

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

FRIDAY, 31 OCTOBER 1884

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LEGISLATIVE ASSEMBLY.

Friday, 31 October, 1884.

Question.—Deepening the Narrows.—Divisional Boards
Agricultural Drainage Bill—second reading.—Mary-
borough and Urangan Railway Bill—second reading.
—Jury Bill—committee.—Brands Act Amendment
Bill—committee.

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

QUESTION.

Mr. BLACK asked the Minister for Works—

When the Government will be able to call for tenders
for the Court-house, and the Sydney-street Bridge.
Mackay?

The MINISTER FOR WORKS (Hon. W.
Miles) replied—

The preparation of the plans for the Court-house has
been delayed in consequence of there being no suitable
site available on Government land. A site has been
now purchased, and there will be no further delay in pre-
paring the necessary plans and calling for tenders. It is
expected that tenders for Sydney-street Bridge can be
called in about a month.

DEEPENING THE NARROWS.

Mr. NORTON, in moving—

That the House will, on Friday, the 7th November,
resolve itself into a Committee of the Whole to consider
of an Address to His Excellency the Governor, praying
that there may be included in the next Loan Estimates
a sum of six thousand pounds (£6,000), for the purpose
of deepening the channel known as "The Narrows,"
between Port Curtis and Keppel Bay—

said: Mr. Speaker,—In bringing forward this
motion I shall not occupy the attention of the
House for more than a few minutes. I will point
out that the idea proposed now is no new one.
So long ago as 1864 a petition was sent in from the
people resident in the town and neighbourhood of
Rockhampton, asking among other things that this
channel, known as "The Narrows," connecting
Keppel Bay and Port Curtis, should be deepened.
That was one of the requests made in that
petition, and the matter has been brought
forward on more than one occasion since. I will
point out also, to anyone who cares to take the
trouble of looking the matter up, that the drifting
of the channel now is exactly the same as it was
when it was first discovered in 1802 or 1803. It
is not formed, as many people suppose, by the
meeting of two tidal waves going in opposite
directions. The tide from the Keppel Bay
side runs through the channel into Port
Curtis with a great deal of force before the
other comes up to anything like the place where
the bar of sand and clay exists across the
channel. The inference to be drawn from that
is that there is a bar of some hard material
that obstructs the passage of the water; and in
consequence of that a large deposit of mud and
sand has been brought up from the Keppel
Bay side, and is prevented by the bar from
washing through, so that, in the event of the bar
being removed, the force of the tide, which runs
through the passage like a mill-race, would sweep
it quite clear. I went through the channel on
one occasion when going to Keppel Bay in a
boat in order to catch a northern steamer, and
we had to tie the boat to a mangrove-tree
because it was impossible to force it against the
tide. As soon as the tide comes up from the
Port Curtis side it washes the other way. If the
channel was once cut, the force of the tide wash-
ing from Keppel Bay to Port Curtis, and from
Port Curtis to Keppel Bay, would be sufficient
to ensure its being left in the condition in
which it would be left after the dredge being
removed. The channel has been used by
boats engaged in the ordinary coasting trade,
as they have run through there on the way to
Rockhampton when they have been able to get
there and catch the spring tide. But under the

circumstances in which this is done they have
not gained anything by going through in that
way. Although they save a considerable dis-
tance and do not have to go outside into the
open sea, when they have gone through
and got into the Fitzroy River, the tide has
fallen before they have reached the Upper Flats,
and they have had to wait until they got
another tide below the Flats. For that reason
the use of the channel by those boats has been
abandoned; but although coasting steamers do
not make use of it, a number of smaller boats
make use of it, particularly boats trading from
Bundaberg, Maryborough, and other ports.
They run through the passage into Port Curtis
in preference to going out into the open
sea. Of course the shallow water there is a
great detriment to trade of that kind, and
in many cases boats go outside when, if
they had the opportunity of going through,
they would take advantage of it, and save a great
deal of time and the extra distance of going
round by the open sea. Substantially, my
reason for urging the matter now is that within
the last two years there have been established in
the Port Curtis district, and not far from Glad-
stone, no less than four sawmills; and almost all,
if not quite all, of the trade of those mills is
conveyed to the northern ports of the colony.
The vessels engaged in this timber trade can
get through the Narrows with high tides; but
when they cannot get through they are obliged
to go back to the entrance to Port Curtis and go
round by the open sea, and those going to Rock-
hampton thus incur a considerable loss of time.
Sailing vessels, in the strong wind blowing from
the south-east, have some difficulty in beating
out; though the smaller vessels, I think,
manage it pretty well. I remember, myself,
when the old cattle trade was going on between
Gladstone and New Zealand, vessels were some-
times delayed for a fortnight, because they could
not get out in the face of the wind blowing straight
into the mouth of the harbour. I do not think
that is the case with some of the smaller vessels;
but still the fact remains that when they cannot
get through the Narrows they have to encounter
much greater difficulty by having to go away
down to Gladstone Heads and round by the
ordinary channel used by ocean-going steamers.
I do not know what the statistics of the amount
of the trade are, but I know that it is becoming
a really large and extensive trade; and the four
mills I have already mentioned are now engaged
as busily as they can be. In addition to
those there is one other mill at Baffle Creek,
the vessels trading from which would also use
the channel if it were cleared, and they could
get through at all times. I think the saving in
actual distance, by going through the Narrows,
is something like fifty miles. So that, in point
of distance and time and in the considera-
tion of the advantage of not being obliged
to go out into the open sea, the deepening
of the channel would be a very great con-
sideration to those engaged in that trade. I
may say that some time ago I brought this
matter before my hon. friend, Mr. Archer,
who was then Colonial Treasurer, and it was
decided that the House should be asked to vote
an amount for that particular purpose had the late
Government remained in power. The late Gov-
ernment placed on their Surplus Estimates an
amount, I think, of £60,000 for dredging, and
£10,000 of that amount was to be voted to the
special purpose of clearing the Narrows, and it
was because that amount was therein named that
I mentioned that sum in the motion I have to pro-
pose to-day. I may say that, on looking over the
report lately received from Mr. Nisbet, I think
it would be advisable to ask a lesser sum,
because to deepen the channel by a greater

depth than four feet below low water would entail very much greater expense. I think I am justified in asking the Colonial Treasurer to have the channel cut 100 feet wide by 4 feet deep below low water. The sum Mr. Nisbet has mentioned for the work is £5,625, and, as I think £6,000 would be a more reasonable sum to mention, I will, with the permission of the House, reduce the sum of £10,000, originally inserted in my motion, to £6,000. I do not wish to detain the House, as there is other important business on the paper, and I will therefore say nothing further on the subject. I mentioned the matter to the Colonial Treasurer some time ago, and I know that he will give it his favourable consideration, and that if he can see his way to carry out the object I have in view I can depend on his assistance. I may add that I think every encouragement should be given to the trade I have referred to, and that in a case of this kind where the sum asked for is not a large amount the Government would be justified in offering every facility they could give to the shipping trade of the district. I therefore hope the Colonial Treasurer will accede to my request. I beg to move the motion as amended standing in my name.

The COLONIAL TREASURER (Hon. J. R. Dickson) said: Mr. Speaker,—I quite recognise the moderate manner in which the hon. member for Port Curtis has introduced his motion to the attention of the House, and I am free to confess that to a certain extent the work may be one of very considerable utility. I have given the matter careful consideration, and whilst, as I have already stated, I recognise the fact that the work is deserving of some attention, I am of opinion that there are claims of much greater importance which ought to be primarily considered. The deepening of the Narrows would not of itself improve the general character of our coastal navigation; it would not be much used by ocean-going steamers. It would be used by steamers which have occasion to call in at Gladstone, and which have a very light draught; but not by steamers not calling at Gladstone, such as the weekly boats, inasmuch as they could only use it when they happened to catch the full tide; and it would not be navigable at all by night as it is quite impossible to light the channel. Those vessels would have to catch the flood tide, and if they missed that it would be much shorter for them to go round by Cape Capricorn and take the outside passage, than to wait for the tide and take the Narrows. Therefore we must regard this matter in its true light, and that is—that the channel, if deepened as proposed, would only be used by small coasting vessels of very light draught running between Gladstone and Keppel Bay. It would certainly be of no use for larger vessels; they would have to take the outside passage. Hon. members will see if they take the trouble to look at the map that the distance from Bustard Head to Cape Capricorn being a straight line is much shorter than describing the segment of a circle which would be occasioned by going into Gladstone and traversing the Narrows. It is true that the navigation of the Narrows would save thirty miles to vessels going from Gladstone, but for steamers from the south of that port and passing Bustard Head the straight course is from Bustard Head to Cape Capricorn, and thence to Keppel Bay, certainly not through the Narrows. As I have already stated, that channel could only be navigable for vessels drawing fourteen feet of water, a depth only obtainable about three-quarter flood-tide. The hon. gentleman shakes his head. I have obtained my information from the Engineer for Harbours and Rivers, and I have also been in consultation with captains commanding the coasting steamers, and I take it that

that information is such as may be accepted by the House as thoroughly reliable. The hon. gentleman, in introducing his motion, said that if the channel were once cut the rush of water would scour it, and keep it clear for the future. That is not borne out by any testimony I can find, either in Mr. Nisbet's report or by the testimony of sailing captains. On the contrary it appears that it is exceedingly probable that, if any dredging were done at the present time and the channel deepened, there would soon be a considerable deposit which would cause the channel to be obstructed. However, be that as it may, I only go on the facts submitted to me by the Engineer for Harbours and Rivers, and on information obtained from captains in the habit of navigating the coast, and it all amounts to this—first, that, whether the channel is deepened or not, it could not be used at night; and, secondly, that it could only be used by coasting vessels if they happened to catch the high water tide on leaving Gladstone. But even if the channel were deepened to such an extent as is suggested, vessels not calling at Gladstone—large ocean-going steamers—would never dream of navigating the Narrows in preference to taking the outside passage by Cape Capricorn. If the channel is to be improved at all, it would require to be done properly, and I think the hon. gentleman has under-estimated the amount it would cost if it were dredged even to the depth assigned by Mr. Nisbet in his preliminary report; in which he states that the expense of deepening the Narrows to 4 feet below low water, to a width of 100 feet, would be £5,625. This is the basis on which the hon. member for Port Curtis has made his estimate. But I have since received a supplementary report from Mr. Nisbet, which I will lay upon the table of the House after this motion has been disposed of. In this second report Mr. Nisbet says:—

“ In my report of the 2nd of September (printed), the estimated cost of deepening the Narrows to 4 feet below low water is stated to be £5,625. This is taken at 9d. per cubic yard; it would be better, however, to cover contingencies to assume 1s. per cubic yard as the cost, which would amount to £7,500.”

Now I take it that £8,000 would be fully absorbed if we entered upon this work. If the conditions of the colony were different from what they are—if there were not so many claims made upon us for our dredge plant, and we had plant we could spare for the purpose—I do not think the expenditure of £10,000 would be unwise; but at the present time we cannot perform everything that is required of us in the way of dredging. We have not the plant to proceed with this work, and there is no probability of any being available within the next five or six years. There are claims of an equally important character in connection with Moreton Bay. For instance, if the Government undertook to proceed with the work mentioned in the motion, the hon. member for Logan might say that we ought to open up the Boat Channel, so as to make a shorter passage *via* Southport to Sydney. Hon. gentlemen may smile at this, but the one is quite as feasible and quite as necessary in the interests of navigation as the other. Yet I should meet a motion of that sort with as little favour as the present one. We are obliged to improve our ports to a very great extent within the next four or five years; and I think, from what I have stated, hon. members will agree with me that there are other works of more importance to be dealt with, and that this one can well afford to stand over, inasmuch as it would not in any way expedite navigation by large steamers from the South through these Narrows. Even, as I have said, if dredged, only vessels which caught full tide or three-quarter flood would be able to proceed

through the Narrows; and if they had to wait at Gladstone for the return of the tide they would lose seven or eight hours. The Government have certainly desired to give the requirements and necessities of Gladstone every attention in their power. The Loan Estimate is not yet completed, and I am not in a position to say, when finally closing our estimate for dredging harbours and rivers—if the Engineer for Harbours and Rivers can hold out any hope that, after proceeding with some of the more important works, the work at the Narrows may be proceeded with—that the Government will not sanction it. If that is so I will see that a reasonable provision is made for that purpose, but if the hon. member insists upon pressing his motion to a division I shall be constrained to oppose it; because I maintain it is our duty to provide first for the more important works of the colony. If hon. gentlemen will look at the report of the Engineer for Harbours and Rivers, and those who represent constituencies on the sea-coast will just reflect on the requirements of their constituencies from time to time when they introduce so many deputations to me day after day, they will see that there are urgent works required in connection with our ports and rivers, which demand the whole available force of our Harbours and Rivers Department, and will continue to do so for the next four or five years. I repeat that works of secondary importance must necessarily stand over until the more urgent works are dealt with. I shall be glad if the hon. member will rest satisfied with my assurance; and I will get Mr. Nisbet to give me fuller information as to the feasibility of proceeding in due time with opening up the Narrows. If the hon. member will rest contented with that assurance, I will give the matter further consideration; but if he insists upon this particular work being entered upon immediately, I must, in the interests of the colony, oppose the motion.

