Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY, 16 AUGUST 1882

LEGISLATIVE ASSEMBLY.

Wednesday, 16 *August*, 1882.

Savings Bank Amending Bill—consideration of Council's amendment.—Jurors Bill.—Bills of Exchange Bill.—Insanity Bill.—Supply.—Financial Statement.—Sale to Local Authorities Land Bill.—Mineral Lands Bill—committee.—Tramways Bill—committee.

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

SAVINGS BANK AMENDING BILL—CONSIDERATION OF COUNCIL'S AMENDMENT.

On the motion of the COLONIAL TREASURER (Hon. A. Archer), the House went into Committee to consider the Legislative Council's amendment in this Bill.

The COLONIAL TREASURER said that in moving that the amendment be agreed to he need merely point out that the only amendment was in the 1st clause of the Bill, where the Council wished the words "and notified in the *Gazette*" to follow the word "Council."

Question put and passed.

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

JURORS BILL.

On motion of the ATTORNEY-GENERAL (Hon. Pope Cooper), this Bill was read a first time, and the second reading made an Order of the Day for Tuesday next.

BILLS OF EXCHANGE BILL.

On the motion of the PREMIER (Hon. T. McIlwraith), the House in Committee affirmed the desirability of introducing a Bill to consolidate and codify the law relating to Bills of Exchange and Promissory Notes.

The Bill was read a first time, and the second reading made an Order of the Day for Tuesday next.

INSANITY BILL.

On the motion of the PREMIER, the House in Committee affirmed the desirability of introducing a Bill to amend and consolidate the law relating to the Insane.

The Bill was read a first time, and the second reading made an Order of the Day for Tuesday next.

SUPPLY.

On the motion of the COLONIAL TREASURER, the Speaker left the chair, and the House resolved itself into a Committee of Supply.

FINANCIAL STATEMENT.

The COLONIAL TREASURER, in making his Financial Statement, said:—

Mr. SCOTT,—It is with sincere pleasure that on this the first occasion I am called on to explain the financial state of the country I can congratulate the Committee on the nature of the statement I have to make. From many causes, some of them beyond the power of any Government at all to foresee or regulate, the revenue has so largely increased, and so far exceeded the estimate made, that the deficit with which the present Government took office, and which had to be faced by my predecessor, has not only vanished but a substantial surplus has accumulated, which the Committee at a later period will be called upon to deal with. It must, too, be matter of gratulation that this result has not been arrived at by any fresh burden laid on the taxpayer, which the present Government were criticised for not imposing when they took office, but from the legitimate use of the resources of the colony. To the energy of the people in taking full advantage of the increased activity in trade; to the more correct knowledge both in England and in the other colonies of our almost inexhaustible natural resources, and consequently on that knowledge the greater readiness with which capitalists are prepared to invest their money amongst us; and to the statesmanlike courage with which my predecessor used at a critical time the borrowing power of the colony for the purpose of carrying on public works—is to a great extent to be attributed the prosperity which we now enjoy. As far as can at present be judged there is a fair prospect of a continuation, for at least some time, of the same prosperity. The only danger that at present seems to threaten any disturbance of the natural course of trade is the war at present confined to the North of Africa. Should the efforts now being made in England to confine the war to its present site not be successful it must have a most damaging effect, not only on our foreign trade, but on all the industries which represent our wealth. Should, however, the war not spread we may fairly look for an increase and not a diminution of our foreign trade—a sure sign that the wealth and purchasing power of the colony is increasing.

On referring to Table A it will be seen that when the Treasurer introduced his Budget in last September he estimated the revenue for the year at £1,901,000; the actual receipts have, however, amounted to £2,102,095, or £201,095 in excess of his estimate. The items that have added so

considerably to the increased income are Customs and Excise, £41,655; Stamp Duties, £24,459; and £2,605 from Licenses. The estimate under these three heads was £738,000, and the actual receipts £806,719.

The Land Revenue, which was estimated at £535,000, has produced £680,081—an increase of £145,081. Sales by auction, selection, and pre-emptive, which were estimated at £128,000, have produced £180,980; and it will be pleasing to hon. members to hear that of this sum sales by auction of country lands bear a very small part. It has often been objected that we have lately been parting too rapidly with our landed estate; but during the last year auction sales of country lands amounted to only £45,875, while auction sales of town and suburban lands brought £68,030. The rents of homesteads and conditional purchases, estimated at £195,000, have yielded £235,319; and runs, estimated at £176,000, realised £211,243; while mining operations, the results from which were estimated at £12,000, have produced £13,946.

It will be noticed that the receipts from Public Works and Services, which were estimated to yield £528,000, have fallen short of the estimate by £24,185. The whole of the deficit is caused by the Central, Northern, and Maryborough Railways not having earned the amount expected. As this is the only material deficit in the Estimates, I will say a few words as to one cause which must in some way account for the deficit in the Central Railway receipts. When the receipts from Customs proved that an unusually large addition to our imports had taken place, it might naturally have been expected that all our railways would have benefited to the same extent as other branches of business, but more particularly the Central line. This, however, has been prevented by the scarcity of carriage from the terminus, which has caused a complete block in traffic, except in what may be called the necessaries of life. To such an extent has this been the case that on many stations hands have been discharged for lack of the material with which to carry on improvements; but it is to be hoped that the Western settlers, who are those chiefly interested, will for their own sakes take steps to increase the quantity of carriage, and thus remove the obstruction which has hitherto been complained of. The Maryborough line, again, has been affected by the difficulty of procuring, during the present scarcity of labour, sufficient timber trucks for the large trade in that commodity now being done there; but there is every prospect of that deficiency soon being remedied, and the Estimates for the present year susta d. But although the lines I have menti have earned a smaller sum than estimate ust be a matter of great satisfaction to all o see that the Southern and Western l has taken a decided start ahead, havi only earned the estimated amount, but eeded it by an amount of £1,500. As a gainst the over-estimate in the Railway as been received an increase from the w the Electric Telegraph of £9,847, and 3 in the other branches of Public Wo Services. Miscellaneous Services, estimate 100,000, have produced £111,480.

Coming now to the consideration of the Consolidated Revenue Fund, it will be seen on turning to Table B that the year 1881-2 commenced with a credit balance or surplus of £27,007. The revenue for the year has been £2,102,094, and the expenditure £1,883,692. The revenue has therefore exceeded the expenditure by £218,402, which amount, added to the previous year's balance, gives a surplus of £245,410 to the credit of the Consolidated Revenue at the commencement of the financial year 1882-3. Although there is a liability—Tables G and H—amounting on the 1st July, 1882, to £206,208 on account of unexpended votes, it must necessarily be the case that a corresponding amount of the current year's votes will be carried over, and dealt with in a similar manner next year; so that for all practical purposes the surplus of £245,410 may be regarded as *bonâ fide*, and perfectly available for such purposes as Parliament may direct. As compared with the previous year, the revenue of which amounted to £1,771,143, exclusive of a sum of £252,525 transferred from the Railway Reserves Account, the revenue for 1881-2 shows an increase of £330,952. The expenditure for 1880-1 amounted to £1,757,653, and for 1881-2 to £1,883,692—an increase of £126,039. Of that increased expenditure, £41,772 was owing to the additional charge for the public debt, which amounted last year to £598,623; and £31,544 to increased endowments to municipalities and divisional boards.

Table C contains the full particulars of the state of the Loan Fund. The total amount of the public debt is now £14,214,786. This total, however, includes the 1881 loan of £1,089,500 not yet offered for sale. In explanation of this account it should be understood that the various services have been credited with the full amount of the votes, and that the statement of balances amounting to £2,288,177 exhibits the amount at the credit of the various funds still to be expended. In addition to the authorised expenditure a sum of £24,575 has been disbursed on various services not provided for, and which will be covered by the next loan. The Immigration vote is also considerably overdrawn, for which the necessary credit has been established; but as the accounts are not yet to hand the overdraft does not appear as actual expenditure.

The first portion of the table contains a statement of the cash transactions on Loan Account during the past year. On the 1st July, 1881, there was a cash balance on hand of £1,231,211. The sum of £1,046,304 has been received from the sale of debentures in London, being the balance of the three millions sold in July, 1881; £7,804 from premiums on sinking fund debentures sold to the Government Savings Bank; and £35,598 from sundry transfers and recoups; making a total on the credit side of £2,320,918. On the debtor side the expenditure from the 1st July, 1881, to the 30th June, 1882, has been £882,740. There is also an advance to the revenue of £252,525 on the Railway Reserves Account, secured by a deposit of Treasury bills, in accordance with the Treasury Bills Act of 1880; making a total debit of £1,135,265, and leaving on the 1st July, 1882, a cash balance in hand of £1,185,652. The debentures of the 1861 loan, amounting to £123,800—less £4,000 previously paid—matured on the 1st January of the present year, and, in accordance with the Loan Act under which they were issued, were provided for by a sinking fund of 2 per cent. on the Consolidated Revenue Fund, and were paid off on that date. The proceeds of the sinking fund had been invested in Queensland Government debentures of the 1870 and 1872 loans at par, and when the money was required the debentures were resold to the Savings Bank at the market price of the day, the premium on this transaction being £7,804. The next loan which falls due is that of 1863, £707,500, the debentures representing which mature on the 1st January, 1884. As none of the Loan Acts except the first contain any provision for a sinking fund, this loan will have to be renewed, and as the new loan will bear interest at the rate of 4 per cent., while the old carried interest at the rate of 6 per cent., the relief to the revenue

from the renewal, supposing the loan to be floated at par, will amount to upwards of £14,000 yearly. It has been suggested that the Government ought to raise a large loan for the purpose of retiring the debentures of 1864, 1866, and 1870. Those debentures are now selling in the London market at from £114 to £120, according to the length of time they have to run; and if it was once known that the Queensland Government wished to retire those debentures they would certainly go up in the market several pounds higher. The profit, therefore, on retiring such debentures would be so problematical that it would not be worth the while of any Government to enter into so large a transaction with so small a chance of profit to the country.

A summary of the Trust Funds will be found in Table E, the total sum at the credit of the various accounts being £108,164.

The position of the Treasury as regards its actual cash balances at the close of the financial year is shown in Table F. The balance at the credit of the Consolidated Revenue Fund is £245,410; at the credit of the Loan Account, £1,185,653; at the credit of Trust Funds, £108,164; and at the credit of the Government Savings Bank, £309,799; total, £1,849,027. These sums, it will be observed, are held as follows:—At the credit of the Government in the Queensland National Bank, London, £973,015; in the colony, £873,815; in the hands of the Agent-General, £2,197.

It has of course been a question whether the loan of 1881 should have been floated during the past year. In some respects the times were exceedingly favourable for such a transaction, as money was plentiful in the home market, and our credit undoubtedly better than it had ever been before. These advantages seemed, however, outbalanced by the disadvantage of having too large floating balances in the hands of banks. The difficulty of getting investment for so large a sum on which we were paying interest would have been so great that it would probably have caused a considerable loss to the revenue. Already the country has suffered some loss through the large balance lying here uninvested beyond the sum on which the Queensland National Bank is by agreement bound to pay interest; and although that bank has continued to pay at the rate of 1½ per cent. on such balance, it is only lately that an increased demand for money has enabled me to place that portion of our funds, on fixed deposit, at an increased rate of interest. Bearing, too, in mind that the balances now in hand in the colony will be sufficient to carry on the Government until next May without being compelled to have recourse to the London money market, and that the balance in London will probably meet all the calls on it until the end of the financial year, it was thought better not to come upon the London market during this year. It may just happen that the political state of Europe may not be so favourable next year for floating a loan as it has been in 1882; but that, of course, is a matter which we cannot foresee. As I have mentioned the difficulty of finding investments as one reason why it was not desirable to have too large floating balances, I may as well here state how those balances are now (August) disposed of. Under the agreement with the Queensland National Bank we are, as you are aware, compelled to keep not less than £400,000 at the credit of the public account, so long as the Government have that amount of money in the colony. Of this sum, £300,000 is placed on fixed deposit, upon which we have been receiving 3½ and 4 per cent. The remaining £100,000, more or less, is kept as the basis of the Colonial Treasurer's general or working account, upon which 1½ per cent. interest only has been paid during the past year. As I have already intimated, the increasing demand for money has enabled me to place a further sum of £350,000 on fixed deposit with the Queensland National Bank at 4 per cent., and I have also arranged to place a sum of £100,000 on deposit with the Bank of New South Wales at the end of this month, at the same rate of interest. Altogether, £750,000 is now invested on fixed deposit—£150,000 at 3½ per cent., and the balance at 4 per cent.

I will now turn to the probable Ways and Means for the present year, which will be found on the first page of the Estimates now in the hands of hon. members. Last year the revenue actually received was £2,102,095; this year it is estimated to realise £2,184,500, or an increase of £82,405. The Customs, which form the largest item of our revenue, and which last year produced £639,007, are estimated for this year at £720,000, or at the rate of £60,000 per month. The receipts for the last quarter amounted to £182,988; so that the estimate for this year is a very moderate one; and the first month of the year which has already passed has fully justified the estimate made. The same remark applies to the estimates of excise and export duties, upon which an increase at the rate of 10 per cent. is reckoned. As I am now dealing with the matter of export duties, I will explain to hon. members one change which I consider it desirable to make in those duties. It was hoped that the duty placed upon the export of log cedar in 1879 would have had some effect in stopping the ruinous destruction of the cedar forests of Northern Queensland. I find, however, that this is not the case, as during 1881 2,593,545 feet were exported from the various ports of the colony. This is clear proof, if any were wanted, that the duty imposed three years ago has in no way checked the export of that valuable wood; and if it continue at the present rate for some time longer it is to be feared that this class of timber may be nearly exterminated. On purpose to try and check the continued export of the younger and least valuable trees, I intend to propose an export duty of 12s. per hundred feet to be substituted for the 2s. now in force. This will in no way stop what may be called the legitimate working of the forests, for the addition in duty will bear a very small proportion to the actual value of older full-grown trees, but it may make buyers hesitate before they pay the increased duty on the younger and least valuable trees, and thus tend to stop the wholesale destruction now going on. The difficulty is to arrive at the duty which, without putting a stop to the legitimate trade, will prevent the extermination of the forests.

