Queensland

Parliamentary Debates
[Hansard]

Legislative Council

THURSDAY, 11 NOVEMBER 1880

LEGISLATIVE COUNCIL.

Thursday, 11 *November*, 1880.

Supreme Court Order.—Marsupials Destruction Bill—committee.—Railway Companies Preliminary Bill—committee.

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

SUPREME COURT ORDER.

The HON. C. S. D. MELBOURNE said that, in moving the resolution standing in his name, he would draw the attention of hon. members to the 22nd section of the Judicature Act, assented to on the 9th October, 1876. The practice of the Supreme Court had hitherto been divided into two modes of procedure—one known as the procedure under the Bills of Exchange Act, and the other as the procedure under the Judicature Act. At the time of the passing of the latter, the Bills of Exchange Act was expressly reserved; but by the 18th section of the Judicature Act power was given to the judges of the Supreme Court to repeal or alter the law if they thought necessary, and also to annul the procedure under the Bills of Exchange Act; and any order or rule promulgated by the judges, unless dissented from within forty days after being laid before either House of Parliament, became law. This was the first statute that had ever been passed giving judges the power, not to administer the law, but to make it. The rule to which his motion referred had been promulgated and laid on the table of the House on the 13th October last, and, as he had already said, unless it was dissented from within forty days it would become law. He should be in a position to show hon. members good reasons why it should be dissented from and should not be allowed to have the effect of repealing the Bills of Exchange Act. The latter Act was a summary mode of procedure for the purpose of enabling suitors to recover, in a speedy manner, judgments on dishonoured cheques, promissory notes, and bills of exchange, and the practice was this: When the plaintiff issued a writ the defendant was not permitted to appear and defend unless he swore that he had a good defence on the merits and obtained a judge's order allowing him to come in and defend. The effect of the rule was to assimilate the proceedings under the Bills of Exchange Act to proceedings under the Judicature Act, and to transfer the onus from the defendant to the plaintiff. If the rule became law and the plaintiff issued a Supreme Court writ, it would be for him to show that the defendant had no defence. He was surprised that this rule had not been noticed previously, and he regretted that his friend, the Hon. Mr. Mein, was not in the House to give his opinion upon it. Certainly it might not affect very much some of the residents of Brisbane, but it would very seriously affect the mercantile community in the country districts. If a writ for a dishonoured bill was issued at the instance of a resident of a country district, the plaintiff would have to swear that the defendant had no good defence, although it was impossible for him to ascertain what defence might be set out by the defendant. If, then, they followed the

practice of the Judicature Act, this would be the result: they would find the plaintiff issuing a writ, the defendant would enter an appearance, and then a delay of months would occur in many cases. Even in a town which had such rapid communication with Brisbane as Ipswich had, the delay would be of several days, and the expense would be great to the plaintiff; but in the country towns and the northern towns, such as Rockhampton, Townsville, Clermont, Charters Towers, and Cooktown, the delay would be much longer. It would be necessary for the town solicitor to draw up an affidavit, to forward it to the solicitor in the country or to the plaintiff, who might have to wait for some time until a commissioner of affidavits could be obtained—for, in some cases, there was no commissioner resident within fifty or sixty miles. Then the affidavit was sworn that the defendant had no defence, and the plaintiff had next to apply to the Supreme Court for an order calling on the defendant to show cause why he (the plaintiff) should not be at liberty to sign judgment. That was a different mode of procedure to the one necessary under the Bills of Exchange Act, and it would seriously affect the mercantile community throughout the colony if the proposed change in the administration of justice was permitted. The Bills of Exchange Act had worked satisfactorily for nearly twenty years. It enabled a plaintiff who held a dishonoured bill of exchange—which term included cheques and promissory notes—to issue a writ, to sign judgment, and get speedy justice, for the only way the defendant could come in and defend was by swearing that he had a good defence. Then he would get the order of the judge, and he would run the risk of being prosecuted for perjury in the event of the verdict being against him. In 99 cases out of 100 the promissory note was given for a fair debt, and the person giving it should be bound to submit to the responsibility which the Bills of Exchange Act imposed. The plaintiff should not be compelled to proceed as he would under an ordinary action—to swear that the defendant had no good ground of defence, and ask the judge to make an order that he should be at liberty to sign judgment. The proposed rule would pass the onus and expense from the defendant to the plaintiff, and might lead to gross miscarriage of justice. He admitted that within the last six months a similar rule had been adopted by the Supreme Court of Judicature in England, but the circumstances of the two countries were as wide as possible. In England communication could pass from one part to the other in eight hours, but here it took weeks. He begged to move—

That, under the 22nd section of the Judicature Act, an address be presented to His Excellency the Administrator of the Government, by the Legislative Council of Queensland, praying that the rule or order of the 7th day of September, 1880, laid on the table of this House on the 13th October, 1880—namely, Order 11. Writs of Summons and Procedure, &c., 3. No writ shall hereafter be issued under the Summary Procedure under the Bills of Exchange Act, 1867—may be annulled.

The POSTMASTER-GENERAL said he must ask the hon. member to allow the debate to be adjourned. He was quite unaware until that morning that so serious a matter was coming on at the present sitting. Of course he heard the notice of motion given, but he was under the impression that it was a formal matter. He did not think that any other hon. member understood what the effect of the rule would be. As explained by the Hon. Mr. Melbourne, it would involve hardship. He was quite as anxious as the hon. gentleman that any obstruction to the administration of justice in the outlying districts should be removed, but he was sure that the hon. member must see that the matter required consideration.

The HON. C. S. D. MELBOURNE said he had no objection to the debate being adjourned.

The POSTMASTER-GENERAL said he would move that the debate should be adjourned until to-morrow, so that in the meantime he might make inquiries and ascertain what the effect of the rule would be. He would be prepared to state to the House to-morrow whether he could accept the motion or not.

The HON. W. H. WALSH said he would suggest, as the Presiding Chairman was the only other attorney who took any interest in their proceedings that afternoon, that when the debate came on again he would descend from his chair and would do as other Presidents had felt themselves entitled to do—give the House the benefit of his opinion on the subject. He must confess that the remarks and the explanation made by the Hon. Mr. Melbourne were to him (Mr. Walsh) gibberish, and he was in hopes that the Presiding Chairman would at once step on to the floor and show that the Hon. Mr. Melbourne was either right or wrong.

