

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 20 JULY 1869

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LEGISLATIVE ASSEMBLY.

Tuesday, 20 July, 1869.

Water Supply Bill.—Sheriffs Sales Bill.—Town and Sub-urban Lands.

WATER SUPPLY BILL.

The SECRETARY FOR PUBLIC WORKS moved the second reading of a Bill “to authorize works for supplying water to certain districts and places in Queensland.” He said the introduction of this Bill had arisen from the absolute necessity which existed of submitting to the House some scheme of a general character, for supplying water to the various towns and districts of the colony. Numerous applications for water supply had been made to the Legislature, some of which he had very reluctantly been obliged to oppose, because it appeared to him that, until some such scheme had been submitted to the House, and deliberated upon, it would not be right to devote any portion of the general revenue to the supply of water to certain places only, when the Government were contemplating a general measure of relief. The necessity of such a measure must be apparent to every honorable member. A supply of water was indispensable to health; it was also necessary for the safety of property, as well as for its security, for honorable members were, doubtless, aware that, in certain towns, where the supply was deficient, there was a difficulty in getting property insured. The introduction of a Bill of that sort was, therefore, urgently required; and although as had been stated by the honorable member at the head of the Government, a few nights ago, the Bill before the House was only a rough scheme, he

believed it would be found sufficient to meet all requirements, and would enable every district in the colony to obtain a supply of water on the most reasonable terms. The principles of the measure would be found in the second, third, and fourth clauses, and to those clauses he would confine himself in discussing it, because the remainder of the Bill was merely a question of detail. Clause two gave power to the Government to appoint a board not exceeding five persons in number, and to be called the Board of Waterworks. He thought it might be as well that the board should be incorporated, but that was a point which might be considered in committee. The next clause authorized that board to—

“Construct complete and extend such works for supplying water to all or any of the districts and places mentioned in the schedule hereto or to any part thereof or to such other districts or places as may from time to time by order of the Governor in Council be published in the *Government Gazette* be directed to be constructed completed or extended.”

And here he would call the attention of honorable members to the omission of two words by the printer, the addition of which would make the remainder of the clause read thus—

“No such works or order shall be made until proof be given to the satisfaction of the Governor in Council that a sum of not less than six pounds per centum on the total estimated cost of the construction of such works can be annually raised by means of water charges and rates to be charged and levied respectively as hereinafter mentioned upon the persons using the water and upon the residents of the district or place for the benefit of which such works are to be constructed.”

As he had just stated, a supply of water was a necessity of life, and the public were entitled to have it afforded to them precisely in the same way as they would be entitled to a supply of food and clothing. However desirable it might be to afford this supply gratuitously, yet it would be found that in every country in the world where water had been introduced by artificial means, the practice had been to charge those who benefited by it. That was the practice in England, in every town and district, as well as on the Continent; it was also the practice in India, and it was the practice in the other colonies. So that, in assenting to the principle of this Bill, the House would only be following the example set by other countries. The amount which the Government proposed to charge, or at any rate the amount which the parties interested would have to show the Governor in Council they could raise annually, would be simply an amount sufficient to cover the interest upon the cost of constructing the necessary works, and he thought the House would agree with him that that was not too much to ask. He knew that in some of the other colonies, parties, for whose benefit such works were constructed, were obliged to

guarantee a sum equal to eight per cent., while here the Government only required six per cent. The fourth clause showed how the cost of these works was to be defrayed. Whether the money had to be borrowed or was taken from the revenue of the colony it would be equally necessary in every case that the Government should come to the House and obtain a vote for the purpose. It had been said, he believed, that this measure was likely to place considerable power and influence in the hands of the Government. There could not be a greater mistake; the duties of the Government would be to see that the parties interested kept up the amount guaranteed, and that the work undertaken was such as was required by the necessities of the case, and then to place a sum of money on the Estimates to carry it out. That was the position which the Government and the Executive would occupy in connection with this measure, and he could not therefore see that they would be able to exercise any particular influence. No doubt it might be urged that the Government ought not to become a collector of water rates, and if works of this nature were constructed gratuitously for the benefit of the different districts, there would be no necessity for the Government to act in that capacity; but as, in all probability, the money to be provided under this Bill, would have to be borrowed, and replaced at some time or other, the position which the Government would take up could not be avoided. Then, in a subsequent portion of the Bill, he had made a provision that these works, when completed, should be handed over to the municipalities, to be taken care of; but that was also, to some extent, a question of detail. The principles embodied in the Bill were those he had referred to, and he believed he had said all that was necessary to place it in its proper light before the House. That a measure of this kind was not only desirable, but absolutely necessary, in order to place the question of water supply to the various towns and districts in the colony upon a fair and equitable footing, he thought no honorable member would deny. He would not touch upon the other clauses of the Bill, which related chiefly to matters of detail, but would ask honorable members to consider the principles embodied in the Bill, and to allow it to be read a second time.

