Queensland

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Legislative Assembly

FRIDAY, 7 NOVEMBER 1884

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LEGISLATIVE ASSEMBLY.

Friday, 7 November, 1884.

Question without Notice.—Divisional Boards Agricultural Drainage Bill—committee.—Maryborough and Urangan Railway Bill—committee.—Travelling Expenses of His Honour Judge Cooper.—Customs Collections at the different Ports.—Adjournment.

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

QUESTION WITHOUT NOTICE.

Mr. FOXTON said: I wish to ask the Minister for Lands, without notice, whether he is aware that the whole of the papers and correspondence relative to the application by Mr. A. B. Jones for a license or lease of the run or block known as Gundare, in the Warrego district, were not laid upon the table on a previous occasion. I understand that there is a letter which was omitted, and I would ask the hon. gentleman, if such is the case, whether he is agreeable to lay that letter upon the table?

The MINISTER FOR LANDS (Hon. C. B. Dutton) said: One letter in the correspondence was omitted. It came in a day or two before the return was laid on the table, and through some oversight was not printed. I now beg to lay the letter referred to on the table of the House, and move that it be printed.

Question put and passed.

Mr. NORTON: May I ask the Minister for Works if he has received any report from Mr. Jack on Mount Morgan?

The MINISTER FOR WORKS (Hon. W. Miles): No, I have not.

DIVISIONAL BOARDS AGRICULTURAL DRAINAGE BILL—COMMITTEE.

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

Preamble postponed.

Clauses 1 and 2 passed as printed.

On clause 3, as follows:—

"The powers conferred by this Act shall be exercised by the board, upon petition signed as hereinafter provided.

"A petition must be signed by such number of the ratepayers of the division rated in respect of the land situated within the watershed as represents a majority of all the votes of the ratepayers rated in respect of such land, and must be addressed to the board, praying them to exercise the powers by this Act conferred in respect of draining the watershed."

The COLONIAL TREASURER (Hon. J. R. Dickson) said he would like to learn from the hon. gentleman in charge of the Bill whether the form of procedure was the same as was required by the Divisional Boards Act of 1879, together with the various amending Acts passed by the Legislature—that was to say, had plans and specifications to be submitted to the ratepayers, so that they might know what they were voting for? He hoped also that every opportunity would be given to the ratepayers to record their votes.

Mr. STEVENS said the ratepayers petitioned the board to have a scheme drawn up, and the scheme drawn up had to be submitted to the Minister for approval. There was also the right of appeal granted to the ratepayers. The Bill was in accordance with the Divisional Boards Act of 1879, and with the amending Acts.

The HON. B. B. MORETON said he would suggest to the hon. member in charge of the Bill that the clause might be amended by allowing some time within which a counter-petition might be presented.

Mr. STEVENS said he would point out that the Bill provided that the petition should be signed by a majority of the ratepayers.

Mr. GRIMES said it was very often easy to get persons to sign a petition; but, when they came to understand what was really being asked for, they might wish to change their minds. He thought there should be some provision to allow time for a counter-petition.

Mr. BUCKLAND said he thought the Divisional Boards Act of 1879 allowed a specified time.

The COLONIAL TREASURER said he would point out that under the Act of 1879 there were certain conditions under which rates were levied and paid, and under which loans were applied for. There was also a limitation to the borrowing powers of a local authority. The Act said:—

"Such moneys shall not in the aggregate exceed a capital amount, the interest upon which at 5 per centum per annum shall be equal to an amount represented by the net revenue yielded by works and services previously carried out on loan in the division, added to the amount of rates actually collected in such division for the year then last past."

He wished to learn whether the same principle would be maintained in that Bill. He hardly saw how it could, because, if a board went in for a system of drainage, it was very likely that they would have to borrow largely in excess of the limit there fixed for the borrowing powers of local bodies. He thought that in respect to drainage works divisional boards should be unfettered by subsection (*c*) of clause 75 of the original Act, which limited their borrowing power to 5 per cent. on their revenue.

Mr. BUCKLAND said clause 79 of the Divisional Boards Act provided that—

"On petition signed by a majority of the ratepayers in any division or otherwise, if he think fit, the Governor in Council may suspend, amend, or rescind any resolution of any board, and may prohibit the expenditure of any moneys from the divisional fund for any work which is deemed unnecessary, or which will impose undue burdens upon the ratepayers of such division."

That was the clause he referred to when he said the Act specified the time which must elapse before a petition was acted upon. He had since found he was mistaken.

Mr. GRIMES said it was provided that, on the board being satisfied that a petition was signed by a majority of ratepayers, they could take action without any further delay. He thought that was drawing the line too close, and would move that the word "majority" be omitted, with the view of inserting "two-thirds."

Mr. T. CAMPBELL said there seemed to him to be a defect in the 4th clause, which it would be as well to point out at that stage. Perhaps the point he referred to would be better understood by an illustration. It was this: Suppose there were within a division 500 ratepayers entitled to vote under the Divisional Boards Act; and 300 signed a petition in favour of a drainage scheme, and a counter-petition was afterwards signed by 300, how were the board to decide then? There was nothing in the Bill to prevent a counter-petition being presented, and it was quite possible that such a petition might be signed by 300 or even 350 persons. He did not see how the board could get over that difficulty, as the 4th clause provided that—

"On the board being satisfied that the said petition is duly signed by ratepayers representing a majority of votes of the ratepayers rated in respect of the land within the watershed, they shall appoint a proper person to prepare a scheme of drainage of the watershed."

Mr. STEVENS said he did not think that difficulty was likely to arise. It was scarcely probable that a number of ratepayers would sign a petition the object of which was to increase their taxes, if they had not properly made up their minds on the subject. He certainly thought the first petition would be the one upon which the board would act. With regard to the amendment moved by the hon. member for Oxley, he thought the clause would be better without the proposed alteration. They all knew that, when anything like taxation was proposed, a number of people preferred to suffer rather than put their hands in their pockets for the purpose of removing an evil. Therefore, in his opinion, a majority should be allowed to decide the questions that would be submitted to the ratepayers under that Bill.

Mr. MIDGLEY said that in any scheme of drainage it would be necessary to drain from the high lands to the lower, and if a two-thirds majority were required before a board could decide upon a drainage work, it was quite possible that the residents of the high parts of a watershed might object to such an extent as to defeat the project. In fact, if the amendment were carried, a minority of inhabitants in any locality, not residing on the lower levels, would have the power to stand in the way of any effectual drainage scheme that might be proposed. The amendment would, in his opinion, hinder the operation of the Bill.

Mr. BUCKLAND said he should support the amendment. It was very easy to get a majority of ratepayers to sign any petition, and very often many persons signed such documents without understanding what they were signing. He thought it would be better to make it a two-thirds majority.

Mr. BLACK said he admitted that in many cases it was very easy to get signatures to a petition; but he thought that when, as would be the case under that measure, a petition was only to be signed by those persons who were going to be taxed, it was not likely that anyone would sign it recklessly, or without having duly considered the question and come to the conclusion that the proposed drainage scheme would be a benefit to them. Therefore, he was of opinion that if an actual majority of those who had to contribute to the cost of the scheme signed the petition, that should be quite sufficient. The hon. member for Cook put a rather amusing case, and said, suppose 300 persons voted for a scheme and 300 against it, how would the board decide then? Well that was not at all likely to occur, and if it did then there would be no majority. Again, assuming that there were, say, 450 ratepayers entitled to vote, and 250 petitioned for and 300 against the proposal submitted, it would be evident that some must have signed twice, and in such a case he presumed the board would go carefully over the signatures, strike out those whose names appeared on both petitions, and let the balance decide the question. In all other cases the minority had to submit to the majority, and the same rule might safely be allowed to apply in the present instance. He thought it would work satisfactorily.

The HON. B. B. MORETON said the clause referred to the majority of the ratepayers, but, according to the voting power given by the Divisional Boards Act, the votes might not represent the actual number of ratepayers. Therefore a few ratepayers might, by their accumulated powers of voting, overpower a large number of persons. On that account he thought there might be something in the amendment.

Mr. STEVENS said that argument cut both ways. The large owners of land might be against the scheme of drainage. He did not

think the objection held good, or that the amendment was a good one. As had been said by two speakers, if the voters had to pay for a scheme of drainage they were not at all likely to sign a petition of which they did not approve. That was the point of the whole thing, and he certainly could not accept the amendment.

Mr. T. CAMPBELL said the hon. member for Mackay seemed to have strangely misunderstood the point which he had raised. It was not a matter of voting, but of signing the petition. He could understand it if it were simply a matter of voting. Take the case of a loan. The board wished to contract a loan, and provision was made that two-thirds of the ratepayers must sanction the contracting of that loan before it could be applied for; and if two-thirds of the ratepayers did not sanction it the board was precluded from contracting it. An hon. member had called attention to the fact that the majority must rule, but it was well known how signatures to petitions could be obtained. It was very easy for a person who was well known, or who had a small clique about him, to obtain signatures to a petition. The case he put was this: Supposing a petition was presented to the board containing 300 signatures, and in the same division 350 people signed another petition, what was the board to do?—because there was only provision made in the Bill for the first petition.

Mr. GRIMES said he would call attention to the fact that the matter would not be dealt with in a district or subdivision, but on a watershed, and there might be a very few individuals living on that watershed. Two large proprietors might compel the others to submit to a scheme of drainage, by an accumulation of votes. He thought the clause would operate very hardly upon the other ratepayers in a case of that kind. He should press his amendment to a division.

Mr. STEVENS said he would remind hon. members that those who were not benefited by the drainage had not to pay for it; but if they were benefited they had to contribute towards the cost of the scheme.

Mr. SCOTT said he would advise the hon. member who had brought the Bill forward to stick to the original clause, for if it were altered the Bill might as well be withdrawn altogether. Everyone knew how difficult it was to get all the people on a roll to vote, and very seldom more than 50 per cent. took the trouble to record their votes. The same thing applied to a petition. People would not sign a petition so very readily if their pockets were to be touched. It had been said that one large proprietor might force the other ratepayers into the scheme; but a large proprietor could not prevent the others from doing anything they pleased. The large proprietor would be given far more power if the clause were amended, than if it passed as it stood. His power would be increased enormously by the proposed amendment.

Mr. BLACK said he would point out to the hon. member for Oxley that the large proprietors had not votes in proportion to the size of their holdings, for the maximum voting power was three votes. Anyone who contributed 5s. a year to the divisional board's revenue was entitled to one vote; but though it frequently happened that a person might contribute £150 a year to the divisional board fund, he was only entitled to three votes. He could not see how it was possible for the so-called large proprietor to swamp the small holder. Clause 14 said:—

"And such rate shall be apportioned upon the several ratable properties in proportion to the amount of improvement which it appears by the valuation will be effected upon them respectively."

