

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Council**

**WEDNESDAY, 29 SEPTEMBER 1880**

---

Electronic reproduction of original hardcopy

**LEGISLATIVE COUNCIL.***Wednesday, 29 September, 1880.*

New Bills.—Fassifern Railway.—Motion for Adjournment.—Leave of Absence.—Life Insurance Bill—second reading.—Railways and Tramways Bill—committee.

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

**NEW BILLS.**

Messages having been read from the Legislative Assembly, forwarding the Local Government Bill and Licensing Boards Bill,

On the motion of the POSTMASTER-GENERAL (Mr. Buzacott), these Bills were read a first time, and the second reading made an Order of the Day for to-morrow.

**FASSIFERN RAILWAY.**

The POSTMASTER-GENERAL said that in the motion he was about to move it would be observed that the name of the Hon. Mr. Gregory appeared. The hon. gentleman had requested him to withdraw his name, as it was inconvenient for him to attend, and he therefore had to ask the House to allow him to substitute the name of the Hon. Mr. Sandeman. He begged to move—

1. That the Resolutions embodied in the Legislative Assembly's message of 22nd September, relative to the Fassifern Line of Railway, be referred to a Select Committee, in pursuance of the Standing Order of 2nd October, 1879.

2. Such Committee to consist of the following Members, viz.:—Mr. Sandeman, Dr. O'Doherty, Mr. Walsh, Mr. Ivory, and the Mover.

The Hon. F. T. GREGORY said that before the motion was put he wished to record his conviction that it was desirable to appoint such a committee, and to express his regret that he was unable to act upon the committee. He hoped, however, that when the measure came before the House for consideration he should be able to give his best attention to it.

Question, as amended, put and passed.

MOTION FOR ADJOURNMENT.

The Hon. W. H. WALSH said that when they last met he called the attention of the Postmaster-General to what he considered an anomalous act which was about to be committed by His Excellency the Administrator of the Government leaving the colony on the following day. The reply he received from the Postmaster-General was that he would not be in order if he addressed the House, as he had already spoken, and the hon. gentleman withheld information asked for, and of course was supported by hon. members sitting near him. He (Mr. Walsh) found, on referring to the proceedings in another place, that the Ministry did not take that stand there, but immediately, and properly, replied to the objection of the leader of the Opposition, and treated the matter more courteously and much more properly than was done in the Council Chamber. His chief reason in rising now was to state that he thought that in such an important proceeding as His Excellency not leaving the colony—notwithstanding that the House was assured by the Postmaster-General that he would do so—it was due to the Council that some statement should be made upon the subject. It seemed to him, however, that the Government were determined to ignore the Council. Matters of stupendous importance were introduced into the other Chamber, but were not permitted to be introduced here, and it seemed to him that there would be no finality to this sort of treatment unless members took a determined stand against it. Hon. members knew how much he had deprecated the non-introduction of the postal service contract into the Legislative Council. They were promised in the Governor's Speech that it would be brought before Parliament, and he had found since, in a parliamentary paper, that the Royal instructions given to the Premier were that he should only make a provisional contract, subject to the approval of Parliament. The word "Parliament" was used, not "Legislative Assembly." These were matters which hon. members were really bound to take notice of if they cared for their position, the dignity of the Chamber, and the welfare of the colony. He was expecting to hear the Postmaster-General, that afternoon, get up and, if not thank hon. members on the Opposition side for calling attention to the impropriety of the Acting-Governor leaving the colony, at any rate make the announcement that His Excellency had determined to remain. He (Mr. Walsh) would not sit in his place and see the House ignored day after day by the Government, even in trivial as well as important matters. He begged to move the adjournment of the House.

The POSTMASTER-GENERAL said he did not think the Hon. Mr. Walsh had any solid reason for complaining that the House was ignored by the Government. The discussion raised by the hon. member last Thursday was objected to by him, because, according to the rules of the House, he had not then the opportunity of replying. The hon. member had informed him before the House met on that afternoon that he intended bringing up the subject, and he could have easily followed the same course he had adopted to-day and moved the adjournment of the House, instead of which he preferred to wait until he (Mr. Buzacott) had moved the second reading of the Appropriation Bill, when, according to the Standing Orders, he had not the privilege of replying. He knew that the leader of the Opposition here was kind enough to say that the Postmaster-General was always allowed to explain or make any statement as a Minister of the Crown; but he could assure him that during the present session

