

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

FRIDAY, 7 OCTOBER 1881

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LEGISLATIVE ASSEMBLY.*Friday, 7 October, 1881.*

Hours of Sitting.—Goldfields Act Amendment Bill—second reading.—Oyster Act Amendment Bill—committee.—Survey of Railway from Gympie to Brisbane.—Gratuity to the Widow of the late Philip Bride.—Gulland Tramway Bill—committee.—Local Option Bill—second reading.—Colonial Sugar Refining Company's Bill—committee.—Settled Districts Pastoral Leases Act of 1876 Amendment Bill.—Case of the late Inspector Dyas.—Opening of the Museum on Sundays.—Compensation to Mr. Mole.—Adjournment.

The SPEAKER took the chair at half-past 10 o'clock.

HOURS OF SITTING.

The PREMIER (Mr. McIlwraith) moved :—

That the limit imposed by Sessional Order upon the duration of the sitting of the House on Fridays be withdrawn for this day.

Question put and passed.

**GOLDFIELDS ACT AMENDMENT BILL.
—SECOND READING.**

Mr. HAMILTON, in moving that this Bill be read a second time, said the object of it was to restrict the area of land to be held by one person, or a company, on the Gympie Gold Field. Such a measure might not apply to large goldfields such as Charters Towers, and other goldfields in the colony where the area was very large; but on the Gympie Gold Field the true auriferous area was very small indeed, being only about 125 acres, and the consequence was that the majority of the residents of Gympie objected to the present extent of land that might be held by one company, and considered twenty-five acres was far too great, inasmuch that, by so large an area of land being held by one company, a few persons might monopolise the whole field. The principle contained in the one clause of the Bill was this: that no gold-mining lease of a greater area than ten acres should be granted within the present proclaimed limits of the Gympie Gold Field. Last session a resolution to that effect was unanimously affirmed by that House. That resolution had given satisfaction to the residents of the Gympie Gold Field, so that he could hardly think there could be any objection to the Bill, the second reading of which he now moved.

The MINISTER FOR WORKS (Mr. Macrossan) said the resolution mentioned by the hon. member as having been unanimously affirmed last session had been acted upon by himself ever since. After the adoption of that resolution he took the advice of the Attorney-General, and found that he could limit the area of gold-mining leases to that extent; and as he believed ten acres was a sufficient area, he had acted upon

it ever since, and he intended to act upon it. Probably the hon. member was afraid that some future Minister for Mines might alter the determination he (Mr. Macrossan) had come to, and for that reason had brought in the Bill. He was afraid, however, that it was almost too late in the session now to give any effect to the Bill.

Question put and passed.

The committal of the Bill was made an Order of the Day for Monday next.

OYSTER ACT AMENDMENT BILL— COMMITTEE.

Mr. NORTON moved that the House resolve itself in a Committee of the Whole to consider this Bill in detail.

The COLONIAL SECRETARY (Sir Arthur Palmer) said he would ask the hon. member whether it was any use going on with the Bill this session. Even supposing it passed that House there was not the slightest chance of its passing through the Upper House; so that, under those circumstances, he thought it would be a waste of their time to proceed with the Bill.

Mr. NORTON said he was not aware that there was to be any decided opposition to the Bill, although he had seen a letter in a newspaper signed by a Mr. Clarke, which put forward some very decided objections, but they were without any foundation whatever. Every statement appearing in that letter with regard to the object and effect of the Bill was absolutely without truth. Of course, if the Government did not wish the Bill to get through, it was of no use his going on with it. He thought some amendments might be made which would allow the Bill to pass, and, as there appeared to be only a few hon. members who had any decided objection to the Bill, he did not think it would take long to pass it through the other House. As he had said, if the Government decided to go against the Bill he did not wish to go on with it.

The PREMIER said the Government expressed no opinion upon it.

The COLONIAL SECRETARY: None whatever, except that it is useless to take up the time of the House.

Mr. FOOTE said he hoped that the hon. member for Port Curtis would take the suggestion of the Colonial Secretary and withdraw the Bill, as there were some very important measures still on the paper.

Mr. NORTON said that, though there appeared to be a very decided objection to going on with the Bill that day, he felt very great reluctance to withdraw it, having gone so far; but he did not wish to go against the wishes of the House in the matter, knowing perfectly well that if the Committee wished they would prevent the Bill going through at all. He should like the hon. members who took an interest in the subject to say something about the Bill, and then he could ascertain the feeling of the House with regard to it. Having been asked to undertake the Bill in the first instance, he hardly felt justified in withdrawing it.

The Hon. S. W. GRIFFITH said the matter was one of very serious importance, as the change proposed by the Bill was a radical one. He thought hon. members should receive some information upon the working of the present Act during the last seven years before being called upon to make such a change as that proposed. He would suggest that the hon. member who brought in this Bill should have had it referred to a select committee in order that some information should be furnished as to the working of the pre-

sent Act. So far as he knew some people were of opinion that the Act was working very well; others thought it was working for the benefit of a few only, and others that it did not preserve the oyster beds at all. He strongly advised the hon. member to withdraw the Bill, and refer it next session to a select committee and obtain all the information he could on the matter.

