

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Assembly**

**FRIDAY, 11 JUNE 1869**

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## LEGISLATIVE ASSEMBLY.

*Friday, 11 June, 1869.*

Police Magistrate at Maryborough.—Mr. Robert Short.—  
Water Supply—Road from Rockhampton to Clermont.

## POLICE MAGISTRATE AT MARYBOROUGH.

MR. ARCHER moved—

That this House will, at its next sitting, resolve itself into a Committee of the Whole, for the purpose of considering of an address to the Governor, praying that His Excellency will be pleased to cause a sum of £50 to be placed on the Supplementary Estimates for 1869, as an addition to the sum voted by the Parliament as salary of the police magistrate of Maryborough, for the six months ending 30th June, 1869.

He said he was rather sorry it had fallen to his lot to propose this motion; he imagined the honorable member for Maryborough would have been a fitter person to do it, as it related to his district. Most probably, Dr. Kemball, who had asked him to introduce it, had done so, because he (Mr. Archer) was a perfect stranger to him, and was not likely to introduce anything foreign to the subject, but to leave the motion to be dealt with upon its merits. He thought an injustice had been done to Dr. Kemball, and the motion was to remedy it. Of course, the only ground on which he thought it possible for any one to

dispute the motion was, that, if carried, it would add to the expenditure. That would be a good plea, if the Government had not incurred a liability which they should meet. He would be able to make out a case that it was necessary, for the honor of the country, to do what he now asked the House to do. The person now police magistrate at Maryborough was removed to that position from a post he held in Brisbane, as Immigration Agent; he was an officer of very long service in Queensland—that was to say, his service counted even more years than the existence of this colony; and, in paying up to the Civil Service fund, he counted his previous years of service in New South Wales. At all events, Dr. Kemball was a civil servant in Queensland ever since Separation, about nine years ago. He was in receipt of a salary of £500 a year, as Immigration Agent, in Brisbane; and he continued in that position for five years, receiving that salary. Of course, during that time, he paid into the Civil Service fund that proportion of his salary that would have to be paid by an officer of his class. He was then removed, not on his own wish, by Mr. Herbert; and, for the first two years that he was police magistrate at Maryborough, he received exactly the same salary as he received while Immigration Agent in Brisbane. By some accident, he (Mr. Archer) believed, the present Colonial Secretary—and the honorable member for Port Curtis would admit, that it was not his intention to cut down the officer's salary—reduced Dr. Kemball's salary, and it was passed, on the Estimates, at £400 a year, which was the pay now received by him. Otherwise, why should that officer be singled out for reduction? Dr. Kemball was beyond the age at which it was perfectly legitimate for him to claim to be put on the superannuation list; and he had got notice that, after the 30th of this month, his services would be no longer required by the Government. He asked that he might retire on the pension which he would have had, had he retired five or six years ago. That could not be allowed, as it was held that his pension must be calculated upon the salary he was receiving at the date of his retirement. Now, he (Mr. Archer) did not think it would require much argument to show that it was the most unjust thing to receive from a person, a contribution to the superannuation fund, being a percentage on a high salary, and, a year and a-half before his dismissal, without any cause assigned, to reduce that salary; and, upon his dismissal, to calculate his retiring allowance upon the reduced salary. Dr. Kemball was over sixty years of age, and he could have retired some years ago, had he been so inclined, when his retiring allowance would have been calculated upon a salary of £500 a year. It would be gross injustice that, after continuing in the service of the country longer than he need have done, he should have to retire on a reduced allowance. Before putting the motion on the paper, he

(Mr. Archer) had taken the opinions of several honorable members as to the easiest plan of getting Dr. Kemball's salary restored to its former rate, so that the meaning of the Act might be fulfilled—it being necessary to raise his salary to £500, on his retirement; and he had found that the course he had taken was the best; because, if the motion was passed by the House, no further action would be needed, as the Civil Service Act indicated the pension Dr. Kemball should receive. He hoped the Premier would not oppose the motion; and he believed the honorable gentleman would admit that he had taken the easiest way of accomplishing the object he had in view. He did not see that there was any other way of doing it. He thought the case was so clear, that he would not take up any more time about it—feeling satisfied that justice would be done.

The COLONIAL SECRETARY said he must congratulate the honorable member for Rockhampton on the pleasant way in which he had ventilated the question before the House. He would not receive his cue from any honorable member; he was going to take his own independent course of action, and he was perfectly justified in so doing. If the present was a case of injustice, to a certain extent, let the House deal with it. He was in his place, as a member of the Assembly, to do so; and, in this particular instance, he did not speak as a member of the Government. He could not agree in the remarks by his honorable friend, as to the gross injustice of this case, with regard to the gentleman whose claims were under discussion. The Government had been invited by the country and by the House to bring about as much retrenchment as possible, and they considered that they were justified in retrenching in the particular instance of the salary of the police magistrate of Maryborough. They found that Dr. Kemball, the holder of that office up to the 30th of this month, was superannuated: he was more entitled to be styled a septuagenarian than a sexagenarian. In fact, documents in the Colonial Secretary's Office showed that he was sixty-seven years of age. He (the Colonial Secretary) might also mention that at the time it was contemplated by the present Government to pension off Dr. Kemball, it was also their intention to abolish the office held by him; but, in consequence of strong expressions of opinion in the House by many honorable members, the police magistrate of Maryborough was about to be restored; and he was glad of it, because Maryborough was one of the towns of this colony which ought to have the advantage of a police magistrate. Dr. Kemball had been advised that his services would not be required after the 30th of this month, and that he would be entitled to a pension. He (the Colonial Secretary) would just read part of a letter which he had written to that gentleman—

"I have been requested by my colleagues to assure you that they are fully satisfied with the

honesty, zeal, and ability with which you have discharged your public duties, both at Brisbane and Maryborough, and that your retirement from the public service has been recommended upon no other grounds save those of economy and retrenchment."

In answer to that letter Dr. Kemball applied to be placed upon the salary of £500 a year for six months of this year, to enable him, as the honorable member for Rockhampton had stated, to retire upon a larger pension. He (the Colonial Secretary) brought Dr. Kemball's letter under the notice of his colleagues, and, he might say, they endeavored, as far as they could, to grant its prayer; but they found that they were unable to do so, by the existing law. He communicated the result of their deliberations to Mr. Kemball, and, in doing so, he added this in his letter—

"Should you deem it advisable to obtain the assistance of a private member in bringing your case before the House, I shall consider it a duty and a pleasure, as an individual member of the Assembly, to support your claim for the increased amount of pension."

In that position he now addressed the House. He might not be in accord with his colleagues, on this occasion; but, at all events, there were circumstances and occasions when an individual member of the Government might act upon his own opinion. Of this case especially, he knew the merits. He had inquired into Dr. Kemball's previous career in this colony: there was not a single word against him in the public offices during the thirteen years that he had served the public honestly and faithfully. He did not hesitate to say, speaking for himself, and considering Dr. Kemball's position and duties, that in bringing forward his Estimates for consideration with his colleagues, previous to their being laid on the table, he should have put the salary down at £500 a year; and, then, there would have been no occasion for the honorable member for Rockhampton to bring his motion before the House. If those were his feelings, he had a perfect right to give expression to them, and he was justified in supporting the motion. If it were not carried, injustice might unwittingly be done to the police magistrate of Maryborough. Honorable members might not be aware that, at the present moment, Dr. Kemball was entitled to a pension of £125 a year; that was upon his salary of £400 a year. If the motion were carried, and £50 added to his salary for the six months of this year, it would increase his pension to £150 a year. That was the extent of the expenditure which would be incurred by the Government in pensioning an old gentleman who had served this colony for so many years. Such was the position of Dr. Kemball at the present moment.

The ATTORNEY-GENERAL said he told the honorable member for Rockhampton, a few days ago, that he would not offer any serious opposition to his motion; but, at that time, he was ignorant of the facts which

had just come to his knowledge. It occurred to him, however, that Dr. Kemball must have got under the provisions of the Civil Service Act through some error or misstatement, as regarded his age. He should like to have some opportunity to make inquiries into the matter. It was stated that that gentleman was sixty-seven years of age. He was, then, sixty-three—of superannuation age—when the Act was passed. He must have got under the Act through some mistake of the Government who took his money, or he must have made some misstatement to get under it. He should like, therefore, without doing Dr. Kemball any injustice, to find out, on the part of the Government, what had been done—what were the circumstances of the case. If Dr. Kemball had made any misstatement, he ought not to have the pension; that was perfectly clear.

Mr. THORN: That was a point of law.

The ATTORNEY-GENERAL: He said, at the age of sixty, the gentleman was entitled to a superannuation allowance; but, would any Legislature in the world pass an Act to place a man on the superannuation list, at once, who was of superannuation age at the time of the passing of the Act? Was it ever contemplated that a man of sixty-three or sixty-four should come under the Act, and, then, after serving two or three years, retire on the superannuation list? If Dr. Kemball had got into that position by understating his age—if he led the Government to believe that he was not sixty until after the Act was passed—he had no claim to the allowance under the Act. Until the matter was perfectly clear, he should like that no specific action on the part of the House should be taken. Of course, if Dr. Kemball had come under the Act properly and justly, he should have little objection to the motion.

Mr. WALSH: The Government had received his money for past service under the New South Wales Government.

The ATTORNEY-GENERAL: He knew the gentleman was allowed to pay up: but under some misstatement, or some error, as to his age. The superannuation fund was contributed to by the whole service, and it was not from the revenue of the country, but from that fund, Dr. Kemball's allowance would be paid. If there was any fraud in the matter—he (the Attorney-General) did not say there was—it would be a fraud upon the Civil Service. The Act was passed in 1863; and, if Dr. Kemball was sixty-four years of age at the time, he should never have come under its provisions. It could not have been the intention of the Legislature that such a case should come under the Act. Of course, if the House passed a resolution, the Government would do their duty, and put the money on the Estimates; but, until the matter was cleared up, they would act advisedly in waiting.

