

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

MONDAY, 8 NOVEMBER 1880

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LEGISLATIVE ASSEMBLY.

Monday, 8 November, 1880.

Motion for Adjournment.—Queensland Spirits Bill—Council's Amendment.—Goldfields Homestead Bill—Council's Amendments.—Gulland Railway Bill—committee.—Supply.—Adjournment.

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

MOTION FOR ADJOURNMENT.

Mr. REA moved the adjournment of the House, in order to make a correction in his remarks on the Fitzroy River improvements, as reported in last Friday's *Hansard*. It was there stated that he admitted that the steamer "Egmont" had stuck on the flats; but what he said was that the "Egmont" did not stick on the flats, but that she anchored below them. He also stated that the "James Paterson," when drawing 11 feet 6 inches, passed over the flats, though the lightship at that time showed only 9 feet 6 inches of water. The "Egmont," though drawing only 10 feet 9 inches, declined to proceed over the flats at a time when the lightship showed 9 feet 3 inches.

Question put and negatived.

QUEENSLAND SPIRITS BILL— COUNCIL'S AMENDMENT.

On the motion of the PREMIER, the House went into Committee to consider the amendment made by the Legislative Council in this Bill.

The PREMIER (Mr. McIlwraith) said he should move that the amendment, which consisted of the addition of the following new clause, be agreed to :—

This Act shall be deemed and taken to have been in force and to have come into operation on and from the thirteenth day of August, one thousand eight hundred and eighty, and may be cited as the Queensland Spirits Duty Act of 1880.

The omission of the clause was an oversight on the part of the House.

Mr. DICKSON said he had no doubt that the amendment would be a beneficial one; but he had some doubt whether, in fixing the date when a new duty should come into operation, the amendment made by the Legislative Council was not a breach of the privileges of this Chamber.

The PREMIER said there was no doubt this was a money Bill, and under ordinary circumstances an amendment of this kind would not be allowed. With regard to the practice of the House of Commons and the House of Lords in such cases, he found that "May" stated that—

"Where the Lords have made amendments to a Bill which appear to affect the privileges of the Commons in regard to matters of aid or supply, yet are not such as to render it necessary to lay the Bill aside, the amendments are sometimes agreed to with a special entry in the journal explaining the grounds of such agreement."

And, in another place, that—

"When any amendments of the Lords, though not strictly regular, do not appear materially to infringe the privileges of the Commons, it has been usual to agree to them with special entries in the journal; as, that 'they were only for the purpose of making the

dates uniform in the Bill;' that 'they only filled up blanks which had not been filled with the sums which were agreed to by the House on the report of a clause;' that 'they were for the purpose of rectifying clerical errors, or were merely verbal;' 'were in furtherance of the intention of the House of Commons;' 'were to make the schedule agree with the Bill;' 'to render one clause consistent with another;' 'were rendered necessary by several Acts recently passed;' or, 'were in furtherance of the practice of Parliament.'"

This omission was merely an oversight, and it was in furtherance of the intentions of this House that the amendment was made. He moved, therefore, that the amendment of the Legislative Council be agreed to, because it was in furtherance of the intentions of this House.

Mr. DICKSON said he regarded the explanation as satisfactory, and could see no objection under the circumstances to the acceptance of the amendment. After consideration of the authority quoted by the Premier, he was of opinion that this House would not be departing from their rights and privileges in assenting to an amendment which appeared to have been very wisely made.

Question put and passed.

The House resumed, and the resolution of the Committee was reported.

The PREMIER moved that the Bill be transmitted to the Legislative Council with the following message :—

The Legislative Assembly have had under consideration the Legislative Council's amendment in the duty on Queensland Spirits Bill, and they agree to the amendment, because it is in furtherance of the intentions of this House.

Question put and passed.

GOLDFIELDS HOMESTEAD BILL— COUNCIL'S AMENDMENTS.

On the motion of the MINISTER FOR WORKS, the House went into Committee to consider the Legislative Council's amendments in this Bill.

The MINISTER FOR WORKS (Mr. Macrossan) said he regarded the amendments which had been made as tending to improve the Bill. A new clause had been inserted, providing that the Act should be "read and construed with and as an amendment of the Goldfields Homestead Act of 1870, hereinafter designated the principal Act;" and the subsequent amendments in the Bill were made necessary by the insertion of the new clause, in order that the intention of the Assembly might be carried out. A schedule which had been made necessary by the clause introduced by the hon. member for Gympie, and which had been omitted when the Bill was passing through this House, had been supplied. He moved that the amendments be agreed to.

Question put and passed.

The resolution was reported to the House, and the Bill was ordered to be transmitted to the Legislative Council with message in the usual form.

GULLAND RAILWAY BILL— COMMITTEE.

On the motion of the MINISTER FOR WORKS, the House went into Committee to consider the Bill.

On preamble—

The HON. J. M. THOMPSON said he had some amendments printed, but had kept them back because the Government were not quite sure that they would go on with the Bill. It took members rather by surprise to find the Government bringing on the Bill that afternoon. He believed the Government had also promised that the whole of the correspondence would be

placed on the table. It had been produced, but what was the use if members had not the opportunity of looking at it?

Mr. DICKSON said that since the second reading he had observed in the public Press an announcement to the effect that Mr. Gulland did not intend to proceed with the construction of the line, and he was surprised to hear the Minister for Works proceeding without a word of comment. Of course they did not believe all that they read in the Press, but when they saw a matter of this kind referred to in that way people were naturally led to believe there was some foundation for it. However, he rose chiefly to point out that the amendments, which were larger than the Bill itself, required consideration. It would be the wiser course for the Minister for Works to allow a little time to digest them, and if the correspondence was placed upon the table it should be circulated, and hon. members given an opportunity of seeing the nature of Mr. Gulland's request.

The MINISTER FOR WORKS said the nature of the request was easily understood. So far from Mr. Gulland having abandoned the construction of the line he had simply made some slight alteration. Hon. members would recollect that when the Bill came on for the second reading Mr. Gulland's proposal was to make two branch lines—one from his pit to the Southern and Western Railway, and the other from the railway to the river. The latter he had abandoned, but he still intended to go on with the line from his coal-pit to the railway, and he also intended to allow the use of it on terms and conditions to be prescribed by the Government. When the Bill was before the House he promised to lay the correspondence before hon. members, and he had done his best. The whole of the correspondence was not completed until last Friday, and there was not time to have it printed, and as it was a matter of moment to Mr. Gulland that the Bill should be passed this session, he (Mr. Macrossan) thought it better to bring the correspondence with him that afternoon.

Mr. MOREHEAD thought the Minister for Works had unintentionally omitted to mention one thing, which was that not only would the railway be a benefit to Mr. Gulland but to the State also. He (Mr. Morehead) believed that a large quantity of coal would be carried along the line. He was astonished at the amendments proposed by the member for Ipswich, which appeared three times as voluminous as the Bill. He believed that the hon. member had some coal land in the vicinity—portion 260, containing 31 acres. At anyrate, it was said that the hon. member had very personal reasons when he framed his eighteen amendments; and it would look like it by the way in which he insisted upon the name "James Gulland" appearing in them. He mentioned this so that members might not altogether give the hon. member credit for pure patriotism in bringing forward the amendments. He had gone carefully into the Bill, and if they were to sanction the construction of branch lines without any expense to the State this was the opportunity to enforce the idea; but if there was no intention to legislate in that direction—if they were to be hampered, and possibly stopped, by the action of small coal proprietors—it was hopeless for any individual who, in benefiting the State benefited himself, to attempt passing any legislation of this kind.

Mr. THOMPSON said that for £30 the hon. member might have the land to which he had alluded. The reason why he prepared his amendments was that when the matter was before the House on a previous occasion, it was very evident that this was a Bill not contemplated by the

Railway Act, but was in its inception for a private railway company. The question was raised whether a private railway could be made under part two of the Act: a discussion took place, and the Premier asked him to prepare amendments.

Mr. MOREHEAD: The hon. member offered me his land for £30. I accept the offer.

Mr. THOMPSON said he did not know whether a bargain made in the House was a good one. His interest in the land was small, however; and it might probably be sold by this time. He was first put in motion by a constituent of the member for Bundamba, who asked him, as the member for Bundamba was not in his place, to take charge of the matter, and all that he had done, and all that his amendments aimed at, was to secure to the public the right of using the line. The member for Port Curtis had also prepared amendments. If the Government said they would not take his (Mr. Thompson's), let the Committee take the member for Port Curtis' amendments, and see how they would fit, and how many of his own could afterwards be used. With regard to the use of the name "James Gulland" in his amendments, he would point out that in the interpretation clause the words had a peculiar meaning. He would assure the Committee that he had no interest in the matter beyond seeing that the right of the public to use the line was secured. It was very probable that he might use the line, or that his neighbours or constituents might do so. He thought that the public might be allowed to use the line as well as Mr. Gulland, and he understood by the correspondence that Mr. Gulland was willing that they might do so on terms. With regard to the line from the railway to deep-water, it should be for the use of the public if it was made at all. Perhaps the shortest way to get on with the Bill would be to take his amendments, and if they were not good reject them.

Mr. MOREHEAD said the line to which the eighteen amendments were devoted was only one mile ten chains long, and he would further point out that it was a very strange thing that, although these coal-lands had been only leased, Mr. Gulland had the public spirit to propose to make the railway; and when he did so the people who owned coal-lands in the neighbourhood, and who were doing nothing to develop them, did all they could to obstruct the measure by these amendments. He hoped the people of Ipswich would see that the member who was obstructing and doing all he could to hinder the passing of the Bill and prevent them from being benefited was one of their own representatives. If the Bill passed a large amount of labour would be employed to develop the mines. If Mr. Gulland spent money on a railway it was certain that he intended using it, more especially as the land was only leased. It seemed rather strange that the member for Ipswich should do all he could to prevent the construction of a line which would be a distinct benefit to his constituency.

Mr. GARRICK said he did not understand that the hon. member (Mr. Thompson) was at all obstructing the railway. Judging by the warmth of the last speaker, one would think there was an election going on near these mines.

Mr. MOREHEAD: So there is.

Mr. GARRICK said he was not aware that the proposed railway was there. However, the hon. member for Mitchell's warmth was surprising, and his accusation against the member for Ipswich was quite unfounded. When the Bill was brought in it was simply to give the sole right to one man to use the line, and all that the

member for Ipswich wished was, that the public also might have the right to use it—in other words, he wished to make it more advantageous than it would otherwise be; and that instead of being used by one miner it should be by many. When the second reading came on, he understood that the correspondence would be laid on the table in sufficient time before the committal to enable hon. members to see it, but that had not been done. He believed it would facilitate the passage of the Bill if members were allowed time to make themselves acquainted with the contents of the correspondence. He also thought that the amendments ought to have been circulated some time before the Bill was committed.

Mr. MOREHEAD: They have been kept very dark.

Mr. GARRICK said he did not believe anything of the kind. He believed that the reason why members had not seen them sooner was because the member for Ipswich was under the impression that the Bill would not be proceeded with. The Committee ought also to see the amendment which he understood Mr. Gulland was willing to allow—that other miners might use the line subject to regulations made by the Government.

Mr. THOMPSON said he supposed he did not get the amendments circulated for the same reason that the Minister for Works did not inform members that he was bringing on the Bill—he did not know it was coming on.

The MINISTER FOR WORKS: I did not say that it was not coming on.

Mr. THOMPSON said that several motions were placed on the paper before the Bill, and, in consequence, he understood that those motions would come on first. There was no great mystery about his amendments, which hon. members had had before in some shape in the Railway Companies Preliminary Bill and Burrum Railway Bill. He was told that through his action he had made a great enemy of Mr. Gulland: he was very sorry. Mr. Gulland was a very powerful man in electioneering matters, and it was quite possible that he (Mr. Thompson) might ask him to use his influence; but whether it was or not it had nothing to do with the question. When the Bill was discussed on a previous occasion, the Premier said that perhaps he (Mr. Thompson) would prepare amendments making the railway a public instead of a private one; and he replied that he would, and he had done so.