the Postmaster-General had been repeatedly called to order while being perfectly in order. Although the House had been very indulgent and had allowed him to explain, without strict regard to the Standing Orders, it was quite certain that the Hon. Mr. Walsh had more than once called him to order when he was perfectly in order. He therefore thought, as he stated at the time, that it was not proper for him to reply, on the occasion referred to, to the representations made by the hon. gentleman, until the House had gone into committee. There was no desire to withhold information. As to the Government not taking the Council into its confidence, as it had done the other House, his position was this: On Thursday last he had no consultation with his colleagues after the Hon. Mr. Walsh informed him that it was his intention to bring up the question. He gave such explanation as seemed to him reasonable and desirable, and he was prepared to take his stand upon it and to contend that what he made known on Thursday with regard to His Excellency's absence was perfectly correct. He still contended, as he believed the whole Government did, that there was nothing to prevent His Excellency, if he desired to do so, going to Melbourne as he originally intended; but there was no doubt that upon further consideration the Government did come to the conclusion that, the question having been raised, His Excellency's absence might be productive of some inconvenience, and His Excellency preferred, on the whole, not to go. He believed, still, that there was nothing in the Royal instructions, in any Royal despatch, or any other document, to prohibit His Excellency leaving for any of the other colonies for a period not exceeding one month, and that such absence would not be absence from the colony within the meaning of the Instructions. As to the mail contract not being brought before the House, he was glad that he had an opportunity of making an explanation. The Government, in submitting the contract to the Representative House only, had strictly followed the practice of the Imperial House of Commons. If hon. members would turn to any of the text books they would find that mail contracts were submitted to the House of Commons only. He was quite aware that our Constitution was not precisely the same as the English Constitution, but in matters where there was nothing specially laid down for our guidance the Standing Orders provided that the practice of the Imperial Parliament should be followed. In the matter of the mail contract this practice had been followed. It was also followed as regarded the Torres Straits mail contract entered into in 1872, which was submitted to the Legislative Assembly only; and in the tenders issued by the Hon. Mr. Mein in January, 1879, one of the conditions was that the contract should be submitted for the ratification of the Assembly only. He could assure the House that the present Government had no desire to treat it with any discourtesy. They were anxious to recognise its full constitutional rights and privileges, and it was quite a mistake to think that there was any intention on their part to withhold information from the House which it was entitled to have. He would point out that it would have been quite within the province of any hon. member to have tabled a motion with reference to the mail contract. That would have raised a discussion, and the House would have been perfectly free to indicate its opinions upon the question.

The Hon. T. L. MURRAY-PRIOR said that as, with the exception of the Chairman, he was the oldest member in the House, he could not allow the remarks of the Hon. Mr. Walsh to pass unnoticed. Hon. members knew that he was not a thorough Government supporter. He

sat on the Government side as an independent member, and should vote with them until he saw reason for doing otherwise; at any rate, he should be the last member who would support them if he thought that they reflected in any way upon the Council, or brought discredit upon it. Hon. members had a high estimation for the Hon. Mr. Walsh's parliamentary knowledge and ability, and there were few hon. members who took more trouble than he did over his parliamentary duties; but he (Mr. Murray-Prior) must confess that, from the frequency with which he rose, he for one felt that when the hon. member made a proposition he could hardly join with him. He was sorry for it, but he thought that the hon. member could not fairly reflect in any way upon the members on the Government side of the House. They all conscientiously tried to support the dignity of the House, and he hoped the hon. member would support his dignity in such a way that all the House would have confidence in him.

