.

Wednesday, 16 October, 1867.

Electioneering Railway Passengers.—Acclimatisation Society.—Grant of Innes Island.—Mr. Fitzgibbon and the Southern and Western Railway.—Impounding Act Amendment Bill.—Foreign Companies Bill.

ELECTIONEERING RAILWAY PAS-
SENGERS.

Dr. CHALLINOR moved—

That the return laid upon the table of this House on the 9th instant, in reference to the passengers conveyed on the Southern and Western Railway on the 19th June, be printed.

He said he believed he was in a position to prove that not only were the persons to whom the return referred conveyed on the line on this occasion free of charge, but that many of

the employees of the Government also received their wages for the time they were absent from their employment voting. He thought it was of great importance that the returns should be printed, and it was only right they should adopt every means in their power to prevent the railways being used for the purposes of corruption in connection with election proceedings. He did not ask for the returns for the purpose of reflecting upon the Government officials, but with the view of preventing the railways being used for a like purpose in future. He understood the Government had had considerable difficulty in getting the returns.

The COLONIAL SECRETARY said he had no intention of opposing the motion for the printing of the returns. He was sorry he was obliged to corroborate the statement made by the honorable member for Ipswich, Dr. Challinor, to the effect that there had been considerable difficulty in procuring the returns. He had to write more than once or twice before he could get them; and latterly he had to write to the head of the department and tell him that such delay in obtaining the returns was perfectly disgraceful.

Mr. WALSH said he trusted that honorable members, and the country also, when they got those returns, would draw a suitable lesson from them. He had no hesitation in saying that, from a perusal of the returns, the railway had been a piece of political machinery from first to last—that it had been used by the late Government for political ends. He differed from the honorable member for Ipswich, Dr. Challinor, when he said that those returns should be printed with the view that steps might be taken to prevent the railways again being used for political purposes. The House ought to see how far the previous Government had used the railways for those purposes; and visit the acts of the previous Government with such indignation as they deserved. The returns shewed beyond dispute that the railways had been used for political ends—that passes were given freely to voters to travel on the line. Such conduct induced persons who travelled in that way to believe that the Government who could pay for them was worthy of their support. Now, the railway was never intended to be used for such a purpose in such a way. He hoped the honorable the Colonial Secretary, as Minister for Works, would pursue his inquiries further, for if he did, he would be sure to find more evidence of the way in which the late Government had used the railways. He had heard that the son of one of the candidates at the late election for West Moreton, took possession of a train, and was what was called at the time the captain of the train; and that when the train arrived at its destination, and the guard went to collect the tickets, he was met by this young man, telling him, "Oh, its all right, those men came down with me." His object in making those remarks was to induce the House to take up this matter and see that

it was not more than a joke; and to see if matters had not reached that point that the honesty and security of elections had been tampered with.

Mr. BELL said that if honorable members were to occupy the time of the House by detailing the statements they heard out of the House, very little work would be done by the House; and, indeed, it would not be possible that much could be done. It was a most childish and trifling thing to occupy the time of the House by retailing hearsay statements. He had no objection that facts should be stated, if they were laid before the House in a business-like and tangible shape, and in a way that the House could deal with them; but to retail tittle-tattle, and the hearsay statements of old women, perhaps, was certainly not in accordance with the dignity that belonged to any honorable member of the House. He had also examined the returns, and he must say that he could not find any evidence in them that there was the least tampering with the voters for the West Moreton election. They did not bear out such a charge in any single instance. It appeared to him that the action of the Government was only in accordance with a desire to grant to all the railway employees every facility to enable them to exercise the franchise as electors for the West Moreton district. He should certainly like to know how any of the telegrams or instructions could be construed into an attempt to interfere with the electors. All that was done was merely to afford to the fullest extent to voters the facilities afforded by the railway for their exercising the franchise. It might be, that not one of those who travelled by the railway on the occasion referred to voted for the Government candidate, and it might be that some of them did. But he should like to know how any one could be prepared to say that any one of them did; and he should also like to know what amount of truth there could possibly be in an assertion of that nature. He denied that there was any influence exercised to induce the railway employees voting either one way or the other. There was another statement made by the honorable the Minister for Works, which struck him very much. He regretted to hear the honorable gentleman say that he could not get the returns, because the officials under his department did not choose to do what they were required. The returns were ordered by the House, and the honorable gentleman had informed the House that he had considerable difficulty in getting them. Now, that was an excuse that the House would not put up with. If the Government had officials from whom they could not get the information they wished, the Government must find officials from whom they would get the information—when it was information the House desired to obtain. It was no excuse that they could not get the information. If such an excuse were to be accepted, the business of the

country might be brought to a stand-still by the obstructions of officials.

The COLONIAL SECRETARY said he never made use of the assertion imputed to him. He never said the Government were unable to get the returns; that was proved by the fact that the returns were now on the table. What he said was that there was a difficulty in getting them, and that he had to apply for them more than once. But he did get them, and they were now on the table and spoke for themselves.

The motion was agreed to.

ACCLIMATISATION SOCIETY—GRANT OF INNES ISLAND.

Dr. CHALLINOR moved—

1. That, in terms of the provisions in such behalf contained in section four of the Alienation Crown Act of 1860, this House hereby accords sanction to the issue of a deed of grant, in trust for the Queensland Acclimatisation Society, of the Island in Moreton Bay, known as Innes Island, and which has been reserved for the uses of the society; such grant to be issued in the names of the president, vice-president, honorary treasurer, and honorary secretary of the society.

2. That the foregoing resolution be transmitted to the Legislative Council, for their concurrence, by message in the usual form.

He said that in 1864, the society applied to the Government for Innes Island for the use of the society, and a favorable reply was returned to the application. In point of fact, the reply amounted to a concession, and stated that the Surveyor-General had been instructed to act accordingly; but in reply to a further communication by the honorary secretary, submitting the names of a number of gentlemen as trustees, to be named in the deed of grant, it was stated that the Government did not issue deeds of grant in cases of that kind. The clause referred to in the motion was as follows,—

“It shall be lawful for the Governor with the advice aforesaid to grant or otherwise dispose of for such public purposes as are specified in clause sixteen of the Unoccupied Crown Lands Occupation Act of 1860 or for such other purposes as may from time to time be previously sanctioned by the Legislature any waste lands of the Crown in the said colony.”

And the sixteenth clause of the same Act said,—

“Whenever the owner or owners of any lands adjoining a road which has been reserved for access to such lands only and is not otherwise required for public use shall make application for the closing of such road it shall be lawful for the Governor with the advice aforesaid to notify in the *Government Gazette* that such road will be closed and after the expiration of two months from such notice a grant or grants of the road so closed may be issued to the owner or owners of the adjoining lands in fair proportion or in accordance with agreement among such owners provided that the fair value of such road as estimated by the Surveyor-General be paid for the same.”

Now, he thought it was clear that the application fairly came within the scope of the Act. The Government had gone so far as to reserve the island for the use of the society, though they had declined to issue a deed of grant, making over the island to the society in fee-simple; but that, he thought, should be done in order that the society might be placed on a permanent footing. The fact that an annual grant had been voted by the House to the society for several years, and that it was only withheld last year on account of the financial difficulties of the colony, was a sufficient proof that the object of the society had been sanctioned by the Legislature; and, therefore, that they came within the provisions of the clauses of the Acts he had read. He trusted the Government would not oppose the resolution.

The SECRETARY FOR PUBLIC LANDS said he would oppose the motion, because he thought that the society had already more land than it could well manage—that was, more than it could well improve. He did not think it was the part of the Government to encourage societies to get hold of lands in this way, and allow it to lie unimproved for years. The Government had already allowed the society the use of the island; and when the society had increased in numbers, and had such an income as to render it likely that the property would be improved, it would be time enough for them to come and ask for the island to be conveyed to them. If the island was conveyed to the society, the Government would have any number of applications sent into them for parks, recreation grounds, and so on. He considered this was a most objectionable course. He might say that he visited the Acclimatisation Society's grounds the other day, and all that he could see was a few goats wandering about; and the whole place seemed to be in a state of misery and desolation.

Dr. CHALLINOR, in reply, said it was true that their present grounds were unimproved, but much of that was owing to the grant having been withdrawn; and that was an additional reason why the society should have a reserve in which various animals and birds which came into their possession might be placed, to multiply in a state of nature, without fear of being destroyed by mauraunders. He thought it ought to be considered in the light of a national undertaking, just in the same way as the Botanical Gardens were. It was impossible to say to what extent it might be useful in acclimatising animals, which would add to the exports of the country. When Mr. Macarthur introduced his merino sheep, he probably had no idea how much it would tend to develop the Australian colonies; and even if the results of the society's operation did not add anything to the exports of this colony, they might increase the social enjoyments and luxuries of the people. Even in the matter of small birds, such as the common

sparrow, it might greatly assist in mitigating some of the pests which the agriculturist suffered from, as, for instance, caterpillars. It had been found in England, but especially in France, that some of the small birds, which had been supposed to be the farmers' enemies, were among his best friends; and in some parts they had had to re-introduce the very species of birds which they had previously been at the trouble and expense effectually to exterminate. There was one animal, however, which might become of great commercial value as an export—he alluded to the silver-gray rabbit. He could not give a better proof of his approval of the objects, than by stating that he had been one of its constant subscribers.

The motion was then put and carried, on a division, by a majority of 14 to 7.

MR. FITZGIBBON AND THE SOUTHERN AND WESTERN RAILWAY.

Mr. PUGH said the motion he had to bring before the House was one that had been for some time on the paper, and that he thought would be readily disposed of with the consent of all parties. Honorable members would find it was followed on the paper by a motion in the name of the honorable member for Leichhardt, Mr. Sandeman, for the appointment of a select committee for the very purpose that he (Mr. Pugh) now proposed the House should resolve into a committee of the whole. They had before them a report, laid on the table by the honorable the Minister for Works, in which certain allegations were made by the present Engineer-in-Chief, and two petitions from the late Engineer-in-Chief, requesting to be heard at the bar of the House—the latter only just presented by the honorable member for Ipswich, Dr. Challinor; and the grounds upon which he would urge the acceptance and adoption of his motion were, first, the mere justice of the case; second, it appeared to him that, although a select committee might to a certain extent satisfy the minds of some honorable members—and he (Mr. Pugh) must say that he had no objection to a select committee, even if his motion were carried, should it be found necessary—it was to be considered that the outside public knew comparatively nothing of the proceedings of select committees, the distribution of whose reports was confined to the members of both Houses, and to the newspapers, and to a few other persons who chose to purchase them at the Government Printing Office; whereas, if the late Engineer-in-Chief should be summoned to the bar of the House and examined publicly, the whole circumstances would be known as fully and freely as were the charges that had been made against him. He looked upon it that, after the manner in which charges had been made against Mr. Fitzgibbon as a public officer, and when that

gentleman called upon the House to hear him, in defence, as openly as they had heard his accusers, the House could not well refuse, as the highest court of judicature in the colony, the justice involved in granting the prayer of his petitions. The report which had been laid on the table, from the present Engineer-in-Chief, involved four allegations; and they had relation to the construction of the Bremer bridge, of the line taken by the railway at Miki Creek, of the Victoria Tunnel, and of the iron-top bridges on the Main Range. In addition to those embodied in the report, distinct charges had been made by honorable members in the House, against the late Engineer-in-Chief; and, although he (Mr. Pugh) should be the last person to attempt to shelter any one guilty of misconduct, the accused should have the opportunity of clearing himself, if he could do so. It was stated in one of the petitions that the report of the present Engineer-in-Chief was never submitted to the petitioner for any explanation or remark; and that he had had no opportunity of vindicating himself in any shape or form. He did hope the House would agree to the motion. As would be seen by the motion itself, he not only proposed to call the late Engineer-in-Chief to be examined at the bar, but such other officials or persons as the House might see fit, in reference to the construction of the railway, and any other matter in connection therewith; so that if Mr. Fitzgibbon implicated Mr. Plews, they would then have an opportunity of calling him;—and so that the public, who had an interest in the matter, or whose minds had been disturbed as to the safety of the line, could have the best opportunity of inquiring how the report had been arrived at. He wished it to be distinctly understood that he did not bring the motion forward in the interest of Mr. Fitzgibbon. Honorable members would recollect that he had a similar motion on the paper the first session of this year, but the dissolution prevented him from bringing it forward. He remembered only one instance in which a petition to be heard at the bar of the House had been refused, and that was when the clergy of the Church of England petitioned to be heard by counsel at the bar of the House against the passing of a Bill which had been brought in affecting their interests. Their petition was refused, but it was because the House had made up their minds to reject the Bill, and therefore it was not necessary to hear arguments of counsel against it. That was a different case altogether from the present one, which he hoped the House would consider in a liberal spirit, and pass the motion. He moved—