Well, the small holder would only have to contribute in proportion to the benefit that he derived from the scheme. If he derived no benefit he would not be rated at all.

Question—That the word proposed to be omitted stand part of the clause—put and passed; and clause, as read, agreed to.

On clause 4, as follows:—

"On the board being satisfied that the said petition is duly signed by ratepayers representing a majority of votes of the ratepayers rated in respect of the land within the watershed, they shall appoint a proper person to prepare a scheme of drainage of the watershed"—

Mr. MIDGLEY said he wanted to say a few words at this stage, because he might be too late further on. He had been caught that way two or three times lately. The Bill would have been much more complete if it had aimed at a different thing altogether. If there was something said about the conservation of water, instead of all the space being devoted to drainage, the Bill would be much more useful. At a time like the present it would be more opportune to discuss a Water Conservation Bill than a Drainage Bill. He thought, in many instances, when a scheme of drainage had been entered upon the water could be conserved and made use of, but the clause they were discussing would only include the preparation of a scheme of drainage. In many instances in which a drainage scheme had been completed, the water was run directly into a saltwater creek or river, and he thought power ought to be given to do something more than prepare a drainage scheme. It might be optional to do more than that. Instead of allowing water to run into a creek or river, in many instances a large quantity of good, wholesome, useful water could be saved without any more expense. He would suggest to the hon. member to add something to the clause to that effect.

Mr. STEVENS said he did not think the suggestion of the hon. member was in keeping with the Bill. The principle of the Bill had been made as simple as possible. Its object was simply to deal with drainage, and the conservation of water would not be in keeping with that. He believed there was a prospect of an Irrigation Bill being introduced before very long, and water conservation might more properly be dealt with in such a Bill as that.

Question put and passed.

Clauses 5 and 6 passed as printed.

On clause 7, as follows:—

"If any person thinks himself aggrieved on the ground of incorrectness in the valuation of his own or any other property, he shall have the same right of appeal therefrom as in the case of valuations of ratable property under the said Acts, and the same proceedings shall be had upon such appeal, as nearly as may be, as by the said Acts are provided in the case of appeals under the said Acts, with this addition—that in the event of any person appealing against the valuation of another person's property he shall give notice of the appeal to such person as well as to the board."

The HON. B. B. MORETON said he presumed that the person who appealed against the valuation of his property would have to give notice of such appeal to the board. There was no time specified in the clause for that notice to be given.

Mr. STEVENS: That is in the original Act.

The HON. B. B. MORETON said there was nothing in the original Act about giving notice to any person.

Mr. STEVENS said it was provided for in the Divisional Boards Act.

Mr. BUCKLAND said he would point the hon. member to the case of an absentee proprietor who might be living in London. How was notice to be given to him?

Mr. STEVENS said that persons would be dealt with under that clause just as under the Divisional Boards Act; one case applied to the other.

Mr. BUCKLAND said he thought that, under that clause, the board should give notice, and not the individual.

Mr. BLACK said he considered the provision made in the clause was ample. The clause not only gave a person the right of appeal against his own valuation, in which case he gave notice of appeal to the board, but it introduced a new and a very good principle, which came afterwards: that if he was dissatisfied with the assessment on his neighbour's land he had also the right to draw the board's attention to that, and get it re-modified. That was a new principle, and he thought there was something in it. If a man considered that his neighbour was under-assessed, and that consequently he himself had to bear a higher rate of assessment, he had a right to get his neighbour's land re-assessed so that the adjustment of rates might be more equitable.

Mr. T. CAMPBELL said that that hardly met the case mentioned by the hon. member for Bulimba. If a man thought the valuation on his neighbour's property was too low, he had the right of appeal, and he was bound to give notice of that appeal to the proprietor of the holding as well as to the board. But supposing the proprietor was an absentee, how was the notice to be given? There was no provision made for that. He could quite conceive that that omission might give rise to some grave complications.

Question put and passed.

Clause 8 passed as printed.

On clause 9, as follows:—

"The Minister may approve of the plans and specifications, or may return them for amendment, and may, if he think it necessary or advisable that provision should be made for continuing the system of drainage through another division or other divisions, require such division or divisions to afford the necessary facilities for such continuance."

Mr. BAILEY said that was a most extraordinary clause. They were every year inventing a new tax on the country people. They were now proposing that the Minister might, in consequence of some "fad" of the members of one divisional board—possibly a very ignorant and a very stupid "fad"—compel other divisional boards to go to any amount of expense in continuation of a scheme by which they would not benefit, and of which they knew nothing. They had divided the country into a number of small governments for taxing the residents, and he thought it very unfair indeed that the Minister should have the power of forcing a heavy tax on divisions without their consent. It was a most extraordinary clause to put into a Bill of that kind, and he hoped some modification of it would be made by which some other authority than the Minister should compel the levying of that extra tax. The consent of other divisions to the work should be asked. He did not see why the ratepayers of several divisions should be taxed merely at the will of the Minister for an object from which perhaps they would not benefit, and of which they did not approve. It was opposed to the whole system of local government. The clause read in this way:—

"The Minister may approve of the plans and specifications, or may return them for amendment, and may, if he think it necessary or advisable that provision should be made for continuing the system of drainage through another division or other divisions, require such division or divisions to afford the necessary facilities for such continuance."

Well, he would not say it was an absurd clause, but he would say this—that three or four divisions might be at the mercy of a few enthusiasts in one little neighbouring division.

The MINISTER FOR WORKS: The Minister "may" approve; not "shall" approve.

Mr. STEVENS said the reason why the Bill was introduced was to compel people to allow a drain to be carried through their division from the division on which it was started. One reason why drains were not carried through Pimpama was that men who did not benefit by them would not allow them to be made. Suppose the drain was started in one division, and it was found absolutely necessary to carry the drainage through another division to some outlet, how would it be possible to force that division to allow that system of drainage to go on without some such clause as that proposed? It was absolutely necessary to the Bill that some such clause should be in it.

Mr. BAILEY said it meant that one division should have the power of taxing all the surrounding divisions for the continuance of a scheme of drainage. The facilities for carrying out that scheme could only be got by a tax levied on the ratepayers, and he objected strongly that one division should have it in their power—through the Minister even—to levy a tax upon the surrounding divisions for any pet scheme of drainage. Their scheme of drainage might be a good one or it might be a bad one, and the chances were very much in favour of its being a bad one, because they were in the experimental age. He really thought that there should be some means by which the consent of the neighbouring divisions should be obtained for the continuance of a system of drainage, instead of allowing the responsibility to be thrown on the Minister of ordering them to carry out the scheme. The clause placed a great responsibility on the Minister, which was utterly subversive to the principles of local government

Mr. SCOTT said it appeared to him that the clause only gave permission to a division to go through another division to carry out their scheme, and not to tax it.

Mr. BAILEY: They must afford the necessary facilities.

Mr. SCOTT: That did not mean paying money. It simply meant giving increased facilities to carry the drain through their land. The other division was not to be taxed under any part of the Bill, as far as he could see; in fact, the next clause gave compensation for any damage done to a neighbouring division in affording facilities for the continuance of scheme.

Mr. BAILEY said clause 10 merely provided that the Minister could require any division to afford such facilities, and might appoint some person or persons to assess the amount of compensation to be paid by one division to another; but, according to the argument of the hon. member, the case got even worse. It provided that one division might drain on to the lands of private individuals in another division, and there was no provision for compensation.

Mr. SCOTT: Yes.

Mr. BAILEY said he certainly read the original clause 9 in this manner—that, to meet the necessary contingencies of a scheme of drainage, one division could carry it through another division; and if the people in the latter objected, they must spend money or have their property ruined by the drainage. He did not object to the clause if the divisions agreed to it; but he objected that the responsibility should be put on the Minister to order a division to

undertake the continuance of a scheme of which they might not approve, and which might be perfectly useless to them, and perhaps detrimental to them.

Mr. BUCKLAND said he would call the attention of the hon. member for Wide Bay to the clause he had referred to. There was no tax proposed to be levied on the ratepayers by that clause. Clause 10 provided for compensation to be paid by one division to another. He would refer hon. members to clause 13, which was as followed:—

"Any land required for carrying out the scheme may be taken by the board under the Public Works Lands Resumption Act of 1878, and any person whose land is injuriously affected by the works shall be entitled to compensation from the board, to be determined in the manner provided by that Act for assessing compensation."

Mr. BAILEY said that clause made it worse again, because the whole of the ratepayers would be responsible for the damage done to one individual's property. The ratepayers of a divisional board who were not interested at all in a proposed scheme of drainage in a neighbouring division, and who objected strongly to it as very injurious to them to have a drain coming into their division—those ratepayers would have to pay the damage caused to any individual's property in their division by such scheme. Would it not be much better if, in place of the responsibility being put on the Minister, there should be consent given by the different boards who would be affected by it to any scheme of drainage? He thought that it would be much better, and if they were to have local government let them have it, and allow the boards themselves to determine whether they were in favour of a scheme.

Mr. MIDGLEY said he thought if it was made clearer in the clause that all the cost of a scheme of drainage in which another division was not willing to participate was to be borne by the division that undertook the work, and that the party who assessed the compensation was to bear in mind, in making that compensation, any advantage that might accrue to the other division through that scheme, the thing would be just and fair. They should let it be clearly understood that the division which undertook a scheme of drainage would have to bear the cost all through, and that, in the amount of compensation to be awarded, regard should be had to any advantage that was afforded to that division by the continuation of the scheme.

Mr. STEVENS said that, if the hon. member would read clause 13 in conjunction with the other clause, he would find that the board would have to pay compensation to anyone who was injuriously affected by any scheme of drainage.

Mr. MIDGLEY said that what he wanted to be made clear in the clause was, which board was to pay compensation to the other board.

The PREMIER moved the addition of the following words to the clause—"but at the expense nevertheless of the board carrying out the scheme of drainage."

Mr. BAILEY said that he thought the clause should be carefully considered. One division might drain their lands, to the permanent injury of lands in another division, and under the clause, as he read it, the second divisional board would have to continue the scheme. "Affording facilities" he took to be the same as "continuing."

The PREMIER: But it is at the expense of the other board.

Mr. BAILEY said he had no further objection if the amendment really met the case he had put.

The PREMIER: It covers it entirely.

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

Mr. NORTON said that he would suggest to the hon. member in charge of the Bill, that provision should be made in a new clause that a divisional board might appeal from the order to afford facilities for carrying out a scheme of drainage commenced by another divisional board.

The PREMIER: They would not have to pay for it. It would be quite unnecessary.