Mr. ARCHER said: The hon. Colonial Treasurer has complimented the hon. member for Port Curtis on the moderate way in which he introduced the motion, and he was justified in doing so; but I cannot compliment the hon. gentleman at the head of the Treasury on the tenor of his reply. The hon. gentleman has mixed up facts, which I know to be facts, with an amount of rubbish that I am astonished to hear him give utterance to. For example, when he spoke of the hon. member for Logan asking that a dredge might be sent down to the Boat Passage, I am certain the hon. gentleman stated what the hon. member for Logan would never dream of. That hon. member knows that there are nothing but shifting sandbanks in the Southport Boat Passage.

The COLONIAL TREASURER: The work is not considered at all impracticable.

Mr. ARCHER: I would advise the hon. gentleman to try the experiment, and if ever he made a failure in his life it will be in that undertaking. Why, he would not get a dredge to lie in the passage! Probably he obtained his information from a reliable source, but if he asks the Engineer for Harbours and Rivers whether he would be prepared to recommend the dredging of the Southport Boat Passage, the answer will probably be that that is the last place in the world he would care to deal with. I think the Colonial Treasurer, on second consideration, will be of the same opinion. I will never consent to money being thrown away in a useless attempt of that kind, which would also involve the expenditure of several millions in building out stone piers into deep water. However, the hon. gentleman has said some things which are quite correct. To vessels taking the outside passage, the opening of the Narrows will really be of no

advantage, for, if the Narrows are deepened so as to effect a passage inside, vessels will very seldom go outside Cape Capricorn. Vessels coming into Keppel Bay would not use the passage, but the coasting steamers would use the channel both in their voyage to and from Rockhampton. The correct distance is really less by Cape Capricorn, but vessels coming from Bundaberg and Maryborough would have a much shorter passage. All those steamers would use that channel and would call in at Gladstone. There is another thing I may correct the hon. gentleman in from personal knowledge; but I hope he does not fancy that I am now claiming for myself more knowledge than he himself possesses. I have been a sailor, and when I once go to a place I can take a vessel there again. I have sailed through the Narrows in my own boat and in steamers, and I know them intimately. I know Gladstone harbour equally intimately, and if the hon. gentleman had paid me a visit a few years ago I could have taken him all over the harbour without touching in any part. He is utterly mistaken in saying that coasting vessels would not go through the Narrows if it was deepened to a depth of four feet below low water, unless at spring tides or high water. I admit that no vessel could pass through the Narrows, even if they were deepened to four feet at low-water mark, until half-tide, spring tide, or three-quarter ordinary tide; but vessels would time their arrival there to catch the tides, and they would go through to Rockhampton, instead of being obliged to go right away outside. The hon. gentleman says the distance is thirty miles. I am quite certain it is a great deal more than that.

The COLONIAL TREASURER: That is the saving.

Mr. ARCHER: That might be only thirty miles, but probably it is a good deal more. However, though I have only been through it three or four times lately—not so frequently as I used to do—I have noticed there on every occasion vessels going either north or south, beating their way through the channel, preferring actually to wait for the tide rather than go outside. Those were vessels from Maryborough, Gladstone, and other places; and I believe thoroughly that if the Narrows were deepened such a considerable trade would spring up as would astonish the hon. gentleman at the head of the Treasury, because now vessels really wait for the tide. I would just remark here that the tide at Keppel Bay and Gladstone is so great—it rises and falls to such an extent—that while one spot is dry for half-a-mile at low water, when the tide is up there is eight feet or nine feet; the rise and fall is in fact double what it is in Brisbane. If, therefore, the Narrows were deepened four feet at low water, there would be plenty of water for those vessels carrying timber from the South, and, in fact, the trade through there would be multiplied tenfold. I would not attempt to ask the hon. gentleman to do this work immediately, or even in a short time, because I know pretty well the amount of work that the dredge plant has to do, and I should not expect it to be taken away from any of the places where it is at work. But if the Government will recognise the necessity of the work, and put a sum on the Loan Estimates, it will show that at all events they are alive to its necessity, and the use of the plant could be obtained to do the work when greater exigencies do not require it to be used in some other places. I am perfectly aware that the Department of Harbours and Rivers is doing what it can to overcome the great amount of work to be performed on the large extent of coast which Queensland has; and therefore, as I say, I do not look for

this work to be done at once; and I would not for one moment press the Colonial Treasurer to enter upon it with the present dredge plant and the work it has to do. All that I would like now, and all that the hon. member for Port Curtis asks, is that the necessity for the work should be recognised by a sum of money being placed on the Estimates. The hon. member does not want the dredge plant taken away from what it is now doing; he does not want it taken away from Brisbane and sent up there. He has not that wonderful cool cheek that a great many people have that I know. He is not like the people of Bundaberg, who asked that the dredge plant should do their work at once; or anything of that kind. He simply asks that a sum be put on the Loan Estimates, so that when the time comes that some of the dredge plant can be spared it may be put to do the work, which I believe is not only very necessary, but will be worth the money expended on it. It would lead to an immense increase in the trade. Of course, in the first place it would be a great advantage to Gladstone, because all the steamers from Bundaberg and Maryborough would invariably go there, and thus supply their wants; and it would likewise facilitate immensely the large timber trade now carried on with Rockhampton and the North. I think, considering all things, it would perhaps be as well if the hon. member for Port Curtis accepted the promise of the Colonial Treasurer—that he will consider the matter, and put a sum on the Loan Estimates if he considers it desirable.

Mr. NORTON said: Of course, I am aware of what the dredges have to do, and I have no idea of asking that they shall be taken away from the places at which they are now at work. I quite admit that there are some places which do require work to be done immediately. In proposing the vote I did not ask for too much. I named a sum which I hoped the Government would think reasonable, so that it might be put on the Estimates. I might have asked for a larger amount; but that might have had the effect of preventing the work being carried out. Under these circumstances, I am quite prepared to accept the assurance given by the Colonial Treasurer, and would ask for a reasonable sum such as that named by the Engineer in his report. I confess to being a little surprised that, after that report has been on the table of the House two months, or nearly two months, another report should have been brought up, which shows that the first report was entirely wrong. The way in which the Colonial Treasurer referred to the supplementary report is not proof to my mind that the first report is not correct, because all it says is that it is possible the sum named is not enough, and, therefore, a larger amount is named to provide for contingencies. With regard to the Engineer's estimate of 1s. per cubic yard, I think that had better have been left out. I may say that the Colonial Treasurer was quite mistaken in what he said as to the Narrows not being much used. It is used by boats going to Gladstone; and all vessels coming from Bundaberg would go there if they could catch the tide. All the craft that go from Maryborough and Bundaberg, north to Rockhampton, would go through the channel in preference to going outside, if they could catch the tide. They make a point of catching the tide at any place where it suits them to catch it, and there is not the slightest reason why they could not do that there as well as anywhere else. It would effect a great saving to themselves—a saving of time and also a saving of fuel. All the timber boats connected with Maryborough and Bundaberg would run in, and doubtless the whole of the boats that go to Rockhampton also. I know numbers of boats that go there now. I

know that boats do go there. The smaller steamers trading to Bundaberg, and timber vessels of that kind, prefer to go through the Narrows in its present state, and wait, as the hon. member for Blackall said, for the rise of the tide in preference to going round outside. It is a saving of fuel to do so. I am not going to press this matter to a division, as, of course, Mr. Speaker, I know it would be perfectly useless to do so. I believe the Colonial Treasurer will really give the matter his serious consideration.

The COLONIAL TREASURER: Hear, hear!

Mr. NORTON: What I want is a recognition of the claim of the place to have money expended in that way. I know perfectly well it cannot be done at once, but loan votes are not asked for every day. If a loan vote is introduced without a sum of this kind being placed on it, it simply means it standing over two or three years before there is a chance of getting it put on. That is really my present reason for introducing the matter now, and I shall be quite satisfied to take the hon. gentleman's assurance that, when the Government are really considering the matters that have to be placed in this loan vote, he will give his best consideration to this matter—I am sure the hon. gentleman will do so—and put down a sufficient sum for expenditure to satisfy the requirements of the place for a large number of years. I leave the matter in the Colonial Treasurer's hands with every confidence that he will give it every consideration. I beg leave to withdraw the motion.

Motion, by leave, withdrawn accordingly.

DIVISIONAL BOARDS AGRICULTURAL DRAINAGE BILL—SECOND READING.

Mr. STEVENS said: Mr. Speaker,—The subject-matter of this Bill was first brought before me during a ride through Pimpama Island, a part of my electorate. The gentleman who acted as guide to me on that occasion pointed out that several thousands of acres of first-class agricultural land were utterly useless through the quantity of surface water; and on talking the matter over he asked me if I would introduce into Parliament a Bill to deal with that subject. I wanted to know from him how it was that the farmers could not combine and do it themselves. A certain number of them were interested in the matter, and I thought it would be a very simple thing for them to meet and agree to some scheme, and bear the expense conjointly, and have the matter done at once, instead of waiting for some months to pass a Bill through Parliament. But it was explained that several meetings had been held by the local farmers, and all with the same result—that they could not agree to a scheme. Some objected to the amount of money it would cost, and which they would have to pay to carry out the scheme. Others wished the system of drainage to be commenced at one certain portion of the island before any other part; and others complained that they could not raise the money at all. Others again objected to a system of drainage being carried out because they had land which did not require drainage, and they considered that the value of it would be very much reduced by drains passing through it. In consideration of this I agreed to introduce a Bill into Parliament; and I think the provisions of the Bill will meet pretty well the requirements of the case. I may state that, in addition to there being a large quantity of private land on the island, there are some thousands of acres which belong to the Crown, and which, if reclaimed, would be eagerly sought after for selection. The Bill does not deal with

any system of drainage except that of surface drainage. I believe there are drainage Bills in some of the other colonies and in Great Britain which deal with different systems of drainage—not surface drainage, but subsoil—but I thought it best to introduce a Bill dealing with simple drainage first, and that, if it was considered necessary afterwards, other amendments could be introduced which would deal with the higher class of drainage. The Bill which I introduced some weeks ago did not meet with the general approval of the House, chiefly because there was no proper scheme laid down in it for dealing with the system of appeal after rating. It was pointed out that if an appeal against the rating was sustained it would upset the whole scheme, and there was nothing in that Bill which remedied that difficulty. Clause 14 of this Bill, I think, gets over that difficulty completely, and will meet all the requirements of the case. The scheme of the Bill is that a majority of ratepayers may petition the board to entertain a scheme of drainage, and the board are compelled to entertain it. Under the Divisional Boards Act, it rests entirely with the board themselves whether they can entertain a scheme of this sort. Under the present Bill a majority of ratepayers can compel a board to take action. Upon a board being petitioned to draw up a scheme of drainage, the board appoints a person to draw up the scheme, and prepare the proper plans and specifications, and if they approve of the same they appoint a valuator, who visits each property and assesses the amount of improvement which the scheme, if completed, will effect on the various ratable properties. In clause 7—

“If any person thinks himself aggrieved on the ground of incorrectness in the valuation of his own or any other property”—

he has the same right of appeal therefrom as in the case of valuations of ratable property under the Divisional Boards Acts; and he also has the right of appealing against the valuation of another person's property. Clause 10 deals with the amount of compensation, if any, to be paid by one division to another; that is, if the Minister approves of the scheme, and it is found necessary to continue the system of drainage to another division, that division may be called upon to provide facilities for carrying out the scheme, and shall, if necessary, be entitled to compensation. The money borrowed from the Government is to be a special loan, repayable in thirty years, under the provisions of the Local Works Loans Act of 1880. In that Act it is specified that drainage works should be constructed of certain materials; but this Bill will enable the board to carry out a system of drainage without being bound down to any particular material. Clause 14 deals with the special rate to be charged on all properties benefited. After the various properties have been assessed, if any appeals are made against the rating, the cases will be decided, and a rate then struck over all sufficient to pay the annual instalments of principal and interest. The chief points in favour of the Bill, I think, are that the persons who propose to benefit by the loan will repay it, principal and interest; so that it will not cost the country one single penny; and that a large amount of valuable Crown land will be still more increased in value, and be eagerly sought after by selectors. I do not intend to speak at length, because I think nearly every hon. member in the House now was present when the Bill was introduced before; and the intention of the Bill met with general approval. I think that the Bill now before the House will meet all the objections raised against the former one, and I trust it will commend itself to hon. members.

The MINISTER FOR WORKS said: I have no doubt the object of the hon. member for Logan, in introducing this Bill, is a very good one; but I should be prepared to go a little further. Surface drainage is all very well, but unless the agricultural land is drained I am afraid it will not be of very much use. I should like to have some assurance from the hon. member that the farmers are in a position to contribute to the cost of the work. My experience is that they always complain of being too poor to be able to pay increased rates for the purpose of making roads. If they cannot do that, I do not see very well how they can afford to contribute under this drainage Bill. If the hon. member is satisfied that the farmers will be in a position to eventually pay off the loan, I do not think there can be any opposition to the Bill.