That this House will, to-morrow, resolve itself into a committee of the whole, for the purpose of summoning to, and examining at, the bar of the House, the late Engineer-in-Chief of the Southern and Western Railway, and such other

officials or persons as to the said committee may seem fit, in reference to the construction of the said line of railway, and any other matter in connection therewith.

The COLONIAL SECRETARY said he regretted that he should think it his duty to oppose the motion, the more so as no man in the House could be more anxious than he was that a full and fair investigation of matters connected with the railways should be made; but he thought when he had stated the position of the question between the Engineer-in-Chief and the Government, the House would see that a more improper course could not be adopted than that of summoning Mr. Fitzgibbon to the bar of that House, at the present time. The circumstances of the case were: By an agreement made between the late Engineer-in-Chief and the Secretary for Works, that gentleman undertook to assist in an arbitration case then pending between the Government and Messrs. Peto, Brassey, and Betts; and, further, to give up all papers and documents in his possession connected with the survey and carrying out of the line, on which he was to be paid a certain sum of money, amounting to about £4,000—which sum was not at all in dispute. He (the Colonial Secretary) was informed by the present Engineer-in-Chief, that those papers had not been given up—a very considerable quantity were not forthcoming, and no officer of the Government could find out anything about them—and, consequently, the Government had refused to pay Mr. Fitzgibbon the balance due, as the agreement had not been fulfilled. Mr. Fitzgibbon, not satisfied with that, had given notice to the Government of an action at law for the recovery of money due to him; and he (the Colonial Secretary) maintained that while an action at law was pending between that gentleman and the Government, it would be highly improper to examine Mr. Fitzgibbon at the bar of the House. If Mr. Fitzgibbon went on with the action—and it did not matter which way it terminated—after it had terminated, he (the Colonial Secretary) should have no objection to the motion, which might then be considered under any light he could throw upon the matter. He trusted that the good sense of the House would be with him in saying that it would not be right, while an action was pending between the Government and their late officer, to take up and prejudge the case.

Mr. SANDEMAN observed, that on a recent occasion, when the railway question was discussed in the House, he suggested that the best and fairest way of attaining the object desired would be to refer the subject to a select committee. After the honorable member for North Brisbane, Mr. Pugh, placed his motion on the table, he (Mr. Sandeman) suggested that course to him, but the honorable member did not seem to approve of it; and, therefore, on the day the motion was postponed, he (Mr. Sandeman) gave notice

of a motion for a select committee. The object of the honorable member's, Mr. Pugh's, motion was to ascertain the merits of a question of deep importance to the country, involving a great deal of investigation of a minute and professional character. He could not see that a body of non-professional men could be competent to conduct the inquiry, in the way asked for, with the precision and the knowledge that were required to be brought to bear upon it. If they desired to accede to the prayer of the late Engineer-in-Chief, he believed it would facilitate the investigation very much, and meet the object which Mr. Fitzgibbon had in view, if they adopted the suggestion of a select committee. The investigation of the committee would enable honorable members to prepare their minds and to concentrate their views on the subject properly, by the information they would derive on the whole question, and thus be the better prepared to do justice to the subject in acceding to Mr. Fitzgibbon's request to be examined at the bar, if still desired. He thought, therefore, that the better plan would be, that the motion which he had placed on the paper should be taken as an amendment upon the motion before the House, and such a course would facilitate business. The revelations made in the reports that were on the table of the House demanded the fullest investigation—looking at the relative positions of the late Engineer-in-Chief and the present holder of that important office; and it was the duty of the House to enter most rigidly into all matters contained in those reports, in order to enable them to arrive at the truth. The characters of both those gentlemen were at stake. In carrying out the object of the select committee, he submitted the most practical method of getting at the real truth of the various matters involved would be by procuring the services of a properly qualified engineer, who had never been connected with the railways of this colony, who was perfectly independent, and who would give a dispassionate and impartial report upon the railway: after having completed his examination of the works, he would come before the committee for examination, and, having heard him, the committee would be in a position to hear Mr. Fitzgibbon and Mr. Plews, or any other officer connected with the works, or against whom charges had been made; or, the House might then be prepared to hear them at the bar, if required. Unless that course was pursued, he believed they would be working in the dark. He (Mr. Sandeman) thought he could gather, from the tone of the observations of the honorable member for Ipswich, Mr. Macalister, the other day, that this might, perhaps, be construed into one of those motions out of which it might be desired to make political capital against the late Government. He could only say that he had no such motive. For more than eighteen months past

he had held strong opinions on this question, and he had been consistent throughout. He assured the House he had no other object than to arrive at the truth; and he desired that the House would endeavor to reach some result on this much vexed question. There could not be a better precedent for the course he was now taking than that afforded by the honorable member for Ipswich, Mr. Macalister, who, himself, sixteen or eighteen months ago, placed a notice of motion on the paper for the very object which he (Mr. Sandeman) now sought to attain; but, when the crisis of last year came, the affairs of the colony were in such a condition, and the time of the House so absorbed by business consequent upon the monetary crisis, that the motion was allowed to lapse. Much had occurred in the question since then, which was an additional reason for reviving the intention of the honorable member and to induce the House to consent to the appointment of a select committee. He would now move—

1. That the question be amended by the omission of all the words following the word "that," at the commencement, with a view to the insertion, in their place, of the words—"a select committee be appointed for the purpose of examining the late Engineer-in-Chief of the Southern and Western Railway, and such other officials or persons as to the said committee may seem fit, in reference to the construction of the said line of railway, and all other matters in connection with the railways of the colony; with power to call for persons and papers, and leave to sit during any adjournment, and to report.

2. "That such committee consist of the Minister for Works, Mr. Stephens, Mr. Walsh, Mr. Fitzgerald, Mr. O'Sullivan, Mr. Pugh, and the mover."

Mr. WALSH asked that his name should be withdrawn from the committee. He was on so many committees, now, that he could not attend to this: he was overwhelmed with work already.

Mr. PUGH asked that his name, also, should be withdrawn.

Mr. SANDEMAN proposed to substitute Mr. Archer for Mr. Walsh, to withdraw the name of Mr. Pugh, and to add the names of Mr. Lilley, Mr. Douglas, Mr. Clark, and Dr. Challinor.

The amendment was put, as altered.

The COLONIAL TREASURER said that, up to a late date, he was in favor of the motion of the honorable member for North Brisbane, that Mr. Fitzgibbon should be examined at the bar of the House; but circumstances had since occurred to alter the complexion of matters. He believed—without referring more pointedly to circumstances—that the information which the honorable member wished to get from Mr. Fitzgibbon would not now be procurable; and he agreed with his honorable colleague, the Secretary for Works, that the present was not the proper time to have such an examination as was

proposed—when the matter was about to be brought into a court of law. Indeed, one of the circumstances that led him to object to the motion was, that much more would be got out in a court of law than in an examination of Mr. Fitzgibbon at the bar of the House. Another was, that the honorable member who had brought the motion forward would himself be in the chair;—and he (the Colonial Treasurer) had not heard that any other honorable member was prepared to take up the position of examiner for him. It was a very difficult thing to do, and he could assure the House that Mr. Fitzgibbon was a very rum customer: it would require a very sharp man to take Mr. Fitzgibbon up. He was in favor of a select committee, rather than an examination at the bar of the House.

Mr. FITZSIMMONS said he had, at first, intended to support the motion, because, after the charges made against the late Engineer-in-Chief by the present Engineer-in-Chief, he thought it would be only fair to bring those gentlemen face to face before the House, to see who was in the wrong. He was anxious for that; but because it had been asserted that there was not sufficient engineering ability in the House to get the important information they required, and because Mr. Fitzgibbon had commenced an action at law against the Government, he thought it would be better to refer the whole subject to a select committee.

Mr. BELL said he thought that the honorable member for North Brisbane, Mr. Pugh, had made out a very good case. The principal objections urged against the adoption of his motion were made by the Minister for Public Works, and the honorable member for Leichhardt, Mr. Sandeman;—one was in favor of a select committee, and the other that the late Engineer-in-Chief had threatened to bring an action against the Government. But the Minister for Public Works had laid before the House the issue between the Government and the late Engineer-in-Chief: it was a question which both parties were prepared to have decided by a court of law, and which would in no way interfere with the question which the House desired to enter upon. The objection of the honorable gentleman could have no weight with the House. As to the proposition for referring the examination to a select committee, it was one for which much might, perhaps, be said. He was, however, inclined to support the motion. The honorable member for Clermont objected to it, because he believed that honorable members were not sufficiently skilled in engineering to put questions to the late Engineer-in-Chief. It must be admitted that a portion of the House had felt themselves sufficiently engineers to call that gentleman's character in question, and to state that he had not performed his business as an engineer in a proper manner. The same skill which had enabled honorable members to accuse

Mr. Fitzgibbon ought to enable them to assist him to rebut those accusations. When the other branch of the Legislature desired to have information from that gentleman upon the railway, he was examined at the bar of the Council; and the evidence he gave enabled them to come to a conclusion. If the same course were adopted now, the House would, no doubt, be able to come to a conclusion which, if not a satisfactory one to engineers, would be satisfactory to themselves. That was really the question at issue. The honorable member for Fortitude Valley had said that lawyers differed, as "doctors disagree;" the question before the House arose out of the difference of opinion between the present and the late Engineers-in-Chief. If the House called in another engineer, as the honorable member for Leichhardt had recommended, they would, beyond doubt, have another difference of opinion. There had been an eminent engineer of high authority in the colony, Mr. Higinbotham, whose opinion on the railway was given before a select committee of the Legislative Council. In justice to the late Engineer-in-Chief, against whom, not long ago, the majority of the House were loud in abuse, his petition ought to be acceded to, and the motion passed. It had been said by the honorable member for Rockhampton that the bridges on the line were not of a sufficiently substantial character, and that they had buckled. Of all that had been said against the late Engineer-in-Chief, that was really the only charge in existence. There was no other charge by the present Engineer-in-Chief, for his report generally was in favor of the line. The House might, after hearing Mr. Fitzgibbon's evidence, in reply to the accusations against him, get rebutting evidence, if it were thought necessary. He (Mr. Bell) could not, however, see the use of a select committee. They all knew the result of a select committee on railways elsewhere. The session was so near an end, and the weather was so hot, that a committee could not do much at this date. Whether right or wrong, the evidence of the Engineer-in-Chief would be such that the House would have the advantage of a strong and decisive opinion, which would enable them to come to a decision. Therefore, for the reasons stated, and to save the public time, he supported the original motion.