Clause 10—"Minister may appoint valuator where scheme extended"—passed as printed.

On clause 11, as follows:—

"If the Minister approves of the plans and specifications, or amended plans and specifications, the Colonial Treasurer may advance to the board, by way of loan, out of any moneys available for that purpose, the necessary money for carrying out the scheme. Such loan shall be called a special loan, and shall be repayable in thirty years, under the provisions of the Local Works Loans Act of 1880."

The COLONIAL TREASURER said he wished to insert a few words at the end of the clause:—"The Colonial Treasurer may deduct or retain, from any moneys payable to the board by way of endowment under the said Act, the amount of any annual instalment so repayable." He thought it only right that the Treasury should be protected, and that the annual instalments should be a charge on the general revenue of the board.

Amendment agreed to.

Mr. NORTON said that amendment would affect other ratepayers than those interested in the drainage question; and if all the ratepayers were liable for the expense it might cause very serious objections to be raised to any drainage being carried on at all. He thought that those benefited by the scheme should alone be responsible for the expense.

The COLONIAL TREASURER said he thought it would have a very beneficial effect, as divisional boards would be more likely to consider well the necessity or propriety of entering upon an undertaking if the whole of their endowment were pledged to the Treasurer to secure repayment of the interest. The hon. member for Port Curtis was no doubt aware that he intended to introduce a subsequent amendment providing that those rates should not carry endowment; and as there was no endowment accruing, there would be no security to the Treasurer in advancing these special loans unless secured in existing endowments. He thought it was only right to protect the Treasury, and to give the divisional boards a feeling of responsibility in connection with the work.

Clause, as amended, put and passed.

The COLONIAL TREASURER said he had a new clause to propose before clause 12. Under the Act, the borrowing powers of boards were limited, and unless some exemption were made the boards would find themselves fettered in obtaining from the Government a sufficient amount of money to carry on the work. Under the 75th clause of the principal Act the moneys to be advanced by loan—

"Shall not in the aggregate exceed a capital amount the interest upon which at five per centum per annum shall be equal to an amount represented by the net revenue yielded by works and services previously carried out on loan in the division, added to the amount of rates actually collected in such division for the year then last past."

He thought that loans for special drainage purposes should be excluded from that limitation. He would move that the following new clause be inserted after clause 11:—

The amount of any such loan shall not be taken into consideration in estimating the amount that may be charged by the board under the provisions of the said Act relating to loans to divisional boards.

Mr. STEVENS said he was quite prepared to accept the proposed new clause. In introducing the Bill, he stated that it was not the scheme of the measure to put the country to any expense; but that those who were benefited were content to bear the whole of the expense. But where a system of drainage was carried through Crown lands, and those lands were rendered valuable to the Government, something ought to be paid by the Government. That would be putting the country to no expense, because it would increase the value of the lands owned by the Crown.

Mr. GRIMES asked whether the special rates were not to receive any endowment?

The COLONIAL TREASURER said he ntended to move an amendment to the effect that they should carry no endowment.

Mr. GRIMES said that no money could be spent to better advantage than in draining land, and he hoped the Colonial Treasurer would not press such an amendment.

The COLONIAL TREASURER said he was not prepared at the present time to commit the Treasury to any expenditure in connection with the Bill, either on account of endowment or of the improvement of any Crown lands drained under its provisions.

New clause put and passed.

On clause 12, as follows :—

"For the purpose of carrying out such scheme the board, its officers, workmen, and servants, shall have power to enter on any land and to break the surface, excavate, and do all necessary work in connection with construction or otherwise."

Mr. BUCKLAND said the clause would be most arbitrary if passed in its present shape. A man might have a valuable crop, and the board might enter on his land and damage that crop without giving notice. He moved that the clause be amended by the addition of the words, "after giving fourteen days' notice of their intention to do so to the owners or occupiers of such land."

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

On clause 13, as follows :—

"Any land required for carrying out the scheme may be taken by the board under the Public Works Lands Resumption Act of 1878, and any person whose land is injuriously affected by the works shall be entitled to compensation from the board, to be determined in the manner provided by that Act for assessing compensation."

Mr. GRIMES said the clause provided for compensation to the owners of lands resumed, but he did not see that it provided for compensation in the case of damage done by drainage works.

Mr. STEVENS said the words "injuriously affected" applied to cases in which damage was done.

Mr. BUCKLAND asked whether the Public Works Lands Resumption Act provided for compensation for injury to crops or buildings? The words "injuriously affected" in the clause only referred to the land.

The PREMIER replied that the 101st clause of the Public Works Lands Resumption Act provided that in cases where the constructing authority entered on any land they must pay for injury to crops or anything else upon it.

Mr. BUCKLAND said that, that being so, he had no further objection to offer to the clause.

Clause put and pased.

Clause 14—"A special rate on all properties benefited"—passed as printed.

On clause 15, as follows :—

"Such special rate shall be paid and borne by the same persons, and the proceedings for the recovery thereof shall be the same, as in the case of rates made under the said Acts."

The COLONIAL TREASURER moved that the following words be added to the clause—"No money shall be payable to the board by way of endowment in respect of any such special rate." The hon. member for Oxley had called attention to that matter just now, and had defended the claims of the board to an endowment on special rates. No doubt the work to be done would be most beneficial, but if the Government were to pay the statutory endowment on the special rate it would simply mean that two-thirds of the amount of loan to be expended for the purposes of the Act would be an absolute gift from the Government. The chief merit claimed for the Bill, when it was introduced by the hon. member for Logan, was that it would not entail any charge on the State, as the localities to be benefited by drainage were prepared to undertake the responsibility and cost of the work. That was the principle on which the Bill commended itself to the House and the Government. Had it been placed before the House in any other shape, he should have said that it was a matter for the Government to undertake and deal with.

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

Clause 16—"Short title"—and preamble, passed as printed.

On the motion of Mr. STEVENS, the CHAIRMAN left the chair, and reported the Bill to the House with amendments.

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

MARYBOROUGH AND URANGAN RAILWAY BILL—COMMITTEE.

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

Mr. FOXTON moved that the preamble be postponed.

Mr. ARCHER said he was not aware whether it was the case or not, but he had heard it stated that the hon. gentleman who was conducting the Bill through the House was the legal adviser of the Vernon Coal and Railway Company, Limited. If such was the case, according to English Parliamentary rules the hon. member could not possibly pass the Bill through the House. He was not aware whether the hon. member was the legal adviser of the company or not.

The PREMIER: The hon. member said, in moving the second reading of the Bill, that he was in no way interested in it.

Mr. FOXTON said he stated distinctly in moving the second reading of the Bill that he had no earthly interest in it whatever. He was not the legal adviser of the company; and in fact he never saw the Bill until he was asked to take charge of it. He had never even heard of it until then.

Question put and passed.

On clause 1, as follows :—

"In this Act the several words and expressions to which meanings are assigned by the Public Works Lands Resumption Act of 1878, herein extended and made applicable to the undertaking hereby authorised, have the same respective meanings, unless there be something in the subject or context repugnant to such construction :—

The expression 'the company' means 'the Vernon Coal and Railway Company, Limited,' and any person or persons or corporate body authorised by them.

The expression 'railway' or 'line' means the several lines of railway branches, stations, and works thereon, or connected therewith, authorised by this Act to be constructed, maintained, or used.

The expression 'undertaking' means the several lines of railway and branches, and all stations, wharves, buildings, erections, and works constructed by or necessary for the purposes of the company.

The expression 'the said Act' means the Public Works Lands Resumption Act of 1878.

The expression 'the Minister' means the Secretary for Public Works or other Minister of the Crown charged with the administration of the Railway Acts in force for the time being.

The expression 'engineer' means an inspecting engineer appointed by the Minister.

The expression 'toll' includes any rate, charge, or other payment for any passenger, animal, carriage, goods, merchandise, articles, matters, or things conveyed on the line.

The expression 'goods' includes goods of every description conveyed on the railway.

The expression 'Crown lands' means all lands vested in Her Majesty which are not, for the time being, subject to any deed of grant, lease, contract, promise, or engagement made by or on behalf of Her Majesty, or situated within the limits of any proclaimed goldfield, and all lands comprised in any pastoral lease which are by law subject, for the time being, to reservation, selection, or alienation."

Mr. FOXTON said he had an amendment to move in the clause, in pursuance of a recommendation made by the Select Committee to whom the Bill had been referred. It was to insert the words between the 4th and 5th paragraphs:—

The expression "main line of railway" means the line of railway from the junction with the Maryborough and Burrum Railway at a point seven miles, or thereabouts, from Maryborough to Urangan, and also the mineral loop-line commencing on the said Maryborough and Burrum Railway at a point twelve miles twenty-four chains, or thereabouts, from Maryborough, and terminating on the said Government surveyed line known as the Pialba survey at a point four miles thirty-nine chains, or thereabouts, from its junction with the said Maryborough and Burrum Railway, as shown upon the deposited plans and sections.

He might mention that the loop-line, which hon. members would probably have seen indicated on the map hanging outside the bar, was not one of the lines originally proposed to be at once constructed by the company, but it was a line that they proposed to take power to construct at any future time upon the plans and book of reference being approved of by both Houses of Parliament. But the Select Committee thought that, as the line was principally for the purpose of opening up the Burrum coal trade, and establishing communication with deep water at Urangan, it was only just and fair that the loop-line should be included as a portion of the railway the company were compelled to construct under the Bill before they received any grant of land. That seemed to be a fair proposal; and the explanation given by Mr. Rawlins, the engineer of the company, before the Select Committee as to why the loop-line was not made a portion of the scheme of the main line of railway, was that he had only so recently surveyed the loop-line that he was unable, when the Bill was prepared and drafted, to include it, and give the necessary particulars. However, the Select Committee thought it desirable that it should be included, and hence his reason for moving the amendment.

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

Clause 2—"Short title"—put and passed.

On clause 3, as follows:—

"The company shall be entitled to purchase, at the price of thirty shillings per acre, any Crown lands in the Burrum Coal Field Reserve, not exceeding one thousand acres, to be selected by or on behalf of the company, within six months after the passing of this Act, in one block or in two blocks of nine hundred and sixty acres and forty acres respectively: Provided that the boundary of such blocks shall, as nearly as the natural features of the country and the adjacent boundaries will allow, be equilateral and rectangular."

Mr. ARCHER said he would like to hear from the Government what view they took of the matter—whether they intended to accept the clause without amendment. He did not wish to interfere at all with the progress of the Bill if the Government had made up their minds that they did not intend to take exception to it. But he really thought that the Government ought to give an expression of opinion as to whether they were satisfied with the clause or not.

The PREMIER said that if the hon. gentleman had been present at the second reading of the Bill he would have heard the Government express their opinion upon the matter.