Mr. LUMLEY HILL said he quite endorsed the views of the leader of the Opposition on the question. The majority of hon. members in that House knew nothing about oysters, except eating them. They had had no evidence at all, and were not likely to get much at that stage of the session, and he trusted, therefore, that the hon. member for Port Curtis would accept the suggestion of the leader of the Opposition, and get a select committee before next session.

Mr. KINGSFORD said he quite agreed with the remarks of the hon. member for North Brisbane, that the present Oyster Act benefited a few chiefly. He was sure that it benefited a very small proportion of the colony, and this Bill would only further advance the interests of that few. He had a decided objection to the Bill, and should recommend the hon. member to withdraw it.

Mr. STEVENS said there was no doubt that the present Act gave some advantages to the present lessees; but at the same time it did not protect them. A new Act was very much needed; but he was not altogether opposed to the suggestion that it should be referred to a select committee. There was no doubt in his mind that they wanted a new Act very badly.

Mr. NORTON said he would accept the suggestion of the hon. Colonial Secretary, and ask the leave of the House to withdraw the Bill.

Motion, by leave, withdrawn, and Bill discharged from the paper.

SURVEY OF RAILWAY FROM GYMPIE TO BRISBANE.

Mr. HAMILTON moved—

That the House resolve itself into a Committee of the Whole for the consideration of an Address to the Governor, praying that His Excellency will be pleased to cause to be placed on the Supplementary Estimates of this year, a sum sufficient to defray the expenses of an immediate survey of the following line of railway:—Extension of Gympie and Maryborough line of railway to Brisbane from Gympie.

He said this question had been very well discussed last night, and he should, therefore, not take up the time of the House at present. If any fresh objections were produced he should be quite ready to meet them.

The MINISTER FOR WORKS (Mr. Macrossan) said he hoped the House would not go into committee on this question. He would like to have the matter decided at once, in order not to lose time talking over it in committee. He could not consent to a sum of money being spent on the survey of the line; there were other more important goldfields in the colony that had no railways, and it would be a very great injustice to those places if, after making a railway from Gympie to Maryborough, they were to make a survey with the intention, as he said last night, of making a railway from Gympie to Brisbane, the places outside being left unattended to. He was not going to say that Gympie was not an important goldfield, for, being a miner, he knew what it was worth; but he also knew there was at least one goldfield in the colony that was of more importance to the colony—that had produced a vast deal more gold in one-half of the time—and yet no money had been spent upon it, it had not even got a fairly good road—that was the Palmer. He had had a rough estimate pre-

pared of the yield of gold from the Palmer Gold Field, derived from official documents, and he found from that that the yield of gold from the Palmer Gold Field since it was opened, up to the end of last year, was 1,114,666 ozs. in a period of eight years—it being opened in 1873. At the same time the total yield of gold from Gympie since it was opened in 1867, a period of fourteen years, was 748,000 ozs.; in other words, the Palmer, in eight years, had produced 366,000 ozs. more than Gympie, and yet they were called upon to make a survey of a second line to Gympie, whilst they had not spent one single penny upon a survey to the Palmer, or even made a good passable road. He would be guilty of an injustice to that portion of the colony if he consented to this expenditure, and he should not consent to it. He would take a division on the question.

Mr. BAILEY said the reason given by the Minister for Works for declining to accept the proposal was certainly a very strange one: because the Government had chosen to neglect the interests of the Palmer Gold Field, therefore, Gympie must be also neglected. He thought hon. members of that House would at any rate admit having been willing to support a proposal of the Government for the advantage of the Palmer district. But, because the Government had refused to give any accommodation—even a good road—to the Palmer, they came down to say another part of the colony ought to be neglected. It was not merely for the benefit of the Gympie Gold Field that the survey should be made, but there was a very large population settled between Brisbane and Gympie.

The MINISTER FOR LANDS (Mr. Perkins): No.

Mr. BAILEY said that Maroochie, Mooloolah, and even the Mary River itself, were along the road. Settlement was fast increasing, and he would be very glad to see the survey of a line made there. He hoped they would go into committee.

Mr. O'SULLIVAN said he understood that the sum of £25,000 was down for surveys on the Loan Estimates. Would the survey from Cooktown to the Palmer take the whole of that amount?

The MINISTER FOR WORKS: It will take a good deal of it—£9,000 or £10,000.

Mr. O'SULLIVAN said if the survey to the Palmer had been neglected up to the present day, he could not see that that was any reason why this line should be neglected. There was settlement on almost every mile of the road.

The MINISTER FOR LANDS: No.

Mr. O'SULLIVAN said he begged the hon. member's pardon. The land on the Mary River was nearly all taken up. There was scarcely any part of the country between there and Durundur that was not taken up. He knew that road as well as the hon. member, and he was sure that, although along the road between Gympie and Brisbane was not so thickly peopled, a tremendous lot of country was taken up. He thought that this survey should take place, and was sorry that the Government declined to make it. He would support the motion.