Stamp duties are estimated at £76,500, the same as last year; nor is it likely that the transactions will be more numerous this than in the past year. In 1881-2 the receipts were swelled by numerous exceptionally large transactions, upon which duty was paid, which may not occur again for some time; so that I do not think it would be safe to rely upon any further increase under this head. Licenses I estimate at £40,000, being a small advance on the actual receipts of last year. The total receipts from taxation proper—namely, customs, excise, stamp duty, and licenses—I estimate at £894,500. The land revenue I estimate for the year at £618,000—namely, from auction sales, selection, and pre-emptive purchase, £142,500; from rents of homesteads and conditional purchases, survey fees, &c., £245,500; from pastoral occupation, £216,000; and from mining occupation, £14,000. The actual receipts for the last year under these heads amounted to

£680,081. I consider the estimate, therefore, a very moderate one, being less than the revenue received in 1880-1, as well as in 1881-2. It must, at the same time, be satisfactory to honourable members and the public generally to find that the public estate is not being largely and unduly sacrificed to meet the ordinary requirements of the colony in the way of expenditure; and I would call particular attention to the fact that auction sales are only estimated to bring in the small sum of £100,000. The rents of homesteads and conditional purchases, which amounted last year to £235,319, were derived as follows:—New transactions, £49,154; annual payments, £137,889; and balances paid off, £48,276. The receipts from miners' rights and business licenses appear to be falling off, the fees for 1881-2 being less than in 1881 by £866. The other receipts under mining occupation, consisting chiefly of rents of mining leases, have almost doubled during the same period.

From Public Works and Services I estimate that we shall receive during the present year £571,000. In Railways, which have improved considerably during the last quarter, I estimate the yield at £440,500. As the Committee may like to know the exact position of the colony as regards its railways, from a financial point of view, I may state that last year the receipts amounted to £371,210, and the expenditure to £207,096, leaving a profit or net revenue of £164,114. If, however, we turn to Table Z it will be observed that the total of the railway loan votes amount to £8,522,467. There is also a sum of £252,525 included under the head of "Retirement of Treasury Bills," which represents railway expenditure formerly defrayed from the Railway Reserves Fund, and now provided for in the Loan Act of 1881. This sum, with the £8,522,467 referred to, makes the total railway debt of Queensland £8,774,992, of which there has been expended up to the 30th June last the sum of £7,196,663. For this investment the colony received last year, as above stated, a net return of £164,114, which is at the rate of £2 5s. 7d. per cent. The interest on this expenditure, at 4½ per cent.—the present average—is £323,847, so that the actual charge upon the revenue which has to be made up from other sources of income without any allowance for loss on the cash balances, amounts to £159,733. It should be understood, however, that the sum-total I have mentioned includes the supplementary debentures issued at various times to produce the sums authorised to be raised by the respective loans, and which amount in the aggregate to £677,150. It includes also the whole of the expenditure on 299 miles of railway in course of construction, and which is of course, so far, altogether unproductive; and, further, that in this calculation no credit is given for work done for the Government. If that be added, the interest returned rises from £2 5s. 7d. to £2 12s. 5¼d. per cent. It would, however, be a very narrow view to take of the advantages railways have conferred on the colony to look only at the direct receipts from them. These direct receipts will, no doubt, increase year by year till they cover and more than cover the interest on the capital expended, but the indirect advantages they have conferred on the colony, by the saving of time, by opening up new fields for industry, and by enabling Government to carry on more efficiently the duties that devolve on it, have already probably more than balanced any pecuniary loss hitherto sustained.

The Post Office revenue, which has also increased during the quarter, I estimate at £60,000, and the Telegraphs at £55,000. In Harbours and Light Dues hon. members will observe that I estimate a falling-off of some £8,000. This is caused by a change which was indicated in the Speech of His Excellency at the opening of the session. It has been decided to introduce a Bill for the purpose of altering the navigation laws, so far as not only to give a decided relief to vessels trading to Queensland as far as regards pilotage, but completely to do away with light dues. The falling-off in this particular would be even heavier than I estimate, but that I hope the liberal remissions thus extended to the shipping interest will induce a larger number of foreign-going vessels to visit our ports. In September last foreign steamships calling at Queensland ports were allowed a remission of the usual dues on payment of 1s. per ton on all cargo landed and shipped. By the Bill which will be submitted for your approval, abolishing light dues throughout the colony and providing that one pilotage rate only shall be paid for each coasting voyage irrespective of the number of ports called at, we intend also to legalise the remission already granted by regulations under the present Navigation Act. Harbour and light dues I estimate, therefore, including £2,000 from the Graving Dock, at £10,000; and escort fees at £5,500.

The Miscellaneous Services, which last year produced £111,480, are estimated for the year 1882-3 at £101,000. This reduction in the estimate is owing to the reduction in the public balances and the consequent lesser amount to be received by way of interest on the same.

Having now dealt with the proposed Ways and Means, I come next to the estimated expenditure for 1882-3. The schedules and special appropriations, together with the Executive and Legislative establishments, for which £139,795 were voted in 1881-2, now require £189,119, an increase of £49,324. This added expenditure is owing to an increase of £5,500 in the endowment to Grammar Schools; to an increase of £32,000 in the endowment to Municipalities and Divisional Boards; and to a new charge of £10,000 required to meet the payments on the Marsupials Destruction Act of last session. The large endowments which had to be paid last year to meet the rates levied by divisional boards must, I think, be a matter of satisfaction to all of us, showing at least that the more populous parts of the colony have taken full advantage of the Act and have determined to make it a success; and the increased expenditure provided for this year will, I hope, all be absorbed, as I know no healther sign than the fact that people are prepared to interest themselves in local affairs. The Departmental Services, for which £1,122,962 was voted last year, now require £1,268,499, an increase of £145,537. In the Colonial Secretary's Department provision has been made for a considerable addition to the strength of the Police Force. In view of the troubles in the East it has also been considered desirable to make arrangements for a Defence Force at an estimated cost of £19,667, and a Bill will be laid before you dealing with that question. I will later on call the attention of hon. members to the further measures which the Government intend to take for the better defence of the colony. In the Estimates for the Lands Department a sum of £4,000 is included for the purpose of commencing a trigonometrical survey of the colony; and in the Railway Department the opening of new and the extension of existing lines have to be provided for at an addition over the previous year's estimates of £51,597. The other increases in the expenditure are chiefly owing to the rapid growth and development of the colony, devolving upon the Government increased duties and responsibilities and making a corresponding extension of the departments unavoidable; and it is to be hoped that the same causes will necessitate a like increase in future years. The sum required to meet the interest on the public debt is £598,275—the amount

being rather less than what was required last year—the reduction of £3,594 being caused by the 1861 loan having been paid off at the beginning of this year. The total proposed expenditure for 1882-3, including the special appropriations, the departmental services, and the interest on the public debt, amounts to £2,055,893. The estimated revenue, as I have already shown, comes to £2,184,500, which, if my anticipations turn out correct, will leave a surplus of revenue over expenditure on this year's transactions of £128,607.

I will now, sir, call the attention of the Committee to the manner in which it is intended to apply the surplus. By referring to the Special Appropriation Estimate, now in their hands, it will be easy for hon. members to follow me. Part of the first item of £28,000 is for the purpose of procuring what I believe to be most wanted—namely, steam pilot boats for Moreton Bay and Maryborough. Now that the trade here is fast increasing, and carried on chiefly by steamers, it seems almost absurd that in calm weather or against an adverse tide we should have to depend on sailing boats to reach vessels that may be greatly endangered by the want of a pilot. It is, therefore, intended to procure a steamer powerful enough to tow vessels into Moreton Bay in case they are becalmed or in distress. The Maryborough pilot boat will have to attend on the lightkeepers on Lady Elliott's Island, and must therefore be sufficiently powerful to cross from Breaksea Spit to that island in all but the very heaviest weather. As all here know how much work the "Kate" does, and as she cannot last much longer, it will shortly be necessary to supply her place, and the remainder of the vote is for that purpose. The second item of £11,000 is devoted to harbour and river improvements, and I do not think anyone will see in it anything that is not specially wanted. An item of £17,700 has been set apart for lighthouses, all of which have been recommended by the Portmaster. It may seem a large sum to expend on new works just as we are proposing to remit light dues; but, nature having given us a very extended coast, it becomes our duty to make it as safe as our means will admit of, and we can never hope to have the full advantage of our coast-line until it is thoroughly lit up. The sum of £77,340 is set apart for the necessary buildings in different parts of the country. One of the largest items—£20,000—is for improved Government offices, which, as I think most members of the Committee will agree, ought to be less scattered than at present. The other buildings mentioned are all greatly wanted, and many of them such as would have to be constructed out of loan, but a surplus revenue enables them to be built without having recourse to that method of raising money. The next items on the Estimate—Goldfields, Roads, and Gatton Bridge—for which the sum of £14,000 is set apart, seem to be somewhat at variance with our late legislation, which has been in the direction of throwing the construction and maintenance of roads on the rates assisted by the endowment. In both these instances there are very exceptionable circumstances. When divisional boards were introduced here, the roads were in a passable if not good condition, and it was chiefly their maintenance that was thrown upon the boards. On the goldfields there are often no roads at all, and the country through which people have to pass to get to them is very difficult to traverse, and for many miles there is not a single person living in the locality. Very often on that account new diggings, I am sorry to say, are given up and deserted; but I do not think it can be a question in any member's mind that the benefit the colony derives from the miners far more than repays the proposed expenditure on those roads. With regard to Gatton Bridge, it is a very large work which had fallen into disrepair, and it would have come hard on a single division to be called upon to expend a large sum in keeping it together. When once, however, it is put in good repair it will be handed over to the board, and it will be their work to keep it in order. I will further on allude to water storage for main roads, and the manner in which the sum asked for is to be used. The last item on the Special Appropriation is £70,000 for the defence of the colony; and now, when we hear so much of war and have a surplus to dispose of, it has seemed to the Government a favourable time for taking the matter into consideration. The special type of gunboat which it is intended to order will be of the class known as Alpha, and similar to those built for the Chinese Government, and armed with guns by Sir William Armstrong. Though small as compared with a modern man-of-war, these gunboats are exceedingly powerful, and should be no mean opponent to any enemy's vessel that is likely to visit us, carrying, as they do, guns that can pierce fourteen inches of armour plate. If those vessels are provided, it is intended to place one at Thursday Island, where the commander could in time of peace act as visiting police magistrate; while the other would be stationed in Moreton Bay. The south and north of the colony will thus to some extent be protected, while the other £10,000 asked for would be available for protecting such parts of the coast as seem most exposed.

Having now, sir, dealt shortly with these several items in the Special Appropriation, I will, before turning to the Loan Act—particulars of which are in hon. members' hands—give a few facts from which the progress of the colony as made during the last year may be judged.

The population of Queensland, according to the Census of 1881, was found to be 213,525. The arrivals and departures by sea during that year showed an excess of arrivals over departures of 7,014, which, with the natural increase of population, brings the number on the 31st December, 1881, up to 226,968. By far the largest number of new arrivals are of course made up of the immigrants from Europe; and, for the purpose of showing hon. members the effect of the measures taken by the Government to increase immigration, I will give the numbers that landed in the first and second halves of the financial year. In the six months ending 31st December, 1881, we received 2,316; and in the six months ending 30th June, 1882, we received 5,215. This may seem to disagree with the figures given above, which refer to the calendar year, while the latter refer to the financial year. It may therefore be that the population slightly exceeds the number of 226,968, as stated above. As affording proof of the material prosperity of the colony, I may call attention to the fact that, with our low tariff, this small community contributes at the rate of £9 5s. 3d. per head to the revenue. In 1879-80 the contribution was £6 16s.; so that in two years an increase at the rate of £2 9s. 3d. has taken place, although no additional taxation to speak of has been imposed during that period. Table Q contains the particulars of our railway system brought down to date. The authorised lines now represent 1,433 miles, of which 813 were open for traffic up to the 30th June, 1882, and 18 miles have been opened since then, making altogether 831 miles completed and open for traffic at the present time. The number of miles of railway at present under construction is 282, and the remaining 320 miles have either been surveyed or are now in course of survey. The total value of our exports last year was £3,289,253, and the imports £3,601,906. In the year

1880 the exports exceeded the imports by £335,444. In 1881 the course of trade has been the other way, the imports being in excess of the exports by £312,653. Wool, which forms the most important element of our exports, showed a decrease from 1880 of £55,661; but as the pastoral industry is now recovering from the effects of the late drought, I anticipate a large increase in this the principal export of the colony, when the accounts for the current year come to be made up. Nor will it be difficult to account for the excess of imports over exports this year. The large amount of capital that has lately been invested in the sugar lands of the North, and in the pastoral occupations of the West, as well as in our mines, has caused a large importation of machinery and other materials used for improvements in all those three industries; and instead of looking on the balance against us as an evil we may take it as a proof of the confidence that capitalists have in the future of the colony. The number of sheep in the colony, which in 1869 amounted to 8,604,115, and which decreased year by year until 1878, when the minimum of 5,418,826 was reached, is again rapidly increasing, the number in 1881 being 8,104,368. The cattle industry is also attaining very considerable proportions, the number now amounting to 3,542,030, having more than doubled during the last seven years.

