Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 18 SEPTEMBER 1884

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LEGISLATIVE ASSEMBLY.

Thursday, 18 *September*, 1884.

Jury Bill.—Map relating to Crown Lands Bill.—Formal Motions.—Camping Reserves on Main Roads.—Case of H. M. Clarkson.—Pettigrew Estate Enabling Bill—committee.—Gympie Gas Company (Limited) Bill—committee.—Maryborough Town Hall Bill—committee.—Skyring's Road Bill—committee.—Adjournment.

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

JURY BILL.

The SPEAKER said: I have to report to the House that I have received the following message from His Excellency the Governor:—

"An address from the Legislative Assembly of the 4th September, 1884, having been presented to the Governor, informing him that the Legislative Assembly had agreed to the following resolution, namely:—

"'That it is desirable that a Bill be introduced to amend the laws relating to Jurors, and to amend the Jury Act of 1867'—

"His Excellency, in accordance with the provisions of the 18th section of the Constitution Act of 1867, now recommends that the necessary appropriation be made from the Consolidated Revenue for defraying the expenses likely to be caused by the said proposed Bill."

MAP RELATING TO CROWN LANDS BILL.

The MINISTER FOR LANDS (Hon. C. B. Dutton) said: Mr. Speaker,—I beg to lay on the table of the House, a map showing the boundaries of runs and other features of the land contained in the first schedule of the Crown Lands Bill.

Mr. ARCHER said: I would suggest to the hon. gentleman that the map be mounted and hung up for the information of hon. members.

The MINISTER FOR LANDS: I will see that that is done.

FORMAL MOTIONS.

The following formal motions were agreed to:—

By the Hon. J. M. MACROSSAN—

For leave to introduce a Bill to enable the Townsville Gas and Coke Company (Limited), incorporated under the provisions of the Companies Act of 1863, to light with gas the town of Townsville and its suburbs, and for other purposes therein mentioned.

The Bill was presented and read a first time.

By the Hon. J. M. MACROSSAN—

That there be laid on the table of the House, a Return showing,—

1. The names of the Pastoral Lessees who have taken advantage of the provisions of the Western Railway Act and the Railway Reserves Act to divide their runs for the purpose of pre-emption, and afterwards to consolidate the said pre-emption with the quantity of land acquired in each case.

2. The number of pre-emptions and total acreage acquired under the 54th section of the Pastoral Leases Act of 1869, with the date of each pre-emption.

By Mr. STEVENSON—

That there be laid on the table of the House, a Return showing the names of the licensees or lessees in the unsettled districts who have been asked to show cause why their runs should not be forfeited on account of non or insufficient stocking, or who have got notice of forfeiture on account of non or insufficient stocking: also the names of such licensees or lessees whose runs have been reinstated, or who have got promises that such runs will be reinstated; also all correspondence in connection with the foregoing.

CAMPING RESERVES ON MAIN ROADS.

Mr. ARCHER, in moving—

That, in the opinion of the House, it is advisable to give effect to the prayer of the petition of the Gogango and other divisional boards presented during this session—

said: Mr. Speaker,—I think, sir, the time has now passed when anyone getting up for the purpose of proposing that divisional boards should be entrusted with further power than they now possess need offer any apology for his action. I do not mean to say that since divisional boards were established they have not committed mistakes; I believe they have. But on the whole I think they have performed their work in such a manner as to redound to their credit and to be a benefit to the country; and it is not very long since that I had the extreme pleasure of hearing the Premier, at Clermont, express his high gratification at the manner in which those boards have worked. Last night we were engaged in passing an amending Bill, not, perhaps, conferring greater power upon divisional boards than they previously had, but at all events making certain what their position is and strengthening their hands in cases that may in future be brought before the Supreme Court. I consider, sir, that every person who has the interest of the colony at heart will try as much as possible to decentralise the work of the Government offices, and endeavour to put it in the hands of the people, who are really best able to judge how their affairs ought to be administered. I know, for example, that it must have been a great relief to the Works Office to get rid of the Roads Department. I have not the slightest doubt that the conscience of my hon. friend the Minister for Works has been greatly relieved, and that he has many times thanked his stars that now that he has so many deputations about railways there are none bothering him about roads; at any rate, there are very few now compared with what there used to be in the past. I think that probably the House, having in view the manner in which divisional boards have performed their work, will be inclined to entrust them with any further powers that might be better administered by them than by the central office. The petition which I have in my hand, and which has just been put into the hands of hon. members, is from the Gogango and other divisional boards. It prays for certain things. It prays that—

"Camping reserves of an area of not less than six hundred and forty acres each should, where practicable, be surveyed and proclaimed on all the main roads of the colony, at distances not less than ten miles nor more than twenty miles apart."

The particular prayer of the petition is—

"That all camping reserves be placed under the control of the board of the division within which they are situated, with power for the said board to fence, lease, appoint caretakers, and otherwise manage and keep the said reserves for their legitimate uses, in such manner as to them may seem fit and just, in the interests of the ratepayers and the travelling public."

A great many reserves have been proclaimed in the colony, but I do not know of any one—and I think everyone who has taken the slightest interest in the matter will agree with

me—that has been applied to the purpose for which it was granted. I speak now very confidently, and I make bold to assert that the Minister for Lands, with whose department rests the control and management of these reserves—and I have not spoken to the hon. gentleman on the subject—will bear me out when I say he does not know a single reserve in any part of Queensland that has really been applied to the purpose for which it was proclaimed a reserve.

The MINISTER FOR WORKS: Hear, hear!

Mr. ARCHER: This is a matter which I think interests us even in a degree, perhaps, only second to the owners of stock who have to drive their cattle to market for sale. I know that if the reserves had been properly taken care of, and kept specially for the use of travelling stock, the cattle which come up from the Western district and from North and South would have been delivered in Brisbane—as in every other big town of the colony—in a far better and far healthier condition, and consequently more fit for butchers' purposes than now, when they have to be driven along roads where there is nothing to eat, and where the camping reserves have not been properly preserved. There is not the slightest doubt that many of the reserves of the colony have been used principally by selectors. Some selectors, of course, have only their own land on which to depasture their stock, but those who are fortunate enough to be near reserves do not confine themselves to their selections. They use the reserves which have been proclaimed along the roads for the benefit of travelling stock, and when the latter come along they find neither grass nor water. Small towns which derive their supply of cattle from stations are also interested in this matter; and I think we should see that the reserves are not misused. The petition to which I have referred is signed not only by the chairmen of the divisional boards, whose names are attached, but also bears the corporate seal of each board. They have carefully considered the subject of the petition, and have decided to ask this House to take certain action which will give them the control of these reserves, on the understanding that they will see that the reserves are applied to the purpose for which they were granted. In addition to the Gogango Divisional Board, the boards of the following divisions have joined in the petition, namely:—Widgee, Antigua, Belyando, Douglas, Pioneer, Ithaca, Highfields, Tarampa, Daintree, Johnstone, Kolan, Perry, Caboolture, Tingalpa, Mutdapilly, Barolin, and Hann. It is a very important circumstance that so many boards should have united for this special object; and, unless it can be proved that they have hitherto grossly neglected the purpose for which they were instituted, or that they are likely to abuse the further power they ask to have conferred upon them, I think it is probable that this House will agree with me that the management of reserves should be placed in their hands. They will probably be better managed by them than by the Lands Department, which has no special information as to how the reserves are worked. It will, I think, relieve the department to transfer the control and management of reserves to divisional boards—as the taking away the Roads Department relieved the Works Office—and the reserves might then become a benefit to the country. At any rate they might be applied to the purpose for which they were proclaimed—namely, for travelling stock. I do not think it is necessary to trouble the House at any length on the subject. I have stated the case in the simplest manner to the House, and I am pretty sure, without having in any way consulted the Minister for Lands, that he will agree with me that there is room for very great improvement in the way these reserves are managed. I believe the easiest plan for making that improvement is by handing them over to the divisional boards, under such restrictions, of course, as will prevent their being neglected. The suggestion of the divisional boards is that they may have power to fence, lease, and appoint caretakers of these reserves, so as to see that they are really applied to the special purposes for which they are reserved. I hope the Minister for Lands believes that these reserves may be much better managed and looked after in that way than they are at present. I beg to move the motion standing in my name.

The MINISTER FOR LANDS (Hon. C. B. Dutton) said: Whatever shortcomings there may have been in the practical working of the divisional boards in different parts of the colony, I entirely agree with the expression of opinion from the hon. member for Blackall that they have been excellent in the main. I believe thoroughly and completely in the principle involved in their constitution. But what they ask for in this petition, though just and right in most particulars, has one very great defect, They ask to be allowed the power of leasing these reserves, and I think that power should never be conceded. Cases have already come under my notice where divisional boards having the control of reserves have actually assumed the power of leasing them, and have leased them to pastoral tenants in the immediate neighbourhood at £2 a square mile; thus shutting out entirely those persons for whom the reserves were set apart.

The HON. SIR T. MCILWRAITH: Where have they done that?

The MINISTER FOR LANDS: Goondiwindi is one place; and I have required them to be withdrawn altogether if not applied to the purpose for which they were proclaimed.

The HON. SIR T. MCILWRAITH: Is that a camping reserve?

The MINISTER FOR LANDS: Yes, a camping reserve at Goondiwindi; and the board have leased it to the neighbouring station-holder at £2 a square mile.

Mr. MOREHEAD: What title did they give?

The MINISTER FOR LANDS: They seemed to think it a legitimate thing to do; and not only has that been the case at Goondiwindi, but there are other reserves on the line between Warwick and Toowoomba where the same thing has been done. Complaints have been made to me about boards using these reserves in that way, and I believe that the power of leasing these reserves should not be given under any circumstances. The power of fencing them may be given, and that, I think, is the only way they can make them available for the people who ought to have the benefit of them—namely, the travelling public; for so long as they remain open they are perfectly valueless to all persons travelling with stock, because they are overrun with the sheep and cattle of the men in the immediate neighbourhood. In many cases these men save their own grass for bad seasons, and eat off the neighbouring reserves and render them practically valueless. In many cases too the reserves are covered with Bathurst burr, Scotch thistles, and other noxious weeds. I know of a reserve near Clermont which was one of the finest reserves in the country, and which is now utterly useless; and men have refused to take it on a lease of twenty years to take the burr off it; in fact, nobody would take the

land to clear it of the weeds upon it. Before any more reserves can be made—and a great many more require to be made on the different travelling stock and dray roads of the colony—the main roads should be proclaimed and defined. Travelling stock roads should be proclaimed and defined as is done in New South Wales, so that people may know just what roads can be used for travelling stock. Here it seems that, wherever a track is made, travelling stock can follow, and the result has been that some station-holders have been almost driven out of their holdings. I know in my own case timber tracks have been followed by travelling stock, and I have been powerless to interfere with them. Even where there is only a mailman's track, or a horse track of any kind, it is followed by persons travelling with stock; so that it is impossible at present to say where reserves should be made to be really of benefit to the travelling public. As soon as the roads are proclaimed and defined a number of reserves should be set apart along them, and I believe they should be under the divisional boards in every district, as I have no doubt they are the only bodies that can control them. Whether they will be able to do it in all cases effectively I have some doubt, because they may not be able to incur the expense of fencing them in; but wherever they can do that they are the best persons to control and manage them. I should like to see the roads proclaimed and defined before any more reserves are made. Those already in existence should certainly be handed over to the divisional boards, because then some use may be made out of them, and no legitimate use is made of them at the present time. If the hon. gentleman will be satisfied that as soon as the roads can be proclaimed in the colony—and it may not take a very long time to do it in the settled portion of the colony—fresh reserves will be proclaimed and the divisional boards may make it their business to fence them in, and they may then exact a charge from those using them. I believe the travelling public will be satisfied to pay for the convenience of keeping their stock, cattle, or horses, in one of these reserves. They will be an enormous convenience to all travellers, especially those travelling with fat stock. In that way the boards may recoup themselves for the outlay in fencing in the reserves, which would certainly be considerable in many instances. The Government are quite prepared to deal with the reserves at present in existence in this way by handing them over to the divisional boards at once, and extend the number of reserves on the main lines of road as soon as these roads are defined and proclaimed.

Mr. NORTON said: Mr. Speaker,—I agree with a great deal that has fallen from the hon. member for Blackall, but I do not think the power of leasing reserves should be given to any divisional board. These reserves were made for a special purpose and ought to be reserved for that purpose; and if this is not done the object in proclaiming them is lost altogether. Another matter should be taken into consideration, however, and it is this: In some places the whole of the water in the locality is enclosed within these reserves, the object of course being to enable travelling stock to have a camping place where there is water; but at the same time it was never intended to exclude the stock in the district from that water; because if that is done it detracts so much from the value of the reserve; and I think the Minister should be very careful before he assents to any arrangement which would have the effect of excluding all other than travelling stock from the water. I think it would be better before coming to a final decision to have a report from some officer in every district as to the reserves in those districts. Some of them are of no use whatever, either to persons with travelling stock or anyone else; and in some places where reserves are badly wanted there are none. It is a matter that requires some consideration before coming to a final settlement.

Mr. STEVENSON said: I do not know what is the proper way to deal with this matter; but I know that a great deal of what has fallen from the Minister for Lands is perfectly true. Reserves in the neighbourhood of townships are certainly made use of by one or two people that have 50 or 100 head of cattle, and are made perfectly useless to travelling stock; and unless some local authority gets the power to deal with them, I am satisfied they will continue to be as useless in the future. If the divisional boards were authorised to fence in these reserves, and make a charge for travelling stock camping on them, they would be of far more value than at present. I know townships where they are made perfectly useless to travelling stock by one or two people continually using them, whilst they might be of very great use if looked after as they ought to be.