Dr. CHALLINOR said the Colonial Secretary objected to the motion, chiefly because the late Engineer-in-Chief had instituted an action against the Crown; but what had that to do with the question? The honorable gentlemen had distinctly told the House that the action was for a breach of contract in reference to the conclusion of the agreement between the Government and Mr. Fitzgibbon, but that had nothing whatever to do with the charges which had been made before the House against the late Engineer-in-Chief. Even if it had, were honorable members to

suppose that the evidence taken in the House would be brought before the Supreme Court, and there judged upon? They knew well enough that the verdict given in that court would be upon the evidence presented to the court. So far, therefore, there was not the slightest reason why the House should reject the motion. He (Dr. Challinor) would not refer to the dispute between the Government and Mr. Fitzgibbon, except to say that, whatever might be the statements of Mr. Plews, there were rebutting statements which Mr. Fitzgibbon was prepared to make upon affidavit. As had been ably said by the honorable member for West Moreton, Mr. Bell, in commenting on the statement of the honorable member for Leichhardt, Mr. Sandeman, the House, though not acquainted with professional engineering matters, had taken on themselves to decide upon them. Their expression of opinion that Mr. Fitzgibbon's conduct was blameable had been conveyed through the length and breadth of the land, and had, no doubt, found its way throughout the other colonies; and, as to the faults of construction mentioned in the report of the present Engineer-in-Chief, honorable members did not call into question whether they were able to decide or not, if Mr. Plew's evidence was right, but they took it for granted that it was right. As the House had acted in that way in reference to the report, they were bound to hear the testimony of the person sought to be incriminated by it, that he might have a fair opportunity of rebutting the statements brought against him. The honorable member for Leichhardt, who had moved the amendment, thought that a select committee would effect that object more satisfactorily than a committee of the whole House. It might happen that the select committee would not be able to bring up a report—such a thing had occurred before—and then the whole matter would be shelved till next year. They all knew that a committee, last year, after taking extensive evidence, brought up only a progress report, and there it ended. That was one reason why the House should object to a select committee. Some honorable members were very anxious to get rid of the business of the session: one complained that it was oppressively hot; another said he had urgent matters calling him home; so that, if a committee should be appointed, it was by no means certain that they would have time for the investigation, which they ought to have, if they had to go in for a final decision on the matters in question. There could not be the shadow of a doubt that the professional character of Mr. Fitzgibbon had been stabbed in the House. That was wrong. The gentleman was not present to parry the blow; and the House should now allow him the best opportunity to heal the wound thus made. The best inquiry could take place before the whole House. They were not confined by the legal rules of a court which, sometimes, would

not allow them to get the information they wanted: they were not restricted from getting it in any way they chose. The Colonial Secretary had stated that it was one condition of the contract between the Government and Mr. Fitzgibbon that Mr. Fitzgibbon should stay in the colony to assist in the arbitration between the Government and the railway contractors. Now, he (Dr. Challinor) might be wrong; but he was in possession of private information that, while Mr. Fitzgibbon did offer to do that, the Government insisted on coming to a settlement of his own claims totally irrespective of the aid he was willing to render in the arbitration case. He did not blame them for so doing. It was in order that no one should say, when the case came up to be tried, that Mr. Fitzgibbon had been bribed to give his evidence by being paid what he wanted, that the Government resolved to liquidate his claims totally independent of any assistance he might give in the arbitration. That might be shewn in the correspondence which had passed, and he (Dr. Challinor) did not hesitate to say he had seen it in certain documents. The Government did take a very correct view of the case, and one that was creditable to them. So far as the settlement of the contract went, there was nothing to detain Mr. Fitzgibbon in the colony. The House had been told that they must have the testimony of an engineer on whom they could depend, with reference to the construction of the railways. It sometimes happened that even the highest order of engineering skill was infinitely surpassed by men unknown to fame. There was a time when George Stephenson was unknown; so with the great Russian engineering authority. Who was Todleben, who baffled the united skill of the English and French armies at Sebastopol? He rose from the ranks.

MR. CLARK: No.

THE SECRETARY FOR PUBLIC LANDS: He was a colonel of engineers.

DR. CHALLINOR: He thought it would be found that he was correct: Todleben had been a corporal, and rose to be a general. But with reference to Mr. Plews' report, and the matters therein referred to which had come under discussion, he (Dr. Challinor) was in a position to say that the tension plates, if of good quality, were able to bear a greater strain than had been, or was likely to be, put on them—it was not on the information of Mr. Fitzgibbon that he spoke—by a train going at the rate of eight or ten miles an hour. He would give proof of it. One of the spare tension plates, taken at random, the same as had been used in the girder bridges, had undergone the following test:—It had been nicked to the depth of an eighth of an inch, and a powerful man, with as strong a blow as he could give with a fourteen-pound hammer, found it necessary to give fifteen blows, before he could reduce the plate to a right angle. Those plates were rolled off three blooms, placed one over the other;—

that was the mode of construction, or forging. The gentleman who had put the plate to the severe test described, had often tried, in Great Britain, English, French, and Swedish boiler plates, intended for railway purposes, and he was no novice. He said, moreover, that the tension plates of the lattice bridge next above Highfield Park, which had buckled the most, were twelve inches wide, having a sectional area of six square inches. Each square inch would stand a tensile strain of twenty-four tons—more than that if of equal quality with the piece tested. That test shewed that the “fibre” of the iron was “extremely long and tenacious.” The strain that each tension plate would stand would, therefore, be one hundred and forty-four tons; each pair, two hundred and eighty-eight tons; or, all four together, five hundred and seventy-six tons. And, on the authority of the gentleman who had tested the plate, he (Dr. Challinor) said that the bridges were not likely to give way with the traffic that went over them. A Main Range train, with one engine, weighed sixty-five tons; and with two engines, the gross load was one hundred tons; and, when there were two engines the length of the train prevented the whole weight being at one time on a bridge. The horizontal, diagonal, and vertical braces would, however, materially improve the bridges. It had been asserted in the House that Mr. Fitzgibbon had not sent home drawings of the bridges required. He had done so; and if the honorable the Colonial Secretary would refer to a letter from Mr. Fitzgibbon to Sir Charles Fox, dated 27th December, 1866—a copy of which would be found in the Works Department, for a copy had been sent to the Commissioner for Railways—he would find this:—

“I enclose a tracing of one of the girder bridges for Main Range, No. 5 section, as ordered of you; and of the girders, as sent. The departures from the drawings sent you, especially as regards the length of the girders, put us to much inconvenience and expense. An account of the latter is being kept, with a view of its being sent to you for recovery from the manufacturers.”

Then, with regard to the want of the braces, that had been observed by Mr. Fitzgibbon, who, however, had declined to authorise the contractors to put them up, because their scheduled price was so high, being eight-pence per pound, or seventy pounds a ton. The price in England for the same work was twenty pounds a ton. Mr. Fitzgibbon proposed that the putting up of those braces should be done by the staff of the Engineer of Locomotives.

MR. SANDEMAN, as a point of order, asked whether such matters of detail as the honorable member for Ipswich was going into were relevant to the subject before the House?

THE SPEAKER thought that the honorable member was certainly going out of his way.

DR. CHALLINOR was not a new member, and he was not likely to travel out of the course prescribed by the rules of the House,

He was now talking upon matters that had been brought before the House to shew that Mr. Fitzgibbon had carried out the railway works in an unskilful manner; and, after the remarks from the Government, and the comments that had been made on the charges contained in a report that had been laid on the table, he (Dr. Challinor) was shewing that there were certain reasons why the late Engineer-in-Chief should be heard at the bar of the House.

The ATTORNEY-GENERAL rose to order, and urged the House to go to a division at once. They were not assembled to bolster up the character of Mr. Fitzgibbon; but were considering whether or not they should call that gentleman to the bar of the House, to examine him in reference to the railway, or whether they should refer the subject to a select committee.

Mr. DOUGLAS suggested that the easiest way to arrive at a conclusion, would be to let the honorable member make his speech.

The SPEAKER could not say the honorable member was out of order; but, at the same time he seemed to take that line which he thought best to prove his case, it was, he (the Speaker) thought, a very roundabout way.

Mr. PUGH: The honorable member for Ipswich was only combatting points which had been raised in the previous discussion.

Mr. LILLEY said he took it that no honorable member was out of order, however roundabout he might choose to go, in addressing the House.

Dr. CHALLINOR deprecated rushing matters through the House. He would scorn such a way of carrying on business. Mr. Plews, in his report, complained of the bridges being constructed in such a way that provision was not made for carrying a certain weight; when the fact appeared that, on behalf of the Government, Mr. Fitzgibbon refused to allow the contractors to put up the bracing, because it would be to the advantage of the colony to have it done by the railway staff. With regard to the iron superstructures, which had been objected to by many, they had been adopted because they were fifty per cent. cheaper than if constructed of wood. What was the value of the testimony of the present Engineer-in-Chief, if he filled up his report with what was not true? After having gone out of his way to throw blame on the late Engineer-in-Chief, he took advantage of the opportunity to say a word for himself. But he (Dr. Challinor) would just shew how that gentleman had fallen into the trap he had thought to get others in. Speaking of the northern line, Mr. Plews said:—

“Ample waterway and flood openings have been made, to carry off, and to keep the line from being damaged by the water of all ordinary floods, and the line has at every point, I believe, been kept above the flood mark of March, 1864.

“Such another extraordinary flood as that may possibly do some little damage to some of the

earthwork; but every precaution—which the sums voted to be expended upon this line would admit of—has been taken to guard against this; and only the expenditure of a very large sum to extend the flood viaducts in the first four and a half miles, which are now nearly one mile in length in the aggregate, and to carry the rails on a timber viaduct for the full distance of four and a half miles, or over all the heavily flooded country, would effectually render the line proof against such extraordinary floods.”