The HON. C. S. D. MELBOURNE, speaking to the question of adjournment, said he wished to impress upon hon. members that in the event of the Supreme Court Order, as issued, being allowed to pass it would require an Act of Parliament to repeal it. It was consequently a matter of vital importance that hon. members should make themselves acquainted with the order, so that when the discussion was renewed to-morrow they would be prepared to say whether the order should be annulled or allowed to pass.

Question—That the debate be adjourned—put and passed.

On the motion of the POSTMASTER-GENERAL, the further consideration of the motion was made an Order of the Day for to-morrow.

MARSUPIALS DESTRUCTION BILL—COMMITTEE.

The House went into Committee to consider this Bill.

Preamble postponed.

Clause 1 passed as printed.

The POSTMASTER-GENERAL, in moving clause 2—"Repeal of Native Dogs Destruction Act"—said that as he had reason to believe there was some difference of opinion in the Committee as to whether it was desirable to interfere with the Native Dog Act, he might say that he was quite willing to have the clause negatived if it was thought desirable. It was first inserted because the Bill was intended to deal with the native dog as a marsupial animal, but the Assembly resolved to strike out all reference to native dogs, and he was inclined to think the repealing clause escaped attention, although he was informed by the Colonial Secretary that the Act had really been inoperative for a long time.

Question put and passed.

On clause 3—"Interpretation of terms"—

The POSTMASTER-GENERAL moved amendments defining the term "district" to mean "any marsupial district constituted as such under and for the purposes of this Act." He made the alteration because he was going to insert a clause providing that the Governor in Council might, by proclamation in the *Gazette*, constitute any part of the colony a marsupial district.

Amendments agreed to.

The HON. W. H. WALSH said the term "marsupial" was defined to mean any kangaroo, wallaroo, wallaby, or paddamelon. Would the Postmaster-General be kind enough to say how these different animals would be recognised in administering the Act? What was the governmental description of them? Considering that twenty or thirty places would come under the Act, some definition of what the animals were like must surely be given. Did they climb or swim, or run on four legs?

The HON. J. TAYLOR said there would be no difficulty about the matter. The scalps would be received by the inspector or clerk, who would sort them out at the time they were destroyed.

The HON. W. H. WALSH said he wanted to know what a wallaroo was.

The HON. J. TAYLOR: You know perfectly well.

The HON. W. H. WALSH admitted that he did, but there were not three other members of the House who knew. If the interpretation of the word were to be left to an inspector, God help those persons who had to pay for the destruction of marsupials.

The HON. J. F. McDOUGALL said the wallaroo was found in rocky, mountainous country. It was, in fact, a mountain kangaroo of the largest size. The animal was nearly black in colour, and it was perfectly easy to distinguish it from the kangaroo. It would make very little difference whether the board were able to distinguish a kangaroo from a wallaroo, because the same price was to be paid for the scalp of each animal.

The HON. F. J. IVORY said in his district the whip-tailed wallaby was ruled by the board to be a kangaroo or wallaroo, and paid for at 9d. per scalp. The animals abounded in great numbers. They did no harm to the country which was depastured with sheep and cattle, and the district was consequently unfairly taxed for their destruction. They should not leave it to the boards to decide these matters.

The HON. F. T. GREGORY thought the safest plan would be to omit the word "wallaroo." He knew of five varieties of kangaroos which were not enumerated in that clause. The best way would be to allow the word "kangaroo" to cover the larger description, and the word "wallaby" to cover the smaller description of animals. He moved that the word "wallaroo" be omitted.

The HON. F. J. IVORY thought kangaroo should be defined "the great or forest kangaroo."

The HON. W. H. WALSH said most of the terms applied to these animals were purely local. The word "paddamelon," for instance, was peculiar to Moreton Bay. As they went north the word ceased to exist. He believed it was derived from the blacks upon the Clarence River. The word did not exist at Wide Bay. There the word was spelt "paddymelon," but here it was spelt "paddamelon." In Townsville he believed the people hardly knew the word. The word "kangaroo" was also a strictly local name, and was first heard by Captain Cook when he visited the Endeavour River. It was not a southern word. The interpretation of "wallaroo" given by the Hon. Mr. McDougall was right as far as the southern portion of the colony was concerned. The name was derived by the New South Wales settlers from the blacks who hunted the animal at the heads of the Hunter River, which were its habitat. He did not know of any portion of this colony where the wallaroo existed. It was the largest of the tribe of marsupials; it was of a dark colour, and was not in any way injurious to crops or grasses. Why these ornamental animals should be singled out for destruction by that bloodthirsty Bill he did not know. The Postmaster-General would accelerate the close of the session if he dropped the Bill. It was not at all suitable to the atmosphere of that Chamber.

The HON. F. T. GREGORY said he had been told by a naturalist that the term "paddamelon" was derived from the aboriginals of South-eastern Australia.

The HON. F. J. IVORY suggested that there should be a uniform price paid for the scalps of all marsupials. In one district an animal was known as a wallaroo, and in another as a kangaroo or wallaby.

The POSTMASTER-GENERAL thought the objections of hon. members would be met by the insertion of the word "wallaroo" in the second line of the schedule, in which case the price paid for the scalps would be only 3d. If they made the price uniform, it would either be too high and press heavily on the settlers, or would be too low and destroy the efficacy of the Bill altogether. Whatever might be the origin of the terms "kangaroo" or "wallaroo," they were well understood at the present time.

The HON. F. J. IVORY said he could distinguish the animals perfectly well. What was desired was that the boards should be made to distinguish them. Within a week he had been able to pay his own assessment by obtaining the scalps of so-called wallaroos.

The HON. C. S. D. MELBOURNE said there were skins in the office of the clerk of petty sessions at Rockhampton which would show how that officer had been bamboozled. Some of the skins taken to him were neither wallaroo, kangaroo, nor wallaby. Mr. Dowling, of Tilpall Station, boasted of having manufactured scalps and sent them to the Yaamba office.

Amendment put and passed.

The HON. W. PETTIGREW said the definition of "run" was not very satisfactory. As it read, anyone who held land for timber purposes would have to pay for the destruction of animals which did him no harm whatever. He would move that the words "held for pastoral or agricultural purposes" be inserted after the word "land."