Mr. WALSH said that, having glanced over the Bill, he was somewhat disappointed at it; for it did not appear to him to be in accordance with the expectations raised by the present or a former Government in reference to the supply of water to the inland towns of the colony; and he feared it would fall upon the ears of the people who were directly interested in it as a knell to their hopes. He could not understand how the Government could expect that a scheme centered in Brisbane, embracing the appointment of a Brisbane board, could work satisfactorily. How such a board could possess

facilities for ascertaining the requirements of such places as Gayndah, for instance, and other inland towns, and how they could carry on the operations which would be necessary in such places, he could not see; nor could he see why a board was wanted at all. Many of the districts were calling out for a supply of water; and they simply wanted the Government to listen to their representations, and to appoint some local man—the police magistrate or the surveyor of the district—to see that the money was spent in accordance with their wishes. But to create a board, and to make that board do what the Government ought to do themselves, was a course of proceeding which he could not understand. It would almost appear that the honorable Secretary for Works had fallen into his old and early vice, and that he wished to have the opportunity of making a number of appointments in connection with this board; for that would be the chief result which would follow from the passing of this Bill. There was already one Board of Waterworks in Brisbane, and he fancied that had not given the greatest satisfaction to the people of this colony; in fact, there was a very general feeling of dissatisfaction at the working of that board. He knew, at any rate, that great objections had been made to it, by those who were in a better position to form an opinion on the subject than he was; and he thought, therefore, it would be much better if the Government took this work into their own hands, for there would then be less of that abandonment of responsibility which the Government of the day seemed so much to desire. Then, again, who were the five gentlemen whom the Government proposed to incorporate into a board;—and what would these gentlemen be likely to know of the duties they would be called upon to perform? What information would they be likely to possess as to the requirements of the up-country districts? It would be better for the Government to bring in a Bill authorising them to advance money in cases where sufficient proof was afforded that a supply of water was absolutely necessary—and a good many necessitous cases had been brought under their notice during the present session;—but the creation of a vast machinery for the purpose of supplying the wants of places nearly a thousand miles off, appeared to him to be an awkward and clumsy scheme. Again, was this board to take cognizance of, or exercise supervision over, the Board of Waterworks now in existence? Probably, the honorable Minister for Works would throw some little light upon these points. There were already some five or six gentlemen deriving certain advantages as members of a Board of Waterworks, and the honorable gentleman now proposed to confer similar advantages on five other persons. The people, in fact, were crying out for a supply of water, and the

Government, instead of giving them water, gave them a board. It would surely be imprudent to have two boards appointed for the same purpose. He felt quite sure the scheme was not a good one, and it seemed to have a very careful regard for vested interests. It appeared to be almost entirely comprised in the third clause, and he thought that, before the House allowed it to go to a second reading, the honorable member in charge of it should inform the House what would be the probable cost of carrying it out. The Government should have made inquiries and afforded some information on the subject, before they asked the House to rush into a new scheme which involved the appointment of five gentlemen, probably five of their steadfast friends, instead of endeavoring to pass the Bill, and afterwards considering what was to be done. He would put another question to the Government—did they intend to pay this board, and did they intend to insert a disabling clause in the Bill to prevent members of Parliament from being recipients of the fees, which was not done in the constitution of the existing board? The Bill appeared to him to be framed for the purpose of creating patronage, and he was quite sure if the honorable Secretary for Works had much of that patronage it would not be for the good of the colony. It was not, in his opinion, what the country required, and he believed it would be found unsatisfactory in its operation.