Mr. LUMLEY HILL said he should support the Minister for Works in opposing this survey. Gympie ought to be very well satisfied with one line; and why, directly it had got one line, it should cry out for another, was a perfect mystery. It seemed to be that directly they made one branch line they were asked to make another. He considered that the whole of those small lines and branch lines were most unproductive; and that they should call upon the country with the idea

of making two means of access to a place by railway was monstrous. It was very easy to get to Brisbane from Gympie, and it was very easy for them to get all their supplies and to send away all their gold; and why on earth they wanted to open up the country more than it was between Brisbane and Gympie he could not understand. It was known to every member of the House that it was a poor, hungry, mountainous country, with a very bad road, and would be a most expensive line for a railway. He should certainly do all in his power to oppose this vote when it came into committee, and he would guarantee that it did not get out of it this session.

The MINISTER FOR LANDS said he could hardly believe that the hon. member who brought forward this motion was serious. It must be within his recollection that at the time the railway to Gympie was sanctioned by the House there was a great outcry all about the country, although he made one of those who voted for the Bill at the time. Afterwards he began to have very serious doubts if he had not made a mistake; but when he saw the railway he was very pleased indeed to have taken part in being connected with the making of that line. But to ask the House and the country to go into a survey for a railway from Gympie was a farce, as there were two routes there—*via* Noosa and the Maryborough. While the line was in process of construction he heard Maryborough people say that they did not want the line; and that it would have been better for them if the railway had never been made. He also heard some of the people of Gympie say they did not want the railway; it was no good to them. The object of the motion was only to get a certain amount of money spent; and he would not object to expend the money if they could afford it. There were other parts of the colony that would have to be considered before Gympie. He knew the reasons that were operating on the minds of some members were because they had property on the Caboolture and expected to sell it. There were places in other parts of the colony languishing for reservoirs to store up water that was allowed to go to waste, and other public works which should be carried out. He should not consent to \$5 being spent on the survey asked for, as the time was very remote when a railway from Gympie to Brisbane would be necessary.

Question put, and the Committee divided:—

AYES, 10.

Messrs. Griffith, Hamilton, O'Sullivan, De Poix-Tyrel, Bailey, Miles, Kates, Groom, Stevens, and Scott.

NOES, 17.

Sir Arthur Palmer, Messrs. Perkins, McIlwraith, Feez, Pope Cooper, Weld-Blundell, Lumley Hill, Persse, Foote, Black, Low, Lator, Kingsford, Macfarlane, Macrossan, Norton, and Archer.

Question resolved in the negative.

GRATUITY TO THE WIDOW OF THE LATE PHILIP BRIDE.

On the motion of Mr. KINGSFORD, the House went into Committee to consider of an Address to the Governor, praying that His Excellency will be pleased to cause to be placed upon the Supplementary Estimates of 1881-2 the sum of £150, as a gratuity to the widow and orphans of the late Philip Bride, who lost his life while in the service of the Government.

Mr. KINGSFORD said he had nothing to add to what he had said on the previous day by way of urging the granting of this amount as a gratuity to the family of the late Philip Bride. He was sorry to say that the hon. Colonial Treasurer, like all other Treasurers, whatever soft spot he

might have had in his heart at one time, seemed to have lost it all now. He (Mr. Kingsford) had thought the Treasurer would consent to the amount proposed, but, seeing that the hon. gentleman was determined to oppose it, he would not risk the rejection of the motion, but would, with the permission of the House, amend the resolution by inserting the sum of £84 for £150, that being the sum which Philip Bride would have been entitled to had the Civil Service Superannuation Act not been repealed.

Question, as amended, put and passed.

The Chairman left the chair, reported the resolution to the House, and the adoption of the report was made an Order of the Day for Monday next.

GULLAND TRAMWAY BILL— COMMITTEE.

On the motion of Mr. FOOTE, the House went into Committee to consider this Bill in detail.

Preamble postponed.

Clause 1—"Interpretation"—put and passed.

Clause 2—"Authority to construct tramway from Tivoli Coal Mine to Bremer River"—put and passed.

Clause 3—"Authority to construct wharves, etc."—put and passed.

On clause 4—"Lands vested in James Gulland"—

Mr. GRIFFITH said the provision for compensation was very vague, as there was nothing to say what compensation was to be paid for. He proposed to insert the following words after the word "provided," on the 61st line:—"For the land so taken or used by him, or injuriously affected by the said tramway, and for any damage that may be sustained by such persons, or any of them, by reason of the construction of such tramway."

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

Clause, as amended, put and passed.

Clauses 5 to 7 inclusive—passed as printed.

On clause—"Compensation clause for land taken or damage done"—

Mr. O'SULLIVAN moved that the notice required to be given be extended from twenty-eight days to three months. A person interested might, he thought, be away from the colony, and in that case the notice would be too short.

Mr. FOOTE said that if he accepted the amendment it would nullify the Bill. Mr. Gulland's leave would expire at the end of the month, and if three months' notice was required, Mr. Eastwood might take up the tramway and stop the working for a considerable time before the notice expired. There was no one but Mr. Eastwood interested in the question of notice.

Mr. O'SULLIVAN said he did not see the matter in that light. As the notice did not concern the general public, he begged to withdraw the amendment.

Amendment withdrawn, and clause passed as printed.

Clauses 5 to 23 inclusive, and the preamble—passed as printed.