Mr. ARCHER said: I see this Bill is, to a great extent, the same as the former one brought in by the same hon. gentleman, and withdrawn on technical grounds. I think the hon. gentleman has succeeded to some extent in removing the objections taken to the first Bill, but it is evident he has not yet made that plain to the hon. Minister for Works. I cannot see the force of that hon. member's remarks. The land to be improved by the drainage will be rated for the purpose, and the divisional boards will only have the management of the work. In my opinion that is an excellent idea. Nothing will ever be introduced into this House giving power to local bodies which I shall not support. I am perfectly satisfied that all Government departments would be better administered if they were administered, not for the benefit of the State, but in the interests of those administering them. The hon. the Premier smiles at that, but I think he believes as I do. I am very anxious that, when people show a disposition to help themselves, every facility should be given them to do so. If people come here and do not ask anything more than that, the State should help them—not with money, but with an advance of money which they are prepared to repay with interest; I see nothing objectionable in it, but rather feel pleased that the public spirit is getting so high. I should exceedingly like to hear the opinion of the legal members of the House as to whether there are any legal difficulties in the way of carrying out this Bill.

Mr. BEATTIE said: I did not wish to offer any objection to this Bill, but at the same time I do not think it is necessary; because, under the present Divisional Boards Act, power is given to the divisional boards, in cases where special districts in the divisions would be benefited by drainage or other works, to enter into such works. It is also in the power of the board of a division to make special rates for carrying out the work, and also to levy rates upon those who would be benefited by it. I take it, from the introductory remarks of the hon. member for Logan, that the Bill is introduced to apply to some portion of the Logan electorate—some land that requires a serious amount of expenditure on drainage. But the hon. gentleman did not give us any information, beyond the fact that 500 or 600 acres of good agricultural land would be reclaimed if the ratepayers in that portion of the electorate or division were empowered to take united action. The Bill professes to apply to the whole colony; but I can see some portions which will not apply to every part of the colony. It is just possible that there may be a locality where there is a large amount of swampy country; and the owners of land and the ratepayers in the division may think it desirable to introduce some scheme of drainage there; and they may be able to borrow money from the Government for that

purpose under the Bill; but the hon. gentleman has not explained under what clause they will be able to deliver their drainage into another division contiguous to their own.

Mr. CHUBB: Section 9.

Mr. BEATTIE: That is a matter which will require very serious consideration, because compensation will have to be paid by a board taking a drain through land which is injuriously affected thereby, and it will increase the rates very much indeed. Unless the drainage in a division be for the benefit of all the land through which the drains are carried, the amount required for compensation will be considerable. According to the Divisional Boards Act, and according to the Bill before the House, no one can be rated unless his name appears on the petition to the board to make application to the Government for a loan to carry out the work. But it is just possible that a difference may arise between the members of the board and the ratepayers. It may be acknowledged that even high lands are sometimes indirectly benefited by the drainage of low lands; but, in populous districts, the people living on high lands will not think they are benefited in proportion to the amount of rates they will have to contribute, so much as those residing on the low land requiring drainage. I think it is going to be a complicated matter. My own opinion is that under the present Divisional Boards Act—of course I am open to correction, if wrong—under that Act and the amended Divisional Boards Act, all the necessary power is given to a division, on a petition of the ratepayers, to carry out works of a similar character to those mentioned by the hon. member for Logan. I shall be prepared, when we get into committee on the Bill, to point out parts that do not apply so well to some portions of the colony as to the particular portion situated in the electorate of the hon. member who introduced the Bill.

The COLONIAL TREASURER said: The matter to which the hon. member for Fortitude Valley called attention deserves serious consideration, but from a Treasury point of view, I have an apprehension that in the present shape of the Bill the Treasury will be drained. To my mind the Bill deals with a very large subject. If there should be any considerable amount of drainage carried out under the Bill, heavy demands will be made on the Treasury; and I must therefore express the hope that the hon. gentleman in charge of the Bill will see that it is so altered in committee as not to have the effect I anticipate. According to the Bill, "For the purpose of repaying the amount of the loan the board shall from time to time make and levy a special rate (to be called a 'special drainage rate'), upon all ratable property within the watershed." Of course the watershed will be assessed, and the properties adjoining the outlet of the drainage will also be assessed, so that the total amount of rates levied will form a very large sum, because all the land will be ratable property. Under the 18th clause of the Divisional Boards Act Amendment Act of 1882, "the amount raised in any division by the levy of special or separate rates under the provisions of this Act, except sewerage or drainage rates, shall not be deemed sums of money actually raised in such division by rates within the meaning of the 71st section of the principal Act." That is to say, sewerage and drainage rates are among those which carry endowments from the Treasury. I must therefore enter my protest in connection with this matter; and I hope that, when we go into committee, the Bill will be so altered that the Treasury will not have to subsidise local bodies on account of money spent on drainage.

It has further occurred to me that, after the repayment of the loan, if a special drainage rate be levied for the purpose of maintaining the works, the endowment will still have to be paid. And I am of opinion, from the reading of the clause I have submitted to the House, that from the commencement of the work the Treasury will have to provide an endowment. So that, both while the loan is in existence and after it has been repaid, the endowment will have to be provided by the Treasury. I certainly intend to oppose the Bill so far as that matter is concerned.

Mr. BUCKLAND said: I shall support the second reading of the Bill, believing as I do that it will supply a want which exists in the Divisional Boards Act. I know that in the Toombul Division, during the rains of May last, several farms were inundated with water, and completely submerged; and there were no means of getting rid of that water without making drains through private property. The board, in a very fair spirit, offered £2 for every £1 subscribed by the owners of property for the purpose of carrying out the necessary work. Only a small amount is required; but up to the present the parties who would be benefited have refused to subscribe as much as £5. As I said before, I shall support the Bill, because it will supply a want in connection with the Divisional Boards Act.

Question put and passed; and the committal of the Bill made an Order of the Day for Friday next.

MARYBOROUGH AND URANGAN RAILWAY BILL—SECOND READING.

Mr. FOXTON: Mr. Speaker,—In rising to move the second reading of this Bill, I feel that I have undertaken a task which, perhaps, for a new member, is a somewhat arduous one. But I was requested some time ago to take charge of the Bill, and for reasons which I need hardly mention I consented to do so. I may state, however, that I do not know why I should have been asked to perform the duty. I have no interest in the Maryborough district, and I have no earthly interest in the subject-matter of this Bill. Possibly it is for that very reason that the promoters of the Bill may have thought me a fit and proper person to introduce it. The Bill has been submitted to a select committee who have gone through it very carefully indeed; and, as will be seen by the report in the hands of hon. members, that committee has suggested very considerable alterations and amendments in it. Whether those alterations and amendments are improvements to the Bill or not, it will be for the House to say. I think that for the most part they are. The Select Committee included the hon. member for Townsville (Hon. J. M. Macrossan), who has had, perhaps, as much experience in railways and railway-making as any member of the House; it has also had the benefit of the practical knowledge of the hon. member for Rockhampton (Mr. Ferguson), and of one of the members for the district of Wide Bay (Mr. Mellor). I need not say, therefore, that the matter has been thoroughly well ventilated by that select committee. The company which is promoting the Bill is the Vernon Coal and Railway Company, which proposes to construct certain lines of railway in the Wide Bay district. No doubt that company, at the present moment, is merely in an incipient stage. It has been registered, and all the formalities have been duly performed, but I presume it has not gone very much further. Indeed that is all that was necessary, because not until this Bill passes will the company have anything to place before the public. The company has been formed purely

for the purpose of undertaking the construction of those lines of railway and other works which are part of its scheme. As a guarantee of good faith, the company has already gone to a considerable expense in surveying those proposed lines of railway, testing coal lands, and finding out the requirements of the various gold, silver, copper, and other mines in different parts of the colony, where their scheme will be of benefit in enabling the owners of those mines to smelt their ores at the company's works, which are proposed to be erected in connection with those railways, and which I shall deal more fully with hereafter. A new clause has been proposed by the Select Committee, in which it is provided that—

"The company shall, before the commencement of the railway or entering into possession of the lands to be selected under the 3rd section of this Act, and within six months from the passing of this Act, deposit in the Colonial Treasury a sum equal to one-twentieth part of the estimated cost of the main line of railway, which sum shall be detained by the Treasurer as security for the due completion of the same, and upon such completion shall be returned to the company. The sum so to be deposited may be determined by agreement between the Minister and the company; but if such sum cannot be so agreed upon, or if any dispute or difference shall arise with respect thereto, the same shall be determined by arbitration."

That would amount to a very considerable sum. It was not deemed necessary by the promoters of the Bill that they should make that deposit—neither can I see any necessity for it—and when the Bill gets into committee I shall deem it my duty to test the feeling of hon. members on the point as to whether—considering the large outlay that has already been incurred by the company, and the other guarantees of good faith on their part which are reserved by the Bill—it is necessary to impose upon the company the locking up of such a large sum of money for perhaps two or three years. It is also necessary, by clause 5 of the Bill, that the company should have a subscribed capital of £1,000 for every mile of railway which they propose to make. In describing the lines which the company propose to make, I may mention those already in existence in the Wide Bay district. In the first place, there is the Maryborough and Gympie Railway, with which the company will have very little to do. But at 1 mile 76 chains out of Maryborough on that line the Maryborough and Burrum line branches off, at a place called Croydon. The Maryborough and Burrum line was constructed for the purpose, I understand, of developing the coalfield at the Burrum, the township of which is Howard; and it runs in a north-westerly direction, more or less. It is proposed by the promoters of the Bill to branch off, at a distance of seven miles from Maryborough, on the Burrum line, in the direction of Pialba, a watering-place some twenty or twenty-two miles from Maryborough. That branch, which is really the main line proposed to be constructed under the Bill, will afford convenience of access by the Maryborough people to this well-known watering-place. The Maryborough and Burrum line, I believe, also forms part of the scheme of the main coast line; and I understand that there has been a survey made by the Government of an extension of that line in the direction of Bundaberg. With that, however, we have nothing to do; it is outside the district that will be affected by this particular line. I believe it is a fact that the Maryborough and Burrum line has not fulfilled the object for which it was made—that is, the development of the coalfields at Burrum. I understand that a large amount of capital has been sunk in that coalfield, with, so far, not altogether satisfactory results; the reason assigned by those who have an intimate knowledge of the district being that the facilities

afforded by the present railway are not sufficient to develop the mines. For instance, the line runs from Burrum to Maryborough, which is twenty-seven miles or thereabouts, up a shallow tortuous river, and I understand that great difficulty has been found in shipping large quantities of coal there at various times. In one instance, in connection with which evidence was given before the Select Committee, an order for 500 tons of coal was endeavoured to be fulfilled, but owing to the insufficiency of accommodation—whether railway or wharfage, I am not aware—the contractors were only able to ship 300 tons of it. All these things point to the fact that it is necessary, if the field is to be properly developed, that there should be some other means of conveying coal to deep water. The promoters of this Bill are of opinion that they have solved that difficulty; and they propose to utilise the Maryborough and Pialba survey by continuing it to a place called Urangan, about four and a-half miles further along the beach, where there is about four fathoms of water. By this means they will be able to send their coal from Burrum to Urangan, and ship it at deep water. It would have been possible for them to have constructed the railway in a direct line from Burrum to Urangan. We have the evidence of the engineer that the country is of such a nature that it would have been possible to construct the railway in a straight line—"as the crow flies," as the saying is—from Burrum to Urangan; but in that case it would have avoided Maryborough altogether, and the people of that place would have derived no benefit from it. But by following the Burrum Railway and adopting the line already surveyed from the seven-mile peg, and also constructing a loop-line across from one survey to the other—the three lines forming an equilateral triangle—they will enable the people of Maryborough to avail themselves of this watering-place, by giving them easy means of access to it, while, at the same time, there will be very little extra length of line to be constructed—only about a mile difference. By this means they will also enable themselves, and other owners of coal-mines in the district, to ship their coal at Urangan, in the way I have described. The representative of the company in Queensland, having visited and carefully examined the district, and being impressed with the capabilities of the Burrum coalfields, if properly developed, entered into negotiations with the Government for the construction of this line; and generally, I understand, the approval of the Government has been obtained to the scheme foreshadowed by the Bill. I have already stated that the Burrum line branches off from the Maryborough line at 1 mile 76 chains, at a place called Croydon. I find that without having a plan to refer to, so that hon. members may follow me, it is impossible to give all the distances correctly, and perhaps it will be better not to attempt to do so, as it may lead to confusion. I can, however, give the general length of the line. The length of line proposed to be constructed along the Government survey from Maryborough to Pialba is 15 miles 15 chains; at that point it branches off in the direction of Urangan 4½ miles; and then there is about 4½ miles of what I may describe as a mineral loop-line—that is, a loop-line connecting the Burrum line with the Maryborough and Pialba survey. I understand that the greater part of the country through which the line passes is Crown land of an almost valueless character; at any rate, so far as agriculture or grazing is concerned. There may be minerals—coal—there; it passes through what is known as the Burrum Coal Reserve; but of course the land is valueless unless the coal is developed. The company also propose to take powers for the construction of