In Table U will be found the position of the banks trading in Queensland, taken from the returns for the December quarter of 1881. The note circulation amounts to £405,756; the deposits amount to £4,688,846; the coin amounts to £952,028; and the discounts and advances of all kinds amount to £5,244,428. Owing to the public account being undistinguished in these returns it does not appear what the actual increase in the deposits amount to as regards the public, but in connection with the discounts and advances there can be no doubt that they have been in receipt of increased accommodation to the extent of considerably over a million during the past year.

I regret that I cannot announce so decided a progress with our harbours and rivers as I could wish. This has in the main been caused by the difficulty of procuring the necessary dredging plant, that difficulty being again caused by the want of skilled labour. The dredge "Saurian," which ought to have been ready months ago, has not yet been delivered, though I hope to hear she is at work before the end of the month, when she will begin to perform her six months' probation—during which time the builders will have to maintain her—in cutting a channel at the mouth of the Mary River, which will greatly simplify the navigation. The tug-boat to attend this dredge, which ought to have been delivered last January, will not be ready for some months yet; and to prevent the dredge lying idle temporary arrangements will have to be made, which will, of course, involve additional expense. In the Burnett River, the dredge "Lytton," which was removed from the Fitzroy, has been doing some really good work, and it is to be hoped that the navigation of the river will be permanently improved. Further north, little has been accomplished for want of proper plant. The only places where deepening is being carried on are at Ross' Creek—Townsville—and Port Douglas. At the former place it is hardly possible to make any progress with the plant at our disposal, while the work at the latter place will again be hindered by the unfortunate loss of the "Opossum" launch, which foundered on being towed thither. Coming to other harbour works, it was deemed advisable for several reasons to stop the building of the breakwater at Mackay. Even if it had been carried on it must have been years before it could have been of any real advantage to the place; while, by procuring a hulk immediately, and stationing her under Flat-top Island, we hope to render greater facilities for the shipping of the produce of the place and the landing of the goods imported. Tenders have been accepted for the buildings at the wharf at Port Alma, and it is hoped that the work may speedily be carried to successful completion. Plans and specifications are now being got out for the wharf at Gladstone, and, as soon as ready, tenders will likewise be called for that work. But, though in other parts of the colony the progress in river improvements has not been such as could be wished, it has been far otherwise in Moreton Bay, where the two dredges "Groper" and "Octopus," cutting from opposite sides of the bank, are now within 1,300 feet of each other; and if these two dredges continue to work as they have done lately it is expected that a straight cutting 120 feet wide by 15 deep at low water will be finished by the end of October. It was soon after assuming office that I instructed the Portmaster to submit a plan for lighting this channel, to be completed in time to allow vessels to make use of it by night as soon as it was open. The scheme of lighting includes a lighthouse on piles at the mouth of the channel, which will ultimately be connected by telegraph wires with Brisbane, and afford great convenience both to the shipping and mercantile community. Both these dredges will be employed some time longer in deepening certain parts of the river and in widening the whole cutting to the extent of 150 feet; but before the end of the year a practicable channel to Brisbane will be made, and in less than six months from this I hope to see the largest of the British-India Company's steamers lying alongside of our wharves without being first compelled to discharge cargo or wait for spring tides at the bar. In a former part of my speech I mentioned that I would refer again to the question of water storage on main roads, for which a sum of £27,000 is placed on the Special Appropriation. Last year a sum of £30,000 was voted for this purpose, but in spite of the zeal and energy displayed by the Engineer for Waterworks the same want of labour which has retarded work in other branches of the public service has likewise been felt here. Several new lines of road have, however, been surveyed where the best supply of water was to be had; several dams have been made where formerly there were long stretches of waterless roads, and sites laid out where dams and wells may be most easily formed. Although tenders have been called for these works, both in local papers and in Brisbane, no single tender has yet been received; it has therefore been necessary to start a Government party with boring apparatus up to Winton where a well has been sunk 200 feet, but has as yet given no water. This well will be still further deepened by boring 200 feet, or until water is found. In the South the same difficulty as far as regards labour has been found as in the Central districts. The roads out west from Goondiwindi and St. George to Cunnamulla have been examined, and the best sites for dams and wells selected, and a party with a second boring machine started in that direction. An American boring machine is now on the way which is highly spoken of by the American prints, and which ought to be well adapted for our Western plains. But most important of all are two steam scoops ordered from home, and which are expected to arrive here soon. Up to date the expenditure has amounted to nearly £16,000, leaving £14,000 as an unexpended balance, a large portion of which will have to be expended in getting the required machinery ordered on the ground. The amount

available, therefore, out of the Loan vote, after providing for outstanding liabilities, is utterly insufficient to carry on the contemplated works. The sum put on the Special Appropriation for this purpose, £27,000, looks very small—even insignificant—compared with the large sums Victoria is prepared to spend for the same purpose; but our first object will be to determine whether we can secure water by boring, which is far the cheaper plan, and, where it cannot be done, to form dams and tanks where most wanted along main roads. If we can in the first place only lessen the great losses in bullocks and horses sustained by carriers from want of water, it will tend to increase the quantity of carriage that can be done, and thus in some degree remove the obstacle which has lately tended to delay the improvement of the colony.

I will now, sir, call attention to the loans that the Committee will have to deal with this session. At a later stage of the session a Loan Bill will be introduced for the purpose of retiring the debentures of the loan of 1863; but as that is a loan which, instead of adding to our burdens, will probably relieve the expenditure for interest by over £14,000, no discussion on it is likely to arise here. The Loan Bill which will specially interest hon. members is one which deals with the important subjects of immigration, the completion of public works already begun, the extension of the present and the initiation of new railways, votes for harbours and rivers, and for electric telegraph extension. At the rate at which our immigration has lately been carried on, the expenditure for some time to come must necessarily be much heavier than it has been during the year that has now passed, and the sum of £250,000 is provided for this purpose. On June 30th, when the Loan Account—Table C—was made up, the Immigration vote was not only exhausted, but overdrawn to the extent of some £4,000, since when the additional expenditure which has taken place has compelled me to anticipate the present Loan vote to the extent of £32,000. Coming to Railways, £20,000 will be necessary to complete the line from Brisbane to Sandgate. It has been determined to ask the Committee's consent to a line being begun from Brisbane to the Upper Logan, £90,000 for which is set down on the Loan Estimates. Towards a line from Ipswich to Maryborough *via* Kilkivan the sum of £160,000 is asked; and to complete the line from Stanthorpe to the Border, £60,000. The extension of the Toowoomba and Highfields line to Crow's Nest will involve an expenditure of £40,000; and to complete the line from Maryborough to Gympie a further expenditure of £10,000. For a railway from Burrum to Bundaberg £85,000 will be required; and for additional sidings, buildings, and stations on the Southern lines it will be necessary to provide a sum of £32,000; for a new railway from Emerald to Springsure, £120,000; additional sidings, buildings, and stations on the Central Railway, £10,000; to complete the line from Townsville to Charters Towers, £50,000; for making a new line from Mackay to Eton and Hamilton, £90,000; from Bowen to Houghton Gap, first section, £150,000; from Ravenswood Junction to Ravenswood, £75,000; from Cooktown to Maytown, first section, £180,000; from Herberton to the coast, £200,000; rolling-stock for all railways, £180,000; and railway surveys, £20,000: giving a grand total for railways of £1,572,000. Although a considerable portion of the sums voted last year for the Harbours and Rivers Department is still on hand, it becomes more evident day by day, as the trade of the colony is increasing, that we cannot rest satisfied, even if the works already authorised were completed, but must continue to carry on, as fast as is consistent with economy, the improvements of our harbours and rivers. I have already explained that with the plant now at work in the Brisbane River there is every prospect of an early completion of the works, as far as yet designed; but it is very far from being so in other parts of the colony, and for the purpose of carrying out effectually the schemes proposed it will be necessary to add considerably to our dredge plant. For this purpose a sum of £40,000 is asked for, which, when the plant for which it is intended is received, will put us in the position of being able to carry out the work much more rapidly than has hitherto been the case. For the completion of wharves and buildings at Port Alma £10,000 is required, and a sum of £2,000 for the same purpose at the Bowen jetty. The extension of electric telegraphs for the year is estimated at £50,000, making in all a total of £1,924,000. As the whole of the amount asked for in this Loan Bill is for the completion and extension of necessary and reproductive works, it is to be hoped, taking into consideration the present flourishing state of our finances, that it may be floated at home on very favourable terms.

I have now, sir, touched upon most of the subjects connected with both the financial and material state of the colony, not very exhaustively, but I trust sufficiently fully to enable hon. members to follow me. I have likewise indicated by reference to the Loan Estimates the direction in which the Government believe that the public works of the colony should be carried on. The Estimates now on the table of the House for the consideration of hon. members have, I believe, been prepared in a moderate way; and I do not think we have exceeded what may be fairly expected from the progress the colony has been making, and the income already attained. Nor do I think that anything has been included which could have been omitted without detracting from the efficient carrying on of the Government. There is no doubt a marked increase in the Estimates for departmental work for this year, chiefly caused by the very rapid strides which settlement has been making in the north and west of the colony; but that, so far from being a matter for regret, is rather a subject for congratulation, which hon members should be pleased to see enduring from year to year. In the Estimates for Ways and Means hon. members will agree with me that I have made a much smaller demand than the present state of the colony would have warranted. My task has been a very different one from that which has fallen to my predecessor during the last three years. I have at once, as it were, without exertion on my own part, stepped into a land of plenty, due partly to the confidence my predecessor had in the future of the country and to the courage which he and his colleagues displayed during evil times, in taking advantage of its resources to carry on improvements, and the energy with which they carried on those improvements and landed us in the satisfactory position we now occupy. I dare say there are a good many hon. members who will not give them any credit for that, but that is a matter upon which we may agree to differ. At all events, we can all join in the hope that for many years to come the Colonial Treasurer, whoever he may be, will have the pleasing duty of proposing the appropriation of a surplus instead of the disagreeable duty of facing a deficit.

I beg to now move—

That there be granted to Her Majesty, for the service of the year 1882-3, a sum not exceeding £174, to defray the salary of Aide-de-Camp to His Excellency the Governor.

Mr. DICKSON said he hoped the hon. gentleman would allow the debate to stand over until

next week. The hon. gentleman had not only made a financial statement, but had also placed before the Committee certain proposals connected with the Loan Estimates which would require careful consideration. He would, therefore, suggest that the debate should be adjourned until Tuesday next.

The COLONIAL TREASURER said he had not the slightest objection to follow the course adopted last year, and move the Chairman out of the chair as soon as the first item was passed.

Mr. DICKSON said it was true that course was adopted last year, but he did not think the precedent was a wise one. Previously to that the custom had been to take the debate on the first vote, the passing of which was regarded as an affirmation of the principles on which the Estimates were based. He hoped the Government would adhere to the time-honoured custom which had been, he believed, observed on every occasion with the exception of last year.

The PREMIER said the passing of the first item was only a formal matter, but it was necessary in order that progress might be reported. The usual custom had been to take the debate on the motion to go into Committee of Supply while the Speaker was in the chair; and, as the House was now in Committee, it would be better to pass the vote and take the debate on going into Committee of Supply next Tuesday.

Question put and passed.

On the motion of the COLONIAL TREASURER, the CHAIRMAN reported progress, and obtained leave to sit again on Tuesday next.

SALE TO LOCAL AUTHORITIES LAND BILL.

The SPEAKER announced that he had received a message from the Legislative Council, returning this Bill with amendments.

On the motion of the PREMIER, the message was ordered to be taken into consideration on Tuesday next.

MINERAL LANDS BILL—COMMITTEE.

The House went into Committee for the further consideration of this Bill.

On clause 26—"Governor in Council may appoint commissioners and other officers"—

Mr. HAMILTON said he wished to propose a new clause as follows:—

It shall be lawful for the Governor in Council to cause to be placed on the Estimates a sum of money, not exceeding £1,000, for the discovery of any new mining district, such sum to be paid under conditions to be prescribed by regulations.

A clause similar to that was introduced by the present Minister for Works into the Goldfields Act of 1874, and the reason which justified its insertion in that Act justified its insertion in the present Bill. According to the regulations made under the Goldfields Act, the discoverers of a goldfield which employed a certain number of miners a specified time after the discovery were entitled to a certain reward; and as the discovery of a mineral field which would give employment to a similar number of persons under the same conditions conferred equal benefits on the community, he certainly thought that equal inducements should be given for such discovery. It was their duty to do all they could to develop the resources which had done so much to make the colony progress so rapidly; and if they could do so in an inexpensive way he could see no objection to it. It was not a reward for a prospective benefit, but for a benefit actually conferred.

The CHAIRMAN ruled that the clause could not be put.

Mr. HAMILTON said that the clause was almost a transcript of what appeared in the Goldfields Act.

The MINISTER FOR WORKS AND MINES (Hon. J. M. Macrossan), said he was extremely sorry that he was obliged to oppose the new clause; but——

The HON. S. W. GRIFFITH: The Chairman has ruled that it cannot be put.

Mr. HAMILTON said he wished to propose another new clause. It was one that he had intended to propose on the previous night in connection with the penalty clauses 20 and 21, but he went out for a moment, and the Committee bounded so quickly over those clauses that he found on his return he was too late. The clause was similar to clause 88 in the Goldfields Act, the only difference being the substitution of "commissioner" for "warden."