Mr. ARCHER said they did not express their opinion upon the different clauses of the Bill.

The PREMIER said they expressed their approval of the scheme generally. The question as to whether the company should be allowed to purchase the land was considered by the Government before the Bill was introduced. Of course the proposition was made to the Government, and carefully considered; and, under the circumstances that it was practically the only concession the company asked, they thought it was desirable to allow it. The land was not worth more than 5s. per acre, except for mineral purposes.

Mr. MIDGLEY said he was so unfortunate as not to be present on the second reading of the Bill. He had hoped to be able to discuss it as a Bill which was not under the special approval or sanction of the Government, and with the greatest freedom. He agreed with the Bill so far as he had been able to examine it, but it was still open to criticism, perhaps of an objectionable kind. He thought the price put upon the land was very insufficient. His objection to the clause might perhaps in a great measure be removed if he were informed that the land was open to anybody at the same price—that was, that it had been open as agricultural land or mineral land, at the same price to anybody else. He wished to ascertain that from the gentleman who had charge of the Bill, or from anyone who could give the information.

Mr. FOXTON said he could inform the hon. member that the land was at one time open to selection, so far as he could ascertain from the records of the Lands Office, but was not selected; and when the Burrum Railway was constructed that land was withdrawn from selection, and was known as the Burrum Coal Reserve. Portions of that had been surveyed, and put up to auction at the upset price of 30s. per acre—portions which, he understood, were supposed to be coal-bearing. No bids were made for them at auction, and they remained now open for selection to anyone who liked to pay the upset price of 30s. per acre. That referred only to certain surveyed portions of the Burrum Coal Reserve. The land referred to now was proposed to be taken from unsurveyed portions, and he had no doubt that if the Government were asked they would survey other portions of the reserve, and put them up at the same price. But if that were done there would be competition, and the company would be subjected to what he considered very unfair competition in carrying out their project, which would certainly assist in developing the resources of the country. People would naturally try to make money out of the necessities of the company.

Mr. BLACK said he would ask the hon. gentleman what was the area of the coal reserve?

Mr. FOXTON said he had no idea of the number of acres ; but it was a reserve five miles on each side of the Burrum Railway, and, taking Howard as the terminus, it encircled it to the distance of five miles outside. What the area was he did not know. It commenced near the junction of the Pialba surveyed line, as shown in the map outside. What the area was, was simply a matter of calculation. It was five miles on each side, and according to the map did not extend within six or seven miles of Maryborough.

Mr. BLACK said he understood that the company had six months within which to select their 1,000 acres. He took it that they would be allowed to select that area on any part of the reserve.

Mr. FOXTON : Yes.

Mr. BLACK said the public, directly the Bill passed—knowing there was to be a railway constructed, and the land was open to selection at the upset price—would want it. Would they be allowed to go in and select at that upset price of 30s. per acre, or did the Government intend to withdraw those lands from selection until the company had made their selection, so as to protect them from competition? Directly the public found that the Bill was passed, and there was to be a railway, those selections which were now open at the upset price would be taken up. He wished to know whether the general public would have a general right of selection over the whole area, or whether the Government intended to withdraw the whole of the land from selection until the company had made their selections?

The MINISTER FOR LANDS said the area of the land withdrawn from selection was supposed to be about 40,000 acres, speaking from memory. It was not open to selection ; and the company required to select 1,000 acres out of that for their operations, at 30s. per acre. The rest of the land would be dealt with, of course, by the Government in any way ; they did not bind themselves to keep it shut up. All the company asked was 1,000 acres out of that 40,000 acres, and they would have the choice of that 1,000 acres out of the lot.

Mr. BLACK said he would ask the Minister for Lands whether he was not departing from the strong convictions he held as to the inadvisability of granting freehold land at all in the colony?

The MINISTER FOR LANDS said he certainly should not permit it, in certain cases. But he could not understand the possibility of any company undertaking the expenditure of such an amount of money in the construction of a railway, with all the attendant expenses, unless they were secured in possession of a certain area of land which was likely to compensate them for their outlay. That seemed to be a necessity for any man spending a large amount of money. As a general thing, it would not be desirable for the Government to part with the land absolutely. They would deal with those as lands which would pay a rent proportionate to their value as coal lands hereafter.

Mr. FERGUSON said the company, so far as he could see, had not asked a single concession in the whole of the Bill. They were prepared to pay for whatever land they obtained at the rate at which it was open to other people to take it up, and the land they used for the construction of the line also, at a price decided upon by the Government. There was not a single concession asked through the whole of the Bill, and the promoters were ready to expend a large sum of money in developing the country. Nothing objectionable could be found in any of the clauses. That land was open at the present time, and anyone could go and select from it.

The MINISTER FOR LANDS : No ; it has all been withdrawn.

Mr. FERGUSON said the land could not have been withdrawn from selection very long ago. He hoped, however, that the Government would again throw it open to selection, and if they did they would do what he considered right for the country and for the people.

Mr. BLACK said he did not agree with the hon. member for Rockhampton when he said no concessions were asked for in the Bill. He thought there was a very considerable concession asked for. They had just passed a Land Bill, by which no one could select land and obtain the freehold of it under ten years, whereas the company were to be allowed to get a freehold at once. He was glad to hear the explanation given just now by the Minister for Lands, and he quite agreed with what the hon. gentleman said. It amounted to this: If any wealthy citizen came into the colony, and introduced and expended capital—naturally in the hope that he would derive some benefit from it himself, but also, at the same time, benefiting the country at large—he would be welcome, and special concessions would be made to him. He was very glad to hear that the Government—and the present Government especially—had come to that conclusion.

Mr. MIDGLEY said the impression of the hon. member for Mackay with regard to this Bill was the impression he had with regard to it. He thought the Bill contained some very valuable concessions. The hon. member for Mackay had pointed out that the company would be placed in a position to get the freehold of that mineral land ; and he would point out further that they need not make up their minds about it for a period of six months. They would go testing the land to pick out that which would suit them. They committed themselves to nothing, and they subscribed very little capital. He thought it must be admitted that very valuable concessions were contained in the Bill. He should like to know whether it was rendered imperative by any clause in the Bill that the proposed line should run through those coal selections, or was it to be left optional with the company to run their line in any other direction?

Mr. FOXTON said the line was bound to run within the lines of deviation marked on the plans lying on the table of the House. The company might select their 960 acres, and their 40 acres out of any portion of the Burrum Coal Reserve. The blocks of land they selected and purchased under the Bill might be at a distance of three or four miles, or even more, from any part of the railway. The probability was that if they did it would necessitate the company building another line of railway to communicate with their land. He could not see that there was anything very dreadful in the fact of the land not being in actual contact with the line of railway. If, after prospecting and sinking shafts, they found that the best place for them to select land was at a distance from the line, the probability was that before long they would connect it with another line. They had the power given under the Bill to do that, upon the plans and specifications being approved by both Houses of Parliament.

The MINISTER FOR WORKS said the objections taken to the clause had a great deal of the "dog in the manger" style about them. They had a valuable coal deposit on the Burrum, and it was lying there perfectly useless, as it required a large amount of capital to develop it. The Government thought it a very good thing to assist the company who proposed to build a

railway to deep water for the export of that coal, because they thought it would prove very beneficial not only to the district, but to the colony. The hon. gentleman got up and split straws about 1,000 acres of land; he would like to know what use the land was until the coal was brought to the surface? The company also proposed to erect smelting works for smelting ore. They had been engaged in smelting ore from mines in Queensland, in Melbourne, but they had to buy coal there at a high rate. They now proposed to open up a line on the Burrum and build a railway to deep water, where the coal could be shipped at once, without having first to be shipped in punts and barges. The company proposed to do all that without a single sixpence of cost to the country, and yet hon. members got up and wanted to know about this concession and that concession, when they were getting no concession at all. He supposed the company expected to make a profit out of it, or they would not undertake the work. If the hon. member for Fassifern had been present during the debate on the second reading of the Bill he would not have objected to it. The Bill had been referred to a select committee, who had gone through it carefully, and made a good many amendments in it. Most of those amendments the Government were prepared to accept, with the exception of that dealing with the right of the Government to purchase the works at the end of a certain number of years. With the exception of that amendment, the Government were prepared to accept the Bill.

Mr. ANNEAR said the offer of 30s. per acre was a very fair one indeed. He was very well acquainted with the land; and if the company carried out what they proposed to do in the Bill they would be benefactors to the colony, if they got the land for nothing. He did not know that there were many concessions asked for in the Bill, but he hoped it would be carefully considered, and that they would reserve rights existing in connection with the railways of the colony—the right of crossing the line, and the right to run other lines of railway into the company's property. At Pialba, for instance, the Polson people might decide to have a line of railway by-and-by, and that right should be reserved. In speaking upon the second reading, the hon. member for Rockhampton stated that he (Mr. Annear) was frightened about Maryborough, if that line were constructed to deep water. He was not the least frightened about Maryborough. He was not half as frightened about Maryborough as the hon. member was about Rockhampton. He had been pleased to hear the hon. gentleman give such a good account of the Burrum coal. They all knew what a beautiful mineral district the suburbs of Rockhampton formed. For twenty or thirty miles round Rockhampton they had one of the finest mineral districts in the colony, and he hoped that when the time came the hon. gentleman would assist to have that coal from the Burrum brought to Rockhampton by the coastal railway. There was no doubt nature had given Gladstone grand gifts. Gladstone, no doubt, was the natural port of Rockhampton; and he trusted the hon. member for Port Curtis would assist other hon. members to put a stop to that wasteful expenditure that had been going on in the colony for the last twenty or twenty-two years. Thousands of pounds were being spent annually in trying to make the Fitzroy River what it never would be—a navigable river. There was no doubt that the time would come when Gladstone would have her due. As for the Mary River, nature had done so much for it that it required very little improvement by artificial means. A vessel drawing 17 feet 2 inches of water was now berthed at the Maryborough wharf, and that circumstance spoke well for the Mary River. He hoped the time was not far distant when Gladstone would receive that justice which had been so long denied her; the port was one of the best in the colony and was almost equal to Port Jackson, in New South Wales. Referring again to Maryborough, he was sure that when they had their railways made and the back districts opened up the town would go on and prosper, and he could also say this—that there had been no wasteful expenditure in improving their river; and that was more than the member for Rockhampton could claim for the Fitzroy.