Mr. MOREHEAD said: I listened with a great deal of attention to what fell from the hon. the Minister for Lands, and it was with a feeling almost of personal pain and regret that I heard of the way he has been suffering from people travelling stock on his run, while he has not apparently been in a position to pull them up and have them punished at the nearest police court. I do not think we should have heard one word of that pathetic description had he not himself personally suffered; and I say so because he complained of his own suffering and not of the way in which all leaseholders generally throughout the length and breadth of the colony suffered from travelling stock. Now, with regard to these reserves. I think they are very necessary, and that they should be treated somewhat in the manner suggested by this petition. I would point out to this House, and the Minister for Lands in particular, that he has resolutely refused to grant commonage rights to towns—at any rate, towns which I have anything to do with, and the town to which he has alluded — Goondiwindi — in particular. I believe that the commonage rights given to towns in this colony have been too great altogether. In some cases they have been enormously great. At Clermont there has been an enormous amount of land set apart as commonage and reserve—somewhere about 200,000 acres, I believe—which, if it had been thrown open to selection, or sold, would have been of much greater benefit to the State than it is at present. I would ask the hon. the Minister for Lands, having regard to the fact—which he admits, and which nobody can deny—that these commonages, unless they are vested in the hands of strong men or strong divisional boards, are simply nurseries for every noxious weed that grows, and are not used at all for the purposes to which they were devoted, whether he is prepared to take steps to get back this land into the hands of the State so that it may be dealt with in a way more beneficial to the body politic than at present? The same remark applies to the land around the Springsure district, which the hon. the Minister for Lands represents. The hon. member does not seem inclined to take any steps to have these lands properly utilised in the districts, one of which returns him as a member, and the other, a supporter of the Government; but at the same time he admits that the principle is wrong by refusing to extend the privilege to other townships throughout the colony, more particularly the town of Goondiwindi, to which he alluded to-night. I hold a very strong opinion myself on the subject of these township reserves, an opinion which I think is shared by the

Minister for Lands himself. They have been given a great deal too freely, without any benefit to the State—in fact, to the great detriment of the State. I know when I was at Surat I was asked if I would advocate the extension of the town reserve; but I said I would do nothing of the kind—that they had 5,000 acres already, worth £2 or £3 an acre, and that was too much. I do not see why we should give free grass to the inhabitants of these townships in the interior. I would ask the Minister for Lands whether he is prepared in the cases I have indicated—Clermont and Springsure—to bring back to the State those enormous areas of land which are at present devoted to no useful purpose whatever, but, as has been said over and over again, are simply nurseries for the Bathurst burr and all kinds of noxious weeds, as well as hotbeds of dissension amongst the townspeople themselves. I hope we shall hear something new from the Minister on this point.

Mr. MELLOR said: I am fully in sympathy with the motion of the hon. gentleman. I think myself the reserves of the colony should be placed under the direction of the divisional boards. I see that the principal divisional boards mentioned in this petition are in the coast districts; and I think it is in the coast districts that the camping reserves are most seriously interfered with. There is no doubt that the reserves have been misused, and are being misused at the present time, very extensively; and I should like to see some restriction put upon their use by the divisional boards or other local authorities. Still I should not like to see power given to them to lease. I think, myself, that leasing these reserves would be contrary to the spirit of the conditions under which they were granted to the public, and by adopting such a system the public interest might suffer, and the reserves be misused. I certainly will support the motion if the hon. gentleman can see his way to amend it by omitting all mention of leasing.

Mr. PALMER said: The fact referred to that these reserves have been mismanaged and misused is one argument why they should be placed in the hands of the divisional boards, who cannot use them to worse purpose than the objects to which they have been applied. The whole matter opens up such a large question that it can hardly be dealt with without special legislation. For instance, there are only eighteen divisional boards referred to in the petition presented by the hon. member for Blackall, and he has not stated whether all the boards in the colony have been applied to on the subject. There are a great many more than eighteen boards who have not signified their concurrence in the petition. And the hon. member did not refer to what the effect of the motion would be upon those lands already reserved for travelling stock. Half-a-mile is reserved on each side of the roads of the colony for that purpose, and the reserves proposed to be dealt with are very unimportant compared with the stock reserves.

Mr. ARCHER: Those are not reserves at all; they are roads for grazing purposes.

Mr. PALMER: The roads are taken out of the runs. These travelling stock roads are reserved from the runs, although the lessees have to pay for them. There is one matter I noticed when I was travelling out west lately, and that is the expenditure of money in dams and reservoirs, which have been allowed afterwards to go to ruin and be destroyed for want of someone to take proper care of them. If those dams could be reserved and protected as well as the camping reserves, it would be a great benefit to those travelling stock. In the cases I mention, hundreds of cattle were allowed to stand in the dams all day long, and sheep were trampling the sides in, and rendering them useless; and all this for want of proper fencing and a caretaker. They ought to be embraced within the camping reserves. As far as this matter goes, I think all hon. members will concede the importance of assisting travelling stock and their owners in every possible way, in order that the stock may the more easily reach the markets.

The HON. SIR T. MCILWRAITH: I believe in the principle of placing these reserves under the control of divisional boards, but I think unnecessary apprehension is shown by some hon. members as to the power of leasing proposed to be given to the boards. The boards asked for the right to fence in reserves, appoint caretakers, and levy so much upon the stock-owners who use them; and leasing means doing the same thing in another way. What they ask for in reality is the power of farming out the reserves and levying a tax upon the stock, and that would be far the most economical way of arranging matters. It is ridiculous to suppose that they ask for the power of leasing, pure and simple, a camping reserve to a squatter, as the Minister for Lands has said has been done. I believe that has been done, but it is perfectly illegal and impolitic. They ask for the power, as I have said, to farm the reserves, and that cannot well be denied them; the power to give to some party the right to take care of the reserves and levy rates, which will, of course, have to be fixed by the board and confirmed by the Governor in Council. That would be the cheapest way of working the reserves; but if they asked for the power of leasing simply, of course that could not be granted.

Mr. SCOTT: If any means can be devised to render these reserves useful, it will be a very great boon, and I am sure if the hon. member for Blackall could suggest any regulations by which that can be done he will be a public benefactor. I should, however, like to know what position the reserves would be in if they were fenced-in a mile square as suggested, and 20,000 or 30,000 sheep were camped upon them? There would not be a blade of grass left for any one; and some provision must be made to meet cases of that kind. Sheep do not want grass in the camping reserves, but travelling stock want grass as well as water at night, and if there is no provision made against a number of travelling sheep camping in the reserves they would be made perfectly useless. Great difficulty has been experienced since these reserves were first proclaimed, in putting them to a proper use. They have been a perfect curse instead of a use, and it is useless doing anything with them unless there are stringent regulations enforced for their protection.

The PREMIER (Hon. S. W. Griffith): I would suggest to the hon. member that he should modify his motion. What I understand is, that the House is unanimously of opinion that the camping reserves ought to be placed under the control of the divisional boards; but I do not think hon. members are unanimous in thinking that all the things asked in the petition should be granted. For instance, the petition says—

> "That your petitioners suggest that camping reserves of an area of not less than six hundred and forty acres each should, where practicable, be surveyed and proclaimed on all the main roads of the colony at distances not less than ten miles nor more than twenty miles apart."

Those are details upon which everyone is not agreed. It might be desirable to have the reserves more or less than from ten to twenty miles apart, and 640 acres might not be a convenient size. The petitioners also ask for power

to fence, lease, appoint caretakers, and otherwise manage reserves. In some cases it might not be desirable to fence them in; and with respect to leasing, I understand what the petitioners mean is that they should have the power of farming out the rates that would be charged for travelling stock. That is a thing that might be done with advantage, but it is not what the petition says. The word "lease" does not mean that, but I think that would be a very good way of collecting rates. As the feeling of hon. members seems to be generally unanimous in favour of something being done in the direction indicated, I would suggest to the hon. member that he should amend his motion by adding to it the words "so far as it relates to placing camping reserves under the control of divisional boards." The power to deal with reserves is provided by the Crown Lands Alienation Act now in force, and will no doubt be continued by any other Land Act that may take its place. We, of course, can now only deal with the motion of the hon. member, and if the words I have suggested are added to it we shall all agree with it.

Mr. ARCHER: I need say but a very few words in reply. I agree with the hon. member for Leichhardt that those places must be placed under regulations, and that it must be the duty of somebody to see that those regulations are properly carried out. If placed under divisional boards, no doubt that difficulty would be met by suitable by-laws. With regard to a remark of the hon. member for Burke, I need hardly point out that the half-mile on either side of a road is not a reserve. It is simply a portion of a run over which the lessee cannot prevent stock from travelling, and it is not included in the motion. It is quite possible that the prayer of the petition may not be properly worded, but the leasing principle indicated in it was that explained by the hon. member for Mulgrave, which is, to farm out the rates that are to be charged on cattle using the reserves; and unless the divisional boards have the means of recouping themselves they would never go to the expense of fencing in the reserves. I need add nothing further. Everyone appears to think that the prayer of the petition should be granted as far as practicable. I am quite willing to accept the Premier's suggestion, and with the permission of the House I will amend the motion by adding to it the words—

So far as it relates to placing camping reserves under the control of divisional boards.

Question, as amended, put and passed.

CASE OF H. M. CLARKSON.

Mr. BEATTIE, in moving—

That an Address be presented to the Governor, praying that His Excellency will be pleased to cause to be placed on the Supplementary Estimates the sum of £300, as compensation to H. M. Clarkson for loss sustained by him in consequence of title-deeds, lodged in the Registrar-General's Office, having been improperly delivered—

said: I have to ask the House to assent to an amendment in the motion. Since giving notice of it, I find that a motion of this description ought to originate in committee, and I wish to alter the terms of the motion so that it will commence as follows:—

That on Thursday next the House will resolve itself into a Committee of the Whole, to consider of an Address to the Governor, praying, etc.

In asking the House to consent to the motion in its amended form—if the necessary permission to amend it is given—I may state, for the information of some hon. members, that the matter was brought before the House on a former occasion; and I will briefly refer to the leading points of the case. Mr. Clarkson, who is mentioned in the motion, was at one time the possessor of certain land in Fortitude Valley, the value of which was something considerable. He mortgaged this land for, I think, £3,500, and, times becoming less prosperous with him, he was unable to meet the interest due to the mortgagee. On applying to his banker, or to those with whom he did business, they were willing to give him an overdraft, on the production of the necessary security—namely, the title-deeds of the property. Those deeds were in the Registrar-General's Office, and on making application for them at the office, in order to place them in the bank, he found that they had been handed over in error to the mortgagee's solicitor. That was a serious wrong to Mr. Clarkson, because he was unable to raise the necessary amount of money to pay interest on the mortgage; and the mortgagee foreclosed. Mr. Clarkson made application to the Government of the day, and they gave him a letter stating that if he applied to the Supreme Court and proved that it was wrong on the part of the Registrar-General's Office to hand over those deeds they would recoup him the expense he was put to. That was done; an expression of opinion was given by His Honour the Chief Justice that the deeds had been improperly delivered; but from that time to this Mr. Clarkson has not received anything in the shape of compensation for the expense he was put to on that occasion. The matter was brought before the House some four or five years ago, but from some remarks that were then made there was a general feeling amongst hon. members that the money asked for and recommended by a select committee would go into the hands of the lawyers. From that feeling Mr. Clarkson suffered. It was a matter that was not decided by the House, which made no order. It is therefore with no such intention that I ask the House to take the matter into consideration. I ask because a very serious injury was done to Mr. Clarkson through the laches, I suppose, of one of the officials in the Registrar-General's Office. It has been a serious matter to him, and I therefore hope the House will agree to the motion, as I have not introduced it with the intention that any lawyer in this country should get any portion of the money. I beg to move the motion in its amended form.

Motion, by leave, amended.

The COLONIAL TREASURER (Hon. J. R. Dickson) said: This matter has been before the House on several previous occasions, the last time, I think—or the last time when it was debated at any length—being in 1879, when it was allowed to go into committee. There is no doubt that Mr. Clarkson has—well, I may say—been the victim of circumstances, possibly owing to the procedure of the Real Property Office. He alleges that through the absence of his title-deeds he was unable to obtain a second mortgage to relieve him from his difficulties; and that it was in consequence of the deeds having been delivered by the Real Property Office to the attorney for the first mortgagee that he suffered injury. I believe that the evidence disclosed that he could have had his second mortgage registered, notwithstanding the absence of this particular title, and therefore the claim, so far as it is made under that head, falls to the ground; but there is no doubt that a promise was made to him by Mr. Douglas—at that time the head of the Administration—that if he pressed his case in the Supreme Court, and it was declared that his loss arose through any laches of the Real Property Office, the Government would be disposed to consider the merits of the case. I think that under that promise there is a *primâ facie* case for the consideration of the House. I certainly think, too, that if he is entitled to

be recouped the money it ought to come out of the Real Property Assurance Fund; though that is a difficult fund to get anything charged to. There may be a claim, but to establish a claim upon that fund is quite another matter, and one surrounded with a great deal of difficulty. If I could see that the Real Property Assurance Fund could be made liable, I should not have the least hesitation in speaking on the subject; but it looks as if the hon. member who introduced the motion wishes the charge to be made on the Consolidated Revenue Fund if he obtains the sanction of the House to it. I think the matter ought fairly to be permitted to go into committee. I am rather inclined to support it, because I think Mr. Clarkson has been a sufferer. His subsequent pecuniary embarrassment arose from the action of the Real Property Office in delivering the deeds over to the attorney for the first mortgagee, when there was nothing to authorise the office to do so, there being no directing covenant in the deed of mortgage to close. Under all the circumstances I shall not oppose the matter at this stage.

Mr. MOREHEAD said: I hope that the motion will be carried, not because of its particular goodness or badness, but because it may be the means of putting a stop to one of the worst practices that exists in this colony. It is the habit in the Registrar-General's Department —a habit that has existed for years—to hand over any deeds to any solicitor in this town no matter who is the real owner of those deeds; and if this motion puts a stop to that, I think £300 or £500, or even £1,000 would be well spent. At the present time any solicitor, no matter how shady his reputation may be — and one can conceive of even a solicitor having a shady reputation—can go to the Registrar-General at any time, and if he knows of the existence of any deeds lying in the office he can get the whole of them without any order from any one of the real owners. If the owner should get a recognised agent outside the Registrar-General's Office to apply for the deeds, he is refused them; but he has only to go across the street to a solicitor, and the solicitor can get them at once without any inquiry. I am speaking now from my own knowledge; and I think if the hon. gentleman's motion only puts a stop to that sort of thing it will be doing good service. I have protested over and over again in this House against an attorney or solicitor having such a power; but no attempt has been made by any Government to remedy it up to the present time. I am sure hon. members will bear me out that what I am saying is correct—that a solicitor can get from the Registrar-General's Office without inquiry, without any recommendation whatever, what another individual cannot get, no matter though he occupies the highest station. The sooner, therefore, a stop is put to that the better; and I trust that this matter will lead to a better state of things. For that reason amongst others, I daresay that Mr. Clarkson may have a good claim. I shall vote for the matter going nto committee.

The PREMIER: I take this opportunity of saying that I was not aware that what the hon. gentleman has said is the case. I am glad he has called attention to it.

Mr. MOREHEAD: I have mentioned it in the House before.

The PREMIER: If what the hon. gentleman says is a fact, I will see that there is a reform introduced in that department on this subject.

Mr. MOREHEAD: If I am allowed, I will give the hon. gentleman a case in point. Some years ago I acted as representative of the Scottish Australian Company, and applied on their behalf to the Registrar of Titles' Department for the deeds of some land. I was told that they could not give them to me, as I did not exhibit a power of attorney, so I walked across the street to Messrs. Little and Browne, who were my solicitors at the time, and asked them to get them, and they got them at once.