If any commissioner appointed under this Act shall at any time during his appointment hold any interest or share in any mineral lease, or mining adventure, or shall adjudicate in any matter in which he shall have any pecuniary interest, he shall be guilty of a misdemeanour, and be liable to fine and imprisonment, or both, in the discretion of the court.

It had been found necessary to insert such a provision in the Goldfields Act, and the only difference between that Act and the Mineral Lands Bill was that in one the provisions related to the working for gold, and in the other the provisions related to the working of silver or copper land. The conditions were similar, the only difference in the clause being the substitution of "commissioner" for "warden," but the duties and powers of those officers were the same; and the same precautions should be taken, in the interest of the community, against an offence for which a warden was punishable under the Goldfields Act. If it was an offence that such an officer should have an interest in a gold claim, or should adjudicate in any matter in which he had a pecuniary interest, it was equally an offence in connection with a silver mine. He therefore proposed the clause. After consideration, he would ask to be allowed to withdraw the amendment with a view of introducing it later on in connection with the administration clauses. He did not think the Minister would have any objection to its introduction further on.

Amendment, by leave, withdrawn.

Clause 26—

"1. The Governor in Council may appoint such commissioners and other officers as he deems necessary for the administration of this Act.

"2. Such commissioner and other officers shall exercise and perform their several powers and duties at the places and in the manner prescribed by the regulations."

Mr. GRIFFITH said that, in regard to the 2nd subsection, he thought that it would be found very inconvenient to describe the places at which the commissioner should hold his court, and what he was to do there by regulations. Such things should be left to the direction of the Minister. The mining district would be proclaimed in the ordinary way, and the commissioner would be appointed for the district. That was all that would be wanted.

The MINISTER FOR WORKS said that he was aware that under the Goldfields Act the Minister appointed the places where the warden was to hold his court.

Mr. GRIFFITH said that it was far better that it should be so, because it was a matter in which changes might be made from time to time.

The MINISTER FOR WORKS suggested that the clause should read "as prescribed by the Minister."

Mr. GRIFFITH said that in that case it was not necessary. The following clause provided for the holding of courts in mining districts.

The MINISTER FOR WORKS moved the omission of the 2nd subsection.

Question put and passed.

Clause, as amended, agreed to.

Clause 27 was moved by the MINISTER FOR WORKS in the following amended form:—

1. The commissioner shall, subject to the regulations, be empowered to hold a court from time to time in any mining district.
2. Every such court shall be a court of record, and shall have jurisdiction to hear and determine all actions, suits, claims, demands, disputes, and questions which may arise in relation to mining under this Act.
3. Every commissioner shall have jurisdiction in respect of the matters hereinbefore contained throughout the colony, with power to issue summonses, warrants, or other processes, which shall have legal effect and operation throughout the said colony.
4. The commissioner's courts shall have jurisdiction when the defendants, or one of two or more defendants, as the case may be, shall be resident within the mining district to which such courts respectively shall belong.
5. When the hearing of any complaint shall involve the trial of a right to any claim, residence, business or machinery area or other mining tenement or share therein, or any money due in respect thereof, or in any way connected therewith, the same shall take place in the commissioner's court appointed for the mining district in which such claim or mining tenement is situate.
6. In such court the proceedings taken, forms used, and manner and time of determining all cases within its jurisdiction, shall be in accordance with the regulations.
7. In any matters not prescribed in the regulations as aforesaid the procedure of the commissioner's court shall, *mutatis mutandis*, be in accordance with the law in force for the time being relating to the procedure or practice of the district court.

Mr. GRIFFITH said that the clause proposed to place all questions relating to mining tenure and mining generally under the commissioner in the same way as matters relating to gold claims were at present subject to the jurisdiction of the warden. It was also proposed to give an appeal from the commissioner to the district court. He very much doubted whether the scheme was a good one; the matters involved were very large ones and of great magnitude. He acknowledged that they wanted justice close at hand and near to them, but he had great misgivings as to the desirability of carrying out the present proposal. He would also point out that the subject of mining other than gold-mining was not exactly the same as gold-mining in this respect—that a great many of the mines in the colony were freehold, and probably more than half would be so. It was proposed that the commissioner should only have jurisdiction under the Act in regard to the claims and leases issued under the Act, and in regard to no other. That would cause the existence of a strange anomaly. Let them suppose in a district a man with a freehold mine having a difficulty with a lessee under the Act: would the commissioner have jurisdiction in such a case? That would have to be settled at somebody's expense. Another nice question that would arise was that the district court was to have jurisdiction to try all matters within its district, except mining matters under £50 in value. Suppose a question arose with respect to a matter of less value than £50, in respect to freehold ground, would the district court have jurisdiction to try such a case, or would the commissioner have the power? He was inclined to think that neither would have jurisdiction to try it. The commissioner would not, because it would relate to what was not under the Act a freehold, to which his powers were limited; and the district court would not, as it was a mining matter. It would certainly be a very strange anomaly that in the same district, and on the same area of ground, certain things should have to be tried in the commissioner's court, and others of exactly the same kind would not be within his jurisdiction at all. It would be far better to let the commissioner have jurisdiction over all mining matters. It was a matter of procedure which they could deal with by retrospective legislation, and he hoped the clause would be amended in the direction he had indicated.

Mr. F. A. COOPER said the whole of the power should be delegated to the commissioner, whose powers should be as absolute as those of the wardens on goldfields. In the case of goldfields no injustice had accrued, and very few appeals had been made to the district court from the great number of decisions given by the wardens. The complication pointed out by the hon. member (Mr. Griffith) arose from the fact that the Bill was an attempt to partially deal with the mineral lands of the colony. In New South Wales and in Victoria they were all under one statute, and the commissioner or warden had the power of dealing with all mining matters—those relating to other minerals as well as to gold; and the commissioner here should have the same power under the Bill.

The ATTORNEY-GENERAL said it was almost impossible to provide for every conceivable case that might arise, and the clause was intended to afford speedy justice to parties who were unable to agree. Machinery was provided by which litigants could go to the commissioner. If the commissioner was wrong they might appeal to the district court, from that they might appeal to the Supreme Court, and then, if necessary, to the Privy Council. There was a difference between the administration under the Bill and that under the Goldfields Act. Under the Goldfields Act the warden might be assisted by assessors; but the Bill did away with assessors altogether, simply providing that the commissioner should in all cases decide speedily and with justice. There might be cases which the commissioner would not be able to decide, and in those cases the matter could be taken to the district court.

Mr. GRIFFITH said he had called attention to a serious anomaly, and the Attorney-General had just told the Committee in reply what they were aware of already. They knew that the Bill contained provisions for appeals to be made from the commissioner to the district court, and that litigants could appeal from that court to the Supreme Court, and from the Supreme Court to the Privy Council. But what he pointed out was that the clause applied only to a limited class of property. That anomaly must necessarily give rise to considerable doubt and litigation. The question ought to be settled, and could of course be settled with little difficulty. If it was desired to give the commissioner jurisdiction over freehold mines as well as leasehold it could easily be done. On Ravenswood, for instance, he believed there were a number of mines which, as the clause stood, could not be dealt with either by the commissioner or the district court.

The MINISTER FOR WORKS: There is only one at Ravenswood.

Mr. GRIFFITH said it would be very ridiculous to allow the clause to stand as it was. If a dispute arose between A and B, who held different classes of property, they would have to go to the Supreme Court to find out to which court to take the case.

Mr. DICKSON said it was a very strange complication that claims of different classes,

such as freeholds or leaseholds, should not come under the administration of the commissioner. He took it that under the Bill a great impetus would be given to mining for minerals other than gold, and they should make it as workable as possible. He considered that his hon. friend in calling attention to the defect was doing a very great service to the Committee. He (Mr. Dickson), on looking through the Bill, had not discovered the defect, but he hoped the Minister for Works would see his way to alter the administration, so that both classes should be dealt with by local authority.

The MINISTER FOR WORKS said if it was necessary to meet what was pointed out—he did not know that it was necessary—he thought it might be done by adding a few words to subsection 2.

Mr. GRIFFITH said it was too late now to make an amendment in that subsection, but the clause could be negatived and inserted in an amended form; it was only a matter of form. He proposed that the subsection should be amended so as to read:—

Every such court shall be a court of record, and shall have jurisdiction to hear and determine all actions, suits, claims, demands, disputes, and questions which may arise in relation to mining within the district, whether the land in respect of which the dispute arises is held under this Act or on any other tenure.

That, he thought, would meet the case.

Clause put and negatived.

The MINISTER FOR WORKS moved the following new clause to follow clause 26:—

1. The commissioner shall, subject to the regulations, be empowered to hold a court, from time to time, in any mining district.

2. Every such court shall be a court of record, and shall have jurisdiction to hear and determine all actions, suits, claims, demands, disputes, and questions which may arise in relation to mining within the district, whether the mine in respect of which the dispute arises is held under this Act or any other tenure.

3. Every commissioner shall have jurisdiction in respect of the matters hereinbefore contained throughout the colony, with power to issue summonses, warrants, or other powers, which shall have legal effect and operation throughout the said colony.

4. The commissioner's courts shall have jurisdiction when the defendants, or one of two or more defendants, as the case may be, shall be resident within the mining district to which such courts respectively shall belong.

5. When the hearing of any complaint shall involve the trial of a right to any claim, residence, business or machinery area, or other mining tenement or share therein, or any money due in respect thereof, or in any way connected therewith, the same shall take place in the commissioner's court appointed for the mining district in which such claim or mining tenement is situate.

6. In such court the proceedings taken, forms used, and manner and time of determining all cases within its jurisdiction, shall be in accordance with the regulations.

7. In any matters not prescribed in the regulations as aforesaid the procedure of the commissioner's court shall, *mutatis mutandis*, be in accordance with the law in force for the time being relating to the procedure or practice of the district court.

Question put and passed.

Clauses 28—"Appeals from commissioner's decision to nearest district court at first sitting, or by lease at subsequent sitting; appellant to give notice and security for costs; notice to be given to commissioner's clerk, accompanied by fee"; and 29—"Appeal to be heard as appointed; court may make an order; judge may make order; costs to be discretionary";—put and passed.

On clause 30—"Copies of documents to be produced; commissioner required to lodge such copies"—

Mr. GRIFFITH said as the clause was worded, if the commissioner accidentally omitted to send copies of the documents to the registrar of the court the judge would have no jurisdiction, although the parties might be perfectly willing to waive the objection. There was no means of waiving a provision such as this in an Act of Parliament. Of course, it would be assumed that the commissioner would do his duty, but if he did not the judge would have no jurisdiction. He thought the clause should read to the effect that the commissioner should be required to supply to the registrar of the court, before the hearing of the appeal, a copy of the plaint and notice of defence, and the minute of the decision, and of the order thereon, signed and certified under the hand of the commissioner or his clerk. Then no injustice would be done. He therefore proposed to omit the words "No such appeal shall be so heard unless at the hearing thereof is produced," with a view of inserting "The commissioner is hereby required to transmit to the registrar of the court before the time appointed for the hearing of the appeal."

Amendment agreed to.

On the motion of Mr. GRIFFITH, the clause was further amended by the omission of subsection 2; and clause 30, as amended, was put and passed.

Clause 31—"In matters under £20, appellant not entitled to costs; but if greater sum involved, costs may be discretionary"—put and passed.

On clause 32—

"1. The appeal shall be heard and determined by the judge alone.

"2. It shall be either in the nature of a re-hearing or upon points only, as the parties thereto by consent determine at any time before the hearing."

Mr. GRIFFITH said the clause was nonsense. It stated the appeal should be either in the nature of a re-hearing or upon points only, as the parties thereto by consent might determine at any time before the hearing. That was to say that before the hearing the parties thereto should determine how the appeal was to be heard. Possibly the respondent might decline to agree, and then there could be no appeal at all.

The MINISTER FOR WORKS said he had some amendments to move in the clause—namely, the omission of the words "It shall be either" in the 1st line of subsection 2, with the view of inserting the words "and shall be," and also by the omission of all the words after the word "re-hearing" in the same subsection. The clause would then read as followed:—

The appeal shall be heard and determined by the judge alone, and shall be in the nature of a re-hearing.

Question put and passed.

Question—That clause 32, as amended, stand part of the Bill—put.

Mr. F. A. COOPER suggested that there should be added to the clause, as amended, the words "anything in any Act to the contrary notwithstanding." The same difficulty might arise in the present case, in the hearing before the district court, that had arisen in the hearing of appeals from the wardens' courts, and which had caused the passing of the Act to amend the District Courts Act of 1867. If the clause was not amended as he suggested they would be in the same position as they were before the passing of that Act. The 6th section of that Act contained the following:—

"And in all cases of appeal the said notes and proceedings shall be transmitted by him to the Registrar of the District Court to which such appeal is directed, two clear days before the sitting of such court, and shall be the only evidence received upon such appeal, unless both parties consent to the reception of fresh evidence."

He submitted the amendment he suggested was necessary, as it was not at all unlikely that the counsel in a case of appeal might take exception

to any evidence being received other than what had been given in the court below. As hon. members were aware, the section of the clause was identical with section 77 of the Goldfields Act, and he submitted that unless his amendment were adopted the difficulty he had pointed out would arise. The Act brought in and passed by the Minister for Works had the effect of remitting to the original position the matter of appeals. He therefore submitted that, with the view of clearing up all doubt on the matter, the words he had proposed should be inserted.

The ATTORNEY-GENERAL said the words were quite unnecessary. The Bill was complete in itself, and no other Act could possibly interfere with it.

Mr. F. A. COOPER said that surely there would be an appeal to the district court, and it would be argued that the only evidence admissible was the evidence that was taken in the court below. It might possibly be held that the clause was a tacit repeal of the present Act, but it would be as well to have an actual repeal. The Attorney-General had said that the words were unnecessary, but how did it come about that the Minister for Works thought it necessary to insert them when he introduced the Mining Appeals Act? Those identical words were added then, and simply to meet the difficulty he spoke of.