Mr. FERGUSON said he hoped very soon to see works erected at Rockhampton similar to those proposed to be established by the Vernon Coal and Railway Company, and he hoped also to see Burrum coal burned to a much larger extent in the Rockhampton district than in the Maryborough district. He was quite sure that before long, for every ton consumed at Maryborough, there would be four tons used at Rockhampton. With reference to the comparison which the hon. gentleman had drawn between the two rivers, he thought the Committee knew quite well that the Mary was not to be compared with the Fitzroy. If hon. members would look at the statistics of the colony, they would find there was a remarkable difference between the trade on the two rivers. On examining the figures the other day he found that six times more tonnage passed up the Fitzroy than up the Mary. The hon. gentleman could not get over figures. Loud talk was nothing unless supported by fact, and it was very easy to prove which river benefited the colony most. Not only was there a considerable difference between the amount of shipping at the two ports, but there was also a wide difference between the Customs receipts at each place, the revenue for last year at Maryborough being only £30,000, while at Rockhampton it was £115,000. Surely those statistics showed which river was of most benefit to the colony! The hon. member made a great fuss about the money expended on the Fitzroy River. Well, that had been very much over-estimated; it had been over-estimated in that House. Sometimes the amount was stated to be three or four times what was really expended. He did not, however, hesitate to say that, in comparison with the trade of the port, the money spent on the Fitzroy River was much less than had been expended on any other river in the colony. In reference to the Bill before the Committee, he must say that he was strongly in favour of it, because he was of opinion that it would largely contribute to the development of the mines of the colony, particularly in the Central district—the district of Rockhampton. He believed that if it were passed it would be the forerunner of other measures of the same kind. He would like, before many years were over, to see a railway made from Rockhampton to the mining districts alluded to by the member for Maryborough, and works established at Rockhampton similar to those to be erected on the Urangan Railway. At the present time the coal obtained in the Maryborough district was the best in the colony; but so long as they had to convey it by the Burrum Railway, and then ship it down the Mary River before sending it up north, they would never be able to compete with Newcastle, even if the Mary were fifty feet deep instead of twelve feet, as he understood it was now. The coal must be conveyed to deep water in as short a distance as possible. When that was done, the mail steamers and the other large ocean-going vessels trading here would, no doubt, get their coal supply in the colony instead of going to Newcastle for it. The Bill, he thought, would

develop the colony not only in one direction, but in every direction; and at the present time, when their leading industries—the pastoral and agricultural industries—had such a lamentable prospect before them, the Committee should do all in their power to develop and advance the mining industry, as by that means they would do a great deal towards carrying the country over difficulties which they saw before them, increase public confidence in their resources, and increase their borrowing powers. The discovery of such minerals as had been found lately should assist in advancing the colony and strengthening their credit.

The HON. R. B. SHERIDAN said he would not take the trouble to contradict the fanciful fictions of the hon. member for Rockhampton. Indeed, he regretted that the debate had taken the turn it had. He saw no reason why any jealousy should exist between Maryborough and Rockhampton—why both places should not rise and get rich, and why both rivers should not be of great value to the country; and he greatly regretted, as member for Maryborough, that the comparison had been drawn. He could not say he was in love with the Bill before the Committee, but it was better than no Bill at all. That was the light in which he looked at the matter, and he would therefore support the Bill, with a few amendments. With regard to the clause permitting the company to select their land within a certain period after the passing of the Bill, he did not think they should have six months to explore the land before making their selection. He also thought that the company should give some substantial proof that they were going on with the railway before they took up the land, otherwise they might not proceed with the work. The company should commence the line—if they did not finish it—before they took up the selection. He knew the land very well, and he knew it was of as bad a character as a person could possibly select. If it did not contain coal, he had no doubt it would long remain in the hands of the Government. Except for its mineral value it was very inferior land indeed. At the same time, as he had already said, he should like to see the railway commenced before the privilege of selecting the land was allowed.

Mr. NORTON said, with regard to the little bit of warfare that had been going on, he could only say he hoped if the hon. members for Maryborough and Rockhampton wanted to fight, or wanted to make peace and shake hands, they would meet half-way. They would find plenty of room for that if they came up to the port of Gladstone, and there was also plenty of room for their smelting works there.

The HON. R. B. SHERIDAN said he withdrew his objection, on learning that the deed of grant for the land was not to be issued until the railway was begun.

Mr. FOXTON said that it was distinctly provided in the Bill that the deeds of grant should not issue for any of the land until the railway was complete and ready for traffic. He thought the matter had received the attention of the Government. He had stated so on the second reading, but it appeared the hon. member (Mr. Sheridan) did not know anything about it. He could not help expressing his surprise that the hon. member for Maryborough (Mr. Sheridan) should have made such a speech.

The HON. R. B. SHERIDAN: You will hear more about it yet.

Mr. MIDGLEY said he could not tell how delighted he was that he had come to the House that day. It was a regular field-day, and he was equally gratified to find that there was a member of the Government who did not know everything about everything. He (Mr. Midgley) knew very little about the Bill, but, from the little he did know of it, he had not fallen in love with it. He thought the Minister for Works, seeing that his colleague did not know all about the Bill, should be a little lenient with him (Mr. Midgley); but he liked the hon. gentleman to take him to task, and would rather be lectured by him than by any member of the Government. He thought there was a great deal that was faulty and objectionable in the proposal before the Committee at the very outset, and the Government were really giving to the company a chance to make a good thing out of the transaction. The company, when they got a measure of that kind passed, would trade upon it, and for that reason he objected to it. He remembered the debate that had taken place on the repeal of the Railway Companies Preliminary Act, and he had to suffer some little odium and unhappiness on account of the views he had expressed on the subject. There was no Act or anything else in existence which recognised by the State the principle they proposed now to enunciate; because, by the repeal of the Act he had mentioned, they had done away with everything of that kind. At the time of the repeal of the Railway Companies Preliminary Act, it was strongly urged that it was inexpedient that the proprietary of the railways of the colony should be in two different hands, and that the Government would be at a disadvantage, whatever might arise in the construction of a railway by a private company. He anticipated that in a few years Maryborough would be as large and important a place as Brisbane was to-day; and if the reasons that had been urged by the hon. member for Rockhampton why the railway should be constructed were good reasons, then that was an argument why it should be constructed by the Government. The concession which was proposed to be granted would be equivalent to granting the right to a private company to construct a railway between Brisbane and Sandgate; and it would be even a more valuable concession than that if, as was stated, the line went through mineral country. Besides, if they granted the privilege to construct the line, they should see that they got the best possible bargain for the State; and for a line running through such valuable country they should exact far better terms than the ones proposed.

Question put and passed.

On clause 4, as follows:—

"Subject to the provisions of this and the said Act, the company may with all convenient speed make and maintain a line of railway one mile and seventy-six chains, or thereabout, in length, commencing at a point in the school reserve in Kent street, Maryborough, and thence running parallel with the Maryborough and Gympie Railway line to Croydon, and there terminating by a junction with the Maryborough and Burrum Railway line, and also a line of railway twenty-one miles, or thereabout, in length, commencing by a junction with the said Maryborough and Burrum Railway line at a point on the said line seven miles, or thereabout, from Maryborough, and thence running in a north-easterly direction along the Government surveyed line known as the Pialba survey, to a marked peg in portion thirty-seven in the parish of Urangan, and thence in an easterly direction to Urangan, in accordance with the deposited plans, sections, and books of reference, and the various branch lines thereon and therein delineated and described, and all such other branch lines from the company's line or the said Maryborough and Burrum line, or any other Government line in the Wide Bay district as shall be in accordance with plans, sections, and books of reference that may be hereafter approved of by resolution of both Houses of Parliament, with all proper stations, sidings, approaches, wharves, jetties, piers, warehouses, buildings, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the said books of reference as may be required for that purpose."

Mr. FOXTON moved that the clause be amended on the 18th line by the insertion of the following words after the word "Urangan"—

And also the mineral loop-line commencing on the Maryborough and Burrum Railway, at a point twelve miles twenty-four chains, or thereabouts, from Maryborough, and terminating on the said Government surveyed line, known as the Pialba survey, at a point four miles thirty-nine chains, or thereabouts, from its commencement on the said Maryborough and Burrum Railway, at a point seven miles, or thereabouts, from Maryborough.

Amendment agreed to.

Mr. FOXTON said that another amendment had been suggested by the Select Committee in the clause. It might be a necessary one, but at the same time he did not think there was any necessity for it, and, from information he had from the promoters of the Bill, he understood that they desired that the words proposed to be omitted should stand part of the Bill. The words, which were in the 21st and 22nd lines, were—"or any other Government line in the Wide Bay district." He should not at present move the amendment.

The PREMIER said the Bill gave the right to construct a particular line of railway, and not a number of lines, in any part of the Wide Bay district. If the hon. member did not move the amendment, he (the Premier) should do so. It was not part of the scheme submitted to the Government, and to which they gave a general assent.

Mr. FOXTON: Did I understand that the Premier would move the amendment?

The PREMIER: Yes; if the hon. member does not.

Mr. FOXTON said, that being so, he felt bound to move it. He therefore moved that the words be omitted.

Mr. MIDGLEY said he would like a little explanation about a matter at the beginning of the clause. The clause gave power to the company to construct a railway running parallel to a certain extent with the Government railway; it would run right out of the heart of Maryborough, through what would be some part of the suburbs, for a distance of 1 mile 76 chains. He thought that was an objectionable feature in the Bill. Would it not be possible to avoid a private line like that running parallel with the Government line?

Mr. ANNEAR said the hon. member might ask the Minister for Works whether the line was to be made within the line of fences along the Maryborough and Gympie line.

The MINISTER FOR WORKS was understood to say that the line would run inside the Government fences.

Mr. ANNEAR said there was sufficient Government land to allow of the construction of the line.

Mr. MIDGLEY: Do I understand that this line is to be made alongside the Government line—within the same enclosure?

The MINISTER FOR WORKS: Yes.

Mr. MIDGLEY: That is a concession.

Mr. GRIMES asked whether the company would be allowed to erect stations there, and compete with the Government line for the suburban traffic?

Mr. FOXTON said that would be provided for by the Government. The Government would no doubt look after their own interests in the matter; and they would be able to do so, because all the regulations for the working of the line must be approved by the Governor in Council. He explained on the second reading of the Bill, when the hon. member for Fassifern was not present, that the reason for duplicating the line was that the traffic along that 1 mile 76 chains was so heavy that the increased traffic that would be brought by the proposed line to Pialba and Urangan would necessitate the Government duplicating the line if the company were not prepared to do it. Therefore it was simply taking the expense off the shoulders of the Government.

Mr. NORTON said that the hon. member had stated that the present traffic was so large that it would be necessary to duplicate the line at some time when that traffic increased. In that case the Government would require the land which was about to be given to the company. He thought the Government should undertake the duplication of the first portion of the present line. It was easy to see that the traffic would be increased by the coal taken to Urangan Point, and he thought the traffic in coal, on the line from Burrum to Maryborough, would necesitate the duplication of that line.