Mr. WALSH said the manner in which the honorable member for Rockhampton intro-

duced the motion was quite a sufficient answer to the question why the person named in it should have selected that honorable member in preference to himself. With all the desire he had to serve Dr. Kemball, he could not have done justice to the motion, as the honorable mover had. He felt it desirable to make an explanation, more for the ears of his constituents than anything else:—Dr. Kemball, some time ago, waited on him and informed him that he had had a conversation with the Colonial Secretary, and that the honorable gentleman had admitted that an injustice had been done to him (Dr. Kemball), and was willing to support a motion in his favor, if brought forward by the member for Maryborough. He (Mr. Walsh) said: "No, Dr. Kemball; I will do nothing. If the Government feel that an injustice has been done to you, it is their duty to state so;—don't ask me to do their duty. In the Assembly Chamber, my duty is to oppose the Government; and I will not undertake, at the bidding of the Government, in this way, any work which I believe they should perform." Now, he did not hesitate to say, after the explanation made by the Colonial Secretary, that he had adopted the right course: that honorable gentleman himself should have brought forward the motion. It was an injustice: the honorable gentleman had convictions on the subject; he was the author of the injury that had been done, and he ought to make amends for it. He (Mr. Walsh) frankly said that he thought Dr. Kemball had been shamefully treated—partially treated—in the reduction of his salary. He did not suppose it was first reduced for the purpose of lessening his pension; but, in the absence of any known cause for the reduction, he would probably be right in interpreting it that way; and, certainly, Dr. Kemball had a right to feel injured by it. For the sake of saving some few hundred pounds of the revenue, the salary was first reduced, and then the office of police magistrate of Maryborough was abolished. The Government ought to make the only reparation in their power to Dr. Kemball, by consenting to the motion. He (Mr. Walsh) would now answer that extraordinary objection of the Premier's, as to the officer's position under the Civil Service Act. The honorable gentleman must be in perfect ignorance of the Act he had quoted from.

The ATTORNEY-GENERAL: No.

Mr. WALSH: The honorable gentleman never made a mistake—he never confessed that he was wrong. It would be better for his political character, and for his reputation as a statesman, if he did. The honorable gentleman wanted to make out that Dr. Kemball was guilty of fraud. The Civil Service Acts made provision for that gentleman's case. There was not a word said in them necessitating retirement, from the service, of a gentleman over the age of sixty years;

but there was a clause which said it was not necessary for the Government to dispense with the services of gentlemen who were beyond that age: it actually made provision for their retention in the service—up to a hundred years. To show the egregious mistake of the Premier, he would read a clause from the Act to extend certain provisions of the Civil Service Act of 1863—

“The twentieth section of the said Act is hereby repealed and in the case of officers and other persons who at the time of separation—

precisely what Dr. Kemball was doing—

“were serving the Government of the colony of New South Wales within the limits of the present colony of Queensland and who have since continued their service under the Government of the colony of Queensland the term of the continuous service of such officers and persons shall be held to commence from the time at which they commenced their service under the Government of the colony of New South Wales.”

Showing clearly that Dr. Kemball, instead of having his services rated for four years, had to be rated for fifteen years—the time he had been in the service of New South Wales. It was his (Mr. Walsh's) opinion that the Premier had not read the Act. Certainly, the honorable gentleman was not justified in using such an expression as that Dr. Kemball was guilty of fraud.

The ATTORNEY-GENERAL: He did not say so.

Mr. WALSH: That officer was little over fifty years of age at the time his service and contributions to the retiring allowance fund dated from. The Premier had made a blunder, and, as usual, he would not admit it. Justice would be done to Dr. Kemball only by voting the fifty pounds moved for, and by giving him a title to the compensation to which he had a right. It had been shewn by the honorable the Colonial Secretary—and it was a marvellous confession for him to make—that he wrote to Dr. Kemball, that the Government were fully satisfied with the zeal and efficiency he had evinced in his office, and that he was removed upon no other grounds than “economy and retrenchment.” Well, if that was the cause of Dr. Kemball's removal, where, he (Mr. Walsh) asked, was the consistency of the Government in the matter? They now proposed that that gentleman should receive a pension on his retirement. Was it economy and retrenchment that made the Government appoint Captain Sadlier, at Taroom? That confession carried upon it, he was sorry to say, the impress of untruth. If economy and retrenchment actuated the Government, Dr. Kemball would not have been removed from the public service of the country.

The COLONIAL SECRETARY: He wished to state, as Taroom was introduced, that Dr. Kemball's name was brought up in connection with it; and that gentleman said, had he been offered the police magistracy there, he would have considered it a gross insult.

Mr. WALSH said, he was glad the honorable gentleman made that statement; because it convinced him that the Government were more incompetent than he had thought. Yet, after that, the Premier made statements to show that Dr. Kemball was not fit for the office of police magistrate at Taroom.

The ATTORNEY-GENERAL rose to order. The honorable member was misrepresenting what he had said.

Mr. WALSH: Well, it amounted to the same thing. The gentleman was full of zeal, and had plenty of competency, and his services were only dispensed with on the grounds of economy and retrenchment; yet the honorable the Colonial Secretary said that when he spoke to Dr. Kemball about the appointment to Taroom, Dr. Kemball said he was too old—that he was not fit for it.

The COLONIAL SECRETARY: No, no.

Mr. WALSH: Well, then, he said if it had been offered to him he would have considered it a gross insult. It should have been offered to him; and, if he had such competency as was stated, he should take it, or give up his pension. That should have been made a *sine qua non*. The Government should not have given him a chance of retiring. By acting otherwise, they acted unfairly towards the people of the colony, and they proved that they were not imbued with economy and retrenchment. Well, he knew that gross injustice had been done to Dr. Kemball; but gross injustice had been done to the country in giving an appointment to Captain Sadlier. If a police magistrate was not wanted at Maryborough, one was not wanted at Taroom. The former was the more important place. If the Government had done their duty they would not have made such mistakes as they had made, and such as necessitated this motion. Instead of being a Government of retrenchment, an economical Government, they appeared to him to be a Government of expediency. He hoped the honorable member for Rockhampton would push his motion to a division.

Mr. MILES said he must confess that he felt some difficulty when he first saw the motion on the paper, as he could hardly understand the drift of it. However, as the honorable member for Rockhampton had explained to the House, it was the only way he could do an act of justice to Dr. Kemball. If he understood the motion, there could be no doubt that a cruel and gross act of injustice had been done to that officer, not in superannuating him, but in removing him from the office he previously held as Immigration Agent in Brisbane. He never met Dr. Kemball till the other day; and the Government who could appoint that gentleman a police magistrate, he could hardly find words to condemn—he could not express himself as he should like to do;—he believed it was done for a purpose. The gentleman was very irritable, and he was sent up to a place above all places in the colony likely to try his temper, under the impression that

what he would have to put up with at Maryborough would soon kill him. A grosser act of injustice was never perpetrated. He (Mr. Miles) was prepared to state that Dr. Kemball was thoroughly conscientious in his office; but he ought to have been kept in his place as Immigration Agent. The colony had now arrived at that state of things that ruffians only were acceptable as police magistrates. He did not mean to apply what he said to Dr. Kemball, who, he believed, was as thoroughly honest a man as any in the world; but that gentleman was not suitable for a police magistrate. Though the Government professed retrenchment, there was a mystery about this matter that he could not clearly understand. The dispensing with the police magistrate of Maryborough, particularly, made him suspect that the Government had some object in view; for, of all the places in the colony where such an official was required, Maryborough was the most "obstropolous," and required most looking after. The Colonial Secretary now said he had committed an error, and that it was absolutely necessary that a police magistrate should be appointed at Maryborough. That was after Dr. Kemball's office had been abolished. If that was done in order to place the gentleman on the Civil Service retiring fund, why not state so? As to what fell from the Premier, the honorable member for Maryborough completely settled that question. It appeared that the honorable gentleman did not really know what he was talking about; and he (Mr. Miles) regretted extremely that the Premier should have made the statement, that, by means of fraud, Dr. Kemball was endeavoring to rob the Government.

The ATTORNEY-GENERAL: He must protest against that interpretation of his language. The honorable member was in the habit of misrepresenting every member of the chamber. He (the Attorney-General) said that it was a strange circumstance that Dr. Kemball was over age when he came under the Act, and, if it were true, that he had misrepresented his age, that would be a fraud. He said so, again.

Mr. MILES objected to being interrupted.

Mr. WALSH rose to a point of order, and was proceeding to address the House, when

The ATTORNEY-GENERAL asked what was the point of order?

The SPEAKER: What was the point of order—if the honorable member will be kind enough to say?

Mr. MILES said he was surprised at the Premier interrupting him, because he had stated nothing calling for it. Doubtless, it might be convenient for the honorable gentleman to make insinuations that he (Mr. Miles) imputed motives; but he stated what he understood the honorable gentleman to have said. He wished the honorable gentleman would not trip-up honorable members in their remarks. He was about to say that Dr. Kemball having been an officer under the

Government of New South Wales, when the Act came into force, his service under that Government was counted, and his contribution to the superannuation fund was received on account of it, so that when his superannuation took place, he was perfectly entitled to his allowance, in accordance with the Act; and, had he been continued in the enjoyment of his salary without the late reduction, his allowance would have been unquestioned. It seemed to him (Mr. Miles) that it was in an underhand shabby way that the Government had endeavored to get rid of that officer, who was well adapted for the post of Immigration Agent; but, he had no hesitation in saying, Dr. Kemball should never be a police magistrate. However, even that office was filled by him without objection to his honesty or ability. To vote the sum asked for was the only way to do justice to Dr. Kemball; and he hoped the House would do so. It was not often he (Mr. Miles) could compliment the honorable the Colonial Secretary; but he would willingly do so, when it was deserved. He felt exceedingly glad and very much gratified with the honorable gentleman's conduct in the present case.

The COLONIAL TREASURER said he was not able to support the motion; and, as he thought it did not stand fairly before the House, he felt inclined to say a few words. It seemed to him to stand, in its present form, much as if the officer in question had been receiving £500 a year for a considerable time, and then his salary being reduced to £400, he was discharged immediately afterwards. Dr. Kemball had been in the service ever since the year 1855:—For the first year and a-half, his salary was £300 per annum; for the next three years, 1857-8-9, he received £200 per annum; then, up to the year 1863—that was, for four years—he had a salary of £400 a year; and then he received £500 per annum for four years; since that, for a year and a-half, he received £400 per annum. The average salary he received since he entered the service was £375;—at all events, less than the salary he was receiving at the time of his retirement. Under those circumstances, it would be a great deal better for the House to abide by the Civil Service Act, which he (the Colonial Treasurer) considered very liberal. He could not see that, as a matter of justice, it was necessary for the House to supplement, at all, what was given, under the Act, to the officer in question. Since the passing of the Civil Service Act, in 1863, that officer had paid £52 into the Treasury, in return for which he was to get a retiring allowance at the rate of £95 per annum. He was then allowed, under the second Civil Service Act of the following year, to pay the back sums or contributions on account of the salary which he had received while in the public service previous to Separation: they amounted to £21. The pension on which he would retire for those respective payments, was £125 per annum, for life—in return for payments altogether of £73. That, he (the Colonial Treasurer) thought, was ex-

ceedingly liberal. He did not object, in the slightest degree, to the officer getting the allowance; but he could not at all agree in the statement, that gross injustice had been done to him. With regard to the statement made by the honorable member for Maryborough, that some other situation might have been offered to Dr. Kemball, he would read clause 18 of the Civil Service Act of 1863—

"The Governor in Council may request any such officer notwithstanding his age to continue to perform his duties but without prejudice to such officer's right to decline such request or to retire upon his superannuation allowance whenever he may so desire."