The HON. J. F. McDOUGALL said the object of the Bill was to utterly annihilate the marsupial pest. If the holders of timbered land were to be exempt from the operations of the Bill, those areas of country would become breeding grounds and defeat the object of the Bill.

The HON. W. H. WALSH said he certainly objected to the inhabitants of the suburbs of Brisbane, who would have to travel a whole day in order to see a marsupial, being taxed for the destruction of these animals.

The POSTMASTER-GENERAL said that if the Hon. Mr. Walsh referred to the 17th clause he would see that the Governor in Council could declare any portion of any district within a radius of not more than five miles from a town or village to be exempt from the operation of the Bill. He thought that the clause might be amended, however, so that it would read "any land not exceeding five or ten acres in extent." It certainly would be hard that a man possessing only half-an-acre should be compelled to pay 5s. per annum towards the extirpation of marsupials.

The HON. W. H. WALSH said it was not a question of extent of land: it was a question of position, and people resident within a radius of five miles from a town or village were in many

cases quite as much benefited by the destruction of marsupials—and consequently ought to come under the operation of that Bill—as those who resided outside the five miles radius.

The POSTMASTER-GENERAL said he could not understand the argument of the Hon. Mr. Walsh. If there were a district within five miles of Ipswich in which there were no marsupials, the Governor in Council might declare that district exempt from the operation of the Bill; but that power would not be exercised in case of a district within two or three miles of a town in which there were marsupials. The Bill would have to be administered intelligently. It was impossible within the lines of that measure to meet every case.

The HON. F. T. GREGORY said he thought that clause 11 provided a minimum rate which was rather too high. The sum of 5s. would be equivalent to fifty head of cattle, because the assessment was 2s. for every twenty head. It was hard that the holder of an acre of land should have to pay 5s.—an amount equal to the assessment on fifty head of cattle. If people found it a hardship to pay a 1s. rate under the Divisional Boards Act, he did not know what they would say to the proposed rate under that Bill. He thought that all holders of less than forty acres might be exempted.

The HON. W. PETTIGREW said he would withdraw his amendment in order that the Hon. Mr. Gregory might submit what he considered a better proposal.

Amendment withdrawn.

The HON. F. T. GREGORY moved that the words "exceeding forty acres in extent" be inserted after the word "land."

The HON. W. PETTIGREW said the proposition of the Hon. Mr. Gregory was a step in the right direction, but it did not go far enough. There were hundreds of small selectors who would feel a tax of 5s. very considerably, and they were asked to contribute to a fund from which they derived no benefit whatever. If they objected to pay a tax of 1s. or 2s. under the Divisional Boards Act, from which they knew they received benefit, it could hardly be expected that they would consent to pay double for a thing from which they derived no benefit whatever. He moved as an amendment that "eighty acres" be inserted instead of "forty."

The HON. J. S. TURNER asked hon. gentlemen connected with squatting pursuits how many acres of land were required, as a general rule, to keep fifty head of cattle? The minimum rate fixed under the Bill was 5s., which represented about fifty head of cattle; and he believed it would take between 100 and 200 acres to keep fifty head. He thought the acreage should be consistent with the capabilities of the land.

The HON. C. S. MEIN said under the Pastoral Leases Act it was prescribed that each square mile of country should be deemed capable of carrying 100 sheep and 20 head of cattle.

The HON. J. TAYLOR said that only applied to stocking country.

The HON. J. S. TURNER said he should give a case in point. He had eighty-five acres of land which was cleared, and he had the utmost difficulty in keeping thirty head of cattle on it. He thought 160 acres would be nearer the mark to carry fifty head of cattle.

The POSTMASTER-GENERAL said it was pointed out in the other House when this matter was under consideration that small selectors were the men who derived the most advantage from the operation of the Marsupial Act, because they filled up their spare time in killing marsupials. It was certainly hard that those who benefited both directly and indirectly from the operation of the Act should not contribute in any way to the expenses of it. That was the reason why the Act was intended by the other House to apply to small holders.

The HON. C. S. MEIN said the Hon. Mr. Taylor was wrong in his statement with regard to the Pastoral Leases Act. The 23rd section provided that each square mile of country should be deemed capable of carrying 100 sheep and 20 head of cattle; and the 26th section provided that runs should be stocked to the extent of one-fourth of their grazing capabilities, as defined by section 23, so that a man had to keep on his run five head of cattle or twenty-five head of sheep per square mile. There was nothing in the Postmaster-General's argument with regard to the reason why the Bill was made to apply to the small selectors, because, in the subsequent portion of the Act, the public generally contributed an equal amount to the contributions to the stock-owners; and although the country would undoubtedly reap indirect advantages from the prosperity of stock-owners, still, at the same time, those stock-owners were by far the largest gainers, and therefore he did not think they should ask small holders to tax themselves for their benefit. He thought the limit should be fixed at 160 acres.

The HON. W. PETTIGREW withdrew his amendment.

The POSTMASTER-GENERAL said another object in not fixing any limit as to the size of holdings was that in various parts of the colony there were small holders of five, ten, and twenty acres, who kept large numbers of stock depastured on the public reserves, and these men would escape almost entirely if the area was fixed at 160 acres. That was the argument used, but he did not say it was a sound one, because those persons would come under other portions of the Act.

The HON. C. S. MEIN moved that the word "forty" in Mr. Gregory's amendment, be omitted with a view of inserting "160."

The HON. F. T. GREGORY said he should be compelled to oppose the amendment on these grounds. In many districts, if they excluded holders of 160 acres from having to pay, they should not be calling upon those who really derived the largest amount of benefit from the operation of the Act. Proportionate to their holdings, those persons derived a great deal more benefit from the Act than the pastoral lessees, simply because they were dependent upon their small holdings for the cattle they had, and in many instances their fences were not sufficient to protect them against the ravages of marsupials. He thought that where a man held just sufficient land to derive a clear and tangible benefit he should join in paying assessment for the destruction of this pest. In naming forty acres he had gone to the maximum that he thought could be fixed with justice.

The HON. C. S. MEIN said no doubt the hon. gentleman was consistent. He was not a friend of the small holders, and had never proved himself to be such.

The HON. F. T. GREGORY: I deny it.