Mr. FOXTON said: What the hon. gentleman states may be perfectly correct. The practice has crept in, and it has been assumed that the public are under a certain amount of protection, owing to the fact that if a solicitor signs a receipt for the deed as solicitor for somebody else—should he not have proper authority—he is liable to a very heavy penalty; his whole means of livelihood may be taken away from him in a moment. I am not prepared to defend the practice altogether; but I say that it is a great convenience-and, in fact, the instance quoted by the hon. member for Balonne shows that in that particular instance it was a great convenience. He was unable to produce a power of attorney, and was unable to draw the deeds himself. He went to a firm of solicitors, who at once, knowing that they were perfectly right in acting under his instructions, and in signing as solicitors for the corporation which he represented, at once did so. Had the hon. member for Balonne not possessed the confidence of the corporation, or had he had no authority to authorise Messrs. Little and Browne to sign, they would have run a very great risk in taking his authority and signing as solicitors for the corporation upon his mere word. They of course knew the hon. member, and knew that they were perfectly safe in doing as he desired they should do. I mentioned that as showing that in that particular instance it was a great convenience to persons. I am not aware, of my own knowledge, of any instance in which the privilege has been abused. But should such an instance occur I am quite sure that, the public being generally pretty well down upon the lawyers, retribution would follow fast, and it would serve the man perfectly right.

Mr. JORDAN said: I think the hon. member for Carnarvon has given a complete answer to the charge made against the Registrar-General's Office by the hon. member for Balonne. It is a very serious charge, as the Premier said, and ought to be inquired into, but Mr. Foxton's explanation justifies the practice. In this particular case, Mr. Clarkson sets forth that he sustained the loss of his property which he had mortgaged, because a certain certificate of title—which was lodged in the Real Property Office in connection with the mortgage which had been made to a company in Sydney—was handed over to the solicitor of the mortgagees; improperly so, inasmuch as the mortgage did not contain any clause empowering the mortgagee to receive that certificate of title. So far he was correct; there was an error no doubt, and the Deputy Registrar-General admitted it when he gave evidence before the committee. At the same time, though it had been distinctly provided that the deed should not be handed over, it is so ordinarily. It was an exception that there was no provision for handing over the two certificates of title to the mortgagee. Therefore the mortgagor had a right to the certificate of title, and when he called for it it was found that it had, unfortunately, been applied for by the solicitors of the mortgagees, and irregularly and inadvertently had been handed over to them. The petitioner claims that he sustained the loss of his property because the mortgagees foreclosed on him, as he could not pay the interest; and he further maintains that he had lost the whole of the property in consequence of the fact that he could not obtain a second mortgage, because he could not get the deeds. The fact is this: Mr. Clarkson

called at the Real Property Office and asked for his certificate of title. Mr. Mylne, the Deputy Registrar-General, referred to the book and said, "It was handed over to your solicitor on such a day." "On what authority?" "I suppose on the authority contained in the clause of the mortgage which generally provides for that." Mr. Clarkson said there was no such clause, and on referring to the mortgage itself it was found that there was no such clause. The solicitors were written to two or three times, requesting them to return the certificate of title that it might be handed to the proprietor of the property. No reply was received for some time. Mr. Clarkson sought an action on the matter, and I think there was some objection taken to his pleadings, and the judge gave it very decidedly as his opinion that Mr. Clarkson did not sustain the loss of his property through a mistake which had occurred in the Real Property Office. I think that point was very clear indeed. Judge Lilley said :—

"The defendant detained his certificate of title, in consequence of which he was unable to pledge it or otherwise to deposit it by way of equitable mortgage for a sum which would have enabled him to pay his interest, and, in consequence of such detention, he says he was unable to get the money and pay the interest, and so lost his property. It seems to me that the rule which applies to all damage applies to special damage; it must be the natural, immediate, and legal consequence of the wrongful act done: now the damage alleged here is that he lost his property. It seems to me altogether too speculative and remote. He alleges that he was deprived of the use of the certificate, and in consequence he was not able to pay the interest; but it is clear that he might never have been able to pay the principal."

I think, from the circumstances that came out very distinctly, it appeared very likely that Mr. Clarkson might never have paid the principal. But the point is that he lost the property because the title-deed was handed to the solicitor instead of to him. He asserted that he went to Mr. Paige of the Commercial Bank, and Mr. Paige promised he would give him an advance if he would produce the title-deeds. Mr. Paige, in his evidence, distinctly denies that. I am not going to oppose the grant, because I think there was something like an implied promise on the part of the Government that if he took proceedings in the case they would take the matter into their consideration. Now, I suppose, the whole case being before the House, it will be for the House to consider whether that amounted to anything like a promise on the part of the Government. I do not think it was a promise. Mr. Paige distinctly denies that he made a promise. There is another very material point in the case. Mr. Mylne, finding that Mr. Clarkson was inquiring for this certificate, ventured to ask him why he was in quest of it, and he said he wanted to raise some money upon it to pay the interest on the mortgage. Mr. Mylne said, "I can show you how you can do that; you can get a second mortgage on the certificate of title; the 95th clause enables the Registrar-General to dispense with the certificate of title in such a case." Now he called several times after that, and Mr. Mylne repeated this. A fortnight's notice was required to be given in the *Government Gazette* by the Registrar-General signifying his intention of dispensing with the deeds; and there was ample time between the period when Mr. Mylne told him of the error and the expiration of the notice for him to have obtained a dispensation under the 95th clause of the Act. But that was not his plan. His plan was to proceed against the lawyers of the mortgagee who had got hold of the deed, against whom he brought an action for £5,000 damages. That was flying at higher game. Mr. Paige distinctly denied that he made any such promise as stated by Mr. Clarkson; and it is not likely that he could have obtained a second mortgage. Therefore, he did not lose his property in consequence of the error made by the Real Property Office, though an error was made, and Mr. Clarkson did lose his property. If, however, the House in its wisdom should think proper to give Mr. Clarkson some remuneration under the circumstances I shall make no objection. I should not have risen but for the remarks of the hon. member for Balonne, after which I thought it right to inform the House of the facts of the case as far as my memory serves me; and I can bear out any remarks I have made by referring to the evidence published.

The HON. SIR T. McILWRAITH said: I think, after what the hon. member for South Brisbane (Mr. Jordan) has said, the Government were scarcely justified, if they had the same knowledge as he, in allowing the thing to go so far. The hon. gentleman seems to be the only one who knows anything about the case, for the hon. member for Fortitude Valley did not tell us much. I am beginning to remember something of it myself now, though we have heard nothing of it for the last four or five years, and I think it ought to be thoroughly thrashed out by this time. The hon. member for South Brisbane has made out a very strong case why no compensation should be given at all. When the matter was before a select committee on a previous occasion, the decision arrived at was that if Mr. Clarkson was entitled to any money he should get it out of the Real Property Assurance Fund. That was their decision after sitting for some considerable time and producing a long report. When the report was brought up for adoption, it was almost laughed out on the admission of the hon. member—now the Attorney-General—who had charge of the matter, that the money, if voted, would go to the lawyers. I should like to know if that is the case at the present time. Hon. members will have to know the whole of the case before any money is granted.

Mr. KATES said: The hon. member for South Brisbane (Mr. Jordan) has distinctly stated that the deeds left the Real Property Department through an error. Those who got the deeds were not entitled to them, because there was no clause in the mortgage giving them power to do so; and, in consequence of the department having made that error, I think Mr. Clarkson is entitled to compensation. There is a sum of about £18,000 to the credit of the assurance fund, and that fund should supply the £300, or any sum the House may decide to grant to Mr. Clarkson.

The ATTORNEY-GENERAL (Hon. A Rutledge) said: As I was in charge of this matter in 1879, I will state the circumstances under which it ceased to be before the consideration of the House at the time referred to by the hon. gentleman opposite. The matter was not laughed out of the House in consequence of any admission made by me. I was directly challenged by some hon. members with acting in this case so that the lawyers would get the whole of this £300 if the money were voted. I said—and I would say again under the same circumstances, because I should scorn to get money from this House under false pretences—I said, "They will only get half of it." That is what I said. I said it designedly; and I will state the circumstances under which I made that statement. This matter was under the consideration of a committee in 1879; a committee which consisted of a number of gentlemen who were not among the least intelligent members of the House at that time. I do not refer to myself; but I was the mover, and the other members were Messrs. Amhurst, Simpson, Macfarlane (Leichhardt),

Mackay, Weld-Blundell, and Groom. That committee was unanimous in coming to this onclusion :—

"Your committee are of opinion—(1) That primarily, through an error in the Real Property Office, the petitioner has been deprived of his property; (2) that the letter of the 29th November, 1878, signed by the Under Colonial Secretary, and endorsed by the letter of April 5th (*vide* question 121), contains a promise that petitioner's expenses in testing the question as to whether he was entitled to the possession of the certificates of title would be reimbursed to him; (3) that the decision of the judge was that the petitioner was entitled to the certificates; and, therefore, he has a claim for the fulfilment of that promise.

"The expense the petitioner has been put to is about £300 (*vide* questions 92 and 129), and in order to recoup him that amount we recommend that a sum of £300 be paid to the petitioner from the Real Property Assurance Fund."

Now the references are given here in these paragraphs to the parts of the evidence upon which they are based. Question 139 was asked of Mr. W. H. Wilson, who was the solicitor of the petitioner :—

"Have you any idea as to the extent of the costs to which Mr. Clarkson has been subjected in connection with these legal proceedings?"

And the answer given by Mr. Wilson was this :—

"They have not been made up by my firm; but I think they would amount to £150. That is as near an estimate as I can give roughly. But this is exclusive of what he has already paid and is liable for, which would probably be another £150."

At that time Mr. Clarkson was indebted to the solicitors who had assisted him up to that point to carry on his action, in the sum of £300; and he was not able, and would not be able, to proceed with the action then pending, and stopped for want of funds; because the judgment of the Supreme Court given did not put an end to the action, but leave was given to amend the statement of claim. Before Mr. Clarkson could proceed he had his solicitors to deal with, to whom he was then indebted to the extent of £300; and though the decision of the committee was given for £300 to cover the costs of the legal expenses which would enable him to obtain satisfaction of his claim in another way, yet the solicitors were quite willing to receive only £150 of their claim, so that he might, in a court of law, obtain the redress to which he was entitled. It is perfectly clear that although, strictly in point of law, the damage cannot be said to be the actual, the necessary, direct, and immediate consequence of the error of the Real Property Office, yet no man can have a doubt that it was the result of his losing his property, which would not have been lost if he could have obtained his certificate of title from the Real Property Office. It was a valuable property—a property valued at £6,050, and mortgaged for £3,500, very little more than half its value. The amount Mr. Clarkson was in arrear, including expenses, was £130; and Messrs. Little and Browne, who represented the mortgagees in Sydney, were tendered, in sovereigns, the sum of £130. They refused to receive that; they insisted on having their rights under the mortgage, and those rights were exercised. When the interest and expenses amounting to £130 was offered in sovereigns, they refused to take the money. Then the property was put in the hands of an auctioneer for sale. It was known in the auction-room at the time that there was some dispute about the title—that someone else claimed the property; and under those circumstances the purchaser was not likely to give as much for it as he would otherwise have done. It is perfectly clear that the property was sacrificed. The committee to whom the matter was referred in 1879 had no doubt—and I do not think any hon. member in this House can doubt—that Mr. Clarkson had a claim. In speaking on the subject, then, I made the admission, and I made it purposely, that the lawyers would probably get some of that money if it were voted by the House. I made the admission because I would not be a party——

Mr. MOREHEAD: To the lawyers getting some of the money.

The ATTORNEY-GENERAL: I made the admission because I wished hon. members to fully understand the matter. I knew it would affect the votes of some members. I believe it had the effect of scaring away some who would otherwise have voted in favour of the motion. But I would not conceal from the House the fact that the lawyers who had carried Mr. Clarkson on up to that time would get a share of the money, and they were entitled to a share of it, for they helped Mr. Clarkson to the extent of £300.

Mr. MOREHEAD: It was a speculative action, then?

The ATTORNEY-GENERAL: No; it was not a speculative action. I had nothing to do with the matter personally. I brought it forward because I believed that a wrong had been done to a constituent of mine. That was the reason I took up the matter; and when I found that the House refused to grant the vote, although Mr. Clarkson was a constituent of mine, I would not introduce it again, because I would not place myself under the suspicion of doing anything by which a particular set of men would be benefited. The thing comes before us on a different basis now. It does not come on the basis fixed by the committee that Mr. Clarkson should get his legal expenses. The claim is now made quite independent of any expenses to lawyers. A grievous wrong has been done Mr. Clarkson. No one can doubt that. Mr. Paige himself admitted that if the deed, the certificate of title, had been presented to him he would have advanced the additional amount Mr. Clarkson required for his temporary accommodation. It is perfectly clear under the circumstances that the transfer of the deeds was the primary cause of his having lost his property, and it was on this ground that the amount was fixed by the Committee at £300 for legal expenses. It is now, as I said before, on a different basis.

Mr. MOREHEAD: Has he paid his lawyers?

The ATTORNEY-GENERAL: I do not know; I have heard nothing said about that. I support the motion on the broad ground of justice—justice to a man who has been grievously wronged. I think, when a case of wrong is brought before this House, in common justice the House ought to try and repair that wrong.

Mr. BEATTIE said: I did not intend to go fully into the matter when moving the motion, for the reason that the subject will be more fully gone into in committee if the House sees fit to allow the motion to pass. I was certainly very much astonished at some remarks made by the hon. the junior member for South Brisbane. There is no doubt that because he was Registrar-General at the time he feels that he is in duty bound to support the officers of the department, although he acknowledges that there was an error. That error has been the cause of Mr. Clarkson's ruin, and I am astonished that any hon. gentleman who knows anything about the property should say it was not. The property had ninety-nine feet frontage to Wickham street, with a large hotel and two shops upon it. That is one portion. The other portion had sixty-six feet frontage to Leichhardt street, with a six or eight roomed house running from Leichhardt street to Alfred street. There was a six-roomed house at one end, and two four-roomed cottages at the other. In 1880 the property was worth at least £10,000, and yet the hon. gentleman says that the error in

the Real Property Office was not the cause of Mr. Clarkson's ruin. I am sorry he should have made such a remark. If he suffered the same misery as this man has suffered through the error of the Registrar-General's Office I should pity him. I have every faith that members of this House, when it is shown to them that a hardship has been inflicted upon any man by an error in a public department, will rectify as far as lies in their power the injury that has been done. I leave the motion with the House.

Question put and passed.

PETTIGREW ESTATE ENABLING BILL—COMMITTEE.