The Bill was reported to the House with amendment; the report was adopted; and the third reading made an Order of the Day for Monday next.

LOCAL OPTION BILL—SECOND READING.

In the absence of Mr. McLEAN, this Order of the Day was, on the motion of Mr. GRIFFITH, postponed until Thursday next.

COLONIAL SUGAR REFINING COMPANY'S BILL—COMMITTEE.

On the motion of Mr. DE POIX-TYREL, the House went into Committee to consider the Bill.

Preamble postponed.

Clauses 1 to 7 inclusive—passed as printed.

Mr. DE POIX-TYREL said he had prepared a new clause to follow clause 7. When the Bill was passing through its second reading many hon. members raised objections on the ground that there was not sufficient guarantee that the expenditure proposed by the company would be carried out. The proposed new clause, which had been in the hands of hon. members about ten days, would fully meet those objections; and its introduction would, he thought, make the Bill complete. He begged to move that the following new clause be inserted in the Bill—

The said company shall within the space of five years from the passing of this Act expend and lay out the sum of £200,000, at the least, in the preparation and cultivation of the lands specified in the second schedule hereto, or some other lands of the said company, within the districts of Mackay and Cardwell in the said colony, or in the erection of plant and machinery for the manufacture of sugar on lands of the company within the said districts. And if the said company shall, at any time before the expiration of six months after the period aforesaid, prove to the satisfaction of the Governor in Council that they have expended such sum upon such lands or some of them for the purposes hereinbefore set forth, they shall, upon performance of any other conditions then remaining to be performed in respect of the said lands in the second schedule specified, be entitled to the issue of deeds of grant thereof in fee-simple to the trustees of the said company for the time being. But if such proof shall not be made within the time aforesaid, the said lands in the second schedule specified and all improvements thereon shall be absolutely forfeited and revert to the Crown.

Mr. GRIFFITH said that on the second reading of the Bill he called attention to the absence of any guarantee on the part of the company to perform their part of the bargain. He was satisfied with the amendment. If the company spent £200,000 within the next five years in the cultivation of sugar, they might be justified in making an exception in its favour. He hoped, however, that it would not be taken as a precedent; or that, if it should be, equally onerous conditions would be imposed. He had heard that another company intended to try to secure land in the same way. He trusted it would not be permitted, and if the attempt were made he should be very much inclined to oppose it.

Question put and passed.

The remaining clauses, the schedules, and the preamble were passed as printed.

The CHAIRMAN left the chair, and reported the Bill to the House with an amendment. The report was adopted, and the third reading of the Bill made an Order of the Day for Monday next.

SETTLED DISTRICTS PASTORAL LEASES ACT OF 1876 AMEND- MENT BILL.

On the Order of the Day being called for the resumption of the debate on the second reading of this Bill, which was interrupted by the termination of the sitting of the House on Friday last,

Mr. NORTON withdrew the Bill, and on his motion the Order was discharged from the paper.

CASE OF THE LATE INSPECTOR DYAS.

On the motion of Mr. O'SULLIVAN, the House went into Committee of the Whole for consideration in committee of an Address to the

Governor, praying that His Excellency will be pleased to recommend that a sum of £1,000 be placed on the Supplementary Estimates of this year, as a gratuity to the widow and daughter of the late First-class Inspector of Police, Dyas.

Mr. O'SULLIVAN, in moving the substantive resolution, said he had nothing to add to what he said when the question was last before the House. Since the Colonial Secretary stated that Inspector Dyas was lost in the bush, he (Mr. O'Sullivan) had made very strict inquiries from those who were with him, and had discovered that the late inspector was one of the finest bushmen in the colony, and that he was not lost in the bush. He was on his way under orders from Gilberton to Normanton, and got up one morning to look for his horses, and nothing more was heard of him until he was found dead and buried, almost inside the telegraph lines. The men to whom he (Mr. O'Sullivan) had spoken on the subject told him that Inspector Dyas was one of the finest bushmen they ever met—that he would travel at all hours, even without the sun in the day or by the stars at night; and that he had been chosen on several occasions to open up places like Woolgar and Gilberton—to build barracks and prepare for civilisation. It would be impossible for him to put any smaller sum down than £1,000. The sum coming to the widow and child by law was about £354; and he would ask the Committee to advance the other £650 in order to make up the £1,000. The widow of the late Inspector was in very delicate health—he believed she was suffering from consumption—and she had a little delicate daughter six years old. The sum asked for would, probably, keep the mother as long as she lived, and the State ought to make provision for the child. They could not allow the children of officers of the State to starve or go without some protection, and this being a girl some sympathy ought to be shown towards her; for if she lost her mother at a tender age, the Government, in some way or other, would have to take her in charge. They were perfect strangers to him, and he felt satisfied that, under the circumstances, the Colonial Secretary would do the best he could.

