

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

WEDNESDAY, 22 SEPTEMBER 1880

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LEGISLATIVE COUNCIL.

Wednesday, 22 September, 1880.

Attendance at Select Committee.—Appropriation Bill No. 2.—Absence of the Clerk.—Railway Return.—Extra Sitting Day.—Life Insurance Bill.—Railways and Tramways Bill—second reading.—Census Bill—second reading.—Fassifern Railway.

The PRESIDING CHAIRMAN took the chair at 4 o'clock.

ATTENDANCE AT SELECT COMMITTEE.

The PRESIDING CHAIRMAN read a message from the Legislative Assembly, requesting that leave be given to the Hon. F. H. Hart to attend and give evidence before the Select Committee appointed to inquire into the allegations contained in the petition of William Hemmant.

The POSTMASTER-GENERAL moved that leave be given as requested.

The HON. W. H. WALSH thought that out of courtesy to the Hon. Mr. Hart they should not proceed to make the order until he was present. It was just possible that he had qualms upon the subject. Of course, if he had no objection to give evidence before the Select Committee, the Chamber should not refuse to grant leave to him.

The POSTMASTER-GENERAL said he had no communication with the Hon. Mr. Hart, but he thought the application was a mere matter of courtesy, and that when the message was presented it was his duty to move that leave be granted.

The HON. F. H. HART said he had only just entered the Chamber. He had only to state, with regard to the application that had been made, that he had no objection to give evidence before the Select Committee—to give any information he possessed which might be of assistance to the Committee. It was intimated to him that the Committee wished to examine him yesterday, but he replied that he could not consent until permission was obtained from the House.

Question put and passed.

APPROPRIATION BILL No. 2.

The POSTMASTER-GENERAL gave notice of motion that he would move, to-morrow, that so much of the Standing Orders be suspended as would permit of the passage of an Appropriation Bill through all stages in one day.

The HON. W. H. WALSH said he really thought the Postmaster-General should give some information about the nature of the Bill. Was it an Appropriation Bill for the year, or only a temporary Supply Bill?

The POSTMASTER-GENERAL: Only a temporary Supply Bill.

The HON. W. H. WALSH said that such a notice, without intimating the object for which it was introduced, was almost an insult to the Chamber. The other Chamber had not passed an Appropriation Bill, or the Estimates, so far as he knew; and yet the Postmaster-General coolly intimated that he was going to propose, to-morrow, that the Standing Orders should be suspended to enable the Government to pass an Appropriation Bill on the same day. So far as he was concerned it would not be done. There were several matters of the greatest importance which would attract and require attention before such a Bill as that intimated would be allowed to be proceeded with. He perceived there was no quorum in the House.

After a pause,

The PRESIDING CHAIRMAN said there was a quorum now present. He would proceed to read a letter which he had just received, and which was addressed to himself.

The HON. W. H. WALSH said he was addressing the House when he called attention to the state of the House. He must dispute that his having done so would enable the Presiding Chairman to now read to the House a letter, unless it came from the Governor.

The PRESIDING CHAIRMAN said he would read the message, and the hon. gentleman could speak afterwards. The message was as follows:—

“To the Presiding Chairman of the Legislative Council.

“SIR,

“Will you inform the House on its meeting to-day that I have granted leave of absence for one month to the Clerk of the Legislative Council on the ground of ill-health?

“JOSHUA P. BELL.

“Government House, September 22, 1880.”

The HON. W. H. WALSH said that, with the greatest deference to—

The POSTMASTER-GENERAL: I must call the hon. member to order. There is no question before the House.

The HON. W. H. WALSH said he would soon produce a motion. With all due deference to the Chairman, he not only demurred to the interruption which a member had received from what was apparently a private letter of the Acting-Governor, but he also demurred to the propriety of the Acting-Governor, who he maintained was not at this moment President of the House, granting leave of absence to one of their officers. The Chairman had the sole right of granting or withholding such leave. They had somewhat wandered from the subject. If the Postmaster-General wished to know what it was, he would tell him that it was the irregularity of his proceedings, which never ceased. The real subject, however, was that the hon. gentleman had given a notice of motion such as the Government dared not give in the other Chamber.

The HON. F. J. IVORY said he would ask whether there was a question before the House? It seemed to him there was none.