The HON. C. S. MEIN said the hon. gentleman was one who, when the Crown Lands Act of 1876 was passed, strongly resisted any attempt to throw out an amendment which was introduced for the purpose of practically compelling selectors to fence-in their selections before they sold a grain of corn, or wheat, or any other agricultural produce whatever. Under that Act the selector was incapable of impounding pastor-

alists' stock unless his holding was securely fenced, thereby practically driving all farmers to fence at the outset of their tenure. If they wanted to protect their farms or agricultural produce from destruction by their neighbours' stock they had to fence it in; and in view of that fact, so far as the selectors under the Act of 1876 were concerned, they would not get the slightest benefit from this Act. Where they were agriculturists the Hon. Mr. Gregory's contention could not possibly apply, because they were bound to fence their selections to protect themselves from the ravages of their neighbours' stock. In fact, this Bill was not introduced for the benefit of agriculturists. There had been no outcry on the part of the agriculturists that their farms were being destroyed by the ravages of marsupials; but the outcry came from the western and north-western squatters, who asked very liberal terms—in fact, that they should be given the land for next to nothing to justify them in borrowing money and fencing their runs. There was sufficient self-reliance on the part of agriculturists, and there was no necessity to introduce this Bill on their behalf. He held that it was most unfair that they should compel persons who did not derive the least advantage from the Bill, and who were largely taxed for local improvements in the shape of roads and bridges, to contribute to that which could not possibly benefit them. The inclination in his mind was that the Bill should be confined to pastoralists only, but he would not move that; he should merely insist upon his amendment.

The HON. F. T. GREGORY said that if they were to take the hon. gentleman at his word they would have to believe him guilty of an amount of ignorance which no man who had resided so long in the colony could possibly be given credit for, and he (Mr. Gregory) did not give him credit for it. The hon. gentleman started by saying that selectors were obliged to fence to keep their neighbours' cattle out, and consequently kept marsupials out; but he would ask the hon. gentleman had he ever seen a fence except a regular wallaby-proof fence, such as were erected by pastoralists and agriculturists, that would keep kangaroos and wallabies out? As for the rest of his remarks, as regarded his (Mr. Gregory's) persistent and consistent opposition to small holders, he could answer the hon. gentleman pretty strongly when the proper occasion arrived, and when it was relevant to the subject before the House; but when introduced at a time not relevant he should not waste the time of the Committee by doing so. If he had time to impute motives, he could show that the hon. gentleman was simply speaking to the public and not to that House, and hoped, no doubt, to gain considerable credit as being the defender of the poor man.

The POSTMASTER-GENERAL hoped the amendment for 160 acres would not be persisted in. If the Committee were of opinion that the tax would press too heavily on the small holders, the difficulty could be met by altering the minimum rate of 5s., as fixed in clause 11, to 2s. 6d. or less. Compared with the rates under the Divisional Boards Act, 5s. did seem rather a high assessment. He thought that alteration and fixing the area at forty acres would meet the case. He was sure the other House would take umbrage at fixing it at 160 acres. So far as small selectors were concerned, he knew some in the neighbourhood of Rockhampton who were the most ardent supporters of the Marsupial Act, and he was satisfied that a great many small men appreciated the operation of it.

The HON. C. S. D. MELBOURNE contended that it was unfair to tax both directly and indirectly persons who derived no benefit from the Act, and pointed out that the proper course was to fix the minimum area of a run or to make every person pay according to the number of cattle he held.

The HON. J. F. McDOUGALL said he believed that if all the men were polled in the marsupial districts there was not one who would object to a minimum rate of 5s. as provided in the Bill. If they were asked whether they would prefer to have the Act or be without it he was satisfied they would say by all means let them have it, because a great many of them made a good living by destroying marsupials.

The HON. W. PETTIGREW did not deny what the last speaker said, but he would point out that there were other districts where there were no marsupials, and this law would apply to them as well as to those who resided in marsupial country, and they would have to pay double. They would not only have to pay a direct tax but an indirect one, which was most objectionable. He thought the people who were injured by marsupials should tax themselves and not ask those who were not affected by them to pay for their destruction. He objected most decidedly to those who were not to be benefited by this measure being taxed.

Question—That the word "forty," in Mr. Gregory's amendment, be omitted—put, and the Committee divided :—

CONTENTS, 10.

The Hons. W. Aplin, J. C. Foote, J. Swan, C. S. Mein, C. H. Buzacott, C. S. D. Melbourne, J. Cowlishaw, J. S. Turner, W. D. Box, and W. Pettigrew.

NON-CONTENTS, 6.

The Hons. J. Taylor, F. T. Gregory, J. F. McDougall, W. H. Walsh, W. F. Lambert, and W. Graham.

Resolved in the affirmative.

The POSTMASTER-GENERAL said that, before the amendment was put for the insertion of the words "160 acres," he should like to point out that, as he read the 11th clause, if the amendment was agreed to, the man who had stock but held less than 160 acres would not be required to pay any assessment, although more than the minimum quantity of stock mentioned in the 11th clause might be pastured upon the land. The 11th clause fixed the minimum rate of assessment and said, "Such assessment shall be paid by each owner upon the actual number of sheep and cattle pastured by him on his run." If, however, "160 acres" were inserted, it would not be a "run" within the meaning of the interpretation clause. He would suggest that it would be a very fair compromise to insert "eighty acres" as the minimum size which would come under the operation of the Bill. It would protect all the small homestead holders.

The HON. C. S. MEIN said he was quite willing to accept eighty acres as the minimum, but he should ask the House, subsequently, to fix the minimum assessment on any run at 2s. 6d. instead of 5s., as proposed in the 11th clause. His object was to protect those who had no stock. The man who had stock should pay an assessment. A man might not hold more than five acres, and yet own a lot of stock, which he pastured upon the public commons, and he ought to pay an assessment. He thought this was a convenient time to discuss the question whether they should not make some provision for the destruction of native dogs.

The HON. W. H. WALSH said, if they were to carry on their business in a proper manner, the Hon. Mr. Mein was not in order in discussing the subject of native dogs, for it had been disposed of by the passing of clause 2.

The POSTMASTER-GENERAL said that if the Hon. Mr. Mein were proposing to restore the

Act which was repealed then he would be out of order, but he was not out of order in suggesting that the native dog should be included in the operations of the Bill, which was entirely distinct from the Native Dog Act. Seeing, however, that the other House had decided not to include the native dog, it would be hardly judicious for the Committee to make the provision suggested.