The MINISTER FOR WORKS said the Goldfields Act which was passed in 1874 contained a clause similar to the one in the Bill, which had been partly altered. The District Court Amendment Act, introduced by the hon. member for North Brisbane four years after the Goldfields Act was passed, altered the nature of the appeals from the warden to the district court. If that would not apply to the Bill which they were now passing, why did it apply to the Goldfields Act then in existence? The Goldfields Act said, "Every such appeal shall be heard and determined by the judge, and shall be in the nature of a re-hearing."

Mr. GRIFFITH said the insertion of the words would not make the slightest difference to the clause. It meant already what was proposed by the hon. member for Cook.

The MINISTER FOR WORKS said he remembered in the Mining Appeals Bill the hon. member (Mr. Griffith) himself said that there was no necessity for this provision, although it was a well-known fact that the judges held that there was a necessity for it.

Mr. GRIFFITH said he did not remember saying anything of the kind. Where an Act passed in 1882 expressly declared that an appeal should be in the nature of a re-hearing no man in his senses would think of referring to an Act passed many years before for the purpose of nullifying the 1882 Act. This was a new kind of appeal given on certain specified terms, and another Act could not be referred to in connection with it.

Mr. F. A. COOPER said he would simply enter his protest against the amendment not being accepted. An opportunity would soon arise for testing the matter, and it would be found that the judge of the district court, when hearing an appeal case, would have his attention called to the matter, and he would hold that the only evidence that was admissible before him was the evidence taken before the court below.

Mr. GRIFFITH: If he does he ought to be dismissed for incompetency.

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

Clause 32, as amended, put and passed.

Clauses 33 and 34 passed as printed.

On clause 35—

"1. In addition to the ordinary jurisdiction of the district court such court shall, within a mining district, and subject to the limitation in the next following section, have original jurisdiction to hear and determine all questions which are within the jurisdiction of the commissioner's court.

"2. The court shall also have an equitable jurisdiction to the extent possessed by the Primary Judge in Equity in respect of any question arising under this Act in relation to mining which requires to be determined by a court of equity."

Mr. GRIFFITH pointed out that a court of equity did not exist now, and a similar provision in the Goldfields Act had practically no meaning. He would suggest leaving out the second paragraph. The jurisdiction of the commissioner included everything, and that paragraph would give him no more power. The first paragraph was an adaptation of the Goldfields Act, with a change, although not an improvement. The district court at present had jurisdiction over its whole district, and the section he referred to would act in this way: The court sitting in Townsville, and having jurisdiction over the whole of the Northern district, would have jurisdiction over any mining district, say at the Gilbert. That was not what was intended. The court should be specified as one holding its sittings within a mining district. He proposed to omit the words "such court shall within a mining district," with the view of inserting the words "any such court holding its sittings within a mining district shall."

Amendment put and passed.

Mr. GRIFFITH pointed out that as there was now no primary judge in equity the section of the clause referring to him would not be required; and as it would be inexpedient on many grounds to retain clause 36, which provided that district courts should not have jurisdiction in cases under £50, except by way of appeal, it would therefore be advisable to omit the words in clause 35, "subject to the limitation in the next following section."

On the motion of the MINISTER FOR WORKS, the words "subject to the limitation in the next following section" were omitted, and also section 2 of the clause; and clause, as amended, passed.

Clause 36 put and negatived.

On clause 37—"Appeal on question of law to Supreme Court"—

Mr. GRIFFITH said the clause was taken from the Goldfields Act, and some one had evidently tried to improve upon it by inserting the second paragraph, which was quite impracticable and meaningless. That paragraph provided that "the party so appealing shall give to the judge and to the opposite party at least seven days' notice in writing of such appeal." Seven days' notice before what? Then it proceeded to say that the appeal should be in the form of a special case. If anybody supposed he could prepare his special case, and submit it to the opposite party, and submit it to the judge, and get it sent to the Supreme Court in seven days, he must have a singular notion of the way in which things were done. Where was the judge to be? The idea, no doubt, was that the notice of appeal should be given seven days after the decision, although under the present Goldfields Act no time was fixed for giving notice of appeal. He forgot how many years ago, but it was a good many, that in a very important case a special case was prepared and submitted to the parties, who could not agree. It was then submitted to the judge, and the judge had not

settled it yet. The case had never since been heard of, and he supposed it never would be. It was probably intended that notice should be given to the officer of the court and to the opposite party within seven days after the district court judge should have given his decision.

The ATTORNEY-GENERAL said the amendment suggested by the hon. gentleman was a very good one. He proposed to amend the subsection so as to make it read as follows:—

2. The party so appealing shall give to the Registrar of the District Court and to the opposite party notice in writing of such appeal within thirty days after the decision so appealed against shall have been pronounced.

Amendment agreed to.

Mr. RUTLEDGE said he thought it would be an improvement to omit the next subsection providing that the appeal to the Supreme Court should be entertained and adjudicated upon by the Supreme Court. It was not likely the Supreme Court would decline to entertain any special case, whether prepared for the purposes of an appeal or by the district court judge of his own motion. The subsection was superfluous. It seemed, moreover, to suggest that the district court judge might prepare his case on a point so silly that the Supreme Court judge, on looking over it, might not consider it worthy of consideration. He moved the omission of the subsection.

The ATTORNEY-GENERAL said he did not altogether agree with the hon. member. It was quite true that the first two subsections enacted that the appeal should be to the Supreme Court, and should be in a certain form. It had been thought desirable that the clause should be framed in that way, and it seemed to be perfectly clear; the 3rd subsection was not, in his opinion, at all superfluous.

Amendment put and negatived.

Clause 38—"By previous agreement the commissioner's decision may be final"—put and passed.

Mr. HAMILTON said he wished to propose the insertion of a new clause, with the object of preventing commissioners abusing the power they possessed. A similar provision would be found in the Goldfields Act of 1874. The new clause was as follows:—

If any commissioner appointed under this Act shall at any time during his appointment hold any interest or share in any mineral lease or mining adventure, or shall adjudicate in any matter in which he shall have a pecuniary interest, he shall be guilty of a misdemeanour, and be liable to fine or imprisonment for any period not exceeding three years, or both, in the discretion of the court.

Clause put and passed.

On clause 39—"Power to make regulations"—

Mr. ISAMBERT said the power the Governor in Council had by that clause was somewhat tremendous. For a breach of the regulations, or any disobedience of an order of the commissioner's court, a man could be fined £100, and in default of payment he could be imprisoned with or without hard labour for any period not exceeding twelve months. He thought that was outrageous. The punishment should be the same as under the Goldfields Act—£10, or three months' imprisonment. He therefore moved that the maximum fine be reduced to £10, and the maximum term of imprisonment to three months.

Question—That the words "one hundred pounds" be omitted—put.

The MINISTER FOR WORKS said he did not agree with the hon. member. He had carefully considered the clause, and he thought that if the maximum fine was only £10 it would pay some men very well to submit to it so long as they could commit the offences which it was intended to deter them from. In his opinion, £100 was not a penny too much. He had no desire to inflict a severe penalty, but he wanted to protect honest miners from the machinations of dishonest ones.

Mr. GRIFFITH said that the idea of the hon. member might be very good in itself, but the clause under discussion had nothing whatever to do with it. That was the province of the law and not of the regulations. He remembered the discussion on the matter when the Goldfields Act was under consideration, and when the clause as originally printed in the Bill fixed the penalty at £100 or twelve months' imprisonment for a breach of the regulations. The discussion lasted nearly all the evening, and the result was that the £100 was reduced to £10, and that the twelve months was reduced to three months. He did not see why they should inflict a greater punishment under the present Bill. He objected to allowing the Governor in Council to make new crimes and impose punishments. Even magistrates were not allowed now, except, he thought, under one Act, to inflict more than six months' imprisonment for any offence. They used to be able to inflict sentences of two years' imprisonment, but that was reduced in New South Wales before Separation to six months. It was an anomaly to propose the clause as it stood, for it would be, if carried, the first instance on the statute-book of the colony where twelve months' imprisonment could be inflicted by regulations made at the instance of a Minister. The amount of the fine, too, ought to be fixed at a reasonable sum.

The ATTORNEY-GENERAL said that the hon. gentleman seemed to overlook one part of the subsection, which stated—

"Such regulations may impose for any breach thereof, or for any disobedience of a lawful order of the commissioner's court."

There were very many important orders which such a commissioner might have to make, by the disobedience of which a man might gain £100; whereas if the fine for the act of disobedience were fixed at £10 he would only lose that amount. The infliction of such a small fine as £10 would be no deterrent at all, and he did not consider that £100 was at all too great a fine for some of the offences which might be committed against the regulations under the Bill. In the case of a mere breach of the regulations no magistrate would think of imposing the heaviest penalty, or if he did he would not be qualified to hold his office.

Mr. HAMILTON said that he quite agreed with the hon. member for Rosewood that the fine as proposed in the Bill was far too great, and had the hon. member not made the motion he would himself have moved a similar one. It appeared to him to be utterly absurd to attach such a heavy penalty as imprisonment for one year for a mere disobedience of the order of a warden. He remembered a similar clause being proposed when the Goldfields Act was before the House, and then, although only half the penalty was proposed to be inflicted, the present Minister for Works strongly objected to it, and stated in the House that he considered it far too heavy to attach to instances of disobedience to a warden's orders. It would be placing in the hands of a petty Civil servant more than the power of a judge. It would give him the judging of his own case, and any miner whom he considered to have disobeyed a lawful order of his own would be liable to be incarcerated for twelve months. This was the third time an attempt had been made to introduce a similar provision. When it was brought forward before, it was considered in Gympie that

it was the principal objection to the Bill it was introduced in connection with. A petition was got up against it and nearly every man on the goldfield signed it. When it was attempted to be introduced again, the Minister for Works was the member who spoke most strongly against it and proposed a motion against it. He should support the motion of the member for Rosewood.

Mr. MACDONALD-PATERSON said that the Attorney-General stated that there were many cases in which disobedience of the orders of the commissioner would be to the advantage of the party who disobeyed them, if he only had to pay a fine of £100. Would the Attorney-General be good enough to mention half-a-dozen of those cases, and that would give the House something to go upon?

The ATTORNEY-GENERAL said that he would give the hon. gentleman two such cases. It was not necessary to give him half-a-dozen. Suppose a person was ordered by a commissioner off another person's ground, and an injunction was issued restraining him from going upon it: if the mine were worth £100,000, and the man went there and removed a lot of gold from it, would not that be a case where the fine would not be considered very much too large? Suppose another case where payment of money had been ordered into the hands of the commissioner amounting to £50,000, and the man refused to comply with it, was the infliction of a £100 fine too much in that case also? Those were instances of disobedience of the lawful orders of the commissioner for which the fine might be imposed.

Mr. RUTLEDGE said that he thought the clause was somewhat ambiguous. He could not determine from the reading of it, in conjunction with the arguments advanced in support of it, whether the extent of the fine was to be left to the discretion of the commissioner or to that of the Minister who framed the regulations. If it was to be left to the Minister, the commissioner would have no discretion at all. But that, he thought, would be against the view expressed by the Attorney-General. He (Mr. Rutledge) gathered from the Attorney-General's remarks that it was intended to be in the discretion of the commissioner, but he did not understand that from the clause itself.

Mr. MACDONALD-PATERSON said that whether it was to be in the discretion of the commissioner or of the Minister the regulations were to be framed hereafter, and they would be regulations of which the House would know nothing. It was grossly absurd to give such a suggestion a moment's attention, and he hoped the House would never sanction the passing of the clause in that shape.

Mr. BROOKES said that as a new member he could not go back to 1874, but would take the opportunity of saying that that was the second time during the present session he had heard the hon. Attorney-General argue in favour of the principle that crime was to be deterred by severe penalties. The hon. member said that the object of the clause under consideration on the first occasion to which he alluded was to deter crime, and he said the same with regard to the clause now under discussion. He (Mr. Brookes) submitted that the tendency of laws at present was to maintain some proportion between the offence and the punishment; and the hon. member knew very well that making the punishment extravagant did not deter people from committing crime. The history of punishments showed that. And the whole drift of law in the matter of punishment during the present century had been to mitigate punishment and bring it to bear some proportion to the crime. There was a time when it was a hanging matter to steal a sheep, but that did not prevent the crime; and for the hon. Attorney-General to invent cases of £50,000 in value when they were discussing a common-sense proposition really seemed outside a fair argument. He was of opinion, with the hon. member for Rockhampton (Mr. Macdonald-Paterson), that it was too absurd for the Committee to entertain for a moment.

The MINISTER FOR WORKS said he knew of a certain case which occurred many years ago in Victoria, where a party of miners were ordered by the commissioner to desist from working on the complaint of their neighbours that they were encroaching on their lands, but continued to work for several days afterwards. When the plaint was heard and the ground measured, it was found that they had encroached a certain number of feet within their neighbours' claim, and the usual process was resorted of arriving at the value of what was taken; that was, a certain number of buckets of stuff from round the sides of the drive were washed, the proceeds amounting to so much gold. A calculation was made of the number of buckets of stuff taken by the defendants, and an award of the amount of gold represented to have been abstracted was made by the commissioner to the complainants. The defendants gave it very readily indeed, because they made more than a hundred times that amount. That was a case that had come under his own knowledge where a party of miners refused to obey the order of the warden. It did not come out in evidence, but it afterwards came to the knowledge of the plaintiffs that the amount of gold taken by their neighbours was over twenty pounds in weight, while the gold awarded to them by the commissioner did not amount to more than a few ounces. Hon. members might imagine from that what advantage miners might derive from disobeying the orders of the commissioner. They could very well afford to pay a fine of £500 in a case of that kind. They saw the gold in the face of the drive, and when the ground became poorer they stopped, and the poor auriferous earth which remained was that from which the award was made.