Mr. BELL said that as he represented a district, which for a long time past had been suffering a heavy grievance from the absence of a sufficient supply of water, he felt satisfied to accept almost any Bill which was at all likely to remedy the evil. He must, however, confess that the Bill before the House did not altogether meet with his approval. He did not think the principle was a correct one, under which the inhabitants of a town or district, requiring a supply of water, were called upon to pay a percentage upon the cost of the works, and the expenditure was placed in the hands of irresponsible men. He could not see why the Government should wish to entrust the expenditure of such large sums of money to other persons, when they alone could be responsible to Parliament and to the country for it. He had before explained the position in which the electorate he represented was placed. The expenditure of a very small sum of money, at the present time, would provide the inhabitants with a sufficient supply of water to meet their requirements; but he could imagine a central board sitting in Brisbane, taking a very opposite view of their wants, to that which would be taken by persons resident in the district, and expending a very much larger sum than was required—adopting, in fact, some expensive and elaborate scheme perhaps altogether a theoretical one, submitted to the board by some engineer, or some theorist, and borrowed from some elder

and wealthier country. And then the payment of six per cent. required from every small district was an objectionable feature in the Bill; and he did not see how the wants of some of the electorates, where the population was scattered, were to be met by this measure; but that point he would leave to those honorable members who represented those districts. He was not disposed to vote against the second reading of the Bill, because, if he had rightly understood the honorable gentleman in charge of it, he was prepared to accept the decision of the majority of members in reference to the principal points in it. In the hope that the honorable the Secretary for Works would take the sense of the House on these points, and not adhere strictly to it in its present form, and that it would receive the careful consideration of honorable members, he should support the motion.

Mr. FRANCIS said he was very glad to see that the Government had taken up this question of water supply, and he should certainly support the second reading of the Bill, though, in doing so, he should not pledge himself to all its details. He believed the honorable member for Maryborough was right in objecting to the appointment of a Board of Waterworks, as proposed in the Bill, and he concurred with that honorable member—that it would be far better for the Government to take the matter into their own hands. As he took it, the House was simply asked to approve of the principle that the Government should expend moneys—obtained, he supposed, by loan—for the supply of water in certain districts, wherever it could be shown to their satisfaction that such districts would provide the interest on the money expended. So far, he agreed with the Bill, for he thought that was the right principle upon which the expenditure upon such gigantic works—works of such importance to the colony, should be based. No works, in fact, could be undertaken which could be more intimately associated with the prosperity of the country than those which provided a sufficient water supply wherever it was needed. So far, he repeated, he approved of the principle of the Bill; and as he had seen so many instances in which the character of a Bill had been entirely changed in committee, he saw no reason why this Bill might not be made into a fairly satisfactory measure. He thought it was the province of the House to offer a reasonable amount of opposition to every Government measure—not to make mountains out of molehills—but simply to express their fears of any possible perversions. He believed, with the honorable member for Maryborough, that the appointment of an irresponsible board might prove a great evil, against which the House should guard itself; but surely such an appointment was not an inseparable condition of the Bill, the leading principle being that every district receiving a supply of water

should raise the interest due on the money expended in providing it. He should offer no opposition to the second reading.

The ATTORNEY-GENERAL said he believed it would be found that the Government were not strictly wedded to the appointment of an irresponsible board, and that they would be willing to entrust the works to some local administrators, under the control of the Secretary for Works. He thought the third section of the Bill removed some of the objections raised by the honorable member for Northern Downs, as to the danger likely to arise in some of these localities from having a larger expenditure than necessary forced upon them. It would be seen that the payments were voluntary, and that the money would not be provided until it had been satisfactorily shown that a sum equal to six per cent. on the cost of the works could be raised. Of course the Minister for Works, representing the Government, would satisfy himself that the district asking for the supply of water was able to afford the cost of the works. He could also point out to honorable members that, although the Bill proposed to deal in this way with electorates and municipalities, who could raise the percentage referred to, it by no means prevented the Government from affording a supply of water to such districts as were too poor to pay for it. There might be plenty of instances in which the House might consider it necessary to give some aid other than that provided by the Bill. The Bill was, however, based upon a general principle that those who wished to have a supply of water must contribute the interest on the cost of constructing the necessary works. No doubt some improvements might be made when it was considered in detail; but he believed the principle it embodied was a sound one, and that the Bill was calculated to afford relief to a grievance which was becoming a very serious one.