The HON. C. S. MEIN said it was quite competent for the Committee to make provision for the destruction of other noxious animals besides those mentioned in the Bill; he was perfectly in order in suggesting that some provision should be made respecting the native dog, and the Hon. Mr. Walsh knew it. However, it would be best to first dispose of the amendment before the Committee, and to refer to the native dog afterwards.

After some further discussion,

Question—That the blank in the Hon. Mr. Gregory's amendment be filled up by the insertion of the words "eighty acres"—put and passed.

The HON. C. S. D. MELBOURNE said that, before the clause, as amended, was put he would ask the Postmaster-General whether it would not be better to change the phraseology of the clause so far as the definition of the word "owner" was concerned. The term "owner" meant the owner, proprietor, or person for the time being in possession, charge, or occupation of a run. The person who was in charge or possession of a run would consequently come within the operation of the fifth clause, which had reference to the election of the board, and also within the operation of the clauses respecting the recovery of forfeitures and penalties for breaches of the Act. The Bill in its present form would lead to litigation and miscarriage of justice. He hoped the Postmaster-General would see his way clear to make the definition harmonise with the provisions of clauses 5 and 6.

The POSTMASTER-GENERAL said that as far as he could see, the only fault was that the definition contained more words than were absolutely required. It would not, however, affect the operation of the Bill in any serious way. The object of the definition was to meet cases where owners were absent.

The HON. C. S. D. MELBOURNE said he doubted whether owners would be always satisfied to be brought under the provisions of the Bill in consequence of some oversight or default on the part of a person who might have been left in charge.

The HON. J. TAYLOR said he should be quite satisfied.

The HON. C. S. MEIN moved that the following words be inserted—"native dog—any dingo or native dog or any dog that has become wild." Experience had shown that native dogs were very injurious to sheep stations, where they existed in any quantity. The owners of cattle stations did not suffer. The only argument which had been advanced in favour of excluding native dogs from the operation of that Bill was that they were believed in some measure to benefit stockowners by the destruction of marsupials. Those who had experience said that if native dogs could not get anything better they would feed upon kangaroo or paddamelons, but would not touch that food if they could find a plump sheep or tender lamb. It had been said that the use of a bait would be sufficient to keep down the animals, and that they could be cleared off a run at any time with very little expense. In some cases thousands of pounds had been spent upon the destruction of these animals. He would not press his amendment upon the Committee if they thought it an undesirable one.

Amendment put and passed.

The HON. C. S. MEIN moved that the words "or native dog" be inserted after the word "marsupial," in the definition "scalp."

Question put, and the Committee divided :—

CONTENTS, 13.

The Hons. C. H. Buzacott, W. Graham, J. Swan, J. Taylor, J. Cowlishaw, C. S. Mein, C. S. D. Melbourne, W. D. Box, F. T. Gregory, J. C. Foote, J. S. Turner, F. H. Hart, and W. Pettigrew.

NON-CONTENTS, 4.

The Hons. W. Aplin, F. J. Ivory, W. F. Lambert, and J. F. McDougall.

Question, consequently, resolved in the affirmative.

Clause, as amended, put and passed.

The POSTMASTER-GENERAL moved that the following new clause, to stand clause 4 of the Bill, be inserted—

The Governor in Council may by proclamation in the *Gazette* constitute any part of the colony a marsupial district for the purposes of this Act.

The HON. F. J. IVORY said he thought the clause very objectionable. The Governor in Council should be compelled to constitute the whole of the colony a marsupial district. The Bill could not fail to operate unfairly unless its provisions were applied universally. He would like to see a uniform rate of assessment, and a uniform price for scalps, with one fund from which the money should be forthcoming.

The HON. C. S. MEIN said he thought that the clause proposed by the Postmaster-General was a good one, and he could not agree with the views of the Hon. Mr. Ivory. The clause would permit of the Governor in Council determining those districts which ought to be taxed. The general public would suffer quite enough with the Bill in its present form, because they would have to contribute one-half of the funds provided in any district which might be constituted. That would be quite enough for them to pay.

The POSTMASTER-GENERAL said that, if such an amendment as that foreshadowed by the Hon. Mr. Ivory were agreed to, the Bill would be withdrawn.

The HON. F. J. IVORY said that when Mr. Douglas was in office he took it upon himself to proclaim certain districts marsupial districts. Many of those districts were proclaimed without any request on the part of stock-owners, who, as a rule, did not require the proclamation. The consequence was, a great deal of hardship had been inflicted.

The POSTMASTER-GENERAL said the hardship had occurred, because, if the Colonial Secretary proclaimed a district at all, he was bound to proclaim it a sheep district; hence the hardship in the district of Rockhampton of which the Hon. Mr. Melbourne had told them so repeatedly. The reason of the injustice was that in the sheep district of Rockhampton the kangaroos were at the southern and western end, whereas the greater number of stock-owners were at the northern end. Under the clause he had proposed, those districts in which there were no marsupials would not be joined to districts where the pests existed. He could not see how any hardship could be suffered. They must give discretionary power somewhere, and if the whole of the colony were made a district, as the Hon. Mr. Ivory had suggested, the Bill could not be worked.

The HON. C. S. D. MELBOURNE said the Postmaster-General seemed to have forgotten that the Colonial Secretary had the power to

alter sheep districts if he chose. The proclamation of the districts by the late Government, with one or two trifling exceptions, had not been altered. He need not repeat that in the majority of cases these districts operated very unjustly. In the West Moreton district there were sixteen gentlemen who paid £1,725 9s. 1d. out of a total taxation of £2,925, the number of people contributing to the tax being 707. That was one of many instances of the unfair operation of the Act.

The HON. F. J. IVORY said he intended to propose an amendment so that the clause would read—"The Governor in Council may, upon application of the majority of the stock-owners within any division," and so on.

The POSTMASTER-GENERAL said the effect of this clause would be that, if a majority of the stock-owners had to petition before the Bill was put into operation in a district, he was afraid they would proclaim very few districts indeed, and it would destroy the effect of the Bill. If the Committee adopted the amendment he should, therefore, move the Chairman out of the chair in order to consider what measures the Government would take in respect to the Bill.