other branch lines in the Wide Bay district. One is to a place called Polson, which is a portion of the Pialba district—a watering-place, where there is a Government township. They also propose to continue the line from Urangan, at some future time, along the coast to a place called Booral. They do not propose to construct these two branch lines at the present time, nor do they form part of the scheme put forth in the present Bill; but power is taken in the Bill to enable them to construct these, or any other lines in the Wide Bay district, upon the approval of the plans and books of reference by both Houses of Parliament. It is proposed that the company shall pay for all the land that they take in connection with the railway. In the Bill as originally drafted the price was fixed at the rate of 30s. per acre; but the committee have thought fit to alter that so as to make the price a sum to be agreed upon between the Minister and the company; the reason, I believe, being that a portion of the land which will be required is in the town of Maryborough, and that 30s. per acre was not considered sufficient. However, I shall feel very much inclined to test the feeling of hon. members when the Bill is in committee as to whether the original proposal is not the best, taking it all round. A great deal of the land is utterly worthless. It is proposed that the railway shall go through a certain portion of private lands, and for the purpose of resuming those lands, as will be seen on reference to the 11th clause of this Bill, recourse will be had to the Public Works Lands Resumption Act of 1878. There is one important feature of the Bill, and that is that the company propose to purchase from the Crown, outright, at the sum of 30s. per acre, an area of 1,000 acres—960 acres of which they propose to select in one block, and 40 acres in another. If that may be deemed a concession to the company by the Crown, it is the only one, I think, that is asked. The lands which they propose to purchase in this way are situated in the Burrum Coal Reserve, the whole of which has been withdrawn from selection at the present time. There are certain portions which have been put up to auction at 30s. per acre, and for which there was actually no bid. Other portions have been sold at 30s. per acre. The portions for which there were no bids I believe are open for absolute purchase by anybody at the price which the company propose to pay for such portion of the Coal Reserve as they may think suitable for their purposes. It may be that they will purchase a portion of the lands which are now open for purchase as soon as the Bill passes. Their object is to open up one or more extensive coal-mines upon that land. The reason why they ask the Government to sell the land to them in this way is that large quantities of very valuable land have been selected by private persons at various times in that district at a very low figure, but those individuals, knowing that this Bill has been propounded and that it is before Parliament, have asked a very high price from the company for land that they were fortunate enough to secure at a low price; in some cases they have asked as much as from £20,000 to £40,000, and from their own point of view, they were perfectly justified in doing so; but that price would be considered quite prohibitory in the eyes of any reasonable company who knew there was good Government land there to be had at a very much lower price; and which I consider ought to be sold to the company at the same price at which lands have already been sold to others, more especially as this company will not only increase largely the prosperity of the district as a whole, but will improve the value of the private properties as well as the rest of

the Government lands which are still unalienated in that coal reserve. There is not the slightest doubt that, if the Bill pass and the line be constructed, a very increased value will be put upon the Crown lands of that district, and there is a great deal of land still unsold in that coal reserve. The 40-acre block is proposed to be selected for the purpose of erecting very large smelting works. Some of the promoters of the company are largely interested in extensive pyrites works in Victoria, and have carried on considerable operations, even under very disadvantageous circumstances. They have to pay something like 30s. per ton for their coal; and a large proportion of the ores which they treat, known as refractory ores, are brought from all parts of Queensland so that anyone can see at a glance the way in which such an undertaking must be handicapped in Victoria, where they have to pay such a high price for their coals, and, necessarily, such a large amount for the carriage of the ores to the works. Therefore, they propose to erect these works in the Wide Bay district and carry them on with their own coal, or, if they cannot get coal on the land they select, with other people's coal. At all events, they propose to erect the works there, and, in that way, I take it that this Bill will not only be a benefit to the Wide Bay district, but to every district where there are large deposits of minerals which require to be treated in the way in which this company is at present treating those ores in Victoria. There is one condition—and an important one—in connection with the lands proposed to be purchased, and that is that no deeds of grant, either for the 1,000 acres of land or for the land through which the railway line itself runs, will be issued until the whole line is complete and ready for traffic, and certified to by the Government Engineer. That in itself ought to be, I think, a sufficient guarantee—without the deposit of 5 per cent. on the estimated cost of the construction of the line—for the carrying out of the work in a *bonâ fide* and proper manner. The lines of the Railway Companies Preliminary Bill have been followed to a large extent in this Bill, and although that Bill was repealed, for reasons which I need not repeat to the House, when it passed it received mature consideration at the hands of both Houses of the Legislature, and, taking it all round, the general principles of that Bill were considered satisfactory. Hon. members will see in the evidence of Mr. Hart that every clause of the Bill was gone through, and it is shown where its clauses have been taken from—some from the Railway Companies Preliminary Act, some from our own Railway Act, and some from the Railway Clauses Consolidation Act of England. I would also point out to hon. members that it will be necessary for the company to proceed with the opening up of their coal mines, and will have to sink expensive shafts on the land which they propose to purchase from the Crown, during the time that the railway is in course of construction, because it will take as long for them to open up their mines as it will for them to make the railway; and as their main object is to work their lines in conjunction with these other works, it will be necessary for them to commence their operations in opening up mines simultaneously with the commencement of the construction of the railway. I understand that even the wharves at Urangan will take longer than the railway to construct, so that from the very start they will be improving the land which is the property of the Crown, and for which they will not receive the deeds until the whole of the main lines of railway are constructed—that is to say, until the line from Maryborough to Pialba and Urangan

has been completed. I have omitted, so far, one important feature of the proposal of the company, and it is this: that they propose to duplicate the line between Maryborough and Croydon, which is the junction of the Gympie and Burrum lines. The reason for that is that the traffic on that particular section of the line, 1 mile and 76 chains in length, is so great that it will be almost too much for a single line, and it is, therefore, their proposal to duplicate that line by constructing within the present Government railway fence another line within six or eight feet of the Government rails. The proposal of the company, as formulated in the Bill in the first instance, was that the Government should have the power of purchasing these lines at the expiration of five years from the time of its completion, at its original cost, with 5 per cent. per annum added. That is to say, if the Government elected to purchase the line at the end of five years after its completion, they would have to pay the original cost of the line to the company with 25 per cent. added. The committee, whether rightly or wrongly, have suggested an alteration in that respect. They propose to extend the time to ten years—that the Government shall have the right to purchase the line at the end of ten years, instead of five, and at a price to be agreed upon between the company and the Minister; and if they cannot agree upon the price, the price is to be settled by arbitration. That, at first, does not appear quite so satisfactory a method of arriving at the then value of the line, because it leaves the matter in uncertainty; while the original proposal was certain and definite. The alteration was suggested, I think, by the hon. member for Townsville, who argued that it might be quite possible that if this turned out a failing concern—if the line did not pay—at the end of five years pressure might be brought to bear upon the Government, and they might take over from the company a losing concern and pay 25 per cent. more for it than it actually cost the company. I am inclined to think there is not much in that supposition, because it seems to me that the scheme is one which must necessarily pay, and will therefore commend itself to the House. There is a provision in the Bill that all material for the construction of the line shall be imported duty free—that is, all railway iron and material imported for the construction of the line, which is, I understand, a concession that has virtually been granted in the case of material imported for the construction of other small branch lines, the same result being accomplished by the Government supplying the owners of those lines with rails and other material at cost price. The time is running on, and I shall not trouble hon. members further with the details of the Bill. If I have omitted any information which hon. members desire to have, I trust it will be attributed to my inexperience in moving the second readings of Bills, and I shall be only too happy to supply any information which any hon. member may desire. I beg to move that the Bill be now read a second time.

The MINISTER FOR WORKS said: Mr. Speaker,—I do not know whether the hon. member who has just moved the second reading of this Bill was fishing for a compliment or not, but I think I may say he has managed it very well indeed. It will be in the recollection of hon. members, that when the hon. member in charge of this Bill moved for a select committee to report upon the Bill, my hon. friend the Premier intimated that the Government would give their aid and assistance in assisting the Bill to become law. I do not see how they could have done otherwise, because the proposal of the company is such a reasonable and fair one, that I think it becomes

the duty of the Government to give every assistance in getting the Bill through the House. The company propose to construct a railway from Croydon to the coast for the purpose of conveying coal from the mines to the ship. It is utterly impossible now for steamers trading along the coast to go up to Maryborough and take in coal; and I think if this railway is carried out it will prove very beneficial indeed. If this line is constructed, mail steamers will be able to call at this port and take in coal, which can never be done while it has to be handled so many times—first, in being taken into Maryborough, then conveyed down the river, and then transhipped from one boat to another. Therefore, I think it will be very beneficial to that portion of the district if the company are successful in carrying out their enterprise. After all, the only concession they ask for is to be allowed to purchase a certain quantity of land at 30s. an acre. I believe there is a very large extent of coal area in that locality, and if this company get facilities to construct a railway and to open up a coal-mine in connection with their smelting works, it will be beneficial for the district and for the whole colony. Therefore, I think the Government are perfectly justified in rendering all the assistance they possibly can to get this Bill through the House. The Bill has already been referred to a select committee, and they have made considerable alterations in it, and looking over the original Bill as read a first time, with one or two exceptions, no objection can be taken to them. The chief traffic upon the proposed line will be coal; and I look upon coal, timber, and stock as about the most unprofitable traffic you can have on a railway—that is, because the rolling-stock which conveys the produce to port has to return empty, and consequently it is not so profitable as carrying ordinary produce. I think it is very necessary that we should assist this private company to carry out this work, so that we may be able to ascertain whether private companies can manage their railways better than they are managed by the Government. I should like to know if private companies can work their lines profitably and at lower rates than are charged on the Government railways. I observe, however, that whenever application is made for the construction of a railway, it is always to be the best paying line that was ever built; and the persons interested will show you, by statistics and returns, that the returns from this line will be extraordinary; but as soon as the line is constructed the very first thing is that they commence to agitate about a reduction in the rates; and, to show that, I may say we are building a railway now at Mackay, and the hon. member for Mackay has commenced already to agitate for a special rate for the carriage of produce. I am very anxious to see this private company build their railway, and see what rates they can carry freight for. If it were only to show that, I think it would be very beneficial. After considering the subject, I am beginning to be convinced, now that we are going to deal with the land laws of the colony by boards, that the time is not far distant when we will have to resort to a board to manage the Government railways. A Minister for Works would require to have the patience of Job to resist the attacks made on him from all quarters of the colony; and I am perfectly satisfied that the time is not very far distant when there will have to be a board to manage the whole of the Government railways. With reference to this Bill, I notice one or two matters which I think should be altered. One is the clause inserted by the committee requiring the company to deposit in the Colonial Treasury a sum equal to 20 per cent. of the estimated cost of the railway.

Mr. FOXTON: It is not 20 per cent., but one-twentieth of the cost, or 5 per cent.

The MINISTER FOR WORKS: I read it 20 per cent. At any rate, I am perfectly justified in referring to this point. I think it is a pity to compel the company to lock up a portion of their money in the way proposed by the committee. I do not see what benefit it would be to the country to require the company to deposit a sum of money in the Treasury as a guarantee for the due completion of the work. At one time it was the custom in the Works Department to insist upon contractors paying into the Government bank a certain sum as security for the due fulfilment of their contract. I thought that was very hard on contractors, and made an alteration to the effect that, if a contractor brought a deposit receipt for the amount of the guarantee, it should be accepted. I think that is a very much better arrangement, as it enables a contractor to go to his bankers and get them to become security, and probably something similar might be suitable here. There is another alteration made by the committee in the original Bill which I do not approve of, and that is the proposal to fix the time in which the Government can purchase at ten years instead of five. The 58th clause originally read as follows:—

"At any time after the expiration of five years from the final completion of the railway, the Governor in Council may purchase from the company the railway with the rolling-stock and all appurtenances thereof at a sum equal to the cost price of the said railway, with five pounds per annum calculated from the date of such final completion for every one hundred pounds of the said cost price added thereto, together with a sum equal to the then value of the said rolling-stock and appurtenances."

The committee, as I have already said, have substituted the word "ten" for "five," and they have also made another alteration to the effect that the amount of the purchase money shall be "such sum as may be agreed upon between the Minister and the company, or if they cannot agree, as may be determined by arbitration." Now, I think this House is in just as good a position as any arbitrators to fix the amount that shall be paid for the railway, and it ought to be fixed in the Bill. As a rule, when a matter comes to arbitration, the Government somehow or other always get the worst of it. On this ground alone, I think it is advisable that the rate of purchase should be defined in the Bill, and I should therefore like to see the 58th clause restored to its original form. I do not think it is necessary to say anything more on the subject. I believe the Bill is a good one. The concession to be granted to the company is a mere trifle. The line is not a land-grant line, and I think the Bill will meet with the approval of members on both sides of the House.

Mr. NORTON said: I do not intend to enter into the details of this Bill in the few words I have to say, but I must express my satisfaction at the open manner in which the Minister for Works has spoken in favour of the principle contained in the Bill. I have not gone carefully through the measure, and am not, therefore, prepared to speak as to the details of the scheme. I can only say that I thoroughly endorse the principle it contains—the principle of enabling companies, as far as opportunity offers, to construct private lines. This railway will be the first built on that system, and I hope it may be an example to the Government, and show them how remunerative a line can be made when worked on commercial principles. I was, therefore, glad to hear the speech of the Minister for Works. But with regard to the working of our railways by a board, I must confess that I cannot

agree with him. I do not believe in boards. I do not believe Government railways will have any chance of being worked better by boards than they are under the present arrangement. The disadvantages connected with working by a board are so great that they may possibly counterbalance all the advantages to be obtained from that system. Of course, as the hon. gentleman has said, there is always a great deal of pressure brought to bear on the Minister who is head of the Railway Department. It is a difficult position for a man to occupy and to resist all the importunities brought to bear on him, but he must make up his mind to put up with them somehow or other. I think, however, it is quite possible that some other system might be introduced by which our railways could be worked more satisfactorily than they are now. Other plans have been adopted in other countries, and I do not see why we should not adopt some other system. I believe that private companies have answered better than the system we have adopted in Queensland. However, that is not a matter to enter upon now. I can only say, Mr. Speaker, that if I can personally help the hon. member in passing the Bill through the House I shall be glad to do so. I do not say it may not be improved in detail; but I believe in the principle of the Bill, and I shall be glad to see it carried through the House. I shall be glad to give the hon. member any assistance in my power.