The Hon. C. S. MEIN said that, unfortunately, he had not the advantage of hearing the Hon. Mr. Walsh raise the question which was before the House, and when he saw the Hon. Mr. Murray-Prior rise he thought that he would get some information respecting it; but for the life of him he could not see what object that hon. gentleman had in getting on his legs. He learnt from the remarks of the Postmaster-General that the Hon. Mr. Walsh had objected to the Council not being taken into confidence by the Government on an important constitutional question, which was first raised in the Council and afterwards in the Assembly, in consequence of the action taken by his hon. friend, Mr. Walsh. In the Assembly the members of the Government thought the matter important enough to require their consideration, and they said they would give expression to their views subsequently; and the first thing that the leader of the Government did on the following day was to intimate the line of conduct that it was intended to pursue. The question having been raised in the Council, the Postmaster-General should have intimated what action it was determined to adopt, and the reasons for it; but the Postmaster-General failed to make any explanation, and the Hon. Mr. Walsh very properly pointed out the omission to the House. He did not see that any offence had been committed; on the contrary, that hon. gentleman, as an old public man, had simply done his duty. Had he (Mr. Mein) been there he should probably have initiated the discussion himself, and he could not help thinking with his hon. friend that there was a tendency, especially during the present session, to ignore the Chamber in very important matters. The mail contract might not go so very far in that direction as the Hon. Mr. Walsh felt, but it was an indication of the way in which the current was running; and the latest Bill laid upon the table of the other House practically showed that the intention of the Government, if followed to a final issue, was to snuff out the Council so far as the discussion of every vital and important principle was concerned. Under the circumstances one naturally became a little alarmed when, on a question of Ministerial policy, the Council was ignored. The Hon. Mr. Walsh, instead of being censured, ought to be complimented and thanked for what he did.

The Hon. T. L. MURRAY-PRIOR said he wished to explain that when he first rose to address the House it was not to enter into an explanation, but to answer the Hon. Mr. Walsh's attack, that members on the Government side supported the Government through thick and thin.

Motion, by leave, withdrawn.

#### LEAVE OF ABSENCE.

On the motion of the Hon. J. S. TURNER, further leave of absence for a fortnight was granted to the Hon. W. Graham, on the ground of ill-health.

#### LIFE INSURANCE BILL—SECOND READING.

The Hon. F. J. IVORY said that in moving the second reading of this Bill he might state that it did not interfere at all with the principle which guided the bringing forward of the previous Life Insurance Bill; but it had been found that that measure was deficient in some very important particulars; and, accordingly, he had brought forward a Bill which repealed the previous one, and introduced the parts required to make the Act really satisfactory and workable. Although the Bill repealed the previous one, it was, with the exception of two clauses and the schedule, a re-enactment of the present Act. Hon. members would see by comparing the two measures that the two new clauses and the schedule were of such great importance that they could scarcely have been introduced in an amending Bill, and for this reason it was proposed to repeal the law passed last year. As a justification for introducing the measure, he might refer to an article in the *Australasian Insurance and Banking Record*, which said in reference to the measure of last year:—

"But the Bill now before us is not worth reprinting nor fighting for. It is meagre, inadequate to accomplish what is needed, and would, in our opinion, be useless. The schedule attached to the Bill, even if conformed to, would not afford information of the right kind to guide those seeking to ascertain the solvency of an assurance society. No bill can be considered efficient which does not provide for compulsory publication of business done, revenue and expenditure, valuation of liabilities, &c. The Queensland Bill shows no grasp of what is really required. We take the liberty of suggesting its withdrawal, or, if passed, its repeal. If those persons who are sincerely and honourably interested in the welfare of life assurers will take a little trouble they have a clear course before them. We counsel their obtaining copies of the English Life Act, and of the colonial Acts passed upon a like basis in Victoria, New Zealand, and Tasmania. Upon the foundation thus at hand a comprehensive and useful measure could be framed which would afford lucid information, and really afford protection to the life-assuring public."

He might now indicate the points in which the Bill differed from the previous one. There was a small amendment at the end of the second clause to which he would not at present refer, but which would come up for discussion in committee. There was also a small amendment in clause 3 whereby a married woman might, as if single, and notwithstanding her coverture, effect policies of insurance, and mortgage, assign, or dispose of them by will. Under the existing law she could only dispose of the policy by will. This clause gave the woman power to make use of the insurance during her lifetime, which under the old Act she did not appear to have a right to do. In clause 4 of the old Bill the duty of administering the estate of a person dying intestate, or whose will had not been administered to, devolved upon the insurance company. That was considered an unfair burden for the companies, there being an Act in force providing for the administration of intestate estates. Hon. members, on reference to the new clause in this Bill, would perceive that the insurance companies, on discovery that anyone had died intestate, or that one had taken out letters of administration, were to communicate at once with the Curator of Intestate Estates, who would thereupon take charge of the administration of the money accruing under the policy. The next deviation from the Act of last session would be found in clause 7, which constituted one of the

most important parts of the Bill. The corresponding clause of the Act provided for the preparation of an annual statement of liabilities and assets by every insurance company carrying on business in Queensland during the month of January in each year. He was informed that there were many companies carrying on business in Queensland with head offices in New Zealand, in Melbourne, or in England. These companies made their reports at different times, and in the case of a home company issuing the state of its affairs in January, the publication would, under the present Act, be a twelvemonth old before it came to people in this colony. The new clause provided—