The PRESIDING CHAIRMAN: I suppose the Hon. Mr. Walsh will move a motion.

The POSTMASTER-GENERAL said that, with the permission of the House, he should like to explain, regarding the observations of the Hon. Mr. Walsh, that a vote on account had been taken in the other House that afternoon, and that it was done entirely without previous notice. The Appropriation Bill had been passed through all its stages by the Assembly, and it would come up almost instantly, he believed. The

suddenness of the bringing in of the Bill arose from the circumstance of His Excellency the Administrator of the Government being about to leave the colony, which made it necessary for the Government to ask for supply in order to pay the salaries, &c., which would fall due during His Excellency's absence.

At this stage a message from the Legislative Assembly was announced.

The HON. W. H. WALSH rose to address the House.

The POSTMASTER-GENERAL said he rose to a point of order. There was no question before the House, and he denied that the hon. member had any right to keep the message waiting.

The PRESIDING CHAIRMAN asked that the message be brought forward.

The HON. W. H. WALSH said that he rose to propose the adjournment of the House. He was not going to allow a message from the other Chamber to interfere with him in his duty in that Chamber; and if the adjutant-general and supporters of the Postmaster-General knew their duty, they would not assist him to carry out what was contrary to parliamentary practice and subversive of all liberty. If the Postmaster-General's adjutant-general—

The HON. G. SANDEMAN said he would ask whether it was seemly, whether it was proper, that such observations should be addressed to any member? Who was the adjutant-general?

The HON. C. S. MEIN said the Hon. Mr. Sandeman was himself out of order. Let him state the point of order.

The HON. F. H. HART asked whether the Hon. Mr. Walsh was in order in addressing another hon. member by nicknames?

The HON. W. H. WALSH: If adjutant-general is a nickname—

The HON. G. SANDEMAN said he would again ask whether it was right or proper that one hon. member should address another hon. member in the way the Hon. Mr. Walsh had done?

The PRESIDING CHAIRMAN said there was no question before the House. If the hon. member would write out what he wished put he would put it, but otherwise he could not do so.

The HON. W. H. WALSH said he presumed the Presiding Chairman ruled that the Hon. Mr. Sandeman and the Hon. Mr. Hart were both out of order. When he was interrupted by them he was going to point out that the Postmaster-General, without supplying any information, had given notice of a most extraordinary motion. Since that the hon. gentleman had deigned to give an explanation with regard to it. He (Mr. Walsh) would not have said a word had it been given at first, but the hon. gentleman withheld the information knowing well how much he could count upon the subserviency of his supporters.

The HON. F. J. IVORY said he would put it whether there could be a discussion upon a notice of motion for to-morrow? It seemed to him that the Hon. Mr. Walsh was grossly out of order, and was desirous of bringing the whole proceedings of the Chamber into disrepute and of disgracing it in the eyes of the country.

The PRESIDING CHAIRMAN: I think the hon. gentleman will find that there can be no discussion upon a notice of motion.

The HON. W. H. WALSH said he was going to move the adjournment of the House, but was interrupted, and had not since had an oppor-

tunity of doing so. However, enough had been done to show the Postmaster-General was wrong in the course that he took.

The PRESIDING CHAIRMAN read a message from the Legislative Assembly, forwarding this Bill for the concurrence of the Council.

On the motion of the POSTMASTER-GENERAL, the Bill was read a first time, and the second reading made an Order of the Day for to-morrow.

ABSENCE OF THE CLERK.

The POSTMASTER-GENERAL said that as hon. members had heard that the President had granted one month's leave of absence to the Clerk, he begged to move that, during the absence of the Clerk, his duties be carried on by the Assistant-Clerk.

The HON. W. H. WALSH said that, with the profoundest respect to the Acting-Governor, he felt it his duty to state that he did not think His Excellency could be at the same time Acting-Governor and President of the Chamber. If he was not President he had no right to confer an obligation of that kind upon one of the officers of the House. He had not the slightest desire to object to any action of His Excellency, having too much respect for him, and knowing that he was a thorough patriot. But it was his duty to see that not one of the privileges belonging to the Chamber was infringed upon. He firmly believed that while His Excellency was Acting-Governor he ceased, *de facto*, to be President of the Chamber, and hence had no business to dispense with the services of one of their officers. The application should have been made to the Presiding Chairman, and should have been granted by him. He simply entered his protest against the leave being accorded in the manner proposed. Let the thing be done formally, and let hon. members preserve intact the privileges and rights of the Chamber.