The MINISTER FOR WORKS said he did not think there was anything in the Bill inconsistent with the Railway Act. Whether the amendments had been kept dark or not he could not say, but he had never seen them until a few moments ago. He did not, however, object to them on that account. With regard to the correspondence, it was impossible to have laid it on the table earlier, as it was only completed last Friday night. The suggestion of the hon. gentleman would only have the effect of preventing the Bill passing this session, for as soon as the public business was finished hon. members might be certain that the House would not sit to pass small private Bills. The Bill was a most important one for the district, and as Mr. Gulland was the only coal proprietor who had had the courage to come forward and offer to make a railway, they ought to give him all the encouragement and support they could. Hon. members would see that there was very little in the correspondence. Mr. Gulland made certain proposals to him, and conformed with the Railway Act by depositing £500 as guarantee of his *bona fides*. After the Bill was read a second time he had a further interview with Mr.

Gulland, and Mr. Gulland agreed that the line which he proposed to construct should be thrown open to the public. That was the whole of the correspondence, and it could be read through in ten minutes. He hoped hon. members would allow the Bill to go on.

Mr. DICKSON said he did not think the hon. member (Mr. Thompson) intended to obstruct the Bill. On the second reading the Minister for Works laid great stress on the fact that two lines were to be constructed, which would afford a great amount of convenience to coal-owners of the district. There had evidently been a wide departure from the original plan, and it was questionable whether the line now proposed would be so much for the benefit of the district as of Mr. Gulland himself. He had no intention to obstruct the Bill; but in a matter of that kind, when land had to be surrendered to the Crown, and the compensation to be paid by private individual, they had a right to obtain the fullest possible information and to proceed with the utmost caution. They ought to know which line was to be proceeded with.

The MINISTER FOR WORKS said the longer line was the one proposed to be constructed.

Mr. THOMPSON said that, far from being obstructive, he was simply carrying out the wishes of the Premier, expressed during the debate on the second reading, when the hon. gentleman said—

“The omission probably arose from the fact that Mr. Gulland did not anticipate that the lines would be wanted by any other coal-owners. This, unquestionably, was an oversight. Mr. Gulland ought not to have a monopoly. As the hon. member for Ipswich had pointed out, the branch to the place of shipment would most probably be used by other proprietors. The progress of the Bill would be facilitated if the hon. member would draw up the clauses he would like to see inserted before the House went into committee on the measure.”

Mr. KELLETT said that while the Government were offering inducements to persons to construct railways by offering bonuses of land grants, here was a gentleman who offered to make a railway, including the purchase of land and everything else, at his own expense; and as soon as he did so people jumped up from all sides and demanded that everybody should have a right to run upon the line. There was not even common-sense in the demand. All that Mr. Gulland wanted from the House was running powers; but, according to the amendments of the hon. member for Ipswich, he was to be obliged to construct wharves on the bank of the river, and should not give undue preference to any particular person. He did not see why such conditions should be attached, or why Mr. Gulland should not, if he chose, carry any person's coal over his own line for nothing. It was Mr. Gulland's own line, and the district and the Government got the benefit from it. He thought the House would have been unanimous in agreeing to such a useful measure. The amendments proposed seemed most absurd. If any other coal-owner in the district wished to construct a railway on the same terms it would be open to him to do so.

Mr. NORTON said the reason why his amendments, as well as those of the hon. member for Ipswich, were not circulated earlier was that they were both under the impression that Mr. Gulland was not going on with the line. The object to be arrived at was to secure that on every private line the Government should have running powers; and his first amendment was almost a copy of clauses in an Act of New South Wales enabling the Lithgow Valley Company to run a short railway in connection with the Government line. The second amend-

ment was taken from the Burrum Railway Bill, and provided that the Government should have power to send persons and mails over the line. He had no personal interest in the matter whatever.

Mr. THOMPSON said that as Mr. Gulland had decided not to construct the proposed line to water, many of his amendments would not be required. If Mr. Gulland had not the power to use steam which he proposed to give him in the 11th clause, he would be liable for all damage occasioned by sparks, as had been decided in England in numerous cases; and if Mr. Gulland intended to allow people to travel upon the line he had better accept clause 12, which would give him the privileges of a common carrier; and if Mr. Gulland did not wish to have the powers contained in clause 4 he had no wish to force them upon him. Personally he did not care a bit whether the Bill passed or not, but knowing a little about it and about the law on the subject, and having been asked by the Premier to prepare amendments with the view of making the Bill a good one, he had prepared the amendments which were now before hon. members.

Mr. MACFARLANE said the hon. member's amendments were more prepared to meet the line which had been abandoned than the one now proposed; and it was not his intention to oppose a line from the coal-pits to the Southern and Western Railway. There was one difficulty which he should like to have explained. Between Mr. Gulland's mines and the railway there was another coal proprietor. Supposing Mr. Gulland's line were to cross that property, it would cut off the proprietor—a person named Jones—from working it on one side.

The ATTORNEY-GENERAL (Mr. Beor) said that there were some of the amendments which would be useful, and which it would be advisable to adopt. The proposition to insert a new clause 4 would be very useful to Mr. Gulland and very beneficial to the public. The proposed new 5th clause would be far too stringent: it would be harsh to impose such conditions on Mr. Gulland. So, also, with regard to the proposed new 6th clause. He did not think that Parliament had any right to demand that Mr. Gulland should construct such works. The proposed new clauses 7, 8, and 9 were all necessary. He did not think there was any necessity for proposed new clause 12, as Mr. Gulland would be liable as a common carrier under the law as it stood.

Mr. THOMPSON: That clause is inserted in every Railway Act.

The ATTORNEY GENERAL said it was superfluous, as by a decision of the Supreme Court Mr. Gulland would be liable without any such provision. The rest of the proposed new clause he did not think it advisable to insert.

Preamble postponed.

Clause 1—"James Gulland to construct branch lines"—amended, on the motion of the MINISTER FOR WORKS, by the substitution of "branch line" for "branch lines."

Clause 2—"Interpretation"—amended, on the motion of Mr. THOMPSON, by the insertion after the word "reference," eighteenth line, of the words "to be," and other verbal amendments.

On clause 3, verbally amended—

Mr. THOMPSON moved that at the end of the clause there be inserted the following words:—"Reserving to the present owners thereof the minerals under the same, with power to work, mine, and take away minerals, but so as not to interfere with the stability of the Gulland line."

Proposed amendment agreed to.

Mr. NORTON said that the clause did not give power for the recovery of money as compensation for lands resumed.

Mr. GRIFFITH said that the land would not vest in Mr. Gulland until he had paid for it.

Clause, as amended, put and passed.

Mr. THOMPSON moved that the following new clause, to stand clause 4 of the Bill, be inserted:—

James Gulland shall make, and at all times there-after maintain, the following works for the accommodation of the owners and occupiers of lands adjoining the branch line, that is to say,—

Such and so many convenient gates, bridges, arches, culverts, and passages over, under, or by the sides of or leading to or from the lines as shall be necessary for making good any interruptions to the use of the lands through which they shall be made.

A good and sufficient fence separating the branch line from the adjoining lands, with all necessary gates and stiles.

All necessary arches, tunnels, culverts, or other passages over, under, and alongside of the branch line, of such dimensions as to convey the water as clearly from the lands lying along or affected by the lines, or as nearly so as may be.

All such works shall be made during the formation of the line.

If any difference arise respecting the kind or number, dimensions or sufficiency of such works, or respecting the maintaining thereof, the same shall be determined by the Commissioner.

Clause put and passed.

Mr. THOMPSON moved that the following clause, to stand clause 5 of the Bill, be inserted:—

Subject to the provisions of the laws in force for the time being relating to the construction, maintenance, and management of railways, James Gulland shall, in respect of the lines, have and may exercise the same powers and privileges as are under the aforesaid laws exercised by the Commissioner in regard to any of the undermentioned matters and things, that is to say,—

1. The preparation of plans and books of reference;
2. The carrying out of works required for the use and benefit of owners and occupiers of lands adjoining the railway;
3. The conditions under which goods shall be carried on the line;
4. The prescribing of regulations governing the use of the railway, and the mode of conducting the traffic thereon;
5. The making and publishing of by-laws for enforcing the observance of such regulations; and
6. The enforcement of the penalties prescribed by the Railway Acts or Regulations in force for the time being.

The ATTORNEY-GENERAL said he did not see why Mr. Gulland should be obliged to provide a good and sufficient fence. There were many parts of the country where there were no fences to the railways. If in this case the cattle of adjoining owners were damaged through there being no fence to the railway, the runner of the train would be liable for the damage.

Mr. MOREHEAD said it appeared to him that clause 5 would contradict clause 4. The first clause provided that Mr. Gulland should be invested with all the powers of the Commissioner; and in the second clause they said that if any difference arose respecting certain things, that difference should be determined by the Commissioner. The two clauses were incongruous.

Mr. THOMPSON said there was no inconsistency. One clause gave the power, and the other said that certain things were essential.

The PREMIER said that clause 5 should have been moved in lieu of clause 2. The two clauses were in effect the same.

Mr. THOMPSON said clause 2 contained nothing whatever about the accommodation

work. He moved that paragraph 4 be amended by the insertion of the words "or before the construction of the line" after the word "clearly."

Mr. MOREHEAD said the clause was perfectly absurd. It was quite unnecessary, and the proposal to insert it was evidently made with some sinister object. There were only one or two small culverts and box-drains upon the line.

Mr. REA said that although they were now passing a Bill to sanction the construction of a short line, it was a measure which would be referred to hereafter in the case of longer lines. The amendments of the hon. member for Ipswich were very valuable. He hoped the Bill would not be slumped over merely because it sanctioned the construction of a branch line.

Amendment put and passed.

Mr. THOMPSON said there were not only culverts and box-drains upon the line, but there was a watercourse to be diverted.

Mr. WELD-BLUNDELL said the box-drains were only one foot or two feet. The watercourse, too, only ran about 300 yards above the stream.

Mr. MOREHEAD said that the man who went to the expense of constructing the line might be relied upon to see that there was sufficient outlet for water.

The MINISTER FOR WORKS said there were no creeks to cross.

Mr. GRIFFITH said the question was not whether Mr. Gulland would do all these things. It should always be provided that any man who undertook the construction of a private line should consider his neighbours; he should be under exactly the same conditions and obligations as the Commissioner for Railways.

Mr. THOMPSON pointed out that the last proviso settled all disputes as to the nature of the work :—

"If any difference arise respecting the kind or number, dimensions or sufficiency of such works, or respecting the maintaining thereof, the same shall be determined by the Commissioner."

The MINISTER FOR WORKS said unless the railway was made according to the plan it would not be constructed in a substantial manner as required by clause 3. As to the argument of the hon. member (Mr. Griffith)—that every man who made a private line should make it the same as the Government line—he would point out that the Government lines varied, and which of those lines were they to make the model? There was no necessity for the clause at all.

Mr. GRIFFITH said he did not say the line should be the same as the Government line, but that the parties making it should be subject to the same obligations as the Commissioner for Railways. Why should he be under less obligations than the Commissioner? Why should he have more right than the Commissioner to injure his neighbours? He (Mr. Griffith) could not conceive any objection to the clause, which he believed was inserted in every Railway Bill that had been passed since it was first introduced in 1847, either by express terms or by incorporation.

Question—that the clause proposed to be inserted be so inserted—put and passed.

Mr. THOMPSON moved the following new clause :—

The railway, and the carriages and waggon, coal-shoots, wharves, staging, and other appliances connected therewith, shall at all reasonable times be open to and freely used by every person who complies with the regulations mentioned in the next following section of this Act.

Mr. GRIFFITH said the first question to be considered was whether they should provide for the line being open to the public. So far this was merely a Bill to enable Mr. Gulland to construct a line to carry coal from his pit mouth to the Southern and Western Railway, and he questioned whether it was necessary to provide for public use. If the line ran through property adjoining Gulland's, it might be right to allow other people to use it. The amendment of the hon. member for Port Curtis (Mr. Norton), he thought, fixed the rates too high.

Mr. NORTON pointed out that he had taken the clause from the Lithgow Valley Railway Act of New South Wales. It provided that the railway, when not in use by Mr. Gulland, should be open to the Government or the public on payment of 3d. per ton per mile, when they used their own locomotives, trucks, &c.; but when Mr. Gulland provided locomotives of his own he should be entitled to charge 4d. per ton per mile. He thought it very desirable to make some provision of this kind to enable proprietors adjoining to use the line, because although this was a short line, it was possible that other persons might want to connect their collieries with the main line, and they would expect to be treated in the same way as Mr. Gulland.

Mr. THOMPSON thought his proposal would operate better for all parties, because it would not be fair to charge a man who joined at the middle of the line the same as a man who connected at the end.

The MINISTER FOR WORKS said the Government charge was nearly 4d. a ton—3d. and a fraction, so this could not be far wrong.