Mr. HAMILTON said the clause under discussion, even if carried, would not meet a case of that kind, because what consolation would it be to those miners, after they lost £2,000 or £3,000, that the miner who stole the gold should be fined £100, or receive twelve months' imprisonment? The Goldfields Act dealt with far more valuable and more important interests than the Mineral Lands Act would probably deal with for some time. And the Minister for Works himself was the very member who inserted a clause in that Act to punish an offence similar to that to which the amendment of the hon. member for Rosewood would apply. He did not think it would break the hon. member's heart if the fine were reduced to £10, because when the subject was under discussion in 1874 he gave expression to the following:—

"The House had no knowledge of the amount of injustice that had been inflicted on the miners of Queensland through the incompetency of the commissioners, and the miners were subjected to the caprice and ignorance, and sometimes worse, of men the colony had as commissioners."

They had the same class of men now, and it was very unfair to allow men in that position to have such supreme power in their hands.

The MINISTER FOR WORKS said the hon. member for Gympie was mistaken in saying that there was the same class of men now. There was a better class now.

Mr. HAMILTON: I can mention the same names.

The MINISTER FOR WORKS said that what he stated on the occasion to which the hon. member referred was perfectly correct, because in those days there was no such thing as law among the commissioners. As the hon. member said, he condemned the amount of the penalty in 1874, but now he was much wiser. Complaints had been made to him that the commissioners had not sufficient power, and that their orders were frequently derided by men who knew the extent of the penalty for disobedience. The argument he used against the commissioners of 1874 had no weight at the present time.

Mr. GRIFFITH said he was not aware that human nature had altered since 1874. The class of men who were commissioners were very much the same now as then—no better and no worse. Some of the class of commissioners in 1874 were very likely better than some of those of the present time, and some of the present commissioners were very likely better than some former commissioners. But the case given by the Minister for Works had nothing whatever to do with the clause. The hon. member told the Committee that a miner might do a great deal of harm on a goldfield to his neighbour. Of course he might, and, if he did, he ought to be punished; but what had that to do with the clause? The hon. member instanced something that happened in Victoria, where, owing to the incompetency of the commissioner, some person sustained a loss. If that commissioner had known his business he would have given a different award; but, because that gentleman did not know his business, what had that to do with the Committee now?

The MINISTER FOR WORKS: He could not have done otherwise.

Mr. GRIFFITH said the hon. gentleman said he could not do otherwise; but he (Mr. Griffith) had seen a similar case tried before a superior tribunal to the commissioner in Victoria, and the complainant got the full value of the damage according to the rule which applied in those cases—that was, to estimate the stuff taken out at its highest possible value. The commissioner referred to did not do that, and the complainants lost; but because a commissioner made a bad decision some years ago was no reason why they should empower commissioners to impose twelve months' imprisonment for a breach of the regulations. He did not see the connection between the two things. The regulations were to regulate the size of the claims, the tenure under which they were held, to provide that a man should not allow water to flow into his neighbour, and so on. If he did so he would be liable to damages for the whole of the injury sustained; but surely they did not intend to impose imprisonment for debt under the Bill. If there was any value in the argument of the Minister for Works, it was that they should impose imprisonment for debt; but if they were going to deal with imprisonment for debt they should do it in some other way. If he trespassed on his neighbour's land he could be punished civilly, but he could not be put in prison; and why should they make any difference between mining and anything else? Then, the hon. the Attorney-General said a man might disobey an order of the court because he would derive pecuniary advantage by doing so.

The ATTORNEY-GENERAL: The Supreme Court has a very handy way of punishing that.

Mr. GRIFFITH said, as the hon. and learned Attorney-General said, the Supreme Court had a very handy way of punishing that, and that was while the party was disobeying the order of the court the law laid hands upon him and put him into prison. But the learned Attorney-General forgot to say that precisely the same powers were conferred upon the commissioner by the Bill.

The MINISTER FOR WORKS: What clause?

Mr. GRIFFITH said that the 27th provided that the court should be a court of record, and the only reason for using that expression in the Bill was because a court of record could punish by imprisonment for contempt any disobedience of its order; so that the power to imprison for disobedience was already conferred. He thought three months' imprisonment was as much as was ever allowed to be imposed for a breach of anything in the nature of a by-law. Anything in the way of pecuniary loss could be recovered by way of damages. He would also point out another matter which had just occurred to him, and that was that there was no provision in the Bill by which the judgment of the court could be enforced. That was a matter that required attention. As to the matter of penalty, he hoped the House would agree to make it the same as under the Goldfields Act.

The ATTORNEY-GENERAL said, with regard to the point raised as to the court being a court of record and had therefore power to imprison for contempt for any disobedience of its orders, he remembered a case which was carried to the Privy Council, where a gentleman was imprisoned for contempt by a court which was a court of record; and he believed the decision of the tribunal which committed for contempt was held to be invalid. He did not see that the provision referred to gave the commissioner's court power to imprison for contempt. There was no doubt that the 4th subsection of the clause in question did give the commissioner's court power to imprison or fine for disobedience of an order of the court; but that was a thing everybody could understand and appreciate. A man would clearly understand that if he disobeyed an order of the court—say an injunction—he would be liable to punishment. Take a case where a set of miners were trespassing upon a claim of another set: the miners aggrieved sued the other parties and the commissioner decided the case. The parties who lost the case gave notice of appeal to the district court, but, meanwhile, the others might be still trespassing on the claim and taking the gold or other mineral out from day to day to the value of perhaps hundreds of pounds. The commissioner was appealed to, and he at once said he would grant the injunction under the Act to prevent the parties from removing the minerals until the appeal was heard. But the others might snap their fingers and say they did not care about the injunction, and would go on removing the mineral because it might be so valuable that they could well afford to pay the small fine which might be inflicted for disobeying the injunction. He said, under these circumstances, if miners saw they would be liable to a penalty of £100 or imprisonment for twelve months they would be much more likely to obey the injunction. That was the reason why the penalty inserted in the clause was not a bit too great. Of course, no regulation would ever be thought of that would give a commissioner the right to impose such a penalty as that for some small breach of the regulations; and he thought that as this was the only authority the commissioner had to inflict fine or imprisonment it should be as heavy as was proposed.

Mr. HAMILTON said he did not think that was the only authority the commissioner had. Clause 21 provided—

> "Any person who takes or removes mineral ores from the claim, lease, or land of any person shall be deemed to have stolen the same; and any person receiving the same with knowledge of such facts shall be deemed to have received the same knowing them to have been stolen."

That, he thought, met the case suggested by the Attorney-General. He did not attach much weight to the testimony of the Minister for Works with regard to what the commissioners were now and what they were some years since. It was not the commissioners who had changed, but the times; and no doubt commissioners would desire to make a much more favourable impression upon the Minister for Works than they did upon Mr. Macrossan. Nor did he think there was anything in the argument that complaints had been made to the Minister that the powers of the commissioner were too limited. No doubt the commissioners would not object to having the power to even hang a man, but that did not prove that they were justified in possessing that power; and he thought that the fact of the £10 penalty provided for in the Goldfields Act never having been objected to should be taken as sufficient ground to justify them in not departing from that regulation. There was, moreover, the additional fact that every time an additional penalty had been attempted to be imposed it had met with strong opposition in that House and been always negatived, and had likewise met with a howl of execration outside in every mining community. It was, moreover, the same penalty that was imposed in Victoria and New South Wales.

Mr. RUTLEDGE said he did not think it was intended by the mover of the amendment to do away with the alternative punishment of imprisonment, but he suggested that three months should be substituted for twelve, so that in the event of such a case as that suggested by the Attorney-General, where a party of miners refused to obey the injunction of the commissioner, he could easily put them into prison for a month, or two, or three.

An HONOURABLE MEMBER: How?

Mr. RUTLEDGE said he had stated that that might be done if three were substituted for twelve, but there was no necessity even for that. He apprehended for every day the men perpetrated the offence they were guilty of a fresh offence, and could be fined £10 every time the forbidden act was committed until it amounted to thousands if the time extended over so long. The argument of the hon. Minister for Works about a case which had taken place in Victoria did not go far enough; it would justify the imposition of a penalty of £1,000. The cases that required to be provided for were the ordinary cases that would arise with regard to any mineral lands under the Bill, and not those which, in all probability, would never occur here. It was a very well-known fact that commissioners, or any other set of men living in distant localities, were likely to become imbued with local prejudices and preferences; but it was not so with a judge, who simply went on circuit and did not know any parties who came before him, but judged according to the justice or merits of the cases that were brought before him for his decision. Those men living there might be, perhaps, indebted to one set of parties appearing, and most certainly would be tempted to use their powers arbitrarily and unjustly. He did not wonder at their complaining they had not power enough; there were very few men who did not suppose there was some improper limit placed upon the extent of their power, and those commissioners would no doubt like to be entrusted with powers to a far greater extent than were proposed to be entrusted to them. £10 would be quite sufficient a penalty because if a set of miners were trespassing to-day they could be fined, and if they repeated the offence they could be again fined to-morrow, and so on. It would be a fresh offence, and every offence would be a ground for the imposition of the penalty, and they would very soon get tired of that game. As he had said before, he could not learn definitely what was intended—whether it was intended to give the Minister power to fix an arbitrary scale of punishment by fine or imprisonment for certain classes of offences, or whether it was to be left a wide and open question, to be dealt with exclusively by the commissioners. The arguments of the Attorney-General and the Minister for Works seemed to point to this—that the commissioner was to be allowed to use his discretion while the clause itself pointed the other way.

The MINISTER FOR WORKS said the hon. gentleman stated that he did not understand the clause.

Mr. RUTLEDGE: I do not understand your interpretation of it. I understand what it means.

The MINISTER FOR WORKS said the 4th section of the clause was never intended to act as a fine after an offence was committed, but as a deterrent before the offence. If it was intended as a fine against people who had robbed others, he knew very well it would be inoperative. It was simply intended to act as a deterrent. But if, as the hon. member for North Brisbane said, full power was given to the commissioner by the 2nd section of clause 27 to imprison, he thought that was quite sufficient for his purpose, because if an individual—a miner—refused to obey an injunction of the commissioner, and he had power to imprison him, he would certainly do so. But when the legal lights on both sides of the House differed from one another, who was to decide? They had the Attorney-General on one side and the leader of the Opposition on the other, and they could not agree on the subject. He would like these two gentlemen to argue the question out, and see whether a commissioner had the power to imprison. If he had the power to imprison, as the leader of the Opposition said, he (Mr. Macrossan) was perfectly satisfied to accept the amendment of the hon. member for Logan.

Mr. GRIFFITH said that some advantage was always gained by discussion. The Attorney-General's last argument was that the power of a commissioner to grant an injunction was simply nugatory. What was the use of giving a commissioner power to grant an injunction if he could not enforce it? If the injunction was to be any use at all there must be power to enforce it. An injunction of the Supreme Court ordered a man not to do a thing, and as soon as he attempted to do it they put him in gaol; and anybody who helped to do it was put in gaol also; and by that means they prevented him from doing what they ordered him not to do. Looking into the Bill a little further he found the commissioner had no power to make any order at all. He was quite right in saying he had a right to enforce any order, but the Bill must give him power to make the order. He confessed he had not noticed the omission before. The Bill now under discussion ought to give express power to grant an injunction to restrain permanent injuries to property. Those were amongst the most important things a commissioner would have to deal with. He suggested that the hon. gentleman should recommit this Bill on Tuesday, and should have a clause prepared to that effect. If the power was given to the commissioner to grant an injunction, he had not the slightest doubt it could be enforced. The new clause would follow clause 27, and should give the commissioner special power to grant an injunction. It need not be a long clause, but it most certainly should appear in the Bill. If there was any doubt of the

power of the commissioner to enforce it by process of contempt, let that be put in too. He would also ask the Minister for Works to provide the mode in which judgments should be enforced by execution; that had been omitted, and was a most serious omission, because a commissioner might make an order for the payment of £500, and there would be no way of enforcing payment of the money. When the Bill was recommitted that power could be given, but it could not be done that night. A court of record had power to punish disobedience to its orders by imprisonment, but it would be better to confer in express words the power to grant injunctions. He was sure the power was intended to be conferred.

Mr. ISAMBERT said his objection was to such arbitrary power being reposed in any one man as that of fining a person £100 or imprisoning him for twelve months. The arguments of the Minister for Works were very far fetched to justify such excessive power being granted. It appeared to him that they were not there merely to legislate for pastime and to make Bills as ornaments to regulations. It seemed the regulations were everything and the Bill was nothing. They had sufficient power to deal with theft in clause 21; and altogether it appeared to him that if they went on like that the present session would be known as the Spartanic session. It was proposed to give power in the Immigration Bill to imprison a man almost for nothing, and in the regulations for the introduction of coolies they had another instance of the same thing.

The ATTORNEY-GENERAL said it was a very doubtful matter indeed whether under the 27th clause a commissioner had power to imprison. His own opinion was that the commissioner had no such power under that clause. It was the original intention in drafting the Bill to give some such power under the 4th subsection of the clause under discussion; but if the feeling of the House was that the fine was too great, or the alternative too heavy, the best thing to do would be to recommit the Bill, with the view of introducing some power by some other means by which the commissioner would be able to enforce such orders as he thought necessary to make.