Dr. Kemball was, therefore, properly entitled to decline any other situation which was offered to him, and even to decline to remain in his present position as police magistrate of Maryborough; and the Government could not compel him to remain or to take another office, and they had been told that he considered himself insulted by such an offer. The proposition now before the House was, that they should vote £50 to that gentleman to entitle him to a pension of something like £150 a year for life. He thought that, as the allowance under the Act was sufficiently liberal, they were not called on to supplement it in the manner proposed. As to injustice, none was done to the officer in question. He (the Colonial Treasurer) should be a great deal more inclined to say that it was an injustice to the taxpayers of the country to saddle them with such payment: for it was not a single payment, but an annual pension for life—and the lives of annuitants were proverbially long. He was not inclined to oppose the motion strongly, on account of the personal qualifications of the officer; but he was bound to show the House that no injustice had been done to him.

Mr. DE SATE said the honorable the Colonial Secretary admitted that the police magistrate was absolutely required at Maryborough; and, whether he spoke as a member of the Government, or as the representative of Warrego, the House would accept his statement. If a police magistrate was required for Maryborough, so was such an officer required for Gayndah, and other important northern towns; and, he hoped the Government would take notice of that, and act accordingly. He thought the best testimony in favor of the motion was furnished by the Colonial Secretary, that an officer of fourteen years' standing had discharged all his duties with zeal and ability.

Mr. THOMPSON: Whenever he intended to vote for money he considered it right to give the reason; whenever he voted against it, he considered himself bound to give no reason. On this occasion, he saw his way to support the motion, as a measure of justice; if it were put upon the mere ground of good feeling, he could not vote for it. Under the Civil Service Act, it appeared to him that the

salary of the gentleman in question was to increase at a certain ratio; and he saw no provision in the Act by which an officer's right under it could be abrogated by reducing his salary;—his pension was calculated on his salary. If the House did not grant the £50 asked for, to Dr. Kemball, this anomaly presented itself: that if he had been dismissed sooner than he was, he would have got a greater pension than was to be given to him by the Government for remaining six months longer in the service. It was ridiculous that a gentleman by prolonged service should have a reduced pension. On that ground, he (Mr. Thompson) would vote for the proposed expenditure.

Mr. PALMER said he wished to explain how it occurred that Dr. Kemball's salary was reduced, in the first instance. On the 27th January, in making an explanation to the House, he said, referring to the increase on the Estimates for 1869, left in the office by the late Ministry—

"With those exceptions, and, he thought, two instances, as well as he remembered, of an addition of £100 to the salaries of police magistrates, that were cut down £100 each the previous year, and whose salaries, as he thought, ought not to have been cut down—but it was by accident, he believed;—he referred to the salary of Mr. Landsborough, the police magistrate at the Gulf country, which was cut down from £500 to £400, and the salary of the police magistrate at Maryborough, which was cut down in the same way."

Now, he found that he was not exactly correct in stating that those two were the only officers whose salaries it was proposed to increase; for there were, also, Mr. Bligh, Mr. Gordon, and Mr. Buttanshaw, whose salaries had been reduced; and, also, the salary of the present police magistrate of Toowoomba was reduced £100, but, as he was transferred to the gold field of Talgai, it was not deemed desirable to carry that reduction into effect. However, all those other salaries had been cut down, and the attention of the Government of which he was a member was called to the fact that the salaries of Dr. Kemball and Mr. Landsborough had been unfairly cut down. The Government thought that was the case, and they put down £100 increase for each, to bring those salaries back to the same position as before. He did not think the House would go far wrong in voting the £50 asked for, which was for an officer of long standing in the service whose salary had been cut down one year a good deal by accident, and after it had been proposed by one Ministry to restore it again, as an act of justice. The House were only asked to vote £50 for six months: whether it was voted or not, the retiring allowance of Dr. Kemball was a matter for the Government. Why it should have been introduced by the Government, he could not see. The House had nothing to do with it;—it was a mere matter of computation under the Act.

THE ATTORNEY-GENERAL repeated that he wished it to be distinctly understood that he had not charged Dr. Kemball with fraud. Honorable members were uncommonly touchy about the use of the word. It was the honorable member for Rockhampton who had introduced the question of the retiring allowance—not the Government. He (the Attorney-General) agreed with the honorable member for Port Curtis that that was merely a matter of computation; but it rested rather with the Auditor-General than the Government. It was a question with which the House had nothing to do.

MR. PALMER said he should support the motion. He thought the honorable member for Maranoa hit the nail on the head, when he said the officer in question was appointed a police magistrate in order to get rid of him. Perhaps Dr. Kemball was a little too irritable for the people of Maryborough, which was a place of considerable agitation. He (Mr. Palmer) had, however, the opportunity of examining Dr. Kemball before a select committee of the House, within a short time past, and he must certainly say that if that gentleman was ever fit for a police magistrate he was fit for the office now; his brain was clear, and his answers prompt and concise—better than those of many other witnesses before the committee. The economical fit of the present Government was a very short one; and he must confess that he could not himself see that Maryborough wanted a police magistrate. He thought it could do very well without one. There were a good many other places, also, which could do without police magistrates. If, when vacancies occurred, the Government would not fill them up, they would find that the local justices would do quite well without police magistrates, and the business would go on as well as with those officers; but, the local justices would not act well while there were police magistrates appointed. He repeated that Maryborough could do well without a police magistrate, as well as Gayndah; at any rate, there should be no difference between them. He thought this was an act of justice to the gentleman in question, and he should support the motion.

MR. HALY said that Dr. Kemball was fairly entitled to what was asked for. That gentleman, some years back, could have retired on a full allowance, and would have been quite justified in doing so, if he had chosen to eat the bread of idleness. But he had not done so, but had preferred to go on working at £400 a year. They had heard no higher character given to any police magistrate than that which the honorable member for the Burnett, Mr. Pring, had given in that House. It was, therefore, nothing but an act of justice to support the motion.

MR. THORN said he would support the motion, for he felt that justice had not been meted out to Dr. Kemball. That gentleman was equal, if not superior to, any other

police magistrate they had, and why he had been treated in the way he had been, one was at a loss to discover. He had given much satisfaction at Maryborough, and the press, which he looked upon as the exponent of public opinion, had had nothing to say against him, certainly the *Maryborough Chronicle* had not. He would ask the Colonial Treasurer how it was that an officer who had had £200 voted for him only received £180, and also what was done with the other £20? The officer he spoke of was at Ipswich.

MR. ARCHER, in reply, said he would say only two or three words, and that he must protest against the insinuation thrown out, that Dr. Kemball had stated a falsehood in order to come under the Civil Service Act. It was not right of the Premier to speak in that way, neither was it generous. He had nothing further to say, except to thank many honorable gentlemen who had supported the motion. There was indeed another reason which had been given for the way in which Dr. Kemball had been treated, this was, that he was too irritable. Now, it was more probable that Dr. Kemball had not proved subordinate or compliant enough—that he had been too honest to accept of dishonest orders from his superiors. He was glad to see that the House were about to do justice in this matter.

#### MR. ROBERT SHORT.

Dr. O'DOHERTY begged to move—

That this House will, at its next sitting, resolve itself into a Committee of the Whole, for the purpose of considering an address to the Governor, praying that His Excellency will be pleased to cause to be placed on the Supplementary Estimates for 1869, the sum of twenty pounds, for the purpose of paying the account sent in by Mr. Short, for work done as short-hand writer, in the absence of Mr. Barlee.

He said it would be within the recollection of the House, that a few weeks since he had felt it his duty to bring under the notice of the House a petition from Mr. Robert Short, and that on the motion, that the petition should be printed, a discussion arose, in which the whole question was gone into, and freely debated. It was not his intention to re-open that discussion, and he was sorry it had been necessary for him to say that the motion brought forward to-day had been rendered necessary, in consequence of the action which had occurred between that gentleman and the Government, since the discussion took place in the House. He had been induced, on that occasion, to withdraw the motion for printing the petition, on a distinct understanding, generally understood by the House, which he had been allowed to believe in, that, on the withdrawal of the motion, the money due to Mr. Short would be paid by the Government. In that idea he had not been singular, for several honorable members were of the same opinion, and, acting upon that opinion, Mr. Short was advised to apply for



payment of the money. Mr. Short did so, and a correspondence resulted between him, the Colonial Treasurer, and the Colonial Secretary, wherein the Government stated that, inasmuch as the Speaker had not felt it his duty to certify to the amount, the Government were not authorised to pay it. The matter was thus brought to a dead lock. There was no doubt whatever that the right of Mr. Short to be paid was a legal right, inasmuch as he was employed by an officer of the House, in a written engagement from one of the short-hand writers, and Mr. Short had no knowledge of any understanding having taken place between the short-hand writer and the Speaker. Appointed thus, Mr. Short claimed his legal right to be paid for his services. It was the feeling of the House that he had a legal right to be paid for this work, whether to be paid the full amount, he, himself, was not prepared to discuss. That legal right remained, but in consequence of the dead lock which had come about, there was no other course open, but the disagreeable one of issuing a writ against the Speaker in case the money were not paid. If the claim be correct, Mr. Short had a right to be paid the money by the House, or the responsible officer of the House. As he had said before, the sum was refused because the Speaker did not consent to certify to the amount. He would be sorry to impugn the Speaker's decision in that matter. He had not been clear as to the exact circumstances under which the letter to Mr. Short was written by one of the short-hand writers. It had been felt, perhaps, that the short-hand writer, who had engaged Mr. Short, had taken upon himself an authority in the matter which he had no right to. But he had learned from the short-hand writers, that the circumstances in which Mr. Short had been engaged, were precisely the same as had occurred on a former occasion when Mr. Short himself was employed in a similar way. In a debate upon the Budget, Mr. Barlee had been unable to attend to the duties of reporting, and it was felt that additional assistance would be urgently necessary. Word was sent to the Speaker, and the short-hand writers were instructed to do the best they could under the circumstances. Mr. Short was sent for, and, subsequently, a conversation with Mr. Lindsay led to the engagement, which ought to be carried out. That night, so far as deeds went, the engagement was made, and Mr. Short commenced his duties in the House. As he had said before, he, for one, did not wish to discuss the question whether there could not be some arrangement made between the short-hand writers to do the work, in case of the absence of one of their number. But this was not the first time that a similar circumstance had occurred, for Mr. Short himself had been employed under almost precisely similar circumstances before, and was then paid, and the vouchers certified