The HON. F. J. IVORY said that no doubt a most important constitutional question had been raised by the hon. gentleman. He really thought that it was a subject of such momentous importance in the eyes of the country that the House should take it into the gravest consideration. Being a matter of such grave importance hon. members should search the archives of this House for some precedent regarding it; and he had no doubt that the Hon. Mr. Walsh, who was so thoroughly conversant with all the precedents and Standing Orders of the House, would be able to adduce some evidence in support of the position he had taken up. In a matter of such grave importance to the colony at large, it was only due to this House that the hon. gentleman should give some reasons and some precedent by which they might be guided.

The HON. G. SANDEMAN said he had referred to the Standing Orders, and it appeared to him that the action of the Acting-Governor was perfectly in order—upon the presumption that in assuming the position of Acting-Governor he did not cease to be President of the Legislative Council.

The HON. W. H. WALSH said he would move the adjournment of the House—

The POSTMASTER-GENERAL: The hon. member cannot do so. There is a motion before the House.

The HON. W. H. WALSH said that in that case he would speak to a question of privilege. He maintained that the Acting-Governor had no power whatever over the officers of that Chamber. He once fought a battle against a similar invasion of the powers of the Legislative Assem-

bly. The Acting-President alone had the power to dispense with the services of one of their officers. It was evident to him that the Acting-President felt very keenly the awkwardness of his position in the matter, and he was sorry that hon. members opposite showed no desire to support the hon. gentleman in the maintenance of his undoubted right.

The HON. C. S. MEIN said the question which the Council had now to decide was, whether the Clerk-Assistant should temporarily perform the duties of Clerk. As to the question raised by the hon. member, Mr. Walsh, he was inclined to agree with the Hon. Mr. Sandeman, that the President was still their President, and in granting leave of absence to the Clerk had in no way exceeded his powers.

Question put and passed.

RAILWAY RETURN.

The HON. W. H. WALSH moved—

That there be laid upon the table of this House, a Return showing the amounts of money passed to the credit of the Railway Revenue by Government Departments, for work and business performed. Such Return to show the nature of the work or carriage, or business performed; and to be for the years 1877-78-79, and up to the 30th June, 1880; specifying when such payments and charges were first credited to the Railway Revenue, as published weekly.

Question put and passed.

EXTRA SITTING DAY.

The POSTMASTER-GENERAL moved—

That, unless otherwise ordered, this House will meet for the despatch of business at 3 30 p.m. on Tuesday in each week, in addition to the usual sitting days.

It was unnecessary for him to say more than that they were approaching that period of the session when it became necessary that the House should sit three days a week. They would have a considerable number of measures brought up from the other House within the next week or two, and he was desirous that there should not be a great pressure of business at the close of the session. He would ask leave, however, to strike out the word "Tuesday" in the motion, and to substitute the word "Friday." He understood that the last-named day would be more convenient to a majority of hon. members.

Motion amended and passed.

LIFE INSURANCE BILL.

The HON. F. J. IVORY presented a Bill to encourage and protect Life Insurance, and other provident arrangements.

Bill read the first time, and the second reading made an Order of the Day for Wednesday next.

RAILWAYS AND TRAMWAYS BILL— SECOND READING.

The POSTMASTER-GENERAL, in moving the second reading of this Bill, said he did not think it would be necessary to occupy the House at any great length. The Bill was an exceedingly simple one, and from the manner in which it had been received by and passed through the other House of Legislature, he did not anticipate that any serious objection would be raised to it. It had been found that the expense of constructing railways in this colony was excessive—particularly in those parts of the colony in which nearly the whole of the Crown lands had been alienated. It had also been found that the excessive expenditure had arisen very much more through the compensation to which the Government had given for lands resumed than through the actual cost of constructing the railways. There had been a very great