Mr. ANNEAR said: I do not rise to oppose the second reading of the Bill, but I think it is necessary to say that an important measure of this sort should not have come on so soon for discussion, as the papers containing the evidence were only in the hands of hon. members this morning. Moreover, I think more evidence should have been taken in a measure of this kind. There has only been the evidence of two persons taken—that of one gentleman who is interested in the Bill, and that of Mr. Harrington, who happened to be in Brisbane at the time the committee were sitting. I think some of the merchants of Maryborough, the mayor of the town, and the people living at Pialba should have been called to give evidence. Another thing I object to is that the railway is not going to be taken to the town of Polson. The syndicate have purchased certain lands at Pialba, and it is to their interest to take the line there and not to Polson; but the Government should not allow that to be done, and should keep faith with the people. The township of Polson is a Government township; the land is all sold, and the people bought that land in good faith, and in the hope that the railway, when constructed, would be taken to that township. The committee might have come to a decision, and an arrangement made whereby the line might benefit the people of both places. There is another thing I object to. If the line is a good one—if it is beneficial for the promoters and the country—let it be based on proper and truthful evidence. In reading the evidence of Mr. Rawlins, I see that, in answer to question 39, he uses the most disparaging remarks towards the port of Maryborough. Hon. gentlemen may laugh, but thousands of pounds have been spent on that port to make it what it is, and I maintain it is second to none in the colony. The evidence reads in this way—

"39. When you said there was no outlet for coal, did you mean there was no means of exporting it? There was no means of exporting it in quantity by the Mary River. The Mary River is very intricate and a very difficult river to deal with—heavy bottoms."

And it was said further in evidence that it was impossible to take any vessel up to the wharves which was drawing more than 12 feet of water. But, sir, I saw the barque "Highflyer," drawing

17 feet 6 inches of water, come up the Mary River seven years ago; and in almost the shallowest place 25 feet of water can be obtained. I am sure the Engineer for Harbours and Rivers, Mr. Nisbet, will bear me out in saying that there is no bottom in the Mary River that cannot be dredged by the present appliances, if picks and goppers are fitted to the buckets. By that means the river can be dredged to a greater depth; but when we have 25 feet of water in the river at spring tides it should not go forth to the world that no vessels drawing more than 12 feet can come up to the Maryborough wharves. It certainly was a misfortune that the "You Yangs" the other day took so long to load. She started loading at 6 o'clock in the evening, and at 10 o'clock 200 tons of coal were put on board the vessel. The delay that took place was owing to the want of trucks. The trucks had to be refilled, and that was the cause of the delay that has been talked about in the case of the loading of the "You Yangs." £13,000 has been spent in Maryborough in erecting wharves similar to the wharves erected at South Brisbane. There is a splendid steam crane on the wharf; and as a proof of its efficacy, as I have said, 200 tons were shipped in four hours. I am not wrong when I say that in a few weeks, when the men understand its working better, 200 tons can be shipped in half that time. I do not think, therefore, that this company should attempt to build up its reputation on the downfall of other people. In question 79, the same witness to whom I have alluded speaks of the work at the Burrum Coal Fields having been a failure. I say that no works in the Australian colonies have been constructed in a more permanent manner and with greater stability than the works that have been carried out by Mr. Hurley, when he was manager of the company. A shaft 210 feet deep was sunk, and a beautiful plant was erected with winding gear that has not its equal in the colony. When Mr. Hurley ceased to be manager of the mine he had cut the coal, and I think it is not just to Mr. Saunders and to Mr. Hurley to make such a statement as the one I have quoted. The work they did was effectively done, and is there to speak for itself. Mr. Speaker, I look upon this Bill as of great importance indeed for the welfare or otherwise of Maryborough and its people. If it turns out beneficial for the town I shall be glad, but in collecting evidence the town of Maryborough should not have been disparaged, and the witness should have spoken truthfully. I am convinced that there is sufficient accommodation in Maryborough at the present time to enable the proprietors to send away 1,000 tons of coal per week if they can sell it, and I think that fact speaks for itself. I shall not take up the time of the House any longer; but I hope in committee hon. members will remember and take notice of the few remarks I have made. A petition has been presented from the inhabitants of Polson, and I hope when the Bill comes before the House again the inhabitants of that place will receive the justice they deserve.

Mr. CHUBB said: I am certainly very pleased to welcome the appearance in this House of a Bill which has for its object the construction of a railway by private enterprise. On almost the first occasion in which I spoke in this House—that was on the railways of this colony—I advocated that system; that was on a very important matter—the Transcontinental railway. But the hon. gentleman who now leads the Government, and who at that time sat on this side of the House, most strongly deprecated the construction of railways by private companies, and expressed the opinion that all railways should belong to the State. I am glad that the Government have come round to a reasonable

view of things, and I trust that this is only the commencement of many private railways in this colony. Certainly this Bill accords entirely with my views, and I think if we have a good many of these private railways the colony will be benefited; more especially when provision is made for the State resuming the property at any time when it is thought it will be for the benefit of the country for them to do so. I certainly think we are turning over a new leaf. The Bill gives a concession to a company; but that company is only in embryo; the shares are not yet offered to the public. The gentlemen who intend to form themselves into the company are, many of them, Melbourne "syndicators," and in spite of the legislation of the past session or two, we are going to pass this Bill without the slightest question. However, whatever may be the merits of the scheme, of course the Bill will be dealt with carefully in committee; and I can only repeat that I am glad to see that the Government are now recognising the advisability of allowing railways to be made by private enterprise.

The PREMIER said: The hon. gentleman seems to think he has made a discovery; he seems to think that the Government have changed their minds as to the advisability of such a proposition as that which was advocated by the Government of which the hon. gentleman was a member. The Government have not changed their minds in the least. They still consider that that proposition would have been most disastrous for the country if it had been carried out. But because one particular scheme would be disastrous it does not follow that another scheme quite different would also be disastrous. There is no comparison between the two. The proposal of this company is to construct a coal line, which is a thing that is always done by private enterprise in the other colonies, or at least in New South Wales. They propose to run a mineral line, and they ask for the ground to run it on. I do not see any similarity whatever between that proposition and the one which I have always opposed, and shall continue to oppose.

Mr. BLACK said: I intend to support the principle involved in this Bill. I do not agree with the Premier when he intimates that the Government have not receded from the principle they advocated some time ago; I think they have done so to a certain extent, and justifiably so too. They have already shown an inclination to recede somewhat from the principle they set up. In this Bill there is an evident inclination to encourage capitalists—especially southern capitalists—to come to the colony. Southern syndicates, against whom we have heard so much indignation expressed by the Government on previous occasions, are actually invited to come here to make a railway; and a very good thing too. From a cursory glance at the evidence, I find that it is proposed to spend about £200,000; and a very good thing for the colony, indeed. I am glad, I say, to see that the Government are receding from the principles of their land legislation. They are actually willing to let this wealthy syndicate—though previously it was considered that syndicates would ruin the colony—have 1,000 acres of land. I do not know how the Minister for Lands reconciles that with his conscience. I think it is a very good thing to invite capital and enterprise from the other colonies; especially as we have not got them among ourselves. There is a point of view in connection with the town of Maryborough which I am not prepared to discuss. I take it, from what has been said by hon. members on the other side of the House, that this will be virtually opening up a new port for Maryborough. I take it that the facilities which will

be granted to this company by allowing them to make this line and construct extensive wharves, at a cost of something like £115,000, will practically give Maryborough a second port. It is very likely that the Government, taking into consideration the very heavy expenditure of keeping the Mary River dredged and made sufficiently navigable for the accommodation of Maryborough, may consider that, in sanctioning this line, they will be relieving the country from considerable expense in future in keeping that river navigable. I do not know whether they have looked at it from that point of view; but it seems to me very likely that when this line is constructed, with the wharves at deep water on the coast, the trade of Maryborough, instead of going along the Mary, will be taken along this railway from and to the coast, thereby saving the country considerable expenditure, which it is possible may be required to improve the Mary. No doubt what is known as the "Maryborough bunch" are a body of representatives with very considerable influence. No doubt, also, the Ministry have given due consideration to this view—that it will be better for Maryborough to have a deep seaport, which will be obtained by the construction of this railway, than to go on incurring heavy expenditure for deepening the Mary; and it is quite possible that they are right in this view. I am certain that the people at many rivers and harbours along the coast are looking anxiously for the use of the dredge that was employed in the Mary. I do not know why the Minister for Works should have dragged in Mackay in connection with this railway. I see no connection between them at all. I was sorry to hear the hon. gentleman give expression to an opinion similar to that which has been expressed by the Minister for Lands on previous occasions. The Minister for Lands has admitted the weakness of his department, and has got a board to reduce the work. But I never expected to hear such an admission from the Minister for Works. The hon. gentleman suggested the probability of a railway board taking over the management of his department. I thought he was fully competent to do the work himself. The hon. gentleman also referred to the fact that the hon. member for Mackay had been agitating to get some special rate for the Mackay railway. If the hon. gentleman would only take a trip to Mackay he would see the necessity of it. He refers to special rates as a privilege conferred by the Railway Department; but we know very well that coal, bricks, firewood, and farm produce, and, in fact, all heavy traffic, is always carried at special rates, and it is only intended to ask a special rate for the Mackay Railway for traffic of a heavy description. I think it is necessary for me to explain why I made that application to the Minister for Works to arrange for special rates on the Mackay line, in order that hon. members may be able to judge whether the application I made was not a reasonable one. As hon. members very well know, no doubt, special rates are in force on the railways in the southern portion of the colony—and I have no reason to believe they do not prevail in the North—by which parties who have very large amounts of freight to send by the railway are allowed certain special privileges or facilities. The chief points in connection with the special rates are these, I take it: That, where people have very large quantities of freight for the railway, and where they are able to do the loading and unloading themselves of the goods on to and out of the railway carriages, the Government offer them special facilities, as the Government have only to do the haulage. To explain what I mean—such articles as coal, bricks, and other similar goods, are carried up to, I think, twenty miles, at a mini-

mum charge of 2s. 6d. per ton. I think, as hon. gentlemen will see at once, it is only reasonable, in a district such as I represent, where we have enormous quantities of produce coming from one spot—coming from one mill, and where I hope to see an enormous carrying trade in sugar-cane developed—I think it is only a reasonable request to ask the Government to take into their early consideration the necessity of extending its special rates to an article which is not already included in this special rate traffic of the colony. Sugar, for instance, of which there is not a very large quantity carried in the southern districts at present, is not included in the special rates. For instance, for a distance of six miles the freight on sugar per ton amounts to something like 5s. 10d. In that case the department have to do the whole of the loading, and they have to do the whole of the unloading. I will further exemplify what I mean by telling hon. members that a large mill will produce from 1,000 up to, in some cases, 3,000 and 4,000 tons of sugar alone. Then, again, I hope to see the carrying trade of cane very largely developed, which will also mean a new carrying trade to be done by railway; but as cane is an article that will not stand a high rate of carriage, it will be necessary, in order to facilitate the successful carrying out of the central mill system, that cane should also be carried at as low a rate as is consistent with economy in working the department. I do not think we should work any railway at a loss. I think we should take into consideration the immense amount of benefit it is to the people of a district, and to the agricultural class, in being able to get a market for such an article as cane. Now, the average yield of cane to an acre may be put down at about thirty tons; so that a small farmer having fifty acres of cane, which he wishes to convey to a central mill, will probably get as much as 1,500 tons from a small piece of land to carry to one of the many central mills which I hope to see established. Now, in order to enable farmers in my district to know what they are going to do in the future, they will require to know if the department will be able to carry their cane at anything like the special rates at which similar products are carried in the more southern portions of the colony. In that case they would be prepared to put in large quantities of cane, knowing that they could get it carried to the mill at a remunerative rate as an agricultural product. Assuming that the farmer is ten miles away from the mill, it is utterly impossible, if he has to take it that distance in carts, that he would be able to get a sufficient price to remunerate him for his trouble. But if he knew he could carry these 1,500 tons under the special rate schedule, that would suit him very well; in fact, it would be a matter of indifference to him whether he were one, two, ten, or fifteen miles away from the mill. Seeing that this is a product which has to be put into the ground twelve months before it is crushed, I think it was a most reasonable request that I made to the Minister for Works, that he should send up a special agent to report on the whole possible traffic of the district I represent. I take it that in asking that of the department I was doing nothing at all unusual, but was merely doing what was for the best interests of the district I represent, and also of the railways of the colony. I hope that, now I have had an opportunity of explaining what I really meant, to the House and to the Minister for Works, he will take it into his favourable consideration. I know it is a question which is regarded very anxiously by the farmers in the Mackay district, who, I can tell the House, are not in a very satisfactory condition at present. They wish to know at as early a date as possible what their future is likely to be—whether, if they grow

large quantities of cane, they will receive such reasonable facilities from the Railway Department as are afforded to other districts in the southern portions of the colony. I said before that I intend to support this Bill, and especially the principle which is involved in it. I believe it will be a good thing for the colony if we can get private enterprise to step in, and to some extent relieve the public finances of the very heavy expense attendant on railway construction. I do not think that it will be detrimental to the best interests of the colony to do it, so long as the Government see that their interests are properly protected; and I believe they are going to be protected by this Bill, which gives the Government power, if they find the railway is a good line, to step in and buy it for the country. The risk of the experiment is taken from the Government, and rests entirely on the shoulders of those who propose to introduce this new system. I believe it will be a very good thing for the Maryborough people. It will give them a deep-sea harbour, with more rapid mail communication, and other facilities which, I believe, they have been anxiously looking forward to in the past. I am led to believe that in the Urangan harbour vessels of deep draught can lie alongside with the greatest ease; and the mail steamers, which now have to pass Maryborough, will be able to call at this new port in the same way as they call at Keppel Bay and other ports further along the coast. I am very glad that the Government promise their support to this measure. I shall conclude by reading a reply given by Mr. Rawlins in his evidence before the committee. Question 80 was—

"Do you consider the mines are successfully worked? No; I do not consider so."