The MINISTER FOR WORKS said the proposed line would give facilities to the people of Maryborough for getting to the seaside; and it would not interfere in any way with the present line out of Maryborough.

Mr. NORTON said the hon. gentleman was quite correct; but he had misunderstood his (Mr. Norton's) suggestion, which was that the Government should undertake the duplication of the first portion of the line. That would be absolutely necessary sooner or later; and if the Government gave away the land they would have to buy it back from the company.

The MINISTER FOR WORKS said that if the hon. member had read the Bill he would have seen that it provided for the Government purchasing the line at any time after the expiration of five years from its completion. There was, therefore, nothing to be alarmed at. The Government had the right of purchase at cost price, with 5 per cent. added. No harm would therefore be done by the construction of the line.

Mr. FOXTON said he should certainly like to see the words retained. He understood that they provided for a portion of the scheme which the promoters of the Bill regarded as a most essential one. But for the statement of the Premier that otherwise he would move the amendment, he (Mr. Foxton) would not have moved it. He would very much regret the striking out of the words.

The PREMIER said he did not think that in an Act to make a particular railway there should be given a general power to make other railways. If any company desired to make another line—from Gympie, or Kilkivan, or Gayndah—they might very properly apply for Parliamentary power to do so.

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

Clause 5—"Company to have sufficient capital before beginning construction of line"—passed as printed.

Mr. FOXTON proposed the following new clause to follow clause 5:—

The company shall, before the commencement of the railway or entering into possession of the lands to be selected under the third 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.

He moved the clause because it had been suggested by the Select Committee. On referring to the proceedings of the committee, it would be seen that at the commencement of the proceedings on Friday, 17th October—

"Mr. Hart further addressed the committee and intimated his willingness to insert in the Bill, in addition to the other amendments he had mentioned in his evidence, a clause similar to the 4th subsection of section 6 of the Tramways Act of 1882."

Subsequently Mr. Hart submitted the clause in its present form. He (Mr. Foxton) thought then, and was still inclined to think, that it was an unnecessary precaution considering the other material guarantees the company was to give for the completion of the works; and it would necessitate, as had been pointed out on the second reading, the locking up of a large sum of money. The estimated cost of the railway and works was something over £100,000; 5 per cent. on that would amount to a considerable sum, and to lock it up during the period of the construction of the railway would mean a very serious loss of interest to the promoters. He thought it would be much more satisfactory if they were to adopt some such course as that suggested by the hon. Minister for Works on the second reading, and require only the lodging of a deposit receipt with the Minister. However, as the Committee had recommended the insertion of the new clause, he would move it.

Mr. MIDGLEY said he thought it was desirable that the company should give a very substantial guarantee as to their position. He would point out that the clause seemed to contain two contradictory propositions. In the first part of the clause it was stipulated that a certain sum should be detained by the Colonial Treasurer, and subsequently it was provided that the sum to be deposited was to be determined by agreement between the Minister and the company. They might mutually agree to an amount of even less than one-twentieth.

Mr. BUCKLAND said he thought clause 5 provided to some extent for the capital. The new clause mentioned only the cost of the main line of railway; but as the company was to construct a wharf as well as the railway, he thought the cost of construction of the wharf should be to some extent guaranteed by the company.

Mr. FOXTON said that if a guarantee were given for the construction of the railway it might be taken for granted that the wharf would be constructed, as the one would be of little use without the other. He moved that the words "to the credit of the Minister in some bank carrying on business in Queensland" be substituted for the words "in the Colonial Treasury," in the 4th line of the clause. That would give that sufficient guarantee that was desired to be secured by the lause, and at the same time secure to the promoters of the Bill immunity from loss of interest on the sum deposited.

The HON. R. B. SHERIDAN suggested that, as the Colonial Treasurer was the Minister who had charge of the finances of the colony, the words "Colonial Treasurer" should be substituted for the word "Minister" in the proposed amendment.

Mr. FOXTON said that, according to the interpretation clause, "Minister" meant "the Secretary for Public Works, or other Minister of the Crown charged with the administration of the Railway Acts in force for the time being." The word "Minister" was used all through the Bill, and that was why he used it now. He supposed that if one Minister had the money it would find its way to the Treasury with just as much certainty as if another had it.

Mr. ANNEAR said the clause was precisely the same as in contracts for Government railways. In one case the money was to be paid into a bank to the credit of the Commissioner, and in the other to the credit of the Minister.

Amendment put and passed.

Mr. MIDGLEY asked whether the second part of the clause was necessary? After stating in the first part that the company, before the commencement of the railway, must do a certain thing, another sentence was added, which left it to be fixed in some other way.

Mr. FOXTON said the company might estimate the cost of the line at £80,000, and the Government might estimate it at £100,000. The company had to deposit to the credit of the Minister 5 per cent. of the estimated cost before the work began; and if the parties were unable to agree as to the estimated cost it would have to be decided by arbitration. The company would then have to deposit 5 per cent. of the amount so arrived at. He now moved, as a further amendment, that the word "retained" be substituted for the word "detained," on the 6th line of the clause.

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

Clause 6—"Breadth of land to be taken for railway"—passed as printed.

On clause 7, as follows:—

"It shall be lawful for the company to deviate from the line delineated on the deposited plans or any plans that may hereafter be approved of by Parliament, provided that no such deviation shall extend to a greater distance than the limits of deviation delineated upon the deposited plans, nor to a greater extent in passing through lands continuously built upon than ten yards, or elsewhere to a greater extent than one hundred yards from the said line, and that the railway by means of such deviation be not made to extend into the lands of any person, whether owner, lessee, or occupier, whose name is not mentioned in the books of reference, without the previous consent in writing of such person, unless the name of such person shall have been omitted by mistake and the deposited books of reference shall have been amended or corrected in manner in the said Act provided for in cases of errors in the deposited books of reference."

Mr. FOXTON moved the omission of the words "or elsewhere to a greater extent than 100 yards from the said line." The Select Committee had recommended the excision of those words, because the plans as submitted allowed a deviation of half-a-mile on each side of the line, and that distance necessarily included the 100 yards. The clause was taken from an English statute, the lines of deviation in that country being less than 100 yards.

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

Clause 8—"Gauge"—passed as printed.

Mr. FOXTON moved that the following new clause, prepared by the Select Committee, follow clause 8 of the Bill:—

Particulars of all expenditure upon the railway, with proper vouchers, shall from time to time be submitted by the company to the engineer.

Question put and passed.

On clause 9, as follows:—

"The company shall be entitled to take, use, occupy, and purchase, at the price of 3/s. per acre, so much Crown lands as are necessary for the proper construction of the undertaking and working of the line, and the erection of stations, with usual buildings, turnouts, and other appliances ordinarily required in the maintenance and management of railways."

Mr. FOXTON said the Select Committee had recommended certain alterations to be made in the clause. Instead of the words "at the price of thirty shillings per acre," they had altered the clause so as to read "at a price per acre to be prescribed by the Minister." It would be better, however, to amend the clause so as to make it read, "at a price per acre to be agreed upon

between the Minister and the company," and then to add a proviso referring any dispute that might arise to arbitration. He moved the insertion of those words in place of the words as printed.

Amendment agreed to.

The HON. B. B. MORETON asked whether the Government contemplated selling to the company the land within the railway fence from Croydon to Maryborough?

The MINISTER FOR WORKS replied that the Government had no intention of disposing of any of the land referred to, either to the company or to anybody else.

Mr. FOXTON moved that the following proviso be added to the clause:—

Provided that if the Minister and the company are unable to agree upon a price, the same shall be decided by arbitration.

Mr. MIDGLEY said he rose on the present occasion, as the hon. member for Burnett was too bashful to repeat his question. It appeared to him that the amendment would really introduce an element of danger, because, under the clause as amended, the company could demand to purchase some of the lands within the present line at a price agreed upon by the Minister, or as determined by arbitration.

The PREMIER said the hon. member for Burnett was quite right in calling attention to the omission. The company ought not to have any right to the land itself; they should merely have power to construct a line over it. He was preparing an amendment to be inserted at the end of the clause to exclude that right.

Amendment agreed to.

The PREMIER moved that the following words should be added at the end of the clause:—"But this section shall not authorise the purchase by the company of any land vested in or occupied by the Commissioner for Railways."

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

On clause 10, as follows:—

"As soon as the whole of such railway shall have been faithfully constructed according to the deposited plans and books of reference, and is fit for public traffic, the company shall be entitled to deeds of grant in fee-simple for all lands purchased as mentioned in sections 3 and 9 of this Act."

Mr. MIDGLEY said there seemed to be an inaccuracy in the clause, which would stand as clause 12 in the Bill as amended. The amendments that had been made would necessitate the alteration of the figure "9" at the end of the clause.

On the motion of Mr. FOXTON, the word "such" in the 1st line of the clause was omitted, and "main line of" inserted; in line 3 the words "complete and ready" were substituted for "fit"; and, in the last line, "11" for "9."

Clause, as amended, put and passed.

Clause 11—"Alienated lands to be resumed under Public Works Lands Resumption Act of 1878"—passed as printed.

On clause 12—"Power to purchase lands for additional accommodation"—

Mr. FOXTON moved that the word "are" be substituted for the words "may be deemed" in the 32nd and 33rd lines.

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

Clause 13—"Lands held under conditional selections"—passed as printed.

On clause 14—"May cut timber, etc., on Crown lands"—

Mr. FOXTON moved that the words "construction of the" be inserted after the word "the" in the 49th line.

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

Clause 15—"May procure stone, gravel, etc., from Crown lands"—passed as printed.

On clause 16, as follows:—

"Imported rails, fastenings, iron sleepers, locomotives, and any other article or thing composed either wholly or in part of iron, required for the construction of the railway or undertaking, and to be used thereupon, shall, notwithstanding any Act to the contrary, be admitted duty free at any port in the colony during the construction of the line."

The COLONIAL TREASURER said the clause was rather too comprehensive. Not only were the articles to be used in the construction of the railway to be exempted from duty, but articles used in any undertaking. They found in the interpretation clause that "undertaking" meant "the several lines of railway and branches, and all stations, wharves, buildings, erections, and works constructed by or necessary for the purposes of the company." He had a great objection to the whole clause; but still, as there was a desire on the part of the Committee to offer facilities for the construction of that railway, he would confine his objection to seeing the exemption confined to those articles that were necessary for that purpose. It would, of course, be understood that it was only during the construction of the railway, and for the construction of the railway, that those articles were to be admitted duty free. When the line was in full swing, all material that might be required, even for the purposes of renovation, would have to submit to duty. He moved the omission of the words "or undertaking."

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

Clauses 17 to 26, inclusive, passed as printed.