outery for branch railways in the settled districts for a considerable time. The late Government had to contend with this cry, and they went so far as to place a sum of money upon the Estimates four years ago for the construction of branch railways. They had found, however, as the present Government had since found, that the obstacles to carrying out branch lines were so serious that they could not take the responsibility of recommending them until some other system of resuming the land for the purpose of railway construction had been devised. It had been found that a great many railways could, with great advantage to the public, be carried along the ordinary thoroughfares. There was no earthly reason, as far as could be ascertained, why a great many lines should not be carried along the public roads. That was done elsewhere—in the United States and Canada, where it had been found desirable for a long time past to run railways through the roads and streets. These railways existed in the most crowded cities of America, and they were found an economical and agreeable mode of conveyance. In Queensland the law had not hitherto permitted railways to be carried along the ordinary roads and streets. The object of the Bill now before the House was to empower the Government, under certain conditions, to run railways along roads and streets. The 2nd clause of the Bill provided that railways might—

"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 for or upon account of any land being taken or used from any such public reserve or road, for any of the purposes aforesaid, or for any works or approaches necessary therefor, nor for any damage or inconvenience arising to them from such construction or maintenance."

Then followed provisos to the effect that railways should be constructed in a manner calculated to cause the least possible public inconvenience; that in cases where it was necessary to alter levels the Government should pay all reasonable expenses; and that the owners of land prejudicially affected by the alteration of a level should be entitled to compensation, to be assessed under the provisions of the Railways Act of 1872. It would also be necessary to submit plans and books of reference to both Houses of Parliament. There was no doubt that if this clause were placed upon the statute-book, the Government would be able to carry out railways with great advantage to the colony. Wherever the demand for that description of public works existed, not only would no injury be done to private owners, but great convenience would be conferred upon the general public, to say nothing of the great saving which would be effected. In one of the branch lines, it was hoped that sixteen out of the twenty-four miles would be carried along the main road. Thus all the expenses connected with the resumption of land and payment of compensation would be avoided. He need not mention many of the enormous sums that had been paid in the past by way of compensation. In the case of the railway between Brisbane and Ipswich, a sum of something like £63,000 was paid for land resumed, or an amount at the rate of £3,000 per mile. The 3rd clause defined the Commissioner's powers and duties, and the subsequent clause gave him the power to impose tolls and charges. Clause 5 gave powers of ingress and egress, and the clauses which immediately followed related to the resumption of land. They made a little alteration in the law, but no very great variation in principle would be found. The present law provided that when the arbitrator was estimating the value of lands resumed for railway purposes, he should have regard for the enhanced value conferred upon the land by the construction of the railway. It had been found in prac-

tice, however, that this consideration had not influenced awards. The 18th section of the Railway Act of 1872 said—

“In determining the compensation to be paid for lands taken from or damage sustained by the owners of or parties interested in any lands taken, used, or temporarily occupied for the purpose of any such railway, or injuriously affected by the execution thereof, the enhancement by such works or undertakings of the value of other lands of such persons respectively, or as regards such land so injuriously affected of the value thereof in any other respect than that in which such injury is sustained, shall be taken into consideration in reduction of the amount which would otherwise be awarded.”

So that, practically, the principle contained in the Bill was upon our statute-book. Although they were bound to give owners of land compensation for any damage, they were bound, on the other hand, to take into consideration the great advantage they conferred by carrying railway communication to their property. The 7th clause was intended to give some criterion of the real value of the land resumed. In order to assist the valuator in ascertaining the value, it was provided that he should be guided by the amount named in the assessment book for the year previous to the valuation—that amount being taken as a *prima facie* evidence of the value. He knew there had been a great deal of objection raised to the valuation taken by the various municipal and divisional valuers, and it had been urged that it afforded no criterion of the real value of the land; but if the Local Government Acts were administered honestly and fairly and intelligently there was no doubt that they would give a very fair estimate of the value of the lands of the colony. He might also remark that this clause did not provide that the value as stated in the assessment book should be taken as the absolute value, but that it should be taken as *prima facie* evidence of the value—that was, that until the owner could show that his land was more valuable than it appeared to be by the assessment book the railway arbitrator would assume that to be the value. The next clause was also merely an extension of the existing law. It required the railway arbitrator to set forth separately the particulars of the manner in which he arrived at the value of property. He was to state, first, the amount of damage found to be sustained; secondly, the amount by which the value of other land held by the same person was enhanced by the construction of the railway or tramway; thirdly, the amount by which the value of the land injuriously affected was enhanced in other respects by such construction; and fourthly, the net amount of compensation to be paid. He (the Postmaster-General) believed that if these particulars had been furnished by the railway arbitrator in respect to resumptions for which enormous sums had been paid during the last five years, the absurdity of the compensation given would be seen even more forcibly than it was at present. The very fact of a railway going through property enhanced it in value, and that should in all fairness be taken into consideration in awarding compensation. By clause 9 the Commissioner was required to keep in good order and repair every line of railway or tramway, and the line or pavements to the extent of 18 inches outside each rail. Clause 10 fixed the maximum speed of a train or tram-car passing along a public road or street at 10 miles an hour, which was practically sufficient for all purposes. The other clauses did not require comment; and he thought the almost unanimous manner in which the provisions of the Bill had been endorsed by the other Chamber ought to warrant that House in passing it with very slight, if any, alterations. He begged to move that the Bill be now read a second time.