On the motion of Mr. FOOTE, the Speaker left the chair, and the House resolved itself into a Committee of the Whole to consider this Bill in detail.

Preamble postponed.

On clause 1, as follows:—

"It shall be lawful for the said Grace Marcella Pettigrew, William Pettigrew, and Richard Gill, or other the trustees or trustee for the time being of the said will of the said John Pettigrew, deceased, hereinafter called the trustees, at their, his, or her discretion, either to sell the said business of the said John Pettigrew, deceased, as a going concern, or to wind up the same and to sell and dispose thereof, and all the stock-in-trade, book debts, goods, chattels, and effects comprised therein and used in connection therewith."

Mr. ARCHER asked whether the hon. member in charge of the Bill was not going to give any explanation to the House of the meaning of it?

Mr. FOOTE said he had already explained it.

Mr. ARCHER: On the second reading.

Mr. FOOTE said he had explained it on the second reading, and, consequent upon an informality on the part of the committee, he had reintroduced the Bill and again explained it. The object which the trustees sought in asking for the power given under the Bill was to enable them to more safely and better invest the money than the way in which it was employed at present. It had been shown in evidence by the trustees that it was impossible for them to carry on the business on the lines laid down by the testator—that was, that they should confine the value of the stock-in-trade to £10,000, and should not have a liability of more than £2,000 owing by them at any one time. They said it was impossible for them to carry on the business on those lines as set forth in the testator's will. It was shown in evidence that at the time of the testator's death the liabilities were something over £6,000, and the stock-in-trade amounted to something like £18,000; and now, although the trustees had made every effort to bring down the liabilities to as nearly as possible the amount mentioned in the will, they found it impossible to do so. If hon. gentlemen would refer to page 19 of the evidence supplied, they would see there a balance-sheet set forth by the trustees, commencing on November 30, 1877—about the time of the testator's death. That showed the result of the first stock-taking after the testator's death to be as in "Statement No. 1"—Liabilities, £6,044 3s. 8d.; assets, £18,389 8s. 10d.; and capital balance £12,345 5s. 2d. Hon. gentlemen would see at "Statement No. 4," a little lower down, that the state of the business on August 31st, 1881, two or three years later, was—Liabilities, £2,671 11s. 5d.; assets, £16,110 1s. 2d.; and capital balance, £13,438 9s. 9d. That was as low as they would be able to reduce the liabilities; that was very clear both from the evidence of the witnesses and from his own personal knowledge of the manner in which the business was carried out in Ipswich. If the trustees attempted to reduce their capital to £10,000, and their liabilities to £2,000, as set forth in the will, they would lose the greater part of their trade; in fact, it would ultimately amount to this: if they did not try, as they were trying now, to get the power from that House to dispose of the business, and invest the £10,000 mentioned in the testator's will securely, in a very few years they would have little or nothing to sell. That was the reason the trustees applied for the power asked for under the Bill—in order that they might better and more advantageously carry out the instructions set forth in the will, and, by disposing of the business, place £10,000 of the money so realised in a safe investment, for the benefit of the beneficiaries mentioned in the will. He hoped that information would be sufficient for the hon. member.

Mr. ARCHER said that if, as the hon. member said, the Bill would confer a benefit upon the persons intended to be benefited by the will, he had not the slightest wish to oppose it; but it had been always usual for gentlemen of the legal profession, particularly when at the head of the Government, to give the Committee some opinion as to whether the course of action proposed was a proper one, and in order. He had read through the evidence referred to by the hon gentleman; but they knew that to tamper with a will was a matter of considerable importance, and he should certainly like to hear some of the legal gentlemen in the Committee give an opinion as to whether the Bill was one which ought to be passed by the House. If it was a Bill which would benefit the survivors of the deceased gentleman, he had not the slightest objection to it. They might hear something more from the members who composed the committee on the Bill, on the subject.

Mr. FOOTE said the Bill was one which followed on the lines of the Tooth Estate Enabling Bill passed by the House, where almost similar circumstances existed. It was shown in that case that unless something was done to carry out the objects of the will it would be almost an absolute impossibility for the persons in charge of the estate to prevent it dwindling down to nothing. The Bill before the Committee now was precisely on the same lines as that Bill, and was introduced under almost similar circumstances. He hoped some of the legal gentlemen in the Committee would give their opinions on the matter. He knew all the members of the Select Committee on the Bill were in accord with him in believing that the Bill should pass.

The PREMIER (Hon. S. W. Griffith) said that he agreed that they could not be too careful in altering a man's will, notwithstanding it was well known that there were cases in which a man made his will in such a way that it would not work after he was dead. Numerous cases of that kind were continually coming under the notice of a practising lawyer. In England, they had legislation giving power to the court to amend a will of that kind, and so cut the knot when such difficulties arose; and he was sorry those statutes were not yet adopted here. In many cases the only resource which the trustees had was to appeal to Parliament for power to disregard the will. In the present case he understood the testator left a business fettered by conditions—that there was not to be more than £10,000 invested in it, and that all the negotiations were to be carried on with ready money, except to the extent of £2,000. It was alleged to be impossible to carry on the business on these terms. If those facts were proved, he thought they had a very good reason for allowing the real intention of the testator to be carried into effect; and that was, certainly, to benefit his family, and not to compel the trustees to carry on his estate so as to ruin them. The business of the Select Committee was to ascertain whether the facts were proved, and no

doubt they had directed their attention to them very carefully. They had come to the conclusion that the preamble was proved, and if that was so the remainder of the Bill went, he thought, as a matter of course. It had always been the practice of Parliament in cases of this kind to adopt the course which would be most beneficial to the estate. He did not think it was necessary for any member of the Government to take part in the discussion on a private Bill unless the public interest were specially concerned. In the Imperial Parliament private Bills were hardly ever debated. The duty was delegated to the Select Committee, and the House relied upon their report, and passed the Bills almost as a matter of form.

Clause put and passed.

On clause 2—"Mode of sale"—

Mr. MOREHEAD said he had not the least intention of opposing this clause. The exception he took in the first instance to the initiation of the Bill was one which he thought might very properly have been taken by any member of the House—that was that, as the Premier had himself admitted, it was a dangerous thing to interfere with the provisions of a man's will. However, sufficient time had since then elapsed to allow of any objections being made against the proposed alteration, and as no application had been made by anyone in opposition to the recommendations of the committee, he thought they might fairly assume that there was no objection on the part anyone interested. He should, therefore, make no further opposition to the measure.

Clause put and passed.

Clauses 3 to 6 and preamble passed as printed.

On the motion of Mr. FOOTE, the CHAIRMAN left the chair, and reported the Bill to the House without amendment.

The report was adopted, and the third reading of the Bill made an Order of the Day for Tuesday next.

GYMPIE GAS COMPANY (LIMITED) BILL—COMMITTEE.

On the motion of Mr. SMYTH, the Speaker left the chair, and the House went into Committee of the Whole to consider the Bill in detail.

Preamble postponed.

On clause 1, as follows :—

"The said company are hereby empowered to enter upon and continue the manufacture of gas and such other materials as arise from the conversion and manufacture of the residuum occasioned by the production of gas and the processes connected therewith by means of any apparatus or other appliance, and by any process, art, or invention now or hereafter to be known or used, and from any substance that now is or may hereafter be used for such purposes, subject to the provisions and restrictions hereinafter contained."

Mr. MOREHEAD said he did not intend for one moment to oppose the hon. gentleman or his Bill, but he would like to have pointed out, at the initiation of the discussion, what were the points of variation—if any existed—between this Bill and existing Acts of a similar nature. It would be a great help in the passing of the measure if the hon. member would explain the various clauses, and show any variations which existed. He was sure the hon. member would see that it would materially assist the passing of the measure if he would do so.

Mr. SMYTH said there was very little difference existing between the Bill and previous Bills passed by the House for a like purpose. He believed five or six gas companies were registered in the colony—the first one of which allowed the Brisbane Gas Company to divide profits up to 50 per cent. The Ipswich Gas Company Act allowed 30 per cent., and the Rockhampton, Toowoomba, and Maryborough Acts allowed the same dividend to be declared. The Bill before the House only allowed for 20 per cent. profits. There was another slight alteration which allowed the company to levy for rates within ten days instead of twenty as had heretofore been provided, and he thought it was quite right that they should be allowed to do so, in order to have the power of enforcing the payment of rates in the case of a person who was likely to leave the district. Gas companies did not as a rule sue for monthly bills. The rest of the Bill was almost a copy of the Ipswich, Rockhampton, and Maryborough Companies Acts.

Mr. MOREHEAD said he thought the hon. member was slightly in error when he said the Brisbane Gas Company declared 50 per cent. dividends.

Mr. SMYTH : They are allowed to do so.

Mr. MOREHEAD said they had not to take into consideration what other companies were allowed to do ; and what he asked was this—In what way did the Bill differ from former Bills of a like nature ? The hon. member knew that it did vary very materially from existing Acts. There was no doubt the hon. member must be aware that material alterations must be made in the measure before it could become law, and he should tell the Committee at once what the variations were without sheltering himself behind the fact of what dividends other companies were allowed to declare. What were the differences between it and other Acts?

Mr. SMYTH said he had told the Committee that the Bill was almost a verbatim copy of the other Acts he had mentioned, with the exceptions he had already alluded to. The Toowoomba Act contained forty clauses, and all the others contained thirty-nine, with the exception of the Brisbane Act, which contained fifty-one. He had gone through all the other Acts very carefully, and he found the Bill before the Committee was nearly word for word the same as they were. The Gympie Company were unlikely, for a long time, to declare 20 per cent. dividends, because they had been obliged only lately to call up more capital, besides which £1 shares were now procurable at 17s. 6d. It would be years before they reached 20 per cent.

The HON. SIR T. MCILWRAITH said he thought hon. members must by this time admit, especially from the light they got from the old country, that private Bills were deserving of more notice than they had hitherto got from that House. He was speaking now in reference to the way in which they had legislated before, and he would draw the attention of the Committee to the fact that gas companies were monopolies they had allowed to exist, and they had allowed Bills for the establishment of gas companies to pass through, knowing them to be monopolies with privileges which they had never allowed to other companies. The only place in which the country tried to protect itself in the Bill before them was when it limited the extent of profits to 20 per cent. Well, 20 per cent. in any sort of industry, especially in gas companies, was far too large an amount to expect as profit. That could be very well reduced, but they ought to go a great deal further. They saw the disadvantage of monopolies of that sort, and ought to make some provision in the Bill by which a company might be bought out. In speaking in this way it must not be understood that he was at all opposed to the formation of gas companies throughout the colony. He approved of them because it was the only way in which a town could be lighted at the present time, but they ought to look ahead and provide that a monopoly, when it came to be against the

public interest, could be abolished. Gas companies in England had proved themselves to be about the most abominable monopolies that ever existed, and he thought, therefore, a company should be forced to sell its rights to the local authority if the public interest demanded it. As an instance, he might cite the Tramway Bill, in which power had been given to companies to construct tramways; but at the same time the Act empowered the local authority at a certain time, if they considered the monopoly against the public interest, to purchase it. He was not speaking against the present Bill particularly, but against all Bills constituting monopolies. In the first place, he did not think that an amount of interest over 10 per cent. should be provided for in the Bill, and he was mentioning an extreme percentage when he said that. The hon. member could not object to an amendment of that sort, especially as he had informed the Committee that the company would not reach 20 per cent. profits for many years. In the second place, he thought that, if the public interest demanded it, the local authority—either municipality or divisional board—should have the power of buying back the company by arbitration or some means of that sort. That same question had been so lately before them in the shape of the Tramway Act that hon. members would find it fresh in their minds. They granted the power to make tramways in certain places under certain conditions, but, as he had pointed out, they took care to provide the power of buying out a monopoly if its existence became injurious to the public interests. When that time came, the local authorities ought to have power to buy up the works. That power was provided in the Tramways Act of 1882, by the following clause:—

"At any time after the expiration of fourteen years after the completion of a tramway constructed under the provisions of this Act, the council may purchase the tramway with its appurtenances, subject to any mortgage existing thereon, on giving to the company six months' notice in writing of their intention to do so.

"The amount of purchase money shall be such amount as may be agreed upon between the council and the company; or if the parties cannot agree, such amount shall be ascertained in the manner provided by the Public Works Lands Resumption Act of 1878, for determining the amount of compensation to be paid to the owners of lands required for public purposes."

That clause was specially applicable to a Bill of the sort now before the Committee, and the insertion of a similar clause would be in the interests of the public, and not against the interests of the company. As population increased, he had very little doubt that works of that kind would be eventually resumed by the public, especially as it had always been found that local authorities could manage them much better than companies. Companies went always for profits, while local authorities went for the good of the people generally. The result in England had been that where local bodies had purchased gasworks—and they had done so very extensively under the powers given them—they had very considerably decreased the amount paid by the consumers for gas, and they had increased everywhere the quality of the gas provided. He hoped the hon. member would take those remarks in the spirit in which he had given them—not as against the interests of any particular company, but as in the interests of the people of the colony.

Mr. GROOM said he could quite endorse what had fallen from the leader of the Opposition. In considering the powers to be granted to a gas company, it was of the greatest consequence that the public should be protected. Although a shareholder in a gas company, he could speak disinterestedly——

Mr. MOREHEAD: Interestedly!

Mr. GROOM: Interestedly in one sense but disinterestedly in another, because he was opposed to anything like a monopoly. The question of local bodies becoming the purchasers of gasworks had been under his consideration for some time past, and his attention had been more particularly directed to it by what had occurred in New South Wales. A gentleman in that colony who felt great interest in the subject had taken the trouble to make inquiries in England upon it, and had sent a circular letter to the managers of the 123 gas companies in the mother-country, which were under the management of companies, and he had written to the mayors of a large number of the corporations in Great Britain with a view of ascertaining the difference in the price of gas charged by the companies and the local authorities. That gentleman had published his information in a letter to the *Sydney Morning Herald*, and the information it contained was really wonderful. It was important that the public should know what had been the actual result in the matter of cost in consequence of the change of ownership and management. The benefit to the public was that the cost of gas, notwithstanding the presumably low price through previous competition, had been still further reduced 35 per cent., nearly 50 per cent. in some instances, below the former charges. A few instances would bring out the facts more clearly. At Richmond, Yorkshire, the charge per 1,000 cubic feet of gas under the company was 7s. 6d.; under the corporation it was 3s. 9d.; at Birmingham, purchased from two companies, the respective charges were 3s. 6d. and 2s. 1d.; at Leeds, also purchased from two companies, 3s. 6d. and 1s. 10d.; at Stockton-on-Tees, 4s. 6d. and 2s. 6d.; at Dundee, 5s. 4d. and 3s. 6d.; at Bolton, 3s. 4d. and 2s. 8d.; at Nottingham, 3s. 4d. and 2s. 6d. At Doncaster and Rochdale, the price charged by the companies was not given, but the price charged by the corporation of the former place was 2s. 11d., and of the latter place, 3s. The prices for coal for gas-making at those places ranged from 8s. to 22s. per ton. A letter written under the direction of the mayor of Manchester stated that after paying all expenses last year they were able out of the year's profits to expend £52,000 on corporation improvements, besides transferring £23,000 to the lighting fund. The works at Stockton-on-Tees were purchased for £19,500, and after reducing the price, as shown in the figures he had quoted, they made a profit last year of £5,000. At Doncaster, with a charge of only 2s. 11d. per 1,000 cubic feet, they made no charge on the ratepayers for street-lighting. Those facts were incontestable, and showed that, when Bills of that kind came before the Committee, they had a right to make provision for the purchase of the works after a certain time by the local authorities. It was not at all out of place to insert a clause of the kind read by the hon. gentleman, the leader of the Opposition, in all gas Bills for which parliamentary sanction was sought. There was a general desire in England, as well as in New South Wales, that gasworks should be in the hands of corporations, and as soon as Queensland followed in that direction they would have a better quality of gas, and the public would be better and more cheaply served than it was by the companies.