The HON. C. S. MEIN said the amendment was incomplete. It said "upon application of the stockowners within any division," but in order to make it clear they must define what "division" meant. If it meant a division under the Divisional Boards Act, it should be so stated. He thought they would be acting very unwisely —assuming, of course, that the plague still existed—if they inserted any provision by which they would have to wait for the owners of stock to take the initiative, because those who were not seriously affected would not take action in the matter, and others would trust to Providence, and the Bill would become a dead-letter.

The HON. W. H. WALSH said he thought it was one of the glorious privileges of an Englishman that before he was taxed he should consent to be taxed; but now it appeared that the people who were to be taxed under this Bill were not to have a voice in the matter. He had always thought that the more a man was taxed the more right he had to take his share in the government of the country; but now they were told that an individual in a district, who might be taxed a hundred times more than any other citizen in the colony, was to have no inherent right whatever to determine whether he was to bring that tax upon himself or not, or to have any share in the destruction of a tax exacting from himself. He maintained that the men affected by this tax had a right to demand that they should have a principal part in the administration of the Act. The Hon. Mr. Ivory's amendment was, therefore, a step in the right direction, and he hoped that hon. gentleman would withstand the blandishments and threats of the Postmaster-General on this occasion.

The HON. J. TAYLOR said he was very much amused with the speech of the hon. gentleman; but he could not gather what the threat was or where it came from.

The HON. W. H. WALSH said he understood the Postmaster-General to state that if the amendment of the Hon. Mr. Ivory was carried he would have to withdraw the Bill.

The HON. J. TAYLOR said that was exactly what certain hon. members were endeavouring to get the Postmaster-General to do. It was a threat they would very much like to see carried out. He (Mr. Taylor) maintained that this was as good a Bill as was ever brought before the House for the purposes for which it was intended. Let them look a few years back and see why the present Act was passed. Reports came down from the Peak Downs, Clermont, Springsure —all the Leichhardt District; also from the Darling Downs and out west; that the runs there were being ruined by marsupials, and that unless some measure was brought in to render assistance in the destruction of those animals the holders would be ruined. When the Government brought in the Bill it was received with a great deal of pleasure in almost every place; but, because a few cattle-owners who had no marsupials on their runs objected to it, were they to throw out the Bill or have it withdrawn? The gentlemen who had petitioned against the Bill showed the most selfish motives. They were not acting for the benefit of the colony in any way, but for the benefit of their own particular pockets. How many times were they taxed for things that they did not derive any special benefit from, and yet they submitted to it because it was for the benefit of the colony. When the Government brought in the Marsupial Act now in force they acted liberally by giving pound for pound, and he did not suppose there had ever been a Bill passed that had been more effective in doing away with a nuisance. He was therefore perfectly astonished that after that Act had worked so well for three years there should be such a hubbub about it, and he was satisfied that if this Bill fell through there would be a tremendous outcry to bring it in again. A great deal had been said about persons in West Moreton having contributed £3,000, but if they did the Government also paid £3,000. With regard to the amount of the assessment, he would ask what were the worst bills in trade? First, butchers' bills; next, newspaper bills. When the great Sir Henry Parkes became insolvent ——

The HON. W. H. WALSH said he must protest against this unnecessary allusion to a notable statesman of another colony, who was not there to defend himself. He said to refer to private affairs of that gentleman and his misfortunes was unworthy of that Chamber.

The HON. J. TAYLOR said he was sorry he had referred to Sir Henry Parkes, as he was sure that gentleman would be very sorry to have such a champion as the Hon. Mr. Walsh. He (Mr. Taylor) was not going into that gentleman's private affairs, but merely to point out that when his schedule was filed there were debts to the extent of over £10,000, from a few shillings to £10. He referred to this to show how difficult it was to get in small amounts, and for his own part he would not have a singe marsupial tax under £1; then, perhaps, it would be collected. He maintained that this Bill was not a tax upon people who had no marsupials, except for the first year, because at the end of the first year if they had no marsupials a second assessment would not be levied. He hoped hon. gentlemen would so far yield as to allow the Bill to pass, and that the Postmaster-General would not be compelled to withdraw it.

The HON. W. H. WALSH contended that people who did not wish to come under the Act should not be dragged into it by the powerful influence of the Hon. Mr. Taylor or the whim of the Colonial Secretary. It was all very well for the Hon. Mr. Taylor to advocate the Bill, because it was of benefit to the district he so ably represented; but that was no reason why other districts which derived no benefit from it should be taxed against their will.

The POSTMASTER-GENERAL said the Bill had now been under consideration four hours, and, as it was evident the Committee did not intend to proceed with it, he begged to move that the Chairman leave the chair, report progress, and ask leave to sit again.

The HON. J. TAYLOR said he was very sorry the Postmaster-General had thought proper to postpone the Bill. He wished to correct the Hon. Mr. Walsh in one thing. He wished to have the Act in force not for the benefit of his district or any particular district, but all over the colony, otherwise only those districts to which it was applied would kill their marsupials—the other districts would do nothing.

The HON. F. J. IVORY said it might be supposed he was opposed to the Bill, but his wish was to make it a fair measure as far as possible. He could not see that it was a fair Bill at present. If the destruction of marsupials was a general question affecting the welfare of the whole colony, let it be taken up in a general way; but he could not see the justice of certain districts being proclaimed at the option of the Colonial Secretary, and others being relieved from the operation of the Bill, or possibly be taxed one year and not afterwards. If the Bill was to be localised let those who were suffering from the marsupial pest petition to come under the Act.

Question put and passed.

The CHAIRMAN reported progress, and asked leave to sit again.

The POSTMASTER-GENERAL moved that the further consideration of the Bill should stand an Order of the Day for to-morrow.

The HON. W. H. WALSH suggested that, as there were certain hon. members who never attended on Fridays, it would be better to postpone the measure until some more favourable day. The Hon. Mr. Taylor, who had taken great interest in the Bill, would not be able to come on Friday.

The HON. J. TAYLOR said he could not possibly attend on Tuesdays or Fridays. He could only come two days in the week. He was anxious to see the Bill passed, but thought that what had been done that night had damned it.

The POSTMASTER-GENERAL thought that the Hon. Mr. Taylor, at the end of the session, and when there was so much to do, might be able to afford the House one extra day. It was unreasonable to ask the House to postpone the consideration of the Bill until a time when it might not come up. If the Bill was called on to-morrow, and he found the committee not desirous of going on, he should then consider which other day should be chosen.

