Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 7 SEPTEMBER 1880

Electronic reproduction of original hardcopy

LEGISLATIVE ASSEMBLY.

Tuesday, 7 September, 1880.

Conduct of Business.—Railway and Tramway Extensions Bill—second reading.—Post Card and Postal Note Bill—committee.

The SPEAKER took the chair at half-past 3 o'clock.

CONDUCT OF BUSINESS.

The PREMIER (Mr. McIlwraith), in moving—

That, unless otherwise ordered, in addition to the days at present fixed by Sessional Order as days of meeting, the House do meet at 3 p.m. on Monday in each week; and that in addition to the days on which precedence is already accorded to Government Business, such precedence be also accorded on Mondays and Fridays—

said it was hardly necessary for him to say much in support of the motion. The House had been in session eight weeks, and the work done—the Government business, at all events—had amounted to absolutely nothing. In order to get on with the very important measures now on the notice-paper, and also those which were yet to be submitted to the House, more time for the transaction of Government business was absolutely necessary; and the only way of securing it without intrenching upon the time appropriated to private business—which was also of a very important nature, this session—was to hold sittings as indicated in the motion. Friday had always been a very useful working day, and the sitting on that day would, he hoped, contribute very materially to getting the Estimates, which were in a very backward state at the present time, through the House. He would take this opportunity to make a short Ministerial Statement, which he had intended to make at the opening of the House, with reference to the business which had been before the House for the last seven or eight weeks—namely, the mail contract. In order to carry out the wishes of the majority of the Assembly, and as a step towards sustaining what he considered to be the commercial honour of the country, he had taken certain steps with regard to that contract, with regard to which fuller information would be given in the course of a few days. At the present stage he might state that he had telegraphed to the agents of the British-India Company, intimating that the Government accepted their contract subject to certain modifications. The modifications he had proposed were—first, in clauses 4 and 7, certain verbal amendments not altering the meaning of the clauses, but making them less ambiguous with regard to the power of enforcing penalties; second, the substitution for clause

32, "This agreement shall not be binding unless it shall, within three calender months from the date hereof, be approved by a resolution of the House of Assembly for the colony of Queensland," of the words "This agreement shall be binding unless it shall before the 6th day of October next be disapproved of by resolution of the House of Assembly." The telegram he had sent conveyed the intention of the Government to conclude the contract as amended. Up to the present time no answer had been received, but as soon as one arrived and the contract was finally completed he should be prepared to place the whole of the papers before the House.

Mr. DICKSON said he regretted that the leader of the Opposition was not present to hear the views expressed by the Premier on this subject, and also his statement in connection with the mail contract. He regretted that the Premier had brought forward this motion to-day, because the hon. gentleman must be aware that several hon. members in this House, even if they left their homes on Monday morning, could not arrive in town until late on Monday night, and, consequently, were precluded from taking any part in the debates on that day. The hon. gentleman had hardly said anything with regard to the state of public business which would justify two additional sittings in the week. The hon. gentleman might have contented himself with Friday morning in the first instance, and, if the business of the House did not then proceed as rapidly as he expected, he might consider later in the session the propriety of devoting Friday afternoon, which he believed would be a more generally convenient time than Monday afternoon. It would no doubt be useless to oppose the views of the Government in this matter. If they persisted they would no doubt be able to carry the motion by means of their large majority; but he regretted that it should have been brought on on a day when hon. members who would be specially inconvenienced by the alteration were not present to state their views on the subject, and possibly to suggest some modification of the proposal. He could not resume his seat without making a remark with regard to the ratification of the mail contract. He trusted that the Premier would lay on the table of the House, at as early a period as possible, the papers in connection with this very high-handed proceeding on the part of the Government. It had been rumoured within the last few days that the Premier intended, *nolens volens*, to ratify this contract, and it now appeared that it had been ratified in a most extraordinary way—a way which would not permanently redound to the credit of the Government, nor to the honour of the gentlemen who had been induced to assist in such an extraordinary and unparliamentary proceeding. If it was true, as reported, that a majority of members of this House had approved by their signatures of the action pursued by the Government, the course taken by the Government appeared to be one tending to administration by an oligarchy. If the Government intended to conduct the administration of this country by obtaining the indorsement of their action by a majority of the House apart from any parliamentary vote, he contended that they were adopting a course which would not reflect credit on the administration nor conduce to the interests of parliamentary or constitutional Government. The Premier had been very reticent in connection with the mode in which he had ratified this contract. He might have stated to the House the words of the telegram he despatched to the agents of the British-India Company in connection with this matter. It was to be hoped that no time would be lost in laying before Parliament the whole of the details in connection with this matter, in order that the country might be enabled to judge of the wisdom of the course that the Premier had pursued in determining in this very high-handed manner to ratify a contract with regard to which Parliament had withheld its consent. He very much regretted that the leader of the Opposition was not present to make his remarks on the manner in which the contract had been ratified. Perhaps a further opportunity would be afforded; but he must again urge upon the Government—although it might be useless to oppose them, if they insisted upon carrying their motion—that by sitting on Mondays they would virtually exclude from any debates that might arise on that day a large number of members who could not possibly arrive in town until late on Monday evening.

Mr. SIMPSON: I only rise to ask the hon. gentleman (Mr. Dickson) what is the leader of the Opposition doing now that he is not in his place in the House? I hear he is prosecuting the Premier.

An HONOURABLE MEMBER: Persecuting.

Mr. O'SULLIVAN said the objections raised by the hon. member (Mr. Dickson) would be met by commencing the usual sittings at 10 o'clock in the morning. It was quite true that some hon. members could not conveniently attend on Mondays; but if the sittings of the House commenced at 10 o'clock on three days in the week, as much work would probably be done as would be done on the sitting days proposed by the Premier. Friday had never been much of a day for hon. members to roll up and work. If the Premier would accept that suggestion it would suit all hands. A great many hon. members away from their homes were kept idle until half-past 3 in the afternoon. If they started at 10 in the morning and took regular hours for their meals he was sure they would get through more work than they would if the whole week was taken up with work. Hon. members had little matters to attend to at home which they could arrange on the days when the House was not sitting, so as to leave them entirely disengaged on the three sitting days.

Mr. MOREHEAD said the hon. member (Mr. O'Sullivan) had entirely forgotten that it would be utterly impossible for Ministers to attend at half-past 10 and sit all the forenoon unless they did their work at night. The thing was absurd. The proposition of the head of the Government was, he considered, a very fair one. The hon. member (Mr. Dickson) seemed to think that the only people entitled to receive consideration were those hon. members who had free passes on the railway, lived close to the stations on the Darling Downs and could not comfortably arrive in town until late on Monday night. The hon. member forgot to consider those hon. members—some on the Opposition side, but the majority on the Government side—who were kept away from home for weeks and months at a time, desiring to get the work of the country through as quickly as was consistent with decency. He did not see why hon. members living on the Darling Downs, simply because they supported the Opposition party, should receive consideration which was not extended to other members of the House. For his own part he could say that he should be placed at just as great a disadvantage by attending on Mondays, through the damage done to his business, as would any hon. member from the Darling Downs or anywhere else in the colony; but to attend the whole of the working day, as the hon. member for Stanley had proposed, would be a most unfair tax upon those members who had any business besides politics to attend to. He trusted the resolution of the Premier would be carried. With regard to the amount of work done on Fridays he was entirely at issue with the hon. member for Stanley, his experience going to prove that a great deal of

work had usually been done when the House sat on the forenoon of that day; but the fact that a large amount had been done on one exceptional forenoon in the week was no reason for believing that a daily sitting at an early hour would be proportionately beneficial.

Mr. PERSSE said he should have much pleasure in supporting the proposal of the hon. member for Stanley, believing that country members should be a little considered in the matter. The present arrangement was all very well for members living on the Darling Downs, who could travel backwards and forwards easily, but he and many other hon. members had no such advantages. It would be much more convenient for hon. members situated as he was to sit at half-past 10 in the morning, instead of dawdling about town morning, noon, and night. He should be sorry if such an arrangement would interfere with the work of Ministers.

Mr. MOREHEAD: What about select committees?

Mr. PERSSE said if the proposal was not feasible he would not press it, and he did not think the hon. member for Stanley would either, under such circumstances. At the same time, he maintained that it was absolutely necessary that more business should be done than had been up to the present time. The House had now been sitting eight weeks without doing anything, and the length of the session prevented many men who had the interests of the colony at heart from being members of the House. He was thoroughly disheartened and disgusted with the way business had been obstructed this session. Day after day and night after night had been wasted simply because a lot of members thought they were going to stonewall men who had the interests of the colony at heart and who had all they had in the world at stake in it. Nine-tenths of the members on the Government side of the House had every particle of money they could manage to put together at stake. They had the interests of the colony at heart and did the best they could for the colony, but they were debarred from doing any business simply because the Opposition were trying to stonewall them out of their places. The Opposition thought that by sitting up night after night they could prevent the Government from passing any good measure they might bring forward. He would not now allude to the mail contract; he was as enthusiastic as any other hon. member on that subject, but he had not spoken upon it because the Opposition had monopolised the time of the House. On the evening when he intended to speak upon it the hon. member for Northern Downs, knowing he wished to speak, deliberately took up the time of the House and spoke for two solid hours the dashedest nonsense he (Mr. Persse) had ever heard in the course of his life. The hon. member said he would support him (Mr. Persse)—he would do this and that, and assist in getting the Logan railway constructed: but hon. members wanted to hear argument and not a lot of nonsense. If the hon. member had been in his place now, he (Mr. Persse) would have said a good deal more. Whether the resolution was carried or not, he thought the sooner the Government appointed more time for sittings so that work could be done, the better it would be for all parties.

Mr. LOW said hon. members who opposed this motion should consider the wishes of members representing the outlying districts. They all wanted to get home as soon as possible, and this was the only way they could expect to get through the business.

The COLONIAL SECRETARY (Mr. Palmer) said, if obstruction were continued it might be necessary for the Government to move that the House should have morning sittings; but it would be very inconvenient to commence the practice now, as the Ministry required time to conduct the business of the country. He would therefore suggest that the motion of the Premier should be supported. The hon. gentleman put the case rather too mildly when he said eight weeks: the House had been in session nine weeks, during which time literally nothing had been done, and the work must be got on with.

The HON. J. DOUGLAS said he so far agreed with the Colonial Secretary as to think that morning sittings, for very good reasons, should be avoided if possible. There was certain work to be done by committees; and a good deal of useful work had been hitherto done by them, though there were not many sitting this session, with the exception of a very important one not so directly connected with parliamentary business as many had been. It would be very undesirable to start on the assumption that there would be no work done in committee in future; and Ministers must have time to get through the work of their departments. Exception had been taken to the present position of business, but the statement that any delay which had occurred was to be ascribed entirely to the action of the Opposition was not very fair. It should be remembered, in the first place, that invariably the early part of the session was devoted to working off grievances of various kinds that had accrued, and that in the first few weeks of any session very little real work was done. This session had been a very remarkable one in many respects. The House commenced sitting at a later date, he thought, than ever before. There had been a long recess, during which a vast amount of business had accumulated, and very serious matters had to be discussed. Important steps had been taken by the Government which were highly disapproved of by many hon. members, and it was not at all surprising that under those circumstances there should have been a great deal of resistance. No doubt a large amount of time had been spent on the futile tactics which it had been necessary to adopt in connection with the mail contract. It was hardly necessary to refer to that now, except to point out that that peculiar action had to a great extent been forced upon the Opposition by the peculiar tactics of the Government themselves. The Opposition considered that they were bound to discuss propositions which were very unjustifiable by the whole of the circumstances in which the colony was at present placed, and they thought it necessary to take the stand they did. It was not, therefore, at all surprising that after eight or nine weeks in session it should be found that very little business had been done. Some ground had been cleared, at all events, by the delivery of the Financial Statement, and now it appeared that the mail contract had been disposed of, though in a somewhat extraordinary way, which no doubt would be further explained. When the papers were produced he should be in a position to make some further remarks on the present aspect of affairs, and how it had been brought about. There had been some remarkable developments in politics this session, and this last one was not the least remarkable of them. What it would all result in he could not now say; but it seemed to him to be exceedingly unsatisfactory that the country should now be committed to such a very large expenditure without any definite parliamentary authority. What the result of that might be he would not now say, and he would not pretend to discuss the merits of the question until it was fairly before the House in the additional correspondence which would no doubt be produced by the Premier. As to the additional sitting days, he

was always willing to do work of that kind when required; and there was no occasion for surprise that additional sitting days were now asked for, although it was somewhat sooner than was usually the case. For many reasons it was desirable that parliamentary business should not, if possible, be prolonged into the hot season; but it must also be remembered that Government called Parliament together later than it had ever been called before. The consequence was that they now found the disagreeable hot weather approaching without having done much business. Parliament usually met in May, and was thereby enabled to get through the more important business in June and July. Unfortunately, the position of affairs was different now. For himself, however, he had no objection to do a fair amount of business when called upon, and he agreed with the Premier that Friday morning sittings were generally useful. A certain amount of business was often got through on that day, especially in connection with the Estimates. He was not surprised at the motion having been moved, although it seemed to be somewhat premature.

The HON. J. M. THOMPSON said the aspect in which the mail contract now presented itself was one that was not unfamiliar to some hon. members who were in the House during the time of the Lilley Government, when a similar contract was before Parliament. On that occasion the opinion of the Attorney-General was that no contract of the sort could be good without the assent of Parliament, and the case was cited of Churchward *v.* the Queen, "Law Reports," 2. Q.B., vol. 1. That case was singularly like the present one. It was a case where people contracted to carry so many mails for an annual subsidy, and the funds were to be provided by Parliament. Parliament chose to stop the funds, and it was held that the contractors had no remedy, and, incidentally, that a contract with a Government agent must be considered to be subject to the voting of the money by Parliament; otherwise, as the judges very rightly observed, a most important public department could be put beyond the control of Parliament. He did not intend now to go into the matter at very great length, but merely to direct the attention of the House and the public to the legal aspect of the case. In that case and the present one the prominent fact was that the funds were to be provided by Parliament. The short note to the case was as follows—

"*Held*, that there was in the above agreement only a covenant by the commissioners on behalf of the Crown, that in consideration of the contractor performing his part of the contract, by having vessels always ready for the service, the Crown would pay him if Parliament provided the funds; and that there was no implied covenant on the part of the commissioners to employ the contractor; and that a petition of right, founded on the agreement, and alleging that the commissioners had refused to employ the contractor to carry the mails, and did not, nor would not, permit him to perform the agreement, and prevented him from carrying the mails, and claiming damages, could not be maintained."

On that argument the various judges spoke. He would refer the House to one or two passages which appeared to him to be very relevant to the present occasion. The judges seemed to hold it as good law that every contract must imply that the Parliament were to find the funds. Chief Justice Cockburn said:—

"We start with this, that there is involved in this contract the possibility of Parliament refusing to find the funds. The commission do not make themselves, nor their department, nor the Crown, answerable for a default in the payment of the £18,000 per year to the contractor. It is left to Parliament to find the funds, and in that is necessarily involved the possibility of Parliament, in the exercise of its absolute power, refusing so to do; and, in point of fact, we cannot shut our eyes to the fact, because I think it sufficiently appears from this record and the Acts of Parliament referred to that Parliament has refused to find the funds. In two successive Appropriation Acts Parliament has not merely omitted to find a fund applicable to this purpose, but it has had the case of Mr. Churchward before it, and has cautiously provided for the exclusion of the satisfaction of his claim from the funds which it has appropriated for the postal service.

"Therefore, when we come to consider whether there is to be implied from the other terms of this contract an intention on the Lords of the Admiralty to bind the Crown in the event of Parliament not providing the funds, let us see what the position of all parties concerned would be if, after Parliament had refused to find the funds to satisfy the exigency of this contract, the Lords of the Admiralty had taken upon themselves, nevertheless, to continue to employ the contractor. In the first place, the Government would have put itself in a state of antagonism to Parliament, inasmuch as it would have set the authority of Parliament at defiance. In the second place, the head of a public department would continue to employ a public contractor without the means of paying him; for when it is said that possibly in the future Parliament may find funds, one can hardly suppose that a public Minister would be warranted in assuming such a possibility, when, so far as experience has shown, Parliament has refused to find the funds; and I must say it appears to me that to employ a public contractor, without the means of payment, even if he were willing to be so employed, would be a course of proceeding altogether derogatory to the dignity of the Crown and to the honour of the country."