The COLONIAL SECRETARY said it was his duty as a member of the Government to oppose an application of that sort. He did not think the hon. member had shown any reason why the money should be granted to the widow and child of a man who, through a misfortune, lost his life in the Public Service. The widow had been dealt with very fairly by the Government. Inspector Dyas was an officer against whom very few complaints had been made. He certainly wanted to retire last year, but could not get the medical certificate that he was unfit for duty. His life was lost in the way he (Sir Arthur Palmer) stated on the previous occasion. He left the camp to look for a horse, and lost himself; he was followed up and it was found that his body had been buried by the blacks. The widow made an application that the pension to which her husband would have been entitled should be given to her instead of the gratuity provided for by the Act. The case was brought before the police authorities, and it was found that that could not be done. The report of the Commissioner of Police, after stating the facts of the case, showed that the gratuity due to the widow under the 25th clause of the Act, was a little over £347; and the Executive minute on the report recommended that the gratuity should be paid to the widow from the proper fund; and it had been paid. He did not think the Government could go any further. No special circumstances had been shown which would warrant an expenditure

of that sort. They might just as well say at once that in the event of any subinspector dying while in the service of the country his widow should have £1,000. If they did it to one they would have to do it to all. He strongly objected to this kind of motion being brought forward at all, and he should therefore oppose it.

Mr. O'SULLIVAN said that he thought the hon. gentleman had hardly stated the case fairly. All he asked for was the balance to make up the sum of £1,000—which was a very different thing. It was only about £650. In reality, although the £1,000 appeared on the motion, that sum included the £350 that was due to the widow as a gratuity. There was something in the way the hon. gentleman put the case before the Committee with which he (Mr. O'Sullivan) did not altogether agree. The hon. gentleman said that Mr. Dyas was examined by a medical board and pronounced fit for duty. But the medical board did not pronounce him fit for duty in the North, but said that he was not fit to go there. He was ordered north in face of that report. The Colonial Secretary said that he was found dead, and buried by the blacks. He (Mr. O'Sullivan) had never heard that the blacks were in the habit of burying people; they generally ate them. Had the Colonial Secretary found out all the facts of the case—whether the man was killed by blacks or whites, or whether he was foully murdered or not? There was a rumour in the North that the man met with a foul death. He (Mr. O'Sullivan) had some information which led to that conclusion, and that some of his property was found not exactly where he was found, and actually in sight of the telegraph lines. The matter was one of very little difference to him, but it was the duty of the Government to look after these cases. Why did they maintain such institutions as Dunwich but to support such cases as these? Suppose the mother were to die, what was to become of the child? She could not be thrown on to the streets. It would be different if it were a boy. The Colonial Secretary had said that the £347 was quite enough to maintain, educate, and rear the child, and keep the mother.

The COLONIAL SECRETARY: I said nothing of the sort.

Mr. O'SULLIVAN said that he did not think the sum was sufficient, but that something more ought to be done.

Mr. GRIFFITH said that he did not know much about the circumstances of the case, as he was not in the colony when Mr. Dyas lost his life; and he had seen no account of it in the newspapers. He had heard what both the hon. member and the Colonial Secretary had said, and the conclusion he drew from their speeches was that Mr. Dyas lost his life in the actual service of the Government and in the course of the performance of his duty. Whether he was killed by blacks or by whites, he was killed in the active performance of his duty, and his death arose from the performance of his duty. He was called upon to perform duties of hardship and risk, and he lost his life in doing so. Under such circumstances it had always been the practice of the House to give some recognition to the widow—almost invariably the practice. As to the amount to be given, that was a matter of another kind altogether. As he understood the hon. gentleman, all he wanted was £650; if so, he had better amend his motion to that effect. He (Mr. Griffith) was ready to vote for that amount. He thought they would be inaugurating a new practice in not doing so.

The MINISTER FOR LANDS (Mr. Perkins) said that he would be sorry to say anything to

prevent justice being done, but he must say that he dissented entirely from the views of the leader of the Opposition. When a man entered the police service he knew that he was liable to be called upon to give the whole of his time for the performance of his duties, and even to risk his life in them. If he lost his life it was only what was to be expected, as in the case of a soldier. If in the case of every man who walked out into the bush and happened to die there, the country were to be called upon to make compensation to his widow, there would be a nice state of things indeed. He thought that because men died in the Queen's service, whether as volunteers or soldiers, or anything else, there was no claim on the Government for compensation. He did not see where the system began. There might be special circumstances in some cases to make it necessary to grant relief, but in ordinary cases the performance of the ordinary duties gave a policeman no claim whatever on the country. It would be a very bad state of things indeed if the friends of every policeman who happened to die in the performance of his duty were to have a claim on the State because of it.

The COLONIAL SECRETARY said he did not wish to go into the character of Mr. Dyas unless the hon. member wished it. That officer lost his horse, and in looking for his horse he lost himself. He (the Colonial Secretary) had heard no rumours about a foul death, and he thought that if there had been anything in them he would have heard them. The murderer was known, and the blacks had promised to give him up—and so the rumour was put on one side altogether. He believed it to be his duty to oppose this vote. The widows of police inspectors had no right to come and ask for money when a man died in the execution of his duty, as he knew what he undertook when he entered the force. There was no law to give the widows a gratuity. If such gratuities were to be given, let them have a law to regulate it properly, and not have it introduced simply because the deceased man had a friend in the House. He should do all he could to stop the voting of this gratuity. He could not see any special circumstances at all in the case, and he should have to oppose the motion. He could not have motions of this sort brought in on a private members' day, and in a very thin House, and carried.