to, by the Speaker. That was the regular way of acting, and on that ground alone Mr. Short had good reason to be paid. Supposing, for a moment, that it was understood that, when the letter from Mr. Byrne was wrong, Mr. Short should look for payment to Mr. Barlee; he thought it would not be a fair thing of the House, under the painful circumstances of the case, to leave him to do. The work of short-hand writers was the hardest possible that could be found to do, to his knowledge—and he spoke as a medical man. He knew that Mr. Barlee himself had spent no less than seventeen hours a day at his work. They should recollect what the work of the Parliamentary short-hand writers is: there is not a more exhausting work that a man could be engaged in. Recollecting this, and the importance of thoroughly accurate reports of the speeches made by this House, they would agree that it would not be fair to act niggardly; and it would be very ungenerous to deal in that manner with these gentlemen. If they were to refuse this motion, it would be acting in a very ungenerous spirit to Mr. Barlee. That gentleman, when Mr. Short was engaged, was summoned to the death-bed of his son; he could not leave his child's bedside, but was obliged to be by his child night and day. The sum to be paid to Mr. Short largely exceeded the amount which would accrue to Mr. Barlee from his salary for the time. To compel him to pay for the substitute would be acting a very ungenerous part—it would be compelling him to pay for the illness of his son. The case was a peculiar one, and he felt sure that the House would agree that the sum be paid without requiring the Speaker to alter his opinion, or to certify to the vouchers. He would have been glad if the Government had settled this account without the notice of the House; but if it was impossible, without pursuing an irregular course, he conceived that irregularity might well be conceded. He trusted that the sum that he asked for would be granted without division.

Motion put and passed.

#### WATER SUPPLY—ROAD FROM ROCKHAMPTON TO CLERMONT.

Mr. DE SATGE begged to move—

That this House will, to-morrow, resolve itself into a Committee of the Whole, for the purpose of considering an address to be presented to His Excellency the Governor, praying that a sum not less than £500 (five hundred pounds) be placed on the Supplementary Estimates for 1869, for the purpose of making wells and reservoirs to supply the large traffic in that unwatered portion of the main road from Rockhampton to Clermont, lying between Red Rock Creek and Clermont, for the construction of which the amount voted this year is totally inadequate.

He said that it might be within the recollection of the House, that last Friday sitting, a motion of a similar character, though intro-

duced subsequently to his own, by the honorable member for the Mitchell, was discussed to a division, when the number of honorable members who voted for granting the sum asked for was nine, while only five were against it; but as this was no quorum, the motion was left on the paper. Seeing the number in favor of that motion, he believed that the request he had now to make would be passed without any demur whatever. The reason he had to give was the comparatively small total spent upon the roads in the North, which, with the exception of the Kennedy district, amounted to only £2,300 for all the roads of the northern districts. That was a sum which, in the knowledge of a practical man, would at once be seen to be totally inadequate—so inadequate, indeed, that he wondered the Government could have proposed such a sum for these roads, conveying, as they did, the products of the vast northern districts—in fact, the whole traffic caused by three million of sheep along the line of road. He thought that fact alone should draw the attention of honorable members to that greatest of evils—the high rate of carriage which had to be contended with in the unwatered districts of the north. The rate of carriage between Clermont and Rockhampton amounted to £20 per ton, a charge enough to destroy the occupation of the country there altogether. They should look at the position of the occupants of the Crown lands in the remote districts in connection with the difficulties and expense of carriage, and it would appear that the Pastoral Relief Bill was not enough, without good roads to make carriage less costly, to remedy their condition. It appeared hard that a squatter at Dalby should be enabled to convey his wool at £3 a ton, while the squatters in the North, for the last three years, had to pay £20. Such charge was entailed by the absence of water, and consequent loss of bullocks. He might mention that one-half of all the teams employed upon the Clermont and Rockhampton road were lost during the last dry summer. The Government should send some officer to inspect these roads and see to them; they had no right to legislate for one portion of the colony only. Since Separation, no less than £100,000 had been spent upon the roads between Ipswich and Toowoomba; and he thought the House should not begrudge so small a sum as £500, absolutely needed on a main road in the North, merely because economy was the cry of the country. He hoped that the sum would be passed without any division at all; it was hard that it should have to be asked for. The road was a small portion on the way from Peak Downs, where there was a stage quite without water, and through scrub for a distance of twenty-two miles, which was too much for teams and horses. Losses of bullocks, entailed by night travel, and other expenses caused by the fodder to be carried, made the carriage mount up from £8 to £20, or even £25—a

charge enough to ruin any pastoral tenant in the colony. There was another portion of the road embracing a distance of thirty-six miles without water, which was too great for any team to travel. And this was on the main artery of the back country in the North, which was so badly represented in the House. Any practical man who saw them would admit that these roads were not cared for by the Engineer of Roads, or the head of his department. The requirement on this road should have been met two or three years ago, as the state of things complained of had existed for that time. There was not the slightest attempt at remedy on the part of the Government, nor to look into the state of the roads; the consequence was, that the Peak Downs Copper Company were compelled to withdraw their traffic from Rockhampton to Broad Sound. In respect to any objection that the sum of £5000 had been voted for the Rockhampton road, and expended upon it, he might say it was thrown away. The surveyor began at the terminus at Gainsford, and chose a route through scrub, without the slightest knowledge of what he was about, and the head of his department never looked after him. There were two walls of scrub, through a distance of sixty miles, as the result, along a road utterly unused, and all through maladministration. The heads of this department, during the recess, ought to look to the administration of their department, and submit themselves to the inconveniences of travel, which others had to suffer on the roads. The Pastoral Relief Bill would be of little avail without improvements on the roads, to reduce the cost for carriage. He might mention that he had just received a letter from a gentleman, who spoke about goods from Rockhampton to Gordon and Malvern Downs having been three months on the road. In fact, the road was uncared for, the pinches unimproved, and there were neither bridges nor culverts, but it was without water in a dry season. Men who had spent capital, and invested money in the North on improvements, as others had done on the Darling Downs, should also, like them, be allowed a fair share of support, and a fair share of the Government expenditure. The contrast of the cost of carriage from Dalby and from Clermont, for the same distance, could explain the position those in the North were in. He had only to say that it was only owing to the state of the roads, and the want of water, that this high rate of carriage exists, and was the great evil they had to contend with in the occupation of country to the north. He hoped the sum necessary to supply these two stages of thirty-six and twenty-two miles, respectively, with water, would be granted by the House, and acceded to by the Government, without division, or at least that it would be granted by a large majority of the House.

The SECRETARY FOR PUBLIC WORKS said, that although the honorable member had

expressed a hope that the motion would be passed by a large majority of the House, it was the duty of the Government to oppose it. It was their duty to provide for all, and not deal in detail with such motions. He did not understand the arguments of the honorable member, nor what the Leasing Act had to do with the question, and the cost of carriage. In a dry season, of course, they had to pay more. He did not know whether there was any officer more constantly on horseback, visiting the northern roads, than the Engineer of Roads. It would be very wrong on the part of the Government to enter upon a question of the kind without having all the information necessary, before asking the House to grant a vote. In order to show the impossibility of relying upon information, without survey, he was assured the amount asked for would not even cut a road through the scrub. It would be out of the question for the Government to vote the money without information. As to the absence of water, he might mention that there was water at Nebo—

Mr. DE SARGE: There is a well of my own there, but there is no water in it.

The SECRETARY FOR PUBLIC WORKS, resuming, said he could tell the honorable member that there is a well in that place, but he knew not whether there was water in it, or not; although a dam would be preferable. At any rate, to accede to the motion, would involve a similar consideration of the road referred to by the honorable member for the Mitchell, and of all the roads from the Condamine; although there was yet no motion heard of for that purpose. The Government had obtained certain information, upon which they intended to place a sum of money on the Estimates, for the supply of water in the present, as well as other cases. He trusted, therefore, that honorable members would not press motions for amounts that could serve no practicable end so far as the main thoroughfares were concerned. It was a different question dealing with municipalities, and he was satisfied that the House would conclude that, without condition, no more sums for municipalities would be put upon the Estimates. The supply of water was, no doubt, a necessary for them, but the House were entitled to look for some return when it was furnished. Thus a percentage equal to what the Government is likely to pay for the expenditure, in furnishing the water, should be guaranteed from a municipality. To illustrate this, by the case of Maryborough, it is said that £2000 has been advanced, to enable the inhabitants to make their reservoir. He did think that, if they were called upon to pay £120 a year, it would not be too much to pay for a good supply of water. The honorable member for the Northern Downs applied for a sum of £1,000, for the town of Dalby, and if that were granted for supplying that town, a yearly payment of £60 would not be too much in return. Now, the Government were maturing a proposition of this kind, for

the supply of towns, which would be laid before the House in a day or two. In regard to this particular road, the Government would be prepared to vote a sum, in due course, and in connection with water supply generally.

Mr. PALMER said what the present question had to do with the supply of water to municipalities he did not see, and would leave to the Secretary for Works to explain. The motion merely asked the Government for a small sum, to provide water where it was unknown, on an extensive tract, in one of the best districts in the colony, rich in mineral wealth, and for an enormous traffic, without having to wait until the Government had matured a scheme. While waiting for this great scheme, the pastoral tenants were starving, and losing, day after day, enormous sums of money, while the Government is maturing their scheme. He had just received a proof of this in a letter, which announced that a carrier had arrived at his own station, with only one load out of three, having been compelled to abandon the others on the road. Every man in the district was suffering in the same way, and they were told to wait for this grand scheme of water supply. Now, he was sure there was no necessity whatever to wait at all. If the Government were to make dams, to supply the water wanted, it would, to be of any use, have to be done long before that scheme would be matured. The information which the Secretary for Works procured on this subject was, as usual, most extraordinary. That honorable gentleman informed them that it would take the whole amount asked for to cut the scrub through, whereas there was no scrub to cut—not half a mile of it—so much for the honorable gentleman's information. He was surprised that the Secretary for Works, in opening his speech, should have attempted to pick up a young member of the House by his remarks.

The SECRETARY FOR PUBLIC WORKS desired to explain, or rise to a point of order, when

The SPEAKER said he hardly thought there was a point of order;—would the honorable gentleman put it?