He would trouble the House with as few extracts as possible, for no doubt the case would receive due consideration from the law officers of the Crown, if they had not already considered it, although he must say that if the Attorney-General's opinion on the case had been taken it ought to be laid on the table. In the case in question, Mr. Justice Shee said—

"In the case of a contract with commissioners on behalf of the Crown to make large payments of money during a series of years, I should have thought that the condition which clogs this covenant, though not expressed, must, on account of the notorious inability of the Crown to contract, unconditionally, for such money payments, in consideration of such services, have been implied in favour of the Crown. The inconvenience suggested by Sir Hugh Cairns as likely to arise from so holding, were it necessary so to hold, could practically have no existence. The condition of parliamentary provision is usually notified to Government contractors, for services of a continuing character, by covenants like the one before us. When not so notified, the occurrence of the alleged inconvenience—such are known to be the justice and honour of Parliament—is too improbable to induce any of the Queen's subjects to forego, when the opportunity offers, the advantage of a good Government contract. It was beyond the power of the commissioners, as the suppliant must have known, to contract on behalf of the Crown, or any terms but those by which the covenant is restricted and fenced. I am of opinion that the providing of funds by Parliament is a condition precedent to it attaching. The most important department of the public service, however negligently or inefficiently conducted, would be above control of Parliament were it otherwise."

That would be enough to read now. The argument to be adduced was that it was impossible for the Government to enter into the present contract, except subject to the condition that Parliament found the money—that was, that Parliament from time to time approved of the contract. It was perfectly true that the Government, as at present constituted, had a majority, and it was also perfectly true that by the shifting a clause from positive to negative the thing could be done; but the difficulty of the contractors would not probably arise while the present Government were in power, but when the Opposition came into power, and when the funds for some particular year's service were to be found. Then, again, it was quite possible that even in the present Parliament—never mind by what means—the money might not be found. As far as he had gone, therefore, the argument amounted to this—that the Crown could not contract for payment of money without the consent of Parliament. The inser-

tion of the terms—which he did not quite hear—that the contract should be good if not negatived, would not do away with that liability. When Mr. Lilley built one steamer and contracted for others he defended it on the ground that there was something in the Postal Act which enabled him to do it. He (Mr. Thompson) had looked at the present Postal Act, which, he believed, contained the same provision, and he found that the Postmaster-General was authorised to contract for the conveyance of mails by sea—or anybody authorised to do so by the Executive. The consequence of that might be that the Government might contend that the principle laid down in the case of Churchward *v.* the Queen did not apply—that by an express statutory enactment the Postmaster-General was empowered to enter into contracts. But if the matter was looked into a little closer it would be found that that was a mere directory provision nominating an officer to enter into contracts on behalf of the Government. But when the contract was entered into it became subject to the general law, one point of which was that the contract was entered into subject to the condition that Parliament found the funds. That was a condition implied if not expressed. Then there was the Suits against Government Act, providing that the subject might sue the Crown. It had been argued on a previous occasion that that Act put a subject contracting with the Crown on the same footing as a subject contracting with a subject; but that would not hold water for a moment. The liability of the subject to the Crown and the Crown to the subject were not altered by such a provision; it simply provided a mode of procedure, and did not alter the position of the parties. Consequently that did not help the case one bit in favour of a contract made without the ratification of Parliament. Without such ratification the contractors must trust to the honour of Parliament. But was the honour of Parliament involved on this occasion? Parliament had given distinct notice that it would not assent to the contract—that there was a certain party in the House—and individuals not belonging to that party—who would resist the payment of any money under that contract on the ground that it had been entered into without the assent of Parliament. It was all very well to talk about the majority ruling—that was an elementary matter—but they had adopted for their guidance certain rules which threw obstacles in the way of the majority ruling on certain occasions. No doubt the contract in question had been revised by eminent counsel learned in the law on behalf of both parties to it; and that the provision about the assent of Parliament was inserted after due consideration and with the idea, probably, that colonial Parliaments were not so stable in those matters as the Imperial Parliament would be likely to be. The contractors would be unwise in entering upon the contract on any other terms; but that, of course, was their business. What he wished to do was to put on record his opinion that the contract would not bind a future Parliament—that, in fact, they would not be bound to provide the money beyond the present year. Even if the Government, with its large majority, carried the appropriation of the money for this year, it would have to be voted year by year, and the contractors would never be sure that they were going to get it. The case to which he had referred was very long, but it would amply repay the perusal of hon. members; and as it was not all in technical language, they would be able to understand what it meant—namely, that the present contract would be liable to be determined at any moment if Parliament did not find the funds. It was no part of his business now to enter into any denunciation of the action of the Government, but merely to call attention to the legal points. The matter was not new to him, it having come before him in the first Palmer Government, and the opinion of the Attorney-General of that day seemed to be universally assented to.

Question put and passed.

RAILWAY AND TRAMWAY EXTENSIONS BILL—SECOND READING.

The MINISTER FOR WORKS (Mr. Macrossan) said that when a similar Bill was before the House last year it met with a considerable amount of opposition from several members on the Opposition side of the House, who regarded it as a sort of spoliation measure, depriving proprietors of land of certain legal rights which they were supposed to have in the possession of the lands, and the enjoyment of the benefits derived from possession. On that occasion he said very little on the merits of the Bill itself, but he wished to point out now that the very same cry was raised forty or fifty years ago when railways were attempted to be made. A very large section of the public at that time opposed the construction of railways because they interfered with certain supposed rights of property; but, in spite of the opposition of those individuals, railways were constructed all over the length and breadth of the land, and now the people of England were surprised that any attention was paid to the people who raised the opposition. He believed that if this Bill became law the same thing would take place in this colony, and people would be as much surprised at the opposition which took place to it as the people of England were to that against the construction of railways in that country. The object of the Bill was to authorise the Government to construct railways and tramways along and across the highways of the colony, and also in the streets of the towns. If they looked at the present conditions of the Railway Acts and railway construction in England, America, and several continental countries, they would find that the Governments of those countries had authority to do what he was asking the House at present to give the Government authority to do—namely, to make railways along the high road and tramways along the streets. In 1870 a Bill was passed by the Imperial Parliament authorising the construction of tramways under certain conditions. The tramways at that time were mostly propelled by animal power. Latterly an alteration had been made in the motive power, and mechanical power was being substituted very quickly in most parts of England. One of the clauses of the Bill of 1870 provided certain powers, or, rather, a previous clause of the Bill gave power to the Board of Trade to grant to companies or individuals the right to construct railways and tramways over the streets of different towns of England, under the provisional order of the Board of Trade. Of course, that authority was to be used in conjunction with the local authorities of the different districts, either the road boards or the municipal authorities of the towns. But the 9th clause provided that—

"Every tramway in a town which is hereafter authorised by provisional order shall be constructed and maintained as nearly as may be in the middle of the road; and no tramway shall be authorised by any provisional order to be so laid that, for a distance of thirty feet or upwards, a less space than nine feet and six inches shall intervene between the outside of the footpath, on either side of the road, and the nearest rail of the tramway, if one-third of the owners, or one-third of the occupiers of the houses, shops, or warehouses abutting upon the part of the road where such less space shall intervene as aforesaid shall, in the prescribed manner, and at the prescribed time, express their dissent upon any tramway being so laid."

It would therefore be seen that if any tramway or railway in any town in Great Britain was made less than 9 feet 6 inches from the kerb, one-third of the owners or occupiers of the land would have power to object to its construction, but less than one-third had no right to object; and consequently the rights of property holders and occupiers were completely abrogated if less than one-third were dissatisfied. That right, usually called the "frontager's right," small as it was, had been recommended by a select committee of the House of Lords to be abolished. That committee of the House of Lords, which, as hon. members were aware, was the most conservative branch of the Legislature, sat in 1879, and after carefully examining a great many witnesses—managers of railways, contractors for tramways, the Inspector-General of Railways and Tramways, the Assistant Secretary of the Board of Trade—came to the conclusion that that right possessed by one-third of the frontagers should be abolished in the interests of the people of Great Britain. The members of that committee were: the Marquis of Ripon—the gentleman who was at present Viceroy of India, Earl of Derby, Earl of Devon, Earl Cowper, Earl of Redesdale, Viscount Cardwell, Lord Colville of Culross, Lord Silchester, Lord Hartismere, Lord Carlingford, and Lord Norton. Those peers constituted the committee which was appointed to inquire into the working of tramways, and to recommend a modification of the Act under which tramways were constructed and authorised to be worked. There was also a rule laid down by the Board of Trade that tramways should not be constructed in certain narrow and crooked streets—that no tramway should be laid down in any street or road less than 24 feet wide. It was attempted during the time that tramways were being constructed—from 1870 until last year—to alter the minimum width to 35 feet, but it was persistently refused by the Board of Trade. Sub-section 8 of paragraph 14 of the Lords Committee said—

> "No absolute minimum width of street or road should be laid down, and the veto conferred, under certain circumstances, by section 9 of the Tramways Act, 1870, upon one-third of the frontagers, should be done away with."

Therefore, by that one paragraph they not only said that there should be no minimum width, but that the right to objection should be taken from the owners or occupiers of frontages on streets or roads. A great deal of evidence was taken by the committee; the book he held in his hand was the report that was issued last year, and he found from that evidence that the chief part of the objections which had been made against the making of tramways in the streets came from people who used their own carriages, and from cab and 'bus proprietors; or, to put it as it was put by one of the Lords to a witness, a trade combination was the cause of the objections. At first it was supposed that there would be some danger to the lives of the people inhabiting towns by the making of these tramways; but it had been shown by the evidence of those who were connected with tramways that practically there was less danger in running a steam car or steam tram in the streets than there was in running a tram drawn by horses. It had been proved that a steam tram could be stopped in a shorter distance than one drawn by horses—that it could be stopped almost in its own length—that was, the length of the carriage with the engine; but with horses it was quite different. It had been proved, also, that there were far more accidents by horse tram-cars than by steam tram-cars both in Great Britain and America. One of the witnesses—the manager of a tramway that existed between Edinburgh and Portabello—stated that there was only one fatal accident on that line, although 9,000,000 of passengers had been carried on it; so that he (Mr. Macrossan) thought hon. members might entirely disabuse their minds of any idea that there was danger from running these steam tramways or railways in the streets. Another witness—Mr. Carp, manager of the Cassel Tramway Company, in Germany—gave evidence to the effect that their steam tramway ran right through the streets—which were narrow, only 30 feet wide—into the markets; that the trams frequently met regiments of cavalry coming from the barracks, and that the horses took no notice of the trams—in fact, the whole of the evidence went to show that horses became educated to the running of steam-trams in the streets just the same as men did. If that were the case with the running of railways or tramways in the public streets, how much more so would it be by running them on the roads? In this colony there were no roads that he knew of that were so narrow as 35 feet; the narrowest were 1 chain, or 66 feet, wide, and the greatest number of the main roads were at least a chain and a-half, or 100 feet; so that if there was no danger or inconvenience found from running steam trains in the streets of towns, or streets that were only about 30 feet wide, there could be no danger or inconvenience in running them on the country roads of this colony. And the fact he would like to point out was this—that the companies in Great Britain that run tramways for the convenience of the public got the land upon which they run for nothing: that fact was proved by the evidence he had referred to. Now, the roads of this colony were the property of the Government; therefore, he thought they could be doing no wrong in using that which was their own for the benefit of the public in this way, seeing that in England the land was given to the tramway companies who were going to make a profit out of it. At Wantage, in Berkshire, there was a tramway which ran for two or three miles; it was practically a railway. The rails used were railway rails, and the cars or waggons of the Great Western Railway ran upon them. That tramway ran on the side of the road, and he might here state that it was his intention, if the Bill passed, to run these tramways or railways wherever it was found convenient, on the side of the road, the same as the Wantage tramway, which carried a great quantity of goods and large numbers of passengers all the year round, and was, he believed, a very profitable speculation to the proprietor; and yet the average width of the road was only a little over 30 feet. A portion of it was a good deal less than 30 feet, and yet the whole of the evidence—and there were several witnesses examined as to that particular tramway—went to prove that the people considered it a great benefit, and that they would be very much injured if it were done away with. The great object he had in bringing this Bill before the House was to cheapen, as far as he possibly could, the construction of branch railways. It had been argued in that House repeatedly that branch lines were the lines that paid best of any in the colony, and that main lines did not pay: but the evidence he had before him, given by managers and directors of railways in Great Britain, was distinctly to the contrary of that argument;—they said that in no case did branch lines pay; and the owners of main lines of railway in Great Britain preferred other people undertaking the construction of branch lines. Of course he did not wish to enter into the general argument as to branch lines paying less than main lines. His object was to cheapen branch lines, and make them pay, if possible. One effect of the passing of the Bill would be that wherever main roads were suitable for the making of railways it would be within

the power of the Government to use them for that purpose, and by so doing they should relieve the State of paying very large sums of money as compensation to owners of property, which it had been the practice hitherto to pay them for getting the privilege to make a railway. They had been actually compelled to pay for the privilege of making railways for the benefit of the people whom they were obliged to pay. He need only quote a few instances of the amount of money that had been paid in this colony to people who were actually benefited by the making of the railways. He would read a few items, and he thought it would astonish members of the House to hear the large sums that had been paid for that purpose. He did not intend to read the names of the persons to whom these amounts were paid, although he had them before him.

HONOURABLE MEMBERS: Name, name!

The MINISTER FOR WORKS said that, as the House requested it, he would give the names. The first name on the list for the Western Railway was that of a gentleman named Benjamin. The land taken was, he believed, in the town of Dalby, and consisted of 21 perches; and for that he received £146. There was another gentleman named Murray who for 6 perches received £291; that was also in Dalby. Outside the town of Dalby, further on in the country a long way out, at Warra, Messrs. Thorn received for 156 acres £1,131. Mr. Ferrett, half way between Dalby and Roma, in what was almost wilderness, for 40 acres received £835. Coming to the Bundaberg line he found there were a good many items, but he would just select a few.

Mr. GRIFFITH: Tell us what was asked and what was offered.