Mr. FERGUSON said he fully agreed with the remarks of the last two speakers. He had been connected with the Rockhampton Gas Company since its formation, and had been not only a large shareholder in it, but a director of it. He had also been the mayor and an alderman of the municipality, and was conversant with both sides of the question. There was no doubt that gas companies were at present, to a certain extent, monopolies; but it must be remembered

that, unless some advantages and privileges were given them, gas companies would never be formed. He agreed that local bodies should be given the power to purchase after a certain lapse of time, and that that purchase should be according to valuation in the usual way. It would be no doubt far better for the public if such works were under the control of the local authorities, for, as was well known, the chief aim of companies was to make as large profits as possible. Even if they did not divide more than 10 per cent. or 12 per cent., there were ways of deceiving the public, such as writing off more than was necessary for depreciation, or putting an unusually large sum to the reserve fund. All those were profits which the public had to pay, and there was no doubt that the public would be better served if the companies were in the hands of the local bodies. There were several matters in the Bill which, while scarcely worth mentioning now, could be amended as the clauses came before them. As he had said, unless certain privileges were given to companies they would not be floated. He noticed that the Brisbane Company had power to divide profits to the extent of 50 per cent. on the capital of the company. In most other companies it was 30 per cent.; and the Gympie Company was the lowest one as yet. The Bill fixed the profit of 20 per cent. before the company was compelled to reduce the price of gas. Though that was the lowest as yet, he thought it was too much, and should be reduced. He did not think it should be reduced to 10 per cent., because in one year the company might be in a position to pay 15 per cent., and in the next year—through some mishap, or the extension of works which would require additional expenditure—they might not be able to declare more than 5 per cent. He knew that in Rockhampton they had not always been able to declare the same profit; and it was hard to decide the exact amount that a company should be limited to. If they were too severe on companies there would be none floated.

Mr. MACFARLANE said he quite agreed with what had fallen from some previous speakers. He thought that Ipswich was about the second town in the colony that had a gas company, and up to the present time the profit had not been lower than 10 per cent. At the same time, as had been remarked by the hon. member for Rockhampton, there was no doubt that profits could be got in other ways than by declaring 10 per cent., and he thought that moneys placed in the reserve and other funds would be far better used if paid to the consumers of gas. Up to the present time, shareholders had no reason to complain of the profits they had received. He very much approved of the remarks made by the hon. member for Mulgrave; they ought to limit the profits of the Gympie Gas Company in future to 10 per cent.; at all events, he would not go beyond 12 per cent., and if possible that principle ought to be applied to other companies also. Ten per cent. was quite sufficient for any shareholders who had started gas companies with the view of benefiting the community. Those companies were not generally supposed to be started from selfish motives, and therefore he approved very much of the idea of 10 per cent. He also approved of giving power to the corporation in ten or twelve years to purchase the company. Twenty years ago the city of Glasgow Corporation bought the gasworks, and since then the price had been very much reduced, and there had been better gas. He hoped the hon. member would allow the Bill to be amended so that the profit should be fixed at 10 per cent. instead of 20 per cent.

Mr. MELLOR said he thought the hon. member in charge of the Bill would scarcely accept the 10 per cent. That amount would, he believed, be too small, and would have the effect of preventing gasworks being formed. As the hon. member for Rockhampton had said, in some years a company might not be able to declare such a dividend from various causes. He himself was a shareholder in the Gympie Gas Company; but he should not oppose the introduction of a clause giving power to the corporation to purchase the works. He knew that the company was started to benefit the community. Of course the promoters had to ask the public for assistance, and since the company had been working it had been of great benefit to the public. He would not advise the hon. member who had charge of the Bill to object to the introduction of a clause that would give the local authorities power to purchase the works in a certain number of years. He thought it was a wise provision to make, in case the local authorities cared to make the purchase. He did not think it was correct to say that if the people of Gympie knew of the monopoly that was asked for they would not rest so content about the matter. The people there were very well pleased at the success of the company. Some of them said it would not be a success, and they were very shy of giving it support; but now they were glad that the company was doing so well. It had been working well for eight or nine months without the present Bill, and in fact the company were indifferent as to whether they asked for the Bill now at all. They were quite in accord with the council, and the people were well satisfied with the working of the company; they got the best gas in the colony, even better than Brisbane.

Mr. MOREHEAD said he thought, from what had fallen from hon. members on both sides of the Committee, that they should have an expression of opinion from the hon. member in charge of the Bill as to whether he would admit a clause allowing the local authority, after, say, ten, twelve, or fourteen years, to take the gasworks out of the hands of the company. He thought very strong arguments could be brought forward in favour of such a clause, and that the hon. gentleman would do well to consider whether he had not better move the Chairman out of the chair to consider the matter, or, if he objected to that, to tell the Committee that he was prepared to accept amendments in that direction.

Mr. SMYTH said the Acts in New South Wales provided that the corporation should have power to purchase, and he believed in that principle; but it would be rather an awkward thing for him, when in charge of a Bill in which he was not personally interested, to give way and introduce a clause which might not be satisfactory to the shareholders. He believed, however, that the idea was a good one, and sooner than see the Bill fall through, or allow any bad construction to be put upon it — that it would enable the company to obtain an undue advantage over the public—he was quite willing that a clause should be inserted giving the corporation power to purchase in twelve or fourteen years, by arbitration. He felt sure that the company would be quite agreeable. As to the Bill giving a monopoly, he did not think it could be called a monopoly any more than the business of a steamship company, a bank, or any other company in existence. It was merely a speculation, and a more risky speculation than in such towns as Maryborough, Rockhampton, and Townsville, for Gympie had no back country to fall back upon, but depended entirely on what was raised in the town. All hon. members

knew that a mining township was at one time prosperous and at another likely to be quite the reverse, and in a place like Gympie a dividend of 20 per cent. was not too much for the shareholders to receive. The rate fixed was lower than that of any gas company's Bill passed in the colony, and he thought the shareholders of the Gympie Company deserved some consideration. He should be glad to accept the proposition of the hon. member for Balonne, giving the corporation the power to purchase.

Mr. MOREHEAD said the Bill was altogether in the hands of the hon. member for Gympie; and as he had no interest whatever in the measure, though his colleague (Mr. Mellor) admitted having a considerable interest in the company, it might be as well if the hon. member moved the Chairman out of the chair now. He did not say that in any way with the view of obstructing the passage of the Bill, but in order that the hon. gentleman might get a clause drafted, containing the principle indicated by the leader of the Opposition, and supported by the hon. member for Toowoomba (Mr. Groom) and others. It would be better for the amendment to be made by the hon. gentleman in charge of the Bill than by other hon. members, who, though not in any way hostile to the passage of the measure, desired that such a provision should be included. With regard to the question of interest, he held to a very great extent the opinion expressed by the hon. member for Gympie—that 20 per cent. was not too large a rate to be given to the company, more especially as it was a company in a town whose progress he hoped would not be seriously impaired, but which, from the nature of its creation, might be seriously impaired from circumstances over which they had no control. The hon. member had admitted that the contention set up by the leader of the Opposition was based upon sound and just principles; and having had his eyes opened on the point it was for him, and not members on the Opposition side, to introduce a new clause dealing with the matter.

Mr. SMYTH said he did not think it was necessary to move the Chairman out of the chair to do what was required. He had a clause already which was contained in a New South Wales Act; and he could move that clause without moving the Chairman out of the chair.

Mr. MELLOR said he did not think there was any occasion to delay the passage of the Bill, in consequence of what had been pointed out by the leader of the Opposition, so as to give the shareholders and directors an opportunity of considering the introduction of such a clause as was suggested. He might say he had contemplated that such would be attempted, and had mentioned the matter to the directors and to the company's solicitor. There was no objection on their part to such a clause, and if the measure were postponed the result would be just the same.

Mr. MOREHEAD said it must be gratifying to the Committee to know from the hon. member for Wide Bay (Mr. Mellor) that the directors of the company would not object to such an alteration being made by them. That was, however, beginning at the wrong end. The hon. gentleman spoke in a very lordly way when he assured the Committee that if any alteration were made in the direction indicated, the directors, and those interested in the undertaking, would not be annoyed—that they would graciously accept it, in fact. He was sorry the hon. gentleman had not his surtout on when he spoke in that way. He generally addressed the Committee in a black coat, and it was a pity that he had changed his uniform. He actually told the Committee that, on behalf of the company, he could safely say the amendment would be allowed by them. But surely that was not the pettifogging way in which a Bill of that sort was to go through, especially when there was a great principle enunciated for the first time by the leader of the Opposition in regard to such Bills—not only gas companies' Bills, but other bills dealing with *quasi* private enterprises. And for the hon. member for Wide Bay (Mr. Mellor) to tell the Committee when they were dealing with a very important question that the directors of the Gympie Gas Company were prepared graciously to accept the amendment proposed, was simply an act of presumption and impertinence only to be equalled by the presumption, and arrogance, and impertinence of members who generally represented that part of the colony. He (Mr. Morehead) regretted very much that he was not present on the previous evening when the hon. member for Maryborough addressed the House, but he would give the hon. gentleman an opportunity of measuring lances with him that evening.

The HON. R. B. SHERIDAN: I am quite incompetent to measure language with a blackguard.

The HON. SIR T. McILWRAITH: Mr. Fraser,—Is it right that an hon. member on the other side should call a member on this side a blackguard? I think the words should be taken down, and I move that they be taken down.

The HON. R. B. SHERIDAN: I did not call any man a blackguard. I said I am quite incompetent to measure language with a blackguard, and I repeat the words.

Mr. MOREHEAD: I say he is quite competent, Mr. Fraser, and I want the words taken down.

Mr. SMYTH: I do not see——

The HON. SIR T. McILWRAITH: I rose and asked the Chairman to have taken down the words applied by the hon. member for Maryborough to the hon. member for Balonne. The hon. member has got to retract those words, or to be censured by this Committee. That the words were directly applied to the hon. member for Balonne there cannot be the slightest doubt, otherwise they have no meaning. Such language should not be used in this Committee.

The PREMIER: A debate has intervened, and it is too late to take them down.

The HON. SIR T. McILWRAITH: It is not too late; nothing has intervened; I interrupted the hon. member as soon as he rose.

The CLERK-ASSISTANT read the following words as taken down by him:—"I am not competent to measure words with a blackguard."

The HON. SIR T. McILWRAITH: I ask your ruling, Mr. Chairman, whether such language as that is out of order?

The CHAIRMAN: Such language is not in order.

The PREMIER said: I apprehend, Mr. Fraser, that any hon. member in this Committee may make use of any language he pleases, provided it is not indecent, and provided he does not attack any other hon. member. I do not see why two or three members should have a chartered liberty to use the most opprobrious and insulting epithets towards members on this side, which they scorn to notice, and that when a member on this side makes use of an expression purely abstract in its character he should be ruled out of order. I think that if reference is made to authorities it will be found that expressions of that kind may be used. Certainly expressions infinitely worse have been used towards members on this side of the Committee nearly every sitting-day this session, but they have scorned to notice them. Fortunately those statements are recorded in

Hansard, and they only injure the person who uses them. I submit, sir, that the expression made use of is not out of order, unless the word "'blackguard" is applied to an hon. member of this Committee. To call a member of this Committee a blackguard is, of course, out of order, but to merely announce an aphorism of the kind made use of the hon. member is a different thing. Probably the true rule is this : that no offensive expression can be made by any member of another member. I think it is quite time the same rule was applied to both sides of the Committee.

The HON. SIR T. MCILWRAITH said : I am sorry the Premier has taken up such a stand as he has on this matter. He is in a position to make a stand against any language that may have been used on either side of the Committee. Last night, when the hon. member for Maryborough was quite as insulting to myself, I scorned to take any notice of his remarks, and I think that was the best reply I could make. To-night he has again used personalities in his language. The hon. member for Balonne had just sat down when the hon. member for Maryborough rose, and said distinctly, "I am not prepared to measure words with a blackguard." Those were the words used, and as they were spoken immediately after the hon. member for Balonne had sat down, there can be no doubt that they were applied to him—that the hon. member for Maryborough said the member for Balonne was a blackguard. I do not think we have come to such a low pitch as this, to call one another blackguards across the table of the House. I have often and often done everything I could to restrain my own followers—thank God, I have not had to do it often—but I never heard one of them use a word of that sort to any hon. member of this House. If there is any gentlemanly feeling on that side of the Committee they must admit that the hon. gentleman who uttered the words ought to retract them and apologise to the Committee. I have heard, as I said before, bad language applied to myself, but I have scorned to reply to it, especially when coming from the source it did—from the hon. member for Maryborough. The hon. gentleman at the head of the Government simply declines the responsibilities of his position in being afraid to deal with a follower of his own, but he must see that in order to conduct public business properly, the ordinary decencies of life should be observed in this House.

Mr. JORDAN said he thought every member of the Committee would regret that such an expression had fallen from the lips of the hon. member for Maryborough. He certainly did. If the expression was not applied to the hon. member for Balonne, it was plainly implied, and he regretted that such a word should be heard from the lips of any hon. member in that Committee. There could not, in his opinion, be any circumstance which would justify such an expression ; and he hoped, for the honour of the House, that the hon. member would withdraw the expression. The hon. member for Balonne sometimes made use of language in that House which was not justifiable—if, as an old man, he would allow him to say so without taking offence. He had said to the hon. member last night that he regretted that the hon. member had made use of the expression he used last night. The hon. member was listened to for his wit and he often kept the House alive. He was as playful as a kitten, but the kitten should not scratch. They put up with a good deal from the hon. member, but he sometimes transgressed the rules of propriety, and he thought the hon. gentleman would admit that himself. He thought he exceeded the bounds of propriety when he referred to the remark made by the hon. member for Gympie, and to that gentleman's style of dress. That was not the first time he had made personal allusions to gentlemen, and to their style of dress and manner, and such allusions were beneath the dignity of that House and of any member occupying a place in it.