That was Mr. Plews' defence in case that length of railway should be washed away by some extraordinary flood—which some honorable members considered a very possible contingency. Who had prepared the estimates of expense which the House had voted? They had not been prepared after a running survey, but after a detailed survey. When? In 1864—after the great flood! The present Engineer-in-Chief wanted to screen himself because the House did not vote enough money. Why had he not asked for more money? By his own shewing, his estimates were not sufficient for what he ought to have done. The House had voted all the money he had asked for. All the plans and estimates had been prepared by himself, and laid on the table before the vote was passed. What dependence could be placed on an engineer who acted like that? He was utterly untrustworthy, and no reliance could be placed on his testimony by the House. One very great reason why so much objection had been taken by the late Government to Mr. Fitzgibbon was, that he had a professional opinion—an opinion of his own—and that he stuck to his opinion. He was not to be compressed by the Government. He (Dr. Challinor) had himself heard Mr. Watts, the late Secretary for Works, say that if Mr. Fitzgibbon had been a salaried officer, instead of doing his engineering superintendence by contract, the Government would have compelled him to do what they wished. But Mr. Fitzgibbon was not to be brow-beaten—he would not sacrifice his professional reputation for the Government. Exception had been taken to his entering into some details about the abutments of the bridge, which was made the subject of inquiry by a special committee of the House, and which he took up, being in possession of certain information. He spoke of certain experiments, and said they were not the experiments of a novice, but of a gentleman who was well able to test the work, because he had had much experience in Great Britain in testing ironwork for locomotive purposes. When he had stated who the gentleman was, he felt confident there was no honorable member of the House who would be able to say that, from personal experience, he was himself better able to test the ironwork. When he said that he referred to Mr. Jetter, the superintendent of the locomotive department, he thought he said enough to satisfy honorable members that the iron was tested

by a gentleman who was fully competent to do so. Well, that gentleman had given his opinion, and he felt satisfied there was no one who would gainsay it. When referring to the select committee appointed on the motion of the honorable member for the Leichhardt, he omitted to make one observation. That honorable member professed that it was his desire to see justice done to a gentleman, who he (Dr. Challinor) maintained had not been well used by the House; and to accomplish that, the honorable member proposed to submit the matter to a select committee, instead of having Mr. Fitzgibbon examined at the bar of the House. He knew that it was not his place, and that it was contrary to parliamentary privilege, to attribute motives to any one; but, in looking over the names of the committee, he found that, while the committee proposed was to consist of seven gentlemen, there were only two of those named who had not expressed strong opinions against the railway and against the engineer. That was a fact that must have been patent to the honorable member for the Leichhardt when he proposed the committee. Now, he asked the House if such a committee carried on the face of it a desire to do even-handed justice? He might be told that the committee could be appointed by ballot; but, as he had often said before, he did not believe in committees appointed by ballot, because, if the House were so disposed, there was no more certain way of packing a committee; and it might be that, on a committee appointed in that way, there might not be a single gentleman who would put to Mr. Fitzgibbon questions that would elicit such information as it was desirable to obtain—such questions only being put as would elicit the information the committee desired might appear in evidence. If Mr. Fitzgibbon wished to give information that would be in his own favor, he would not be able to do so, because he could only answer the questions that were put to him. It had been stated that the committee would have at its command the evidence of engineers of high standing—the evidence of engineers in whom the House could believe. Well, such evidence had been taken before a select committee of the Legislative Council last session, and what did they find in that evidence? They found there the evidence of Mr. Higinbotham and Mr. Doyne, two gentlemen who stood high in their respective departments, and gentlemen against whom no charge could be brought. Mr. Doyne was brought forward as an engineer who would give evidence against Mr. Fitzgibbon. When that gentleman came here he went over the line, and what he said of it was that it was the right thing in the right place; and though he did not wish to go in himself for narrow gauge lines where wide gauge lines could be established, he thought that the construction of a wide gauge line over the Range would be beyond the ability of this colony; and, so far from blaming Mr. Fitzgibbon for carrying the line where he

had, he said that he recommended Mr. Fitzgibbon to do so, in order to reduce the gradients. Therefore, Mr. Fitzgibbon could not be charged with choosing the present route for the purpose of increasing the mileage. But the Government seemed to have gone out of their way to give petty annoyance to Mr. Fitzgibbon. The Government had granted free passes to persons to go over the line, and they had made use of them. The heads of departments had each a free pass, and Mr. Fitzgibbon had one for 1867; but lately the Government had cancelled Mr. Fitzgibbon's pass by instructing the railway officials not to acknowledge it. Now, that was what he called a petty annoyance.

The SECRETARY FOR PUBLIC WORKS: It would be if it were true.

Dr. CHALLINOR: Well, he would make further inquiry about it. He would not say the Government had done it, but the railway officials had done it; and if the free pass had not been stopped, his information was grossly incorrect. The case in dispute between the Government and Mr. Fitzgibbon could have nothing to do with the question before the House; and if it had, the evidence taken at the bar of the House could in no way influence the decision of the Supreme Court, because the court would have to be guided by the evidence produced in court. That there was a question pending before the Supreme Court, between the Government and Mr. Fitzgibbon, was no reason why Mr. Fitzgibbon should not be examined at the bar of the House. Something of the same kind was done every day; for in the case of prisoners charged with certain crimes, an examination took place before the police court and the evidence was published to the whole world though the prisoner had afterwards to go before the Supreme Court for trial. One great reason why Mr. Fitzgibbon wished to appear before the bar of the House was in consequence of the report of the Engineer-in-Chief. He had been informed, and he believed he could substantiate it, that the Engineer-in-Chief reported on portions of the line that he had never seen at the time he reported on them. Though he had not seen the work, the Engineer-in-Chief reported upon it, and condemned the engineer. He had been informed that such was the case, and that it could be proved. He also had been informed that the Engineer-in-Chief had reported on portions of the Dalby extension, and on the Warwick extension, which at the time he had not seen. Another reason why Mr. Fitzgibbon should be examined at the bar of the House was, because charges had been brought against him on the ground that he was an interested party in recommending that the railway material should be obtained from Sir Charles Fox. That gentleman was said to be the head of a firm that manufactured cheap railway material; and it was alleged that Mr. Fitzgibbon was agent for the company, and was

therefore interested in the employment of Sir Charles Fox. The honorable the Colonial Treasurer endeavored, the other night, to justify a statement he made to that effect, by quoting from a letter he received lately from Mr. Raff on the subject. The honorable gentleman also referred to a certain circular which it was said Mr. Fitzgibbon, as agent for Sir Charles Fox's company, had sent to the New South Wales Government. He had been placed in possession of the identical circular, which had been made so much of during the present and former sessions, but which had never been produced. He would read the circular, and honorable members would then see what grounds there were for the charges that had been made against Mr. Fitzgibbon. [The honorable member proceeded to read the circular, but in the course of doing so it was ruled that he was out of order as the circular did not bear on the question before the House.] He then continued, and said that if he could not read the circular he might be allowed to inform the House that there was not a tittle of truth in the charges that were founded on the circular. No company was mentioned in it, from first to last; nor was there anything about a company for supplying cheap railway plant. The name of Sir Charles Fox did not appear in it, and Mr. Fitzgibbon did not sign himself as the agent of any company; but he signed himself as the engineer and manager of the Dun Mountain Copper Company, New Zealand. Having shaken the truth of the charges that had been made in the House, he maintained that he had established a good and sufficient reason why Mr. Fitzgibbon should be allowed to be examined at the bar of the House. It was well known that he (Dr. Challinor) was not a pugilist, but he was an Englishman, and as such he demanded there should be a fair stand-up fight, and no stabbing in the dark—no innuendoes that the individual had not an opportunity of confuting. That was what he contended for—that no charges should be brought in the House against any individual, in his official capacity, without his being permitted to appear at the bar of the House to answer the charges. Now, the way to do that was not to ask for a select committee alone. He did not object to a select committee in itself, if the committee was properly constructed—if it were not so constructed that the majority consisted of honorable members who had beforehand condemned Mr. Fitzgibbon, and who would therefore seek for such evidence as would support themselves. To put five who had condemned Mr. Fitzgibbon upon a committee consisting of seven members, did not, he thought, carry on the face of it anything like a desire for fair play—it did not provide for a fair stand-up fight. The only fair way was to allow Mr. Fitzgibbon to appear at the bar and be examined. He thought the honorable the Colonial Treasurer, when

he had seen the circular, which he had not been allowed to read, would feel bound to acknowledge to the House that there was no foundation for the remarks he made the other night.

THE COLONIAL TREASURER: He would acknowledge nothing of the kind. He did not believe it was the same circular as the one he alluded to.

DR. CHALLINOR: The circular was the one that was sent to the New South Wales Government. The question was not whether Mr. Fitzgibbon was right or wrong in his statement; but whether he sent the circular as the agent of a company which Sir Charles Fox was at the head of. There was nothing in the circular to shew that Mr. Fitzgibbon was the agent for Sir Charles Fox and Company, for he represented himself only as the engineer and manager of the Dun Mountain Copper Company of New Zealand. The honorable the Treasurer, if he refused to acknowledge this circular as the one that was sent by Mr. Fitzgibbon to the New South Wales Government, placed himself in the dilemma of being bound to shew that there was another, and a different one. He had only further to say, that he would oppose the amendment as an amendment, though he would not oppose the appointment of a select committee as a substantive motion, if it were fairly constituted.

MR. DOUGLAS said that in this matter he preferred an investigation by a select committee to that of an examination of Mr. Fitzgibbon before the whole House. He thought a select committee was a better tribunal for a matter of this kind. The little experience they had had of gentlemen being called to the bar of the House was not very encouraging; and such a course was likely to lead to desultory discussion. The gentleman who was called to the bar of the House might frequently be called upon to retire from the bar in order that certain matters might be discussed. He felt sure that it was not desirable to make an investigation of this kind in the manner proposed. There was some weight, too, in the fact that the gentleman who brought the matter forward was not prepared to conduct the case; and was that honorable member prepared to say that some one else might be? But if there was to be an investigation of this kind, it might extend over many days—over several days, if the matter was to be investigated properly: various honorable members might have a series of questions to put to Mr. Fitzgibbon, if he was brought to the bar; and the whole question of the railway policy might be raked up again. There was no appearance that the investigation would be narrowed to particular points, for honorable members might dilate on all points on this matter, and the whole business of the House might be brought to a stand-still in consequence of the desire of honorable members to investigate the matter at the bar of the House. Now, he thought it might be more

satisfactory to investigate the matter before a select committee. He had no desire whatever to withdraw from Mr. Fitzgibbon any opportunity of defending himself, if he considered it necessary to defend himself; but he doubted very much if the judgment of the House now, or the report of a select committee on the evidence they might obtain, would be a sufficient justification, or a sufficient condemnation, of Mr. Fitzgibbon. The justification or condemnation of Mr. Fitzgibbon must be the result of some years' experience of the working of this line. They were not now in a position to say whether Mr. Fitzgibbon's anticipations regarding the line and the engineering policy which he had adopted were of a sound character or not. The only way they could arrive at that was by testing the working expenses, and that they could not do under five or six years. There were certain particular allegations which it was understood Mr. Fitzgibbon wished to reply to, and these he took to be those that were embodied in Mr. Plews' report. That report, of course, must be taken as an *ex parte* statement. Why should not Mr. Fitzgibbon also make an *ex parte* statement of a similar kind? If he could not now bring himself to address the head of the railway department, it was in his power to address himself to the House in the form of a petition, setting out the facts which he might consider himself entitled to set out, in contradistinction to the facts set out by the present Engineer-in-Chief? The House was quite open to receive statements, and he was sure the House would willingly receive them; but he objected to the time of the House being taken up with an investigation which must necessarily prove unsatisfactory—which would not be conclusive, and which, whatever might be the result arrived at after such an investigation, would neither acquit nor condemn Mr. Fitzgibbon himself. The honorable member who moved the amendment—the honorable member for the Leichhardt, Mr. Sandeman—said that it would be very desirable to obtain the testimony of some unprejudiced engineer; but he (Mr. Douglas) did not know where they were to find it. Mr. Higinbotham was a gentleman of high standing and reputation, who was a gentleman of high character; and if anyone could be considered to be an unprejudiced observer, Mr. Higinbotham might be so considered. But he had already expressed his opinion, and it was a professional one, and therefore a very guarded one. Could they obtain Mr. Whitton, who was also a high authority, and might be considered to be unprejudiced? That gentleman was not in the country now, and therefore they could not appeal to him. Turning from him, could they go to Mr. Doyne? He had also already expressed his opinion. But, apart from the opinions of such professional gentlemen, he maintained that a good common-sense opinion, after an examination of the work, was as good as any