Mr. MOREHEAD said 3d. was the rate fixed in some of the private Acts relating to railways near Newcastle.

Mr. GRIFFITH said in framing a measure of this kind they had not merely to consider what Mr. Gulland's intention was, but what powers they were conferring upon him that might be used in the future.

Mr. BEATTIE asked did he understand that the Government intended to charge 3d. and a fraction per ton per mile from the coal mine to the central station? He was afraid Mr. Gulland would not care to pay that. Did it apply simply to the one mile of branch line or to all the way down to the station?

The MINISTER FOR WORKS said the 3d. and 4d. per ton per mile mentioned in the amendment of the hon. member (Mr. Norton) would apply only to the branch line; on the main line from the junction of the branch line to the terminus the rates would be as usual.

Mr. THOMPSON withdrew his amendment, by permission.

Mr. GRIFFITH suggested that it would be desirable to combine the provisions of the two amendments, as they each contained something good.

Mr. NORTON said he was willing to accept the suggestion. He had simply used the language in his proposed new clause because it was enacted in the New South Wales Act, but he did not like the way it was expressed, and thought he could put it a great deal clearer himself.

Mr. GRIFFITH moved the following clause, to follow new clause 5—

The said railway shall at all times when not in actual use by James Gulland, be open to the Commissioner and to the public for the passage of locomotives, waggon, and other vehicles, upon payment of such tolls or dues as James Gulland may from time to time prescribe.

Provided that if the said railway shall be damaged in any way by the Commissioner or any person using the same, James Gulland shall be entitled to compensation for such damage, to be recovered in the Supreme Court or any other competent Court; and in estimating such damage the said James Gulland shall be entitled, not only to compensation for the cost of repairing and restoring such railway, but to the consequential damage, if any sustained, by reason of suspension of transit.

Question put and passed.

Mr. THOMPSON moved the following new clause, to follow new clause 6—

If at any time such tolls or dues are in the opinion of the Commissioner excessive, the Governor in Council may revise and reduce them at discretion.

Question put and passed.

Mr. NORTON moved the following new clause—

The said James Gulland shall carry upon the branch lines, free of charge and with reasonable despatch, all such persons and mails as the Commissioner from time to time requires to be conveyed on the public service.

Mr. GRIFFITH pointed out that it would be better if the clause followed the 10th clause in the printed amendments of the hon. member for Ipswich (Mr. Thompson). He would point out that it had always been found necessary in England to make the provision contained in the hon. member (Mr. Thompson's) proposed clause, and that it would follow the clauses already passed better than if the new clause of the hon. member for Port Curtis intervened. If a clause such as that to be proposed by the hon. member for Ipswich was not inserted it might be productive of much hardship to individuals. By the Bill special powers were given to an individual, presuming that the public would have certain privileges without any partiality being shown. The Commissioner for Railways was not allowed to give special privileges to anyone; and it was necessary that a similar provision should be inserted in this Bill.

Mr. THOMPSON pointed out that as a single and short line of rails could only be used by one person at a time, it was necessary that provision should be made against any preference being shown. Before the amendment of the hon. member for Port Curtis was put, he would move that the following new clause be inserted:—

James Gulland shall not make or give any undue or unreasonable preference or advantage to or in favour of any particular person or any particular description of traffic, or subject any particular person or any particular description of traffic to any undue or unreasonable disadvantage in any respect whatsoever. The provisions of this section may be enforced by the Supreme Court, upon the application of any person aggrieved, by the issue of an injunction or other process, according to the practice of the said Court.

Mr. MOREHEAD wanted to know how many more of these preposterous clauses the hon. member was going to propose? This was a most lovely and lawyer-like clause. The only way in which an offence under its provisions could be proved was apparently by an application to the Supreme Court, which meant work for the lawyers. The whole of the new clause which had been proposed appeared to be designed to hamper and injure a man who was trying to assist in developing the coal trade of the colony. What reason the hon. member could have for attempting to injure not only the proprietor of this railway but also his own constituents was a puzzle to him (Mr. Morehead). He almost hoped the clause would be passed, in order that it might remain a monument of the ingenuity of the hon. member as displayed in his lawyer-like Bill. He would ask any layman to read the clause, and see whether he could come to any other conclusion. It was no use asking the lawyers to do so, as no doubt most of them intended to vote for it. The

clause meant that any person who might consider himself aggrieved could obtain an injunction of the Supreme Court at any time for the purpose of harassing Mr. Gulland. The hon. member had been mixed up with injunctions before with regard to this man, and, as far as he (Mr. Morehead) remembered, the hon. member had failed egregiously on that occasion. Such attempts to defeat private enterprise as had been made by the hon. member for Ipswich tended to prevent men from making any efforts to assist in developing the resources of the colony. There could be no doubt that Mr. Gulland had done more towards developing the coal trade of Ipswich and the colony than any other man in the community; and now when he wished to make a 1-mile-and-10-chain-railway he was met with obstructions set forth by the hon. member for Ipswich, who seemed to have some private grudge against the projector.

Mr. THOMPSON said he had already disclaimed the motives which had been imputed to him, and he should not do so again. He was in his present course of action only following out the suggestion of the Premier himself. The hon. gentleman then said that—

“The Government would meet the objections of the hon. member for Ipswich, and see that the interests of the other coal-owners in the neighbourhood were preserved;”—

and he intimated that it would be better that he (Mr. Thompson) should draw up the clause which he would wish to see inserted. If he had desired to stop the Bill he should have found other means of doing so. With regard to the ingenuity displayed, he could not take any credit to himself, as the clause had been drawn by a far better lawyer than himself—it had been drawn by the draughtsman of the House of Commons, and was one of the clauses known as the Shaftesbury clauses.

The MINISTER FOR WORKS said he hoped the hon. member would withdraw the clause. The hon. member had no doubt introduced it in the interests of the coal proprietors, but it was one which might be used for the purpose of annoying them. Supposing that Mr. Gulland were about to fulfil a contract to supply some big steamer with 500 to 1,000 tons of coal, some one of his neighbours—perhaps a rival—might step in with an injunction and prevent him from working the line. The clause was not wanted, and he would rather that it should be withdrawn.

Mr. THOMPSON said the hon. gentleman used argument, and therefore his remarks demanded an answer. The hon. gentleman's argument was that Mr. Gulland might be teased, but he would remind the hon. gentleman that it was not so easy to move the Supreme Court to grant injunctions.

Mr. LUMLEY HILL: When you are pulling the strings.

Mr. THOMPSON said he could not undertake to reply to the rubbish that was talked. He did not care a bit whether Mr. Gulland or any other individual gave rise to legal business or not. The clause had given rise to a great many cases in England, but the want of it would probably give rise to a great many more. He was prepared to take a division on it.

Mr. GRIFFITH said he could not understand the opposition to the clause, which had been in force in England almost ever since private railways were allowed. It was put into the transcontinental Railway Bill here without a word of objection, and he was sure it would be inserted in the Burrum Railway Bill if the Government went on with the measure. A man had to a certain extent a monopoly of a certain line of

railway, but if he was to allow his neighbours to use it he must give fairplay to all—that was the meaning of the clause. It had been suggested that a man might be harassed, but if hon. members would read the preceding clause they would see that was not so. When he was not using the line himself then he must allow his neighbours to use it, and must not give undue preference to any. The fact was the argument in favour of the clause was quite unanswerable. He ventured to say that not a single railway Bill had been introduced since the clause became part of Imperial legislation in which the clause could not be found. The member for Mitchell had said it would give rise to motions for injunctions. It would only do so if Mr. Gulland gave an unfair advantage to his neighbours. Their opinion of Mr. Gulland was that he was an honourable man who would not give an unfair advantage, but it must be remembered that the line might be bought by a neighbouring colliery owner. Anybody might buy the line, and he might arrange the traffic so that one man whom he did not like might never have the use of the line. He was sure hon. members who were opposing the clause did not understand it.

Mr. MOREHEAD said the last speaker had made one remark which should not go unchallenged. He said that Mr. Gulland was getting certain privileges over his neighbours. What were the privileges? It was a well-known fact that a large amount of coal-lands remained unused and undeveloped in that portion of the Ipswich district. Others had had possession for years and had done nothing to develop the industry. A few months after Mr. Gulland came in, found that he could develop the mines for the benefit of himself and the country, and asked to be allowed to make a railway a little over a mile in length; but no sooner did he do so than hon. members were told that he was getting a privilege over his neighbours, and he was talked about as if he was going to do a great injury to someone. The hon. member (Mr. Thompson) had the opportunity to develop this coal-land but had not done so, and yet immediately another man set about developing it, and a Bill was introduced to allow him to construct a railway, the hon. member moved amendments and tried to hamper and injure him. Mr. Gulland, however, could not be injured. He had acquired other coal properties near Goodna, and these he would develop. The coal would be forwarded by the river, and the railway would get none of the traffic; and a large lot of miners would probably be shifted from Ipswich; yet the member for Ipswich, instead of supporting that which would benefit Ipswich, did all he could to hamper and injure Mr. Gulland. Instead of assisting Mr. Gulland he came to the House with his fine legal mind, fencing the Bill with all sorts of precautions which would be necessary for a railway 100 miles long, but were not wanted for this line. He knew lawyers would say the clause was a good one because it led to litigation. It was quite clear that anybody who wished to annoy Mr. Gulland could apply for an injunction. He might not get it, but he could apply for it, and the very fact of an application must be a source of great annoyance to the owner of a railway line. The clause gave the power to annoy, torment, and damage Mr. Gulland. He gave the member for Ipswich credit for having a larger mind.

Mr. THOMPSON said he had no such object as was insinuated, and he wondered that an educated man like the member for Mitchell should use such an argument over and over again. Lawyers were a necessary evil, but they would be worse without them. He did not care about the

Bill, and if the Government were prepared to take the responsibility of the measure without the clause he was agreeable.

Mr. LUMLEY-HILL said the member for Ipswich reminded him of the member for Rosewood, who on bringing in his Selectors' Relief Bill, and on being challenged about the first clause, said he did not care a bit about it and did not believe in it. The member for Ipswich said much the same thing about the clause before the Committee. It seemed to him that Mr. Gulland was not getting any particular privileges; he had to pay for what he got, and if he was successful it would be a benefit in the way of developing the mineral resources of the district, of employing labour, and of bringing money into the country. The Bill as introduced was a simple one and easily understood, but if the proposed amendments were inserted there would be three times the quantity of matter that there was in the original measure. He believed himself that the original Bill was too simple for the lawyers—there was no law to be made out of it. The hon. member did not seem to care a rap about the clause, and it would be better if he withdrew it.

Mr. MACFARLANE was understood to say that he would not like the member for Mitchell's statement—that none of the proprietors of coal lands in the locality had made attempts to get a railway for the development of the industry—to go abroad uncontradicted. It was well known that such attempts had been made, but owing to the obstruction that had been put in the way they were not successful. One coal proprietor had made application to have a Bill passed.

Mr. MOREHEAD: Name!

Mr. MACFARLANE said the name was Lewis Thomas. He thought the hon. member (Mr. Thompson) was improving the Bill, so that instead of each colliery owner having to pass a Bill through for a private railway the one line should be made available for all, and that could be done without doing harm to Mr. Gulland. The people of Ipswich had no objection to the Bill; on the contrary, they liked to see it pass.

The PREMIER said it was argued that this clause was put in all Railway Bills, but it provided for different kinds of traffic, and in England it applied especially to passenger traffic. Here was a different matter altogether. They had actually made provision in another part of the Bill that Mr. Gulland should charge certain rates fixed by himself for the carriage of goods. If those were thought too high, the Commissioner had power to alter them. What more power did they want than that? Why should not Mr. Gulland have power, after the Commissioner had approved of certain charges being made, to allow discount for large quantities carried over his line? Why should he be bound to make the same charge for 50 tons as for 1,000 tons? The public interests were perfectly safeguarded if the charges were allowed to be revised by the Commissioner. Mr. Gulland might then be allowed to look after his own interests, when the Committee had looked after those of the public by saying that he should not charge more than a certain amount.

Mr. GRIFFITH said the clause did not apply to passenger traffic but to goods traffic, and if the clause was not inserted Mr. Gulland might carry in favour of one colliery as against another. He might insist, for instance, with rival coal-owners that their trains should only run between 3 and 4 o'clock in the morning, at double the ordinary rates, at no greater speed than five miles an hour, and only on Saturdays. No argument had been used or could be used against the

clause, but only against some imaginary provision not contained in it. Since that clause had been first introduced in the House of Commons no railway Bill had been passed without it. If it was fair that the public should use the line—which he at first doubted, but which the Committee had sanctioned—they should be all on the same footing.