Mr. PALMER, resuming, said the Minister should have stated the point of order, but he had none to state. He objected to these interruptions; and had observed that it was the practice of the Ministers to interrupt honorable members whenever a mistake on their part had been made. He should call upon the Speaker, for protection, in case a Minister got up to interrupt again; it was only done to throw a member off the line of his argument. The Secretary for Public Works had said that, he did not know what the Leasing Act had to do with the cost of carriage or water supply.

The SECRETARY FOR PUBLIC WORKS: I did not say so.

Mr. PALMER, resuming, said he thought the honorable gentleman did say so. At any rate, water supply on the roads had a great deal to do with carriage. There must be annual

losses in bullocks or horses, without that supply, and these losses must be charged to carriage, so that the state of the water supply upon the roads had a great deal to do with the cost of carriage. He was surprised, therefore, that the Secretary for Public Works went out of his way to trip-up the honorable member for Clermont, who had stated nothing but what was in accordance with fact. With respect to the money expended upon the scrub near Gainsford, he must say that money was never thrown away to worse purpose, but the Engineer of Roads had nothing to do with it, and there was no excuse for it. Every man who travelled along the road at the time, protested against this straight cutting through the scrub, because a good line of road was available without it. He felt that the House would be quite justified in voting the small amount asked for, as well as the sum asked for by the honorable member for the Mitchell. They should not be put off by promises that a scheme for water supply was maturing. While the North was paying customs, rent and assessments, they were left without roads or even police protection. They were entitled to ask for this sum, which might be entrusted to boards authorised to expend it in the localities most wanted. He trusted the House would grant the money to improve these tracks, for there could not be a more legitimate object in existence.

Mr. MILES said the honorable member for Port Curtis made bold assertions, all tending to bring pressure upon the Government. He could assure the Government, that in the district he had the honor to represent—a district largely occupied, and paying a considerable revenue to the Government, there was a distance of seventy miles on a main line of road without any water. He would like the Government to deal with the question of water supply generally, so as to do an act of justice to the whole colony in what was absolutely necessary to be done. With respect to the sum asked for, they were not aware that was sufficient; they had no data to go upon whether it would be too much or too little. In the same way, the honorable member for the Northern Downs wanted £2,000 for Dalby, when £250 would be ample. He objected to the motion very strongly, and had been surprised at the honorable member for Port Curtis picking up the Secretary for Public Works for tripping up a young member. The Government were invited to send an officer to inspect the road; he would recommend them to send Mr. Walter Hill to inspect these rich runs in the North, and to lay out agricultural reserves upon them. He was quite sure, that now the Immigration Bill had passed, it would be absolutely necessary to send that gentleman to do this at once, in order to provide lands for the immigrants to settle upon. He thought the honorable member for Clermont had unwittingly invited this suggestion. For

himself, he did not know the Peak Downs country, but he had seen some photographs of it, and, upon his word, it was beautiful. He trusted then that the Government would not lose sight of this suggestion, so as to become thoroughly acquainted with the capabilities of the country. He thought it would be well to inspect the Fitzroy Downs, or Mount Abundance, for some reserves, more particularly as they were about to lock up the lands for twenty-one years to come, before a gross act of injustice were done to the people of Copperfield. The honorable member for Clermont talks of millions of sheep in the northern districts, and in the same breath about insolvency, and he knew there were many in that deplorable condition. If the honorable member wants relief for them, was the public to be taxed?

AN HONORABLE MEMBER: The squatters are already taxed enough.

Mr. MILES: They would hardly be justified in asking for a large sum, for water supply. If they wanted such relief they ought to be moderate in their demands. He would not be able to vote for the motion, not that it was not fair that something should be done, but it ought to be done on a general principle. A scheme based on such a principle he would support, provided the money were economically expended, and they knew what they were about. He should vote against the motion, if carried to a division, but on the understanding that the Government take up the question in dealing with water supply for the whole colony.

Mr. WALSH said that he did not like these resolutions, for, as far as his experience went, he was not aware of any instance of resolutions of the House being carried out. But in an important measure of water supply, where water was absolutely wanted, honorable members would be wanting in their duty to their constituents, and the localities which they represent, if they failed to press these claims upon the Government. In the present case, they could not wait for a grand scheme, they were already suffering dire distress and losses on account of Government neglect. Were these dying people still to wait for the Government to come forward with this general scheme? Was it fair that they had to wait at all? It ought to be sufficient for them to know that this want was an absolute necessity, to induce them to supply it at once. It was only by resolutions of this kind that honorable members could get their grand comprehensive scheme from the Government. He did believe that the Government were considering some such scheme, but how long would they take to mature it; and what would be the result to a famishing people if they had to wait for the scheme to be matured. It was their duty to supply these immediate wants at once, and having done that, the Government could look after the grand scheme and its maturing. The minor work, desired by

the honorable member for the Clermont, need not be regarded as a separate measure at all; but, if the motion were agreed to, the work might be merged into the great scheme of the Government, and he was not aware that the honorable member for the Clermont wanted it separate from any scheme. They should not be led aside by the promises of Government, though he did believe them, in this case, to be sincere, for they need not be carried out. He might bring forward a case in point—the Minister for Public Works had told him that the dangerous spots on the Maryborough road were being repaired, but he had ascertained that there was not a man at work on the road, and that the honorable gentleman had been deceived about the matter. If honorable members rested quiet with these promises held out by Ministers, they would have nothing done in the outlying districts. If these wants were but 150 miles from Brisbane, the Government would not see the necessity of a general scheme at all, but immediate instructions to supply them would be given, and carried out without any routine or red-tapism whatever. Why then was there this great difficulty with respect to more distant places, and northern localities? It was remarked by the Secretary for Public Works, that he did not know a road visited so often by the Engineer of Roads, as that between Clermont and the places referred to. He had discovered the reason for that: it was because the engineer charged his travelling expenses about Clermont, to the Maryborough road. He had complained to the Minister of their unexpended money for that road, and the reply he got was, "you don't know the difficulties I have to deal with in these matters; the Engineer of Roads charges against this, for the amount he spends upon the Clermont road." He presumed that until this resident engineer has regorged this money for the Maryborough line, nothing whatever would be done for the Maryborough road. He certainly thought he knew the reason why.

The SECRETARY FOR PUBLIC WORKS: The honorable member must be mistaken, but it may possibly be so.

Mr. WALSH, resuming, said he did not mean to say anything, but that the Colonial Treasurer told him so. That, perhaps, was the reason why he was wrong. Certainly the Colonial Treasurer told him that the Engineer of Roads in Northern districts had charged his travelling expenses about Clermont, against the votes passed by this House for roads about Maryborough; and this was given as a reason why there was no money for the Maryborough roads. He should be glad if the Secretary for Public Works were able to prove that this was not the fact. He should certainly vote for the motion of the honorable member for Clermont.

Mr. FRANCIS said he could not vote for the motion, or any such motion, because he believed that were one of these motions acceded

to, others for which equal reasons existed for water supply, would have less chance of being acceded to. He had a claim to present to the House which he had never put on the paper, because he had faith in the assurance of the Government, that the whole question should be brought forward and dealt with. Hence he could join honorable members in refusing to go into the question of water supply, until this scheme of the Government should be laid upon the table of the House. He would be prepared to support a motion that a Government which does not keep such a promise, is not worthy of confidence; but he would not vote for these schemes, least he should prejudice the cause of others.

Mr. THORN said he could bring forward numerous cases in his own district where equal necessity for such a motion as the present existed. Even from Dalby there was a stage of forty miles without water. So extraordinary a drought as that which caused the absence of water complained of in the North, might never occur again; it was the most severe which had occurred within recollection. The motion of the honorable member for Clermont was like one which he himself had brought forward when a young member, but he was met with a negative, and had ever since abstained from bringing forward any such motion. He had only done so at all because he supposed he was green. He trusted this question would be gone into generally, and that the honorable member for Clermont would withdraw his motion. They were asked to grant this money for 1869, but they were told, on all sides, that no vote of a similar kind had been listened to, and would not be. There might indeed be an amount placed upon the Estimates for 1870; and he had found out, since he had been in the House, that all that was reasonable in what he asked for, was granted. Indeed, whatever he asked for—of course for works of necessity—he had always got. He should vote against this motion.

Mr. LAMB said he was surprised at the remarks of the Minister of Works, who could not surely have been so long at the head of the Works Department without being aware that the traffic along a line of road depended mainly upon the supply of water, for although bullock teams might be prevented from travelling by the scarcity of grass; yet horse teams could always manage to travel where water was to be obtained, because they carried their corn and forage. Water was the great desideratum. He could not give the honorable member credit for so much ignorance on that point, nor when he said it would cost £500 to cut through the scrub to make a dam. The whole scrub had been cut, and cut in the very worst place possible. That work used to be under the supervision of the Minister for Works, and it was generally stated that that road was cut through forty miles of scrub through the influence of a gentleman who

used to boast that he could talk for three hours on any subject, from a Land Bill to a candlestick, and he was determined that a road should be carried there, and it certainly went through the scrub within a very few miles of his station. That might, or might not be the case; but that was one of the reasons given for this line of road, otherwise there might have been a much better route with an ample supply of water along its whole length. It was only after crossing the Mackenzie River that the dams were asked for. No doubt there were long distances without water, in one instance he believed there was not a drop of water for thirty miles, and the publican at the Junction had to go seven miles off the road to obtain a supply for his customers. He had been along that line himself, and had his horse driven away from the tanks, and had to pay for the drink that was given to him: he could, therefore, vouch for the fact, that there was not sufficient water for the teams—in fact, they could not draw it in sufficient quantity. The Government proposed that nothing should be done until they had brought in their grand scheme of water supply; but, in the meantime, people living on that line of road were suffering a good deal of hardship, and had to pay a very heavy price for carriage. The honorable member for Maranoa objected to the motion, on the ground that if this money were voted, a similar sum ought to be voted for the line of road to Roma, but he contended that the cases were not at all analogous. Before the railway was made, Roma might have been considered 400 miles distant, but he contended that the railway made it 120 miles nearer, and the interest upon the money expended in that work was somewhere about £150,000, which they were paying for the benefit of Roma and Charleville. The honorable member for Maryborough had, therefore, no grounds for saying that the northern people were avaricious or greedy for these votes. Taking into consideration the amount of traffic on the line of road for which this sum was asked, he thought the honorable member for Clermont had made out a very good case, and he should support the motion, as he would any similar motion for the northern districts. He maintained they had a right to this vote, and the Government had no right to expect them to wait until their scheme was completed.