“Every insurance company carrying on business in Queensland shall, if a company having its principal place of business in any of the Australian Colonies or New Zealand, within two months from the date of any last annual or periodical report issued by such company, and if a company having its principal place of business in Great Britain or Ireland, within four months.”

As one of the principal objects of the Bill was to put the public in possession of accurate information with regard to the financial position of the companies, this clause would be admitted to be a great improvement upon the old one. As a natural sequence to this clause, there was a new schedule, which would also be found a great improvement upon the schedule in the existing Act, containing as it did more thorough and useful information. He had now sketched the principal provisions of the Bill. He would be glad to accept suggestions in committee, but for the present he thought he had made out a good case for the second reading.

The Hon. W. D. BOX thought the Hon. Mr. Ivory had failed to make out a good case for the repeal of the Act of 1879. The differences between that Act and the Bill might be serious—although, so far, they only had the hon. member's opinion to that effect, but he did not think the Bill would be more valuable. The article in the *Banking Record* from which the hon. member had quoted appeared before the Act was passed. Since the passing of the Act he had heard no such expression of opinion. He could not help thinking that it would be better to adhere to the provisions of the Act of 1879 with reference to the annual statement of assets and liabilities, because under the Bill before the House they would be looking for returns all the year round. When asking for returns the other day he explained that the first of these documents would not be very valuable; but it must be borne in mind that their value must increase year by year by comparison.

The Hon. W. H. WALSH said he must again endeavour to rouse the Postmaster-General to a sense of his duty. In the case of such an important measure it was only fair to expect some statement from the hon. member representing the Government whether the Bill would meet with support or opposition from the Government or not. The Bill was fraught with considerable danger; but, as it contained a great deal which it was desirable should become the law of the land, it would meet with no opposition from himself. The Bill contained the pernicious quality of retrospection. Bargains made under the existing law were to be swept away, and a great many of these bargains would never have been entered into but for the belief that the life policy of the debtor would not be hampered. The Bill afforded a direct encouragement to insolvency. It would be by it incumbent for a man in difficulties to go into the Insolvent Court to wipe off the claims of his creditors. Moreover, the Bill would have such a serious effect upon the insurance companies that it ought to be referred to a select committee.

The Hon. F. T. GREGORY said it appeared to him that the main recommendation of the Bill was the simple form in which it had been introduced to meet an obvious requirement in the shape of an amendment to the existing Act. The introducer of the Bill had adopted a prudent course in repealing instead of amending the existing Act. When the Act it was now proposed to repeal was passing through committee, one of the salient points urged was the importance of protecting the insuring public, while at the same time not embarrassing or hampering the companies with undue requirements. It was obviously necessary, however, that the companies should be required to furnish an amount of information which would enable the public to judge of their solvency, and of the wisdom of the basis upon which they transacted their business. One of the chief of the proposed amendments was in this direction, and the schedule attached to the Bill would recommend itself as a great improvement upon that now in existence. He would remind the Hon. Mr. Walsh that the retrospective tendency of the Bill was fairly considered when the matter was before the House last session. The right of married women, too, was an important point in the Bill. In these days of enlightenment they might fairly be expected to watch over and protect that right. It had come to the knowledge of more than one member that great injustice had been inflicted, in cases where widows had been left penniless, through assignees or creditors taking possession of a life assurance policy. He could not see that the public would be in any way injured by the policies not being liable under insolvency. It would be well known that the policies were protected, and no one would be so unreasonable as to advance money believing that the policies were available as security. It would be decidedly objectionable to encourage the lending of enormous sums of money to enable persons who were really not solvent to continue paying up premiums. They were certainly not to blame for guarding the public against the class of money-lenders who did that business. He did not know much about the Queensland companies; but he was acquainted with companies elsewhere in Australia, and when similar Bills to this had been proposed they had strongly objected to what they called the exposure of the way in which they did their business. He could see nothing in that objection to induce Parliament to forbear protecting the public. It was not the duty of the Parliament to foster companies which were not proceeding upon a sound basis. If the companies were sound there could be no objection to the state of their affairs being made public; if they were unsound the sooner legislation provided for the revelation of that fact the better. He did not attach very great importance to the Bill, but it was a great improvement upon the existing law, and he would give it his support.