The MINISTER FOR WORKS said he could tell what was asked and offered in each case, as well as what was given. What was asked by Benjamin was £500; what was offered was £78 3s.; and he got double what was offered, or £146 7s. He (Mr. Macrossan) believed that the offer in nearly every case was the real full value of the land. In nine cases out of ten it was more than the value of the land. Murray claimed £500; he was offered £11 8s. 7d.; and he got £291 17s. The Messrs. Thorn claimed £6,000; they were offered £94 14s. 6d., and they got £1,131 3s. Mr. Ferrett claimed £3,872 11s. 9d.; he was offered £151, and got £835 10s. He (Mr. Ferrett) claimed for severance as well, but that was absolutely nothing. The railway was brought to his door and to the door of the Warra proprietors. They were benefited by the making of the railway; and he (Mr. Macrossan) maintained that in cases of that kind no compensation should be allowed at all. In connection with the Bundaberg line the first name on the list was Mr. Moore, who claimed for 18 acres 3 roods 20 perches—that was the terminus of the Bundaberg Railway in Bundaberg, he believed—claimed £5,075; he was offered £1,032 12s., and the arbitrator in that case gave him less than was offered—viz., £974—showing that the offer of the Commissioner for Railways was rather too much in that particular case. Then there was a gentleman named Rendall, who for 12 acres 3 roods 15½ perches claimed £3,334; he was offered £180, and got £778 15s. He (Mr. Macrossan) came now to the Maryborough and Gympie Railway: of course he was only selecting a few names here and there—it was of no use going over the whole list, his object being to show the House the necessity there was for passing a Bill of this kind allowing the Government power to make railways along the roads if necessary so as to avoid excessive compensations. It would be sufficient to say that for very small parcels of land on the Maryborough and Gympie line some very large sums were paid. In one case he supposed, in the town of Maryborough there were £400 paid for 3½ perches. It was paid to a lady named Sarah Walker. She claimed £875, and was offered £250. A gentleman named Jones claimed £1,200 10s. for 1 rood 24 perches, and got £510; he was offered £350. He (Mr. Macrossan) now came to the country—it was the country he complained of most. Messrs. Brown and Richardson, for 39 acres 3 roods 7 perches, claimed £3,689 18s. 9d.; they were offered £401, and got £1,880 10s. He (Mr. Macrossan) maintained that anyone who knew the circumstances of the case there must admit that the amount given was far beyond anything like the damage done to the property. It was a similar case to one he had already quoted at Warra and Dulacca, where the railway was brought right through the property of the owners, and enhanced its value by bringing it into railway communication. Besides the benefit of railway communication, they had a very expensive fence erected, and had large sums given them as compensation for some imaginary damage. Then there was the Warwick and Stanthorpe Railway, on which there were a few claims, but not so excessive as the others. Then there was the Brisbane and Ipswich line, and they all knew what was done in that case. The claims sent in and the claims allowed were very excessive. Altogether, on that line the cost of resuming the land amounted to between £63,000 and £64,000, and this for a line only twenty-four miles long—in fact, it cost as much to resume land between Brisbane and Ipswich as it would now to make a railway on ordinarily level country. He maintained that if the Government of the day had had the power to make the railway along the main road as he now asked on behalf of the Government, the railway would have been made for much less money, and there would have been no compensations of the kind given. He would not trouble the House with reading any of the names in connection with the Brisbane and Ipswich line, because they were all bad, and some of them very bad. He might just say, to show the advantage it would be to the country if a Bill of this kind passed, that, with regard to the plans and sections of one railway now on the table of the House—viz., the Fassifern line—extending over a distance of 17 miles, from Ipswich to Harrisville, 13 miles had been surveyed along the main road; so that if he got the power to make railways along the main road the Government would be relieved from purchasing land for that distance of 13 miles. And if the claims that had been sent in on the original survey of that line were granted the cost would amount to over £1,000 per mile—that was for claims sent in simply for the land, a great part of which was very valueless indeed—in fact there was very little of it that was worth more than £2 per acre. Clause 1 of the Bill provided that railways should be made on the main roads, the plans, however, to be approved by Parliament; and power was given to take the railway along, over, or across any public reserve or road in the colony, and no person or body corporate should be entitled to claim compensation on account of any land taken and used for necessary works and approaches from any public reserve or road as aforesaid. It provided, also, that the railways and tramways should be constructed and formed in accordance with the proper levels of the road, and it provided further that the plans submitted to both Houses of Parliament should contain full particulars of the levels, and be accompanied by books of reference specifying the several areas required to be set apart for the railways or tramways proposed to be constructed. In making a railway along a main road, of course they must make provision for people who lived on the side of the road on which the railway

would be made to have ingress and egress to their properties. No Government would wantonly make a railway to the injury of any man's property, and provision would be made in every case where there was a property or a house for the owner to have ingress and egress across the line; but further than that he did not think any man was entitled. If the line was made on one side of the road, as it should be in the country, the expense of providing a level-crossing would be very little in most cases. Of course, if the railway was made in the middle of the road it would divide it in two, as it were, but there would be sufficient space left between the outside of the railway line and the side of the road on which the railway was not made for all the traffic in any district after the railway was made. It might be taken as nearly certain that the traffic of the road would be carried on the railway except to and from the stations, so that the traffic would be trifling indeed after the railway was made. Clause 3 defined the powers and duties of the Commissioner, and said that it should be lawful for the Commissioner and other officers appointed and empowered to act under the Railway Acts for the time being in force in the colony, to exercise all necessary powers connected with the survey, construction, working, and maintenance of any railway extensions or tramways authorised to be constructed, and the general and special powers derived from such Railway Acts as were declared to be legally embodied in this Act. The general and special powers of the Commissioner for Railways were defined by the Railway Acts, and were very large. Clause 4 defined that the Commissioner should have power to impose and enforce tolls and charges for the carriage of passengers, luggage, and goods carried along such railways or tramways. Clause 5 gave the Commissioner power of ingress and egress in and over the lands occupied by railways or tramways, for the purposes of construction, maintenance, or repair; and it provided that any body corporate or legally constituted authority should also have the like power for the construction, maintenance, and preservation of gasworks, waterworks, sewerage works, and other works of public utility and convenience; and it also provided that those powers should be exercised at convenient times, and by agreement with the Commissioner for Railways. Clause 6 gave the Commissioner power to resume from private persons or public companies any lands necessary for the construction and maintenance of railways and tramways, and for all necessary approaches; and, in the exercise of such powers, he should observe the mode of procedure set out in the Railway Acts in force in the colony. That provided that in case of the resumption of land from private individuals it should be done subject to the provisions of the existing Railways Act, which gave compensation to people who had land taken from them; but to provide against excessive compensation he had prepared two additional clauses, which he would bring forward in committee. The sixth clause provided that in taking over lands the commissioner should observe the same form of procedure as was prescribed in the Railways Act. One of the new clauses which he had indicated would provide that when a claim for compensation was referred to him the arbitrator should take into consideration the increase in the value of the land through the construction of the railway. A similar provision was contained in the Railways Act, but, unfortunately, it had not been attended to. The clause would also provide that, in arriving at the value of the land, the rateable value set forth in the rate-books of the towns, shires, or divisional boards should be taken as *primâ facie* evidence of the value of the land—not that the arbitrator must take that as the value, but that it would be *primâ facie* evidence of the value. The other clause would provide that in every case when an award was made the arbitrator should accompany his award by a declaration that in making the arbitration he had taken into consideration the increased value which would be given to the land in consequence of the construction of the railway, and that he had made a corresponding deduction from the award. Clause 7 provided that the gauge of the railways or tramways constructed under the Act should be 3 feet 6 inches, and that the Commissioner should maintain in good order and repair the railways or tramways, and the line or pavements, if within a city or town, between the rails, and for the space of 18 inches outside each rail. That was similar to the provisions contained in the English Tramways Act as well as to other Acts in force in other parts of the world. The clause also provided that the character of the maintenance was to be in keeping with the reserve or road over which the tramway had been formed. Clause 8 provided that the Commissioner might construct buildings, and clause 9 that the Commissioner should at once repair any damage which might be occasioned to any sewer, drain, gas or water main, during the construction and maintenance of any railway or tramway authorised by the Act. He thought it would be quite possible for the House to agree to the second reading of the Bill without any fear of the rights of property being in any way injured by its provisions. He thought that they might feel perfectly certain that the inherent desire which existed in the mind of all the people of the colony, in the mind of the Government, and in the mind of any Government which it was possible to form, to do no injury to any individual, would be a safeguard against any injury being done. At the same time, it must be admitted that a Bill of the kind was necessary for the purpose of protecting the Government, or the State, as it were, against the exactions of individuals who would take advantage of the necessities of the State. It was a necessity that railways should be made, and in making them the State should be protected as far as possible from such individuals. He did not know that he had anything more to say—he had exhausted the subject as far as he was concerned; but, in conclusion, he would repeat that the Bill would enable them to make branch lines at a much cheaper rate than they could be made without it. Of course the construction of main lines through Crown lands did not require a Bill of the kind. The Bill would be an inducement to the Government to go on with the construction of branch lines as soon as possible, and it would be an inducement to other Governments to enter upon the construction of other branch lines when opportunities presented themselves, and unless they were in a position to make them cheaper than main lines they certainly would never pay. The branch lines would have to depend on a species of traffic which paid very little outside of the passsenger traffic, and the population of the colony was too limited to allow them to hope that the passenger traffic on branch lines would be sufficient to make them pay.

Mr. MOREHEAD said he should certainly support the second reading of the Bill, but he thought it required to be amended in many particulars in committee. The second clause, for instance, would not meet eventualities which might occur; it would not meet the case of a severance. A cutting, for example, might considerably damage the whole of the property

adjoining, but the Bill made no provision for such a case. The clause would require considerable revision in committee. He would point out to the hon. gentleman in charge of the Bill that it would be a very easy matter for the Government so to provide in future agreements relating to the alienation of Crown lands that they might be able to take railways through the land without any cost to the State. Grants which were issued at present contained a provision for the reservation of land for road purposes. In many cases these reservations were useless for roads, and there was no chance of their being availed of, but they might be utilised for tramways. The Government might introduce some provision in the Bill empowering them to do that. Suppose the line were extended beyond Roma, no matter what direction it took he believed that under the operation of such a provision it could be constructed free of any cost for the acquisition of land. Whilst on the subject he thought it would be as well to deal with a matter which had already been dealt with in the Railways Act—that was the power given to the Commissioner for Railways. He was perfectly well aware that to some extent the Commissioner exercised technical power, and that he was the recognised officer who might be sued; still, under certain Acts, he virtually exercised the functions of a Minister. He considered it would be much better if a Minister took the place of the Commissioner. As far as his (Mr. Morehead's) experience went, the Commissioner took a great deal too much on himself at present, but to a great extent that assumption on his part had been created by powers given him under various Acts. For his part he would much rather see railways than tramways. He believed that railways cost little more than tramways—if they cost more at all. His impression was that in other places it had been proved that tramways cost more than railways. The tramways constructed in and around Sydney had been more costly than railways would have been, save and except that the tramways ran along the streets—if no compensation had to be given for land required for railways their cost would have been less than the cost of the tramways had been. If the Bill contained a provision empowering the Government to take possession of lands already dedicated to roads for the purpose of making railways or tramways he thought it would be a very useful measure. As he had said before, he thought it might be confined to railways. He believed that they could well afford to have railways wherever the land could be got at a reasonable price—whether along main roads or not. He agreed with the Minister for Works that it was not from want of desire to do so that the present, the preceding, or any other Ministries had not made railways in East and West Moreton, and throughout the settled districts of the colony. There had been an absolute necessity to keep the cost of construction within reasonable limits, and they would have had to pay so much for the land that the thing would have been a bad speculation in every way. He hoped, therefore, that some measure which would tend to reduce the cost of construction would be passed, and the measure under discussion might meet that object if properly amended. He was perfectly certain that there was not a member of the House but would say that railways ought to be made wherever there was a chance of their returning a reasonable rate of interest on the cost of construction. He believed in making cheap railways which would pay to a certain extent. That was by far the best way for carrying the traffic of the colony. He should always be one, as he always had been one, to support any measure for the construction of such railways, but he would not be one to support any schemes of railway construction—whether of trunk or of branch lines—in connection with which there was not an expectation of their paying a fair and reasonable interest on the capital invested.

Mr. McLEAN said he believed every hon. member entertained the views expressed by the hon. member (Mr. Morehead) as to constructing railways as cheaply as possible and taking them in a direction where there was a probability of their proving remunerative. He feared that the Bill would not enable the Government to construct railways as cheaply as the Minister for Works contemplated. The hon. member must remember that the main roads of the colony were never in such a condition as they were at present. The maintenance of main roads had been transferred to Divisional Boards, and he knew that the boards in and around Brisbane had come to the determination that all the money raised from rates should be spent on branch roads in preference to the main roads. The amount which they would raise would be nothing like adequate to keep the main roads in repair. Suppose there was a railway on one side of a road, the space for wheel traffic would be limited to the distance between the railway and the road fences, and in consequence of this limitation of space the probabilities were that in cases where the Divisional Boards were not spending any money on the roads along which railways would be built, the roads in wet weather would be impassable—even between station and station. He would refer to another proposal which he considered rather arbitrary on the part of the Government. He quite agreed with the necessity for constructing the railways cheaply, but the question of severance must be considered. The Government certainly might confer the right of access; but the place of access might not be that most suitable to the landholder. Then, again, it behoved them to consider that railway crossings were at all times dangerous. Several matters of that kind in connection with the construction of railways along roads deserved the very serious consideration of the Government. The Minister for Works told them that experience in Great Britain was favourable to main lines as opposed to branch lines. He quite agreed with the hon. gentleman that in Great Britain main lines did pay better than branch lines; but he joined issue with him as far as the colony was concerned, for the reason that its branch lines were constructed in districts in which there were population and produce, whereas its main lines were formed for the most part through country where there was comparatively little population—population and production were the chief factors to be taken into consideration in the construction of lines in any country, whether old or new. The Minister for Works also told them he intended, if the Bill reached committee, to submit two clauses in reference to arbitration; but for his own part, he thought it would have been as well for those clauses to have been printed and handed round with the Bill. The hon. gentleman said it was proposed that the arbitrator should judge of the increased value given to land by the construction of a railway. How was it possible for an arbitrator who was not a practical man to judge of that? He held that in many cases the construction of a railway injured land considerably. If a railway station were contained in a block of land the value of the property would, of course, be increased; but if the railway merely passed through the land, and the station were ten or fifteen miles away, the property instead of being benefited by the construction of the line was, to a great extent, injured. Another matter for the consideration of the Government was the results which might accrue from the formation of cuttings. There was a

large quantity of land in this colony of a very spongy nature, and, in cutting through land of this nature, large land-slips would take place, and consequently would do great damage to private property. Upon the Brisbane and Ipswich line a number of embankments fell in; and in the event of lines being constructed along the main roads, and enclosed land falling in, the selector would have a claim upon the Government for compensation. He was willing to assist the Government as far as lay in his power to make cheap railways, but he did not think the Bill before the House would have that tendency.

Mr. SIMPSON thought the Bill decidedly in the right direction, and intended to support it. He did not suppose anyone would say that the Bill was a perfect measure. It was generally the case that Bills were amended in committee; and even after those amendments they were not always found perfect. In this particular Bill he could not see that there was much to complain of. The figures read by the Minister for Works proved the necessity for some such measure—indeed, he did not think, supposing the figures were accurate, that any further proof was required. He had certainly been in the dark as to the cost of land required for railway purposes. Some of the figures read by the Minister for Works upon that subject thoroughly astonished him. He could not conceive it possible that honourable men would make such demands of the country in which they lived and in whose welfare they professed to have an interest. It gave him some pain to think that, in particular cases, such exorbitant demands should have been made. The person who asked thousands of pounds for land which had only cost him ten seemed to him to be robbing the country's purse. He found that a number of men had been asking £60 per acre for land which had cost them at the outside only 15s. per acre, and that they had received £9 or £10 per acre. He felt quite ashamed when he reflected that one gentleman sitting in that House received £9 or £10 per acre for comparatively valueless land when the railway was to be taken to his very doors—increasing the value tremendously—while the land of other people was taken without their receiving any compensation whatever. He thought it high time the Government asked for the powers conferred upon them by this Bill. But he thought they should ask for even stronger powers. He would be willing to empower them to resume land and pay to the owner very little more than its original cost. He was himself interested in some land likely to be resumed for railway purposes; and he could assure hon. members that it was his intention to ask no more than the cost price. He had never yet received more, nor did he ever intend to ask for more. He thought it would be well to adopt the plan suggested by the hon. member for Mitchell, and, wherever practicable, to enclose useless roads for railway purposes. In many parts of the country there were a large number of perfectly useless roads. It was not necessary to take up the time of the House by going through the Bill clause by clause. He very much preferred railways to tramways. He was aware that tramways were at the present time very popular in Sydney; but, in his own opinion, the Government of New South Wales had made a mistake in entering into tramway construction. They ought to have made suburban railways. There could not be the slightest doubt but that in ten years' time the Sydney tramways would be pulled up, and that, notwithstanding that the cost of resuming the necessary land would be greater than it was at the present time, suburban railways would be substituted. The Victorian plan was infinitely superior. He hoped that if the Government had any intention of constructing tramways in the suburbs of Brisbane they would abandon it; and that, while they could procure land at a reasonable rate, they would, with the largest possible powers of resumption, undertake the construction of cheap suburban railways. He quite agreed with the Minister for Works that main lines paid better than branch lines; and hoped that the Government would see their way clear to proceed with trunk lines without further delay, and that the money voted last session for that purpose would be very soon expended.