The HON. R. B. SHERIDAN said : Mr. Fraser,—In order that I should not for one moment be the means of delaying the business of this Committee, I will, without any hesitation, express my very great regret at having allowed myself to be betrayed into making use of that expression. Whatever my private feelings may be, I think it was very indiscreet on my part to make use of those words, and I think it would have been infinitely better for me to have remained silent and leave it to be understood that the hon. member to whom I have referred has not yet risen to the level of my contempt. I regret exceedingly having made use of the expression complained of, and I withdraw it accordingly.

Mr. MACFARLANE said that the hon. member having withdrawn the expression, he would not refer to it, but he took advantage of the present discussion to protest against personalities being used in debate. He had done so before, and he did so again. Hon. members knew that he had always been opposed to personalities being thrown across the House. He thought it unbecoming and ungentlemanly, whether in a young man like the hon. member for Balonne, or an old and reverend gentleman like the hon. member for Maryborough. They all respected the hon. member for Balonne for the wit he displayed ; but he was sometimes not careful enough in the expressions he used. He was really guilty of using language in the House sometimes—and especially to the hon. Premier—that was unbecoming. He hoped he would take warning, and be more careful of his expressions in the future, and that they might all live together and conduct their debates as gentlemen ought to do.

Mr. ARCHER said: Mr. Fraser, — I think I may take part in this discussion, because I am not in the habit of using offensive expressions. Gentlemen on the other side appear to me to think that we on this side should sit silent under insinuations and language infinitely more offensive than anything that falls from this side of the House.

Mr. MOREHEAD : Hear, hear ! They have called us thieves and rogues.

Mr. ARCHER : I admit that the hon. member for Balonne is very witty, and sometimes he chaffs hon. members on the other side in such a way that even those whom he is chaffing are obliged to laugh ; but only last night we had an aged gentleman, almost as aged as myself, referring to this side of the House as "Ali Baba and the Forty Thieves." When expressions of this sort are made use of by an aged man what are we to think of it? We hold the hon. member's opinion in such contempt that we simply take no notice of what he says. The hon. gentleman may call us thieves—and has called us thieves—and we pass over his expression in silence. He may frankly express his opinion that I am a thief if he likes, and I say it does not matter to me ; I do not care a fig about it, because I do not think anyone will believe him, and that everyone will still believe that I am an honest man. But when it comes to this—that notice is called to his expression—I think it is time that the hon. gentleman leading the other side of the Committee should do as his followers have done, and express his disapproval of that kind of thing. I am not going to say that I always approve of the expressions made use of by my hon. friend

the member for Balonne. As the hon. member for South Brisbane says, the hon. member has the playfulness of the kitten, but he sometimes scratches as well. That may be so, but if he makes a mistake call him to order; and if I think he is in the wrong I shall certainly raise my voice to put him right. I think it remarkable that the leader of the Government and the leader of this House should have tried to excuse such an evident breach of the rules of the House as he has done to-night. I do not believe myself in personalities being used in the House, and I hope that after to-night the air will be a little clearer, and that we shall have no more of this kind of thing in the future.

The PREMIER said: I hope so too, Mr. Fraser. It is because I thought a little discussion of this kind would tend to clear the air a little that I made the speech I just now made. I knew what I was saying, and I spoke with a purpose. I expected it would have that result, and I trust it will have that result. I believe I am tolerably well acquainted with my duty and with the rules of the House, and I deliberately declined to censure the first member on this side of the House who was called to order for committing an offence of the most trivial and venial character as compared with what we have had to listen to here for weeks past. I declined under those circumstances, when the first complaint was made of a member on this side of the House using personalities, to take the opportunity of blaming him. Whether I was right in doing that or not I do not know, but I did it deliberately, and if I was wrong I still did it deliberately.

The HON. SIR T. MCILWRAITH: I do not know what the hon. member calls offences of "trivial and venial character." I know that if, after the hon. member had made a most violent and offensive speech against me, and when my time came to speak, I simply rose and said, "I shall decline to reply to a blackguard," I should have been disgraced in the eyes of the colony. But this is just exactly what has taken place now, and the hon. member says that that is a trivial and venial offence.

The PREMIER: I said, as compared with others.

The HON. SIR T. MCILWRAITH: I never heard such an expression used before in the colony. When an hon. member on my side of the House on a previous occasion used an ungentlemanly expression, I advised him strongly to withdraw the expression, and I took action myself. That is the only one occasion on which an offence of the same sort has been committed. I hope this debate will clear the air, and I hope the hon. gentleman at the head of the Government will be wakened to the responsibilities of his position, and learn that he is to guide the House for the future. I hope he will keep his followers in hand, because if this kind of management is to go on, and members are to be allowed to express their thoughts in the language used by the hon. member for Maryborough to-night, the debates will have to be conducted by a different class of men altogether to those who have conducted them in the past.

Mr. MOREHEAD said: Mr. Fraser,—I would like to say a word or two upon this matter, and, of course, I have the right as a member of the Committee to express my opinion, and I accept the mild castigation which has been given to me by both sides of the Committee. My claws may sometimes scratch; sometimes perhaps they are intended to scratch—the probability is they are; but as for being called a blackguard by the hon. member for Maryborough, I am not at all sure that any member on either side of the Committee would think that, either as regards my private or public capacity, that was a very fitting epithet to apply to me. I may be wrong, of course, in assuming to myself a position that has not been assigned to me by the hon. member for Maryborough, Mr. Sheridan, who has chosen to apply that epithet to me, and has withdrawn it in a very half-hearted way. No matter what epithets I may have applied to hon. gentlemen opposite—sometimes to hon. gentlemen on my own side—I, at anyrate, have never used any language so grossly offensive as the word that the hon. gentleman was pleased to apply to me. He has had to admit to-night that the language was not applicable to me, and it is rather an unfortunate position for a Minister of the Crown to have placed himself in. I certainly have said nothing to him to-night, or at any other time so far as I know, to justify him in applying such a term to me. I have applied ridicule to him, and I fancy that possibly ridicule is not inapplicable to him. At any rate, if I have ever said anything offensive, I should have been corrected at the time. If objection could be taken to any language made use of by me at any back period of my public life, fault should have been found with it then, and not now. Perhaps the fact is that my banter is so good-natured that hon. members pass it over and do not think where the scratch comes in till too late. I do not know if that is the case; I only throw it out as a suggestion. I say I have not wittingly offended anyone in this House to my knowledge. I have poked fun, and I intend to poke fun, so long as Providence gives me language and I am allowed the privilege of a seat in this House. As to the hon. member for Maryborough, what did he say last night when I was not present with regard to the Ministry of which I was a member, and of which, therefore, I formed part and parcel? In the ninth article which he brought up against that Ministry;—I do not know why he made it nine rather than nineteen or twenty-five; perhaps he fixed on the number nine because it was an odd number, and the charges were odd ones;—in that article he charged me with being a thief. At any rate, I was one of those who assisted "Ali Baba and the Forty Thieves," and I participated in their crime. Now, had I been here last night, I daresay I should not have had the high privilege of being called a blackguard to-night. I might have been called a blackguard last night. As it is, that is the term I have had the privilege of hearing applied to me to-night. That hon. gentleman thinks, or seems to think, that he has the right to hurl such terms as "swindler"—and all the other words his extensive vocabulary in that regard supplies—against members of the late Ministry, and those who supported them in this House. He seems to think that is a special privilege—a monopoly, in fact, which he alone is to enjoy. I did not propose to-night to have interviewed him or spoken to him on this question, nor do I intend to now, so that perhaps he was speaking a little before his time when he went out of his way to use the word "blackguard" to me. However, I will promise that gentleman something for the future. I promise him that I will give him a family history, which will be as interesting to him as to the country, before I have done with him.

Mr. BROOKES said that he, at all events, could come before the Committee and talk about this matter with a clean sheet. That was the reason why he did not wish to let the opportunity pass without saying just a few words. It had been his misfortune to be absent from the House for some few days, and he remembered reading in the quiet asylum of his own house about the hon. member for Balonne asking the Chairman whether it was justifiable for one member to

say of another that he was misrepresenting him. Having the advantage, then, of being able to look at the matter quietly and philosophically, he certainly came to the conclusion that the hon. member for Balonne was going to turn over a new leaf altogether—that if he could object to the term "misrepresent" or "misrepresentation" he was either going to be an entirely different gentleman from what he had been, or he was pushing the matter to the verge of absurdity. He need not tell the Committee that the terms "misrepresent" and "misrepresentation" must be allowable, so long as they were merely plain persons—liable to make mistakes, and liable to miscontrue and misconceive. There was nothing at all in that term that could be construed as provoking a breach of the peace. It did strike him at the time that he wished the Chairman had ruled that the term "misrepresent" or "misrepresentation" was parliamentary. It would have saved a lot of trouble in the future. He could say what he was going to say about the hon. member for Balonne without the least bitterness, because there was no member in the House whose society and whose playfulness he enjoyed more than that of the hon. member. He knew he did not mean even to scratch with his kitten claws. They were only kitten claws—they could not really wound anybody. He had also the good quality of not knowing when he scratched and when he did not. That was a very pleasant thing, and he should be sorry to see such a quality eliminated from the debates. He might say that he often really enjoyed the remarks of the hon. member — foolish remarks, he knew — irrelevant, and now and again below the dignity of the House—but still they enlivened the debates, and relieved the wearisome monotony of some of the speeches from the other side. But only a day or two ago he read in the *Hansard* several speeches of the hon. member for Balonne, and he had heard those speeches commented on in the street. The hon. member for Balonne would, he was sure, take this medicinally; he did not wish to castigate him—nothing was further from his wish—but he really did want to give the hon. member what he thought was called an alterative. The hon. member had certainly the other night addressed to the Premier language which was below the dignity of the member for Balonne. Somehow or other the Premier used the term "insignificant member." That was a harmless expression, and he was perfectly confident the Premier intended nothing offensive to anybody; but, lo and behold! up jumped the hon. member for Balonne in what was a very good counterfeit—he did not think it was a reality—of a towering rage. He might assume a rage, and he could bellow. If they could only believe that he was sincere some good might come of it, but he (Mr. Brookes) would remind the hon. member of what he said on that occasion. It was not gentlemanly. Whether it was parliamentary or not, it certainly was not gentlemanly, and it was not language that he would have used to the Premier in a private room. He certainly sheltered himself under his parliamentary privilege, and that was what they were all too apt to do. Having made such a full confession as he (Mr. Brookes) took it to be, he hoped the hon. member for Balonne would remember that if he wished to claim the right of calling members on the Government side to order for irregularities of speech he should set a better example for the future.

Mr. MOREHEAD said anything he had said in the House to the Premier, or anyone else, he would say outside in a private room if it was desired. The hon. member for North Brisbane (Mr. Brookes) had challenged him to do so, and he was ready to do it at any time. What he had said to the Premier was not so much for the purpose of defending his own position, but the position of every member of the Committee whose position had been lowered by the words of the Premier. So far from his shrinking from repeating what he had said, he would say it again any time the hon. gentleman liked.

Mr. BROOKES said, if he had allowed any remark to escape him which would seem to impugn in any way the bravery of the hon. member for Balonne, he would withdraw it.

Mr. MOREHEAD said the hon. member accused him distinctly of saying that he said to members of the House, under parliamentary privilege, that which he would not dare to have repeated in a private room. He said again that he was prepared to repeat word for word outside what he had said inside the House. He had nothing more to say. He had been challenged by the junior member for North Brisbane, and he had answered the challenge.

Mr. BROOKES said, in reply, he wished to say that the remark he made was——

Mr. MOREHEAD: What you said is recorded.

Mr. BROOKES said he was going to have his own way. What he said was that the hon. member for Balonne used language to the Premier and of the Premier which he would not use in a private room. What did that mean? Of course the hon. member for Balonne, with an alacrity which he (Mr. Brookes) thought showed a natural pusillanimity, immediately jumped to the conclusion that he (Mr. Brookes) impugned his bravery. He had nothing to do with that. The hon. member might be as valiant as a pot-lion for anything he knew. He dared say he was, but what he (Mr. Brookes) meant was that such language was not usual between gentlemen where there was not any such thing as parliamentary privilege. He trusted that would not be offensive to the hon. member for Balonne. The hon. gentleman knew that in the intercourse of civilised educated society it was not customary for one gentleman to use such language to another gentleman as was used the other night by the hon. member to the Premier. That was all he meant, and he did think that the hon. member took advantage of parliamentary privilege. He wished there was no such thing as parliamentary privilege, and he agreed with what had been said by Prince Bismarck that——

Mr. MOREHEAD: He will be proud when he hears that.

Mr. BROOKES said he was talking seriously. Prince Bismarck said that, under the plea of parliamentary privilege, any coward could say anything. He (Mr. Brookes) did not mean to apply that to the hon. member for Balonne. He was not thinking of him at the time, but he was simply repeating Bismarck's own words. Parliamentary privilege was a privilege much abused.

Mr. MOREHEAD: Hear, hear! You had to apologise at one time.

Mr. BROOKES said he never abused. It was a privilege very often taken advantage of during the heat of debate, and if they had any time to think, perhaps such ungentlemanly expressions would not be made use of. When he heard hon. members on the other side say that they listened to abusive language with a magnanimous scorn and contempt, he did not think much of such a statement. It was very easy to assume to care nothing when really the remarks were harmless, but he thought a great deal of good would come of the discussion. He had himself been insulted in the House. He was once told by the hon. member for Balonne that he could not be trusted to

do justice between man and man. There was a Christian sentiment! But then he (Mr. Brookes) adopted the tactics of the hon. member himself, and pulled him up on the spot, and like a gentleman, as the hon. member was, he immediately retracted, and apologised and looked extremely penitent. He (Mr. Brookes) desired to express the hope that they should, as a deliberative assembly, endeavour to steer clear of personalities. They could serve no good purpose.

Mr. MOREHEAD: Physician, cure thyself!

Mr. BROOKES said he would make the avowal that he had, at times, even himself offended, but he would not be the first to again indulge in personalities.

Question—That clause 1 stand part of the Bill—put.