engineer's opinion. An engineer was a professional man, and was bound to express himself very guardedly in giving a professional opinion; and such a gentleman, they might be sure, would not give a very different opinion from the opinions that had already been given. The opinions already given amounted to this:—Try the line, test it, apply the principle of results to it; and until that is done, it is no use giving an opinion at all. There were some matters in which the commonest observer, who was possessed of simple common-sense, was in a position to give an opinion upon. Now, he maintained that any honorable member, he himself, the honorable the Secretary for Works, or any other honorable member who had observed the works, was competent to come to an opinion on matters of detail. Certainly, in respect to the Ipswich bridge, he had no hesitation in saying—not that he wished to detract from Mr. Fitzgibbon's fair fame, because there had been defects discovered in the undertakings of the greatest engineers—but in the Ipswich bridge there was a case of most glaring defect, where the commonest prudence would have dictated another course of procedure. He did not wish to condemn Mr. Fitzgibbon for that, but there was a defect which could be pointed out, and it was one with respect to which they did not want the opinion of an engineer at all. The verdict in that matter might be that Mr. Fitzgibbon did not exercise proper precaution. Proceeding from that, there were other matters on which he should deferentially be inclined to give an opinion. The gauge itself, he believed, was a success. The three feet six inches gauge had been proved, he believed, to be practicable. It might be carried out cheaper than it had been yet; but it had been proved to be cheaper, and applicable to a mountainous country, and, perhaps, better, than a wider gauge. If so, Mr. Fitzgibbon had had the means of proving that he was not wrong in his anticipations. But he was glaringly wrong in his estimates of expenditure. Perhaps it might be said, that in this country they were all, in respect to those public works, subject to similar mistakes; and, no doubt, that was the case. None of them could put their hand to the construction of roads or bridges and say they would be certain of keeping within the estimated cost; but in this case there was a great over-expenditure. There was another weak point he did not require an engineer to tell him about, and that was the adoption of such acute curves. That was apparent already from the wear and tear. If Mr. Fitzgibbon had to carry out a similar railway elsewhere, no doubt he would not, from the experience he had gained in this country, adopt such curves again. But those were matters they could only arrive at by experience, and had arrived at only by experience. The cost of haulage, and the wear and tear of the line, could

only be proved by experience. He did not require Mr. Fitzgibbon to tell him anything of that kind, because he knew, from a perusal of his reports, that he had been unguarded. Mr. Fitzgibbon might be a man of genius; and that he was a man of great powers of persuasion, he entirely admitted. That he had exercised great arts of diplomacy in inducing them to carry out that which they were not right in carrying out, he thoroughly admitted. And he would go further, and admit that, in spite of themselves, and of Mr. Fitzgibbon's miscalculations, it might yet prove desirable that they should have adopted his plan. He did not form a judgment upon that at present; but the result had not yet satisfied him. The result, however, might prove that Mr. Fitzgibbon was right; and, if so, he might very well leave that to time, and to his professional reputation. The honorable member for Ipswich, Dr. Challinor, said they had stabbed Mr. Fitzgibbon in the dark. Now, he must say that he did not think that was a fair assertion. In a country like this, where public opinion varied so much, was not a man like Mr. Fitzgibbon, in a public department, subject to comments? Might not his policy be questioned, without its being said that he had been stabbed in the dark? His policy was a novelty; and was it not likely, therefore, that exceptions would be taken to it? The defects were pointed out with some amount of acrimony, probably; but those were things that Mr. Fitzgibbon must have expected; and they were not out of the ordinary course of criticism. Mr. Fitzgibbon would have ample opportunity, and had already had ample opportunities, to defend himself. Those he would have still; and he would have ample opportunity under the investigation before the select committee, which would afford an opportunity that would be far more satisfactory to himself, if he wished to defend himself, than an appeal to the House would be. Even supposing that by those arts of diplomacy, and the remarkable genius that characterised the man, he succeeded in justifying himself to the House, did honorable members think that that would be the final justification? For himself, he must say that he did not think it would; and, therefore, he did not think it was at all desirable. Mr. Fitzgibbon must be considered as a gentleman who had been at the head of a department; and did they not frequently make comments upon the heads of departments? Did they not make comments on the manner of administration by the heads of departments? But, still they did not go so far as to admit that, when the head of a department was criticised, he should be called to the bar of the House to prove his justification. He did not look upon Mr. Fitzgibbon as discharged from his position as the head of a department, charged with an important duty, and responsible to the House. It might

possibly be inferred, that the charges against Mr. Fitzgibbon were charges against the Government who employed him; but he dissented from that opinion entirely. The Government who employed him treated him as he deserved to be treated—as a gentleman of considerable reputation.

AN HONORABLE MEMBER: No.

Mr. DOUGLAS: Well, the result had borne it out, for, in spite of themselves, Mr. Fitzgibbon had succeeded in persuading them that they should adopt his policy, and that shewed what a remarkable man he was; or, what very remarkable individuals they themselves must be, that they could be convinced by a gentleman, who they asserted could not convince them. For those reasons, and as he believed it would be better for Mr. Fitzgibbon, as it would afford him more ample opportunity for his defence, and for producing the documents that it would be in his power to produce, he preferred the ordeal of a committee to that of the whole House.

The COLONIAL SECRETARY said he had not intended to address the House again on this subject, having spoken before the amendment was proposed; but the honorable member for Ipswich, Dr. Challinor, in his speech, had made some assertions which he felt called upon to contradict, and others which he felt called upon to explain. The honorable member had charged the Government with causing petty annoyance to Mr. Fitzgibbon by stopping his annual pass. To that assertion he gave the most unqualified denial. He would admit that, if he, as representing that branch of the Government, had stooped so low as to stop the pass of a gentleman holding the position of Mr. Fitzgibbon, the honorable member might well have designated it a petty annoyance. But the honorable member could not have a single fact to go on in support of his statement, for the Government had not stopped Mr. Fitzgibbon's annual pass, much as he disliked those annual passes. But he had put a stop to the whole system of granting free passes that was so much pursued by the late Government. He had very much restricted the issue of free passes, and if he should be in office next year very few free passes would be granted. No pass of Mr. Fitzgibbon's was ever stopped, but his power to issue passes was stopped, and, as he thought, very properly stopped, for the power was very much abused. He thought that Mr. Fitzgibbon might well say, "God defend me from my friends," for a more unfortunate allusion was never made than the allusion that had been made to the arbitration case. He would not have alluded to it, but as it had come out, he might as well state the whole of the facts. In the agreement made with Mr. Fitzgibbon by the late Secretary for Works, there was a special clause providing that Mr. Fitzgibbon was to assist the Government in the arbitration with Messrs. Peto, Brassey, and Betts; but when he found that

Mr. Higinbotham had arrived, he wrote to him (the Colonial Secretary) as the head of the Works Department, and said that unless all his claims against the Government were paid, he would not act in the arbitration. Now, was it, or was it not, an unfortunate allusion to make that brought that out? When he (the Colonial Secretary) arrived in Ipswich the night before the arbitration proceedings were to commence, and in the presence of his predecessor in office, he was told by Mr. Higinbotham that Mr. Fitzgibbon still adhered to his decision, and that till he was paid every shilling that he claimed as due to him, he would not act. He then informed Mr. Fitzgibbon, through Mr. Higinbotham, that he would not come to any terms with him whatever; and that if he would not carry on his agreement, the arbitration would be gone on without him. Now, that was what was brought out by a friend of Mr. Fitzgibbon's. A great deal had been said about Mr. Higinbotham's opinion, but he maintained that Mr. Higinbotham had given no opinion but what he was called upon to give, and his was a very guarded opinion. His own opinion, from all that had come under his knowledge, was, that an engineer was a very bad man to call in as an arbitrator upon another engineer's work; for a professional feeling existed amongst engineers that prevented them giving an adverse opinion on each other's work. As to the abutment of the Bremer bridge, any one could go and see for himself that it was badly built. It did not want an engineer to give an opinion about that. A child who had played at building houses on the sand would not go and build a buttress of such weight on a sandy bottom with only four feet foundation, for a bridge of such height. If every honorable member could investigate the works in succession, he thought they would all agree with him, that the railway was anything but a success; and that any professional man, or non-professional man, might find fault with it. He would oppose the proposal that Mr. Fitzgibbon should be called and examined at the bar of the House. No purpose would be served by it, except that that gentleman would glorify himself before the bar and before the country; and nothing would be gained, but time lost, while the House had important business to do. He (the Colonial Secretary) was not in favor of the amendment *per se*; and he would, therefore, prefer that the House should leave the Council and the late Engineer-in-Chief to fight it out. He told the House, this evening, that that gentleman had lately threatened the Government with an action; he would now go a little further, and say that instructions were now, and had been for some days, in the hands of the Crown Solicitor, to see whether the Government had not a very good case against Mr. Fitzgibbon as an officer of the Government and Engineer-in-Chief. In consequence of the arbitration lately, the Government could

not proceed against him as a contractor, but he thought they could go against him as a paid servant of the public, for giving the Government bad advice. He (the Colonial Secretary) would not consent to Mr. Fitzgibbon coming before the House to glorify himself and bamboozle them; and, in preference to voting for the original motion, he should vote for the amendment—but he should be very glad to see both the motion and the amendment withdrawn. After the action was concluded, the House could call Mr. Fitzgibbon to the bar, if they pleased, and he should not object.