Mr. MOREHEAD, in reply to the hon. member (Mr. Macfarlane), said that if he wished to know why Lewis Thomas did not get his railway he would refer him to his colleague (Mr. Thompson).

Mr. THOMPSON said Mr. Thomas had discovered that he could not make a railway without going over his (Mr. Thompson's) land. But the dispute was now over, and Mr. Thomas might have got through that land before if he had approached him civilly.

Mr. LUMLEY HILL asked what amount Mr. Thomas had paid the hon. member for the privilege?

Mr. THOMPSON said nothing had been paid yet.

Mr. LUMLEY HILL asked whether Mr. Thomas had promised to pay anything?

Mr. THOMPSON replied that he had a bargain with him.

The ATTORNEY-GENERAL said the leader of the Opposition was somewhat rash in asserting that not a railway Bill had passed since the adoption of the clause by the House of Commons without containing it. He had an impression that several similar lines in South Wales had been constructed without containing it. The present line was not to be made primarily for the convenience of the public, but to carry the owner's goods. There was a great difference between that case and the case of a speculative company of carriers in England.

Mr. GRIFFITH said he could understand that Mr. Gulland should have more rights on the line than anybody else; but the Committee had decided that he had not, and why, then, should anybody else?

The MINISTER FOR WORKS said that as long as the interests of the general public were protected they had no right to interfere between Mr. Gulland and others. The hon. member (Mr. Macfarlane) seemed to imply that some obstruction had been placed in the way of Mr. Thomas making a railway. He distinctly denied that there had been any such obstruction, or that any special favour had been shown to Mr. Gulland. Mr. Thomas was still negotiating with the Government for making a railway, and, if necessary, when the negotiations were completed, and if there was time, a Bill would be brought in.

Mr. REA said it was necessary to make the provision, because it appeared evident, from what the Minister for Works had said, that this was only the beginning of a series of similar railways, all of which would demand the same privileges.

Question put, and the Committee divided:—

AYES, 12.

Messrs. Douglas, Norton, Garrick, Rea, Beattie, Grimes, Fraser, Thompson, Dickson, Griffith, Macfarlane, and Rutledge.

NOES, 17.

Messrs. Macrossan, Palmer, McIlwraith, Beor, Cooper, Swanwick, Hamilton, Archer, H. W. Palmer, Amhurst, Morehead, Kellett, Hill, Low, Weld-Blundell, O'Sullivan, and Stevens.

Question, therefore, resolved in the negative.

Mr. NORTON proposed that the following new clause be added to the Bill—

The said James Gulland shall carry upon the branch lines, free of charge and with reasonable dispatch, all such persons and mails as the Commissioner from time to time requires to be conveyed on the public service.

Mr. GRIFFITH said he should like to know why the Commissioner should have an advantage over other persons?

The MINISTER FOR WORKS said that Mr. Gulland would get the privilege of running a railway from the public, and therefore it was only reasonable that he should carry the mails should there be any to carry.

After some discussion, the proposed new clause was put and passed.

Mr. THOMPSON proposed that the following new clause be added to the Bill—

James Gulland may use and employ locomotive engines, propelled by steam or other motive power and carriages and waggons to be drawn and propelled thereby.

Mr. GRIFFITH moved that the clause be amended to read as follows—"James Gulland, the Commissioner, and any person for the time being authorised to use, &c."

Mr. KELLETT said the clause was so mixed up that he could not understand it. If anyone were empowered to use the line as suggested by that clause, the effect would be that Mr. Gulland would be sent off the line altogether. It was very likely that Mr. Gulland would throw up the whole scheme if that clause were passed. Mr. Gulland bought the land and made the line; and yet he would have to go to the Commissioner every day to ask permission to run on his own line.

Amendment and clause, as amended, put and passed.

Mr. THOMPSON moved that the following clause be inserted—

Nothing in this Act contained shall prevent the owners or occupiers of land adjoining the line, or any other persons, from laying down any branches to communicate with the Gulland line for the purpose of bringing carriages to, from, and upon, the same; and James Gulland shall make openings in the rails, at the expense of the persons requiring the same, in places where the same can be most advantageously made, for the accommodation of such branches and the traffic therefrom.

Question put, and the Committee divided:—

AYES, 9.

Messrs. Thompson, Rutledge, Rea, Griffith, Dickson, Grimes, Macfarlane, Beattie, and Douglas.

NOES, 19.

Messrs. Macrossan, McIlwraith, Beor, Norton, Stevens, Weld-Blundell, Hill, Low, O'Sullivan, Kellett, Amhurst, Morehead, Cooper, H. W. Palmer, Hamilton, Fraser, Perkins, A. H. Palmer, and Archer.

Question, consequently, resolved in the negative.

Mr. BEATTIE asked the Minister for Works if this Bill passed and Mr. Gulland constructed the line and there was a coal proprietor's ground between Mr. Gulland and the Southern and Western Railway, how was that man to use this line? They prevented him from doing so, and what was the use of his land if he could not connect with the line? The result might be that Mr. Gulland might compel that man to sell. He did not believe that was intended, but that was the effect of it.

The MINISTER FOR WORKS said perhaps the hon. member would tell them of any particular coal mine that this line would affect. It was no use to put an imaginary case.

Mr. BEATTIE: John Jones'.

The MINISTER FOR WORKS said, would John Jones not have the same access if this

line were made that he had before—would this deprive him of any right of access?

Mr. BEATTIE said it gave Mr. Gulland power to buy a portion of John Jones' ground without his consent. It divided his property and prevented him getting to the Southern and Western Railway on the branch line.

Mr. MACFARLANE said with reference to the property of John Jones, not long ago the hon. member for Stanley and himself went into the matter. It was between the railway and Gulland's property, and—

The CHAIRMAN said there was no question before the Committee.

The MINISTER FOR WORKS, in moving clause 4 of the Bill as printed—"Commissioner to convey coal waggons of Mr. Gulland on Government line"—said it was framed during the time Mr. Gulland intended to construct a second branch line, which had been omitted; and therefore the first portion of it would be necessary. He had several amendments to move, so that the clause would read as follows—

The said James Gulland may, subject to such terms and regulations as the Governor in Council may from time to time prescribe, require the Commissioner to carry the coal and waggons of the said James Gulland over any portion of the Southern and Western Railway.

Amendments agreed to.

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

Mr. GRIFFITH asked what was the good of this clause or of the Bill itself, in fact? The clause merely provided that Mr. Gulland might require the Commissioner to carry coal just in the same way that he (Mr. Griffith) might require him under the present law to carry goods. The fact was the Bill as it stood was a perfect farce. They had affirmed that afternoon that this railway was to be left for the use of the general public, and they had carefully avoided, on division, inserting any clause to make it of any use to the general public. The Committee had been entirely inconsistent, and he was sure hon. members could not have noticed what had already been inserted in the Bill. As it stood now Mr. Gulland was bound to allow the public to use it, but every means by which the public could use it had been carefully eliminated, and it was now simply a private Bill for the benefit of Mr. Gulland. It was such a line as was contemplated by section 100 of the Railway Act of 1863, which provided—

"This Act shall not prevent the owners or occupiers of lands adjoining to any railway or any other persons from laying down either upon their own lands or upon the lands of other persons, with the consent of such persons, any collateral branches of railway to communicate with the railway to be made under this Act for the purpose of bringing carriages to or from or upon the railway, but under and subject to the provisions and restrictions of this Act, and subject to any regulations that shall be made by the Governor with the advice of the Executive Council in respect thereof; and the Commissioner shall if required, at the expense of such owners and occupiers and other persons, make openings in the rails and such additional lines of railway as may be necessary for effecting such communication in places where the communication can be made with safety to the public and without injury to the railway and without inconvenience to the traffic thereon; and the Commissioner shall not take any rate or toll or other moneys for the passing of any passengers, goods, or other things along any branch so to be made by any such owner or occupier or other person, but this enactment shall be subject to the following restrictions and conditions (that is to say)—

"No such branch railway shall run parallel to the railway.

"The Commissioner shall not be bound to make any such openings in any place which they shall have set apart for any specific purpose, with which such communication would interfere, nor upon any inclined plane or bridge, nor in any tunnel.

"The persons making or using such branch railways shall be subject to all bye-laws and regulations of the

Commissioner from time to time made with respect to passing upon or crossing the railway and otherwise; and the persons making or using such branch railways shall be bound to construct, and, from time to time, as need may require, to renew the rails, crossings, switches, and sleepers, according to the most approved plan adopted by the Commissioner, and under the direction of the Engineer of the Railways."

There was therefore complete provision in that Act dealing with the whole subject. As the Bill now stood it was a private Bill to authorise Mr. Gulland to resume land for the purpose of running a railway; there was nothing more in it, and it ought to be introduced as a private Bill. If the clauses proposed to be introduced by the hon. member for Ipswich had been inserted it would be a public Bill, and might properly have been introduced by the Government; but now it was in every sense a private Bill. The railways contemplated by the Act of 1872 were public railways, and, as the matter now stood, he should feel it his duty to call the attention of the Speaker to the point. If the Bill was not to be used by the public at all, why not say so? They had passed clauses giving Mr. Gulland the same powers and privileges as the Commissioner in regard to the preparation of plans and books of reference; the carrying out of works required for the use and benefit of owners and occupiers of lands adjoining the railway; the conditions under which goods shall be carried on the line; the prescribing of regulations governing the use of the railway, and the mode of conducting the traffic thereon; the making and publishing of by-laws for enforcing the observance of such regulations; and the enforcement of the penalties prescribed by the Railway Acts or Regulations in force for the time being;—and yet they had not provided how the public were to get on to the line. Surely the Government were not going to allow private persons to run locomotives along their line to get to the Gulland line. The thing was ridiculous. The whole thing resolved itself into this—that it was to all intents and purposes a private Bill.

The ATTORNEY-GENERAL said that the clause to which the hon. member had referred—namely, the Railway Act, 27 Vic., No. 8—was a clause relating to Government railways. It related to Government railways all through, and to nothing else to anyone who read the clause attentively—branch railways joining with Government railways. It, in fact, provided that gentlemen like Mr. Gulland who wanted to affix a branch line to Government railways should have the power of doing so. But it did not provide—as the hon. member for Ipswich (Mr. Thompson) wished it should—that other persons should have the power of joining branch railways on to that branch line. The hon. member for North Brisbane said that the latter part of the Act of 1872 referred to no other than public railways, but he should like to hear the hon. gentleman go into the question and show how it did so; he should personally—not that he wished to delay the time of the Committee—like to hear the hon. gentleman do so. So far as he (Mr. Beor) could see, the Act included private railways; and even if this proposed railway were such a railway as the hon. gentleman now contended it was, it would be included in the clause quoted by the hon. gentleman. Whatever might be said about access to the line not being given to the public by the Bill, the Commissioner possessed the power of giving them that access.

Mr. THOMPSON said it was rather difficult to reconcile the actions of the Government with the speech made by the Premier on the second reading of the Bill. The hon. gentleman then said—

"There could be no doubt but that that Bill contained machinery whereby a private individual could get hold of private property for the purpose of constructing

a railway. Why should it not contain that machinery? No doubt there was something in the objection of the hon. member for Ipswich relative to the omission of provision for the use of the lines by the public. The omission probably arose from the fact that Mr. Gulland did not anticipate that the lines would be wanted by any other coal-owners. This, unquestionably, was an oversight. Mr. Gulland ought not to have a monopoly. As the hon. member for Ipswich had pointed out, the branch to the place of shipment would most probably be used by other proprietors. The progress of the Bill would be facilitated if the hon. member would draw up the clauses he would like to see inserted before the House went into committee on the measure. The Bill had necessarily been a short time before the House, because it was only lately that the proprietor of the mine had made up his mind, for special reasons, to obtain access to deep water from his pit. The Government would meet the objections of the hon. member for Ipswich, and see that the interests of the other coal-owners in the neighbourhood were preserved."

He wished to call attention to that speech in connection with the votes that had been given that evening.