The HON. SIR T. MCILWRAITH said he did not think the hon. member in charge of the Bill exactly understood the scope of the amendment that he had proposed. It proposed to reduce the rate of interest and to define the maximum rate chargeable by the company. It was not aimed at the Gympie Company exclusively, but was proposed as a protection to the public. He admitted—and every member who had yet spoken admitted—that, while doing everything they could to protect the public, they should, at the present time, not do anything that would prevent the formation of public companies for the purpose of carrying out public works; he did not want to do that. If the hon. member showed in any way that he considered it would be to the advantage of the company or the community that a higher interest than 10 per cent. should be allowed to be divided in dividends, he, for one, would not carry his objection to any extreme length. He had said what he had to say; and he thought, being a company which acquired from Parliament a monopoly, it should be limited in the amount of its profits. He had therefore proposed what he considered the moderate amount of 10 per cent., whilst, being aware at the same time that other companies had been allowed to divide profits up to 30 per cent. If the hon. member in charge of the Bill would frame a satisfactory amendment by which the local authority would have power, after ten or fourteen years, to purchase the company's works at an amount to be arrived at by arbitration, it would limit very considerably the importance of the other amendment he had suggested with regard to reducing the percentage. As soon as the dividends reached 10 per cent., and as long as the Government was solvent, and could lend money to local authorities at 5 per cent. as was the law and custom now, he was certain the local authorities would purchase the gasworks. He was sorry to hear the hon. member (Mr. Smyth) talk about Gympie as a place where there was special risk in putting up gasworks. Judging from experience there could not be a finer field for such an experiment, and there was certainly no more risk at Gympie than at Townsville, Bundaberg, or any other places in the colony where the formation of gas companies had been determined upon.

Mr. SMYTH said that, whilst willing to insert a clause giving the local authority power to purchase the company's works at the end of ten or fourteen years, he thought it inadvisable to interfere with the percentage. Although 20 per cent. was mentioned in the Bill, the shareholders would be perfectly satisfied if they got 10 per cent. Gympie being a mining district, there was always the risk of a depreciation of stock in companies of that kind. A short time ago the municipality there proposed to borrow a sum of money from the Government to construct waterworks. Water was much more needed at Gympie than gas, and no doubt would pay better; but the people rose in a body, and signed a large petition protesting against the proposition, on the ground that their taxation would be heavier in consequence. If that was the case with water, it was hardly likely the people would allow the municipality to manufacture gas. He hoped the Committee would not mutilate the Bill, as those who were interested in it deserved great credit for forming the company.

The HON. SIR T. MCILWRAITH said he hoped the hon. gentleman did not think for a moment that there was any intention to tear the Bill to pieces. All they wanted to do was to amend it in the interests of the public—an amendment which he was glad the hon. member had expressed his willingness to accept.

The PREMIER said he understood that the company proposed to carry on its operations in the municipal district of Gympie, and in the adjoining divisional board as well. The suggested amendment gave the municipality only power to purchase, but great changes might take place within the fourteen years. Instead of dealing with isolated cases, there ought to be a Bill dealing with the subject, giving local authorities power to purchase any works within their districts which Parliament considered could be more advantageously conducted by them than by a private company. There was no great urgency about the matter, for the power was not sought to be exercised within fourteen years, at any rate. If it was intended to accept an amendment of the kind suggested, it would be better to adopt, with certain modifications, the clause from the Tramways Act instead of the cumbrous clause which he saw in the Sydney Bill.

The HON. SIR T. MCILWRAITH said he quite believed in a general Act providing that local authorities should have power to purchase gasworks, but that did not meet the case. If gas companies first got the power to start their works, and a Bill was introduced afterwards giving local authorities the power to buy them, the companies might object. What they wanted was to make it a condition of the bargain that the local authorities could buy if they chose. He was prepared to go even further than the Premier, and believed it would save an immense deal of time if a form was drawn up for all companies in the future. There were a large number of clauses which the Committee had not the proper knowledge to amend. If hon. members were to compare the present Bill with the gas companies' Bills in Melbourne, they would see a number of most useful clauses which they had neither time nor knowledge to put into the present Bill. In the meantime they could not do better than insert the clause from the Tramways Act, as he had some time ago suggested, with a few alterations. Where did the hon. member propose to insert that clause?

Mr. SMYTH said the proper place for it would be before clause 38 of the Bill.

Mr. MOREHEAD said he hoped the hon. member would see that there was no intention to obstruct the Bill. They were simply trying to perfect it, and it would certainly be greatly improved by the amendment suggested by the leader of the Opposition.

Clause put and passed.

On clause 2—"Power to other persons to convey real estate to the company"—

The PREMIER said, if they were going to provide for local authorities purchasing gasworks, there ought to be some special power given them to do so. At present they were not authorised to borrow money for that purpose, and there would have to be a special law dealing with that, and also regulating the relation of the

ocal bodies with consumers, when the time came. Regarding the matter from that point of view, it had occurred to him that it might be sufficient if they provided in the present or any other Bill passed now that gasworks might be taken over by local authorities on terms which should be hereafter fixed by Parliament. It should be part of the bargain that Parliament would have that power. Since there was no law on the subject at the present time, it would perhaps be better to reserve the right in that way rather than put in an incomplete clause. He made the suggestion in order that it might be considered before the Committee came to the part of the Bill where such a provision should be inserted.

The HON. SIR T. MCILWRAITH said he believed the suggestion made by the Premier was a better way of dealing with the matter than the insertion of a clause as previously proposed. He liked the suggestion, because then Parliament would really have the power of fixing the terms on which the purchase should be made.

Mr. GROOM said there was nothing in the Municipalities Act of New South Wales to authorise municipalities going into the money market and borrowing money for gasworks; yet the Legislature inserted a clause in all gas companies' Acts giving them power to purchase such works.

The PREMIER: Perhaps it has never been pointed out.

Mr. GROOM said it might not have been pointed out to them. The circumstances there were analogous to those in this colony at the present time. The same question was arising as to the monopoly of gas companies; but an attempt was being made there to guard against it.

The HON. SIR T. MCILWRAITH asked if the hon. gentleman in charge of the Bill objected to the proposal of the Premier to reserve the power? If the company inserted a clause in the Bill such as that in the Tramways Act, they bound themselves to a particular mode of assessment; whereas when the general Bill was brought in they might find that they could actually get better terms. According to the Premier's suggestion, all the Bills of that kind passed in future would be subject to this legislation: that at a certain time the gasworks could be taken over by the local authorities on terms to be prescribed by Parliament. He thought that met the case, because by it they did not bind themselves to the particular terms laid down in the Lands Resumption Act of 1878. The provisions in that Act were rather complicated. Under the Tramways Act the mode of arbitration was according to the Act of 1878; but some of the provisions were rather clumsy, and it might be desirable that the House should not follow it in similar cases.

Mr. GROOM said he did not object to what the Premier had suggested. He only wished to point out what the circumstances in an adjoining colony were. The municipalities there had no power to borrow money for the purchase of gasworks, though it was quite possible to suppose that a municipality might have funds and would not have to resort to the money market at all. But the municipalities had no such power, and yet the Legislature was giving them power to purchase gasworks. Of course he thought the proposal to bring down a general Bill making it applicable to all corporations in Queensland was preferable to having a clause in the particular Bill before them.

Clause put and passed.

Clauses 3 to 12, inclusive, passed as printed.

On clause 13—"Power for the company to contract for lighting of streets and houses"—

The HON. SIR T. MCILWRAITH said that the clause stated that the gas company should not be compelled to reduce the price of gas until the profits exceeded 20 per cent. Of course, the importance of the clause was not so great in his eyes if the clause were passed which gave the local authority power to purchase. Still, he thought that 20 per cent. was an exorbitant profit to ask. That was the customary amount in the days when a thing of the sort was thought a very risky undertaking, and profits were so much higher. He thought it was too high a profit to ask. The clause, by holding out a hope that the dividends would be so high, would add an inducement to the buying of stock. He did not think the profits would be more than 10 per cent. If they had the power of forcing up the dividends beyond 10 per cent. they might make it profitable to themselves in this way: that any provisions that might be made for the purchase of the works by the municipality from the company would be based in some way or another upon the profits that they had made; and if they forced it up, by giving bad gas and making high charges, to 15 per cent. or 20 per cent., they would claim, of course, to be paid that 15 per cent. or 20 per cent. when the thing was taken over by the municipality. The hon. member ought to accept some reduction. He believed that money could be had to any extent for a gas company for any municipality in the colony that had a prospect of paying 10 per cent.

Mr. SMYTH said he did not see that they ought to give way on that point. The shareholders did not expect more than 10 per cent., and if they made more than that they were going to reduce the price of gas. The local gas company at Brisbane reduced the price from 15s. to 8s. in nine years, and as soon as ever the gas company at Gympie was on a good footing, and they saw their way clear to reduce the price of gas, they would do so. If the people thought the company was making too much money they could turn off their gas and use kerosine or candles. He did not think there was a gas company in Australia who made 20 per cent., and if he thought the Gympie Company was going to make that profit he would scrape together a few pounds and go into it, and so would a good many other members of that Committee. At present the shares were below par; £1 shares were only at 17s. 6d., and a proposal to reduce that 20 per cent. might damage those shares to a very great extent.

Mr. MELLOR said he thought that it would be doing a great injustice to investors in the gas company stock to interfere with the clause as it stood; 20 per cent. was little enough considering the corporation could buy it up in twelve or fifteen years. It would be far better to leave it as it was at present.

The HON. SIR T. MCILWRAITH said he would not propose an amendment on the clause, because the sting had been taken out of it by the power being given to municipalities to purchase. He still thought it too high, but would not move a reduction himself.

Mr. GROOM said, in looking through the Acts which had been passed from 1877 to 1880, there were three gas companies' Bills—the Ipswich Gas Company, the Maryborough Gas and Coal Company, and the Toowoomba Gas Company. In each of these cases the amount fixed was 30 per cent. So that the present Bill asked for 10 per cent. below that. He did not see why any further reduction should be made, because there were always losses in the early initiation of gas companies. There was often great difficulty in getting a proper manager, and

a great loss might accrue in that way, or disasters might occur, such as that which happened to the Toowoomba Gas Company some twelve months or eighteen months ago, when the buildings were blown down by a cyclone. If authority was given to local bodies in future to purchase those companies, 20 per cent. was reasonable compared with what the percentage was in Acts passed before it.

Clause put and passed.

Clauses 14 and 15 passed as printed.

On clause 16—"Company to relay pavements or roads broken up, and to remove rubbish, etc., until pavements be relaid; company to provide necessary lights at night"—

Mr. FERGUSON said that such a clause was often the cause of disputes between gas companies and the local authorities, because they had no power to direct the company where to deposit the surplus earth. Sometimes, after breaking up the roads there was a large quantity of surplus earth which no doubt belonged to the local authorities, but which, in Rockhampton, the company had sold at considerable profit. In order to prevent that sort of thing the clause should be amended, so as to give the local authorities power to direct where the surplus earth should be deposited—say a mile or a mile and a-half from the place whence the earth or rubbish was taken. Local authorities often required earth for the formation of streets, and the surplus earth broken up by the gas companies would be very useful in such cases.

Mr. SMYTH said that such a provision would not be necessary in Gympie, where the local authorities were glad to get rid of the surplus earth, and where it might be a great hardship to the company to compel them to carry stuff a mile away, when it could with equal advantage to the local authorities be deposited at a distance of a few hundred yards only.

Mr. BEATTIE said they might look at it in another light. Supposing the company left the rubbish on the streets and caused accidents, would the corporation be responsible? The company was bound to take the earth away at the direction of the corporation. He did not know whether the Municipalities Act gave the corporation control over all material taken from the streets; but he was sure that the Brisbane Corporation would not allow the gas company to take away surplus material. If there was any surplus material the corporation took possession. He saw no necessity for any amendment.

Mr. FERGUSON said that in Rockhampton the gas company actually sold the stuff, and the corporation lost the surplus earth, which was valuable in that town, though apparently it was not so in Gympie.

Clause put and passed.

Clauses from 17 to 24 passed as printed.

On clause 25—"Remedy for recovery of rents"—

Mr. FERGUSON said the clause was very much against the interests of the company, whose interests the Committee should protect, as well as those of other people. According to the clause, a gas bill might run on for two or three months, but before the company could cut off the supply of gas they must give the consumer twenty-one days' notice. That defect had been the cause of nearly all the bad debts of gas companies. A landlord could step in where rent was due, after a day's notice, and local authorities had power to sue for rates which were due; but a gas company had to give twenty-one days' notice before they could take proceedings, no matter how much the consumer owed for gas. He did not know whether the same provision was in other companies' Acts. Three weeks was a long time for the company to be compelled to wait, and during that period a consumer might sell off everything he had and go away to New South Wales. He only referred to the matter in order to bring it under the notice of the gentleman in charge of the Bill.

Mr. ALAND said he did not see why a gas company should be placed in any better position for the recovery of their debts than anybody else. If he, as a tradesman, chose to give too long credit he suffered the consequences, and if a gas company allowed their accounts to run too long they must also suffer the consequences. The company could send in their account, and if it was not paid at the end of twenty-one days they could sue for the amount due in the small debts court. To say that a gas company should have the same privilege as a landlord was expecting a little too much. They were the same as any other trader, and must exercise discretion in conducting their business.

Mr. FERGUSON said he thought the hon. gentleman did not quite understand the point he raised. A tradesman could take proceedings at once to recover his debts, but, according to the provision in the Bill before the Committee, the Gympie Gas Company must allow twenty-one days to elapse before taking any proceedings. The two cases were not the same.

Mr. MACFARLANE said he thought the company would be pretty well protected by the clause as it stood. He believed it was the rule for gas companies to render bills every month, and he did not think they were likely to lose very much if they had to wait twenty-one days after that before taking legal proceedings. He had made inquiries about the Ipswich Company, and found that by the system they adopted they had only lost a few shillings. Their plan was to render accounts monthly, and to allow a certain discount if they were paid before the end of the following month. Of course if the consumer did not settle his account within that time he had to pay the full amount. It was, however, generally found that people were anxious to secure the discount, and consequently paid their accounts very regularly. That was the experience of the Ipswich Gas Company.

Mr. MELLOR said a similar system was adopted by the Gympie Company. A very much lower rate was charged to customers who paid cash—that was, within fourteen days. With reference to the point to which the hon. member for Rockhampton had called attention, he thought it was rather too much to expect that a company in a place like Gympie, where a considerable portion of the population consisted of miners—a class of people who were very migratory in their habits—should have to give twenty-one days' notice before suing for the debts owing them. If a tradesman had to wait that long he would think it very hard lines. He thought that gas companies should be placed on the same footing as ordinary tradespeople.

Mr. BEATTIE said he would point out that in Brisbane, when a person made application to have gas laid on to his premises, he was required to deposit with the company an amount equal to the cost of the gas he would burn in a certain time—say £3 or £4. That was as security for the meter fitted in his place. Under that arrangement the company had always got something belonging to the consumer. If the Gympie Company adopted a similar system they would always be well protected.