Mr. ARCHER said he did not intend to oppose the second reading of the Bill, but he must say he was very much disappointed in it. He must point out that this measure, with one or two other Bills, had been brought forward for a second reading before others which had been for a long time on the paper. The Additional Representation Bill, for instance, had been for a long time on the paper, but before it was brought on, the Brisbane Bridge Bill, which was introduced long afterwards, had been discussed. He really began to suspect that the reason the Government brought forward so many new measures was to be able to get rid of the others altogether. ["No," from the Government benches.] Well, he might be mistaken, but it looked very much like it; the Additional Representation Bill had been put back entirely, and no one could tell when it was coming on; perhaps not until the session was broken up, and there would be no chance of carrying it. With regard to the Bill before the House, he saw several things in it which would not meet the

requirements of the districts represented by those honorable members who were interested in this question. The honorable member at the head of the Government had stated that there was nothing in the Bill to prevent the Government from helping districts who could not afford to pay; but there was nothing in it to compel the Government to give that assistance. And he should propose an additional clause to provide that as soon as the Bill became law, Brisbane should pay six per cent. for the waterworks already constructed, for he could not see why there should be any distinction between Brisbane and other towns. He quite agreed that the other municipalities should be taxed for their water supply, but he thought Brisbane should also come under the operation of the Bill. He hoped, however, the Government would see the necessity of allowing these Bills, brought in at the last moment, to stand over until the more important measures already introduced came on for a second reading—he especially referred to the Additional Members Bill. Were the Government serious in bringing that measure forward? If so, and they were anxious to pass it, why should they not do so at the next sitting. He should not oppose the motion before the House, but should suggest certain alterations in committee.

Dr. O'DOHERTY said that, as a representative of the only constituency who had had the advantage of a water supply, he rose to express his great satisfaction at the introduction of the measure before the House; and he hoped it would be made satisfactory to the whole colony. Almost every member in the House had, at one time or other, expatiated upon the enormous advantage of a good supply of water; and, seeing the benefits which had accrued to Brisbane from the waterworks, he hoped the expenditure which they had involved would not be grudged. As a member of the House, and a colonist, he should most heartily agree to a similar expenditure wherever the same advantages were likely to follow. The honorable member for Rockhampton appeared to think that the water supply had been given to the people of Brisbane for nothing. It was, in fact, the only measure, among those perpetually brought forward in the House, for which the Brisbane people had reason to be thankful to the Government. It was a scheme of great utility; but it was a great mistake to suppose that the people of Brisbane were not paying for it. The fact was, as he was informed by the secretary to the board, that the income for the present year, derived from the rates levied on the citizens, would amount to about £3,000. Now, of course, the work was, at present, only in its infancy: half the city was not yet supplied with water, and the income would therefore increase. It must also be borne in mind that a very large proportion of the citizens of Brisbane were compelled to pay the water-rate, although they

might not derive any direct advantage from the water supply. Of course they were indirectly benefited by it—for wherever the pipes passed through a street, whether the houses were supplied with water or not, the occupants had to pay the rate, and any person who had paid attention to the proceedings of the petty debts court and the news of the day, must be aware of the differences which had arisen on this account with the Board of Waterworks. He maintained, however, that the citizens of Brisbane had no reason to object to this expenditure, in view of the benefits they derived from it. The amount received from these rates would continue to increase, and the colony would be the gainer. He should heartily support the second reading of the Bill, and he hoped some general expression upon it would be given. He thought, however, that it would be much better to leave the expenditure in the hands of the Government of the day, than to appoint a board.

Mr. THORN said he endorsed all that had been said by the honorable member for Rockhampton respecting the supply of water to the metropolis, and the amount which the inhabitants of Brisbane were indebted to the Government in the shape of compound interest since that supply was afforded. He believed the expenditure had been altogether something like £70,000, and the House was now informed that the revenue derived from the waterworks was £3,000. Now, in the first place, he denied that the revenue was anything like £3,000, and, seeing that to be the case, unless some reduction were made in the interest which it was proposed to charge to other districts on the cost of water supply, he maintained that the Bill before the House would become a dead letter. For, if a wealthy corporation, like that of Brisbane, could not pay six per cent. on the cost of construction, it was not likely that that percentage could be paid in sparsely populated districts and inland towns. He thought the interest should be reduced to two or three per cent. He had been, the other day, in a *café* in Brisbane, and had asked the proprietor what he was paying for water, and was told fifteen shillings a quarter, while the same person was paying twelve or fourteen pounds for gas rates. He mentioned this to show how the way in which the water-rates were levied in this city by the Board of Waterworks, while the whole country was saddled with a heavy expenditure for one particular locality. He thought it was unsafe to leave the matter in the hands of the present board. He did not wish to cast any reflections upon the gentlemen who composed it, but he thought some inquiry into its working was necessary, and he considered that unless the citizens of Brisbane were made to pay the fair share of the expenditure, it would not be right to compel other municipalities and districts to pay six per cent.; and when the Bill went into committee, he should move that this percentage