The MINISTER FOR WORKS said he had already indicated that he was willing to accept the amendment of the hon. member for Rosewood. As the hon. member for North Brisbane contended that the 27th clause gave the commissioner power to imprison, perhaps he would tell the Committee what period of imprisonment might be inflicted under the clause. The hon. member had given them to understand that the judge of the Supreme Court could put a man in prison and keep him there as long as he liked. Could a commissioner do the same?

Mr. GRIFFITH said the power of imprisonment under the clause would be subject to appeal to the district court. The only way to enforce an injunction was by physical force. If they gave a court power to order a man not to do a thing, the only way the court could prevent him from doing so was by laying hold of him and stopping him; otherwise the injunction was a mere idle piece of paper. After a proper time he would be let out, and if the district court judge did not let him out the Supreme Court would soon do it. If the commissioner was to have the power to grant injunctions, he should have the power to enforce them by preventing a person who disobeyed them from doing so by putting him somewhere where he could not continue to disobey them.

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

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

The clause was further amended by the substitution of the word "three" for the word "twelve" in the last line of subsection 4.

Mr. RUTLEDGE said that under the 5th subsection—

"All regulations made under this Act shall be laid before Parliament within fourteen days from the making thereof if the Parliament is then in session, and if not, then within fourteen days after the commencement of the next session thereof."

But the subsection said nothing about the regulations being inoperative if Parliament objected to them.

Clause 39, as amended, put and passed.

Question—That the preamble, as printed, be the preamble of the Bill.

Mr. HAMILTON said he would like to take that opportunity of referring to clause 19 in the Bill. He would like to see the Bill a success; and he fancied that the clause would need some alteration. It read thus:—

"Any person who, not being a *bonâ fide* prospector, is found working for minerals other than gold on Crown lands may be forcibly ejected therefrom by a police officer, Crown land ranger, or any other person authorised by the Minister."

A previous clause in the Bill stated that any person having a mining license was entitled to take up ground and work it; but, according to the clause, any person, unless he was a prospector, was liable to be forcibly ejected by any policeman or any other person who passed by. A prospector meant a person who was searching for gold. If he was successful and commenced working the claim, as a matter of course he confined himself to the holding. The clause he referred to stated that any person whatever, unless prospecting, was liable to be turned out. He took that opportunity of bringing the matter under the notice of the Committee, as he was not present at the time the clause was passed.

Question put and passed.

The House resumed, and the CHAIRMAN reported the Bill with further amendments.

The adoption of the report was made an Order of the Day for Tuesday next.

TRAMWAYS BILL—COMMITTEE.

On motion of the MINISTER FOR WORKS, the House went into Committee on this Bill.

Preamble and clause 1 postponed.

On clause 2—"Interpretation"—

Mr. GRIFFITH said it would be of great assistance if the Minister for Works would tell the Committee what lines he proposed to go upon in regard to the Bill. It certainly could not pass in its present shape, and he should like to know what alterations would be likely to be adopted. It was almost hopeless to undertake to deal with a Bill like that before them. For instance, in Part III.—to which he had drawn attention on the second reading of the Bill—there was a series of provisions defining the borrowing power of companies. Their borrowing powers were already determined by law, and that part of the Bill had evidently been drawn by a gentleman not familiar with the present law on the subject. If they attempted to deal with the Bill in its present form they would get into inextricable confusion. He failed to see what the borrowing powers of companies had to do with the Bill. Again, nobody was to be allowed to build tramways except joint-stock companies or municipalities; but why should not five persons form a tramway, or three, or even one? It was a question whether it was desirable

to deal with the subject by a general scheme like the one proposed, or by particular proposals which would be submitted for the sanction of Parliament. The Committee would certainly get into terrible confusion by proceeding further with the Bill in its present form.

Mr. MACDONALD-PATERSON said he thought the Bill had better be read that day six months. His opinion was that a special Bill should be brought in for every tramway that it was intended to construct; and, such being the case, his course with respect to that particular Bill was indicated. He could not give his support to a general Bill of that character, as the possibilities contained in it might be most objectionable to the State and the people.

Mr. ISAMBERT said that no company or municipal body ought to be allowed to make a tramway without first obtaining the permission of Parliament to do so. Only by that means could each project be carefully considered.

The MINISTER FOR WORKS said that if the hon. member (Mr. Macdonald-Paterson) had been in his place when the Bill was read a second time he might have raised his objection, instead of saying that the Bill should be read a second time that day six months. There was not much to be gained by raising a general discussion on the Bill now. The object of the Bill was to give a general power to the Governor in Council to receive propositions from companies and municipalities to make tramways. On the second reading of the measure he stated the principle adopted in England, which was that tramways were made by companies or by local authorities upon provisional Orders in Council; and at the end of the session all the tramways that had been allowed during the session were brought up in a batch and passed by the House of Commons. It was found inconvenient, and indeed impossible, to pass a separate Bill for each separate tramway. There were many divisional boards in the colony, he believed, which were anxiously looking forward to the passing of the Bill, and he hoped that whatever alterations were made in it would be in the direction of making it as applicable as possible to those bodies. There were, he knew, difficulties in the Bill so far as money was concerned, and he had several amendments to propose, but they would not come in until the Committee got to clause 12 or 13. Whether tramways should be constructed only by companies or local bodies was a question for the Committee to decide. He had no desire, although he had no very strong objection, to see tramways built by a single individual, chiefly on the ground that the monopoly would be more beneficial to the owner than to the public. If any hon. member had any amendment to propose on the clause now under discussion he was quite willing to discuss it, and, if it would work in with the general principle of the Bill, to accept it. The Bill was spoken of on the second reading as a strictly non-party measure, and he hoped it would retain that feature. He did not intend to treat it from a party point of view, but would accept any amendment that might make it workable, not only for municipalities but for divisional boards.

Mr. FOOTE said he did not think it was the intention of the Committee to treat the Bill as a party question. His view of the Bill was that it was premature—that they were attempting to legislate for matters which would not be wanted for a considerable time; and he approved much more of a system whereby each separate tramway should be made the subject of a separate appeal to the House. The system spoken of by the Minister for Works might be all very well in England, but when they took into consideration the large population of England and the sparse population of Queensland it would be seen at once that the cases were not analogous. It might perhaps be better to withdraw the Bill; but if it was the intention of the Government to press it, no doubt the Committee would treat it with all fairness and make it as good as they possibly could. As had been intimated by the leader of the Opposition, there were many difficulties in the way, especially as it interfered with existing Acts; and no doubt the discussion of the measure would occupy a great deal of time.

Mr. FERGUSON said he was greatly surprised to see that there was so much opposition to the Bill. He knew of several cases where people were only waiting for the Bill to pass before commencing operations under it. A company was being formed in Maryborough at the present time; and six months ago a member of the Corporation of Rockhampton tabled a motion that the council should take immediate steps to construct three miles of tramway in that town. But it was found that the council had no power to do so until a Tramways Bill was passed by Parliament. Not only the municipalities of Rockhampton and Maryborough, but also the municipalities in several other places were waiting for the passing of such a Bill in order to take advantage of its provisions. If the people of any other part of the colony did not wish for tramways they need not have them, as the Bill was not compulsory; but why should they seek to prevent others who wished for tramways from taking steps to obtain them? The opposition which the Bill was receiving was not a fair one.

Mr. MACDONALD-PATERSON said there were probably very few persons in the colony who objected to municipalities or other bodies making tramways; and he would most heartily support a measure to give facilities to local bodies desirous of constructing tramways within their own jurisdictions. The Bill under consideration was, however, of a totally different character, and the more it was looked into the more confused and incomprehensible it appeared. It was useless to attempt to state the grounds of his objection to the Bill—they were multifarious. If any individual or any number of individuals wished to construct a tramway, they should go to that House and seek to obtain the passing of a private Act of Parliament; and it was the duty of the House to see that no tramways were constructed by private individuals under a general Bill. They should come to the House, so that the people of the particular locality might have an opportunity of being heard if anything was attempted to be done to their prejudice. The Minister for Works said that in England tramways were constructed on some general authority, and at the end of the session of Parliament were legally sanctioned by a general Bill on the subject. He would inform the hon. gentleman that he had read in a newspaper which arrived by the last Torres Straits mail steamer an account of the steps taken to obtain a tramway for a certain locality in Great Britain. A number of gentlemen, the report said, assembled in the town and decided that it was advisable to construct a tramway; and they then resolved that immediate steps should be taken to get a private Bill passed through the House. That was not in consonance with the statement of the hon. gentleman. If it was desirable and prudent to insist upon the adoption of such a course in a densely populated country like Great Britain, was it not even more desirable in this country, where it was so often found that people associated together in little rings to grasp any good thing to the detriment of the particular locality affected? He would take up the stand—even if he stood alone—that no private individual

or number of individuals should be allowed to construct a tramway except under the authority of a special Act of Parliament. He was quite prepared to give every facility to local authorities to construct tramways in their own localities; but no such word as "company" should be permitted in a Bill of that kind. The Bill appeared to be a very laudable effort to meet a small demand for tramway facilities in several places in the colony, but it would not be much trouble for the people in those localities to come forward and seek to introduce a private Bill. He hoped the Bill would not go further, and he now moved that the Chairman leave the chair.

Mr. BROOKES said he should not like the hon. member (Mr. Ferguson) to imagine that whoever opposed the Bill opposed tramways. Hon. members were quite justified in stopping the Bill for several reasons. To his mind it was another and a very distinct piece of evidence of the desire on the part of the Government to centralise everything, and to place in the hands of the Minister for Works far more power and responsibility than any one man could safely labour under. The Bill dealt with a variety of subjects; it cut through private rights; it required to be thoroughly explained to hon. members by lawyers; and it was a very dangerous Bill even to consider. The parallel suggested by the Minister for Works was one which would not hold good, because all the world knew that the House of Commons was ready to adopt any means whatever of relieving itself of some portion of the work which fell upon the members. Mr. Gladstone had always endeavoured to show that the House of Commons could not get through its work and that means must be adopted of lightening it. The Legislature in Queensland, on the other hand, was never so overburdened with work as to make the adoption of such means necessary. He was inclined to think that public opinion on the subject of tramways was by no means settled, and he was certain that whether settled or not it would be far better for the Minister for Works to abandon the Bill and leave the persons or corporations who wished to construct tramways to bring their schemes before that House. Everything could then be judged on its merits, and there would be infinitely less likelihood of harm being done. The Bill was altogether *ultra vires*, and hon. members did not know what it meant. The leader of the Opposition, who was admitted to be second to none in the correctness of his legal opinions, said he could not understand the Bill. It had probably been drawn up by a private gentleman who imagined he knew something of law, seeing that the draftsman had used throughout the Bill legal terms without, however, correct reference to their meanings, bearings, or consequence. He was not speaking from a party point of view, but he was endeavouring to speak from the point of view of the public interests; and he earnestly hoped the Minister for Works would accept the amendment.

Mr. FOOTE said he hoped the Minister for Works would not proceed with the Bill that night at any rate, because he was satisfied that after mature thought the hon. gentleman would withdraw it. In his (Mr. Foote's) opinion it interfered very much with the rights of citizens. He knew a case in which a person suffered greatly from the last Railway Bill that was passed—a Bill brought in by the Minister for Works. That hon. gentleman was very sharp and well up to his business, and knew that the Government had been greatly imposed upon by the large sums of money that had been asked for land required for railway purposes. That was one extreme, but the hon. gentleman had gone to another extreme. The case he (Mr. Foote) referred to was in connection with the Fassifern Railway, at a place called Churchill. There was a public-house there, and the railway went past the door and cut the house off from the street. The consequence was that the business was destroyed, and the proprietor could get no recompense. If he went to the Minister the Minister would tell him that he had nothing to do with it, and he would be referred to Mr. Macpherson the arbitrator, who would give a decision on those matters. But in other cases there were two arbitrators and an umpire, and if the arbitrators disagreed the umpire decided. That was arbitration, but he could not see how one person could be an arbitrator. He was not speaking about a particular gentleman, or doubting his honour or integrity in any way, because he had the fullest confidence in the gentleman to whom it might be thought he was referring. What he wished to show was that the Act he alluded to was very oppressive. He believed that the Bill would have an injurious effect upon the community. There was no necessity for parties to wait for the passing of that Bill in order to make a tramway. There was nothing to prevent them coming to the House and getting a private Bill passed. The House would see that the interests of all parties concerned were properly secured. During last week he had given some attention to the Bill, and he had come to the conclusion that he could not support it. He said that not from any factious motive, but from a conscientious belief that the Bill was premature, and that it would be detrimental to the interests of the colony.

Mr. RUTLEDGE said that owing to indisposition he was not able to express his views when the Bill was before the House for its second reading. He did not now intend to discuss the Bill at length; but he must say that he agreed with those hon. members who had expressed themselves as being adverse to the expediency of passing such a measure at that time. They had not many large centres of population, and there was not a universal demand for such a Bill. Before local authorities could enter upon the construction of tramways, supposing the Bill became law, they would have to go through a good deal of routine. There would have to be proper plans and references drawn up, and the constructing authorities would have to place themselves in communication with the Minister, who in turn would have to go through the whole of the information supplied him, and if he were satisfied on the multitudinous points that would come before him could then give an opinion, and not till then. Then an order would have to be obtained from the Governor in Council, and other steps taken, all of which would occupy a good deal of time. Would it not be just as well if the authorities who wished to construct tramways were to adopt the usual plan of getting a private Bill brought in? A private Bill was referred to a select committee, which fully investigated it, and obtained all the information they could respecting it. Then a report was submitted to the House, and all the rest was formal. Unless there were substantial reasons against the passing of the Bill, it received the assent of the House. In that way an opportunity was presented of considering every case on its merits. No one doubted that Bills for the construction of tramways in Maryborough and Rockhampton, for instance, would be at once assented to by the House; but to attempt to legislate in that way for a system such as existed in Queensland, with its municipalities and divisional boards, to try and harmonise all conflicting and irreconcilable interests that were sure to be affected—owing to the peculiar system of local government in existence—to do that with one comprehensive Bill was to invite failure. He was perfectly satisfied that it would be better if the merits of each case were considered by

adopting the usual course of bringing in a private Bill. It was premature to attempt to pass a Bill of that kind now; they were trying to accomplish too much, and in doing that they would fail to give satisfaction to anybody.