The ATTORNEY-GENERAL said there was no intention, on the part of the Government, to delay the consideration of these matters until some good scheme was prepared. He intended to have stated that some rough-and-ready scheme would be ready to meet these more urgent cases; and his honorable colleague had proposed to place a sum on the Estimates for the purpose of supplying water along the main lines of thoroughfare. He thought it would be wise if honorable members would wait until the Estimates were before the House; the necessity could not be so imme-

diate that such a short delay would be of consequence. The drought had broken up, and the Government had given honorable members every assurance that everything would be done to push the matter on as speedily as possible. But, if he might judge from the speeches of honorable members, in which everyone brought forward his own wants, the urgency with which they pressed for these votes was almost enough to create a suspicion that they required dams or reservoirs for some particular stations. He was not disposed to blame honorable members, in a question of so much importance as the supply of water, for urging these claims, especially where they felt necessities of the case; but he thought they would be better discussed when the Estimates were brought on, and it was seen in what localities the expenditure could best be made. The question before the House ought not to be considered a local matter; the whole road should be taken into consideration, from the last point of water carriage up to Clermont, and it might very well be included in the general provision which the Government proposed to make for supplying water along the main thoroughfares of the colony. He must also point out to the honorable member for Clermont that it would be difficult to deal with his resolution in its present form. For instance, it stated that the sum voted this year for the road in question "is totally inadequate." That would depend in a great measure upon the reports of the engineers; at present there was no proof to show that it was inadequate, and unless the Government were furnished with some figures to bear out the assertion, they would not be in a position to deal with the resolution. Until the question of finance had been brought up and considered, all these motions were, in his opinion, premature, and he thought it was undesirable that the House should deal with them until the Colonial Treasurer had made his financial statement. He quite recognised the necessity of supplying water where it was needed, and the Government were anxious to assist the outlying districts, in this respect, as far as they could, as would be seen by the plan which the Minister for Works proposed to place before the House, but they could not do so until the Colonial Treasurer had shewn what provision he could make for that purpose. For this reason, he hoped the motion would not be carried; but, in the meantime, the Government would be glad to receive information from honorable members as to the precise localities to which that provision should be applied. He should be glad to see dams and reservoirs constructed throughout the country generally, for he believed that nothing would tend more to the settlement of the country than works of this kind.

Mr. HALY said he should support the motion, because he thought a good case had been made out in favor of it, and because

persons only 120, or in some cases, 170 miles, had to pay a very high price for their carriage, and, in the present state of the squatting interest, this pressed very heavily upon them. He thought these sort of works were an advantage to the country. The Government objected to them on the ground that they could not stand the expense; but he believed if they were left to themselves there would be very little done towards keeping the roads in repair. Considering the heavy interest which the northern districts were called upon to pay for the construction of railways, from which they derived no benefit whatever, he thought the sum asked for, a very moderate one. What advantage did Clermont, or Mitchell, for instance, derive from the railway expenditure? Yet they had to pay their full share of the interest. He thought if they did not support this motion and impress upon the Government the necessity of spending more money in dams and reservoirs they would not be doing their duty. One member of the Government had stated that there was a well on this line of road; but he had omitted to tell the House that there was no water in it. If the House did not assent to this motion, he thought honorable members from the North would have just cause to complain of the way in which they were treated by southern members.

Mr. FORBES said that, while he agreed with the principle laid down in the resolution before the House, he could not support in the shape in which it was brought forward. He was aware that it was a rule in all pastoral countries to conserve water on the main lines of road. That rule had been carried out in New South Wales, and he had lately seen a report from the engineer who had been sent to inspect the dams and reservoirs. But the system pursued in that colony was different to the system adopted here. There, the Government gave an assurance to members that they would send up a surveyor to report upon the places referred to, and the sums asked for formed a subject for discussion in Committee of Supply, while the report of the surveyor gave the House the required information. He knew, for a fact, that, during the late dry season, in one pastoral district, there had been a distance of ninety miles between stations, without water. Now, in cases of this sort, if the Government would give some assurance that they would send up a surveyor to inspect the locality and report upon the most suitable place for a dam, the House might, he thought, affirm the general proposition, as to the desirability of constructing dams and reservoirs. There could be no doubt that, in establishing communication with the far interior, the supply of water was an important consideration—in order that travellers might be sure of reaching certain encampments at night, and the construction of dams or reservoirs at certain distances along unwatered lines of road would facilitate traffic, and, he felt satisfied, accelerate the settlement of the country,

—especially the far western interior; which must, under the present circumstances, be, in a great measure, vacated. He should like, therefore, to receive such an assurance from the Government that they would adopt some such system as he had pointed out; because, at present, honorable members, in the absence of fuller information with reference to the localities, and the cost of the works for which sums of money were asked, were unable to arrive at any satisfactory conclusion. For this reason, he did not feel called upon to vote for the resolution before the House.

Mr. ARCHER said, he thought the principle upon which this request was based, was a just one. The honorable member for Clermont had shown very clearly that, under the present system, persons residing in the northern districts had to pay enormous sums for carriage, while residents in the southern districts were enjoying the advantage of cheap communication in consequence of the expenditure of the public money in that part of the colony. He thought the honorable member for the Mitchell was right in saying that the terminus of a railway might be almost looked on as a port, and his argument was borne out by the low rate charged for the transmission of goods. The price of carriage from Brisbane to Dalby, he believed, was not over £3 per ton, while it would cost for a similar distance in the North some £15 or £20. But if honorable members would look at the interest on the money expended to open up communication in the South, as a sum for keeping the roads of the colony in repair, they would find that they were paying £150,000 a year for a small piece of road from Ipswich to Dalby, and thence to Warwick. He was now taking it for granted that the railway was paying its working expenses: he did not think it was paying more. Therefore he thought in order to equalise this expenditure, the sum now asked for, and a great many other sums, ought to be voted for the North. He contended that until some general scheme of local government was adopted, it was the duty of every northern member to come down to the House and grumble and get every penny he could. He was surprised that the Government did not at once agree to this motion, and that they did not accept the suggestion of the honorable member for West Moreton, to send up a surveyor to inspect the place and report upon the necessity for this work.

The SECRETARY FOR PUBLIC WORKS said his honorable colleague, the Premier, had informed the House that when the report of the engineer had been obtained as to the necessary works in the northern districts, the Government would be perfectly prepared to make the necessary provision; and he had pointed out to the honorable member for Clermont that the sum he was asking for would most likely be on the Estimates.

Mr. ARCHER: He had certainly not under-

stood the Premier to say so. Of course, that altered the case, and if he thought the work would be carried out by the beginning of the year, he should not be dissatisfied; and if that was likely to be the case, he did not see why his honorable friend the member for Clermont, need press his motion. That would be quite sufficient for his purpose, and if he (Mr. Archer) had heard that pledge, he should have been satisfied. But he thought the Government, if they desired to do justice to all, should bring in some general scheme, which would secure to northern members a fair share of the public money.

Mr. FRASER said that if the honorable member for Clermont pressed this motion to a division, he should be obliged to vote against it; not because he objected to the expenditure of the money for the purpose for which it was asked, but because he objected, on principle, to such a piecemeal system of legislation. It was a very expensive system to adopt, and as he had no reason to doubt the intention of the Government to place upon the Estimates a considerable sum to meet the wants of the various lines of road, which went through unwatered country, he would recommend the honorable member to withdraw the motion.

Mr. MILES said, though he fully agreed with the object of the motion, he would recommend the honorable member for Clermont to withdraw it, and allow the Government to place the sum on the Estimates.

Mr. DE SATGE, in reply, said he objected to the practice of withdrawing resolutions. This motion had been on the paper for three weeks, and the Minister for Works had assured him that he would obtain information on the subject. If the money were voted for 1870 it would be of no use; it would then be too late in the season to make the road good. He had been taxed with not having brought forward sufficient data to warrant the expenditure of the sum he asked for. He could only say that if the Government sent up surveyors to inspect the locality, he was prepared to show them the proper place for a dam, because he had a personal knowledge of the road. It had been stated by honorable members that the road was so destitute of water that bullock teams could not travel along it, and that their horses had not water to drink; and, he thought, he had been quite justified in coming down to the House and asking for a moderate sum for a water supply. He was quite sure that no honorable member who travelled upon that road would hesitate to admit the propriety of the request. No one could be in a better position than he was, to furnish data, or was in possession of more information on the subject than he was. He might inform the Premier that the yearly sum voted in the Estimates of 1869, vaguely set down as "Roads around Clermont," was only £300; and honorable members could not be so ignorant of the

bush as to suppose that was a sufficient sum to keep any main lines of road in repair, and to put bridges and culverts over them. The only other sum on the Estimates was £300 for the road from Broad Sound to Clermont, where there were some deep pinches; so that virtually £600 was the amount voted for the whole of these roads, which was a totally inadequate sum. He was ready to furnish the Minister for Works with any information he required; but he should not withdraw the motion unless he were assured that the sum mentioned in it would be placed on the Supplementary Estimates, and that some steps would be taken in the meantime. The honorable Minister for Works had informed the House that an engineer had been sent up to the northern districts to report upon the necessary works, and he had also stated that there was a well in the line of road between Rockhampton and Clermont. There was a well there which was put down at his expense, at a cost of £300, and had been given up to the public as long as there was water in it. It was now paled in. The only work done by the Government, on that road, was the construction of a small dam which could not have cost £10, and did not hold a supply of water for three weeks. He had been told by the honorable member for Maranoa that he had been let down very easily by the Minister for Works. He did not know what was meant by the words "let down;" but he considered it a vulgar term which ought not to be applied to gentlemen who came down to the House to urge a just claim upon the Government of the country. He was not quite sure what the road to Gympie had cost; he had been told it was £1,200. He would also ask those honorable members who had expressed their intention of opposing this resolution, to recollect the enormous sum of money expended on the road between Toowoomba and Ipswich—over £100,000, he believed—and compare it with the very moderate sum he now asked for a legitimate and necessary purpose.

The question was put, and the House divided:—

Ayes, 7.  
Mr. Walsh  
" De Satge  
" Archer  
" Palmer  
" Lamb  
" Haly  
" Royds.

Noes, 15.  
Mr. Macalister  
" Murphy  
" Edmondstone  
" Francis  
" Stephens  
" Thorn  
Dr. O'Doherty  
Mr. Forbes  
" Fraser  
" S. Hodgson  
" Thompson  
" Miles  
" Lilley  
" A. Hodgson  
" Taylor.