Then question 81—

"For what reason? Because, in the first place, of the difficulty of getting the steamers with anything more than twelve feet of draught to come up the Mary River; and, secondly, because of the fact that the Railway Department does not understand anything about the coal trade at all. They do not know really the position they are in. They are short of rolling-stock to begin with. There is no sympathy at all in the department with the trade. There is a want of sympathy—there always is in Government undertakings."

Now, sir, I hope I shall not have to complain of the same want of sympathy in connection with the Mackay line, which Mr. Rawlins speaks of as prevailing in all Government undertakings where private interests are involved.

Mr. FERGUSON said: Mr. Speaker,—As one of the members of the Select Committee on this Bill, I should say a few words, though I had not intended to speak till I heard the remarks of the hon. member for Maryborough (Mr. Annear). I think he has taken altogether a wrong view of this matter. I believe this is the best thing that could ever happen to Maryborough, though it is not only Maryborough we have to consider; we have to consider the colony of Queensland. This, to my mind, is a national question. To develop the rich coal-mines of that district requires different appliances and different accommodation from what are there at the present time. If we are to compete with the Newcastle coal-mines in New South Wales, we must have a different way of conveying the coal to deep water. This scheme, if carried out, will enable Queensland to compete successfully with the other colonies. The coal there has been proved equal to any Newcastle coal, and I believe it is the best that has been discovered in Queensland yet; and instead of ships from the Northern ports, Townsville and Rockhampton, having to go down to Newcastle to load with coal before starting for other parts of the world, they can go to Urangan and load there. Not only that, but the company will establish extensive works for smelting different ores, and it will be

the means of developing the mines of Queensland to a very large extent—the mines in the neighbourhood of Maryborough especially. There are a large number of rich mines lying idle at the present time, because there are no facilities in the colony for utilising the ores. These works will be nearer to Maryborough than to Urangan, so that there will be a large place established very close to Maryborough. Of course we ought not to consider Maryborough at all in the question; we should consider the colony of Queensland; but the establishment of these works will lead to establishing similar works in other parts in the North. In fact, we do not know what such works may develop into. If these are successful, works will probably be established in Rockhampton, in Townsville, and perhaps in Cooktown, and other towns of the colony. It will give a greater impetus to the mining industry than anyone can conceive at the present time. Another fault found by the hon. member for Maryborough (Mr. Annear) was that the committee did not call on the merchants or leading men of Maryborough to give evidence. But I think it was the duty of the people of Maryborough to have been there if they had any objection to the Bill; and the best proof we can have that there is no objection on their part is the fact that only one gentleman volunteered to give evidence, and that the only objection he had was that the Bill did not provide for a branch line to Polson. It was proved by evidence that Polson is not the watering-place of Maryborough, because it has no beach, though it is certainly a nice place for building purposes. The watering-place of Maryborough is Pinalba, and the communication between the two is by vehicles; but it is proposed by the Bill to take the railway through Pinalba. It is pretty clear that if a line to Polson were made the people of Maryborough would not go there, but to the place where there is accommodation for bathing purposes. It was also proved that the petition in favour of the line to Polson was signed by only 27 out of a population of 10,000 or 12,000, which I consider a very small number; and that nearly all the signatures were those of the private land owners of Polson. And the very gentleman who gave evidence in favour of the branch line admitted that he had land there himself. Therefore, the committee thought it would not be just to ask the company to construct a branch line which would be of no use to them, but would hamper them in the development of their works in connection with the coal trade. The construction of the branch would cost £7,000, and they would have to run a carriage or two a day; so that they would always be at a loss of £1,000 a year by the line. At all events, Mr. Harrington, the gentleman from Maryborough, who gave evidence, acknowledged that the line is to be taken through the watering-place used by the people of Maryborough at the present time, and that there is no beach for bathing at Polson. He said that the rocks there could be cleared, but unless there is a naturally clear beach it can never be made a proper bathing-place. I consider the objections raised are paltry objections to a scheme that is going to develop the colony to a large extent, and I hope that the Bill will pass into law.

The Hon. R. B. SHERIDAN: I think, sir, it is due to my constituents that I should say a few words on this important matter; and in doing so I may state, to begin with, that I am strongly in favour of this railway being made. I think it will be of the greatest possible benefit to the district, and that it will particularly benefit the town of Maryborough. Instead of interfering with Maryborough, the having of a deep resort at Urangan will give those places the same

relative position as Melbourne and Williamstown; and Maryborough will continue to be benefited by being connected with a deep seaport. This deep seaport is nothing new to me; I have known it since the 16th July, 1861. I knew it was there, and reported its existence to the Government, knowing that some day it must come to the fore as it has done now; and I hope that, without much delay, the company taking the matter in hand will not only begin, but will very soon complete the work, because I am certain that it will be the greatest benefit that has accrued to the Wide Bay and Burnett district since the establishment of Maryborough. Still I have some measure of regret in the matter. On reading the evidence of one gentleman who gave evidence before the committee, I find that he has dealt very ungenerously with Maryborough, and particularly with the Mary River. His description of the river is purely the creation of his own fancy. In order that I may bring it more forcibly before the notice of the House, I will just read a question he was asked, and the answer he gave to that question. The gentleman being examined was C. C. Rawlins, Esquire, and he was asked:—

“When you said there was no outlet for coal, did you mean that there was no means of exporting it? There was no means of exporting it in quantity by the Mary River. The Mary River is very intricate, and a very difficult river to deal with—heavy bottoms.”

Now, sir, I have seen vessels, drawing from fifteen feet to seventeen feet of water, alongside the wharves at Maryborough. They have come and gone without any damage whatever being done to them. And the first time I ever heard that the river was a very intricate one and had a very heavy bottom was when I read the answer to that question. I cannot help expressing my regret that the gentleman who came here as a comparative stranger—who was taken by the hand, not only by the people generally, but also by the Government—should not have been generous enough to have refrained from bolstering up his own cause by the disparagement of another place. A little further on, at page 23, we have this evidence from the same witness—

“Is there no possibility of reaching deep water with that line? It was reported only last week in the paper that there was only eight feet of water at the wharves in Maryborough: I daresay Mr. Mellor remembers the circumstance.”

It is quite true that alongside some wharves at Maryborough at low water there may be only eight feet of water, but that does not at all prove that that river has not abundance of water to accommodate vessels of large draught. And I repeat that it was not kind—that it was not generous—to again depreciate the port of Maryborough, and by so doing try to advance the port which he was anxious to establish. One would have gone on just as well without the other being disparaged. Again, the following evidence was given in reply to Mr. Ferguson—

“Could the mine be worked to compete with the coal-mines in the southern colonies, if the coal came by the Burrum and Maryborough Railway to ship in the Mary River? No; I would not have anything to do with it; I would not have the line conducted by the Government; I would not attempt to work the mine; the river is an intricate one, with a narrow channel.”

Now, this also is what I call a mean way of advancing the interests of one port at the expense of another, because there is no jealousy whatever on the part of the Maryborough people of the establishment of a port at Uragan, better known on the Admiralty chart as Dagna Point. They know very well that to have a deep seaport in their immediate neighbourhood must be conducive to their advantage. Except, perhaps, Cooktown, I do not believe any other part of the colony has a ready-made

deep seaport so near to the centre of population as the town of Maryborough. I am sorry, sir, that the gentleman in question, who no doubt intends to sojourn a long time in that neighbourhood, should not have been a little more generous in his observations relative to Maryborough. Maryborough is the centre of a large population, and that population must naturally increase, and the town will gain very much by its connection with Uragan. As to Polson, it appears in the evidence that there is no sandy beach there; but perhaps no person knows Polson better than I do. I examined the place carefully many years ago, and found a sandy beach there, and bought land there because of that sandy beach. I do not own that land, having sold it long since, and I sincerely hope the person who purchased it from me will reap large advantages from it. There are rocks outside the sandy beach at Polson; but instead of injuring the place as a bathing-place, they are a great protection to it by breaking the force of the sea. Persons are able to bathe on a clear, bright, white sandy beach, with these rocks as a barrier between them and the ocean. It is not fair, therefore, to disparage Polson; and although the railway is going to give it the go-by for the present, it is too attractive a place to remain long neglected. I intend to support the second reading of the Bill, and I hope that in committee some changes will be made in it which will render it a successful measure.

Mr. BUCKLAND said: I am very glad to support the second reading of the Bill, and also to hear from the hon. member (Mr. Sheridan) that the port of Maryborough will benefit so much from the company's operations. Previous to the Bill coming on for its second reading, I heard that the people of Maryborough were much opposed to the construction of the proposed railway, and I am pleased to find, from both the hon. gentlemen who represent Maryborough, that that opposition does not exist. I recollect some years ago being stuck on a mud-bank in the Mary River for five or six hours, and I am glad to hear that the river has been so much improved since that time that vessels drawing seventeen feet can get up to the wharves. Since the commencement of the British-India Company's mail service, the people of Maryborough have been naturally agitating for some means by which the English mails would be delivered there at an earlier date. If this railway be constructed to Uragan, it will not only facilitate the export of coal, but will facilitate the delivery of the mails as well. Apart from that, I think the Bill is a step in the right direction, and if it becomes law I hope the proposed work will repay the company. There are some clauses in the Bill, particularly clause 51, which will need amendment in committee; but I need not go into that now, as the measure will no doubt receive ample discussion at a subsequent stage. I will again say that it gives me great pleasure to support the Bill, and that I hope it may become law.

Mr. ISAMBERT said: I do not intend to oppose this Bill, yet I cannot coincide with much that has fallen from hon. members on both sides of the House. We have heard how much it is to be desired that private companies should undertake this railway building, and how it is to be hoped that it will be followed up to a much greater extent. As a rule private companies are more successful in works of this kind than the Government, because they are shrewd enough not to undertake them except where there is every probability that they will pay; and that is not always the case with a Government. But even if these lines will pay a private company handsomely, it is to be doubted whether

the country as a whole will benefit by them. If the country had had to depend upon private companies for its railways, there would not be half so many in existence as is actually the case. Although the Government railways are expensive to build, I doubt whether a private company could build them cheaper; and, no doubt, if we go on as we have begun, we shall learn to manage our railways better. The Minister for Works must need the patience of Job—

The MINISTER FOR WORKS: Yes; to receive such deputations as the one you introduced this morning.

Mr. ISAMBERT: I have a word to say about that deputation. The deputation which I had the honour to introduce to the Minister for Works to-day managed to extract a promise from him. It was almost like "bailing" him up; but we knew we had him, because, according to the Railway Regulations, a station-master has no power to prevent perishable articles being taken by goods trains if there are a few fowls with them; and the deputation threatened that they would put amongst their perishable articles, such as butter and things of that kind, a pair of fowls, so as to compel the station-master to send them on. To return to the Bill. I must enter my protest against private companies building railways. At the same time, I should be in favour of private companies engaging in such undertakings if provision was made that the Government could at any time take possession of the railways so made.

Mr. FRASER said: It is not very often we find a measure brought before the House which commands the approval of hon. members on both sides with such hearty unanimity as the one now under discussion. I do not think we can do other than congratulate the colony on seeing steps taken for the undertaking of works of this kind by private enterprise and capital. Nor do I think that the Government can be charged with any inconsistency in accepting this proposal and encouraging it. It would be an easy matter to point out that there is a radical and essential difference between the principle involved in this measure and that involved in the measure which the Government and their supporters on former occasions opposed. We are asked to give very slight encouragement to one enterprising wealthy company who propose to develop what I hope will, at some future time, be one of our leading industries. They do not ask the Government to compensate them—to give them in consideration for this—in consideration of promoting their own interests—large slices of valuable territory the property of the people. But, sir, we have heard a great deal lately about light dawning upon parties. I believe that the darkest cloud has a silver lining; and I was very much gratified indeed to hear the hon. member for Mackay deal with the question of the sugar industry in the way he did this evening. Why, sir, he is beginning to recognise the altered circumstances of the case. Notwithstanding all he has said during the session, he still evidently believes that, even in the altered circumstances of the case, there is no danger to the sugar industry; and I do hope sincerely that the hon. the Minister for Works will take into consideration—I am serious now, Mr. Speaker—into serious consideration the proposal brought before him by the hon. member for Mackay. I think that hon. member is perfectly justified in asking the Minister for Works to give such an indication of his readiness or willingness to meet the requirements of the locality—in the altered circumstances—as will encourage those engaged in the industry to con-

tinue it, and to extend their operations. If I understand it right there is no great difficulty in constructing a railway in the district of Mackay—I never heard that there were any engineering difficulties—and I venture to say that if the Government submits such a proposal to this House there will be no objection to it, especially as we desire to give every facility for the continuance, the development, and the firm establishment of that important industry.