Mr. ARCHER said he should not have risen to address the House but for the honorable and gallant member for Ipswich, Dr. Challinor, who appeared to look at him very meaningfully, when making certain allusions to the buckling of the bridges and the short curves on the railway, as if he had a "down" on him. He had not the slightest objection, when he had said anything in the House, to be found fault with by any honorable member; he was perfectly willing always to stand his trial for anything he might have said. He admitted that he agreed with his honorable friend the member for Clermont, who had said that he did not like to see charges brought against a man without giving him an opportunity of rebutting them; and he (Mr. Archer) was at first in favor of voting for the late Engineer-in-Chief to be called to the bar of the House. But late events had led him to change his opinion, particularly as, not only had that gentleman brought an action against the Government, but the Civil Crown Solicitor had been instructed to prepare a case for the Government against the late Engineer-in-Chief;—there was charge and counter-charge, and the whole matter would come before the Supreme Court, where it would be dealt with impartially;—and, as the House could not spare the time to investigate it, they had better leave it to the decision of the Supreme Court; and it would be well not only not to listen to the motion for calling Mr. Fitzgibbon to the bar, but to refuse to have a select committee. However shrewd honorable members might be, they could not ask the pertinent questions that lawyers would ask; for, although the lawyers might not be sufficiently acquainted with engineering—though a competent legal professor was supposed to know everything—yet they would take the trouble to inform themselves of the questions that ought to be asked, and would study the case so far as to make the best that could be made of it before the judges; and the whole circumstances would be better brought out before the Supreme Court than at the bar of the House. This was the reason why he should prefer that both the motion and the amendment should be negatived; though, if he must have one, he should prefer the latter, and refer the whole subject to a select committee. The

honorable member for West Moreton, Mr. Bell, had said that the House would never come to a decision through a select committee, because of the advanced period of the session, the number of committees already appointed, the heat of the weather, and the anxiety of several honorable members to get home. So far as he (Mr. Archer) was concerned—although he felt it exceedingly undesirable to remain from home longer than was necessary, he considered it to be his duty—as it was that of every honorable member returned to the House—to sit as long as the public business demanded his presence. Honorable members must do the best they could to shorten the session—and a short session would suit him; but, if the House decided upon a committee, it would be the duty of every honorable member to remain until the work of the committee was done. The arguments used by the honorable member for Ipswich, Dr. Challinor, were no proof of the desirableness of calling the late Engineer-in-Chief to the bar of the House; they infinitely better supported the proposal to examine that gentleman before a select committee. They reminded him (Mr. Archer) of the force of the quotation used by the honorable the Colonial Secretary—“Save us from our friends!” The honorable member had received certain information from railway officials as to the strength of the tension plates, and as to the weight that could be carried by them singly, by two of them, and by a number of them. He had afterwards mentioned the name of the gentleman who had given him the information. He (Mr. Archer) happened lately to have made the acquaintance of that gentleman, who had been brought up to the same business as himself; and, therefore, in a few days, they had become more intimate than was generally the case with men meeting casually; and he had great pleasure in stating that he regarded that gentleman as a very high and good authority. If Mr. Fitzgibbon should be called to the bar of the House, they would do well to call Mr. Jetter also.

Mr. PUGH: The motion would include him.

Mr. ARCHER: Did any one mean to say that one man could, before the House, give as full a statement of the case, as could be ensured by the committee? The honorable member for Ipswich had said that Mr. Jetter had stated that the tension plates of the bridges would bear a certain strain—in the aggregate, something like five hundred tons. But the case before the House was not the strain the tension plates would bear; the question raised and discussed in the House was, whether upon the iron bridges which were thrown straight across the valleys, it was right to run the railway on one side, so as to throw the whole weight of tension on one side. The honorable member himself knew—all the House knew—that the bridges did not bear the weight, but buckled under it. He (Mr. Archer) knew as much

about iron as the honorable member for Ipswich, Dr. Challinor, did about bones. Iron might be tough, but it might not be put together in railway bridges that were built—not strong enough, but—scientifically enough. The charge was not that the bridges were weak, but that the curves were on the top of the bridges and thus brought the trains to one side, so as to cause the tension plates to buckle by the unequal distribution of the weight. Better refer the whole subject to such a tribunal, that the conduct of the investigation would not interfere with the time of the House. A select committee would not be so chary of their time as a committee of the whole House, who, if they had the Engineer-in-Chief at the bar, would, as the honorable member for West Moreton, Mr. Bell, had suggested, endeavor to get rid of him as soon as possible. In one particular he perfectly agreed with the honorable member for Eastern Downs, that the matters which had come under discussion were such as men of common-sense, who used their eyes, could probably judge as well as those who were scientifically informed. He did not mean to say that any one who could only see with the eyes of ordinary men could tell why the faults existed; but he could see them, and point them out—he could see that the bridges were buckled, though he could not tell why they were buckled. An engineer might be called in to prove this; but, for the fact itself, one eye was just as good as another. Therefore, he was not aware that it was necessary to bring an engineer before the House, at great expense, to tell them what they all knew. An honorable member remarked, with reference to that point, that there was a feeling of *esprit de corps* amongst engineers—that they were not likely to find fault with one another. Well, that was very nice, but it sometimes prevented the truth being spoken. However, it must be borne in mind that the House had not to examine the why of certain facts, but the facts themselves, which they could ascertain as well as any engineer. The honorable member for Ipswich, Dr. Challinor, had damaged his friend, Mr. Fitzgibbon, by reading his circular to the House; but not only that, he had endeavored, as much as possible, to damage the present Engineer-in-Chief. He had complained of honorable members attacking a man behind his back, and characterised it as un-English; but the next moment he—to use one of his own pugilistic similes—“pitched into” another. He (Mr. Archer) found fault with the honorable member for that. He was a personal friend of Mr. Plews, associated with him whenever he met him, and enjoyed his company; but, still, he did not feel called upon to defend his engineering works in the House. Yet, when the honorable member for Ipswich went out of the way to attack that gentleman, he thought it worth his while to point out a few of the errors into which the honorable member had fallen. The present Engineer-in-

Chief had been condemned for having formed a railway within his estimate, or very near it, and for not having called for a higher estimate, in order to form a more expensive line. That gentleman had pursued a better plan, in giving an estimate and keeping within it, than that pursued by the late Engineer-in-Chief, who had made a low estimate, and then greatly exceeded it. Indeed, in that way, Mr. Fitzgibbon had gone much further than Mr. Plews. The honorable member for Ipswich had read from his circular a low estimate of a railway made for some copper company in New Zealand, with an incline of one in twenty, engines of a certain light tonnage, and other rubbish. Was that estimate brought here to induce this country to go on with railways, on account of their cheapness; and, as soon as they were commenced, to increase the cost? No sooner had the colony been persuaded to adopt the present railway system, on account of the low estimate that had been submitted to the Government by Mr. Fitzgibbon, than year after year the expense of constructing the line per mile increased, and the Government were forced to submit because the railway had been begun. The Great Northern Railway would have been constructed below the estimate prepared by Mr. Plews, had not the expense of the steamer "Platypus" been charged to its account. The plan for that line could have been conveyed by private companies at a much cheaper rate than it was conveyed by the "Platypus." The estimated cost per mile of the southern and western line was £3,000; but it had really cost upwards of £12,000 or £13,000 per mile. Did not Mr. Plews come before the House on a much better footing than his predecessor, who had run the country to such unlooked-for expense? It had been urged that the work had been difficult over the Main Range, and that that had led to the great expense. Overcoming difficult lines did not prove the ability of an engineer; but the success of an engineer was when he did his work within the expense set forth in his estimates. When an engineer told him that he would give a gradient of one foot in twenty feet, and then lengthened his line ten or twelve miles to reduce it to one in sixty, and, besides that, increased the cost of the whole line, per mile, what was he to think of such a man's professional ability? There might have been some excuse for extra expense, if the difficulties to be overcome had been so great that, to avoid them, the line was taken by a shorter route; but when the line was extended, and it also cost more in its whole length than was estimated, there was no excuse for the engineer, and he ought to be brought to judgment. Things looked suspicious, as if the circular had been produced to gull the Government. If ever a man suffered from a defence in the House, Mr. Fitzgibbon certainly suffered from the defence of the honorable member for Ipswich, Dr. Challinor.

With respect to free passes, the answer of the Minister for Public Works was so conclusive that he (Mr. Archer) could only conclude the honorable gentleman would take care that so many passes should not be issued for the future as had been the case heretofore. After what he had said about the way in which the Northern Railway had been planned by the present Engineer-in-Chief, and the way in which the Southern and Western line had been planned by the late Engineer-in-Chief, he thought the House would admit that the honorable member for Ipswich had travelled a little out of his way to make charges against Mr. Plews. If Mr. Plews, in his capacity of Engineer-in-Chief, was called upon by the Government to report upon the line, why should he not express his opinion? Shortly after that report was drawn up, he (Mr. Archer) travelled up the line and examined it, together with the workshops and the bridge at Ipswich; and he must say that, considering the very miserable tools—those were what he judged of—and what he had seen of the foundations of the bridge over the Bremer, and of the buckling of the bridges on the line above, and of the wear and tear on the curves, he must say that the Engineer-in-Chief was justified in sending in that report; and, if he had tried to shelter the late Engineer-in-Chief, because he was of the same profession—if he had not given a faithful report—he would not have done justice to the Government who employed him, and the country who paid him. It was unfair of the honorable member for Ipswich, Dr. Challinor, to have travelled out of his way to attack Mr. Plews in a manner worse than ever Mr. Fitzgibbon had been attacked in the House. The honorable member had stated that Mr. Plews had reported on a part of the line which he never saw. If such was proved to be the case, he (Mr. Archer) would be exceedingly sorry; it would give him an opinion of Mr. Plews that he never entertained. That was a grosser charge than was ever made against Mr. Fitzgibbon. Mr. Plews might have handed in a report of some of his subordinates; but, that a report was ever sent in without the work being examined by himself, he (Mr. Archer) could not believe.

Dr. CHALLINOR: I did not make the charge on my own knowledge.

Mr. ARCHER: But the honorable member never mentioned that at the time. He did not know that the honorable member ever qualified his statement. That shewed in what way some honorable members got up in the House, not only to defend their friends, but to traduce others: the moment they were brought to task, they got up to qualify their statements. Yet that was the conduct of an honorable member who boasted that he never hit a man behind his back. One part of the circular that had been read by the honorable member for Ipswich went on very learnedly

about wire suspension bridges, and their cheapness. Unfortunately, at the moment, he (Mr. Archer) did not take notice of what the cost per yard was; but it was a great pity that, when the late Engineer-in-Chief did this country the honor to come into it, he did not bring the plans and estimates of his wire bridges, and apply them to our purposes; for more expensive bridges than had been erected, and worse fitted for railways, it would be impossible to find in any colony. He had a statement to make to the House, but not from his own knowledge;—it was simply, that Mr. Wilcox had made an offer to the present Government to construct a railway of four feet six inches gauge, over the same country that the present lines traversed, for the same amount, that they had cost under Mr. Fitzgibbon. Stating this in the way he did, he believed honorable members would give him the credit they had given to the honorable member for Ipswich, who had made his statements so positively. Though the honorable member had said he was no pugilist, he had used pugilistic language: and, to draw a simile from the same source as the honorable member had gone to, he (Mr. Archer) must regard him as one of the "greatest gluttons" he ever saw, for he had come before the House and inflicted on them an unheard of amount of punishment, both advisedly—as some of his statements admittedly were—and unadvisedly; and, though called to order, the honorable member had still gone in and punished his friend as well as, and certainly much more than, his enemy. He was an admirable pugilist, spite of his protest. By reading the circular, he damaged Mr. Fitzgibbon's character as an engineer more than any other member of the House could have done. When he (Mr. Archer) heard all the statements about railways to be constructed for £2,500 a mile, gradients of 1 in 20, and curves of five chains radius, he could comprehend how the Government, not being engineers, had been led into the trap of undertaking railways, and inflicting the curse of debt on the colony. He always blamed the honorable member, the head of the late Government—and he did not excuse him now;—but the more his friends said in connection with the railways, the less he blamed him for what he had done; and he (Mr. Archer) now felt that he had heretofore thought of him too harshly, and certainly he would not blame him so strongly again.