On clause 27, as follows:—

"The terms upon which any of the facilities mentioned in the last two preceding sections shall be afforded may be mutually agreed upon between the company and the Minister; but if such terms cannot be so agreed upon, or any dispute or difference arises, the same shall be determined by arbitration."

Mr. NORTON said he did not think the Government would be wise in consenting to that clause, as it allowed the power to be taken entirely out of their own hands. They submitted to arbitration a power they should have kept to themselves.

The PREMIER said it was the ordinary provision for running powers in Railway Acts. He did not see how it could very well otherwise be framed.

Mr. NORTON: I do not think it is in any other private Bills.

The PREMIER: I think it is the usual form.

Mr. FOXTON said it was taken from section 31 of the Railway Companies Preliminary Act, which said:—

"The terms upon which any such facilities shall be afforded shall be mutually agreed upon between the contractors and the Commissioner for Railways. If they cannot agree, a judge of the Supreme Court shall, upon the application of either party, refer the matters in dispute to some indifferent person or persons, not exceeding three in number, and the decision of the persons so appointed shall be made within such time as the judge orders, and shall be binding upon both parties; and the cost of every such reference shall be determined by the judge and borne by such of the parties as he directs."

Clause passed as printed.

Clause 28—"Penalty for not giving due facilities"—passed as printed.

On clause 29, as follows:—

"The company shall be at liberty to use, in conjunction with the Government and free of charge, any telegraph posts, poles, or standards erected, or which may be hereinafter erected, on any Government line of railway forming a continuous line of communication with the said railway or any part thereof, for the purpose of establishing a telegraph or telephone thereon, and to affix thereon or suspend therefrom any telegraph and telephone wires, and such telegraph or telephone may be exclusively used by and for the purposes of the company."

Mr. FOXTON said he wished to move the omission of the word "with" at the beginning of the 5th line, with a view of inserting the words "between any portions of." As the clause stood it was doubtful whether the company could not put their wires on the Government telegraph posts all over the colony. The amendment would make the matter clear, and provide all that the company need desire.

Amendment agreed to.

On the motion of Mr. FOXTON, the clause was further amended by the omission of the words "or any part thereof" in the 5th line; and by the substitution of the word "shall" for the word "may" in the second last line.

Clause, as amended, agreed to.

Clause 30—"Municipal and divisional boards' rates"—passed as printed.

Clause 31—"List of tolls to be exhibited on board"—passed with a verbal amendment.

Clauses 32 and 33—"Tolls to be taken only whilst board exhibited," and "Tolls to be paid as directed"—passed as printed.

On clause 34—"In default of payment of tolls, goods, etc., may be detained and sold"—

Mr. NORTON said he did not think that clause ought to be allowed to pass without some comment. It provided that—

"It shall be lawful for the company to detain and sell such carriage, or all or any part of such goods, or if the same shall have been removed from the railway premises, to detain and sell any other carriages or goods within such premises belonging to the party liable to pay such tolls."

The party liable to pay the tolls on goods removed might be an agent, and the goods detained might belong to some person who was not the owner of the goods which had been removed from the railway premises. Of course it was not intended that that provision should apply to such a case.

Mr. FOXTON said the clause was a transcript of section 97 of the Railway Clauses Consolidated Act in England. The same power appeared to have been given to companies in the old country, and he presumed it had worked well, as the provision had never been repealed. He did not know whether such a case as the hon. gentleman referred to was likely to arise, but he hardly thought so.

Mr. NORTON said of course such a case as he had suggested might or might not occur. If the provision applied to ordinary goods only it would not matter so much, as they could be replaced. But there were some things which people valued very highly, and which could not be replaced. For instance, many people had a weakness for their own buggy on account of some peculiarity it possessed, and if that were sold by the company perhaps it could not be replaced; and there were many other things that might be mentioned. It appeared to him that the clause might, in some cases, make a person liable for charges on goods which were not his property.

Mr. FOXTON said he would point out that the only goods which would be affected were goods belonging to the person liable for the tolls, and that was very clearly expressed in the Bill. Of course, disputes might arise as to whether a man was a principal or agent; but he thought that when such disputes arose they might fairly be left to settle themselves.

Clause put and passed.

Clauses 35 and 36—"Account of lading, etc., to be given," and "Penalty for not giving account of lading"—passed as printed.

Clause 37—"Disputes as to amount of toll chargeable"—amended by the substitution of the words "two justices" in lieu of "a justice."

Clauses 38 and 39—"Differences as to weights, etc.," and "Toll collector to be liable for wrongful detention of goods"—passed, with consequential amendments.

Clause 40—"Penalty on passengers practising frauds on the company"—passed as printed.

Clause 41—"Detention of offenders"—passed, with a consequential amendment.

Clauses 42, 43, 44, and 45, passed as printed.

Clause 48—"Power to make regulations and by-laws"—passed, with a verbal amendment.

Clauses 47 and 48—"Publication of by-laws," and "Such by-laws to be binding on all parties"—passed as printed.

Mr. FOXTON moved the following new clause, to follow clause 48:—

The production of a copy of any regulations or by-laws under the common seal of the company shall be received in all courts of justice as sufficient *prima facie* evidence of the making and approval thereof.

The ATTORNEY-GENERAL said that it would be seen by clause 46 that the by-laws had to be reduced to writing. As the new clause stood, a copy of the by-laws would have to be made in writing. He would suggest that the first part of the clause should be made to read—"The production of a printed copy of any such regulations or by-laws."

Mr. FOXTON said he saw what the Attorney-General meant; but it struck him that a copy meant a printed or a written copy. If it was a copy authenticated by the common seal of the colony, it did not matter whether it was printed or written. It was just possible there might be a difficulty in getting a printed copy on some particular occasion, though there was no doubt that the regulations or by-laws would have to be printed. However, he would accept the suggestion. He therefore moved that the word "printed" be inserted before "copy," and the word "such" before "regulations."

Amendments agreed to; and the clause, as amended, put and passed.

Clauses 49 and 50—"Power to lease the railway," and "Powers vested in the company may be exercised by the lessee"—passed as printed.

Mr. FOXTON moved the following new clause:—

The company shall cause trains to be regularly run at such intervals and at such minimum rate of speed as may be agreed upon between the Minister and the company, or, if they cannot agree, may be determined by arbitration.

Question put and passed.

Mr. FOXTON said the Select Committee had recommended a new clause to the following effect:—

"If at any time after the completion of the railway it is proved to the satisfaction of the Minister that the company—

1. Fail or refuse for a period of one month to work the traffic on the railway pursuant to the regulations in that behalf; or
2. Are insolvent, or neglect or fail to meet their lawful obligations to the officers or servants employed upon the line, or to any other creditor of the company; or

3. Fail after traffic has been interdicted by the Minister by reason of the line being unsafe for traffic, to render it fit for traffic within a reasonable time in that behalf:

the Governor in Council may, after one month's notice of his intention, served upon the company at their principal office in the colony, and published in the *Gazette*, direct the Minister to forthwith enter upon and take and retain possession of such railway until he is directed by the Governor in Council to relinquish possession of the same. And the Minister shall thereupon assume the entire charge and control of the railway, and shall for the time being have and exercise all such privileges and powers, and incur the same liabilities and obligations, as are respectively exercised and incurred by the company under the provisions of this Act, or under any agreement or provisional order made in pursuance thereof, or under any Act giving statutory authority to such agreement or provisional order."

The clause was taken from the Railway Companies Preliminary Act; but the last two or three lines were scarcely applicable to the provisions of the Bill, as they referred to the provisional agreement made under that Act by the company with the Minister for the time being. But since the matter had been before the Select Committee he had received an intimation from the promoters of the Bill that they regarded the clause as very seriously affecting their pecuniary position, if it were passed. Their intention was, he understood, to offer debentures for sale, and they were of opinion that the clause would greatly militate against their successfully doing so, and would tend to damage their credit in the eyes of the public to whom they might submit the debentures for sale. It appeared to be a very arbitrary power, when one considered it, to give to the Governor in Council; and it was doubtful whether it would not deprive the creditors of the company of the ordinary remedies which creditors should have where a company failed to pay its debts; and it was the more severe because the 2nd subsection of the clause said, if they "are insolvent, or neglect or fail to meet their lawful obligations to the officers or servants employed upon the line, or to any other creditor of the company," they should subject themselves to those severe penalties. He would, therefore, move the insertion of the clause as printed, without that subsection and without the following words at the end of the clause:—"Or under any agreement or provisional order made in pursuance thereof, or under any Act giving statutory authority to such agreement or provisional order."

The PREMIER said he thought it would be as well, after the words "charge and control of the railway," to insert the words "and to work the same at the risk and expense of the company." Of course the Committee meant that if the concession were granted to the company it was on the basis that they would afford means of communication between the coalfield and a port; and if they failed to keep up that means of communication they would throw a very large industry into confusion, and cause a great deal of harm to the country. It was very important that means of communication, when once established, should not be closed up; and if therefore the company failed to work the line, the Government should have the power to work it for them if they thought it worth while to do so. That clause would be a very useful one for that object, and the two subsections which were left now provided that if the company stopped for a month in working it, or failed to render it fit for traffic—if they did not keep the line open for traffic—then the Government might work it at their risk. That was all it meant. It would not interfere with the security of any mortgagee or any others who were interested in the company. The next new clause which was suggested by the Select Committee was that if the railway were abandoned it would become the property of the Government; but with the present clause he thought the other would be scarcely necessary. If the Government had power to work the railway he did not think there was any necessity for providing that it should become the property of the Government. He spoke entirely from a Government point of view. He thought, if the clause were amended in the way he had suggested, the next one could be left out.

Mr. FOXTON said he would accept the amendment.

Clause, as amended, put and passed.

Mr. FOXTON said that he would adopt the suggestion of the Premier not to move the insertion of the next new clause it was proposed to move; but he would move the new one following—"Penalty for refusing to give up possession of the railway"—which had been recommended by the Select Committee."

Question put and passed.

On clause 51, 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 amount of such purchase money shall be certified to by the engineer before the same shall be paid to the company; but if any dispute or difference shall arise between the company and the engineer, or the Minister, as to the sum to be inserted in the engineer's certificate, or as to the said purchase money, the same shall be determined by arbitration."