be considerably reduced, for he was sure that the Bill would otherwise be inoperative. He thought the honorable member for Rockhampton had cause to complain about the way in which the Orders of the Day were transposed on the business paper; the Bill before the House was only read a first time the other day, and now it was brought on for its second reading. He believed no other Government had attempted anything of the sort, and perhaps the present Government were not quite as strong as they imagined. For his part, he thought it was a good thing for the country to have a change of Ministry now and then, he believed there was a change in South Australia every ten months—and it was not to be presumed that there were only two sets of men who were able to govern the country. There was the Triennial Parliament Bill lower down on the paper, which was a useless measure, inasmuch as there was usually a fresh Parliament once in every eighteen months. Then again, he saw a very important measure, the Town and Suburban Lands Bill, which had been transposed—

The SPEAKER called the honorable member to order; he was not speaking to the question before the House.

Mr. THORN: He did not intend to oppose the second reading of the Bill before the House; but it would require some important alterations in committee, or it would otherwise become a dead letter.

Mr. HALY said he thought the Government had been quite right in giving precedence to this Bill, for he considered it a most important one. The country was crying out for water, and other districts were not so well supplied as the district of West Moreton. In the North, along the main roads of the colony, the people were suffering greatly from the want of water. He must, however, say that he was very much disappointed in this Bill. He did not see how the Government would be able to work it, and he was quite sure it could not be carried out by any central board. Unless district boards could be introduced, and he did not see how they could be introduced with this Bill, he quite agreed with the honorable member for West Moreton, that it would be a dead letter. It was unquestionably necessary to have some general scheme for supplying the main roads of the colony with water; but he had hoped to see some comprehensive scheme brought in, by which the expenditure would be so regulated by the Minister for Lands as to allow of the construction of dams; but he saw nothing of that sort in the Bill before the House. Even if local road boards were provided, to act also as boards of waterworks, a great deal of good might be effected, but no such provision was made, and it would be impossible for a board, situated in Brisbane, to carry out the necessary wants. He should not oppose the second reading of the Bill, but he thought the great deficiency was the absence of any local control over the expenditure.

Mr. FRASER said the citizens of Brisbane were fortunate in having in the House a gentleman who took such a warm interest in them as the honorable member for West Moreton. He should not have risen to speak to this motion but for the special allusion which had been made by that honorable member to the Brisbane Waterworks. It was true they had not yet paid the interest on the cost of constructing those works, but it was not true that they had paid nothing for it; on the contrary they were paying very heavily for their water supply. His honorable colleague, Dr. O'Doherty, had stated that the revenue from that source, for the present year, was likely to be £3,000, not that the sum raised during the past year was £3,000; and he would ask the honorable member if he had ever known works of such a character return the whole of the interest during the first two or three years. The honorable member must bear in mind the expensive nature of the works, the construction of the reservoir, and the cost of laying down the pipes in the different streets; some time must necessarily elapse before the collections would make up for that expenditure. It must also be borne in mind that the water from the Brisbane Waterworks had been brought within the reach of the Brisbane people at a very unfavorable time, when the colony was suffering under a severe depression, and the early recollections of those works were not such as to commend them to the use of the citizens. But the water was now laid on to the different streets of the city, the regulations had undergone considerable alteration and were much less oppressive than they had been, and the water was more extensively used. He was satisfied that the fact of the Brisbane people being in debt for their water supply was no argument against this class of work—they would not long remain so; and he was also sure that no undertaking could be entered into which was calculated to do more to promote the settlement and the prosperity of the country. For these reasons, although he had not examined the Bill very closely, he should support the motion for its second reading, because it initiated a movement which must commend itself to the approval of every person interested in the well-being of the community. Nothing could be of greater importance than an abundant supply of good water for the purposes of health, as well as for the protection of property in towns, and he should therefore support the scheme. He would also support any similar scheme for the benefit of outlying districts which might be suffering from the same cause.