Mr. THOMPSON said he did not think there would be any difficulty about the second reading of the Bill, but when it got into committee it would require great amendment, as it was evidently intended to introduce one or two new principles which would demand a good deal of consideration. For instance, it was proposed to give a power to make railways or tramways over any property—that was, not on the surface of the ground, but over it. He gathered this from the fifth clause, which he could not consider in any other way; there was a proviso which seemed to imply that the Commissioner of the day should have power to make high-level railways, because it said—or rather he thought it intended to say—that where necessary a tramway should be made over property. If that was the case the clause would require to be amended, because what was generally understood by taking a railway over property did not mean taking it over buildings. If that was the intention of the Bill he ventured to say it was not sufficiently provided for. He thought the hon. Minister for Works might very well revise the first and also the fifth clauses of the Bill. Then, as regarded the second clause, he noticed that by it a tramway was to be constructed and formed in a manner calculated to cause the least possible inconvenience to the public, which he (Mr. Thompson) took to mean the least possible inconvenience to individuals. As to the third clause, that also would require amending, as it was not at all in legal language. However, what he rose to say principally was this, that having taken an active part in the advocacy of the formation of branch railways he should be glad to give the Bill before the House all the assistance he could. With regard to the amendments which had been handed round, one of which made the assessment books of a municipality *primâ facie* evidence of the value of property in that municipality, he must say that that would require some alteration. Hon. members knew very well from what had been said in that House that those assessment books in many instances were totally unreliable, and therefore he did not see how they could be taken as *primâ facie* evidence. Then with regard to the steps to be taken by the railway arbitrator after giving his award, it should be remembered that that officer was put in the position of a judge. Yet it was now proposed to compel him in every case to make a statutory declaration that he had done this and that, and had carefully studied this matter and done everything that he ought to do: that, surely, was not in accordance with his position as a judge. It might be well as a reminder to him to look back and see that the arbitrator had complied with all that was requisite, but he (Mr. Thompson) did not think the amendment should go so far as to require him to make a statutory declaration that he had done his duty properly in accordance with the Act in every case; and he hoped the Minister for Works would let that amendment go, as if an arbitrator was to be placed in the position of a judge he had better be left as untrammelled as possible.

Mr. AMHURST said he wished to congratulate the hon. member for Ipswich (Mr. Thomp-

son) as likely to be one of the leading spirits of the Opposition. The hon. member had referred to the amendment of the hon. Minister for Works, in reference to accepting the assessment books of divisional boards, as being bad; but it was the most natural thing to suppose that those boards, having engaged persons to assess lands, and having levied rates upon those assessments, the assessment books might be taken as *primâ facie* evidence of the value of property in such divisions. Were hon. members to suppose that the persons employed by the divisional boards made wrong assessments?

HONOURABLE MEMBERS on the OPPOSITION BENCHES: Yes.

Mr. AMHURST said that, if so, then hon. members were of opinion that people wilfully and wrongfully sent in false returns. The hon. member for Ipswich had by his remarks imputed dishonesty to the assessors of property under the divisional boards.

Mr. THOMPSON: No.

Mr. AMHURST said that if that was not the hon. member's meaning, what was it? He (Mr. Amhurst) considered that the assessment of the value of property as accepted by the divisional boards was the best authority there could be for assessing the value of lands required for railway purposes; as, if a man objected to the assessment of his property by the assessor of a divisional board, it was open to him to appeal and have that assessment confirmed or otherwise. What objection could there, then, be to the Government accepting the assessment of lands by divisional boards as *primâ facie* evidence of the value of such land? With regard to the Bill itself, he thought that the word "tramways" should be kept in it, as, notwithstanding what had been said by the hon. member for Dalby as to the desirability of having railways instead of tramways, what was wanted more than anything else in the colony was cheap carriage. It was well known that increased speed involved increased cost, owing to the additional wear and tear thereby incurred; but tramways would act as feeders to the railways—to the main lines; and it would not be necessary to have on them a speed of more than ten miles an hour. At the present time it was a misnomer to call any of the trains on our railways anything but fast trains, as, with the exception of coming down the Main Range, they could go forty miles an hour. What was wanted was a system of cheap tramways with steam motors, and therefore he hoped that the word "tramways" would be retained in the Bill.

Mr. DOUGLAS said it was his intention to support the second reading of the Bill. With regard to the powers to be given under it, by some of which he assumed that the Minister wished to have the power to make a railway over a town, that would bring forward the important question as to the value of frontages. He recollected that last year, in connection with the subject now under consideration, Dr. Williams, of the Baldwin Company, Philadelphia, stated that there was a remarkable example of elevated railways through a town, as one had been made in New York, where, had it not been that the railway was formed in that way, it could not have been made at all. That railway, which was one of the most successful in New York, was, he (Mr. Douglas) believed, carried along Broadway or some other important street in New York. It was shown that if any opposition had been made to such a line it could not, owing to the enormous expense, have been carried out. That railway was made, and, although it had the effect of decreasing the value of the ground-floor property, it increased that of the next floor. He considered that in all cases connected with the construction of railways private rights should be considered to a great extent; and care should be taken that they were not unnecessarily injured. He should support the Bill, and he thought it would be a matter of detail in committee to secure the rights of individuals, whilst at the same time obtaining for the Government larger powers than they now possessed. The hon. Minister for Works quoted figures to show the excessive prices asked for land required for railway purposes in country districts, but it must be remembered that, although in some cases the amounts asked for might have been excessive, in others great hardships had been caused by what was termed severance—by selectors being cut off by a railway line from their water supply. Making a railway through property did not always improve its value, but was often productive of loss. He himself knew of one case—that of Messrs. Brown and Richardson, at Antigua, near Maryborough, where a most severe loss had been sustained by injury to their cane, caused by the railway running through their land and their fences being broken down and their property otherwise damaged.

The MINISTER FOR WORKS: The contractors were responsible for the fences being broken down, and not the Government.

Mr. DOUGLAS said that still the damage was done. He would take another case—namely, that at Warra; he did not know all the facts, but he could quite conceive that the holders of a large property like that, during the time of construction of a railway through it, would be subjected to great inconvenience if not actual loss—in fact, he knew that they had experienced a loss in this case. Whilst the rights of private individuals must be secured care must at the same time be taken to obtain the privilege of making railways on the public roads, and in some cases of bringing them through the public streets of towns.

Mr. GRIMES said that even if the provisions of the Bill could be carried out he questioned very much whether any advantage would be given to the Government, or whether they would be able to make branch lines much cheaper than under the old system. No doubt exorbitant sums had been charged and far too much had been paid for land resumed for railway purposes, but taking the amount paid as a whole it did not tell so very much upon the total cost of the lines. The land required for the proposed line to Sandgate would cost as much, in proportion to the length of the line, as for any railway that was likely to be completed, and there they found that the price of resumed land did not come up to one-fifth of the total cost of the line. Even if the Government, by running railways along the main roads, saved the whole of the money that would otherwise be required for resumed land, it was questionable whether a large amount would not be swallowed up in the increased cost of the line, for, unless the whole road was taken, there was not the same liberty in constructing a railway along a road one chain wide that there was when land was resumed for the purpose. He did not think that any divisional board would allow more than 15 feet of a main road to be taken by Government, and in many cases 15 feet would not be enough. He saw that by the provisions of the Bill the gauge of every railway or tramway was to be 3 feet 6 inches, and, if within a city or town, the pavement between the rails and for a distance of 18 inches outside each rail, must be kept in good order by the Government. Unless the contour of the road was followed, there would be many places where deep cuttings would have to be made. He knew many places on the Ipswich line where such cuttings were over a chain wide at

the top, and had there been roads there they would have been made perfectly useless for traffic. It was therefore likely that, by running railways along roads, steeper gradients would be required and the cost of working and of wear and tear would be increased, and he questioned very much whether it would not be better to pay a little more in the first instance in the resumption of land, and have the ordinary gradients, than utilise main roads and be forced to follow the outline of the land. It had been contended by the Minister for Works that by running railways along main roads ordinary traffic would not be interfered with much; but he did not agree with him. Horses did not get used to trains so soon as might be imagined. He would admit that in towns where cab and dray horses had constantly to pass trains, the animals in a short time got used to the noise; but in the country it was very different—there the horses of farmers and bushmen did not see a train oftener than, perhaps, once a fortnight; and he had very little doubt that if railways or tramways were carried along main roads serious accidents would be heard of in the country. He noticed by the interpretation clause that the Government had the power to utilise bridges and culverts. It seemed to him to be a monstrous proposition that the Government should have the privilege of carrying a railway over a bridge or culvert built by a divisional board. He hoped to see some alteration in the Bill in committee, and should certainly expect to see the words "bridge or culvert" struck out of the interpretation clause. He would also suggest the advisability of the municipal councils and divisional boards being consulted with reference to the Bill. There was no necessity to push the Bill through in such a great hurry that an opportunity could not be given to these bodies of expressing their opinions upon the measure, and it would be only courteous to send them copies of the Bill. The whole of the roads of the colony were placed in their hands; and there was no doubt that, in many cases where the Government ran railways along main roads, the cost of maintaining the roads would be increased, and, therefore, before the matter was finally disposed of, the divisional boards should have an opportunity of discussing the Bill.

Mr. PERSSE said he trusted the concluding remarks of the hon. member for Oxley would not be accepted by the Ministry. The House had already sat a long time and had done nothing, and they ought to be in a great hurry to pass the Bill. He would like to see some alteration made, especially in clause 2; but there would be time enough to consider the matter when the measure got into committee. He would like to see a clause inserted providing that where the construction of a railway or tramway necessitated the alteration of the levels of a road, and did not enhance the value of the property, the owner should be recompensed. A man's property might be very much depreciated in value under such circumstances. However, when the Bill got into committee this alteration could be made. The reason he was so anxious to have the measure become law was because he desired to see the branch lines, and more especially the Fassifern one, started. He had been a strong advocate of the Fassifern line, and he believed the Minister for Works was as favourably disposed to it as he was, but that owing to the large amount of compensation that the hon. gentleman was asked to pay he was debarred from entering into the matter as he wished. The member for Oxley said the amount of compensation that had to be paid for resumed land was trivial in comparison with the total cost. The lowest estimate for resumed land for the Sandgate line was £30,000 by one route and £60,000 by another. Did the hon. member call that a trivial amount to ask for a line of twelve miles? Did he consider it a trivial amount that the owners of Warra should get £10 per acre for land which had cost them 15s.? He called it downright robbery, and said such robbery would be continued unless a measure like the one under discussion was passed. He believed that the only thing which kept back the Fassifern and other branch lines was the extortionate demands which were made for resumed lands. The Minister for Works could not begin any of these lines until he had data to go upon with regard to the compensation that should be paid for the actual loss that a man might suffer through the construction of a railway. In certain cases there was doubtless a loss through the cutting off of water frontage, but the owners never took into consideration the advantage of having railway communication brought to their doors. They said, "This fifty-acre farm is entirely ruined through the water frontage being cut off, and, unless compensation is given, we shall be losers by the railway;" but no account was taken of the thousand-acre farm, situated elsewhere, which was trebled in value by the railway. He should support the measure, and hoped it would be passed as quickly as possible, in order that branch railways might be carried out.

Mr. NORTON said he concurred with the last speaker, and, although it was possible that the Bill as it stood could be improved, he thought it would be a great mistake to reject the second reading. However, he did not think there was any intention of doing so. He hoped the special mention of tramways would not be omitted from the Bill. Reference had been made to the cost of the tramway in Elizabeth street, Sydney, but he would point out that it was constructed in a great hurry, the object being to complete it before the Exhibition, and in consequence the Government were put to more expense than was necessary. He might also mention that the street was paved with bluestone blocks, which were imported from Melbourne at a great cost; and the object was to level the street and to make it as sound as it was previously to laying down the tramway, so that heavy traffic might still pass over without any difficulty. At the present time several other lines were being laid down, and one was about completed; but the cost he did not know. In a few months they should be better able to ascertain the cost of building railways in towns; but they must remember that here it was not proposed to make these railways generally along solid and substantial streets—the object was to construct them along main roads in the country, and run them in connection with their main lines. In Sydney the American Baldwin engine was being used, but he believed that it was less effective than Merryweather's English engine. These were used largely on the Continent, England, and Scotland, and in New Zealand and South Australia, and he was in a position to state that Messrs. Merryweather were sending out one of their engines to Sydney and were prepared to place it in competition with the Baldwin engine, simply to show how effective it was. Their engines were smokeless, consumed their own steam, and were said to be almost noiseless, which were great advantages when it was considered that tramways were to be run over roads where general traffic was going on. He believed that in the course of a few months they should know what these tramways were likely to cost, and he certainly hoped that whatever alterations were made in the Bill tramways would be left in it, and that before long they should see them running through country districts in Queensland and supplying the main

lines with produce which, otherwise, could not for some years come in except by drays.

The HON. S. W. GRIFFITH said that, as he understood it, the principal object of the Bill was to enable the Government to make railways along public roads or streets, either in town or out of it; and it was contended that power to do that would tend materially to lessen the cost of constructing railways in the colony. So far he entirely agreed with the Minister for Works, and believed that it was very desirable that the Government should have power—if they did not possess it already—to make railways along the public roads. But, as far as he could see, the Bill was not drawn from that point of view at all. The abstract desirability of giving the Government power, or that the Government should have power, was admitted; but the Bill, so far as he could make out, appeared to be adapted from a tramway Act, and to be founded upon the assumption that the Government did not possess certain powers which this Bill proposed to give them. In order to see what effect the Bill would have it was really necessary to consider what powers the Government had at the present time. It might be very doubtful whether the Government had the power at present to make a railway along a road. The provisions of the present Railway Act—which Act was very full in its powers—on that point were contained in the 90th, 91st, and 92nd sections. The 90th section provided—

"If in the exercise of the powers hereby granted it be found necessary to cross, cut through, raise, sink, or use any part of any road, whether carriage road, horse road, or tram-road or railway, either public or private, so as to render it impassable for or dangerous or extraordinarily inconvenient to passengers or carriages or to the persons entitled to the use thereof, the Commissioner shall before the commencement of any such operations cause a sufficient road to be made instead of the road to be interfered with, and shall at the public expense maintain such substituted road in a state as convenient for passengers and carriages as the road so interfered with, or as nearly so as may be."

The 91st section gave damages to any person entitled to a right of way over a road which was interfered with; and the 92nd section provided for the restoration, if possible, of a road which had once been interfered with by the Commissioner of Railways. It would be observed that the only case provided for by the 90th section was that of a road so much interfered with by the construction of a railway as to render it impassable or dangerous, or extraordinarily inconvenient to passengers. Apart from those provisions it appeared to be perfectly lawful for the Government or Commissioner to make a railway along a road. The powers to make these railways were as ample as they could possibly be. These were contained in the 11th section of the Act. They had the power to make railways anywhere; but it might be doubtful whether there was a complete power to make railways along a road, and so far he thought it was extremely desirable that that doubt should be removed by declaring "that the Commissioner of Railways may make railways along a road." But the first point that occurred to him was—what was to happen to individuals who were injured by the making of such railways? The powers of the Commissioner were very ample under the present law, but there was a proviso to the 11th section of the Act which said—

"Provided always that in the exercise of the powers by this Act granted the said Commissioner and all other persons shall do as little damage as may be, and that, if required, full satisfaction shall be made in manner herein provided to all persons interested in any lands or hereditaments, which shall be taken, used, or injured, or prejudicially affected, for all damages by them sustained by reason of the exercise of such powers."

He was not aware of any Railway Act in any part of the world in which such a condition was not contained. He was not aware that any provision made by any legislature provided that the Government might injure the property of a private individual for the benefit of the public without compensation being made to him. He did not, for his part, think it at all necessarily followed that making a railway along a road injured the property along that road, but it might: very good reasons should be shown before the House should be asked to assent to such a proposition as the Minister for Works had made. He had not been able to ascertain from perusal of the Bill whether it was or was not intended that such compensation should be given. The second section of the Bill proposed to enact that—

"From and after the passing of this Act it shall be lawful for the Governor in Council, any statute to the contrary notwithstanding, to cause a railway or tramway, the plans of which have been approved by both Houses of Parliament, to be constructed and maintained along, over, and across any public reserve or road in the colony; and no person or body corporate shall be entitled to claim compensation upon account of any land taken and used for necessary works and approaches from any public reserve or road as aforesaid."