The PREMIER said that that was his opinion, and he was very glad indeed that the hon. member had attended to his suggestion, but he did not expect the hon. member would bring in a whole Bill. The Government had negatived a clause of which the hon. member complained, but they did not think it necessary to make provision for these branch lines on to Mr. Gulland's line, as the Bill would have been interminable. The branches he (the Premier) had spoken most particularly about were branches running down to the river, which were most undoubtedly public branches, and therefore he thought it should be a public line; and he thought so still. After the clause they had passed it was nonsense for the hon. leader of the Opposition to say that this was to all intents and purposes a private Bill, as according to that clause the railway was at all times, when not in actual use by James Gulland, to be open "to the Commissioner and to the public."

Mr. GRIFFITH said that that afternoon he had raised the question whether this line was to be for Mr. Gulland or for the public, and he expressed his doubts as to whether it should be a public line, the hon. member for Port Curtis having given notice of an amendment that it should be a public line; but the clause as carried by the Committee would, if it stood alone, be a monument of stupidity. What was the use of saying that a line should be open to the public if no provision was made by which the public could get to it? How could they get to it when it was entirely through Gulland's private property? They all knew that the Commissioner for Railways did not allow the public to use his line, and how were the public to get on to Gulland's line except at the junction? He had assumed, and so he believed every other hon. member assumed up to the hour for adjournment for tea, that the public would be able to get on the line from the neighbouring collieries. That was understood, and was the purport of the amendment. In one clause it was said the line was to be open to the public, but how were they to get through Gulland's fence to it?—they were to be allowed to run locomotives, but it was carefully provided afterwards that they were not to get them on to the line. The hon. Attorney-General said that clause 100 of the Act of 1872 referred to public lines, and so it did; and also to private branches joining public lines. But he would ask this question—were the Government justified in bringing in a Bill to enable a private person to make a railway? He presumed they were not, but that according to the Standing Orders a private Bill could only be brought in after certain notices had been given to enable any persons concerned to object if they wished to do so. Why, then, should Mr. Gulland be made an exception

to the rule? It appeared to him that the public might get to these mines by paying for what was called a way-leave. He remembered a vote given by hon. members when Mr. Thomas, a coal-mine owner, wanted a road passed through the land of the hon. member for Ipswich (Mr. Thompson)—he merely wanted a dray-road. The then Government took upon themselves to open that road, but a motion was passed by the House afterwards that the road ought not to be opened, and it was not opened, it being said that if Mr. Thomas wanted to take his coal over that land he should pay for so doing. Now, Mr. Gulland wished to take his coal over his neighbour's land, but he did not wish to pay for it, and he (Mr. Griffith) concluded that the Government had no more right to take the stand they were taking in this matter than they had in the other. He had no objection to have this line made a private line, but not in the way proposed by the Bill, which he should be ashamed of.

The MINISTER FOR WORKS said the hon. gentleman was evidently bent on obstructing the Bill. It appeared that there was a hidden intention in the objections now raised by the hon. gentleman, and also in the amendment proposed by the hon. member for Ipswich (Mr. Thompson). The hon. leader of the Opposition, in a long speech, asked how the public were to get on to this line; but how did the public get on to the State railway? They would get on to one in the same way as they got on to the other. The Bill provided exactly for what the hon. gentleman said it did not, as in clause 2 it said—

"Subject to the provisions of this Act, James Gulland shall and may, with all convenient speed, construct in a substantial manner, and in accordance with plans and books of reference approved by Parliament, branch lines of railway connected with the Southern and Western Railway."

The Commissioner also had power to step in in any cases where excessive charges were made. Yet the hon. gentleman said that the public had no rights on the line. He (Mr. Macrossan) contended that they had no right to compel Mr. Gulland to make branches from his line, as there would be no finality to his so doing. Finality must be had somehow, and it was obtained in this case by making the line a public one, and giving the public the same right of using it as they had now of using the Government lines. If a man wanted to send his goods by river he had to cart them to the bank of the river, and in the same way everyone who wished to use the line would have to bring his goods to the line.

Mr. BEATTIE said the argument of the Minister for Works was very well so far as it went, but he would point out that the Bill was giving Mr. Gulland the power of resuming the land of individuals who would wish to get to the railway, but who would not be able to do so. Did the hon. gentleman mean to say that Mr. Jones, part of whose land would be taken, would have to cart the coal from his pit to the railway? He felt quite sure that Mr. Gulland would not refuse to allow another coal proprietor to make a branch line in connection with his.

The MINISTER FOR WORKS: The Bill does not prevent Mr. Gulland from allowing such a branch line to be made in connection with his, but it does not compel him.

Mr. BEATTIE said it was not likely that Mr. Gulland would refuse, seeing that he would derive the benefit from the traffic of the goods over his portion of the line.

Mr. THOMPSON said that at least Mr. Jones should have had the opportunity of being heard on the subject.

Mr. GRIMES said he believed he was correct in stating that Mr. Jones' shoots were not forty

yards from the route of the proposed railway. The Minister for Works had stated that there was nothing to prevent Mr. Gulland from permitting the line to be switched on; but he would point out that Mr. Jones or any other proprietor would have no security after such a line had been switched on. Mr. Gulland might allow it for three or four years and then suddenly refuse to allow the trucks of another proprietor to be run over his line. In that case, were the Government prepared to allow Mr. Jones or any other proprietor to make another line of railway parallel with this and another switch on to the Southern and Western line?

Mr. GRIFFITH said it was almost hopeless, apparently, to ask hon. members to read the Bill over for themselves. The Minister for Railways seemed to think that giving privileges was the same thing as compelling the performance of duties. If hon. members would read the Bill, they would see that it simply gave privileges, and did not contain any enactment compelling the performance of the corresponding duties. The Bill conferred powers and privileges similar to those possessed by the Commissioner for Railways, but it did not include the obligations under which the Commissioner was laid. The clauses which had been added would never have been proposed by the hon. member (Mr. Thompson), or supported by him (Mr. Griffith), had it been known that the amendments were to be stopped at the present stage. The Bill as it stood did not give anyone the right to use the line at all, or to get to it without trespassing, unless at the place where the branch joined the main line. In making this bargain it was necessary that the Government should reserve all rights that might be required hereafter. It might be desirable at some future time to make branch lines in connection with this line; but if the necessary power to make such branch lines were not taken now they could not be obtained when wanted without repudiation of the bargain which had been entered into. If the Bill were not to be further amended he hoped it would be altered back to its original form—a Bill to enable Mr. Gulland to take his neighbours' land and make a line through it.

Question put and passed.

Clause 5 passed as printed, and the preamble agreed to.

The MINISTER FOR WORKS moved that the Chairman leave the chair and report the Bill to the House with amendments.

Mr. GRIFFITH said he hoped the Minister for Works would recommit the Bill, in order to give the Committee an opportunity of striking out the clauses which had been put in. He was not unreasonable in asking that the Bill should be made sensible. The Bill from the Upper House considered this afternoon should be a warning to the Government; it did not look well when Bills were sent away in such a slipshod state. Hon. members on the Ministerial side might take his (Mr. Griffith's) word that when they had read the Bill over calmly, dismissing, if possible, from their minds the idea that it had been amended from the Opposition side of the House, they would see that some alteration was necessary. He did not speak in the interest of one side of the House more than another, but he asked that for the sake of the credit of the House the Bill should be made reasonable. The Bill now contained clauses giving certain privileges which had only been inserted in reference to future duties, the provisions relating to which had all been omitted. He hoped the Minister for Works would take steps to make the Bill self-consistent before it left the House.

The MINISTER FOR WORKS said that when the House went into Committee he in-

formed the Committee that it was the intention of the Government to make the line open to the public. The clauses which the hon. gentleman wished to be omitted could not be omitted, because they gave the public the right to use the railway. He saw no reason now for recommitting the Bill, but if after he had read it again he saw anything which required alteration he should recommit it. At the present time he saw none.

Question put and passed.

The resolution of the Committee was reported, the report was adopted, and the third reading of the Bill was made an Order of the Day for Wednesday next.

SUPPLY.

On the motion of the PREMIER, the House resumed Committee of Supply.

The MINISTER FOR WORKS moved that £133,663 be granted for Engineer, Traffic, Locomotive, and Stores Departments, Southern and Western Railway.

Mr. GRIFFITH said that when the matter was before the Committee last he intended to ask for some explanation about the arrangements with respect to cartage. It was objected by the carriers that the arrangements made gave a monopoly to one carrying company, and interfered unfairly with them. Early in the session he presented a petition on the matter. What explanation had the Minister for Works to give?

The MINISTER FOR WORKS said the £1,000 that was down on the Estimates would be repaid by the eighteenpence cartage which was charged against goods that were delivered. The carrying company had made arrangements with the Commissioner for the delivery of all goods consigned to the Commissioner or to them, to any store or wharf, at the rate of eighteenpence per ton, and they also took goods from any store or wharf given to them for delivery at the Railway Station. He did not know that any undue advantage was given to the Railway Company. Other carriers had every liberty to get goods from any store or wharf for delivery to the railway, and to take goods from the railway and deliver them at any store for which they got the order. The arrangement with the company was a terminable one, and his intention was in the course of a few months to call for tenders. It was certainly indispensable that they should have dealings with a company and not with ordinary carriers, who were liable to put them to expense for demurrage. A company could be held responsible for demurrage, but not a single carrier.

Mr. BEATTIE said he thought the arrangements made by the Minister for Works with reference to the carting of railway material was satisfactory; but what was objected to in the petition which was signed by eighty licensed draymen was, that they were being unfairly treated by the Railway Carrying Company having the monopoly of carrying all the goods from the railway, and that the contract had been made without calling for tenders. Another objection was that the Commissioner advertised that the company would call at the various wharves and receive goods for the railway; in fact, the company went to the licensed draymen's constituents and, owing to the advantages that they had, they offered to take goods for something less than eighteenpence per ton, thus often interfering with the draymen. If the Minister for Works carried out his intention of calling for tenders, the goods would, he believed, be carried for cheaper than eighteenpence per ton. Eight or ten men, with perhaps two horses each, would form a small company and

tender for the work. No objection was made to the way the Railway Company was carrying out the work.

Mr. NORTON was understood to say that the indiscriminate way in which men who simply went to see what was going on were allowed to take possession of the platform and smoke and expectorate all over the place was a perfect nuisance. If people must smoke on the platform, a certain part should be reserved to them. Some definite system ought also to be carried out with regard to smoking in carriages. He had seen on one occasion where men, whom he supposed he must call gentlemen, came into a carriage and turned the ladies out so that they might smoke; and on another occasion several men came into a carriage which was occupied by several ladies, and had it not been that the ladies were travelling with a friend of his they would have been compelled to go out in order to allow the men to smoke. If the occupants of a carriage were all gentlemen they smoked as a matter of course, but if a lady passenger happened to be taken on the line their smoking became a perfect nuisance—the place, in fact, stunk of smoke. Some limit should be put to the nuisance.

Mr. MACDONALD-PATERSON said he could cordially endorse what the hon. member had said. On the Southern and Western Railway there was a very flagrant abuse of the privilege of smoking. In different visits that he had paid to the southern colonies he had never noticed that the matter there cropped up as one of complaint. In Victoria a placard was put up that a heavy penalty would be inflicted upon anyone who smoked in other than a smoking carriage; and he believed it was rigidly enforced. He trusted that the Minister for Works would make such arrangements as would remove what ought to be regarded as a disgrace to their railway system.

The MINISTER FOR WORKS said he was bound to say that he had seen the nuisance complained of. He had never complained of it, but he knew there were plenty of gentlemen who did not feel comfortable in carriages where smoking was carried on, and he was certain that ladies did not. There was a penalty, but it was certainly difficult to enforce it. If the general public would only assist the authorities the nuisance would soon be abated, but not otherwise.

Mr. O'SULLIVAN said no doubt it was very disagreeable for some gentlemen to have to travel in a carriage where there was smoking done, but it was quite as disagreeable for others to have to travel without being allowed to smoke. There were two sides to the question. It was a comfort to him to smoke. Why, then, should he be interfered with? The only remedy would be to provide extra smoking carriages.

Mr. NORTON said he did not wish to interfere with the hon. member's comfort, but in studying his own comfort he should not forget that of others. His contention was that there should be smoking carriages in every train.

Mr. O'SULLIVAN said he had no wish to cause discomfort by his smoking.

Mr. RUTLEDGE said that the travelling public did not like to have the necessity of interfering imposed upon them. In his opinion the guards ought to take the initiative whenever they saw smoking in any carriage not set apart for that purpose. His attention had recently been called to the way in which the ladies' waiting-room at Brisbane was kept. The accommodation was said to be by no means such as could be desired in a climate like that of Queensland.