Mr. SMYTH said he did not think the time mentioned in the clause was too long.

Clause put and passed.

On clause 26—"Penalty for interrupting company's workmen"—

Mr. MOREHEAD said he assumed there was nothing new in that clause; that it was like the provision in similar Acts.

Mr SMYTH said there was nothing new in it as far as he was aware.

Clause put and passed.

Clauses 27 to 37, inclusive, passed as printed.

The HON. SIR T. McILWRAITH: The proposed new clause should follow clause 37.

Mr. SMYTH moved the insertion of the following new clause to follow clause 37 as passed:—

At any time after the expiration of fourteen years from the passing of this Act, the local authority, within whose jurisdiction the company carries on its operations, may purchase and take from the company the whole of the lands, buildings, works, mains, pipes, and apparatus of the company on such terms as to ascertainment and payment of the purchase money as may be from time to time prescribed by Parliament.

In the event of the company carrying on its operations within the jurisdiction of more than one local authority, such purchase may be made by each one of the local authorities as may be prescribed by Parliament.

Question put and passed.

On clause 38—"Interpretation clause"—

The HON. SIR T. McILWRAITH said that of course the clause just passed, to follow clause 37, would not carry out the intention of the House until the promised Bill was passed. It did not prescribe the conditions under which the local authorities might purchase the works. The position in which things were left now was this: That the Government, of course, understood the responsibility they were under, to bring in as soon as possible a general Bill specifying the conditions under which local authorities should purchase such works. That was promised, of course, by the Government, before the clause was allowed to pass.

The PREMIER said the clause which the hon. gentleman moved, and which he had framed, provided that at some time after fourteen years had elapsed, if the company carried on for that time, the local authority might purchase the works. There was no great urgency about the case, as they had fourteen years in which to bring in such a Bill as was spoken of. He thought, however, that long before fourteen years there ought to be a general Act dealing with such matters, but if only for the purpose of the present Bill there was certainly no great urgency about it.

The HON. SIR T. McILWRAITH said there was a great deal of urgency about it. In fact, they would never have consented to the new clause unless they had understood that the Government intended to bring in a Bill that would apply to all gas companies. The hon. gentleman must see that it was a matter of urgency, because, if deferred for a few years, interests might arise not contemplated at the present time. The bargain now was that the local authorities should have the power to purchase, and the conditions under which they should purchase, as proposed by himself, and assented to by the hon. gentleman in charge of the Bill, were similar to those in the Tramways Bill; but a promise was given by the Government—it was not perhaps a promise, but the hon. Premier said that a general Bill would be brought in, applicable to all future gas companies, empowering local authorities to purchase the works. If it were not understood that such a Bill was to be brought in soon he would move for the recommittal of the Bill, and insert in it the conditions under which that special gas company's works might be purchased by the local authority. It was not a definite promise, but the hon. gentleman said the best plan to do it was in that way, and for him to say there was no urgency for their introducing a Bill of that sort between this and fourteen years hence was absurd. He (Hon. Sir T. McIlwraith) wanted to urge upon the Government their responsibility to bring in a Bill of that kind at once—not that session probably, but at all events their obligation to bring it in as soon as possible. If they could do it this session all the better, but at all events it should be done next session to prevent interests growing up.

The PREMIER said he did not know what the hon. member was driving at. He acknowledged the importance of a general Bill, but he did not bind himself to bring it in this session. The hon. member said "soon." He did not know what he meant by "soon." It would be brought in as soon as practicable.

The HON. SIR T. McILWRAITH said all he wanted was that the Premier should state that he would bring in as soon as practicable a Bill of the kind he himself had sketched out.

Mr. MACFARLANE said that he understood the Premier to say that the Bill would be brought in in a short time, perhaps next session.

The HON. SIR T. McILWRAITH: That is what we want him to say.

The PREMIER said he was at a loss to understand what the hon. member was driving at. He thought the hon. member wanted to pledge them to bring in the Bill during the present session. The Government would do it as soon as practicable.

Mr. MOREHEAD: Will the hon. the Premier tell us exactly what he intends to do?

The PREMIER: We do not intend to introduce the Bill this session.

Mr. MOREHEAD: Will the hon. gentleman tell us what he does intend to do? If he does not intend to introduce it this session, will he promise to introduce it next session?

An HONOURABLE MEMBER: Question!

Mr. MOREHEAD: No, Mr. Fraser, there is no necessity to put the question yet. Before this Bill goes any further, the Premier must tell us something more definite.

The PREMIER: I have said twice already that it would be done as soon as practicable; and now the hon. member gets up and says the Bill will not go on till something more definite has been said. It is perfectly impossible to tell when it can be brought in, as everybody is aware who knows anything about the business of the House.

Clause put and passed.

Clause 39—"Short title"—passed as printed.

Mr. MOREHEAD: Will you be kind enough to read the clause just passed, Mr. Fraser?

The CHAIRMAN read the clause as follows:—

"This Bill shall be styled and may be cited as the Gympie Gas Company (Limited) Bill of ."

Mr. MOREHEAD: "Bill of" what?

Mr. NORTON: The year before one!

Preamble agreed to.

On the motion of Mr. SMYTH, the House resumed, and the CHAIRMAN reported the Bill to the House with amendments.

The report was adopted.

On the motion of Mr. SMYTH, the Speaker left the chair, and the House went into Committee for the purpose of reconsidering the last clause of the Bill.

On the motion of Mr. SMYTH, the word "Act" was substituted for the word "Bill," in the 1st line.

Mr. SMYTH moved the omission of the word "Bill" in the 2nd line, with the view of inserting the word "Act."

Mr. MOREHEAD said he had a suspicion now why the word "Bill" was used so often in the measure. Had it any connection with the patronymic by which the hon. introducer was known by his friends? If that was so, he supposed it might be considered as "Mr. Bill Smyth's Bill." It was all "Bill" in the clause under consideration, and now the hon. member was going to eliminate that word. If the hon. member "acted" more than he "billed" he would be a better man than he was now.

Question put and passed.

Mr. SMYTH moved that the figures "1884" be added at the end of the clause.

Mr. MOREHEAD said he would ask the hon. member why he did not put in "1884" before. He must have had very grave doubts of the measure passing during this year, next year, or any year to come. It would have been a much better amendment to leave the words as they stood, or leave out the word "Company" and call it "Gympie Gas Bill." That would have been a much wiser amendment, and the Gympie Gas Bill would then have been immortalised. It showed that the hon. member had not much hope of carrying the Bill through in 1884 when he left the figures blank. If it had not been for the assistance the hon. member had had from the Opposition side of the Committee, and had been assisted by the Premier--as all hon. members on the other side were—who appeared to be the general manœuverer for any member, no matter even if he was a member of his own Ministry—he did not think the hon. member, who, if he was not to be called to order and made to apologise, he might call the "Gas Bill" of Gympie—would have got his measure through.

Question put and passed.

Mr. SMYTH moved that the Chairman leave the chair and report the Bill to the House with further amendments.

Question put and passed.

The House resumed, and the CHAIRMAN reported the Bill with further amendments. The report was adopted, and the third reading of the Bill made an Order of the Day for Tuesday next.

MARYBOROUGH TOWN HALL BILL—COMMITTEE.

On the motion of Mr. BAILEY, the Speaker left the chair, and the House went into Committee to consider this Bill.

Preamble postponed.

On clause 1, as follows:—

"The said municipal council of the municipality of Maryborough may at any time after the passing of this Bill sell the whole, or any portion or portions, of allotment 9 of section 85 aforesaid, together with the town hall thereon and the appurtenances thereto, or may raise, by way of mortgage or otherwise, a sum or sums of money on the security of the said land, or any portion or portions thereof."

Mr. BAILEY moved the omission of the word "Bill" in the 2nd line of the clause, with a view of inserting the word "Act."

Question—That the word proposed to be omitted stand part of the clause—put.

Mr. MOREHEAD asked who had had the drafting of these Bills or Acts, or whatever they were, which were brought before the House? Mistakes had been made in this and the preceding measure. Had it been drafted at the expense of the State, or at the expense of the individual? Had it been a Government or a *quasi* Government draftsman, who had been putting in this word, or had it been done at the expense of the Maryborough Municipal Council? He would like to know that, for it was a question he had a right to ask, and to have answered. It was quite evident that the drafting of these measures or assumed measures had been in one hand. He would therefore like to know from the Premier, or any other member of the Government who could give the answer, who had the drafting of these measures? If the Government said they had nothing to do with them, then he would apply to the hon. member for Wide Bay.

Mr. BAILEY said, to the best of his belief, the solicitor to the corporation of Maryborough drafted the Bill.

Mr. MOREHEAD: Does the answer refer to the Gympie Gas Company Bill as well?

Mr. BAILEY said he was not aware who drafted the Gympie Gas Company Bill.

Mr. MOREHEAD said that both Bills were evidently drafted by the same hand, and he had a suspicion as to who was the owner of that "Roman hand." He was satisfied with the answer; but at the same time the thing looked suspicious.

Amendment agreed to; and clause, as amended, passed.

Clauses 2 and 3 passed as printed.

On clause 4, as follows:—

"The proceeds of such sale, or the amount borrowed on such mortgage as aforesaid, shall, in the first place, be expended in paying the reasonable expenses connected with such sale or mortgage, and the balance shall be expended, so far as necessary, in the erection of town hall, offices, and premises for the public accommodation of the citizens of Maryborough and of the said municipal council, on allotment 2 of section 90A, Town Hall Reserve aforesaid: Provided that the surplus funds, if any, remaining after effecting the objects aforesaid shall go to and form part of the municipal funds."

Mr. BAILEY said that the Select Committee to whom the Bill was referred, considered that as the land was granted for town hall purposes the proceeds of the sale should not be applied to any other purpose. He therefore moved the omission of the proviso.

The HON. SIR T. MCILWRAITH pointed out that the words "so far as necessary" were quite useless, and had better be omitted.

Mr. BAILEY said he was quite willing to strike out the words. The committee were only anxious that the entire proceeds should be spent on the erection of a town hall. He moved that the words "so far as necessary" be omitted from the clause.

Mr. MOREHEAD said he should like to hear the view of the hon. member for Rockhampton of the case.

Mr. FERGUSON said the hon. member in charge of the Bill had promised the Select Committee that he would move the amendment of the clause in the direction indicated, and he (Mr. Ferguson) approved of the amendment.

Mr. MOREHEAD said he was perfectly satisfied. If the hon. member for Wide Bay had given any explanation there would have been no trouble about the clause.

Amendment put and passed.

Mr. BAILEY moved the omission of the words, "Provided that the surplus funds, if any, remaining after effecting the objects aforesaid, shall go to and form part of the municipal funds."

Amendment put and passed; and clause, as amended, passed.

On clause 5, as follows:—

"The purchaser under the provisions of this Bill shall not be bound to see to the application of, and shall not be liable for the misapplication or non-application of, any purchase money paid by them to the said council in respect of such sales."

Mr. BAILEY moved that the word "purchaser" be omitted with the view of inserting the word "purchasers."

Mr. MOREHEAD: Perhaps the hon. member will explain the necessity for the alteration.

Mr. BAILEY said it was probable that the land might be cut up and sold to more than one purchaser. Besides, the alteration was necessary from a grammatical point of view, to make the word harmonise with the words "paid by them," near the end of the clause.

Mr. MOREHEAD said he thought the clause was very much better as it stood, unless they got some better reasons than had been given by the hon. member.

Mr. BAILEY said it might be better to put "any purchaser" instead of "the purchaser."

Mr. NORTON: Is the land sold?

Mr. BAILEY: No.

Mr. GROOM asked if there was any necessity for the clause at all. What had the purchaser to do with the application of the money? The clause seemed to him to be mere surplusage.

Mr. BAILEY: I presume it was copied from the Brisbane Town Hall Bill.

Mr. MOREHEAD said it was no doubt copied from somewhere. He thought they had better adopt the suggestion of the hon. member for Toowoomba, and strike it out.

The ATTORNEY-GENERAL said it was perfectly immaterial whether the word "purchaser" was in the singular or plural, because the Acts Shortening Act provided for that. He thought it would not be advisable to strike out the clause, because it covered possible dangers that sometimes arose in connection with trust estates. It was always usual to put in such a clause.

Mr. MOREHEAD said he did not think that the Committee were going to be educated by the Attorney-General. The hon. gentleman had explained that under certain circumstances in connection with it certain things ought to be done, but he had not suggested how the clause was to be altered to meet the exigencies of the case. He appeared not to care to rectify it, but to cavil at the clause as it stood.

The ATTORNEY-GENERAL said he had privately suggested to the hon. member for Wide Bay that it would meet the case if he put in the word "him" instead of "them." The hon. member had not done that, and now wanted to put in the word "purchasers." No doubt the most perfect amendment would be to use the words "any purchaser."

The HON. SIR T. MCILWRAITH said he agreed with the hon. member for Toowoomba. If they provided that the council should have the power to sell and make provision as to what they should do with the money, what responsibility had the seller in that respect? What was the use of putting in a clause of that kind?

Mr. MACFARLANE said it would be as well to take out the clause altogether. It was rather a suspicious clause. The municipal council introduced the Bill, and then wanted to make it clear that nobody was responsible for misapplying the money they received. The clause was quite nonsensical.

Mr. BAILEY said he understood it to be a lawyer's clause. He was quite prepared to move its excision.

Amendment put and passed; and clause, as amended, negatived.

The remaining clauses of the Bill and the preamble were passed.

The House resumed, and the CHAIRMAN reported the Bill with amendments. The report was adopted, and the third reading of the Bill made an Order of the Day for Tuesday next.

SKYRING'S ROAD BILL—COMMITTEE.

On the motion of Mr. BEATTIE, the Speaker left the chair, and the House resolved itself into a Committee of the Whole to consider the Bill.

The various clauses were passed as printed.

On the motion that Schedule I stand Schedule 1 of the Bill—

The HON. SIR T. MCILWRAITH said he hoped the hon. gentleman in charge of the Bill had gone carefully over the schedules to see that they were correct.

Mr. BEATTIE said he had gone carefully through the schedules, and found that they were an exact description of the land.

Schedule put and passed.

The remaining schedule and the preamble were agreed to without discussion.

The House resumed, and the CHAIRMAN reported the Bill without amendment. The report was adopted, and the third reading of the Bill made an Order of the Day for Tuesday next.

ADJOURNMENT.

The PREMIER: I ask permission to move that this House do now adjourn until Tuesday next. After the third readings we intend to proceed with the Crown Lands Bill; we will also proceed with it on Wednesday.

The House adjourned at ten minutes to 10 o'clock, until Tuesday next.