That appeared to him to be a perfectly nugatory provision, as he could not see how any person or body corporate could be entitled to compensation unless for injury done. The only compensation given under the present law was compensation given to persons whose land was taken or property prejudicially affected. No compensation could be given for land taken from a public road or a public reserve. This provision, depriving such persons of compensation, deprived them of compensation to which they were not entitled, and so far it was nugatory. As the Bill at present stood the 11th section of the original Act would come into operation, and every person prejudicially affected by the making of a railway would be entitled to compensation, just as he was at the present time. A proviso in the 2nd section stated "That such railways or tramways shall be constructed and formed in accordance with the proper levels of such road;" but, supposing the road was not level and the railway could not be carried along it, what would be the result? Such a provision might be all very well in a country like Holland, or in the eastern counties of England, where there were no hills; but in this colony, where most of the roads went over hills, railways could not be taken along the road without cuttings being made. Supposing a deep cutting to be made through the middle of a road, were the owners of the adjoining land to be compensated or not? The Minister for Works had made no new discovery in this matter. This was only a question as to which was the least expensive and most convenient way of carrying out public works. If the road was level, and no one was injured, by all means let the railway be carried along the road; but, if the road was not level, the question at once arose whether it was more convenient to buy the necessary land and take the railway by the level route, or to cut down the road and pay compensation to those who were injured and make a new road to give them access to their properties. All that was apparently required by the Government in respect to this point was a provision that it should be lawful for the Commissioner of Railways to make railways along public roads. The provision for making compensation must be left. No one could contemplate the idea of giving the Government power to make a cutting twenty or thirty feet deep in front of a man's property without giving him any compensation. Some such cases of injustice under the Municipalities Act of 1864 had been under the notice of the House, and surely it was not now proposed that the Government should do such things and the injured party should have no redress! That

would be contrary to the spirit of the law in all British dominions. The rights of private property had always been upheld, and any law which would deprive an individual of his rights would be too much like confiscation to be ever adopted by any British legislature. He wished now to know whether the Government proposed to allow compensation in a case such as he had described. If they did it was only necessary for them to make a declaratory enactment that it should be lawful for the Commissioner of Railways to make a railway along a public road subject to the same conditions of compensation as were contained in the Railway Act of 1863. All the rest of the second section was already law. Before passing on to the next section he would, however, remark that the power to make tramways—which the Minister for Works seemed to think was a new power—was contained in the present Railway Act, the 101st section of which provided that it should be lawful for the Commissioner "to use and employ locomotive engines or other moving power and carriages and waggons to be drawn or propelled thereby, and to carry and convey upon the railways all such passengers and goods as shall be offered for that purpose," and so on. The only statute that related to the subject gave the Commissioner just as much power to make a tramway as to make a railway. The 3rd section of the Bill made it lawful for the Commissioner to exercise certain powers; but the Commissioner had already got those powers, and the clause did not confer a single power which was not given by the Railway Act of 1863. The 4th section gave powers which were given in the 101st section of the Act of 1863, and the 5th was a mere re-statement of powers given under that Act. Section 6 was also already law. There was a little bit new in the 7th section—namely, the size of gauge —3 feet 6 inches—though why that was put in he could not tell. It might hereafter be desirable to make a tramway with a 2 feet 6 inches gauge. The provision about repairing pavements was necessary where it was in contemplation to carry railways through municipalities. All the rest of the provisions of the Act seemed to be contained in the provisions of the Railway Act of 1863. Altogether the Bill read as though it had been adopted from some country where the powers given under the Railway Act of 1863 had not previously existed; here all the powers conferred already existed, except, perhaps, the power of making railways along public roads, and a short enactment such as he had described would do all that the Government wanted in that respect.

The PREMIER: No.

Mr. GRIFFITH said if it would not, then he did not know what the Government wanted. The Minister for Works had, however, in his speech introduced some other subjects which would be found embodied in the amendments of which notice had been given. The first of these related to the prices to be paid for land required by the Government. Many exorbitant claims no doubt had been submitted, but he did not believe there had been many exorbitant awards. If the evidence taken before the arbitrators were examined in each case, he was inclined to think the awards on the whole would be found to be fair. If the arbitrator was not capable of performing his duty, the remedy in the hands of the Government was obvious. He had never heard any complaints except that the awards were too small. If they were compared with the awards made by arbitrators and justices before the Act of 1862 was passed, it would be found that they were on the average smaller. The Minister for Works had apparently looked at the matter from one point of view only—the point of view of the litigant who contended that the awards were too large. Under the old system of arbitration the arbitrators took up to a great extent the position of advocates, each one considering that he had to fight the battle of the party who engaged him. When the Act of 1862 was passed it was considered that the amount to be paid would thereby be considerably reduced, and he believed that expectation had been realised. Where an arbitrator was appointed to a judicial office, uncontrolled by either the Government or the litigant, it was more than likely that an independent and just decision would be given than where the two parties each chose an arbitrator who tried to do the best for his nominator whom he considered as a client. At the time he considered that the measure was likely to operate unfairly against the claimant, and he was not sure whether he supported it, but the Act had certainly gone as far in the favour of the Government as any legislation had gone. The Minister for Works gave a few instances; but in order to form a just opinion of the working of the Act, a return should be made showing in each case the amount of the claim, the valuation put on the land by the Government valuator, the amount offered by the Commissioner, and the amount of the award. Such a return would enable hon. members to form a good idea of whether arbitrators had, on the average, given excessive awards or not; but without such materials it was impossible to give a correct opinion on the working of the present system. The first remedy proposed by the hon. gentleman for excessive awards was that the assessment books of the municipality or division should be *primâ facie* evidence of the value. That amounted to this —if the claimant did not give any evidence, that would be received as evidence. But the claimant would not appeal against the Commissioner unless he had some other evidence; so that the provision would be nugatory—there always would be other evidence. The best answer to that proposal was that the provision would be useless. If that evidence were to be accepted as conclusive the provision would be most unjust, because nobody was ever known to appeal against an assessment on the ground that it was too small. No one whose property was assessed at £50 would come forward and say the value was £100.

Mr. SIMPSON: Yes; a man did so at Toowoomba.

Mr. GRIFFITH said the name of that man ought to be recorded in the annals of the House. There was no provision in the Act except that which related to individuals who felt themselves aggrieved, and how could a man be aggrieved because his property was assessed too low?

Mr. SIMPSON: The depreciation of his property.

Mr. GRIFFITH said that the hon. member was proving too much. What a splendid prospect he opened up of a new system of appeals in which people rushed to have their assessments increased—"I am assessed at only £10; I pray you let me be assessed at £20!" Who would be on the other side! A decision to be of any value must decide between two or more conflicting opinions, but in this case the divisional boards would only be too happy to submit at once and admit that they were wrong. So that by that means instead of the value pronounced being the true one it would be the false. The principle suggested in the amendment was an entirely erroneous one. The second amendment provided that the arbitrator in each case, in giving a judicial decision, should make a solemn declaration that he had done his duty. He did not see why an arbitrator should do that any more than a justice of

the peace. Imagine a justice of the peace, before signing an order of petty sessions, making a solemn statutory declaration that he had done his duty in the case! Such a thing had never been heard of. An oath was taken before appointment that they would do their duty, but he had never heard of a justice of the peace being required to solemnly declare that he had done his duty. When the Bill of 1872, under which the railway arbitrator was appointed, was before the House, a discussion took place as to whether the arbitrator should make an oath before taking office, and the House refused to require the oath. Such a thing as that now proposed seemed inconsistent with the office of the arbitrator. If the arbitrator could not be trusted to do his duty without binding himself by a statutory declaration on every occasion that he had done it, the office had better be abolished altogether and the old system reverted to. The real matter in the Bill was this, that it was desirable to make railways along public roads and streets; and to that proposition he entirely agreed. But he failed to see how this Bill was to give effect to it. On a previous occasion they were informed by the Minister for Works that the Premier, while in America, had obtained much valuable information on the subject of railway locomotives passing over streets and roads, and that that information would be given to the House when the present Bill came on for discussion. He trusted that before the debate closed the House would have the advantage of the Premier's American experiences. For his own part, he required no further information to satisfy him that it was practicable, with proper precautions, to run locomotives along streets and roads; but people desired to know what precautions should be adopted, and to what extent individual members of the public should be protected and their interests looked after in the change it was proposed to make in the law. He hoped the Minister for Works and the Government would consider the matter before the Bill got into committee. If they would refer to the existing law, and see what the powers of the Commissioner for Railways were, they would find that it was unnecessary and undesirable to repeat, in other language, powers that already existed. If such a thing were done it would only result in confusion as to whether the new powers were in excess of, or the same as, or in diminution of, the old ones. What was now certain would be made uncertain. He hoped, therefore, that the Bill would be limited to provide for all that required to be provided for—namely, to remove all doubt on the subject of running railways on the public streets and roads.

The PREMIER said the hon. member (Mr. Griffith) had given it as his opinion that all that was wanted was a short Bill giving the Commissioner power to make railways along roads and streets, subject to the powers conferred by the Act of 1863. That was not at all the object the Government sought to gain, and he felt sure that if such a Bill were to pass the claims for compensation would be just as great as they had been hitherto. It was to get rid of the responsibility of compensation for fancied damage that this Bill had been introduced. The hon. gentleman seemed to consider that the Government had not given sufficient consideration to the clauses of the Act of 1863 to which he had referred. He (the Premier) had all the clauses before him bearing on the point the Minister for Works had taken up—namely, clauses 90, 91, 92, and 93—under which they certainly had power to make railways along streets and roads. But they were also bound to give compensation to every individual who had a right on the road, or who might fancy he was inconvenienced in any way. The hon. gentleman had left out of consideration the fact that, when the Railway Acts were passed, railways on streets and roads were considered to be utterly impracticable—the experience up to that time having been that they could not be worked, except with great danger. The consequence was that if the Government or a company obtained power to make railways on roads and streets, all the individuals having frontages on those roads or streets would have to be compensated for any damage or fancied damage they might have sustained. It was now well known that roads and streets could be so used without damage to those holding frontages on them. Although they had had very little experience in Australia, yet in England and America railways were as common as possible over streets with ten times the traffic of Queen street, and without the inconvenience to the inhabitants. All those railways were made without the slightest compensation being given; and the Government asked for the same power here. The clauses in the Act of 1863 were passed in the belief that a railway on a public road was a dangerous matter, and that provision should be made not only for the safety of the inhabitants, but for compensation for the injury they might suffer from such a railway. By those clauses the Government were forced to fence in the line, and also to make a road in lieu of the one taken up by the railway, to make paths to the fences and bridges over the rails, and other things of a like nature which would hamper the Government. An immense amount of compensation would have to be paid. It was to get rid of that that they asked for what he could not consider an extraordinary power—namely, that the roads and streets should be considered the property of the Government. He did not think that a railway carrying as much traffic as was carried on the busiest part of the Brisbane and Ipswich line would do the slightest damage to our roads, and it could be constructed without injury to the ordinary traffic or to the frontages. If the Government attempted to do that under the Act of 1863 they would be deluged with claims for compensation, and vast sums of money would go out of the Treasury before it was discovered that the railway had done good instead of harm to the road. The hon. member (Mr. Griffith) asked if it was intended to give compensation to persons having frontages on the street. He (the Premier) should say, decidedly not. Of course, if it became necessary to make cuttings or embankments, that would injure property very materially; but there was sufficient guarantee that streets would not be interfered with in that way in the fact that Parliament would have to approve of the plans and sections, and Parliament would not be so unjust as to pass plans and sections giving power to the Government to make cuttings and embankments in the middle of, say, Queen street. They would compel the Government to buy land adjoining and make the line in the ordinary way. The hon. gentleman asked what they would do when they could not make railways along the streets without making cuttings and embankments. He had answered that objection by saying that Parliament would have to approve of the plans and sections, and it would be the duty of the Minister for Works to state how those streets would be affected. There would be no object in making a railway involving an embankment in the middle of the street. The hon. gentleman seemed to think that the system of arriving at the amount of compensation to be awarded worked quite satisfactorily. He (the Premier) had never heard anyone in office, or in the Railway Department, holding that opinion, and he was satisfied that far more compensation had been granted than the parties were entitled

to. No doubt the present system worked more satisfactorily than that provided by the Act of 1863, but not from the reason assigned by the hon. member—that they had now a single arbitrator. He (the Premier) attributed it to the fact that in the Railway Act of 1872 a clause was inserted compelling the arbitrator to take into consideration he extent to which the property had been benefited by the fact of the railway having been made. If that had always been the case the amount awarded would have been considerably less than was actually the case. It was to the fact of that clause being in the Act of 1872 that he attributed the superiority of the working of the arbitration clauses over those of the Act of 1863. The hon. member said that clauses 3, 4, and 5 might be left out, as the powers were contained in the Act of 1863. Very great powers were no doubt given to the Commissioner under the Act of 1863, and there was just a question whether the powers proposed to be given by the clauses mentioned should or should not be included. He had searched through the Act and did not see that the powers were specifically given ; at all events, he differed from the hon. gentleman in the conclusion that they should not be repeated in the present Bill, in which they asked for specific powers for the purpose of constructing railways on roads and streets ; and he did not see that any harm would be done even if the clauses were repeated, and the powers given to the Commissioner were embodied in another Act: inferentially, if not specially, the powers were already given ; but there was no harm in making the matter clearer. The hon. gentleman objected to clause 7 limiting the railways to be constructed on main roads to a gauge of 3 feet 6 inches. He himself thought this was a tangible objection, for he did not see why they should be bound to any particular gauge. He did not approve, of course, of altering the present gauge, but he did not see why the Government should be prevented, if they saw fit in some districts, from introducing a smaller gauge, with the sanction of Parliament. The great object of the Bill, he believed, would be attained if they got rid of the claims which property-holders advanced whenever a railway came near them. The Bill would certainly effect that object, and in that belief he should give it his heartiest support in going through the House ; and he hoped it would become an Act as soon as possible, in order to allow the Government to take advantage of the first approval of plans and specifications to apply it to branch railways.

Mr. DICKSON said he intended to support the Bill for two reasons. The first was that he should be glad to assist any Government in proceeding with railway construction in the colony in any manner by which it would not be attended with the heavy cost for the resumption of land which had hitherto characterised railway construction ; and although he did not perhaps see that the Bill very clearly led up to that issue, he accepted the statement made by the Minister for Works that it was introduced with the intention of enabling the Government to proceed with railway construction without the usual concomitant expensive and heavy payments for land resumption. He would also give it his support for a second reason—namely, that since the session commenced there had been constantly thrust before them the promise that if the Bill passed branch railways would be proceeded with. That was a consummation devoutly to be wished, and with a view to removing the formidable obstruction which had heretofore intimidated the Minister for Works—who was not usually intimidated by obstacles, even of a far greater kind—he intended to give the measure his support, and trusted with all sincerity that the hon. gentleman would be as good as his word, and that as soon as the Bill passed they would see without any unreasonable delay the commencement of those branch lines which the hon. gentleman had intimated it was the policy of the Government to construct. It was not his (Mr. Dickson's) intention this evening to go into the merits of branch *versus* trunk lines, because his hon. friend the member for Logan had answered most completely the statement made by the Minister for Works, that trunk lines in this colony must pay better than branch lines because they did so at home. The circumstances of the case as illustrated at home and in Queensland were not at all analogous, but he must insist that population and production were the two great agents to which they must look to make their railways productive and furnish them with a sound argument and reason for their construction. The gist of the Bill, it seemed to him, lay in the amendments of the Minister for Works, and it was a pity that the Bill should have been printed without them, because the public, who had received the Bill as it was now submitted, were not aware of the exact tenour of the amendments, which were to the following effect :—

"7. Whenever any lands are resumed by the Commissioner for the purposes of this Act the railway arbitrator shall request the mayor of the municipality or chairman of the division in which such lands are situated to furnish him with the assessment-books of the municipality or division, as the case may be ; and the amount named in the assessment-book for the year then last past as the value of the said lands shall be taken by the railway arbitrator as *prima facie* evidence of their value in awarding compensation for the same ; and any mayor or chairman who refuses or neglects to furnish the assessment-books when required by the railway arbitrator shall be liable to a penalty not exceeding ten pounds (£10) for every such refusal or neglect, to be recovered in a summary way before two justices.