Mr. SWANWICK said the hon. and learned gentleman was himself a smoker, but he ought to have added that he only smoked when he got his cigars "shouted" for him.

Mr. MACFARLANE said that Ipswich had not yet forgotten the 103 who were almost as famous as the "Six Hundred." Had any of those 103 men who were dismissed from the public works eighteen months ago been taken on again? Several cleaners and labourers had been taken on, but he believed that whenever any of the dismissed men applied they were invariably refused. The hon. member for Mitchell was much exercised the other night about the dismissed clerks and superior officers in the Works Department, and when he asked that provision might be made for them the Minister for Works promised that he would do what he could in that direction. He approved of that, but he trusted hon. members would see that the same even-handed justice was dealt out to the working man as to the superior officers. Had any of those 103 men been re-engaged at the Ipswich workshops? He had been informed that the guards on the railway had to work the same hours as the engine-drivers and stokers, and that the latter were paid overtime while the guards were not. The lives of the travelling public were almost as much intrusted to the guards as to the engine-drivers and stokers, and he should like to know why the guards were not placed on the same footing with them in regard to overtime. He noticed that there was an increase of £350 for fuel and contingencies. The Minister for Works would probably tell them that that was owing to the increased length of line opened, but it seemed to him to be in consequence of the trains running seven days a week instead of six. With reference to cleaners, he believed that seven or eight had been taken on during the year, and that whenever any of the old hands applied they were told that none of the 103 were to be re-employed. That was certainly arbitrary. Some of those men had never done a day's work since their dismissal, and were in many instances far better than those who had been taken on. What sin had those men committed—what dereliction of duty had they been guilty of? He supposed they were suffering because of their political or religious opinions. He noticed that the number of labourers was the same this year as last. It was strange how that could be, seeing that a great number had been taken on. He hoped some explanation would be given.

The MINISTER FOR WORKS said that as to the guards they were no doubt worked equally with the engine-drivers and the stokers, but they had a good many privileges which made up for it. The extra amount of grease used and coal consumed on Sundays was paid for nearly three times over by the extra traffic on that day. As to the complaint that the number of labourers was the same, he did not see what reason there was for complaint if he could carry on the department without increasing the number of men. Did the hon. member want to see the number increased?

Mr. MACFARLANE said that what he complained of was that a large number of men had been taken on, and yet the numbers were the same. He could not understand it.

Mr. MOREHEAD: It is a miracle.

The MINISTER FOR WORKS said he could explain it without a miracle. Some men left and their places were filled by others, and the number remained the same. Some of the 103 had been re-engaged, but how many he did not know. As to the cleaners, a new system of taking them on had been initiated. They did

not want old men as cleaners, and would not have them. Cleaners must be between eighteen and thirty-five, in good health, able to read and write, cast accounts, and have perfect sight; in all of which they were examined before appointment. The intention was that those young men should gradually rise through their own ability to be engine-drivers. He did not think the hon. member had anything to complain about that. Those were the men whom he had taken on—six were taken on this week after undergoing an examination.

Mr. MACFARLANE: Does the hon. member mean to say that some of those who have been off for the last fifteen months could not be engaged again?

The MINISTER FOR WORKS: I did not say that.

Mr. MACFARLANE: I was referring to the labourers?

The MINISTER FOR WORKS: I would just refer the hon. member to Messrs. Sinclair, Smellie, Forth, and others to ascertain the smartness of some of the men.

Mr. DAVENPORT would like to know whether apprentices were employed on carriage-making in the Ipswich workshops?

The MINISTER FOR WORKS said that apprentices were employed at the Ipswich workshops. He had also introduced piece-work into the workshops, and so far it had been successful. The committee which was appointed to inquire into what was supposed to be something enormous on his part had recommended the adoption of that system. A great deal of work had been done outside the shops, and in future he hoped that more would be done in the same way.

Mr. DAVENPORT said the cause of his asking the question was that he knew of young men, the sons of respectable parents, who had served their apprenticeship with blacksmiths and others, who had gone into the shops to learn the higher branches of their trade, and who, on declaring that their object was not so much to earn wages as to learn their trades, were hunted out of the shops within a week by the selfish and exclusive workmen.

Mr. MACFARLANE asked why it was necessary to send to America for sleeping carriages for the Roma line when so many men were idle at Ipswich and other places who were willing to contract for the work? He believed that as good work could be turned out of the Ipswich shops as could be produced in America. The Minister for Works used to be as strong an advocate as anyone for the employment of men in the colony, but since he had become a Minister he seemed to have changed his opinion, as he sent abroad for that which could be made at home.

The MINISTER FOR WORKS said that the hon. member was mistaken. He had not done the same as other Ministers, and he believed that was the reason why so much fault was found by the hon. member and others. As to the sleeping-cars, they had applied to the Sydney authorities for models so as to be able to make them in the colony, but they had been refused. It was now proposed to send down a draughtsman to take designs of the car so that one might be made here.

Mr. REA said he did not wish to address the Minister in any captious spirit, but he wished to know the reason why there was such a discrepancy between the expenditure on the Southern and Western and Central lines, comparing the two lines *pro rata* for distance? Taking the expenditure on the Western line as the data, the expenditure on the Southern

line ought to be as follows:—Engineers' department, instead of £65,160, £55,350; Traffic department, instead of £1,375, £844; subdivision, instead of £21,026, £13,444; Locomotive department, instead of £27,602, £23,175; Stores department, instead of £18,500, £12,105; or, summing the divisions into totals, the expenditure ought to be £110,272 instead of £133,663, the larger sums being those in the present Estimates.

Mr. MACDONALD-PATERSON said he did not quite follow the observations of the hon. member (Mr. Rea). He was quite in a fog as to the point which the hon. member was driving at. As to the sleeping-cars, he knew that the firm of Hudson Brothers, of Sydney, had a contract with the New South Wales Government for the manufacture of all their carriages for five years. He had had a conversation with a member of the firm, and he would inform the Minister that they were extremely anxious to enter into business with this Government. From what he heard he believed that the firm were quite prepared to supply a sleeping-car to suit the gauge of this colony, within sixty days of the receipt of a telegraphic order. If the carriage thus supplied was approved of, he believed that the firm were prepared to enter into further contracts with the Queensland Government.

Mr. REA said the point which he wished to make clear was, that the comparative expenditure on the Central was much smaller than it was on the Southern and Western Railway.

Mr. O'SULLIVAN said he was glad to hear from the Minister that apprentices were being taken on at the Ipswich workshops. No one in Ipswich knew that; and he knew of several able young men who were willing to go into the Government workshops.

The MINISTER FOR WORKS said he did not say that apprentices were being taken on—what he said was that they had apprentices. As to the question put by the hon. member (Mr. Rea), he would point out that it was unfair to make a comparison between the two lines. One was a comparatively new line which required a small expenditure for maintenance, and along it there were very few stations; whilst on the other line there were a large number of stations which increased the expenses of the traffic department.

Mr. O'SULLIVAN wished to know whether the Minister intended to take any more apprentices?

The MINISTER FOR WORKS: I cannot answer that question at present.

Mr. REA said he could understand the explanation of the Minister for Works if there had been a falling-off in traffic on the Central line.

Mr. MACDONALD-PATERSON said the traffic on the Southern and Western line was ten to one in proportion to the traffic on the Central line. There must be from eight to twelve trains leaving and arriving at the Brisbane station in the course of the day, whereas there was only one train from Rockhampton. For his own part, he was surprised at the low estimate of the Minister for Works. The expenses of the Southern and Western line and of the Central Railway should not for a moment be compared.

Mr. RUTLEDGE: Has the Minister for Works commenced the experiment of the 10 o'clock suburban train?

The MINISTER FOR WORKS: I have given instructions; but I do not know whether the train has been started.

Mr. GRIFFITH said they occasionally had to go abroad for news. He had seen in a South Australian paper that a statement was made in the South Australian Parliament the other day—

• believed by the Hon. Mr. Tarlton—to the effect that plans of the route of the railway to the Gulf of Carpentaria had been circulated in Australia and Europe. Was this true?

Mr. LUMLEY HILL asked if the hon. member for North Brisbane believed everything he saw in the papers? He would like to see this plan very much; but he did not believe it was in existence.

The MINISTER FOR WORKS: I can scarcely imagine that the hon. member is serious. I know of no such plan.

Mr. GRIFFITH: I did not ask the Minister for Works. I did not suppose he would know. The Premier having entered into the negotiations in this matter, I expected an answer from him. Will the Premier say whether this plan has been circulated or shown in England or Europe? I ask the question, and I expect the ordinary courtesy of a reply.

The PREMIER: The hon. gentleman should afford us the ordinary courtesy of quoting his authority for his statement.

Mr. GRIFFITH: I saw it in a South Australian paper this afternoon.

The PREMIER: You have given us about three versions of the statement.

Mr. GRIFFITH: The hon. gentleman can answer the question plainly enough, if he likes. Has this plan been circulated?

The PREMIER said he did not think the hon. member was so foolish as to ask such a stupid question. If he had done what the hon. member supposed he would be only too glad to tell the House of it. He was not ashamed of anything he had done in connection with the Transcontinental Railway. It was absurd to talk of plans when, so far, they did not even know the route the railway would take.

The MINISTER FOR WORKS was understood to say that the hon. member must have read a statement in reference to the plans in connection with the *Queenslander* expedition.

Mr. KELLETT said he would draw the attention of the Minister for Works to the salary of the resident engineer of the Southern and Western Railway, which stood at £600. This officer had been for some time employed upon construction on the line to Roma at a salary of £300, in addition to his salary of £600 as resident engineer. He found that the salary of £300 had been omitted from the schedule of construction; and he presumed for the simple reason that the line was all but completed. But why should the salary of this old and efficient officer be reduced from £900 to £600 all at once? It seemed to him a great injustice. The omission must surely have been unintentional, and he hoped provision would be made upon the Supplementary Estimates.

The MINISTER FOR WORKS said that the work for which the resident engineer was being paid as constructing engineer having been completed, the salary of the constructing engineer was no longer voted. He thought £600 was quite enough to pay a resident engineer. He could not see that any injustice had been done.

Mr. KELLETT said it was a simple matter for the Minister for Works to say that no injustice had been done; but he would point out reasons why this reduction in salary should not be permitted. If such a thing were allowed, no officer in the Government service would care to do his work properly. Notwithstanding the extension of the Southern and Western Railway for a distance of 180 miles, the salary of the resident engineer was to remain at

£600. When the resident engineer undertook the duties of constructing engineer, he was promised that he should continue in receipt of the engineer's salary when the work of construction was over. It was upon that understanding that he undertook the duties of constructing engineer. This officer was one of the oldest officers who had been engaged on the work of railway construction in the colony. He was brought out to the colony by Messrs. Peto, Brassey, and Co.; he was much respected by that firm, and by all Ministers who had had charge of the Works Department up to the present time. In the case of the Stanley extension—a small line from Warwick to Stanley—the district engineer received £800 a-year. He did not know who this officer was, but he was informed that he had not been very long in the colony. He found that the district engineer upon the Maryborough and Gympie line also received £800 a-year. The officer who had the superintendence of the whole of the Southern and Western Railway received a less salary. He knew an engineer who had given a great deal of trouble to the Works Office and the country, and he did not see why that officer should be treated so well in comparison with so old a servant as the resident engineer of the Southern and Western Railway. He was astonished that the Minister for Works should get up and say coolly and deliberately that there was no injustice done—that knocking £300 off a man's salary in one lump was no injustice. He (Mr. Kellett) thought it was a great injustice, more especially as it was not done under any general system of economy; but, while the man who had most work to do was cut down, the constructing engineers got £800 a-year, forsooth. He would be astonished if any satisfactory answer could be given of that action, especially as this officer (Mr. Cross) was distinctly led to understand by the Minister of the day that when the line was completed to Roma his salary should be the same as previously. Perhaps the hon. gentleman who was in office at that time would be able to say that his (Mr. Kellett's) version was the correct one?

Mr. GRIFFITH said he could not charge his memory as to what the exact arrangement with Mr. Cross was, further than he remembered pointing out that he could not bind any future Government; but he expressed the opinion that he would be prepared to give if it were his duty to advise in the matter. He did not know whether he stated it in writing, but he said his own intention was that after the completion of the Roma line the emoluments should remain as before; it would involve an increase of salary but no increase of emolument. He would like to ask what had become of Mr. Thornloe Smith? Last year there was a large salary voted for him as engineer in charge of surveys, but he saw nothing on the Estimates for him this year.