The HON. C. S. MEIN said he must confess that he did not come to the House prepared to

discuss this Bill, and as a matter of fact he had read it for the first time during the remarks of the Postmaster-General, who had anticipated some of his objections. It was, however, just as well, as the Bill was of considerable importance, that he should express very briefly his ideas on the subject, in order that if they were affirmed by other members of the House the Postmaster-General might have fair intimation as to what the discussion was likely to be in committee. He took it, at the outset, that the House would be in accord in passing the second reading of the Bill. The circumstances were, as the Postmaster-General had pointed out, that they had been paying far too dearly for the construction of railways in the past, and he was sure that any measure that would have the effect of fairly lessening the cost to the public of the construction of railways ought to meet the unanimous approval of the Legislature. He agreed with the Postmaster-General in thinking that there was ample power placed in the hands of the railway arbitrator fairly to assess the value of property that was required for railway construction, and that it should be his duty to take into consideration the enhanced value of property by a railway running through it. At the same time, whether from force of circumstances or for other reasons which he was not able to mention, the amount that had been paid as compensation for land resumed for the purposes of railway construction—notably in one case to which reference had been made—had been far in excess of what an outsider would consider a fair thing. £63,000 seemed a very extravagant sum for the colony to pay for the resumption and severance of land interfered with by the construction of the railway between Brisbane and Ipswich; but a considerable portion of that, about £12,000, was paid for resuming buildings and land almost in the centre of the town required for railway purposes, or which it was anticipated would be required for those purposes, at some future date. One of the principal educational institutions of the colony was amongst the number, and if there was any benefit derived from the transaction that institution had got it. That would reduce the sum to about £51,000, but even that was excessive. There were two points in the Bill which seemed to him to be too severe against persons whose land was resumed; they were contained in sections 2 and 7. The Bill provided—and very properly, he thought—for the Government being authorised, without any further permission, to construct railways and tramways along streets or roads. That was very well as far as it went, but it went on to provide that no person whose land abutted on the road over which a railway or tramway was run should get a compensation, unless the level of the road had been fixed under the Local Government Act of 1878; that was to say that a person would get compensation if he happened to live within a municipality and the level of the road opposite his property had been fixed in the ordinary way, but a person who lived outside a municipality—no matter to what extent his property might be damaged by the alteration of the level—should get no compensation whatever. He did not think that was fairplay. The only access a man had to his property might be cut off by a deep cutting or a heavy embankment, and as the Bill now stood he would not be entitled to compensation. He thought the fair rule to lay down was that if the ordinary level of a roadway, taken in connection with the adjoining land, was altered, the owners of property damaged by such alteration should be entitled to fair compensations, taking, of course, into consideration the circumstances of the enhanced value of the land by the construction of the railway. That would deal fairly with all persons, whether inside or outside a municipality.