The POSTMASTER-GENERAL said that before the Bill was passed a second time he desired to say that although he did not cordially approve of it he did not intend to offer it any opposition. When the original Act was before the House last session he went into the subject at considerable length, and showed what the effect of the Bill would be. He showed that the Bill was incomplete and imperfect, and he expressed his regret that they attempted to deal with the subject without legislating in a comprehensive way. There was no reason why they should not have had a measure dealing with the whole question of insurance instead of a mere fragment such as the Bill under discussion. They had the Imperial Acts and the Acts of the other colonies before them, and from these Acts they could have adapted a measure

which would have dealt satisfactorily with the whole question. It might be argued that in their present circumstances it was impossible to introduce a complete measure, but in the matter of life assurance the circumstances of this colony were almost identical with those which existed elsewhere. It was not like a question of local government, for instance, where they had to make experiments, and where they could only 'discover' by means of experience what was actually required by the colony. In the case of life assurance, an almost perfect measure could have been easily prepared which would render it unnecessary to bring in amending measures session after session which, he felt sure, would be necessary if they consented to this Bill. Last year he withdrew his opposition because the Bill came up from the other House, where it had been very fully discussed, and it would have been a disappointment to members of that House if the Council had refused to pass the Bill, but he distinctly stated that he did not approve of the Bill. He took precisely the same stand this session; but, as the amendments of the Hon. Mr. Ivory were improvements, he did not think it well to oppose the Bill.

The Hon. J. C. HEUSSLER directed attention to the provision in clause 7 affecting the statements of insurance companies in Great Britain or Ireland. It might happen that companies in other countries would one day do business in the colony, and he thought it would be well, therefore, to anticipate that state of things by introducing the words "foreign companies."

Question put and passed, and the committal of the Bill made an Order of the Day for Friday next.

#### RAILWAYS AND TRAMWAYS BILL— COMMITTEE.

The House went into Committee to further consider the details of this Bill.

On clause 7—"Compensation as per assessment book"—

The POSTMASTER-GENERAL moved that the words "extracts from" be inserted after the word "with," in line 49.

The Hon. F. T. GREGORY said his reason for suggesting the amendment moved by the Postmaster-General was that inconvenience and difficulties might arise if it were always necessary to produce the assessment-books.

The POSTMASTER-GENERAL said he thought the amendment could not do much harm. Under certain circumstances it would be more convenient for the chairman to furnish extracts; but he felt bound to point out that the extracts would not be equal in evidence to the assessment-book. As, however, they would only be produced as *prima facie* evidence he accepted the amendment.

The Hon. W. H. WALSH said the clause was pregnant with injustice. Notwithstanding any blunder which might be made in the assessment, the railway arbitrator was bound to accept it. In some cases the assessment would be too low, but in others, again, unscrupulous men might procure a high valuation purposely to mislead the railway arbitrator.

The Hon. C. S. MEIN concurred with the Hon. Mr. Walsh, and argued in favour of striking out the clause.

The POSTMASTER-GENERAL said that hon. gentlemen had told them they did not want the clause, but that they should leave things as they were. He would not, however, agree with the hon. gentlemen, for under the present law the public Treasury had been robbed, and holders of property had been enabled to obtain