The MINISTER FOR WORKS said Mr. Thornloe Smith was no longer engineer-in-charge of surveys; but he was now constructing engineer in charge of the Maryborough line, Mr. Depree having been removed from that position.

Mr. RUTLEDGE asked the Minister for Works whether it was the intention of the Government to take any steps during the ensuing year for the purpose of testing the practicability of extending the Southern and Western Railway into the city so as to make it more accessible to the public.

The MINISTER FOR WORKS said he could not answer the question.

Mr. DE POIX TYREL suggested to the Minister for Works the advisability of adopting

the system with regard to season tickets that was in force in other places—namely, that when the head of a family took a season ticket his wife got a ticket at half-price, and any of his children at quarter-price. The result was to induce traffic on the line, and as they were going to have several branch lines it would be well to adopt that plan.

Mr. MOREHEAD thought Mr. Cross had suffered injustice, unless some good and sufficient reason could be given by the Government for bringing down his salary from £900 a-year—which he was evidently led to expect, from the preceding Minister, he would receive—to £600. He (Mr. Morehead) thought some explanation should be given by the Government. It appeared to him that Mr. Cross occupied a very important position, having under his control the management of the whole of the Southern and Western Railway, from Brisbane to Roma and Toowoomba to Warwick. £600 a-year for that work was quite inadequate—presuming, of course, that Mr. Cross was a competent man, as he believed him to be. If he had been led by the late Government to believe that he would receive the same salary as he had been receiving, the succeeding Government, unless there was some good and sound reason to the contrary, should carry out that promise. If the hon. member (Mr. Griffith) was right in saying that any arrangement that he might make would not be binding upon the next Government, still there should be a certain amount of honour about these matters between retiring and succeeding Governments, otherwise Civil servants would never be safe.

The PREMIER said of course the hon. member (Mr. Griffith) was right that no promise made—unless it was left as a record in the office, and as a recommendation that the Minister might safely pay attention to—could be expected to be binding upon the present Government. It appeared that Mr. Cross had been receiving £600 on the Estimates, £300 a-year out of loan, and another £200, making in all about £1,100; at any rate, he was paid £300 a-year for his work on the construction of the Western Railway, and £600 for being resident engineer, and he got a promise from the then Minister for Works that when the extension work ceased—that when the money ceased to be expended from loan—he should be paid a similar amount from the Estimates-in-Chief.

Mr. GRIFFITH: I did not promise.

The PREMIER said he could only state that no such intimation was given to the House, and never hinted at, because if it had it would have put Mr. Cross in a very awkward position at that time. When Mr. Cross undertook both duties it was questioned in the House whether it was proper to make a man resident engineer in charge of the whole of the railways, and at the same time to make him superintendent of the construction of a very important section. It was then urged by the Minister, in justification of that course, that Mr. Cross had not enough to do, and that it was the proper thing to allow his services to be utilised by extending them to loan works. He (the Premier) knew he protested very strongly against it, because he could not see how one man was able to perform both duties, and he did not believe he was able to perform them properly. The resident engineer who preceded Mr. Cross, a man who did good service for many years, was paid £500 and ultimately £600 a-year, which was a very satisfactory salary for the work to be performed. Officers performing similar duties were paid no more in any part of the world that he knew of. He might be wrong in speaking from memory, but he believed the resident engineer of the Victorian railways, where the supervision

was three times the value of the work done here where the department was much larger, was only paid £800 a-year; and were they going to emulate those men? They might as well raise the salary of the Engineer-in-Chief and of the officers all round. He was sure there was no better paid officer in the service than Mr. Cross, taking into consideration his duties as resident engineer.

Mr. GRIFFITH said he wondered when the debate that the hon. member referred to took place, because it so happened that he (Mr. Griffith) was Minister for Works only during the recess, and therefore it must have taken place since the present Government had been in office?

The PREMIER said he did not say it took place when the hon. member was Minister for Works. He said that when the change took place and the subject came before the House it was discussed very fully, and the reason he opposed it was that the two duties were such that no one man could possibly perform them.

Mr. GRIFFITH said he only wondered when the debate took place, because, as he had pointed out, he was only Minister for Works during the recess, and he did not remember the hon. gentleman expressing any strong disapprobation on a matter which appeared for the first time on his own Estimates. It must have been on some other occasion.

Mr. O'SULLIVAN said it was true that the last Ministry led Mr. Cross to understand that his salary would be increased as the work increased, and he (Mr. Cross) had been labouring under that impression ever since. He (Mr. O'Sullivan) was certain the promise was made; and as to the point whether an incoming Ministry should be responsible for the encumbrances of their predecessors, he thought that if they took the estate they should take the encumbrances also, and any promise made by a former Ministry should be carried out. It was very easy to say that the extra was given to this gentleman because he had not enough to do; but surely he had more to do for his £600 a-year than the man on the Warwick and Stanthorpe line, who got £800 a-year. Whether he was district engineer or resident engineer, it was perfectly clear he had heavier work to do than the two other engineers put together, and when they got £800 why not place him on the same footing? These men had no superiority over Mr. Cross, who was a very faithful servant, and he hoped a sum to place him on the same footing as the other engineers in the same position would be put on the Supplementary Estimates.

The MINISTER FOR WORKS said that both the hon. members for Stanley had raised a question on very strange premises. Those premises were these, that they were making comparisons between the salary of a district engineer and that of a resident engineer. Those hon. members contended that a district engineer received £800 a-year; but they made a mistake, as he only received £600, and £200 a-year for forage; whereas the resident engineer received £600 a-year and one guinea a-day for travelling expenses. The one travelled on the railway and got a guinea a-day, although he had really no expenses, whilst the district engineer had to keep horses and staff and incur other expenses.

Mr. MOREHEAD said that the Premier asked, in advocating the reduction, whether they should emulate the example of Victoria, where they paid £800 a-year to a resident engineer; but perhaps the hon. gentleman would allow him to show how they could do a great deal more in emulating Victoria. Victoria did not have two engineers-in-chief—one at £1,400 a-year and one at £1,350—it did not propose to give a bonus of £5,000 to an

engineer-in-chief. He thought that it was a disgrace to the colony that they could not get one man to manage their two lines of railway, as the Government, he had no doubt, could get a gentleman to look after both railways for £1,500 a-year. At any rate, there was no analogy, as he thought he had shown, to be drawn between this colony and Victoria. He certainly considered that Mr. Cross had been very badly treated, unless there was some distinct and definite charge against him. If Mr. Cross was a man who had not done his duty, let the Committee understand it at once; but until that was done he (Mr. Morehead) should not change the opinion he had expressed. He thought it was a gross injustice that Mr. Cross, after receiving for many years a salary of £900, should be reduced to £600. As to the guinea a-day for travelling expenses, it was just money to be spent. He did not consider a good case had been made out why this gentleman should have his salary knocked down as it had been. There was another engineer—Mr. Thorneloe Smith—sometimes he was paid £800, and then he was reduced, and then he got up again, according to the favour he might be in with the Government of the day; in fact, no one knew where he was. However, as regarded the particular case of Mr. Cross, he was perfectly willing to make no further remarks if it was shown that he was an unworthy officer. If he was an unworthy officer let the country get rid of him, but he (Mr. Morehead) believed he was a faithful servant of the State.

The PREMIER said he did not see that because the colony had been guilty of two or three acts of extravagance they should go on for ever in the same way. If they were paying two engineers-in-chief that was no reason why they should pay a salary to another engineer for more than he was doing. But he would give a second reason why Mr. Cross should not be paid anything in addition to what was provided on the Estimates. He had been compared with a district engineer, but he (the Premier) held that the responsibilities of a district engineer were far greater than those of a resident engineer, and Mr. Cross had ceased to have those responsibilities. But there was another thing to be considered:—A district engineer was appointed for a special work; he had to superintend the work of construction; and as soon as his work was completed he could not complain if his services were no longer retained by the Government. It was for that reason that district engineers received larger salaries out of loan than if they were permanent officers and their salaries were voted annually. When Mr. Thomas, who certainly was the best engineer in the colony, was here he had only £500 a-year at first, and afterwards £600; and Mr. Cross knew perfectly well when he left off being district engineer, and got off from a temporary appointment on the Loan Estimates on to the Estimates-in-Chief, that he was getting into a permanent and, therefore, a better thing. He thought the position of resident engineer was one of the best billets in the colony; in fact, they would not find a better anywhere.

Mr. O'SULLIVAN would like to know what the Premier called a temporary appointment? Mr. Cross had, to his knowledge, been in the employment of the Government for eighteen years. There was one permanent officer who had actually been longer out of employment than this so-called temporary officer.

The MINISTER FOR WORKS pointed out that, when a district engineer was employed on a railway, so soon as the work of construction was completed his services terminated. As to the gentleman who, he presumed, was the one referred to by the hon. member for Stanley (Mr.

O'Sullivan)—namely, Mr. Thorneloe Smith—his great fault was his stubbornness of character; he was too honest and stubborn in his opinions to please everyone, and for that reason he had given offence to various Ministers, but as an engineer he was not surpassed. If they looked to the vote for the Central Railway they would see there an officer who was doing the same work as the resident engineer on the Southern and Western line, and yet he only received £400 a-year, and that was all he had received for years: at first he had not much to do, it was true, but his salary had not been raised in proportion as his work had increased.

Mr. GRIFFITH: May I ask who that is?

The MINISTER FOR WORKS: Mr. Rogers, at Rockhampton.

Mr. DAVENPORT was understood to say that the resident engineer on the Southern and Western Railway had a very large extent of line to superintend compared with other engineers, and that the gentleman in question, Mr. Cross, was not only a capable man, but had grown up with his work and knew every detail of it; he also showed great tact in dealing with large numbers of men when under him. He should join the hon. member for Stanley in protesting against that gentleman having his salary reduced to £600 a-year.

Mr. LUMLEY HILL said there was a great difference between the position of a resident engineer who had a line already constructed and in good repair, and a district engineer who had all the responsibility of constructing a line. He thought himself that with a chief engineer at £1,400 there was not much necessity for both a chief engineer and a resident engineer, and that one could do the work of those two officers. Hon. members talked a great deal about retrenchment, but he noticed that whenever the salary of an officer who had a few friends in the Committee came under discussion there was a strong opposition to any reduction. The salary which had been given to Mr. Cross when the work of construction was going on might not have been too large, but he could not see why a sum of £2,100 should be paid to two officers for superintending a line after it was completed. As to a guinea a-day allowance, he presumed the officer only received that when he was travelling, as at other times he could be doing nothing. He thought that a salary and allowances of £960 a-year was quite enough for all the work performed by this officer.

Mr. MOREHEAD said if the hon. member was attributing to him any personal friendship towards Mr. Cross he was mistaken—he had not spoken half-a-dozen words to that gentleman, and was no personal friend whatever. He could very well see the difference between an engineer of construction and a resident engineer, and he could inform the hon. member that Mr. Cross had been employed on construction for many years, and had done good service for the colony. If some retrenchment had become necessary it should have been made in the salaries of those who had not done so much service for the colony, and Mr. Cross should have had one of those more highly paid salaries; but Mr. Cross had not had any offer of the sort. It was quite evident, from what the hon. member for North Brisbane had said, that there was an implied or direct promise that the salary should be £800 a-year. He understood the hon. gentleman to say that he stated that he would recommend the increase to his colleagues. If the hon. gentleman had done so he had made a promise which was binding on the honour of the present Ministry. If Mr. Cross was a competent man, the promise should be fulfilled; if not, the Government had better

get rid of him, but they should not cut down his salary so as to place him in a lower position than men who were his juniors and infinitely inferior to him in professional knowledge.

Mr. GRIFFITH said he could not see that the Government were bound by anything he had done. His recollection of the circumstance was pretty accurate, and the Commissioner for Railways had reminded him that he wrote a letter to Mr. Cross telling him that he could make no promise, but that if in office he would recommend his colleagues to increase Mr. Cross' salary, so as to make his emoluments equal to those he before enjoyed. He however expressly declined to bind any future Government. If he were in office at the present time he should certainly carry out the promise which he had then made.