Mr. O'SULLIVAN said, as the Colonial Secretary had stated that the compensation from the police fund had already been paid, he thought it would be a better plan to make the sum £500, and he begged to move that the words "one thousand" be struck out with the view of inserting the words "five hundred."

The CHAIRMAN said the hon. member could not move the amendment himself.

The MINISTER FOR LANDS asked what was the amount paid?

The COLONIAL SECRETARY: £347.

Mr. O'SULLIVAN said that sum had already been paid, according to the Colonial Secretary. He would accept the suggestion of the leader of the Opposition, and reduce the amount to £500; but he was informed that he could not move the amendment himself.

Mr. GROOM moved that the figures "1,000" be omitted, with the view of inserting "500."

The COLONIAL SECRETARY asked what would be the result of that, if carried—that would not carry the 500, he supposed?

Mr. GRIFFITH: No.

The COLONIAL SECRETARY said he was asking the Chairman of Committees; and not the leader of the Opposition. He asked

what would be the result, if the amendment was carried?

The CHAIRMAN said it would leave a blank. If the amendment was correct, the thousand pounds was omitted, and it left a blank.

Question—That the words proposed to be omitted stand part of the motion—put and negatived.

Question—That the words proposed to be inserted be so inserted—put, and the Committee divided:—

AYES, 11.

Messrs. Griffith, O'Sullivan, Hamilton, F. A. Cooper, Foote, Kingsford, Bailey, De Poix-Tyrel, Aland, Groom, and Kates.

NOES, 10.

Sir A. Palmer, Messrs. McIlwraith, Macrossan, Black, Perkins, Pope Cooper, Weld-Blundell, Stevens, Lalor, and Macfarlane.

Question resolved in the affirmative.

The amended resolution having been put—

The COLONIAL SECRETARY said he felt it his duty to oppose this vote to the last. The division just taken was in a thin House. He thought it would be far better to let the matter rest now. This would be opening the door to a bad and very pernicious practice, and he felt it his duty to oppose it to the very last.

Mr. O'SULLIVAN said the motion had been carried. It was not opening a door that had not been opened very wide before. It was a great wonder that the hon. gentleman had not discovered that a bad practice was established when a Bill granting a pension to Lady O'Connell was passed. What claim had Lady O'Connell on the revenue of this colony that the widow of the late Inspector Dyas had not? He only mentioned that to show that the door had already been opened. He had not the slightest objection, if such a proposal were brought forward by the hon. member, to all widows getting gratuities. The amount that he asked for was not very much. There was an innocent child of five or six years of age, who, by the death of her father while in the service of the State, had lost the means by which she could be supported and educated; it was, therefore, the duty of the State to support that child. The motion was already passed, and he now begged to move that the Chairman leave the chair.

Mr. GRIFFITH: The motion is not passed.

Mr. O'SULLIVAN: Well, what is passed?

Mr. GRIFFITH: Only the words that are to be put in.

Question put.

The COLONIAL SECRETARY: Divide!

Mr. O'SULLIVAN: The hon. member is stonewalling now.

The Committee divided:—

AYES, 11.

Messrs. O'Sullivan, Griffith, Hamilton, F. A. Cooper, Aland, De Poix-Tyrel, Bailey, Kingsford, Foote, Groom, and Kates.

NOES, 15.

Sir Arthur Palmer, Messrs. Pope Cooper, McIlwraith, Perkins, Feez, Stevens, Black, Lalor, Lumley Hill, Low, Weld-Blundell, Macrossan, Macfarlane, Archer, and Norton.

Question resolved in the negative.

Mr. O'SULLIVAN, before moving that the Chairman leave the chair, said the division had been taken in a thin House; and, while it had been done very ably and very cleverly, he must say that he believed the vote was against himself and not against the widow. He believed it was

personal feeling against him on the part of the Colonial Secretary which had caused him to oppose the vote. That was his belief, and he had a perfect right to it. He (Mr. O'Sullivan) was not in any way concerned in the matter. He would take that opportunity of intimating that if he happened to be in the House next year, whether the hon. gentleman was here, or not, he should renew the motion. He moved that the Chairman leave the chair.

The COLONIAL SECRETARY said he was of course not responsible for any notion the hon. member took into his head; but he utterly disclaimed the slightest feeling against the hon. member.

Mr. LUMLEY HILL said he was one of those who did not vote on the first division, and he certainly was not actuated by any feeling against the hon. member. He was not biassed in the case at all; but he had recently got a good deal of information about it, and felt he could not support the motion. He did not like speaking on these subjects, because, as the Colonial Secretary had said, it was a very unpleasant task indeed. If nothing could be said in favour of a poor widow in a case of this kind, it became a very hard matter to speak against her.

Mr. KATES pointed out that the hon. member for Stanley had consented to reduce the amount to £500, so that the actual sum for the widow was only about £150. Last week the House voted £2,000 to Mr. Landsborough, who had not nearly as good a claim as this widow, whose husband was murdered while in the service of the Government. Mr. Landsborough had ruined himself by over-speculation, yet he received £2,000; now the small sum of £500 was refused to a poor widow.