Question put and passed.

RAILWAY COMPANIES PRELIMINARY BILL.—COMMITTEE.

The House went into Committee to further consider this Bill.

Clauses 17 and 18 passed as printed.

On clause 19—"Material imported duty free"—

The POSTMASTER-GENERAL moved, that after the word "colony," in the 55th line, the words "during the construction of the line" be inserted.

The HON. C. S. MEIN said the principle of the measure was that every facility should be offered for the construction of the line. They were all agreed on that, but at the same time they should not interfere with their local industries. They were not in a position to manufacture rails, fastenings, and iron-sleepers; but there were no insuperable difficulties in the way of manufacturing locomotives; and he would suggest that it would be undesirable to let locomotives come in free.

The HON. W. D. BOX said he trusted that the Committee would never accept the clause.

The HON. W. PETTIGREW said that iron sleepers were something new to him. They had plenty of suitable timber from which good railway sleepers could be made.

The POSTMASTER-GENERAL said he might state with regard to the construction of locomotives in the colony, that although the present Government had found that they could construct other rolling stock advantageously, it was decidedly inexpedient to attempt to manufacture locomotives. They could not build them so well, nor at anything like the cost at which they could be imported. He was sure hon. members would give the Government credit for getting all the work done in the colony if they could do so advantageously. As to the clause being a great concession, the intention of the Government was that the contractors who built railways for the colony should be placed in the same position as the Government. The Government had to import these things when they undertook railway construction; they paid no duty, and consequently no revenue was sacrificed by this clause. As the railway was for the benefit of the colony, the Government had thought it desirable to make this small concesssion. It was small, for there was only an *ad valorem* duty of 5 per cent. got, and the amount of revenue would, therefore, be insignificant. Still, in the eyes of the people at home a concession like this went a long way, and it had been deemed expedient by the Government and the Assembly to offer it as an encouragement. With regard to what the Hon. Mr. Pettigrew had said, he did not suppose that iron sleepers would be imported, but it was quite possible that in those parts of the interior where there was no timber for sleepers it would be more advantageous to import iron sleepers than to take iron-bark sleepers up there. He would further point out that the concession was only for the iron work actually required for the railway.

The HON. W. D. BOX was understood to say that the clause might be interpreted so as to permit of the importation of morroco, hair, varnish, and other material required in the construction of railway carriages. If it was no gain to the country to make a concession, why make the change? The English contractors were perfectly wide-awake and knew exactly what our duties were, and would be able to estimate exactly the value of the concession. He hoped the clause would not be accepted.

The POSTMASTER-GENERAL said that morocco, hair, and varnish were not mentioned in the clause. Railway carriages, he presumed, would be made here. At any rate, the clause had only reference to the iron work required for the construction of the railway. The Government wished to place the contractors in the same position that they themselves were when they built railways. He thought the proposition a fair and reasonable one.

The HON. W. H. WALSH said he thought it a most unfair and unreasonable proposition. Persons who manufactured railway requisites were to be allowed to step in and compete on advantageous terms with establishments such as Smellie and Co., of Brisbane; Walker and Co., of Maryborough, and one or two others. It was intolerable. The proprietors of these establishments could not introduce certain of these articles for nothing; but the contractors were to receive large grants for the construction of the railway and be allowed to compete on advantageous terms with the factories in the colony. He had no doubt that, as the Post-

master-General interjected, the local workshops could not make these things so long as there was a Government who would not give them employment. Before the Fortitude Valley election who would have dreamt that Smellie and Company could manufacture such a dredge as they were now building? Probably another election would convince the Government that locomotives could be constructed in the colony. For five years after the completion of the railways this railway syndicate were to be put in the position of being large importers of locomotives without paying duty to the colony! How could Smellie and Company, Walker and Company, and the other Queensland manufacturers—who, he believed, were all importers of locomotives—compete with this company? It was inexplicable to him that the company should after receiving full compensation in land have the proposed monopoly, and he trusted hon. members would object to the clause entirely.

The HON. F. T. GREGORY thought the discussion had turned on the supposition that the clause would permit the contractors to import everything required in the construction and working of the railway from the rails to the finished carriage. The clause, however, only referred to rails, fastenings, iron sleepers, and locomotives; and, consequently, carriages and other things which could be constructed in the colony would have to pay duty if they were imported.

The HON. C. S. D. MELBOURNE said the remarks made by the Hon. Mr. Mein and the Hon. Mr. Walsh were deserving of attention. It might be said that at present they had no workshops capable of manufacturing rails, fastenings, iron sleepers, and locomotives. A similar remark was made some years ago with regard to the manufacture of other iron-work, but in the case of the Rockhampton Bridge an example was given of the fallaciousness of the idea. All the work required in the construction of the iron bridge there was made by a local firm—Messrs. Burns and Twigg, who he believed would before long rival Messrs. Smellie and Company, and Walker and Company—and was supplied by them on more advantageous terms than it could be imported by the Government. He further believed that if the clause was eliminated the three firms he had mentioned would be quite capable of constructing the things which it was proposed to allow the contractors to import duty free.

Amendment put and passed.

The HON. C. S. D. MELBOURNE said the clause as it then read was absolutely inconsistent. It was provided in the first instance that railway fastenings and other things were to be imported duty free, on the understanding that they were to be used for the construction of the line. The clause then proceeded to say that those things required for the construction of the line were to be imported free of duty five years after the work had been completed. The clause certainly required some amendment, but he did not intend to move any himself.

The POSTMASTER-GENERAL said that if the imported rails and other things were not required for the construction of the line they would not be imported free of duty. Anyone who knew how their Customs Acts were administered must be perfectly aware there was no means of evading them, so far as railway fastenings and other things of that kind were concerned. The object of the clause being so worded was, that locomotives might be imported after the line had been completed. He did not very much object if the Committee thought fit to strike out the words. It was not a matter on which they should waste much time.

The HON. C. S. D. MELBOURNE said he must point out that he had no desire to obstruct the Bill, and, therefore, would not move any amendment.

The HON. W. H. WALSH said he must object to the kind of opposition with which they were being favoured at the hands of the Hon. Mr. Melbourne. It amounted to this—"You see how powerful an opponent I could be if I wished." For his own part, he intended to vote against the clause on the ground that it had no business in the Bill, and that it interfered with the revenue of the colony, and was diametrically opposed to a certain portion of the Customs Act which remained unrepealed.