The mode of assessment under section 7 was, he thought, unfair. The clause provided that the amount named in the assessment-book of a municipality or division should be taken as *prima facie* evidence of the value of property; but in many cases where the amount of public works was small very low valuations were put upon property, whereas in others the valuations were very large; so that the thing cut both ways. He thought that in the interests of the Government such a provision should not be made. On the other hand, very often a man allowed his property to be over-valued rather than go to the trouble and expense of fighting out a matter of a few shillings or pounds before a court of appeal, whereas if he knew that at any time he could be deprived of a substantial portion of his property by the Government taking it for railway purposes he would be prepared to test the matter. Having in view the provision of the statute, that the assessment placed in the assessment-book should be *prima facie* evidence of the value of property, the railway arbitrator would feel bound in almost all instances—unless an extremely clear and absolutely decisive case were put before him—to take the valuation as fixed. He (Mr. Mein) did not think the assessment of the municipal valuator or the local boards valuator should be taken into consideration at all. Let the valuation be made in the ordinary way. Let the person send in his claim: the Government had their officials to investigate it; if it were fair it would be passed, and if not it would be referred to the arbitrator. No harm could arise to the Government, because the Act provided that the railway arbitrator should take certain action so that claimants should not get too much. It was very difficult to lay down any hard-and-fast rule upon the subject. In many cases, if not immediately, certainly remotely, persons benefited by a railway running in the vicinity of their property. They could not compel a man, nor did the Bill contemplate compelling a man, to pay or contribute to the State proportionately to the extra value that was placed upon his property, but they proposed by this Bill, in section 8, to penalize a person who happened to have land taken from him. By the word "penalize," he meant to put a person in a worse position than his neighbour. His neighbour might not have his ground interfered with in the slightest degree; it might be only a stone's throw off, and would be enhanced in value precisely to the same extent as the person whose ground was interfered with. He thought the fair rule to lay down would be that where a man's property was severed by a railway the damage for severance should have set off against it the enhanced value of the surrounding lands resulting from the construction of the railway, and that in all cases persons whose land was interfered with should be entitled to receive fair compensation from the Government for the land, and the land only, that was resumed for railway purposes. In that way there would be fair-play dealt all round, because, after all, it was only a matter of speculation what would be the increased value of a man's land by a railway running through it. It might be considered that a place through which it was proposed to construct a railway would be likely to turn out a township. That event might come off, or it might not; if it came off, so much the better for the proprietor of the land; but if it did not come off, perhaps through population being diverted elsewhere, the land instead of being increased in value would be diminished; and if a hard-and-fast rule were to be followed the person might be greatly injured. Therefore, in interfering with private property for the public good, they should be very careful to give every amount of fair-play to owners of land which was taken away. These were simply crude ideas

that had occurred to him during the discussion that afternoon. He was sorry at not being able to give the Bill more attention, but should endeavour to do so before it was discussed in committee. In the meantime, he had only to say the general principles of the Bill met with his cordial approbation.

The Hon. W. D. BOX said that he quite agreed with the Bill in its intention to enable the Government to construct and maintain railways and tramways along streets and public highways, but there were several points which he trusted the hon. gentleman in charge of it would consent to alter in committee, and he hoped the House would not hurriedly pass a Bill of this character through committee. It was a Bill which might possibly operate very severely upon owners of property. The second clause only seemed to provide for compensation to owners of property in municipalities where proper levels were fixed, and he thought that this should be very carefully discussed in committee and altered, as some of the bearings of the clause would be found to be very wide and very injurious. With regard to clause 7, he thought that the assessment-book of the municipality or divisional board was by no means a reliable basis upon which compensation should be granted, and that it should not be accepted as *prima facie* evidence. As a rule, assessments made in sparsely-populated districts were not high, and if the railway arbitrator was instructed to take that assessment as *prima facie* evidence of the value of the land considerable injustice might be done. In other cases property was often over-valued, and rather than be put to the trouble and weariness of attending to appeal courts the owners would pay the rates. Therefore, he trusted that in committee the 7th clause would be omitted from the Bill. Clause 9 provided that the Commissioner should maintain in good order and repair every railway and tramway within city or town, but it struck him (Mr. Box) that all railways and tramways constructed under the Bill should be maintained by the Commissioner. If this Bill passed they all knew that the highways of the country would not be so convenient as they now were for ordinary traffic such as now existed. Nothing was more horrible than to drive a vehicle over a road through which a tramway ran. In England he had himself often driven miles around a road through which a tramway ran in order to avoid it. Tramways destroyed the roads for ordinary wheel traffic; but, of course, in a country like this, where railway communication was so badly wanted, the advantages to the public were so great as to outweigh private convenience. He did not like the speed fixed by the tenth clause—ten miles an hour. To his mind a tramway was a certain means of getting through the country steadily, and at a reasonable rate, and he thought ten miles too great a speed. He believed, if a man were driving or riding along some of the plains in the country, and met a terrible thing like a steam engine coming towards him at the rate of ten miles an hour, he would be a pretty good horseman, or a pretty good whip, to get out of the way. He thought the speed should be reduced by two miles an hour. The Bill was a very useful one; but he trusted some alteration would be made in the clauses to which he had referred.