Mr. HAMILTON said the hon. member for Gregory had given as a reason for not supporting the motion of the member for Stanley that he had inquired into the matter, and that the result of the information he had so obtained had caused him to vote against it. The only information which he could have obtained to justify his opposition to the vote was that, as a question of policy, it was inadvisable that the Treasury should be attacked by votes of this kind. If he had obtained any other information regarding the matter it would only have caused him to support the motion. He (Mr. Hamilton) had known Mr. Dyas for years in the far North, and he was always regarded there as a first-class officer. From what he knew of the circumstances of the case and of Mrs. Dyas, he considered she was entitled to the sum asked for, and anyone who had any knowledge of her would endorse his statement that she was in every way deserving of their sympathy and assistance. The hon. member for Gregory had expressed himself ambiguously, and sometimes a hint was far more objectionable than a direct statement.

Question put and passed.

OPENING OF THE MUSEUM ON SUNDAYS.

On the motion of Mr. KINGSFORD, the resolution standing in his name, with regard to the opening of the Brisbane Museum on Sundays, was discharged from the paper.

COMPENSATION TO MR. MOLE.

Mr. ALAND, in submitting the motion standing in his name, said he was obliged to the Minister for Works for having produced the papers and correspondence, which had been placed in the hands of hon. members. He thought that all hon. members who had read the correspon-

dence would come to the conclusion that Mr. Mole had a claim on this House for compensation. He had heard it stated during the last few days that this was the great equity court of the colony; and he thought that in this matter, while Mr. Mole was not legally entitled to compensation, an equitable claim had been made out for him. He presumed that the only opposition which would be made to it would be on legal grounds, because he found in a letter addressed by Mr. Herbert to the hon. the Secretary for Public Works some expressions which went to prove that, if all proper appliances were affixed to locomotives, parties who incurred damage had no claim on the railway company. The Government in this instance were the railway company, and they shielded themselves under that provision of the law. It would not be disputed that the fire was occasioned by sparks from a locomotive running on the Southern and Western Railway. It might be said that a person had no business to reside in the vicinity of a railway, and if he did he must incur all risks and penalties. But the case of Mr. Mole was to be considered in this way: he was a resident of the place where he still resided for many years before the railway severed his land and passed through his orchard, which some years ago was one of the sights which people went to see when they visited Toowoomba. For many years Mr. Mole carried off prizes at the different agricultural shows, not only in Toowoomba but also in Brisbane; and now, he was unable to do anything of the sort. If hon. members would notice, they would find that Mr. Mole, when the fire took place, or a day or two afterwards, sent in a statement of the matter, and also a claim to the Railway Department on account of the damage done. The Minister for Works, or the Commissioner for Railways, caused inquiries to be made and, notwithstanding what the Commissioner for Railways said—"The position of this department is that we have used such appliances, and further, that proof is not conclusive that the fire was occasioned by our engine"—still he thought, after reading two of the letters in the return, the proof would be found pretty clear. John Pool, the engineman of No. 23 train, writing to Mr. Horniblow, stated as follows—

"Sir.—As you call upon me to report to you, as I was the driver of special material train from Toowoomba to Brisbane on the 28th November last, as to whether I saw any fire between Toowoomba and the summit of the Main Range, I did not see any. I do not think our engine set anything on fire, as we had scarcely any load on, the weight of train being only 68 tons. Leaving Toowoomba at the right time, we came very slowly from Toowoomba to the summit of the Main Range, as we had plenty of time. Also, the engine had a proper spark-arrester on; scarcely any sparks could be observed coming through the tunnel at night time. Also puts less ashes in smoke-box than most engines of same class. Sir.—I think that you will agree with me that it was almost an impossibility for our engine to set anything on fire in coming up the bank, as neither the guard nor myself saw any fire. If the engine had set it on fire, the guard would almost sure to have seen it, as he was looking out most of the time."

He took it that that train occasioned the fire to which he referred, because the letter from William Scott, engineman, was to this effect:—

"I beg to state that I left Toowoomba at 3.15 p.m. on the 28th instant. Approaching the forked line signal-box, I noticed smoke and flames ahead. I drew the fireman's attention at once. On nearing the gate-house I saw it was Peto and Brassey's shed. I got the "all right" signal, and passed on. I also noticed Mole's orangery on fire. I could not say which way the wind was blowing at the time. I slackened speed at the first gang of men I met, and told them to go back to render assistance."