Question put and passed; and Bill read a second time.

On the motion of Mr. FOXTON, the commitment of the Bill was made an Order of the Day for Friday next.

JURY BILL—COMMITTEE.

On the Order of the Day being read, the House went into Committee to further consider this Bill in detail.

On clause 4, as follows:—

"The special jurors to serve upon special juries under the said Act shall be the men whose names shall be described in the jury lists mentioned in the eleventh section of the said Act as accountants, architects, auctioneers, brokers, commission agents, civil engineers, esquires, graziers, merchants, accountants, cashiers or tellers of any bank, squatters, station managers, surveyors, and warehousemen, and not otherwise, anything in the said Act contained to the contrary notwithstanding."

The PREMIER said he would ask the hon. gentleman in charge of the Bill if he had considered in what way the omission of clause 1 affected the 4th clause? Of course, when the Committee agreed to negative the 1st clause, they did not intend that its provisions should be re-enacted in clauses 3 and 4, as they really were. He thought it would be better to leave out clause 4. If they did not they would have to consider whether a man by calling himself a broker should be able to make himself a special juror instead of a common juror. It was a title that anyone could give himself. If they were going to deal with the subject they should deal with it properly. He thought that if the hon. gentleman would add to the persons already mentioned one or two classes that could be conveniently added to the special jury list it would be much better than the clause as it stood. By putting it in that way there would be no inconsistency.

Mr. CHUBB said that what he wished to do was to re-enact the 11th section of the present Act with the addition of three or four persons. The 11th section enumerated "esquires, accountants, merchants, brokers, engineers, architects, warehousemen, and common agents"; and the only difference was that he had inserted "auctioneers," altered "engineers" to "civil engineers," and added "graziers, squatters, station managers, and surveyors." He was willing to omit "graziers," because, as had been pointed out, the term was capable of too wide a description. Anybody could call himself a grazier. He thought "squatters" and "station managers" should be on the special jury list, but if there was any difficulty in the matter he was prepared to alter the clause to meet the wishes of the Committee. If clause 4 was omitted the 11th section would stand as it was. He should like to point out an instance that had occurred since they had last considered the Bill in committee, at Charters Towers, a place where it was said there were 7,000 inhabitants. The jury summoned for the trial of civil causes in the Supreme Court there was twenty, and the ordinary practice was that the Sheriff drew what was called a civil panel—that was sixteen, leaving only four. It so happened that there was only one civil case, and in that one case the plaintiff applied for a special jury of twelve, and got from the judge an order for that

jury, which consisted of forty-eight jurymen. That jury was summoned in this way:—The four remaining special jurors were taken out of the list, and forty-four common jurors were added, so that the plaintiff got a number of common jurors. That could be altered by increasing the number of persons liable to serve as special jurors, and giving a wider range of selection in forming a panel. If a man were described as a storekeeper he would be a common juror; but if he was called a merchant he would be a special juror. He knew many cases in the inland towns where the leading storekeepers were very fit persons to be special jurors, but they were generally put down in ordinary parlance as storekeepers, and the consequence was they were not fit for special jurors. That was the reason why he added auctioneers, commission agents, surveyors, squatters, and station managers; and he thought they were very good men to put on a special jury. They would be on a jury if they were described as "esquires"; but if they were not so described they would be simply common jurors. If the clause were negatived the law would stand as at present.

The ATTORNEY-GENERAL (Hon. A. Rutledge) said he pointed out, on the second reading of the Bill, that the hon. gentleman did not go far enough. In order to remedy the state of things he had described as having existed at a recent sittings at Charters Towers, he ought to have attempted to amend section 1 of the Jury Act, by which the qualification of jurors was determined. The hon. gentleman would not make station managers liable to serve on special juries by including their names in that section in the way he proposed. A large proportion of station managers in the colony were not persons who had freehold properties from which they derived an income, or were tenants of other persons, paying rent. They knew that many of them were simply in the employ of the station proprietor. They lived in the station house and were simply salaried servants, and were not competent, in consequence of the peculiar provisions of section 1 of the Jury Act, to serve on either common or special juries. It was a very inconvenient state of things, in a place like Charters Towers, one of the most important of the provincial towns of the colony, that a special jury should consist of twenty individuals; but it would be so so long as the qualification was as it was now. To have altered that qualification—to have reduced the qualification, so to speak—would have enlarged the choice both of common jurors and special jurors; and merely adding station managers to the number of those who should be required to serve on special juries exclusively did not make them capable of serving on a special jury.

Mr. CHUBB: They must have a qualification.

The ATTORNEY-GENERAL said there were a large number of persons who ought to be serving on special juries in the colony who, by reason of the peculiar nature of section 1, could never serve on a jury. He pointed that out on the second reading of the Bill, in the hope that the hon. member would have framed a clause by which the qualification of jurors could have been amended. One little group of men, in many country towns, were those to whose judgment civil causes were perpetually referred. Why should a little group of a score be perpetually the men from whom jurors were to be drawn to try all the civil causes? If the hon. gentleman would accept his suggestion he would withdraw the Bill, and bring in another framed upon a different basis to remedy some of those evils which were known to exist in connection with the administration of justice in the country towns.

Mr. CHUBB said his primary object in introducing the Bill was to get clause 8 into the law, inasmuch as he did not think a Bill of one clause, although very useful in small things, would have been sufficient. When he was drafting the Bill, he thought it would be as well to put in as many clauses as he could to clear up some of the immediate portions of the Jury Act which would require some alteration; but he did not propose to revise the whole scheme. He did not propose to alter the qualification of jurymen themselves or the mode of enpannelling a jury, or the mode of drawing a panel. He wished to make a few simple amendments, and while he was about it he thought he might as well extend the provisions of the 4th and 11th sections by adding those names. If there was any objection to the clause it might go. It was meant to benefit the jurymen who had to serve in all cases. He was aware that unless they possessed the qualification mentioned in the 1st clause they would not be qualified.

The PREMIER said that if they were to deal with the subject it should be done in this way. The clause would not do as it stood; but one to this effect would carry out the hon. gentleman's intention: "In addition to the persons mentioned in the 11th section of the principal Act, the names of all persons shall be copied into the special jury book, who are described in the jury lists as accountants, graziers, commission agents, station managers, storekeepers, or surveyors." The fact was, the whole system was wrong, and the proper qualification ought not to be freehold or leasehold, but a man being a ratepayer. Nearly everybody in the colony was a ratepayer, and every ratepayer of beyond a certain amount should be put on the list, and all paying under a small minimum could be left off it. He hoped it would not be long before the Government would have time to introduce a Bill dealing with the jury laws on that basis. That was undoubtedly the proper basis. As to special jurors, that was another matter which should receive further consideration. If the hon. gentleman wished to proceed with the clause, it would be better to put it in the form he (the Premier) had suggested. As to whether auctioneers should be put on the list, he did not know that they should, but he thought storekeepers should. That was a very ambiguous expression—they were generally called merchants now. The fact was that, at present, the special jury list depended upon the caprice of the policeman who compiled the list. If he chose to call a man by his right name he might be put on the list, and if he did not he might be kept off, and *vice versa*. No doubt the qualification of a ratepayer ought to be the basis for the compilation of the jury list.

Mr. CHUBB said he quite agreed with the Premier; and he might say that he never contemplated, and never intended, dealing with the whole matter in the present Bill. He would allow clause 4 to be negatived.

Clause put and negatived.

Clauses 5 and 6 passed as printed.

On clause 7, as follows:—

"No person who is incapacitated by disease or infirmity shall be liable to be summoned or compelled to serve on any jury."

The PREMIER said he had an amendment to move in the clause. He had before referred to a difficulty which arose now—that was, that a man who was exempt by law from serving on a jury, by the action of the bench or the constable was put on the list. If a man was exempted by law, he ought not to be liable to be summoned to serve. They found the judges often said to a

man, "Why did not you apply to the bench?" But how was a man, exempted by law from being compelled to serve, to be expected to assume that he was going to be put on the list? He had always considered that absurd, when he heard it spoken of in that way from the bench. He proposed to insert after the word "infirmary" the words "or exempted by the principal Act." If a man was exempted by law he ought not to be liable to be summoned to serve.

Amendment agreed to.

Mr. SMYTH moved that the following words be inserted after the amendment which had just been agreed to—"or is actually employed as a mining manager within the meaning of the Mines Regulation Act of 1881."

Mr. ALAND said the hon. member for Gympie should have given them some reason why he proposed the amendment. He (Mr. Aland) might propose that this person or the other person should be exempted, but that was no reason why they should be exempted. He would like to know what there was peculiar in the employment of a mining manager that should cause him to be exempted from having to serve on a jury. He knew of some cases where he thought the obligation to serve on a jury pressed as hardly on some other persons as it would on mining managers.

Mr. SMYTH said a mining manager held a very different position from an alderman, and aldermen were exempt. He would like to point out to hon. members what were the duties of a mining manager. As he had worded his amendment, it would apply only to mining managers of a mine worked by not less than six men—that was included in the words "within the meaning of the Mines Regulation Act of 1881." In the first place, the mining manager had to keep certain accounts of the mine and all the materials employed in the mine. He had also to keep a time-book, and to attend all meetings of the company holding the mine. Those meetings were held every fortnight or three weeks, as a rule, and the manager was supposed to furnish the directors, for the information of the shareholders and the public, with a full account of the working of the mine. He was supposed to bring up his report of all that was being done in the mine; in addition to keeping the account of the mine he had to bring up a pay-sheet and submit that to the directors. To certify that all those things were correct, the mining manager had to be all his time on the mine. Those were not the only important portions of his duties. He generally had to go down the mine every morning, and he had not only to inspect one portion of it, but he had to go down with his eyes open and inspect every portion of the mine. He had to see that the timbering of the mine was safe, and that the men were not supplied with bad blasting material. He had to inspect everything, and see that the mine was in good working order. It very often happened that some machinery broke at a mine, or something or other went wrong, and in such a case the men very naturally went to the mining manager; but how could they get at him if he were in a jury-box? A manager was chosen on account of the knowledge he possessed, and for his honesty and sobriety.

Mr. ALAND: Very good qualities for a jurymen.

Mr. SMYTH said a mining manager could not leave the mine he was in charge of, because he was responsible for everything that occurred to the directors and shareholders. But not only was the manager required to discharge the duties he had enumerated; he was also responsible

for the lives of the men employed under him. Perhaps the hon. member for Toowoomba was not aware of that?

Mr. ALAND: If you had told us that at first, there would have been no necessity for a long speech.

Mr. SMYTH said he thought the hon. member had been long enough in the colony, and long enough in that House, to know that that was the case under the Mines Regulation Act, which was only passed in 1881. Section 4 of that statute provided that—

"In the event of the contravention of or non-compliance with this Act in any mine by any person, the mining manager of such mine shall be guilty of an offence against this Act.

"Provided that such manager shall not be deemed guilty of such offence if he proves to the satisfaction of the court that he had taken all reasonable means of enforcing the provisions of this Act, and of preventing such contravention or non-compliance."

And the 16th section stated that—

"In any proceedings under the provisions of this Act against a mining manager or person in charge of the mining operations in a mine, the burden shall lie on the defendant of proving that he is not such manager or person."

He had known a manager on the Gympie Gold Field to be charged with manslaughter when a miner was killed through his own carelessness, and it had cost the manager a large sum of money to defend himself. Some mines employed over 100 men, and he thought one mining manager was worth more than a whole municipal council.

Mr. NORTON said he was very glad the hon. member had brought forward, in favour of the exemption of a mining manager, the argument that he was responsible for the lives of the men working in the mine over which he had charge; and really that was the only argument advanced by the hon. gentleman. It was no argument to say that a mining manager should be exempt because he was a better man than an alderman. At the same time he (Mr. Norton) would admit that there was a good deal of force in the other statement, though he thought it could hardly be held that a manager should be responsible for what happened in the mine during the time he was obliged to be in court as a jurymen.

Mr. SMYTH: The law makes him responsible.

Mr. NORTON said, if that was the state of the law, then the law was defective. As regarded the amendment, he thought if it was a mere matter between a man's duty to his company and serving on the jury, there was no reason for passing it; but, as he said before, there was some force in the argument that a manager was responsible for the lives of the miners at work underground.

Mr. CHUBB said perhaps he ought to have said that before the member for Gympie proposed his amendment he had had an opportunity of seeing it, and had consented to accept it on the last ground the hon. gentleman gave just now—namely, that the lives of the men employed underground were under the care of the mining manager.

Mr. ALAND said he thought the member for Gympie ought to be very much obliged to him, because the action he had taken had taught the hon. gentleman that if he wanted an amendment carried he must give a reason for it. He was not to suppose that he (Mr. Aland) was in the House when the Mines Regulation Act of 1881 was passed, or, if he was, that he remembered all the clauses of that Act. The hon. gentleman seemed to have a down on aldermen. He (Mr. Aland) did not know whether the hon. gentleman thought he was one. If he did, he could tell

him that he was not. He thought the member for Gympie had been one himself, and had been mayor too. He (Mr. Aland) did not see why the hon. gentleman should have a down on those functionaries. After all it should be remembered that aldermen did good service to the State, while mining managers only served private companies.