The Hon. G. EDMONDSTONE said he had not the slightest intention of opposing the Bill, but should like to know how clause 4 would work in respect of the imposition of tolls and charges. They had succeeded in doing away with tolls in this colony many years ago, and if they were to be enforced again in addition to the charges for railway carriage it would be a very unfortunate thing for the country. He did not know how it was proposed that this clause should work. but

hoped that in committee it should be shown that it, and, in fact, the whole of the Bill, would work well.

The Hon. F. J. IVORY said he intended to support the Bill, which he believed was one of the best that had yet been presented to Parliament. He had always been an advocate for cheap lines, and it had been a matter of great difficulty how these were to be constructed for the benefit of the farming portion of the community. He thought that the Minister for Works had at last lighted upon a plan by which they were able to construct railways at far less expense than they had hitherto done. No doubt there were one or two matters which might give rise to a discussion in committee, but he did not intend to take notice of them at present; he simply rose to say he had great pleasure in supporting the second reading of the Bill, which he considered a step in the direction which had been desired by the country for many years past.

The Hon. G. SANDEMAN said the Bill was calculated to be a most useful measure, but he agreed with the Hon. Mr. Mein that when they went into committee they should be extremely cautious in considering clauses 2 and 7. He was much inclined to think that they might arrive at some more equitable view of the subject than those clauses embodied. With regard to the objection of the Hon. Mr. Box to the speed fixed in clause 10, he would point out that that clause merely provided that tram-cars should not run at a greater speed than ten miles an hour. It did not provide that they should be run at that speed, and he supposed that would be a matter which would be left in the hands of the Railway Department. He hoped in committee they should have an opportunity of discussing these matters more fully, and of arriving at an equitable conclusion.

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

The POSTMASTER-GENERAL moved that the committal of the Bill be made a Standing Order of the Day for to-morrow.

The Hon. W. D. BOX said the Bill was a very important one, which would materially affect holders of property, and hoped that hon. gentlemen should be given a reasonable amount of time to study it. He did not see there was any necessity to proceed with it in committee to-morrow, and its committal might be very well postponed till next week.

The POSTMASTER-GENERAL, in reply to the hon. gentleman, had to state that there was great anxiety throughout the settled districts to have this Bill passed, because it had been distinctly stated that until the Bill had become law no further steps could be taken with regard to carrying out various branch railways throughout the colony. He could only say that when they got into committee if any hon. member was dissatisfied with any explanation he (the Postmaster-General) gave, or advanced any reasonable grounds for desiring further information, he should be willing to entertain the proposal to defer the further consideration of the Bill in committee. He thought that, seeing the large number of measures which were likely to come from the other House during the next week or two, it would be well if they made more progress with this Bill to-morrow, especially as there was scarcely anything else to do.

CENSUS BILL—SECOND READING.

The POSTMASTER-GENERAL said he need not occupy the time of the House in explaining the provisions of this Bill. It would be seen that it was simply to alter the date of taking the

Census, from the first day of May, 1881, as appointed by the Quinquennial Act of 1875, to the third day of April of the same year, with a view of assimilating the date here to that on which the Census was to be taken in Great Britain and the other colonies. He begged that the Bill be now read a second time.

Question put and passed, and the committal of the Bill made an Order of the Day for to-morrow.

FASSIFERN RAILWAY.

A message was received from the Legislative Assembly, forwarding plans, sections, and books of reference of this line, for the approval of the Legislative Council.

The POSTMASTER-GENERAL said that under a Standing Order adopted by the House last year, all plans, sections, and books of reference of this description should lie upon the table for one week, and then be referred to a select committee. He should therefore make no motion at present in reference to this message.

The House adjourned at five minutes to 6 o'clock.