That pointed almost conclusively to the fact that the train of which John Pool was the engineman

man was the train which set fire to the property. He could well understand that neither the engine-driver nor the guard at the other end of the train did see the fire. The engine was going along and the sparks came out of the funnel, and after the train passed the fire took place, and those in the next train which left Toowoomba saw it raging. He could not argue the matter on legal grounds, but he thought a strong equitable case was made out in favour of the motion. He might state, without wishing to evoke the sympathy of hon. members, that Mr. Mole was a very industrious man. Unfortunately, just about the time of the fire a very serious illness was occasioned in his family, and the accident coming on the top of his other trouble had very much aged the man, so that persons who knew him a few years ago, if they saw him now, would scarcely recognise him as the same man. He trusted hon. members would take the case into their serious consideration, and that the Government would not give it any serious opposition. The amount he asked for was not large. Mr. Mole estimated his damage at the time of the accident at £250, and Mr. Way, the late Curator of the Toowoomba Gardens, estimated it at something like the same amount. After some correspondence between the late Mr. Davenport and Mr. Groom and the Department, Mr. Hill, the late Curator of the Brisbane Botanical Gardens, was sent up to report, and his report was given in the return, estimating the damage at something like £169 17s. The amount which he (Mr. Aland) asked for was only £100, and he presumed it would not be possible to ask for £169 17s., although he believed £250 would not fairly compensate Mr. Mole for the loss he sustained, because it took a very long time for trees—especially orange trees—to grow to anything the size which would yield a return. The trees were bringing in an annual income formerly, but since the fire they had done nothing of the sort. He would leave the matter to the House, trusting that they would give it their very serious consideration, and accord Mr. Mole that measure of justice to which he was entitled. He now begged to move:—

"That the House will, at its next sitting, resolve itself into a Committee of the Whole, to consider of an Address to the Governor, praying that His Excellency will be pleased to cause to be placed on the Supplementary Estimates of 1881-2, the sum of one hundred pounds (£100) as compensation to Mr. Frederick Mole, for losses sustained by him through a fire occasioned by the sparks of a passing railway train."

The MINISTER FOR WORKS said this was one of those cases in which a man's private sympathies sometimes went slightly in opposition to his public duties, and was in that respect similar to the last case. It was a case appealing to the good feeling which one individual had to another who had suffered loss. He was quite willing to admit from the evidence contained in the papers, though it was not very conclusive, that Mr. Mole had suffered loss, and through the sparks of one of the engines of the trains. It was very likely that the first train spoken of caused the fire—the engineman did not see it, but the engineman of the next train did see the fire. The law on the subject was very clear. The hon. gentleman (Mr. Aland) had disclaimed all appeal to the law, and, he thought, very wisely. The law on the subject exonerated railway companies, and of course the Government also, being the owner of a railway—from any responsibility for damage caused by sparks, when—

Mr. O'SULLIVAN: No.

The MINISTER FOR WORKS said the hon. member was sometimes very crooked in his law. The law on the subject, as he said before,

was as plain as possible, and was to be found on the last page of the printed papers, being taken from "Marshall's Law of Railway Companies." The Legislature of the colony had given permission for trains to be run, and as long as the Government took all due precautions known to science to prevent damage, they were not liable. They had taken all the precautions they knew, and it was impossible to arrest sparks entirely from being emitted through the funnel of a locomotive. It was quite as impossible, as the Locomotive Superintendent said, to prevent sparks being emitted as it was to prevent a horse from breathing. But at the same time, though bound to assert that the Government were not liable for the damage, he was willing to admit that Mr. Mole had a claim to some compensation, because, though they had the law on their side, he did not think it should be exercised in every case. When they really did serious damage to an individual who was located along the line through no fault of his own, they should take his case into consideration and remedy it if possible. The first estimate made by Mr. Mole of the damage done was £250; and that estimate was maintained by Mr. Way, late Curator of the Toowoomba Gardens. No doubt Mr. Way was a very competent judge in the matter, and he visited the ground almost immediately after the accident. Last year, at the instance of the hon. members for Toowoomba, Messrs. Groom and Davenport, he (Mr. Macrossan) sent Mr. Hill to estimate the damage, and he came to the conclusion that the damage done amounted to £169 17s. The mover of the motion asked for only £100, which was £69 less than Mr. Hill's estimate. Although he himself had no authority, and could not be tied to the demand of Mr. Mole, he would not oppose it, but would leave it to the House to decide whether they thought fit that he should receive compensation to the amount asked for by the hon. member for Toowoomba.

Mr. O'SULLIVAN said the hon. gentleman (Mr. Macrossan) had stated that he had a good deal of crooked law; but the hon. gentleman had seen none of it, and he would advise him not to try to educate him (Mr. O'Sullivan) as to how he should conduct himself in the House. The hon. gentleman stated that the case was one of feeling. A locomotive went through the country and burned a man's house and damaged his property, and then when he looked for compensation they were told that he had no claim, but that it was a case of feeling. Was that the logic of the hon. gentleman? He was glad the Minister for Works had opened his heart, and would not oppose a motion asking for £100 where £250 was due, because there were other similar cases. They had in writing Mr. Gorry's claim for compensation for three stacks of hay burned in the same manner. He was told to send in his bill, and had done so; but never yet received a cheque for the amount. He hoped the hon. member would not make fish of one and flesh of another. The statement that there was no claim in law he could not accept. The hon. gentleman had stated his own premises, and from that had drawn his conclusions; and if they admitted the one, of course they must admit the other. But the premises were that they had taken every care and precaution, and he (Mr. O'Sullivan) said that the premises were false—that no kind of precaution was taken in some cases—and, therefore, the law did not protect the Government. He should support the motion.

Question put and passed.

ADJOURNMENT.

On the motion of the PREMIER, the House adjourned at 1 o'clock till Monday next.