Mr. SMYTH said he had no down on aldermen, and had only mentioned them because they were referred to so often the last time the Bill was before the Committee.

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

On clause 8, as follows:—

"Jurors, after having been sworn, may in the discretion of the court be allowed at any time before giving their verdict, the use of a fire when out of court, and be allowed reasonable refreshment."

Mr. CHUBB said that in one of the Acts in which he saw that clause it was provided that jurymen should be allowed refreshment at their own expense, but it seemed to him that they should be allowed reasonable refreshment at the expense of the State.

Clause put and passed.

On clause 9, as follows:—

"The court may, in its discretion, permit the jurors empanelled for the trial of any felony, except felonies punishable with death, to separate during any adjournment of the court."

Mr. CHUBB said that was entirely a new clause; and what might be said in its favour was that it often happened that, in long trials for felony, juries had to be locked up overnight. In cases of misdemeanour, juries were allowed to separate and go to their homes; but there were some misdemeanours that were far graver than felonies. The distinction between misdemeanours and felonies was certainly anomalous; but he did not know whether it was desirable to define them more accurately at present. The clause did not propose to allow juries to separate as a matter of course, but the court might use its discretion. The clause said:—

"The court may in its discretion permit the jurors empanelled for the trial of any felony, except felonies punishable with death, to separate during any adjournment of the court."

That was, that the judge might allow the jury to separate, except after he had summed up, when, of course, they would be confined. He knew there was a great deal to be said against that, but the question was, what was the best course to pursue, and whether they should keep to the present custom of locking the jurymen up, or let the court have discretionary power in the case of felonies; and also allow the court the discretion of keeping the jury together in more heinous offences.

The PREMIER said he hoped the hon. member would not press the clause, for there was a very great deal to be said against it. Some of the worst evils in the administration of justice in America had arisen through that very thing. Because there was a slight anomaly in the present law that was no reason why they should substitute a grave evil for it. The proper remedy would be to remove the anomaly, and not make everything anomalous. He did not want to discuss the matter at length; but he hoped the clause would be withdrawn.

Mr. CHUBB said there was this to be said, that they could never effect a change in the law until they made an attempt. They must make a precedent, and unless that was made no change could be effected. There was a great deal of force in what the Premier said, but he saw some advantages in favour of the clause. He would accept the suggestion and withdraw the clause

At some future time, perhaps, it might be introduced in another shape, and a distinction between felonies and misdemeanours be made.

Clause put and negatived.

On clause 10, as follows:—

"And whereas doubts have been entertained as to the power of judges to excuse jurors from serving, and it is expedient to remove such doubts, it is hereby declared and enacted that it shall be lawful for the court before whom any person may be summoned as a juror to discharge in open court such person from further attendance at such court, or to excuse such person from attendance for any period during the sittings of such court"—

Mr. CHUBB moved the omission of the words to the word "that" in the 3rd line. There had been a doubt as to the power of the judge to legally exempt those persons who were not statutorily exempt, but as a matter of fact the practice had always been for the judge to do much as he pleased in a matter of that sort. In the case of two or more members of one firm being summoned as jurors it was only right that the judge should have power to exempt one or perhaps two of them.

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

Mr. CHUBB said, before the next clause was put he would mention that it had been suggested that the schedule of payments due to jurors should be revised, but he did not propose to deal with that matter in the Bill.

Mr. BUCKLAND said he should not have risen but for the last remark of the hon. gentleman. As an instance of the necessity for amending the schedule of payments, he might mention that some twelve years ago he was obliged to serve for ten days as a jurymen, and from that day to this had never been able to get a shilling for his services. If a man was obliged to serve on a jury there ought to be some means of compelling the court to pay his fees.

Clause 11, and preamble, passed as printed.

On the motion of Mr. CHUBB, the CHAIRMAN left the chair, and 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.

BRANDS ACT AMENDMENT BILL— COMMITTEE.

On the Order of the Day being read, the House went into Committee to consider this Bill in detail.

Preamble postponed.

On clause 1, as follows:—

"From and after the passing of this Act, Schedule C of the Brands Act of 1872 shall be and the same is hereby repealed."

The PREMIER said he would suggest that the clause be slightly modified, as to say that Schedule C was repealed was scarcely correct. In the 2nd clause, too, to say that—

"The schedule shall be read and construed with, and be declared to be incorporated in the Brands Act of 1872"—

did not express what was meant. What was meant was that the schedule in the Bill was substituted for Schedule C. He would, therefore, move that the clause be amended by inserting after "this Act" the words "the schedule hereto shall be substituted for."

Mr. NORTON said he was sorry he was not present on the second reading of the Bill, because he had no doubt the hon. member for Burnett then explained the reason for the introduction of the Bill. He should like to know what the object in view was.

The HON. B. B. MORETON said the reason why the Bill was introduced was the fact that there was in the hands of the Government a sum of £15,174 received as fees under the Brands Act, but could not be used; in fact, it was not wanted at present. Each year a sum of £2,000 was made to meet expenses, and as he did not see the necessity for increasing the extraordinary balance in the hands of the Government, he proposed by the Bill to reduce the amount of assessment. There would then be a large surplus for several years to come.

Amendment put and passed.

On the motion of the HON. B. B. MORETON, the last words of the clause, "shall be and the same is hereby repealed," were struck out.

Clause, as amended, put and passed

On clause 2—"Schedule hereto to be read with Brands Act of 1872"—

The HON. B. B. MORETON said that, owing to the amendment in the 1st clause, the 2nd was not necessary.

Question put and negatived.

Mr. WHITE said the industrious settler had many difficulties to contend with, and many losses and disappointments to put up with. The most grievous pecuniary loss to him was that a thief might come between him and some of his cattle and horses. It caused him many weary days and sleepless nights; for, if the thief should ever be caught and brought before the court, his solicitor would jump up and declare that as six months had elapsed since the animals were lost, under the Justices Act the bench had no jurisdiction. They might well fancy the dismay and honest indignation of the settler in such circumstances; and therefore he proposed the following new clause to meet the difficulty:—

"An information for a breach of any of the provisions of the twenty-seventh or twenty-eighth sections of the said Act may be laid and prosecuted at any time within six months from the discovery of such breach, anything in any law or statute to the contrary notwithstanding."

The PREMIER said he thought that one month ought to be enough, after the discovery of the offence, within which to lay the information. He suggested that the hon. member should alter the time from six months to one month.

Mr. WHITE said he would accept the suggestion.

Mr. CHUBB said that, for the sake of caution, they might add the words "in a summary way" after the word "prosecuted." The clause, as it read, might give rise to some argument. The Act provided that all penalties might be recovered in a summary way; but that offence was one that the justice need not punish in a summary way. They might commit a person for trial if they thought there was a case against him. They had that power under the 38th section of the Act, which was as follows:—

"If the justices before whom any person shall be brought under this Act charged with any offence punishable under this Act on summary conviction shall be of opinion that there ought to be a prosecution for felony, it shall be lawful for such justices to abstain from adjudicating in a summary manner thereon, and to deal with the case as one to be prosecuted in the Supreme Court, or Circuit Court, or District Court."

He moved the insertion of the words "in a summary way" after the word "prosecuted."

Mr. FOXTON said it seemed to him that, if the clause was passed as amended, it would virtually render the defendant liable to be prosecuted at any time—no matter how long—after the offence might have been discovered, because there was nothing provided in the clause to show by whom it must have been dis-

covered within a month. All that a man had to do, he took it, was to go into a witness-box and swear he did not know anything of the offence at a time more than one month prior to the hearing of the case; notwithstanding it might have been discovered by fifty other people two years previously. It seemed to him that something more definite as to who the discoverer was to be ought to be inserted. He did not quite see the force of departing from the present law as far as that was concerned. He should imagine, from what the hon. member for Stanley (Mr. White) had said, that he was an unfortunate plaintiff in some case, and the case was dismissed with costs against the plaintiff.

Mr. GROOM said that many good reasons had been given by the hon. gentleman for the introduction of the clause. If the hon. gentleman (Mr. Foxton) was accustomed to deal with those who had cattle branded, he would understand the question a little better. It had come to be generally known among those who were addicted to this practice, that an offence under the Brands Act must be prosecuted within six months after it had happened. Cattle-stealing was reduced almost to a science by those persons in the West Moreton district. They branded the cattle now, and drove them away into the scrubs where they kept them for six or eight months, and when the time for prosecution had gone by the cattle were driven in. That had occurred to his knowledge. Cattle-duffing was a little game that had been going on for some time past in the West Moreton district, and he knew many gentlemen who had been great sufferers through it; and the clause was an honest attempt on the part of the hon. member to put down the practice, and it was for the benefit of the selector just as much as for the squatter to do so.

Amendment agreed to.

Mr. BLACK said he was not quite certain that it was an improvement to reduce the time for laying information from six months to one month. He should have preferred that the hon. member for Stanley had left it at six months. He thought it might frequently happen that a man might not get the whole of the evidence together to lay the information in time. A man might have a suspicion that his cattle had been branded; but, in the outside districts, he might not be in a position actually to lay the information within a month after having ascertained that his cattle had been illegally branded. He thought the new Land Bill would give such facilities for concealing cattle in scrubs that a large amount of cattle-duffing would be carried on. Men would be able to take up scrub lands which were admirably adapted for the cattle-duffer, and, as the Minister for Lands knew, a large number of cattle were already running there. He thought it would be far better to leave the time at six months, which would not be any injury to the Bill. The man might not be able to get the evidence necessary to convict, or even to lay the information within one month. He thought of the two periods six months was preferable to one month, but if the hon. gentleman was determined to carry the one month as the time, there was nothing more to say about it.

Clause, as amended, put and passed.

On clause 3, as follows:—

"This Act shall commence and take effect on and after the first day of December, one thousand eight hundred and eighty-four, and shall be styled and may be cited as 'The Brands Act Amendment Act of 1884.'"

The PREMIER said a verbal amendment was necessary. The 1st clause provided that the schedule should be repealed "from and after the passing of this Act." That was the only operative

clause of the Bill, and it would be absurd to say that something should commence from and after the passing of the Act, and then say it should commence at some other date. He proposed to omit all the words from "commence" to "shall."

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

On the schedule, as follows:—

"For every first registration of a brand, ten shillings;
"For every transfer of a brand, five shillings;
"Annual assessment for owners of stock—For every 100 or portion of 100 after the first 50, one shilling and sixpence."

Mr. BLACK said he thought that, as there was such a considerable sum as £15,000 to the credit of the fund, it would be a fair concession to make to small holders of stock that anything under 100 head should be left out. Although the amount was only 1s. 6d., it was in many cases a source of considerable annoyance. It did not add much to the revenue, and it must be a considerable inconvenience to clerks of petty sessions and others who had to collect it. He therefore moved the substitution of "100" for "50."

The Hon. B. B. MORETON said that, in answer to several hon. members who had asked him about that alteration from 50 to 100, he had expressed his willingness, so far as he was concerned, to agree to it. He thought, as they were making a reduction in the case of what might be termed the larger stockholders of the colony, they could also afford to do something for the smaller man. He had made inquiries at the office, and from what he could gather from the head of the department, Mr. Gordon, and from looking at the books, it seemed it would not make much difference, so far as the revenue was concerned. At the same time Mr. Gordon had said he would prefer to see it kept as at present, because there were several reasons why the account should be kept under the head of the department if possible.

The PREMIER said that he had not heard of the suggestion before, and so had not obtained any information as to the effect it would have pecuniarily. But the information received was valuable, in addition to the 1s. 6d. It was desirable to know what persons possessed stock up to 100 head. In fact, if they altered the 50 to 100 it would be necessary to alter the principal Act, because the clause imposing the fee required that it should be paid by owners of more than fifty head of stock. He confessed he did not see why persons possessing fifty head of stock should mind paying 1s. 6d. It was a very small mercy the hon. member for Mackay wanted for the small man—to make him a present of 1s. 6d. per annum. He was sure the small man would be grateful to the hon. member for that small mercy.

Mr. BLACK said the hon. gentleman was so accustomed to big fees himself that he thought nothing of a sixpence—it was all guineas with him. There was not much force in the hon. gentleman's argument about keeping a proper record of the number of stock. That could be done without making a man pay 1s. 6d. If the Government wanted to know exactly how many stock a man held, they could require him to send in an annual return. Here was a clause making a very large concession to large stockholders, and it was not a very large concession which was asked on behalf of the small men. It was simply not worth while to collect the 1s. 6d.

The PREMIER: Not for the sake of the 1s. 6d.

Mr. BLACK said that, if it was not worth while on account of the 1s. 6d., they might do away

with it; if it was merely collected that a record might be kept, they might just as well have the record kept without taking the 1s. 6d.

Mr. ALAND said he did not know that the hon. member for Mackay was going to introduce the amendment; but an hon. member had asked him to stay that day to support the same amendment. That hon. member was not present himself, and he really thought that if the thing was worth attending to he ought to have been there. He did not think there was much in the contention of the Premier in regard to statistical information, because every year returns were sent out independent of the Brands Act, and persons were supposed to fill them up for the information of the Registrar-General. After all, it was a paltry matter, and scarcely worth consideration; but he would vote for the amendment if the hon. member called for a division.

Amendment put and negatived; and schedule passed as printed.

Preamble passed as printed.

On the motion of the Hon. B. B. MORETON, 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.

The House adjourned at five minutes past 9 o'clock.