more than four or five times its value. He (the Postmaster-General) would ask the hon. gentlemen who had seen the figures quoted by the Minister for Works in another place, to say whether there could be anything in the board's assessments so absurd as the amounts which had been paid by the Government for property resumed for railway purposes under the present Act? It was only natural to suppose for the first year the assessment of property under the divisional boards would be inaccurate, as there would be great difficulties in the way; but, looking at the valuations as a whole, he thought they had been very well done, notwithstanding that some absurdities had been discovered. He must call the attention of the Committee to the fact that the present system of compensation was, whilst in theory fair, practically found to be the means of enriching individuals at the expense of the State. With regard to the objection to what was termed *prima facie* evidence, he would ask what, after all, was *prima facie* evidence? It was no proof—it was merely something to go upon. When the Railway Commissioner resumed a piece of land, he asked the proprietor what compensation he expected. The valuation was sent in, and if the Commissioner thought the sum asked for was too much he made an offer; if that was refused he referred it to the railway arbitrator for his decision; but in order that the railway arbitrator should be strengthened in giving that decision, it was asked by the Bill that before making the award he should be furnished with the assessment-books of the municipality or division in which the property concerned was situated. In regard to assessments, there would be on one side the municipality desiring to arrive at the full value of the land, and on the other side the party who desired to have his property assessed at a minimum. Between these two there would be the appeal court, and he (the Postmaster-General) contended that, whatever absurdity there might be in valuations of the municipality, a reconsideration by the railway arbitrator under the circumstances created by the Bill would produce an average result as fair as it possibly could be. It should be borne in mind that whenever the Commissioner for Railways took a portion of land from a proprietor he did not value that portion at a proportionate value with the remainder of the land only, but also took into consideration the damage caused to the remaining portion by the severance. He considered the clause under consideration was a most valuable one—it was necessary in order that what was a fair and reasonable compensation should be given in all cases to the proprietor.

The Hon. C. S. MEIN said that he was quite at one with the hon. Postmaster-General in wishing the country should not pay more than a fair thing for lands resumed for railway purposes, but thought that a person who had property taken away for the public benefit should be fairly compensated, and that was the avowed object of the Government in bringing in this Bill. The reasons for their bringing in the Bill were, he believed, because the provisions in the existing Act were either not sufficiently clear, or had been imperfectly understood by the railway arbitrator. The hon. Postmaster-General had told them that it was obviously the intention of the Commissioner for Railways to pay as little as possible for land, and that it was equally obvious that the object of the proprietor of the land was to get as much as he could, and that, therefore, it was thought advisable that the assessment-books of the municipality should be brought in and taken as evidence between the two. But there was one thing to be borne in mind in connection with this matter—that in the large majority of

cases the person affected by the assessment would not have an opportunity of cross-examining the assessor. In the large majority of instances persons would not interfere in the matter of a municipal valuation, because the amount at stake would be less than the cost of an appeal. Where the valuation was low so much the worse for the municipality; but where it was high, unless a man was a large holder of property he would rather pay a little more than waste his time and money in going to court and fighting the matter out with the assessors.

The Hon. F. T. GREGORY said that in many cases there was really a very infinitesimal portion of property that would be affected at all by a railway passing through it. After all, what did the value of the land itself that was taken out of the holding amount to compared with the effect which clause 7 would have on the award made by the railway arbitrator where there was a dismemberment of the property, or a cutting up of it, or a tramway taken through private land? The question really resolved itself into this: What was the amount of benefit or damage sustained by the party through whose property the tramway went? He himself was quite sure that it was a question only of pence against pounds. Of course, it was as great a matter of injustice to rob a man of one shilling as of a pound—it was merely a question of amount; and he could not help thinking that the clause was a good one, as the railway arbitrator was not compelled to accept the valuation of the assessors. He thought the arguments advanced by the hon. Postmaster-General entirely outweighed the arguments of hon. gentlemen opposite.

The Hon. G. SANDEMAN said he was not present on the last occasion on which the Bill was discussed, but had thought the matter over a great deal since. At first he thought that injustice might be done to holders of property, and he quite agreed with what had been said by the Hon. Mr. Mein, that the assessments of property had been taken in many cases very low, and that, he presumed, was owing to the Act being new, and the valuers, until they saw how it worked, being desirous to assess property at as low a rate as possible. As regarded the municipal assessment of lands being taken by the railway arbitrator as *prima facie* evidence of value, that would not preclude an appeal to the railway arbitrator. The eleventh clause of the Railway Act of 1872 was as follows:—

“The provisions of the fifth and sixth sections of the Interdict Act of 1867 shall extend and be applicable to all proceedings had before the railway arbitrator. And every reference to him under this Act shall for all purposes be deemed to be a submission to arbitration, containing an agreement by all parties that the submission shall be made a rule of court.”