"8. In estimating the amount of compensation to be paid for lands resumed or damage sustained under this Act, the railway arbitrator shall deduct from the estimated amount of compensation to be awarded by him a sum representing the increased value which the remainder of the land (if any) has acquired by the construction or proposed construction of the railway or tramway ; and the certified copy of every award made by the railway arbitrator shall be accompanied by a statutory declaration under the Oaths Act of 1867, in the form of the schedule thereto annexed."

While he had every desire to see railways constructed on a more economic basis than heretofore, and that there should be no extraordinary value paid for compensation, he thought the State had no right to injure private individuals ; and that individual interests should not suffer to the extent which would certainly be the case if the amendments were incorporated into the Bill. The valuations made by the divisional boards were of a most unreliable character ; and it would be a monstrous thing that a man, having property assessed by a divisional board over which he had no control and in which assessment he had no voice, should be compelled to part with his property at its valuation. He would give an instance of what had occurred within six miles of Brisbane, where two divisional boards were co-terminous. A creek ran betwen them as a boundary, and on the further side the land was assessed at £3 per acre, and on the other side at 10s. per acre. He was informed that the land on the nearer side was, on account of its agricultural qualities, really more valuable than the land on the further side, though it was now assessed at only one-sixth the value of the other. Would it be fair, if there was a railway constructed through this land, that the Government should have power to resume such portions as were necessary from the landowners at the valuations assessed by the divisional boards? In his opinion it would be a most unjust system, and legal members of the House, he was sure, would agree with him that the machinery the

Government possessed at the present time enabled them to obtain land for the construction of railways at a fair and reasonable rate. He believed himself that when the State required land from private individuals the tendency of the valuation should go in favour of the individuals owning the lands resumed, not to the extent of fanciful prices, but full and fair compensation should be given, and not such compensation as the Minister for Works suggested in his amendments. The machinery of the divisional boards was admitted to be at present crude, and not at all the machinery by which so important a matter as this should be settled. He did not now intend to specify objections to the Bill, but what he had said he hoped the Minister for Works would consider, so that when the Bill got into committee he would desist from introducing his amendment clauses: if the hon. gentleman would endeavour to frame them in such a shape that they would be more equitable in operation it would be more satisfactory. In conclusion, he would express a hope that when the measure was enrolled on the statute-book the Minister for Works would carry out his promise, and with all reasonable expedition invite the attention of Parliament to the plans and specifications, not only of the branch railways laid on the table of the House, but others promised by him to be submitted during the session.

Mr. O'SULLIVAN said that, notwithstanding the hurry he was in to see the Bill pass, he could not resist the temptation to say a few words. First he disagreed with the hon. member who had just sat down, and also with the hon. member for the Logan, when they said that population and production were the cause why branch railways should be feeders instead of suckers to the main line. At home they were generally considered to be suckers to the main lines, and they did not pay. It was plain to see why. The roads in England were made before the branch lines came into fashion. In this colony it was different. There could not possibly be anything but feeders to the main lines, because the roads were not made, and it would be as cheap to make the branch lines at once as macadamised roads. The first outlay would be quite saved; they would have speed, and need not keep up macadamised roads which would in a few years cost as much as the railways. Settlement would be produced as soon as the lines were made, and as they were laying the foundation of a new country they might as well start with the railways. In this way it was hoped that they would assist the main trunk lines instead of being a drawback to them, as they were in England. There had been a good deal said about compensation, and the various modes by which it had been given, and no doubt the intention of the Bill was to put a stop to that to a large extent. The Premier had referred to a clause giving power to the valuator to keep always in his eye the enhanced value of the land as he went along, and deduct that from the amount the land would be worth; but it appeared to him (Mr. O'Sullivan) that that would cut two ways. It was a positive fact that some lands were reduced and deteriorated in value by railways passing through them. He would give a single case in point. There was a good deal of talk, some time ago, about the compensation that was given to the Thorns for the railway passing through Warra Station, but he believed that was paid simply for the freehold land, and they must take this into consideration—that the railway run from twenty to twenty-five miles parallel with the river, thereby cutting off about two-thirds of the run, and some of the finest parts of it, from water, and the run was not worth as much by thousands of pounds as it was before. Had there been any provision made to compensate the owners of the station for the deterioration in value? None whatever, and he believed that as far as that run was concerned it would have been better for it that the railway never went there, for the simple reason that on the right of the line—where there was some splendid country, beautiful plains—stock were entirely cut off from water. He did not believe any run had been so much reduced in value as Warra, for that reason. He knew there were many other runs situated in something the same way, and, although he was not so well acquainted with Wallan, Mr. Ferrett's station, he believed it had also been injured to a considerable extent by the railway running through it. He was exceedingly glad that the Minister for Works had shown so much solicitude in bringing this Bill forward that he had had it put at the top of the paper for this evening. It showed that he was inclined to go on with it; and, seeing that a great many labourers would be thrown out of employment about the middle of this month, he thought the sooner the Bill was passed the better. Mr. Bashford, the contractor, had told him that about the end of this month he would have about 250 men idle, and if they happened to leave the colony he would not be able to replace them; so that this Bill had been brought about at a very opportune time. The valuation of the land along the Fassifern line could be easily made very much less than the prices that had been sent in to the Minister, when word was sent out that the land had to be valued. He, himself, knew certain valuations that would be reduced by more than one-half, so that in reality it would be a good calculation for the Minister for Works to knock off about half the amount of the valuations that had been sent in. So far as he was aware, there had never been any proper principle laid down for the valuation of land. First and foremost, it was done by a faction. A man who wanted to get so much for his land would get his men together, the Government would get their's on the other side, and whoever was sharpest gained the day. He (Mr. O'Sullivan) had an affair of that kind on a small scale at one time, and he was so knocked about by both sides that at last he had to go to the Supreme Court to get his money. He was very sorry to hear from the hon. member for Dalby that there were some people who had not yet received compensation for their land. There must certainly be something wrong if such cases existed, and he was sure the hon. member would not speak of them unless he knew that there were claims for compensation still unsettled. He (Mr. O'Sullivan) thought that in the valuation of land some principle should be laid down by which a man's land should not be valued according to his politics. He remembered the time in this colony, when the first railway was started, that if a man happened to promulgate certain politics his land would be worth about £5 an acre, while the land of his neighbour who advocated different politics would be worth £30 per acre. The fact was, a man's land was valued according to his politics, and the only man who had a chance of getting a fair valuation was the man who belonged to no party and professed no politics. He (Mr. O'Sullivan) thought a very fair principle of valuation would be to take land at its first cost, and add any reasonable percentage that might be agreed upon. For instance, in country towns land was generally sold at £8 an acre at that time, and country lands at £1, and if the value of town lands increased to three times the original cost, or £24 per acre, country lands should be taken in the same ratio, that was at £3 per acre. Whether that would be a good principle in all cases he did not know, because town lands increased in value sometimes

faster than country lands: still, he thought it was as good a principle as he had heard suggested—it would, at anyrate, always be a reasonable standard to go by. One hon. member said he would give the Government power to take land at first cost, but he (Mr. O'Sullivan) would be very sorry to do so. He was not at all inclined to give the Government too much power. There was always greater safety for the people in keeping the power of the Government down as much as possible, and watching and scrutinising with the greatest jealousy everything they did; and if they had power to take away a man's land for nothing there would be no one safe in the country. He thought any Government that attempted anything of that kind should be at once pulled up. He was exceedingly glad that this Bill had come on so soon, because he hoped the district that he represented would be the next on the list. When he said this he did not expect that any of their country towns would benefit by these branch lines half as much as the capital would. The traffic of the country districts would run through those inland towns, such as Ipswich and other places, and come on to the capital where there would always be the best market: so that while he advocated these branch lines he was not aware of any wonderful benefit they would confer upon the town to which he belonged. The only line that would benefit that town was the coal line to deep water, and he hoped that when the Minister for Works passed this Bill the first branch line he would go on with was the one to deep water. He (Mr. O'Sullivan) was very pleased to hear the hon. member for Ipswich (Mr. Thompson) say that he would give every assistance to carry this Bill through, and he hoped the leader of the Opposition would do the same.

Question—That the Bill be now read a second time—put and passed.

The committal of the Bill was made an Order of the Day for to-morrow.

POST CARD AND POSTAL NOTE BILL—COMMITTEE.

On the motion of the COLONIAL SECRETARY, the House went into Committee to consider the Bill in detail.

Preamble postponed.

Clause 1—"To be construed with Postage Act"—put and passed.

On clause 2—"Post cards may be issued"—

Mr. GRIFFITH said this clause entirely missed the point. The postage was fixed by law at the rate of 2d. for letters in the colony, while the Governor in Council had power to make any arrangements he pleased with respect to foreign letters. What was required to be expressed was that post cards should be carried all over the colony at 1d., and that was the thing the clause missed altogether. He had referred to the Imperial Act 33 and 34 Victoria, and found that people could under that Act print their own cards. In New South Wales, also, people had their own post cards printed. What did it matter to the Government whether the cards were issued from the Post Office or not? In order that the present Bill might be made consistent with the principal Act, he would suggest that a provision be made to the effect that post cards should be sent for 1d., notwithstanding anything in the principal Act. Of course, there should be regulations as to the size of post cards, but the system in force in England should be ollowed in the colony.

The COLONIAL SECRETARY said that from inquiries made at the Post Office department, he could state that postal cards were not issued by private persons except in New Zealand. It was not only important that post cards should be of the same size, but that they should be of the same weight. There was nothing to prevent anyone printing what they wished on the reversal of the cards; but it was necessary that they should be issued stamped. The New South Wales card was stamped, and the address was written on one side, while anything else was written or printed on the other. The only difference between the post cards the Bill proposed and those in England was that those in the colonies would be a penny instead of a halfpenny.

The ATTORNEY-GENERAL (Mr. Beor) said he could confirm what the Colonial Secretary had said about post cards in England. It was an error to say that the cards were printed by private people in England and had the stamp affixed afterwards. Such was not the case; but anybody who chose could print on the reversal of the card afterwards.

Mr. GRIFFITH said the principal Act provided that no less than 2d. should be charged for letters within the colony—with the exception of town letters. The only legislation required was to get over that provision.

The COLONIAL SECRETARY said that was exactly what the clause provided for; it said that post cards should be sent for 1d. As a matter of fact, the card was a letter with a penny stamp on it, and the Bill authorised the Postmaster-General to issue it.

Mr. GRIFFITH said that the Bill was not like the Imperial Act, which provided that from and after a certain day post cards might be sent by post at a half-penny, and that the Postmaster-General might from time to time make regulations relating thereto. The Queensland Act set forth that other than town letters should be charged 2d., and town letters 1d., so that people would be able to send postal cards in the town for 1d., while those in the country would have to pay 2d.

The COLONIAL SECRETARY said the intention of the Bill was that 1d. should carry a post card all over the colony, but it was reserved to the Government to make regulations for sending them to the neighbouring colonies. He did not see that the clause wanted any amendment.

Mr. GRIFFITH said the Postal Act said 2d. should be charged. As a matter of administration the Government could have them sent for nothing if they chose, but that would be against the law. He could not see why the Postmaster-General should be the only person allowed to issue post cards. Why not do the same as in New South Wales and Victoria?

The COLONIAL SECRETARY said the reason why the Postmaster-General was to issue the post cards was exactly the same as the reason why he should have the monopoly of the stamps. The clause enabled the Postmaster-General to treat a post card as a letter and send it to any part of the colony.

Mr. SIMPSON said he saw a good deal in what the leader of the Opposition said. A penny letter circulated only in the town; and it seemed doubtful whether a penny stamp would carry a post card in town only or in the country.

The COLONIAL SECRETARY: It can go anywhere.

Mr. GRIFFITH said it might be provided by regulation that a post card could go anywhere for 1d., but such a regulation would be contrary to the Postal Act. Why not say in the Act that post cards might be sent anywhere within the colony for 1d.?

Mr. MOREHEAD thought that under the clause a post card would be a letter within the meaning of the principal Act whether the card bore a penny or a twopenny stamp.

The PREMIER said he could not see any difficulty. The first part of the clause gave the Postmaster-General power to issue post cards at one penny, and went on to provide that they should be considered as letters. The clause clearly provided that cards should be transmitted to any place where they were directed.

Mr. GRIFFITH : It does not.

The PREMIER said the exception in the latter part of the clause clearly referred to the difference between the postage on cards and on letters.

Mr. GRIFFITH said that the provision of the clause was that the Postmaster-General should issue cards, not that he should transmit them.

The PREMIER said that the hon. member seemed to forget that the clause was further explained by clause 8, which gave the Government power to make regulations respecting the transmission of post cards. As to the suggestion that private individuals should be allowed to issue post cards, he would point out that that would involve the addition of two or three clauses to the Bill to regulate the size, and many other things.

Mr. GRIFFITH could not see what harm there could be in providing that the size of cards could be fixed by regulation.

The COLONIAL SECRETARY said he could not see any necessity for the amendments suggested by the hon. member. No doubt the hon. member would like to see that and every other Bill worded in his own phraseology. He did not see why the Bill should be sent back to the Upper House with unnecessary amendments which were merely the result of captious criticism.

Mr. GRIFFITH said that the Colonial Secretary always made the same speech when he was in charge of a Bill in committee. However, the repetition of that speech would not deter him from suggesting alterations where he thought they were necessary. It was his right and his duty to point out errors.

The COLONIAL SECRETARY said that the hon. member criticised every Bill in committee in the same way—in fact, his criticism ought to be stereotyped.

Mr. GRIFFITH said that to make the Bill intelligible and to provide that it should convey the meaning intended he would move an amendment. He did not think that since he had been in the House he had obstructed the course of legislation—on the contrary, he was vain enough to think that he had been of some service to the House in Committee. He would propose an amendment which would make the clause analogous to the English statute. He would propose the insertion at the beginning of the clause of the following words :—

"Notwithstanding anything in the principal Act contained, cards with words written or printed thereon, and unenclosed (hereinafter called post cards), may be sent by post to any places within the colony, at a postage rate of 1d. each."

The COLONIAL SECRETARY said he should be chary about accepting amendments when he thought the wording of a Bill was sufficient to convey what was intended. He could not see the use of the amendment proposed, and therefore he should not accept it. If he accepted it he should be told by the Opposition that the hon. member for North Brisbane had to remodel all the Bills brought in by the Government.

Mr. SIMPSON thought this difficulty would be better met by adding words to the proviso to the effect that post cards might be carried to any part of Queensland.

The COLONIAL SECRETARY said the objection raised by the hon. member's suggestion was that it would tie the hands of the Postmaster-General, and prevent him from arranging for the transmission of cards to the adjoining colonies.

Mr. MOREHEAD presumed that a letter was a fixed quantity, so to speak. Whether stamped with a penny or a twopenny stamp, it still remained a letter.

Mr. DICKSON pointed out that there was an ambiguity, because the principal Act defined certain rates of postage which were not cancelled in the Bill. The Bill provided for the issue of certain letters, but it seemed to him that they were subject to the rates of postage under the original Act. He would like to hear the opinion of the Attorney-General.

The ATTORNEY - GENERAL said his opinion was that no necessity for the amendment existed. Post cards would be considered letters, and the Postmaster-General would of course treat them as letters. The only exception was that they were to bear penny stamps.

Mr. GRIFFITH said he saw no mention of the carriage of the cards from one part of the colony to another. If it were pointed out to him that that provision existed, he would at once admit that he was in error.