The question was put and passed, and the Bill was read a second time.

SHERIFFS SALES BILL.

The ATTORNEY-GENERAL moved, that the Speaker do now leave the chair, and that the House resolve itself into a Committee of the Whole for the purpose of considering this Bill.

Mr. THOMPSON said that as he had not had an opportunity of speaking on the second reading, and as he would not be able to do so in committee, he wished to avail himself of the present time to make a few remarks. He was not very sanguine on the point, but he had promised some of the non-legal members that he would bring the matter forward. The House would understand that, under the Real Property Act, no action in the dealing of land was legal unless it was registered in the Real Property Office. The Judges of the Supreme Court had, whether wisely or not he was not prepared to say, allowed an equitable right to be created by the deposit of certificates of title with persons as security for borrowed money without the Real Property Office being made acquainted with the circumstance. If the Bill passed, in its present shape, it would defeat those rights, which were now acted upon very largely; and he had prepared some amendments, which the honorable the Premier had kindly promised to embody in the Bill, and which would meet the difficulty. He would take that opportunity of mentioning to the House the magnitude of the Real Property Office, and the difficulty in which the country would be placed if, as proposed by the Bill, all the work was to be done at one office. He believed that the Real Property Act system was a very good and cheap one, but it appeared to him that as the territory was gradually filling up to the Gulf of Carpentaria, if the Government had to do all the work in one office, the conveyancing business would be greatly delayed. Provision must be made, some time or other, for district registrars, or for some modification of the present system by which the business could be transacted on the spot. He believed there was one system of abstract forms, and it would be well to pay attention to them. The practice which had arisen, of mortgaging property by depositing certificates of titles, had arisen from the difficulty of dealing with the transfer of property under the Act, which could not have been prevented had not the judges given some latitude.

TOWN AND SUBURBAN LANDS.

The SECRETARY FOR PUBLIC LANDS said that this Bill had been brought in by the Government to do away with a great evil which existed. There were certain townships proclaimed, or reserves for townships of a mile square, and, adjoining these townships were lands called suburban lands, extending two miles from the townships. These townships were perfectly useless; in some cases none of the lands were bought, and in others very little. He proposed, therefore, to cancel these town and suburban lands, and throw them open to the public as common lands. This would have a very good effect, as the lands would be taken up under the Land Act of 1868 as either agricultural, or first-class or second-class pastoral. The first clause was—

“It shall be lawful for the Governor in Council by proclamation published in the *Gazette* to

rescind either in whole or in part any proclamation setting apart any Crown land as town lands or suburban lands.”

He proposed to introduce another clause for the better attainment of the proposed object, by-and-bye. He moved the second reading of the Bill.

Mr. THORN said he was surprised that this Bill had not been introduced earlier in the session, for it was a Bill which demanded more consideration than any other before them. He might point out that the best lands had been blocked up in his own district, more particularly the land lying along the railway line. That was the very land which should be settled upon by a farming population, and so become a source of revenue to the railway. But unless these lands were classified, there would be no prospect of this. He should move that the lands along the railway line should be classed simply as agricultural land. Unless that were done, the whole of the land to the range would be taken up by one or two people, although it was the very best they could have for sugar-growing. By the fortieth clause of the Crown Lands Alienation Act of 1868, it was determined that the lands within railway reserves should be taken up as agricultural; but it was provided that—

“The commissioner shall not at any time have the power to classify any land in such railway or township reserve as second-class pastoral land.”

Now the Minister for Lands would find out that much land had been selected as second-class pastoral land contrary to that provision. That, he considered, was not right. There would be no hardship in passing this Bill, as the cream of the land was often within these town reserves. The land along the railway line was greatly required; and with the exception of about a thousand acres, it was good agricultural land, and, as such, ought to be classed. He heartily approved of the measure, and trusted they would go into committee at once, otherwise the Bill might be shelved. That was very probable, because he saw the Premier was only anxious to get his budget passed, and shut up shop.