The HON. C. S. MEIN said it was undesirable to extend the privilege contained in that clause beyond the period at which the railway was completed. To bring the matter to a practical head he would move the omission of the whole of the words after the words which had been inserted on the motion of the Postmaster-General.

Amendment put and passed.

Question—That the clause, as amended, stand part of the Bill—put, and the Committee divided:—

CONTENTS, 8.

The Hons. C. H. Buzacott, F. J. Ivory, F. T. Gregory, W. Aplin, W. Pettigrew, J. C. Foote, W. F. Lambert, and J. Taylor.

NON-CONTENTS, 7.

The Hons. C. S. Mein, C. S. D. Melbourne, W. H. Walsh, W. D. Box, J. Swan, G. Edmondstone, and J. Cowlishaw.

Question, consequently, resolved in the affirmative.

On clause 20—"Materials to be carried at 2d. per ton per mile"—

The HON. W. H. WALSH said that, while in another clause the public were called upon to pay 4d. per ton per mile for carriage upon the company's railway, the Government, when they did work for the company, were obliged by this clause to do it at the rate of 2d. per ton per mile. This clause came into collision with the Railway Act; it was impossible for the Government to make a differential charge in favour of a company as against private individuals. If hon. members were determined that these inconsistencies and irregularities should mark the conduct of business in that Chamber, it was of no use his raising further objection.

The HON. W. D. BOX said they might adopt the rate already mentioned in clause 9—that was to say, 4d. per ton per mile. He would move therefore, that the word "twopence" be omitted with a view to insert in lieu thereof the word "fourpence."

The POSTMASTER-GENERAL said it was discreditable to that House that after the Bill had been so long before the country hon. members should stand up and betray such ignorance of its provisions. The 11th clause said that the company should carry mails and officers in charge of them free, whereas the clause under consideration said that the Government should carry all material required for the railway free of charge. Where was the inconsistency? True, they said under clause 9 that goods should not be carried at more than 4d. per ton per mile, but that did not affect the Government. When the contractors were required to do work for the Government they were required to do it free of charge.

The HON. C. S. MEIN said they ought not to amend the clause as suggested by the Hon. Mr.

Box, as the object of the clause was not to give concessions except to the extent of the conveyance of materials absolutely required for the construction of the line. The whole of the Bill was based upon the assumption that the public would derive a good deal of benefit from the construction of the railway. He assumed that the amount fixed in the clause was sufficient to cover all expenses to which the Government would be put in the carriage of the materials.

The HON. W. H. WALSH said the compensation which they were prepared to give the contractors was provided for in another portion of the Bill. He did not see any similarity in the arrangement entered into in clause 11 and that into which it was proposed they should enter under clause 20. The Postmaster-General was purposely misleading them.

The POSTMASTER-GENERAL said he objected to the hon. member saying that he was purposely misleading the Committee. Such an imputation was contrary to their Standing Orders.

The HON. W. H. WALSH said he would withdraw the expression. The reputation of the Postmaster-General was at stake, and he was naturally very sensitive. The hon. gentleman had argued that clause 11 provided a *quid pro quo* for the provision in clause 20; but what was the *quid pro quo?* That the Government were to convey all materials, plant, and rolling-stock on their railways at a cost not exceeding 2d. per ton per mile. What did that amount to? He would remind hon. members that during the past twelve months the principal customers they had had on the Southern and Western line had been the contractors. After almost fruitless efforts on his part, he had got a return to a certain extent of the amount of money received from contractors, and which was credited to railway revenue. That return showed that a very large sum had been received during the last twelve months, and tended to swell the railway revenue very considerably. If hon. members would take that into consideration they would see that it was not merely a matter of *quid pro quo*—the carrying of a few mail-bags and members of Parliament—but it was a question where some £10,000, £15,000, or £20,000 of legitimate railway revenue should be handed over to the company annually during the construction of this line in addition to the lands that were to be given to them. He did not hesitate to say that the amount of goods to be carried for this railway company at the ordinary rates, or at the reduced rates, would be £15,000 or £20,000 per annum. That was what the Postmaster-General said was something like a *quid pro quo!* In fact, everything he read in this Bill was a concession, invidiously directed against the public, in favour of this syndicate that was to make their railways. He would direct the attention of hon. members to the words "not exceeding twopence per ton per mile." The result of that might be that if the syndicate were a powerful body probably the Government would have to do it at ¼d. per ton per mile, and perhaps give them a bonus into the bargain. He thought that the best thing he could do was to move that the Chairman leave the chair.

Question put and negatived.

The POSTMASTER-GENERAL said that if the amendment of the Hon. Mr. Box was carried he would rather the Committee negatived the clause altogether, because it would simply be an absurdity, and he hoped the hon. gentleman would withdraw it. He had spoken warmly to-night, but he thought that, as they had been sitting five hours and had made so little progress, it was excusable if he had spoken rather strongly. If hon. gentlemen would pay attention to the clauses they were discussing he should be only too happy to endeavour to assist in every possible way and to accept any reasonable amendment; but in all his experience he had never known such an evening as they had had to-night. As he had previously explained, the object of the clause was that they should not ask the contractors to do work for the public on the lines they were constructing at a lower scale than they did the work on the Government line. He hoped the hon. member would withdraw his amendment, because if it were carried he should have to ask the Committee to negative the clause.

The HON. W. D. BOX withdrew his amendment. He said his object was to establish a minimum, but the object of the clause seemed to be to establish a maximum.

Amendment withdrawn by permission.

Question—That clause 20, as read, stand part of the Bill—put, and the Committee divided:—

CONTENTS, 9.

The Hons. C. H. Buzacott, C. S. Mein, J. C. Foote, J. Swan, F. T. Gregory, F. J. Ivory, W. F. Lambert, W. Aplin, and F. H. Hart.

NON-CONTENTS, 4.

The Hons. W. H. Walsh, W. Pettigrew, W. D. Box, and C. S. D. Melbourne.

Resolved in the affirmative.

On the motion of the POSTMASTER-GENERAL, the Chairman left the chair, reported progress, and the further consideration of the Bill was made an Order of the Day for to-morrow.

The House adjourned at 10 o'clock.