The ATTORNEY-GENERAL : The Bill says the post cards shall be deemed letters, and being letters the Postmaster-General is bound to treat them as such. The principal Act provides for the carriage and delivery of letters, and the postal cards will be carried and delivered under those provisions.

Mr. SIMPSON suggested the insertion of the words "letters fully stamped."

Mr. AMHURST thought the clause should be retained in its present form.

Motion—That the words proposed to be inserted be so inserted—put and negatived.

Clause, as printed, agreed to.

On clause 3—"Postal notes for remittance purposes may be issued, and of four classes"—

The COLONIAL SECRETARY said he described the postal notes upon the motion for the second reading of the Bill. He now laid samples upon the table for inspection. They were of the value of 1s., bearing a halfpenny stamp; of the value of 2s. 6d., bearing a penny stamp; of the value of 5s., bearing a twopenny stamp; and of the value of 10s., bearing a threepenny stamp. Clause 4 provided that the notes should

"Be issued from the General Post Office, Brisbane, for sale at any post office at its face value, together with the amount of the fee-stamp added thereto; and be payable to the bearer, on demand, at the General Post Office, Brisbane, and at such other post offices as are from time to time appointed for that purpose."

The Postmaster-General hoped that after a while he would be able to make arrangements with every office in the colony. That, however, could not be done at present. He had no doubt that the postal notes would be found a great convenience—in the interior especially—and that they would effectually do away with the difficulties attending the money-order system, which was at present a source of continual trouble and vexation.

Mr. MOREHEAD said he would take this opportunity of discussing the 3rd, 4th, 5th, 6th, and 7th clauses. He thought that neither the Postmaster-General nor the Government had given due consideration to the probable effects of the measure, if agreed to in its present form. If postal notes were to be of any benefit at all, it would be necessary to give advice of issue to every postmaster. That would be necessary in the first place to prevent postmasters from being uncivil to persons presenting an unadvised note; and secondly, to prevent the payment of money upon forgeries. The postmasters were so underpaid throughout the length and breadth of the land—with the exception of a few centres—that it was impossible for them to be in a position to keep such a number of books as would be required to carry out the system in its entirety; and if it were not carried out in its entirety it would be worthless. Clause 5 said—

"A postmaster or other officer who sells a postal note shall, in every case, before delivery thereof to the purchaser, obliterate the fee stamp printed on such postal note by impressing thereon the office date-stamp of the day of delivery."

That, he presumed, would be done by machinery. But if a postal note were issued from Brisbane to Dalby it would be registered, and surely it would be necessary to advise Dalby of the issue, and upon the presentation of the note to compare it with the advice? He could give a thousand instances entailing clerical work which could not possibly be borne by the postmasters. Difficulties enough arose out of the money-order system; and the proposed system of postal notes did not appear to him to be one whit better. He was quite sure that the Postmaster-General brought it forward with a view to lessen work; but he could not perceive, from what he had read of the debates in the Council, that the proposal would in any way be an improvement upon the existing system. When the colony was in a more highly developed state we might be able to adopt it with advantage; but it was not applicable to Queensland in its present condition. In many offices the employment of illiterate men could not be avoided; and if they imposed large monetary responsibilities upon these men incalculable mischief and confusion would follow, rendering the system the very reverse of a benefit. Advices would probably be forgotten and neglected, and the value of the notes as negotiable articles would thus be materially diminished. He might be wrong, but he held with regard to these postal notes that they were over-legislating—that they were legislating for what would not be necessary for years to come. If they remembered that many country postmasters were only paid £12 a year, how could they expect that the work in connection with these postal notes would be properly done? He thought that if they ended the matter with the postal cards instead of going on to deal with the question of postal notes they would do good service. If, however, they legalized the issue of postal notes they would find that they caused a great deal of trouble, and placed a great deal too much responsibility on a class of men on whom it should not be placed.

Mr. AMHURST pointed out that the issue of postal notes was not to be applied to the whole of the colony at once, and therefore there really was no ground for the objections that had just been put forward by the hon. member for the Mitchell. He believed himself that the notes would be a very great convenience, as only a few days ago he had to send away 3s. 6d. in stamps, which could have been sent with far less trouble in the form of a postal note. And after all, there was nothing compulsory in the matter.

The COLONIAL SECRETARY thought the hon. member for the Mitchell had misunderstood the object of postal notes. So far as he could understand his objection, it was that advice of the issue of these postal notes would have to be sent from our post office to another; but there would be nothing of the kind necessary—any note issued would be payable at any post-office authorised to pay it; and as to the system involving a lot of bookkeeping, it would do nothing of the kind. All that need be done would be to send up postal note books the same as stamps, and the butts of those books would be a check on the postmaster, as they would show what notes had been issued by him.

Mr. MOREHEAD pointed out that under clause 7 there was a power of transfer: for instance:—

"The lawful holder of a postal note may write or stamp across the face thereof, between two transverse lines, the name of any bank, firm, or person to whom he desires payment to be made."

He would ask whether these notes were to be treated as bank notes or Treasury notes, to be sent about the country anywhere?

The COLONIAL SECRETARY pointed out that they had not yet come to clause 7.

Mr. MOREHEAD said he had stated his intention of dealing with clauses 4, 5, 6, and 7; if however, he could not do that, he should let clause 4 go as it stood.

Mr. GRIFFITH said that as these notes would be payable on demand the same as bank notes, the objection of the hon. member for the Mitchell amounted to this—how was a person to whom a note was issued to know where it was payable?—if he did not know that, it would be like a green-back.

The COLONIAL SECRETARY explained that the notes were only to be payable at the principal post offices at first, and it was supposed that some considerable time would elapse before they became generally circulated.

Mr. SIMPSON said that it was at present a very difficult thing to send small sums of money through the country, and he believed that the Bill would have the effect of meeting that difficulty. It was not likely that anyone would think of sending large sums of money by means of postal notes, as that could be done easier by sending a bank cheque.

Mr. AMHURST said there was no doubt that any person wishing to transmit a small sum of money would readily avail himself of a postal note in preference to sending a number of stamps.

Question put and passed.

On clause 5—"Fee stamp on note obliterated on sale or delivery"—

Mr. MOREHEAD said that, returning to one portion of the argument he had made use of a short time ago, it was stated by the hon. Colonial Secretary that very little bookkeeping would be required, as every postmaster would have to keep the butts of his postal note book, which would be a sufficient check against him; but was it, he (Mr. Morehead) would ask, to be supposed that a paltry salary of £12 a-year would be sufficient for a man who was to be entrusted with the receipt and issue of large sums of money over the counter? Either additional security should be required from such a postmaster or his salary should be increased. With postage-stamps the case was different, as there was not such a temptation put in a postmaster's way, whereas if he had these postal-notes *ad libitum* at his command there was no knowing what the temptation might be—he might either sell them or give them away to anyone he chose.

The COLONIAL SECRETARY said he had no doubt that where any large quantities of postal notes were sent up for sale the Postmaster-General would—in fact, he had told him so—require suitable security. He agreed that £12 a-year was a very low salary for such responsible work, but he presumed that, as postmasters were allowed a commission on the sale of stamps, they would also be allowed a commission on the sale of postal notes.

Mr. MOREHEAD did not think sufficient explanation had been given why comparatively large sums of money should be given to country postmasters, to serve out as they liked, as the time might arrive when the butts of their note books were examined and their cash was asked for, and neither the one nor the other were forthcoming, and as the State was bound to honour the notes it would be the loser. On that ground he contended that it was too much power to place in a number of under-paid postmasters in the colony, of whom the House knew very little, and some of whom, as he had just been informed, were only paid £7 a-year. He contended that unless drafts of advice were drawn by one office on another the system would be worse than useless, as it would lead to unlimited fraud.

The COLONIAL SECRETARY said it was not to be supposed for a moment that these postal notes would be handed over to any postmaster to deal with as he liked. They would be bound up in the ordinary cheque-book form, and the postmaster to whom they were issued would be held responsible for them when his books were audited. Any system was open to fraud, and if such a thing happened as had been mentioned by the hon. member the country would no doubt suffer a loss. He did not see how such a thing could happen, if the Postmaster-General carried out what he (the Colonial Secretary) understood him to intend to do.

Mr. SIMPSON said that according to clause 4 postal notes were not to be made payable at every little country post office, but only at the principal post offices. Postmasters as a rule were men who would not cheat; and considering the amount of valuables which passed through their hands, very little bad conduct took place on their part.

Mr. MOREHEAD said he had not expressed any doubt about the office of payment, but about the office of issue; neither did he say that any postmaster in the colony would cheat, but he pointed out that a temptation would be put in the way of underpaid men—and many post office officials were underpaid—if they got the power of dealing with a considerable amount of money in the form of notes which were negotiable at once. The present money-order system was a perfect one, and he must say that he could see no improvement in the one now proposed, except that a note might be passed from one person to another. It had been suggested that possibly this passing from hand to hand might be a cunning design on the part of the Treasurer to secure the wearing out of the documents before coming to their destination; but he did not think that. A post office order was a much safer document.

Mr. FEEZ thought the member for Mitchell made a slight mistake in his references to the small pay postmasters received. It was only in small country towns that the postmasters received small salaries, and in such cases the office of postmaster was generally sought for by storekeepers because of the trade that the establishment of a post office brought, and to retain that trade it was quite likely that these postmasters would use their own capital to buy the postal notes and keep them on hand. In the larger towns more responsible and better paid men were appointed who had a system of book-keeping and control which was sufficient protection for the Government. He could not see why the Government should have any difficulty in issuing these postal notes. He got them regularly for various amounts from Germany. It must be an immense facility to issue these orders. Most inland towns in the colony had banks which would be only too ready to collect the notes. The notes would be a valuable circulating medium in places where silver and gold had to be imported at a great expense.

Mr. DICKSON said he was almost inclined to think that the present money-order system was sufficient for the requirements of the public, but he could see no objection to the system of postal notes being tried. He believed that there was not the slightest fear of the great majority of the postmasters in the colony yielding to the temptation which it was said would be placed in their way by the proposed system; indeed, many of them were Savings Bank offices.

The COLONIAL SECRETARY said he might point out that the money-order system entailed a vast deal of labour, and that the orders were not transferable. They were payable only to the parties in whose favour they were taken out.

Mr. O'SULLIVAN said the hon. members for Enoggera and Mitchell, when they said the present money-order system was sufficient, forgot that the system was a dearer one to the public and that it was not a circulating system. These postal notes would establish a circulating medium, which was much required at the present time, and on that ground he supported it. He could not understand the intense opposition that the member for Mitchell was offering.

Mr. MOREHEAD said he was not offering intense opposition, but he wished to point out that the notes could not possibly be a circulating medium after a certain point, as clause 7 provided that the lawful holder of a postal note might write or stamp across the face the name of any bank, firm, or person to whom he desired payment to be made. Would anyone tell him that such a document would be always negotiable? After it had undergone two or three crossings it would be about the most wonderful document that had ever been seen, and one would not be able to make out to whom it was payable.

Mr. O'SULLIVAN said the member for Mitchell seemed to be learning from the leader of the Opposition how to pick holes. If he bought a postal note could he not keep it in his pocket in the same way as a piece of silver until he required to use it?

Mr. MACFARLANE said the Bill would meet a want which existed at present. The member for Mitchell scarcely looked at it in the light in which it would affect the commercial public. It would lead to business men being paid small amounts which at present they were not likely to receive, owing to the trouble the present system entailed or to there not being in many instances the machinery available to pay. The danger that the hon. member anticipated would not arise, seeing that the postal notes would be issued for small sums, and that before a book was sold there would probably be an examination of the officers' books. Moreover, they heard of more robberies taking place by people with large salaries, and it must be remembered that, as a general rule, the postmasters in country districts were men who had lived for years in the district. There might be a difficulty in paying these postal notes everywhere, but he saw no difficulty in the Postmaster-General issuing them to every post office in the colony.

Mr. MOREHEAD said, with reference to the remarks of the last speaker—who, having a religious mind, was willing to impute the basest motives to anyone—he wished to say that he stated distinctly that he imputed no dishonest motives to anyone. What he stated was that if they paid men small salaries and put temptation in their way, as they should be doing by this system, the temptation might possibly be too great, and when the Estimates came on he would point out that the officers in the postal department were the worst paid, although possibly they had the greatest responsibilities. He was astonished to hear the hon. member for Ipswich say that the system would be the means of causing him to be paid small sums which it was not likely would be paid under the present system. The hon. member must be dealing with a considerable number of dishonest people if the matter of a penny made such a difference.

Mr. MACFARLANE said the member for Mitchell had very frequently used the word religion, more especially with respect to himself. Why did the hon. member do so? He (Mr. Macfarlane) had never forced the subject of religion upon the hon. member. Religion was a very good thing, and he should be glad if the hon. member had a little more of it. The hon. member had some very superior qualities, and if he would give them play he might be a very useful member; but, apparently, he was only pleased when making facetious remarks and taking hon. members off. One night it was a grey-headed old man on the Opposition side, and the next a religious man, that took his attention. If the hon. member derived pleasure from that sort of thing let him go on; he (Mr. Macfarlane) had made up his mind not to make any reply, in future, to the remarks of the hon. member, however much he might rave.

Mr. MOREHEAD said he was glad to see that his remarks had taken effect.

Mr. BAILEY said he thought the notes would be of great service in the country districts, but that was just where, according to the Colonial Secretary, the people would not be able to get them.

The COLONIAL SECRETARY: I said nothing of the sort.

Mr. BAILEY said many of the offices in the country were held by people living in slab huts, or were in roadside public-houses. It was a great responsibility in such cases for the postmaster to have £40 or £50 lying about in such a way that it could be easily appropriated. Without imputing any thievish propensity to those people, he thought £12 a-year was not sufficient compensation for undertaking such responsibility.

Mr. KELLETT thought the notes would be very useful in outside districts, but the hon. member (Mr. Morehead) had stated that the word "may" in respect to the crossing of notes meant "must."

The COLONIAL SECRETARY: That's nonsense.

Mr. KELLETT said he had travelled in parts where the only currency he could get in the way of small change was native-dog scalps. These notes would be very useful, but he did not think it was necessary that they should be crossed.

Question put and passed.

Clause 6 passed as printed.

On clause 7—"Postal notes may be crossed"—

The COLONIAL SECRETARY said he did not think the expression "lawful holder" was necessary, and he moved that the word "lawful" be struck out.

Mr. MOREHEAD asked—supposing the second holder transferred the note to somebody else, who would be the owner?

Mr. FEEZ said as soon as the note was crossed it ceased to be transferable.

The COLONIAL SECRETARY said if the hon. member for the Mitchell had read the Bill he would have seen that the crossing could not be "obliterated, added to, or altered;" so that there could not be two crossings. The object was to enable a man to transfer the notes to the bank or firm with whom he was trading, and the provision was almost a transcript of a similar provision in the Bills of Exchange Act.

Mr. GRIFFITH said the word "lawful" might safely be left in. The similar clause in the Bills of Exchange Act said "lawful holder," and that Act had been in force many years. There had been an immense amount of litigation with regard to that section, and it had been very much amended in England, but the difficulty had not arisen through the use of the word "lawful." The meaning of the expression was that if a man stole a note he would not be entitled to cross it. The crossing would be more like putting a special endorsement to a bill of exchange to make it payable to a certain person than crossing an ordinary cheque.

Mr. MOREHEAD said if no record was kept of the name of the person to whom the note was first issued, it could not be proved that the actual holder was not the lawful holder.

Mr. GRIFFITH said that if the unlawful holder endorsed the notes he might prevent the real owner from getting the money. For instance, a man might steal a number of notes and transfer them to James Smith. The owner ought not to be prevented from getting his money by the claim of the transferree in such a case. If it could be proved that the person crossing the notes was not the lawful holder of them at the time, the crossing would go for nothing.

The COLONIAL SECRETARY said he did not think the matter was very important, and he was quite willing to withdraw the amendment.

Mr. MOREHEAD said, in the case of a crossed note, how was anyone to know whether the person who crossed it had been the lawful holder, if no record was kept?