#### STATION WAGES AND DEBTS BILL.

Mr. MILES moved the second reading of a Bill to facilitate the recovery of wages and debts in respect of encumbered pastoral property. He said it would not be necessary



for him to take up the time of the House with any lengthened remarks in connection with the question. It was, he believed, one of those questions that bore upon their face the impress of simple justice, and he thought there would be no opposition to the Bill. He might state that, in cases of insolvency, servants had a preferent claim for wages; and this measure was meant to apply the same rule on behalf of the persons employed on station properties which were under mortgage. It was unnecessary for him to remind honorable members that when any of those properties was mortgaged the mortgagee could step in, foreclose his mortgage, and refuse to pay any wages whatever. He thought the House would agree that that was a state of things which ought not to exist, and that, if it was possible to remedy it, they ought to do so. The second clause of the Bill enacted, that wages might be recovered against the mortgagee, in case of failure to recover from the mortgagor; that was, it would simply entitle the servant, in the case of the mortgagee going into possession of the property, to claim six months' wages, if in arrears. That was not, he thought, asking too much; and the House should allow the Bill to become law, for the benefit of a very deserving class, engaged in a very laborious occupation. They were employed every day whether foul or fair, Saturday and Sunday, every day alike; and it was a very hard case, indeed, for them, after serving an employer thus for months, perhaps years, when the mortgagee stepped in, to be deprived of their wages. All that was asked by the Bill was security for six months' wages. The mortgagee, on taking possession, would be able—he would be compelled—to pay those servants on the station to whom wages were due. Such a measure would not be beneficial to the servants only, but to the mortgagee and the mortgagor as well; because, every one who lent money on station property could very easily bind the mortgagor to furnish monthly statements of the operations upon the station, the number of persons employed, the rates of wages, and other particulars, so that, in the event of the mortgagee taking possession, there could be no collusion between the mortgagor and his servants. Such an arrangement would compel the mortgagee to look a little better after property he had advanced money upon—to see that the party who was his debtor did not go into any excesses; he would be posted up in all operations, and, perhaps, in the long run, the effect would be generally beneficial. At present, the mortgagor was in a very awkward position; he was liable to get three months, in gaol, for not paying a man his wages. He (Mr. Miles) thought the Masters and Servants Acts a very stringent one. If the servant committed a breach of agreement, he got three months. But, upon the employer it was very hard. A mortgagor might have been struggling for years under very adverse

circumstances, and, from no fault of his own—from a drought, say—he might be placed in a very awkward position. The Bill would, in a large measure, be a protection for all parties concerned—at least, that was the view he took of it. The eight clause made provision for the recovery of debts incurred for supplies to stations. Perhaps honorable members might have some objection to that clause; but still he thought it was one that would be beneficial, and that it was only fair to those who furnished stores to stations that they should be paid. He alluded particularly to the case of outside stations, which, for droughts, or other causes, ran short of provisions, which they had to get from the nearest storekeeper, to enable them to carry on; and, unless they were supplied with those necessary stores, the proprietors or holders of those stations would commit a breach of agreement with their men. Therefore, he thought those parties who thus supplied the stations should be protected. He had endeavored to make some provision for them; but he left it for honorable members to express their opinions upon, and he should not be at all averse to accepting any assistance in making the clause acceptable to the House—

“When any mortgagee shall under his mortgage have taken possession of any stock so far as concerns all goods *bonâ fide* supplied to the mortgagor for the use of the station on which such stock was depastured by any person other than the mortgagee the mortgagor shall without prejudice to the statement of account between the mortgagee and himself and without prejudice to any proceedings then already commenced against the mortgagor but concurrently with such proceedings be deemed to have acted as the duly authorised agent of the mortgagee and such mortgagee shall be liable to be sued for the value of such goods accordingly or upon any negotiable instrument or security given in respect of any such goods and remaining unsatisfied and shall further be liable for the costs charges and expenses of or occasioned by any proceedings then already commenced against the mortgagor in respect of the same goods or security.”

The next provision limited the liability—

“Provided always that the liability imposed by the clause last preceding shall only extend to such goods as were *bonâ fide* ordered and delivered or *in transitu* within not more than six calendar months previously to the mortgagee having taken possession as aforesaid.”

The tenth clause was as followed:—

“Such liability for goods as aforesaid shall not arise in favor of any person to whom previously to the supply of such goods the mortgagee shall have given notice in writing disclaiming any such liability.”

He might state that he should be very willing to accept amendments or improvements on the Bill; but he should like to carry it as near as possible as it stood. He was quite prepared to accept any reasonable proposition from honorable members. All his desire was,

to see that the working men had protection. He thought the House, generally, would not be disinclined to allow the Bill to be read a second time. He hoped that he had not, in this particular instance, said anything to jar on the ears of the honorable member for Clermont; as he should be exceedingly sorry to make any remarks that would jeopardise the Bill.

The ATTORNEY-GENERAL said that, on this subject, some time ago, an abstract resolution was introduced by an honorable member, the terms of which he had really forgotten. It was rather a novelty, as was the present Bill, which might be somewhat hard to deal with, and might be made the means of a considerable amount of fraud. He was not sufficiently master of it to be able to give an opinion upon all its merits; but he could not consent to its becoming law as it stood; because, it seemed to him that there were two clauses which embodied principles utterly vicious in legislation. The first was, that the Bill was not confined in its terms to future contracts: it would extend to existing contracts and existing mortgages, and he was afraid that he could not himself vote for that. Of course, the Government offered no opposition to the Bill; his was individual opposition. He thought if the House did not except existing mortgages, they would, by their legislation, come in and make new bargains between parties to existing contracts, and that was foreign to all principles of legislation in a British community. If it were made prospective, to secure the payment of a few months wages upon stations, he did not see why the measure might not be general, and apply to farms, too, and, even to town property;—if it were to be made general in its application, he did not see why a fair principle of legislation should not be applied to employer and employed. There was a somewhat similar principle applied to the articles made between masters of ships and seamen, but that contract was surrounded by many safeguards with which transactions under the Bill could not be surrounded. Between masters and seamen there was one contract, for the voyage; the seamen had a prior claim for wages over all other contracts or claims against the vessel. There was a very strong reason for that—the preservation of the ship and of the lives of the crew and passengers, and of the cargo; and the men were stimulated in the discharge of their duty by the certainty that, when they got on shore, they would have their wages paid. He (the Attorney-General) was not offering any objection to the second reading of the Bill; but he wished to show that it was necessary that the House should so modify it, as to make it consistent with the best course of legislation known to them. There was one other principle of the Bill which was not sound, contained in the eighth clause; and it would be an exceedingly dangerous one in legislation. If it were passed, he did not see how a man

advancing money on station property could possibly be sure that he would get the value of his security. Those transactions would be very easy:—Say, he had a station on which he borrowed £10,000. The mortgagee was, then, by the eighth section of the Bill, rendered liable for all contracts that he, as mortgagor, might make upon the station; so that the mortgagor might easily, by collusion, make sham contracts; and the mortgagee would find he had no satisfaction for lending his money. He (the Attorney-General) did not see how the mortgagee could be expected to watch the transactions of the mortgagor. The first principle of success in the use of borrowed money was that the lender did not tie the borrower down, but that the man who obtained the loan used the money as his own. Under the Bill, the mortgagee would be bound down to taking actual possession of the property, and the money advanced on it, instead of being a help to the mortgagor, would be a hindrance to the man; and borrowing would be at an end. The tenth clause was very peculiar, if not valueless. How could the mortgagee tell with whom the mortgagor was dealing unless it was told to all the world? That and the eighth section could not work; and he (the Attorney-General) durst say, when the honorable member for Maranoa came to look into the matter, he would not be disposed to press them. It was possible that the House, in considering the measure, might work out some principle that would give relief to the working men on encumbered stations, so that they should not, upon the mortgagee coming into possession, lose their wages for several months of hard labor—which wages, now, went to benefit the mortgagee. Shepherds, for instance, were sometimes in the position to preserve the property, and they might have a prior claim for wages, like the crew of a ship, so that all their hard labor should not be thrown away. The House might make a fair Bill out of the elements before them; and he should be glad, as far as his time allowed, to help the honorable member.

Mr. THOMPSON said he entirely dissented from the Bill and the principle of it. He did not see that it could be made a Bill which the House could accept. This was not the first time such a measure was introduced to a colonial legislature;—a similar one was brought forward in the Legislative Council of New South Wales during the crisis of 1843, when the same difficulty occurred as now arose—that was, when the stations were taken possession of by the mortgagees, the men lost their wages. If the House adopted the Bill, they would adopt the principle of making three parties liable to a contract; whereas, the present law made only the contractor and the contractee—if he might use the word—liable. The Bill proposed to make the contractor, the party contracted with, and the mortgagee, liable. That was vicious in principle, as giving a man a

choice of remedies; and it should not exist. If he entered into a contract with a person, that was no reason at all why another man to whom he owed money should be made liable, and pay under that contract. It was quite enough that the mortgagee had a liability under his own contract, without being liable for all the extravagance of the mortgagor. As a matter of experience, honorable members knew that, in the failure of stations lately, it had turned out, at the winding-up, that all sorts of claims were hurried in against the estate, for which it was sought to make the mortgagee liable; and, no doubt, the Bill arose out of the circumstances attendant upon those cases. It was even attempted, in the Supreme Court, to make a man liable on a promissory note that he had not drawn. If the Bill were passed, it would have a detrimental effect, as the mortgagees would not allow their accounts to run in the hands of the mortgagors. He had been informed by capitalists and the banks, who had interested themselves in the matter, and who lent money on station property, that they would take very good care, in the event of the Bill becoming law, to keep in hand six months wages for all the servants who might be employed by the mortgagors. That would be very detrimental to all parties: the borrowers would have to pay interest on money they had not the spending of, and it would not be advantageous to the servants. There was another difficulty in the matter, which was this:—It was proposed by the second clause of the Bill to bring mortgagees under the provisions of the Masters and Servants Act. That was impossible, for many reasons. In the first place, it was to be found out, who the mortgagee was;—in many cases, it was a point of extreme nicety. The magistrates had, ere this, played “fantastic tricks,” without having to inquire into the rights of property; and, if they were entrusted with such a power, great inconvenience and difficulty would be sure to ensue, if, as sometimes happened, there were three or four mortgagees of a station. People’s ideas differed very much as to what was a mortgage; and if it were allowed that warrants from courts of petty sessions should be executed upon sheep and stations, on the supposition that they were mortgaged, there was no knowing where the difficulty would end. Sheep might be running on terms. He (Mr. Thompson) differed entirely from statements that were made in the House from time to time, that police magistrates were not wanted; for he regarded the want of them as extreme. There would be continual complaints in the papers of the “fantastic tricks” of the “great unpaid,” if such a power as the Bill proposed should be conferred on them by law. He had some experience; and he said, if the system of unpaid magistrates was to obtain, they must be very superior men to the majority now on the commission of the peace. The most