With that clause the 5th and 6th sections of the Interdict Act of 1867 were identified, and gave full power to the railway arbitrator to investigate all matters submitted to him: whilst the 7th section of the Bill now before the Committee provided that the mayor or chairman of any municipality should, on the demand of the railway arbitrator, lay before him the assessment-books for the municipality or district as the case might be; so that there would be additional means open to him for arriving at an award. He believed it would be admitted by hon. gentlemen on both sides of the Committee that the course pursued by the railway arbitrator hitherto had been, on the whole, very satisfactory, and he saw no reason to doubt that justice would be done under the Bill now before them.

The Hon. W. D. BOX said it had been pointed out that the 8th clause of the Bill pro-

vided in the most satisfactory manner for making known every particular of the arbitrator's award, but the hon. gentleman who had drawn attention to that clause had omitted to point out the fact that before those things were done the railway arbitrator had to read clause 7—in fact, it amounted to this, that after the arbitrator was given one set of rules he was told to abide by another. No doubt the 8th clause was very satisfactory, but how did it read with the 7th clause which provided that the assessment books of municipalities should be taken as *prima facie* evidence? He himself could not understand how, after reading the 7th clause, the arbitrator could get to the 8th clause. He thought that between the two there would be a very comfortable way of arriving at a valuation, but at the same time at a very unjust one.

The Hon. W. H. WALSH thought the Hon. Mr. Gregory had tried to lead the Committee astray when he said that the object of the Bill was merely to deal with portions of properties affected by railways or tramways. He, however, rose to say that, after what he had heard and seen of the Bill, he objected to the title of it. The Bill avowedly was—

“To authorise the construction and maintenance of railways and tramways along, over, and across public reserves, streets, highways, and roads within the colony of Queensland.”

But if hon. gentlemen would look at the clause of the Bill they would see that it enabled the Government to go where they liked through private property. Under the 6th clause—

“The Commissioner shall have power to resume from private persons or public companies any lands necessary for the construction and maintenance of such railways or tramways, and for all necessary approaches thereto, and in the exercise of such powers shall observe the mode of procedure set out in the Railway Acts in force in the colony.”

How did that accord with the title of the Bill, which did not refer in any way to private persons? The real pith of the Bill was to allow the Commissioner to enter upon private lands and take as much from them as he wanted. Yet the Hon. Mr. Gregory stated that, after all, the amount of private property resumed would be very infinitesimal. It was all very well to speak about the damages done to private property by making roads or railways being very slight, but a notable instance of what damage could be done to a private individual by the cutting down of a road was afforded in the case of an hon. member of that Chamber, who had been almost ruined by the arbitrary proceedings of the Municipal Council of Brisbane. Yet under this Algerine Bill now before the Committee the Government could do the same thing, irrespective of the title of the Bill. He had known the time when such a Bill, if introduced into that Chamber, would have been rejected by its President, as the title of it was calculated to mislead the members of the House. He trusted that hon. gentlemen would see the necessity for negating the clause. If that was not done, he should call the attention of the Postmaster-General to the advisability of striking out these words:—

“And the amount named in the assessment-book for the year then last passed 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.”

The clause would then enable the railway arbitrator to call upon mayors or chairmen of divisions to show their books so that they might be a guide to him.

The Hon. G. SANDEMAN said he agreed with the Hon. Mr. Walsh that it was a most important matter, as the 6th clause gave power to the Commissioner to resume from private per-

sons, &c., but it went on to say that in the exercise of such powers he should observe the mode of procedure set out in the railway Acts in force in the colony. But an additional mode of arriving at awards was provided, and whilst he was the last to wish to see any injustice done to holders of property, he must say that he thought this, in addition to the powers hitherto given, should meet all objections.

The POSTMASTER-GENERAL said there could be no confusion between the Railway Act and the Bill before the Committee, as the 5th and 6th clauses of the Interdict Act merely gave the arbitrator power to summon witnesses, and made the award a rule of court. After the discussion which had taken place he thought no good object would be attained by continuing it. He could not accept the proposed amendment of the Hon. Mr. Walsh, as it would destroy the clause, and the other House would, he was sure, not accept it. He hoped the Committee would pass the clause with the verbal amendment that had been proposed.

Question—That the words proposed to be inserted be so inserted—put and passed.

Question—That the clause as amended stand part of the Bill—put.

The Hon. W. H. WALSH called attention to the state of the Committee.

There not being a quorum, the House adjourned at twenty-two minutes past 7 o'clock.

---