The COLONIAL SECRETARY said the lawful holder was the man who had come honestly by the note.

Mr. MOREHEAD: How is that to be proved?

The ATTORNEY-GENERAL said the fact of a record being kept would not be of any use in that respect, because a note might pass through any number of hands, and the last holder of it would be the lawful holder.

Mr. WELD-BLUNDELL said if a man happened to lose one of these notes he did not see what was to prevent another man from getting the money. In the case of a cheque, the endorsement had to be made by the person to whom it was made payable, to the satisfaction of the banker. In this case a man would have to be as careful not to lose his postal note as he would be if it were a bank note.

Mr. FEEZ said that if a man had a pocketful of silver and lost it, the man who found it would be the lawful holder unless he gave it up. It was the same here. The document was transferable, and could be used by everybody.

Mr. THOMPSON said the discussion was not of much consequence, for the notes were only crossed to prevent them from being stolen.

Mr. GRIFFITH said it was suggested at the second reading that a man might be allowed to mention the post office at which he wished the note to be paid.

Mr. THOMPSON said he had since made inquiries on the subject, and found it would be impracticable, because it would involve book-keeping.

Mr. MOREHEAD said they would be bound to have book-keeping, otherwise there would be a heavy loss to the State.

Question put and passed.

Clauses 8 and 9 passed as printed.

On clause 10—"Postal note deemed valuable security"—

Mr. GRIFFITH said he did not understand the latter part of the clause.

The COLONIAL SECRETARY replied that the latter part had been added to bring the offence under the 49th section of the Audit Act.

The ATTORNEY-GENERAL said that the case of a man in charge of the notes, misapplying them by giving them away, was not provided for in the Audit Act, and the section had been inserted to meet it.

Question put and passed.

On clause 11—"Penalty for forging," &c.—

Mr. GRIFFITH said the clause did not carry out what it was intended to do. It was intended to express in a few words the provisions of clauses 64, 65, 66, 67, 68 and 83 of the principal Act, but it did nothing of the kind. It was a perfectly inoperative section.

Question put and passed.

On clause 12—"Extension of section 68 of the Postage Act of 1871"—

Mr. GRIFFITH said the section just passed had no meaning whatever, but the Government were either careless or obstinate and would not pay attention to what was said. If it was to be understood that any suggestions from the Opposition were to be met in that manner, it would be a matter for serious consideration whether they should not allow the Government to pass their Bills as badly as they could. He did not know what the legal adviser of the Government was there for. The Opposition were treated as if they had no business in the House at all. As to the 12th section, it had no meaning at all, and he was bound to point it out. What was meant to be conveyed was that proof that any person was the writer of a letter on which the stamp had been affixed should be *primâ facie* evidence that he was the person who affixed the stamp. But that was not in the clause at all.

The COLONIAL SECRETARY said that with respect to the remarks of the hon. gentleman as to Ministers not attending to the amendments suggested by members of the Opposition, he had already expressed his willingness to accept any amendments if he saw they were good ones. The hon. gentleman had contended that the clause was not satisfactory, but did not offer any amendment, and said he did not see how it could be amended without altering the whole Bill. If he wrote a letter and it was discovered that a stamp had been used which had been obliterated or defaced, the very fact that he had written the letter should be evidence that he had affixed the stamp. That was clear enough.

Mr. GRIFFITH said there was no meaning or end to the sentence. What was meant was that the person who wrote the letter was the person who affixed the stamp.

Mr. THOMPSON said it was an instance of the improper use of the word "it." That word should never appear in an Act of Parliament in this way.

Mr. GRIFFITH moved that the words "it shall be *primâ facie* evidence" should be omitted, with the view of substituting words to the effect that the proof that a person was the writer of the address of a letter on which the stamp was affixed should be *primâ facie* evidence that he was the person who affixed the stamp to it.

The COLONIAL SECRETARY said he might mention with respect to this clause that it was no part of the original Bill, but was inserted in the other House by an hon. gentleman learned in the law.

Clause, as amended, put and passed.

On clause 13—"Persons complaining of missing letters containing valuable enclosure to make a declaration."

Mr. SIMPSON said he did not quite see the object of the clause. He took it that in every possible way the sending of unregistered letters containing valuables should be discouraged. He did not see why encouragement should be given to persons doing so, and thought the clause should be omitted altogether.

The COLONIAL SECRETARY said it appeared that people would not register the letters, and, whether registered or not, insisted on tormenting the post office when they went wrong. It was not to encourage people not to register their letters, but to enable the authorities of the post office to trace any missing letters, that the clause was inserted.

Mr. GRIFFITH said he did not like the multiplication of solemn declarations.

Mr. MACFARLANE thought there was an obscurity about the clause, and suggested that the words "containing money or other valuable enclosure" be omitted.

The COLONIAL SECRETARY said it could not be expected that the post office officials would take the same amount of care about a letter that did not contain money or valuables as one that did.

Mr. PERSSE thought the hon. member (Mr. Simpson) had made a very sensible remark in suggesting that the clause be omitted altogether.

The COLONIAL SECRETARY said the post office officials ought to be allowed to have an opinion worth something on the subject, and they looked upon the clause as a very valuable one.

Mr. SIMPSON said the officers of the post office might have their opinion, but they were not called upon to take part in the responsibilities of legislation. Hon. members were there to give their opinion and to legislate upon these matters; and the opinion of post office officials weighed very little with him. If he thought a thing was right or wrong he should express his opinion for what it was worth.

Mr. AMHURST was of opinion that a solemn declaration was objectionable, as it was likely to have a deterrent effect; and he should support the clause being struck out.

Mr. FRASER said no doubt the object of the clause was to give facilities to the department to trace out missing letters, and he presumed that from experience this had been found the best form for doing so. It was no encumbrance to the Bill; and although they were there to legislate, they were perfectly justified in legislating in the light given to them by the department.

Clause put and passed.

On clause 14—"Newspapers registered at General Post Office"—

Mr. GRIFFITH asked what was the meaning of this clause?

The COLONIAL SECRETARY said the object of it was to ascertain what was a newspaper and what was not. He was informed by the Postmaster-General that disputes were constantly arising in connection with magazines and newspapers, and this was purely a departmental arrangement to enable the clerks in the Post Office to decide. All newspapers had to be registered in the Supreme Court, and it was very little additional trouble to send down the official register to the Post Office.

Mr. MOREHEAD was not quite clear yet as to the object of the clause. Perhaps the hon. gentleman would be good enough to explain it again.

Mr. GRIFFITH said the only alteration this clause would make, that he could see on reference to the principal Act, was, that newspapers might be sent although published at intervals of more than a month. Otherwise there was no meaning at all.

The COLONIAL SECRETARY said he did not care very much whether the clause was passed or not. It was something like a chip in porridge;—it did neither harm nor good.

Mr. MOREHEAD was sorry that the Government had not taken advantage of this opportunity to put a postage on newspapers. He was perfectly well aware that he was saying what was unpopular, but he had no hesitation in stating that the chief cost which was entailed upon the colony at the present time in connection with mail contracts was in consequence of newspapers being carried post free; and he thought it would have been only fair if the Government, in introducing this measure in another place, had inserted a postage stamp upon newspapers, so that they might be fairly taxed for the cost they put the country to in sending them throughout the length and breadth of the land. He did not mean to go into the general question whether newspapers disseminated good or evil; but he meant to say that the tax upon this colony, and upon the colonies generally, for sending newspapers throughout the country without a postage-stamp was not compensated by the information they conveyed; and he thought the Government had a golden opportunity, which they apparently neglected, in bringing in this Bill, of putting an impost upon newspapers, which at present had advantages they had no right to give to private speculation—because, after all, newspapers were simply individual speculations, or mercantile transactions. As a rule the proprietors cared nothing what they disseminated so long as they put money in their own pockets; and it was not fair that the colony should be so tremendously taxed to allow these newspapers—whether they disseminated proper or improper information—to be circulated free throughout the country, while the public had to pay heavily for letters which were a necessity. If the Government desired to raise additional revenue they could very well put a stamp upon newspapers. He did not propose any amendment, but only wished to express his regret that the Government had not adopted the course he had pointed out.

Mr. SIMPSON agreed with very much that had been said by the last speaker. They had for eight or nine weeks heard nothing but abuse in respect to the mail contract with Great Britain, which was to cost the country £55,000 a-year, and in the report of the Postmaster-General they found that the carriage of country mails cost the country £50,000. They were also informed from an official source that two-thirds of that sum, or about £34,000, was for carrying newspapers; and yet there was a great outcry raised because the colony was to pay £55,000, or £21,000 more, for the advantages of mail communication with Great Britain and all the other incidental advantages. He thought it was a very good time indeed to have put a penny postage on newspapers so as to recoup the country in some way for the expenditure of this £34,000.

Mr. WELD-BLUNDELL quite agreed with the hon. member for Mitchell. He thought it a great pity that newspapers sent throughout the colony should not be charged at a certain rate to defray the expense of conveyance. He considered that the principle of having free postage within the colony was totally different from having free postage to England. Much good might result from sending papers home and disseminating knowledge with regard to the colony in Europe and especially in Great Britain—it might lead people to come out to the colony; but, with regard to the sending of newspapers throughout this and the other colonies by these expensive routes, where no knowledge was disseminated for colonization purposes, it was a great pity that the practice should be continued any longer. And, after all, what was it? It was giving encouragement, perhaps proper encouragement in some measure, but unnecessary encouragement to newspapers, which was not given in in any other parts of the world. Why should newspapers be allowed to go free all over the colony when in every other country in the world a certain charge was made for conveying them from place to place? He thought it a great pity that the Government had not availed themselves of this opportunity of putting a penny postage upon newspapers to help in paying the expense of their conveyance into the interior.

Mr. SIMPSON said the hon. member who had just spoken seemed to think that newspapers were sent home free, but they were not; it was only in the interior they were sent free. He knew it was a very unpopular thing to talk about putting a penny stamp on newspapers, and one that would lead to the member who proposed it getting a great deal of abuse, but he was quite prepared to accept his share of the abuse. The people should be taxed fairly all round. It was admitted that the carriage on newspapers amounted to £34,000 per annum, and the newspapers should pay something in return. A great many of them were not paying speculations in the colony, and it would not be a serious evil if they had to shut up altogether. A few good papers well conducted, and with some capital to back them up, would be far preferable to scores of papers without any responsibility, whose object was, not to distribute knowledge, but to distribute their papers.

Mr. PERSSE considered that a stamp on papers would be the means of enhancing their value; and if everyone had to pay a penny for every paper he sent to his friends he would not be so ready to send them. If a paper was worth sending it was worth paying for; and if an amendment were introduced for the purpose of imposing a tax in that way he should support it.

The COLONIAL SECRETARY did not wish to enter into the discussion whether papers should be taxed or not, but would point out that the provision could not have been inserted into the Bill because it was introduced in the other House.

Mr. GRIMES said the hon. member for Dalby had drawn wrong conclusions from the statement he had quoted. He (Mr. Grimes) did not

think the mails could be carried one penny cheaper if no newspapers were carried. The postman had to go over the country just the same.

Mr. SIMPSON said the hon. member who last spoke afforded another proof of what had been said so often—viz., that gentlemen on the other side did not know what happened outside the little circle round Brisbane. The hon. member knew very little about the subject when he said that the carriage of newspapers did not add to the cost. In many places the Government had to start coaches because pack-horses could not do the work. He went on one broad fact—that it was admitted by official documents that the difference between having newspapers and having no newspapers to carry amounted to two-thirds of the whole cost. If that fact was wrong, of course his argument was wrong. But such being the case, newspapers ought to pay something towards the cost of carrying the mails. The newspapers would not have to pay, but the subscribers. The newspaper subscriptions would be raised.

Mr. FEEZ said that as one who had a good deal of experience of the way in which mails were carried in the central district he must confess that he was favourable to a stamp on newspapers. He had seen on one occasion five letters arrive at a station along with twenty-five pounds weight of newspapers. He had also seen four or five pack-horses start from the Comet with mails—principally newspapers. The tax at present incurred for the carriage of those papers was one they had a perfect right to interfere with, and now was a good opportunity to bring forward an amendment to that effect. He hoped the Colonial Secretary would see his way to do something in that way, so as to stop the present extravagant expenditure on carrying mails.

Mr. MOREHEAD said that notwithstanding the remarks of the Colonial Secretary that they had no right to interfere——

The COLONIAL SECRETARY : I said nothing of the kind. I said the Bill originated in the Upper House where no tax could originate.

Mr. MOREHEAD said they would, then, originate the tax in the Assembly, and he would propose an amendment to that effect. As had been pointed out by many hon. members on his side—though hon. members opposite seemed to be studiously silent on the subject—one of the greatest imposts, so far as the mail service was concerned, was entailed by carrying newspapers in the colony without a stamp. In many parts of the colony, where formerly the work could be done by pack-horse, a coach was now necessary, simply because the newspaper matter was carried free. When there was a falling revenue, when they were retrenching and taking every advantage they possibly could to decrease expenditure or increase revenue, they should so diminish the cost of the postal service in the interior that newspapers should not be carried free, or, on the other hand, put such a tax on papers as would fairly make them pay for what they got from the country. Now was the time for the Government to have introduced into this measure the means of relieving the taxpayers of the colony of extra taxation; but they had not done so. A fair amount of taxation should be put on newspapers, so that they should give a *quid pro quo* for what they received. They received great advantages, but what did they give back? They gave nothing. The country gave everything to the newspapers, but got nothing in return. The Press had been unduly fostered by the State, in being allowed to send their lugubrations broadcast throughout the colony without a *quid pro quo*. The cost of the mail service might have been reduced by one-half by putting a stop to the free carriage of newspapers. He should propose, as an amendment, that there be added to the clause the following words—

"and shall be subject to a postal rate of one penny for each copy of such newspaper published in the colony."

He should regret very much if the amendment were ruled out of order. He did not think any hon. member would say that the charge proposed was an unreasonable one, considering the great expense entailed for the carriage of newspapers throughout the colony. That might not be a fitting time to discuss the question, although it was an opportune one to initiate it. He thought it just as well that the people should know that they might pay a little too much for their whistle—for their cheap newspapers. He believed that the Press had been unduly fostered and backed up in all directions by Ministers, but it was just as well that people should know that what they got cheaply might be nasty, and that by a little judicious taxation it was possible that a better article might be served out to them. The weaker, the mushroom and ephemeral, portions of the Press might not be able to stand the impost, and the public would be supplied with pure filtered water instead of the very impure compound sent out to them at present. The impost he proposed would not in any way affect the higher class of publications—in fact, it would be to their advantage, as it would wipe out the other journals competing with them. The proposal would not affect the dissemination of wholesome and educating literature, whilst it would increase the revenue.

The CHAIRMAN : The amendment proposes a new tax, which cannot be introduced except by a Minister of the Crown.

Clause put and passed.

On clause 15—"Extension of section 81 of Postage Act of 1871"—

The COLONIAL SECRETARY said he must confess he did not know the object of the clause.

Clause negatived.

Clause 16 passed as printed.

Mr. GRIFFITH moved the addition of the following new clause :—

"Any person who shall send by post any indecent or obscene print, painting, photograph, lithograph, engraving, book, or card, or any other indecent or obscene article, or any letter, improper publication, packet or post card having thereon or on the covers thereof any word, mark, or design of an indecent, obscene, libellous, or grossly offensive character, shall on conviction thereof forfeit and pay any sum not exceeding £100 to be recovered in a summary way before any two justices, and the payment of any such penalty may be enforced by distress and sale of the goods of the offender."

The clause was copied from the Imperial Act. He did not think the clause too wide in its scope or too stringent in its penalties.

The COLONIAL SECRETARY said he had very much pleasure in accepting the proposed clause. It was a pity it was not incorporated in the Bill as introduced.

Clause put and passed.

Clause 17—"Short title," schedule, and preamble—passed as printed; Bill reported with amendments; report adopted; and third reading made an Order of the Day for to-morrow.

The House adjourned at four minutes past 11 o'clock.