Mr. DICKSON said that his mind was not altogether made up as to the desirability of the construction of a general system of tramways at the present time. He was quite willing to give his consent to the construction of tramways by local bodies or municipalities, if a particular measure was introduced by each such body for that purpose; but he really thought that they were attempting too much in a comprehensive scheme like the one before them, especially as it was a matter about which the public were not much exercised. Opinions were pretty well equal as to the benefits or otherwise accruing from tramways; and outside Brisbane and Rockhampton he thought that public opinion would be rather adverse to them. Even in Brisbane itself he was not at all certain that a majority of the citizens were advocates for the construction of tramways; and he was inclined to think that owners of property took a view adverse to them. At any rate, it was not a matter in which the people of the colony at large took any very great degree of interest. He approached the Bill, too, he might say, almost with reluctance, chiefly from the fact that his hon. friend the leader of the Opposition had expressed the opinion that to make it anything like a useful measure it would have to be entirely recast. He would have been glad to have heard from the Attorney-General that such apprehensions were groundless; the opinion of that hon. gentleman might have been reassuring. The House had had before it for the last four days the Mineral Lands Bill, which had also had to be recast, but the time so spent was justified by the importance of the measure. To attempt the same with the Bill for the general construction of tramways under the care of the Government was at the present time an unnecessary task. Any municipality or private company desiring to construct a tramway would always receive the attention of the House, and their request for reasonable powers would always be favourably entertained. He did not think the measure was so urgent as to justify the immediate consideration of the House; and he thought that the Minister for Works would be wise in, at any rate, allowing it to be postponed for the night.

Mr. GRIFFITH said that before the amendment of the hon. member for Rockhampton was pressed to a division he wanted to point out what he considered some of the serious difficulties of the Bill. The Bill appeared to be framed simply for tramways on streets—or part of it, at any rate—and he did not think that was what the House desired at all. There was an occasional glimmer of idea in the Bill that the tramways would not always be in streets, but it was only a suggestion, and the two ideas were not worked together in any way. For instance, a street was defined to mean "a public street, road, footpath, or place, along or across which a tramway is laid or authorised to be laid." That contemplated tramways only in streets. In section 5 he found the following:—

> "1. Subject to the provisions of this Act—
>
> (*a*) A company of persons registered under the Companies Act of 1863, or
>
> (*b*) The council of a municipality, or any other local authority having control, for the time being, of the streets in which a tramway is laid or intended to be laid—
>
> may construct, maintain, and work a tramway upon and through any street, with all proper rails, plates, works, sidings, junctions, stations, approaches, and conveniences connected therewith; and may enter upon, purchase, take, and use any lands required for these purposes."

He did not know what that meant at all. If the tramway was to be along the street, what land would they require to take? Then the question arose, were they to be allowed to deviate from the streets? Of course, in Brisbane, the company would not be likely to go elsewhere than along the street; but in the surburban districts the road might not be the most convenient place for the tramway to run, and in a country district where it might be desirable to carry goods as well as passengers in the same way as a branch railway it might be impossible to go over the road, and they might wish to go through private property. Were they to go on the road in such a case; or were they to be allowed to take private property or not? That subject had not been grappled with in the Bill at all. He did not know from the Bill which scheme was intended to be adopted. Then who was to be allowed to construct a tramway? Was it to be only a company or council? He did not see why six persons should not be allowed to construct one as well as seven. Again, suppose the Brisbane Municipal Council were to make a tramway—he believed the illustration had been given before—were they to be limited to their own boundaries, from Vulture street in South Brisbane to James street in the Valley? Were they not to be allowed to go beyond them? There was no provision in the Bill for their going any further. All was left to conjecture, and they could not even tell what they were to conjecture. There were three main things to be considered in reference to the question. Were they, in the first place, to allow any person or company to construct a tramway who could perform the necessary conditions and obtain the sanction of the Government? Then, on what conditions were they to be allowed to run the tramways along the streets; and, thirdly, were they to be allowed, subject to the same conditions, to acquire land for the purposes of the tramway? Having settled those things, what followed would be but minor details; but those three matters must be settled in some definite manner. Principles ought to be laid down, but, as a matter of fact, no principles were laid down at all in connection with them. He did not see that the Bill would be of any practical advantage.

The MINISTER FOR WORKS said that all the objections raised by the hon. member (Mr. Griffith) could easily be remedied; and there would not be much trouble in adapting the Bill to any of the amendments the Committee thought proper to make. With regard to the artificial line from Jane street at one end of the town to South Brisbane at the other end, the term "municipality" included a united municipality; and what was to prevent the division of Woollongabba, the town of Brisbane, and the neighbouring division of Nundah joining together for the purpose of making the tramway?

Mr. GRIFFITH: Suppose they don't.

The MINISTER FOR WORKS: If they did not no tramway would be made by them. But he knew of at least four divisions that were only waiting for the opportunity to be given. With all due deference to the hon. member for Enoggera (Mr. Dickson), who said that he did not think the citizens of Brisbane were in favour of tramways, he (Mr. Macrossan) did not think they were one whit behind the citizens of any other respectably large town in the British dominions.

Mr. DICKSON: In Melbourne there is an objection to tramways.

The MINISTER FOR WORKS said the people of Melbourne would have tramways before the end of next year, and it was only people who had vested interests in the running

of the streets who objected to the making of tramways. It was no use arguing with members who would stand up and say that the making of tramways was premature, and that they would be injurious to the whole of the population of the colony. Those opinions were expressed with regard to the making of railways fifty years ago; still railways were made and had proved of general benefit to the population. It did not follow that because many parts of the colony were sparsely populated the people did not wish to have tramways, as he knew of two or three divisions, not thickly peopled, which were simply waiting for some general scheme whereby they might construct tramways. As to the proposition that a scheme should be brought forward for each tramway, he thought the Committee would find its time too much taken up for that kind of thing. And if the hon. member for Rockhampton (Mr. Macdonald-Paterson) did not know the truth of what he (Mr. Macrossan) stated with regard to provisional orders and tramways in Great Britain, he did not know enough for the position he occupied, and had no right to speak on a Bill of that kind unless he did know. The hon. member implied by what he stated from some newspaper he received by last mail that he (Mr. Macrossan) made a mistake, but he had only to go to the library to inform himself of the fact that tramways were made by provisional orders in Great Britain, and provided for together at the end of the session. Hon. members would not be doing their duty to their constituents by opposing the Bill; and almost everything that had been said that night, with the exception of what was said by the hon. member for North Brisbane, should have been said on the second reading. If hon. members did not believe in tramways they should then have called for a division and negatived the Bill. Instead of that they allowed it to be read a second time, and after two or three weeks now said they did not understand it—probably because they had not read it. But the hon. member for Rockhampton must be well aware that he (Mr. Macrossan) could not allow him to move the Chairman out of the chair. If the consideration of the Bill was to be postponed it would be by him, and not by the hon. member for Rockhampton moving the Chairman out of the chair and wiping the Bill off the table.

Mr. MACDONALD-PATERSON said the hon. member who had just sat down spoke as if all those gentlemen who had spoken before him were opposed to the construction of tramways. No previous speaker on either side of the Committee had said anything of the kind; but what they objected to was the Bill itself in its entirety as a most conglomerated piece of work, not suitable to the circumstances of the colony, and not a Bill dealing with the general rights of the community, either in a corporate capacity or that of private individuals. There were a great many deficiencies and a great many things in the Bill that ought not to be there at all—things which were provided for already in the statute-book. The hon. member also said that the Bill had been before the Committee two or three weeks, and that there was no reason why they should not go on with it to-night; but the Bill ought to be before them two or three months, and even then probably some hon. members would not master it.

The MINISTER FOR WORKS: Hear, hear!

Mr. MACDONALD-PATERSON said he would repeat it, even after the "Hear, hear" of the hon. gentleman. He trusted the hon. Minister for Works did not think for a moment that he questioned what the hon. member stated to the Committee was the practice in England. He was not cognisant of it; but he stated as a fact that, at a meeting held a few months ago in a part of Great Britain, the action that he had explained took place. Those gentlemen met and heard a certain proposal for the construction of tramways in a particular locality, and the result was that steps were taken to introduce a private Bill for the purpose of obtaining authority to construct the tramway. That was recorded in an influential provincial newspaper of Great Britain, and did not exactly tally with what the Minister for Works said about a general Bill being passed periodically to sweep up all arrears with respect to tramways constructed under the authority of Orders in Council. He would repeat that, so far as he could understand, even from the Minister for Works, the obligation to pass a private Bill with respect to a tramway had not been removed, but still existed.

The PREMIER was surprised that the hon. member for Rockhampton, after hearing the Minister for Works, should take up the time of the Committee in contradicting that hon. gentleman as to the plan of managing tramways in the House of Commons. The hon. member made his contradiction under the authority of what he called a Sunday newspaper.

Mr. MACDONALD-PATERSON: I said nothing of the kind.

The PREMIER: Either that or the hon. member said he was reading it on a Sunday, and as the hon. member was a Scotchman of strict principles he would give him the benefit of the doubt. The name of the paper was not mentioned. After his hon. friend stated that the practice of the House of Commons was so-and-so, as he got it from official sources in the library, the hon. member for Rockhampton took up the time of the Committee in contradicting the statement. The speech of the hon. gentleman was one which any member of the House could have made without ever having read the Bill, and he did not believe the hon. gentleman had read it at all; that was his conviction. The hon. gentleman opposed the Bill in a roundabout way, in general terms, but never gave one single hint to the Committee by which they could come to a conclusion as to the way in which they should look at the Bill. The scope of the measure was very fully explained by his hon. friend on the second reading, and it ought not to have been assented to if a discussion like the present was to follow. There had not been a single word said against the Bill, except what had been said by the hon. member for North Brisbane, that ought not to have been said on the second reading, and used as a reason against the second reading passing; but they then agreed without coming to a division on the principles of the Bill. The only argument that had been brought against the Bill that night was that a Bill of that sort should not be one covering all the tramways to be made in the future in the colony, but that each tramway should be brought forward in a distinct Bill and passed separately. He did not believe that was the proper principle at all. It might be said that they had not very much to do in that House, but he thought they had plenty to do, as he believed hon. members would find out before the end of the session; and he thought where they could by general legislation take work off the shoulders of the House which could be as efficiently performed elsewhere it was their duty to do it. He thought the present was one of those peculiar cases where they could adopt general principles by which tramways should be made throughout the colony, both in town and country; so that each indi-

vidual district could act for itself. The principle that each individual district that required a tramway should come to the House and ask for it was not at all the principle that would contribute to the construction of tramways; but he believed that the Bill would tend to shorten the initiatory process by which companies could enter upon their construction. Hon. members seemed to think it was a very small thing to get a Bill through the House, but it was a very difficult matter; and as most of the Bills dealing with tramways would be private Bills it would be more difficult still. This was a Bill enabling the Government to deal with all the tramways of the colony, and would give facilities for initiating the work. No doubt it was a difficult thing to frame a Bill applicable to both town and country, and he gave due weight to the arguments to that effect brought forward by the hon. member for North Brisbane; but that difficulty was not insurmountable. There were a few amendments which his hon. friend had ready in print which he believed would surmount that difficulty. Then with regard to the other objection that there was no reason why one individual should not be allowed to make tramways in town or country if sanctioned by the municipality or divisional board, he saw no reason either. He did not know what his colleague's views on the matter were, but he did not see any reason why one man should not make a tramway as well as a company. But that was not a vital matter, and two or three words would alter it if the Committee approved of the alteration. He thought they had taken the proper steps to shorten business in connection with tramways by making the Bill a general one. That was the course that had been adopted in the other colonies. In South Australia the House had been burdened with a great deal of work by different Bills being brought in for the construction of individual tramways, and they were proposing to do the same thing which was now proposed to be done here. That was also virtually the practice in the House of Commons, where Orders in Council were issued and the tramways were passed in a batch at the end of the session. He was quite sure that they would not make any progress in passing the clauses of the Bill that evening, and as they had got into a general discussion on the principles of the Bill—a matter which he considered had been settled before—he considered it the best thing to adjourn until another day, when hon. members would be more prepared to go into the Bill in detail. In the meantime he was perfectly prepared and would like to hear objections against the Bill, so that the matter could be fully attended to before Tuesday next. The matters mentioned by the hon. member for North Brisbane would be attended to, but he could not congratulate the hon. member for Rockhampton on giving one scintilla of an idea of how the Bill could possibly be amended, and he believed that that hon. member was going right in the teeth of his constituents in opposing the Bill in spite of what he had said. Of course, as the Minister for Works had stated, the amendment of the hon. member could not possibly be accepted, because it would have the effect of wiping the Bill off the paper. If the hon. gentleman withdrew his amendment his hon. friend would move the Chairman out of the chair.

Mr. MACDONALD-PATERSON, by permission, withdrew his motion.

On the motion of the MINISTER FOR WORKS, the CHAIRMAN left the chair, reported progress, and obtained leave to sit again on Tuesday next.

The House adjourned at two minutes to 10 o'clock.