Mr. KELLETT said he had a little more to say on the subject. For a very long time past this officer had been very ill-used. He had done more work than any other two officers, especially within the last few years, and there was no reason why his salary should now be reduced. When engaged in looking after the construction of the Roma line, Mr. Cross was also performing the duties of resident engineer. The salary for the work of constructing would have been at that time £1,100 a-year, and that of resident engineer £600. Mr. Cross, however, by doing double work, saved the country a third of the amount. The Premier had stated that Mr. Cross had elected to take the easier work of construction; but the fact was that he was forced into it. He was told that he must take it, and it was a long time before it was settled what emoluments he should get. At first it seemed likely that justice would not be done to him, but representations were made to the Ministry and he was more justly treated. It had also been said this evening that one Ministry were not bound by the actions of their predecessors, but if that were to be the rule the country would soon be adopting the American rule of changing the whole service when a different party came into power. When the mail contract was under discussion it was argued very forcibly from the Opposition side of the House that a future Parliament would not be compelled to pay the money for the service, but those arguments were disclaimed by the Government. If the Government did not intend to recognise the promise which had been made the entire service would be demoralised, and men would try to shirk their work and be careless about serving a Government who treated them in that way. The Minister for Works could hardly have known of these facts when he framed the Estimates, and his stubbornness would not permit him to acknowledge the error when it was pointed out to him. No reason had been given why Mr. Cross should be dismissed—for this way of treating him was equal to a dismissal. The Ministry, if they wished to dismiss the man, should take the responsibility on their own shoulders, and not in an underhand way reduce his salary by one-third, so that he could not possibly go on working. If he stayed in the service he would become a laughing-stock, and be pointed at as he walked the streets of Toowoomba as a man whom the Government wanted to be rid of—who had got fair notice to quit but would not leave. If this were the way men were to be treated, they would be looking out to see if the Engineer-in-Chief or the Minister were coming, and would do no work if they could help it. Mr. Cross was one of the first men who had constructed railways in the colony, and he had been a great number of years in the service. On one occasion another officer had been sent down to take his place. This officer dismissed men from the works, and it was soon found necessary to get rid of the officer and reinstate

the men. The officer in question was sent north, at a salary £200 a-year larger than that of Mr. Cross, and the House was told that the treatment of the latter was fair and reasonable. It was a disgraceful thing to treat officers in such a way, where they had been guilty of no fault.

Mr. FRASER said it was not pleasant to discuss the salaries of public officers. He was disposed to think that the question to be considered was whether the salary paid was equal to the duties to be performed. He did not know the gentleman except by repute and by sight, but he believed that he was an old public servant. Whether Mr. Cross had any right to lay claim to high engineering abilities he could not say. He believed that Mr. Cross came to the colony in the capacity of superintendent of construction in the employ of Peto, Brassey, and Betts. On one occasion he thought Mr. Cross was dismissed from the public service, but he could not say what for. There were two ways of looking at this question, and he was of opinion that if any mistake had been made it had been in giving Mr. Cross something like £800 or £900 a-year. If Mr. Cross was a man of such high attainments, and considered himself badly treated, he was perfectly satisfied that he would find no difficulty in obtaining here or elsewhere a position superior to the one he was now occupying, and also that the Government would have no difficulty in finding a man competent to do the work at the salary which Mr. Cross was receiving. The country was now employing a Chief Engineer at a high salary to superintend the action of all his subordinates, and he did not see that the Committee was justified in voting a number of large salaries to those subordinates. He could not understand the amount of fervour which had been got up in favour of Mr. Cross that evening.

Mr. MACDONALD-PATERSON said the Premier had struck the right nail on the head when he spoke of the present position of Mr. Cross as being a permanent one in contradistinction to the temporary character of the position occupied by engineers of construction. The Minister for Works had pointed out that the salary of the district engineer on the Warwick line was £600 with £200 a-year additional for expenses. He (Mr. Paterson) was informed that £200 a-year was barely sufficient to cover contingent expenses. District engineers had to find their own horses, and they were liable to losses of £30, £40, and £50 in horse-flesh; they had also to find their own instruments and tents. Those facts were very important, and should not be overlooked in a consideration of this kind. It should also be remembered that Mr. Thomas, whose character as resident engineer had been testified to, had received only £500 a-year up to within one year of his retirement from the service, and only £600 during the last year. At the same time, he was disposed to think that Mr. Cross should receive some consideration beyond the salary put down. Mr. Thomas had received £600 a-year as resident engineer over a system of railways extending to Warwick on the one hand and Dalby on the other, and Mr. Cross would shortly have under his supervision and responsibility a system extending to Roma on the one hand and Stanthorpe on the other. That was 430 miles as against 215 miles. Nearly double the mileage of railways would be under the responsibility and management of Mr. Cross which was under the supervision of Mr. Thomas, whose salary was £600 a-year. If the Government were to put on the Supplementary Estimates an increase of £150 for Mr. Cross it would meet the case very well for the time being.

In reply to Mr. RUTLEDGE,

The MINISTER FOR WORKS said that on the death of the late clerk in charge of trains the chief clerk of the Traffic Department took his position, and the chief clerk's place was not filled up. The work was being done without a chief clerk.

Mr. KELLETT asked whether the Minister for Works was still prepared to stick to the estimate of £600 for the resident engineer? It must surely be an error. Mr. Thomas was an able officer, but he had only half the extent of line to look after that Mr. Cross had for the salary of £600 that he received. Why was Mr. Cross, who was a good officer, and was always kept at the same ding-dong work, to be treated in this exceptional way?

Mr. LUMLEY HILL said he presumed that if Mr. Cross did not think he was sufficiently well paid for the work he had to do he could leave it. He (Mr. Lumley Hill) considered £600 and £1 ls. per day for travelling expenses a good salary, for if Mr. Cross worked in the ding-dong way that was asserted it would represent 300 days' travelling and bring his salary up to £900, which he considered ample pay for a man who was a subordinate. He thought the salary too much, and hoped the Minister for Works would not promise an increase.

The MINISTER FOR WORKS said he had already told the member for Stanley that the estimate was not an error, and that he could see no error in it. The hon. member might think him stubborn, but stubbornness had nothing to do with the matter. As had been pointed out by the member for Gregory, Mr. Cross drew a good deal more than £600 by reason of his travelling allowance. And what was his travelling? Chiefly standing on an engine.

The PREMIER said he had just looked up the Victorian Blue Book, and he found that the salary of the gentleman who was in charge of the whole of the Victorian railways was £850 without any allowance.

Mr. KELLETT said he would like to ask the hon. member for North Brisbane if he could call to mind the promise that he made to this officer when he was in office, and tell it to the Committee?

Mr. GRIFFITH was understood to say that he thought he had already told the Committee. His recollection was that no promise was made, except a personal one by himself, that if he should be in office when the Southern and Western Railway was completed he would make a recommendation that this officer's salary should be £800 a-year.

Mr. KELLETT said that underhand work had been going on in connection with the railway for some time, and the only way he could account for the treatment this officer was receiving was that some false reports had been spread about him and were believed by Ministers. Private detectives went about the lines and made charges to Ministers against the officials, and some of these charges were false. Men had been suspended through information given by these informers, and had been reinstated in their work because the charges had been discovered to be false; and the same thing must have been done with this officer, else why should the Government want to drive him out of the service by reducing his salary? Why did not the Government stand up in a manly way and say what they had against this man? Why did they not bring up the charges to his face; and if they could prove them, then let his salary be knocked off? He wanted to know whether the Minister

for Works would state the charges that he had against Mr. Cross?

Mr. LUMLEY HILL said he thoroughly endorsed the action of the Minister in this reduction, if it was one. He considered the salary quite sufficient, and could say candidly that he never heard of or saw Mr. Cross, and as for any private information or private detectives going about, it was a thing he was ignorant of.

Mr. KELLETT: I never alluded to you.

Mr. LUMLEY HILL said he supported the Minister for Works from common-sense. More than sufficient was allowed for that branch of the service, and if a reduction had been proposed he should have supported it.

Mr. KELLETT said the hon. member was very illogical in his reasoning. He knew nothing of the officer's work, and yet he supported the Ministry in their action.

The PREMIER said that if the hon. member (Mr. Kellett) thought that by getting into a passion and abusing Ministers he would gain his point, he was greatly mistaken. Ministers had given nothing but sound reasons for the action they had taken, and yet the hon. member accused them of listening to reports from spies, in order to reduce the officer's salary in an underhand way. To say such a thing was disgraceful, especially on the part of a Government supporter. He (the Premier) had made no charges against the officer. He had only spoken of the duties of the office, and not of the officer's qualifications. Nor had the Minister for Works. And yet the hon. member insinuated that they had got underhand information from spies along the line. It was simply disgraceful on the part of the hon. member to take up the time with such scandalous charges.

Mr. KELLETT said the Premier was evidently in a greater passion than he himself was. What he (Mr. Kellett) said was that the only way he could account for the estimate was that there had been some underhand charges, and that the Minister must have listened to them. Were the supporters of the Government to sit there like dumb dogs, and not object to anything they thought improper? Were they to sit quiet because the Minister for Works would not listen to reason? And yet he was told he was using insulting language because he was stating things which were facts.

Mr. WELD-BLUNDELL said everybody was thoroughly satisfied that Mr. Cross was a good officer, but he certainly ought to be saved from his friend, the hon. member for Stanley, whom he could hardly thank for his peculiar advocacy. Not a word had been said against the gentleman, and he considered the Premier had every reason to be exceedingly angry at the language used by the hon. member.

Mr. MACDONALD-PATERSON said the question might be settled at once if the Premier would say whether he was prepared to put an additional sum on the Supplementary Estimates not exceeding £200 a-year?

The PREMIER said the question had already been answered in the negative twice.

After further remarks from Messrs. FRASER, KELLETT, and HAMILTON, whom the storm outside rendered inaudible in the gallery,

Question put and passed.

The MINISTER FOR WORKS moved that £46,255 be granted for the Central Railway.

Mr. MACDONALD-PATERSON said at that late hour he would refer only to the traffic manager, whose salary was put down at £375. He would draw the attention of the Minister

for Works to the fact that the two chief clerks, and the clerk in charge of trains, on the Southern and Western Railway, had a higher salary than the traffic manager of the Central Railway. He did not think that was fair, considering the much greater responsibilities that attached to the traffic manager. He would not say that any sum should be put upon the Supplementary Estimates, but he hoped that if next year the rigid rule was not laid down that no increases were to be allowed, the duties of that officer would be taken into consideration, and that his salary would be more regulated by his merits and the responsible duties he had to perform.

Mr. REA thought the Minister ought not to rush on the estimates of the Central line at that time of the night.

The MINISTER FOR WORKS said that they had been discussing the railway estimates for two hours, nearly the whole of which time had been taken up in discussing the salary of the resident engineer.

Mr. GRIFFITH said he had intended asking a question respecting the intention of the Government with regard to the Western Railway extensions, but he should defer doing so until the Loan Estimates came on for consideration.

In reply to Mr. MACDONALD-PATERSON,

The MINISTER FOR WORKS said he could not make any promise with reference to the salary of the traffic manager of the Central Railway.

Mr. GRIMES drew attention to what he understood to be a recently established rule of the department that station-masters were not to draw out forms of consignment. That rule operated very inconveniently where German settlers were located.

The MINISTER FOR WORKS said that that matter had been settled satisfactorily. Wherever there were German settlers the telegraph operators were instructed to make out the forms of consignment. There were legal difficulties in the way of station-masters doing that.

Mr. GRIMES mentioned Moggill Ferry as a place where the settlers were put to great inconvenience in consequence of the application of the new rule.

Mr. REA asked why there should be such a great difference between the salaries of the clerks of the Southern and Western and the Central railways?

The MINISTER FOR WORKS said that one clerk had very little to do compared with the other.

Mr. MACDONALD-PATERSON pointed out that there was a locomotive superintendent, a locomotive foreman at Ipswich, a locomotive foreman at Toowoomba, and a carriage foreman, in connection with the Southern and Western Railway, and only a locomotive foreman in connection with the Central Railway. He thought that at least the salary of the latter officer ought to be brought to a level with that of the locomotive foreman at Ipswich.

The MINISTER FOR WORKS: Does the hon. member suggest a reduction of one?

Mr. MACDONALD-PATERSON: No; but that the salary of the lower should be made equal to that of the higher.

Question put and passed.

ADJOURNMENT.

The PREMIER, in reply to Mr. GRIFFITH, said that he had intimated that he would allow the committee on Mr. Henmatt's petition to

fix the day for the discussion on the motion "that the report of the committee be adopted," and, as the committee had fixed Wednesday, Government business would give place to it on that day.

The House adjourned at half-past 11 o'clock p.m., until Wednesday.