various decisions were given by the respective benches. There were hardly two unpaid magistrates who gave the same opinion upon any point. They had never been trained to take a technical or scientific view of any given condition of things. “Equity and good conscience,” according to which they were supposed to arrive at their decisions, was a very common phrase with some of them; but it did not guide them to justice. Out on Warrego, Clermont, Springsure, and those places, were the House going to give the unpaid magistrates the power of adjudicating upon what was a mortgage and what not? It had been actually tried on, already, by one bench; and a warrant had been issued—the maxim being, that as wages claimed against a certain station had been earned in tending certain sheep, the warrant should be executed against the sheep. Another very objectionable feature of the Bill, was the sixth section, which provided that upon a man going to court, and having his case adjourned, by reason of defective judicial arrangements, his master was to be at the expense of all the adjournments. Months of delay might be entailed, and yet all costs were to go against the master. He (Mr. Thompson) was very glad to see the honorable the Attorney-General put his veto on the eighth clause, which would enact an unjustifiable provision. The rest of the Bill was to protect persons, who, sometimes, perhaps, wanted protection; but, certainly, the protection of storekeepers was monstrous—they were well able to protect themselves, without the eighth clause. The history of winding-up stations was this:—When the mortgagor was about to be wound-up, all his neighbors in the district were found to have sold him something—it might be an old bullock, in one case, something else in another—and sometimes it was a Chinaman who claimed—every effort was made to get the money from the mortgagee. Occasionally, the claimants succeeded, and money was actually recovered where it was pretty patent there had been some jugglery, but what, could not be found out. He (Mr. Thompson) thought the Attorney-General would re-consider his opinion, and determine that such a vicious principle should not be introduced into the legislation of the colony, as to make the mortgagee liable for the debts of the mortgagor. As to the principle being applied to all other property, a more vicious thing could not be conceived. Yet, if the Attorney-General could work it out, and show him that it was proper that this remote colony should take a step so far beyond the legislation of the mother-country and of America, he (Mr. Thompson) was willing to be convinced. But he saw no reason in it; and the Attorney-General could only find a justification of it in the case of seamen. If it were otherwise extensible, the great lawyers of the world would have discovered it before, and not left it to an outside dependency to discover and

apply it. He had been told by several capitalists that it would be ruinous to their transactions, and he should oppose the Bill.

The SECRETARY FOR PUBLIC LANDS said he was very much obliged to the honorable member for Maranoo for having brought forward the Bill. No doubt the transactions of the last speaker, who so thoroughly discussed it, lay very much with capitalists. His (the Secretary for Lands) own, lay with the poor man. He had seen men treated shamefully in being deprived of their hard-earned wages, and it was quite time they were protected. He had known cases in which men had been deprived of two or three years' wages from the mortgagee coming in. Of course, the Bill did not protect the working men for two or three years, but for a short time. He did not see why the storekeepers or merchants should not be protected to a limited extent, in the way the Bill proposed. However, he trusted that the Bill would be read a second time, and, if it were found in committee that it contained clauses which were not right, let them be struck out; for he was quite sure that the Bill could be made a good one. Where was the other place in the world where men were kept out of their wages for twelve months? Yet, it was the custom of this country; and he did not see that, in the face of that custom, the working men were to be robbed out of their hard-earned wages. He should support the Bill with great pleasure.

Mr. WALSH said he had listened with very great satisfaction to the speech of the honorable member for Ipswich, Mr. Thompson. The House had too long needed the advice and explanations of a third lawyer; and, after what he had heard from that honorable member, he thought they would be justified—at any rate, those members who had not legal education—in paying great attention to him. He had felt the very great inconvenience of discussing legal questions, of which they heard one side only; other honorable members must have been similarly circumstanced; and, he thought the Minister for Lands might have been a little milder than he was upon the arguments of the gentleman who preceded him in the debate. He was disposed to let the Bill go into committee, because it was the fashion to do so now, and especially as it had not been introduced by the Government, who, in respect to their measures, were a Government of expediency. With the principle of the Bill, he did not say, at this time, he agreed or not. He feared that it contained something antagonistic—something at variance with British law. He could bear testimony to the fact that servants on stations were shamefully treated, by being kept in the dark by their employers of the fate hanging over them as mortgagors. But, he thought there should be some other law than the proposed measure of falling back upon the mortgagee, who had to deal with the unprincipled mortgagor, who so badly

treated his servants by allowing their wages to run into arrear, under the impression that their employer was a stable man. When a mortgagee took possession, the mortgagor was, in that case, criminally liable for the injuries and distress that were thus brought upon his servants, and, as the employer, he should be held responsible. He (Mr. Walsh) had received a letter, informing him of a case that had just occurred, in which the mortgagee had taken possession of the station, and the *employés* could get nothing out of the mortgagor. The mortgagee had done nothing wrong; but it was due to the reckless mortgagor—the employer of the servants—who had kept them in the dark about his circumstances, that the servants suffered loss. It might happen, if the House passed the Bill, that it would so frighten mortgagees that they would not lend money to persons to whom it would do good. It would be impossible for the mortgagees in the southern colonies to know how much wages were in arrear, and he (Mr. Walsh) could not see how they could be kept morally responsible. It was known, well, that many servants went to stations where there was a difficulty about obtaining money, because the wages were higher than on those stations where there was no known difficulty. It was a kind of risk men ran, because they might derive advantage from it. That would be understood by the honorable member for Maranoo, that men ran the risk of going out to stations to get a pound or thirty shillings a week, in preference to the certainty of getting fifteen shillings a week. That must be taken into consideration in dealing with the subject before the House. The faults were not all on one side. He (Mr. Walsh) hoped the House would not rush into extremes in connection with the Bill, when they were told by the honorable member for Ipswich, Mr. Thompson, that it was at variance with the laws of the colony—which, he supposed, were taken from the model of the mother-country, which had stood the test of centuries.

Mr. FORBES said that having had some experience on the subject of the Bill, he should state it for the benefit of the House. The object of the Bill was to make the mortgagee pay upon all the transactions of the station for the six months previous to his entering into possession. In an instance with which he was acquainted, within three weeks of the mortgagee coming into possession, claims were brought in upon various matters extending over two or three years, and all set forth as comprised within the shorter space. At all events, means were resorted to, to make contracts that had been actual and *bonâ fide* two years previously come within the month. Under such circumstances, could it be conceived to be the fault of the mortgagee that claims were unsatisfied? It was rather the fault of the mortgagor in not informing the mortgagee what his position was, and it was his fault not to let the men on the station

know, and all those with whom he had transactions. The mortgagor should let those with whom he did business know his real position, and that he could not tell the day the mortgagee would foreclose; if that were the case, it would tend to do away with those complaints which were so rife at the present time. If that were done, persons would know the risk they ran. It was the mortgagor who committed injustice upon his *employés* and other persons with whom he did business. If the time over which the liability of the mortgagee extended was made six months, claims upon him would rise up, on his taking possession, that he (Mr. Forbes) would venture to say, would equal the value of the mortgage. With respect to police magistrates, he had a letter from a police magistrate in which it was stated that if a case were brought before him, he would issue a writ against the property for the recovery of wages or of a claim incurred for supplies, if incurred within six months. He had not thought that any police magistrate could be so ignorant of his duties as to commit himself in that way. But that only showed—and the case was not singular—the difficulty that would be entailed if the police magistrates had the power of determining who was the mortgagee or what were the liabilities to be sued out under the Act. If there was to be a reform, he looked upon it that it would be a benefit to the colony if the whole system of stock mortgages and liens were done away with. That system led people into debt, until they got beyond their depth. It was no use to talk about prudence: everybody was imprudent; persons engaged in squatting pursuits got into the vortex; and it was due to the present depression of the colony. He knew that those who had avoided the evils of the time must attribute it to luck, or because they had not that enterprising spirit which those individuals had who had lost most by the obnoxious system that obtained in the colony of granting money upon mortgage of squatting property. That system had done more harm to the prosperity of Queensland than anything else. The most enterprising men, who had had capital, had lost it; and adventurers had come to the colony and taken their places. If that system would come to an end, nothing would please him (Mr. Forbes) better; and if the honorable member who introduced the Bill would bring forward one for the repeal of the Act which legalised liens on wool and mortgages on live stock, he (Mr. Forbes) should be glad to support it. He could not see why pastoral pursuits should be fostered more than any other pursuit in the colony, or why inducements should be held out that would tend to the destruction of those interests. There were some matters in the Bill which he might further remark upon; but as the honorable member for Ipswich, Mr. Thompson, had placed the legal bearings of the Bill before the House, and as the honorable

the Attorney-General had stated that he would give his assistance in modifying its provisions so as to bring it into accord with the law of the colony, he should say no more than that he would support the second reading.

Mr. ARCHER said he should vote for the second reading of the Bill; but, after what had fallen from the honorable the Attorney-General, he should not do so did he not think that honorable gentlemen would take the trouble, when the Bill was in committee, to assist in modifying it. A Bill of this nature must be a general one, not a class measure. He did not think the House should legislate for a class. He spoke to the honorable member in charge of the Bill, on the previous day, and told him that there were several clauses which, to his illegal mind, required modification, especially the eighth. He should be most happy to do anything that would give wages for six months to the working men on stations. By doing all the Bill asked for, the House would be lowering the value of property, which was sufficiently depreciated already. The honorable member for Ipswich, Mr. Thompson, had come out a little too strong, he thought; but, nevertheless, he should take care that the Bill did not pass, except the House had a legal opinion upon each clause.

Mr. HALY said if the honorable member for Ipswich, Mr. Thompson, divided the House, he would support him. His greatest objection to the Bill was that it was class legislation. Why should it not be applied to the farmers as well as the squatters, and why not to all other persons? Other persons mortgaged their property besides squatters; other persons did not pay their men. He had known men come from Oxley Creek, who had shown him bits of paper which had no value at all, and which they had received from their employers, who were farmers, and who had mortgaged their crops. He thought it was very dangerous to interfere with property at all. If the colony was in a prosperous condition, the Legislature might make some reform; but when the colony was as it was at present, there was danger. Not only the squatters, but the farmers—everybody—complained now that they could not make ends meet. The wool market was depressed, and most of those persons in the colony who were engaged in squatting pursuits were insolvent. If the Government brought in the Bill, it would have his support; but he could not accept such a measure from a private member. For himself, he knew nothing about it at all; but he had heard the legal opinions upon it, and that was enough. If the honorable member for Maranoa had brought in a Bill to make the mortgagor responsible for his actions, and, if he could not pay, punish him by imprisonment, he (Mr. Haly) certainly would support; but he could not support him in making the mortgagee responsible for the actions of the mortgagor.