Dr. CHALLINOR, in personal explanation, observed that he had not stated that his information came to him direct from Mr. Jettler, but that that gentleman had made the experiments. He had not said that the circular he read had been sent to the Government of this colony, but he had referred to it as the circular which the honorable Colonial Treasurer had spoken of as sent to the New South Wales Government, in 1861. The House had not seen it before. With reference to his statements

about Mr. Plews, he did not for a moment intend to speak absolutely of his own personal knowledge, or to convey to the House that such was his intention. He might not have made his meaning clear; for, almost from first to last, he was subjected to the greatest annoyance, in delivering his speech. Every possible opportunity was taken to prevent him going on with his speech. It was unfair thus to annoy him, and then to accuse him of acting unjustly, if in consequence of that annoyance he had not expressed himself as clearly as he would otherwise have done; for he was the last person in the House to hit a man behind his back. All his comments had been simply in reference to matters contained in Mr. Plews' report.

Mr. STEPHENS said the honorable member for Ipswich, Dr. Challinor, appeared to think that the circular which he had brought forward contained a most triumphant answer to every word uttered by the honorable gentleman at the head of the Government, with reference to Mr. Fitzgibbon's alleged connection with some gentlemen in England, previous to his coming to Queensland, and whilst he was in New Zealand. The Premier had referred to two different documents—one, a printed circular, to which the name of Sir Charles Fox and the names of other gentlemen were attached, and also to a manuscript letter. Before the honorable member for Ipswich, Dr. Challinor, could claim to have made a triumphant answer to the Premier, he was bound to bring forward one or other of those documents to which the honorable member at the head of the Government had alluded. The circular which had been produced, this evening, was one which had been submitted to the Minister for Lands and Works.

Dr. CHALLINOR: He never saw it.

Mr. STEPHENS: At all events he had heard that honorable member say he had seen it. That document was one of the little diplomatic arrangements which had been carried out, in order to induce him to adopt the system of railways advocated by the late Engineer-in-Chief. The Premier had referred to another circular with certain names on it, and had given the authority of Mr. Raff, a late member for North Brisbane, who had seen it, which circular was signed by Sir Charles Fox and other gentlemen. He (Mr. Stephens) had not seen that document, but he had seen the other one referred to. It was a short note in Mr. Fitzgibbon's handwriting, addressed to the Government of New South Wales, and offering to introduce, "on behalf of the promoters in England," a light system of railway; and it was signed "A. Fitzgibbon." He had often seen that gentleman's writing, since, and he could speak to it. That clearly established, to his mind, the connection between Mr. Fitzgibbon and certain gentlemen in England. The evidence that connected it with Sir Charles

Fox was, that his name was in the circular that accompanied the note. Those things were stated publicly at the time; but really he (Mr. Stephens) did not know that there was much advantage in referring to them now. If the honorable member for Ipswich had not brought forward that circular, he should not have referred to them. It had no bearing on the question before the House, and the Speaker was quite right in calling the honorable member to order. He (Mr. Stephens) did not approve of either of the proposals before the House. If any statement had been made that in any way impugned the ability of Mr. Fitzgibbon, the House could not be considered at all a competent judicial authority to decide the question. If Mr. Fitzgibbon was heard at the bar of the House, he would merely make an *ex parte* statement, which would have quite as strong an effect if it was made in any other way or place, without taking up the time of the House. Mr. Fitzgibbon complained in his petition that the Government had not given him an opportunity, by referring Mr. Plew's report to him, to answer it. He (Mr. Stephens) thought it was quite competent for the Government to send him a copy of that report now, and afford him an opportunity of replying by another report, which they could promise him should receive equal publicity. If they really wished to do justice to Mr. Fitzgibbon, and to allow him to clear himself, and to substantiate his statement that he had served the Government with zeal and fidelity, and ability as well, the case must come before a court of law, where the evidence on both sides could be marshalled by legal gentlemen accustomed to such work. He did not see that a decision arrived at by the House having Mr. Fitzgibbon at the bar, or by his going before a select committee, would have any weight with the country; and, therefore, he was rather opposed to both the motion and the amendment. But, independently of the personal question applying to Mr. Fitzgibbon, he thought it would be well to have a railway committee, with the view of ascertaining as much as could be ascertained of the facts of the case; but, certainly, under no circumstances would he vote for the original motion. He believed it would be a most inconvenient precedent to establish, that, if an honorable member, in pursuance of what he thought was his public duty, made any strictures upon the conduct of any public officer or person, the officer or other person affected thereby should be allowed to come before the House. The reasons Mr. Fitzgibbon had given why he should be brought to the bar of the House were, that strictures had been passed on his conduct, and his proceedings as an officer of the Government, in the House. Suppose the House admitted Mr. Fitzgibbon's petition, and were ready to hear him at the bar in his own defence, would they, before hearing him, acknowledge themselves quite pre-

pared to accept Mr. Plew's petition to be heard at the bar in defence against Mr. Fitzgibbon? Mr. Plew's might petition to be heard at the bar, in reply to the charges made against him by the honorable member for Ipswich, Dr. Challinor. When the House admitted the principle once, they might go on *ad infinitum*, and the session would last till Christmas. With regard to the statement that had been made, that Mr. Higinbotham had given his opinion in favor of the railway, he (Mr. Stephens) denied that *in toto*; and he denied, also, that Mr. Higinbotham had expressed an opinion in favor of Mr. Fitzgibbon's management of the line. He admitted that that gentleman had, in his evidence, given an opinion that might be expected from one engineer respecting another, viz.—that the work was “a great engineering success.” Every one knew that Mr. Fitzgibbon had been paid, as a contractor, by the mile, for surveying the line of railway before the works were commenced; and that his duty was to give the best line. Yet, what did Mr. Higinbotham say? That it was most unfortunate that the country had not been examined before the line was constructed! That was an absolute condemnation of the whole of the work. That was as much as to say that Mr. Fitzgibbon had neglected the whole of his duty. He (Mr. Stephens) would, therefore, warn honorable members not to take for granted the statements they had heard, that Mr. Fitzgibbon was an eminent engineer. He was condemned as a surveyor, at all events. The late Minister for Works had stated, that he considered the three feet six inches gauge to some extent a success, inasmuch as the engineer had succeeded in running an engine and trains upon the line. He (Mr. Stephens) had never doubted their ability to do that. It was admitted, even by Mr. Fitzgibbon himself, that the narrow gauge line would be an inferior article, but he claimed that it would be a cheap one. If, however, the colony had had to pay a tip-top price for an inferior article, he (Mr. Stephens) considered that it was as far as possible from being a success—the line had proved a complete failure;—the colony had not even got, what an engineering friend had called the railway, “a well-bred pony,” let alone the “steam horse.” The colony had paid the price for a first-rate article. The railway was a failure in the only condition maintained for it to command a preference—cheapness. It was, therefore, a complete and total failure.

Mr. FRANCIS said he was always in favor of the motion of the honorable member for North Brisbane, Mr. Pugh; and, notwithstanding the statements which had been made by honorable gentlemen on the Ministerial side of the House against the character of Mr. Fitzgibbon, he had heard no argument against the course proposed which sufficed to convince him that the motion should not be supported. The House had been told that

they had not time for such investigations. If honorable members had any time to make charges, and the House time to listen to them, they should have time to hear the answer to those charges. Valuable time had been occupied in hearing what he would call idle gossip respecting the character of Mr. Fitzgibbon; and statements had been made against that gentleman, under "privilege of Parliament," which would prove painfully inconvenient if made outside of the House. The House, in effect, told that gentleman, when they refused to hear his answer, that the Assembly was a place where members could gossip as freely as they pleased about any man's character, but that they had no time to hear him. It reminded him of the woman who, having had a discussion with her good man, "shut him up" by telling him,—“John, you cannot convince me, and I don't want to be convinced.” That was the attitude assumed by the House, when they rejected the petition of Mr. Fitzgibbon. The honorable member at the head of the Government had warned the House against Mr. Fitzgibbon, as a dangerous man to deal with—that so sure as the committee took him in hand, he would get round them. The House should be regarded as a place where the rules of fair play would always be maintained. If they meant to preserve the confidence of the people in their proceedings, they must establish a rule that nothing should be said in the House that honorable members were not prepared to substantiate; and that if anything was said against a man, they would find opportunity to hear his defence. They should, therefore, afford Mr. Fitzgibbon an opportunity to be heard at the bar, and not refer him to the tender mercy of a select committee. He (Mr. Francis) regretted that their time was to be wasted in hearing him; but the responsibility did not lie with him, and he should most certainly vote for the motion. Any member of the Civil Service whose conduct had been impugned in the House, was entitled to be heard at the bar in his defence.

Mr. WALSH said he could not indorse the opinions of the last speaker. That honorable member seemed always anxious to make it appear that he alone wished to behave fairly to every one—that he was animated by some motive which influenced no one else. Now, he (Mr. Walsh) would yield to none in his desire to act honestly and fairly towards every one. He believed that all honorable members were anxious to see justice done in reference to these railway matters. But their duty to the country was paramount, and far beyond any feeling of duty to individuals. It was their duty even to appear harsh at times to individuals, in order that the public might not suffer. If it were necessary even that Mr. Fitzgibbon should perish without a hearing, it would be better that he should do so, if it were

necessary for the good of the country; but he for one would not get up and claim a monopoly of fine feelings or shew a maudlin sentiment to any individual. The fairest course to pursue was to allow Mr. Fitzgibbon to go before the proper tribunal; but to bring him to the bar of the House and expect him then and there to clear himself or to satisfy the House, would be as childish and absurd as the railways themselves. He would take it upon himself to say that a whole year would be occupied in eliciting the information they required. He was perfectly certain it would take the honorable member for Ipswich, Dr. Challinor, a month to catechise him, and the House another month to understand that catechism. No fairer plan, he thought, could be adopted than to leave the inquiry to a select committee. In that case, Mr. Fitzgibbon would be able to bring forward a cartload of evidence, if necessary, and produce all the papers and documents he desired, to substantiate his statements, and his opponent could do the same. But it was absurd to suppose, that if he were examined at the bar of the House, the same result could be arrived at, though the probability was, that Mr. Fitzgibbon would achieve a great success. He was anxious to see the matter cleared up, but he feared that would not be done, even by a committee; he feared that time alone would clear it up. That the railway system had proved a failure, nineteen out of every twenty men would admit—that the lines were longer and more expensive than had been promised by the Engineer-in-Chief, was an incontrovertible fact. That they had proved wholly unremunerative was also another fact, and they had been shewn in every way to be a signal failure. The honorable member for West Moreton, Mr. Francis, said, that if any time had been wasted in connection with Mr. Fitzgibbon's name, the blame did not rest with him, as he had brought no charges against him. But he thought that, with all the evidence at his command, the honorable member had actually neglected his duty in not bringing charges against Mr. Fitzgibbon. He (Mr. Walsh) did not stand there as the principal accuser of Mr. Fitzgibbon, but he did stand there to say that the railways of the colony had been mismanaged, and he should never neglect his duty by shewing any false sympathy to any one. Instead of the fault lying with those honorable members who had preferred those charges, he affirmed that credit was due to those honorable members who, as guardians of the public interest, had brought them forward, even if they were unable to substantiate every one of them, so long as their statements had the effect of placing the people of the country on the alert. He perfectly agreed with the honorable member for Rockhampton, Mr. Archer, that Mr. Fitzgibbon had most unfortunate advocates in the House. He should vote for the amendment, but, at the same time, he consi-

dered that there was a great deal of common-sense in the suggestion of the honorable Minister for Works. He (Mr. Walsh) did think that it would have been better to have left the matter entirely in the hands of the Government for the present; but rather than allow the House to go through the farce of suffering the late Engineer-in-Chief to appear before the bar of the House, he (Mr. Walsh) would give his vote for the appointment of a select committee.

Dr. O'DOHERTY said that the House had heard a very long debate upon the railway question; it was not the first during the present session. Damaging charges had been made against the late Government, against the late Engineer-in-Chief, and against the railway itself. The member for Maryborough had stated that he considered the railway an unmitigated failure. On this account alone, it was of the highest importance that the House should have the whole question of the railways investigated in such a manner as to leave no loop-hole whereby its objects might be frustrated. This was due to the whole colony, which had been put to such a great expense on account of these railways. He should feel bound to oppose the motion of his honorable colleague, Mr. Pugh, as he did not think that summoning the late Engineer-in-Chief to the bar of the House would be a course calculated to obtain the object in view. He was equally opposed to the amendment. He perfectly agreed with the honorable member for South Brisbane, in the opinion that the course most advisable would be to appoint a select committee to investigate the whole railway question. To summon the late Engineer to the bar of the House, would be a very paltry course to pursue. He was simply part and parcel of the whole question.

Mr. G. THORN said he wished to allude to some remarks made by the honorable member for Ipswich, Dr. Challinor, in reference to his (Mr. Thorn's) interruptions of that gentleman's speech. He might explain that they were caused by the manner in which the honorable member was damaging the cause he endeavored to espouse. So long as "Hansard" remained an institution of the House, so long would that honorable member inflict his long-winded orations upon the House. He believed that unless that honorable member found he had longer speeches in that work than other honorable members, he would not be able to sleep at night. He (Mr. Thorn) should vote for the amendment. The House had amongst its members good practical men, and there would be no occasion to procure the services of engineers, who, as had been shewn in the arbitration case with Mr. Higinbotham, were certain to give opinions which indirectly supported each other.

Mr. MILES said that he had had a conversation with Mr. Fitzgibbon, who had said that he was laboring under a great hardship

in relation to this question, inasmuch as he was not allowed to be heard by the House, and he (Mr. Miles) agreed with him. But still he had not pledged himself to vote in any way. He should like to ask Mr. Fitzgibbon whether he considered it absolutely necessary to import deal boards to put up the station at Toowoomba. That fact alone was sufficient to condemn him. He considered an examination of Mr. Fitzgibbon would lead to no very important result, and would be but a waste of time. That gentleman had been characterised as an able diplomatist; and he believed the House would be much in the same position at the end of the examination, as far as getting out any facts in connection with this swindle railway, for he could call it nothing else. In many cases, iron bridges had been erected where there was excellent timber on the spot, and at others, where there was not a stick on the spot, timber had been carted sixteen miles to make wooden bridges. He should be very sorry to prevent any gentleman from obtaining justice, but he supposed that Mr. Plews also would have to be examined, and others, too; where was it to end? He believed that the proper course would be to investigate the subject by means of a select committee. The investigation could easily be made public enough to suit the purpose of the gentleman abused. He considered that the matter should certainly be investigated in some way, for if reports were true, Mr. Fitzgibbon had swindled the colony. He would next refer to the free pass system which he condemned, except in the case of clergymen on duty. He considered that there was very little engineering skill required in an investigation of the nature referred to; honorable members could easily judge for themselves of the case. He looked upon Mr. Fitzgibbon as a curse to the country; he had grossly deceived the colony in under-estimating the cost of the railways. He would strongly advise the Government to allow him to go about his business.

Mr. MYLNE said that, from what he had heard from honorable members, his impression was that Mr. Fitzgibbon was nothing more nor less than a contractor with the Government, and that he had entered into a contract, which he had not carried out as he ought to have done. He could not see why Mr. Fitzgibbon should be allowed to come before the House with his grievances, any more than other contractors under Government. Why should the House be troubled with the disputes between the Government and the contractors under them, when they could be settled in a court of law? He did not approve of either motion, but preferred the amendment. He thought that the Government had shewn themselves perfectly willing to meet the question, and to fight it out with Mr. Fitzgibbon. Why should the time of the House be occupied with the matter at all? It would, doubtless, be very satisfactory, as

the honorable member for North Brisbane, Dr. O'Doherty, had remarked, to have the whole railway policy investigated. But as for calling Mr. Fitzgibbon to the bar of the House, or appointing a select committee, he thought it involved a very bad precedent, and he did not see where it would stop. Small contractors would have quite as much right to demand to be heard at the bar of the House as Mr. Fitzgibbon.

Mr. GARRICK said he hoped both the motions would be withdrawn, as, in his opinion, neither would reach the objects contemplated by the honorable movers. The honorable member for North Brisbane, Mr. Pugh, had hardly made out a case. If he understood him, that honorable member affirmed that, if any charge were made against a person, that person was entitled to appear before the House, and to be heard in his defence. He did not see anything reasonable in such a proposition. The consequence of it would be to shew that the House ought not to adopt such a principle. Nearly every night of the session he had heard charges made against some civil servant, or other person. If the House chose to recognise the principle advocated by the honorable member, it would have nothing else to do than to hear these charges. As had very properly been observed, Mr. Plews would, of course, have to be examined; and he noticed that there was on the paper a notice of motion in reference to charges against Mr. Brady, another engineer. Why should not Mr. Brady, also, be called to the bar of the House? He contended that the machinery of the House was inadequate for these examinations, which required great skill, care, and labor. If Mr. Fitzgibbon were examined at the bar of the House, it was probable that, instead of members, as they imagined, being able to turn him over, that gentleman would be able to turn them over. He believed, too, that professional assistance would be requisite. Supposing that the machinery of the House were adequate, and everybody had a right to appear before the bar of the House, were honorable members to sit night after night—for a month, perhaps—examining all the engineers brought before them? It was not right, and certainly not expedient. He had been inclined, at the opening of the debate, to support the appointment of a select committee, as the best course to be adopted; but it had been stated by the honorable Colonial Secretary, in his first speech, that an action at law was pending between Mr. Fitzgibbon and the Government, on account of a claim of £4,000 for plant delivered to the Government, which that gentleman had taken action to recover. He did not think that a sufficient reason for the interference of the House by the appointment of a committee. The evidence obtained in a court of law would be much more accurate than that obtained by a select committee; and if the Government

intended to prosecute the action, they would be in a better position to come to a just conclusion by doing so, than they could in any other way. But, it might be said, it was a mere conjecture whether this action would be brought. In that case, he recommended that the question should be left in abeyance until the matter was beyond conjecture. But in the honorable gentleman's second speech he had given stronger reasons; he had stated that there was to be an investigation into the whole railway question; in that case the evidence would be much more extensive. He did not think it right to touch upon engineering questions at all; they would be the subject of inquiry either in the action or in the proposed select committee. He recommended that both the motion and amendment should be withdrawn.

Mr. PUGH said he should certainly not accept the proposal of the honorable member who had spoken last, but push the motion to a division. He had listened with some degree of perplexity, and some little amusement, to the speeches which had been made in the course of the debate. Some honorable members appeared to think that if a person's character was aspersed, and he was publicly stigmatized as a swindler, and a curse to the colony, and he applied to be heard at the bar of the House to answer the charges brought against him, the House had a perfect right to besmear and bespatter him with abuse, and then say—"We will have nothing to do with you, and will not hear you in your defence." The examination of Mr. Fitzgibbon at the bar of the House would be of great advantage, even as a preliminary step to the appointment of a select committee, and the committee would then have something to go upon in their examination. The petition the honorable member for Ipswich, Dr. Challinor, had presented, from Mr. Fitzgibbon, honorable members would observe, set forth, not anything against the appointment of a committee, because he would be able to place any documentary evidence he chose before the committee, and so far it would be an advantage, but that the evidence taken before a select committee could not be published until the report was brought up, and, from its great bulk, would be practically unavailable to the public, and that before the report was brought up the public would be tired of the subject. The Secretary for Works had stated, as a reason why Mr. Fitzgibbon should not be heard, that an action was pending between him and the Government; and that he was charged with retaining certain papers. Now, that he thought a good reason for calling him to the bar of the House, in order that the House might know where those papers were. He wished to know, as well as the honorable member for Maranoa, why certain iron bridges had buckled, and why iron buildings had been erected in certain places in lieu of wooden ones. There were many other

points on which the House desired information. He did not appear as the champion of Mr. Fitzgibbon. If the House wished to have a select committee appointed, though he did not think it was the proper course, he should not object. But if the examination of Mr. Fitzgibbon before the bar of the House was to be objected to, because the case was *sub judice*, why not object to the select committee upon the same ground? He should oppose the amendment, and should be obliged to consider that, if the House threw out the resolution, they would be doing an act of injustice.

The question having been put, the House divided—ayes, 4; noes, 22.

The amendment was carried, on division, by a majority of 20 to 7.

IMPOUNDING ACT AMENDMENT BILL.

MR. CLARK moved, that the Bill for the further amendment of the Impounding Act of 1863, be read a second time. He said the Bill did not propose to alter the present Impounding Act to any great extent. His object in bringing forward this Bill was to remedy certain abuses which were known to have existed in the country districts for some time. The only absolute amendment which the Bill would make would be—that the fees received by the poundkeepers for stock impounded off unenclosed lands—that was to say, driving fees and damages for trespass—instead of going to the impounder would go to the nearest hospital. Such a provision existed at one time, but was repealed by the existing Act. In many districts the Act was greatly abused, and persons made a trade of impounding. His attention had been more particularly drawn to this matter by circumstances which had occurred in his own district. He knew of stations where men were employed to impound off the runs, and who received the fees and driving expenses for their trouble. The result had been that these men had impounded everything they could lay their hands upon, and cattle, picked up at one end of a run, were driven some thirty or forty miles round the run, instead of about five miles, the distance of the place where they were found from the pound, so that driving expenses might be charged for thirty or forty miles. If no fees were given to the impounder there would be no inducement for him to do this. In many instances persons had taken up small pieces of land on a run for the purpose of impounding the squatter's cattle. Any cattle that trespassed upon their land were immediately impounded; and in that way a good living was obtained. As selectors were likely to become numerous, and to spread over the country, some alteration in the impounding law was necessary; and what he proposed would, he thought, answer the purpose for the present. He believed that many alterations were required in the Impounding Act, but the one which he had drawn attention to

was the most urgent, and would be sufficient for the present.

The motion was agreed to, and the Bill was read a second time.

FOREIGN COMPANIES BILL.

MR. LILLEY moved that the Foreign Companies Bill be read a second time. He said he had brought in the Bill at the request of gentlemen interested in enterprises established under the Joint Stock Companies Act in England, the proprietors and shareholders of which were anxious to pursue their operations in this colony. The object of the Bill was, to provide that companies registered in England might pursue their business operations in the colony, on the production of properly authenticated proof of their registration under the Joint Stock Companies Act. It was also intended to extend to this colony the facilities provided under a recent Act called the Companies Seals Act of 1864, which enabled companies to use a common seal for the purpose of deeds and other instruments. The Bill was simply in pursuance of English legislation. He believed it would be a great advantage to the colony to facilitate the operations of these companies; and he could see no objection to the introduction and passing of the Bill. It was desirable, as far as possible, to clear the way for the establishment of those companies, and to facilitate the introduction of capital into the country.

The motion was agreed to, and the Bill was read a second time.