Mr. FOXTON said it would be observed that the Select Committee had suggested a very important amendment to that clause. There was a great deal to be said for and against the proposal, and he should take the sense of the Committee upon it as it stood. The amendment was proposed by the hon. member for Townsville, his reason being this: As the clause stood, the Government would have the option of taking over the railway, rolling-stock, and appurtenances, at a sum equal to the cost price of the railway with 5 per cent. per annum added. That was to say—suppose the railway cost £100,000, at the end of five years the Government would have to pay for it £125,000 if they exercised their right of purchase. The hon. member for Townsville thought that possibly if the concern did not turn out successfully, and the company found that their property was not as valuable as they now anticipated—perhaps not worth as much as they had expended on it—they might bring pressure to bear, and compel any Government to take over the undertaking at a price far exceeding its value. The hon. member for Townsville had suggested that the pressure might be brought to bear in various ways; but he did not explain how—possibly the hon. member knew better how that sort of thing might be done than he (Mr. Foxton) did. The hon. member thought that in this way, unless the clause was amended, the country might be saddled with a non-paying concern, for which it would be called upon to pay a premium of 25 per cent. on the original cost. He regretted very much that the hon. member for Townsville was not in the Chamber to explain his own views. For his own part he thought, as he had said on the second reading, there was something definite in the clause as it stood in the Bill, while there was considerable uncertainty about the amendment proposed by the Select Committee. The hon. member for Townsville also thought that if the alterations were made the time should be increased from five to ten years, because he considered that five years—and he

(Mr. Foxton) thought he was pretty correct in that—was not a sufficient time to ensure the company's being able to mature their schemes, and make their line as thoroughly a paying concern as it might otherwise be. To test the feeling of the Committee, he would move the omission of the word "five" with the view of inserting the word "ten."

The PREMIER said he did not think the clause had been improved by the Select Committee. The terms for the purchase of a railway ought to be very definitely fixed, according to the views he had always advocated in the House; and when the promoters were communicating with the Government on the subject that was one of the stipulations agreed upon. He thought it was a stipulation entirely in the interests of the country. If the company desired to sell the line to the Government at a less price, there was nothing to prevent them from doing so, so long as Parliament voted the money. Of course, if Parliament did not vote the money, the line could not be bought at all. He thought it was far better to keep the clause as it stood. The rolling-stock and appurtenances would be valued by arbitration, but so far as the railway itself was concerned, the sum paid should be the cost of the railway with 5 per cent. per annum added.

Mr. FOXTON said his views coincided entirely with those of the Premier. In deference to the views of the Select Committee, he had thought it his duty to move the amendment; but, in view of the Premier's expression of opinion, he would withdraw it.

Amendment, by leave, withdrawn; and clause, as read, put and passed.

The PREMIER said he had a new clause to move to follow clause 51. It might be found inconvenient that the piece of railway between the school-house reserve and the junction should belong to the company, to the exclusion of the Government; and it would make no difference to the company so long as they had the use of it. He proposed to insert the following new clause:—

> At any time after the final completion of the railway, the Governor in Council may purchase from the company that part of the railway between the school reserve in Kent street, Maryborough, and Croydon, at a sum equal to the cost price of such part, 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. The amount of such purchase money shall be certified to by the engineer before the same shall be paid to the company.

Question put and passed.

Clauses 52 to 55, inclusive, passed as printed.

Clause 56—"Penalty on persons obstructing a free course of railway"—passed, with an amendment providing that the conviction of offenders must be before two justices.

Clause 57—"Punishment for destroying works, etc."—passed, with amendments providing that persons convicted should be kept in penal servitude, instead of being sentenced to hard labour on the roads or other public works of the colony.

Clauses 58 to 64, inclusive, passed as printed.

Clause 65—"Parties allowed to appeal to next district court on giving security"—passed, with a verbal amendment.

Clauses 66 to 73, inclusive, passed as printed.

Mr. FOXTON moved that the following new clause be inserted after clause 73 of the Bill:—

> If the railway referred to in the deposited plans, sections, and books of reference is not completed within three years from the passing of this Act, then, on the expiration of that period, the powers, rights, and privileges by this Act granted to the company for acquiring land by purchase or otherwise and for working and completing the railway, or otherwise in relation thereto, shall cease and determine, and thereupon the sum deposited by the company to the credit of the Minister as aforesaid, as security for the due completion of the main line of the railway, shall be and become absolutely forfeited to Her Majesty.

The HON. R. B. SHERIDAN said he hoped the word "two" would be substituted for "three" years in the clause. The country over which the railway would pass was so level—there were no engineering difficulties to overcome—that the work could be easily completed within two years. In a new country like this changes took place rapidly, almost every day; and the quicker they got work done the better. He therefore hoped that "two" would be substituted for "three."

Mr. FOXTON said he understood the objection raised by the hon. gentleman, and would point out that it was quite possible that the railway would be completed within two years; but there were also wharves and jetties at Urangan to be erected, which he understood could not very well be completed under three years. As would be seen by the evidence of Mr. Rawlins, the engineer of the company, between £40,000 and £45,000 would be expended in wharves and jetties alone; and it would appear, according to his evidence, that the wharves were really the most difficult portion of the whole undertaking, and would relatively cost more and take longer time to construct than any other portion of the works of the company. Of course, if the wharves could not be got ready within three years it would scarcely be of any great advantage to the colony, or to the district within which the railway was situated, to have the line completed within two years, for the railway would not pay before the wharves were made; while, on the other hand, it would be a hardship on the company to be compelled to complete the railway twelve months before they could make any valuable use of it. He hoped the hon. gentleman would withdraw his objection. He had no doubt that the company would complete the undertaking in the shortest time possible. Considering the heavy penalty that was imposed, he certainly thought it would scarcely be fair to limit the time for the completion of the work to a shorter period than that within which it would be a matter of certainty that it could be carried out. He was decidedly of opinion, taking into consideration the heavy penalty imposed, that three years was not too long to allow.

The HON. R. B. SHERIDAN said it had always been understood that the line to Pialba would confer a great benefit upon the residents of the Burnett, Gympie, Wide Bay, and Maryborough districts—that it would be a bathing place and sanatorium for them. The wharf or commercial line had very little to do with the original intention; and the people in those districts should not be asked to wait three years because a wharf had to be constructed. They wanted the railway so that they could get down to Hervey's Bay, and take advantage of the sanatorium there. He, therefore, still hoped that "two" years would be substituted for "three" in order to oblige the large number of people who lived in the districts he had mentioned.

The PREMIER said he did not agree with his hon. colleague on that point. Three years was the time usually granted in Great Britain for lines of short length. The clause was inserted when the Bill was before the Select Committee on the motion of the hon. member in charge of it, at his (the Premier's) suggestion, because it had occurred to him that it was an omission. It was the clause usually contained in English statutes of that kind. It was only two or three months ago that a question

was argued before the House of Lords as to the construction of a clause framed in exactly the same terms as the one under discussion; so that there was no difficulty as to its meaning. When three years was the time allowed in Great Britain, where the facilities for carrying out such works were much greater than in the colony, he thought they might fairly allow the same period here, especially considering the heavy penalty imposed.

Mr. ANNEAR said he regretted that the Government had not seen their way to provide a railway to Pialba themselves. He was sure that no line in the colony would pay better from the very commencement than that line would; but he was afraid that it would take a person of far more persuasive eloquence than he possessed to lead the hon. the Minister for Works to be of the same opinion as he was. If two years was the time allowed, it would mean two years and six months, because, if he understood the Bill correctly, the company had not to commence operations until six months after it had passed. The jetties would have nothing whatever to do with carrying out what his hon. colleague had suggested—the making of the line to Pialba. He believed the line to that place could be completed for under £40,000. The country there was of such an easy character for the construction of a railway that he believed it would not cost that amount. The people of Maryborough, and everybody in the Wide Bay and Burnett district, had been looking forward for many years for that line to be made. In fact, it had been promised by, he believed, preceding Governments, and everyone had looked upon it as a matter of fact that it would be one of the first lines made; and therefore he did not think they were asking too much in requiring that the portion to Pialba should be constructed within two years. With regard to the remark that had fallen from the hon. gentleman in charge of the Bill, to the effect that Government contracts were not completed in time, he might mention that the Government the other day let a contract, which he estimated would cost about £120,000, to be completed within two years; and he had no doubt it would be completed within that time. The contract for the line provided for by the Bill would, according to his estimate, not cost more than £40,000, and surely it could be completed within two years, when a line that was to cost £120,000 had to be completed within the same period. He hoped the clause would be amended in such a way as to require that the portion of the line to Pialba should be constructed within the time suggested by his hon. colleague, Mr. Sheridan.

Mr. FOXTON said that it might be true that a contract had been let for £120,000, to be completed within two years; but that, he presumed, was for a railway pure and simple; while on the other hand, as he had already pointed out, the scheme of the company involved the construction, not only of a railway, but of wharves, which would take much longer to construct than the railway itself. He thought it would be a hardship if the company were compelled to complete their railway within a shorter period than that within which they could utilise it—twelve months before they could make any profitable use of it. He would also point out that the company could not do anything in the way of making preparations for carrying out the work until the Bill became law. The moment it became law the three years would begin to run; and he ventured to say that they would have very little time to spare. Although the actual construction of the line might take only two years, it would necessarily take some time for them to get their plant together, call for tenders, and so on so that he thought there would be very little over the two years left for the actual construction of the works.

The MINISTER FOR WORKS said he thought it would be very undesirable that the company should be bound neck and crop to any particular time. He believed that they would construct the line as soon as possible, in order to enable them to convey their timber for the construction of their wharves. He could quite understand that the hon. junior member for Maryborough would be much better pleased if the line had been constructed by the Government, because there would be no facility at all for coming down upon the company as to the reduction of rates and for free passes and things of that sort. He (the Minister for Works) was very glad the company were going to build the railway; and he believed that the country would be fully satisfied with the result. He maintained that the first thing the company would do would be to build the line for the purpose of conveying material to build their wharves, as it would be to their own advantage to do so.

Mr. FERGUSON said there was another point that the company would have to see to, and that was with regard to coalpits. The company would have to commence at once to open up their mines, and the railway would be of very little use to them so far as the coal trade went until they had sunk their coalpits and constructed their wharves; and to compel them to construct the railway before those works were completed would be a very great hardship. Another thing was, that he was certain that the line to Pialba would be constructed very much sooner, even if the Government did intend to construct it.

The HON. R. B. SHERIDAN said he was sorry that the hon. member for Rockhampton should not have been a little more generous, because he could assure him that if ever the line to Emu Park were constructed he would warmly support it—not for any commercial reason, but as a sanatorium for the people o Rockhampton, who wanted it very much.

Mr. GRIMES said he did not think there would be any great difficulty, so far as the pits were concerned, in having a shaft sunk within a twelvemonth. One of the deepest coal-shafts in Queensland was sunk in about six or eight months, so that there would be no difficulty in getting a mine ready if the coal were within a reasonable depth; and it was presumed that it would be so. So far as the wharves were concerned, they were not mentioned in the Bill, and the Committee had nothing to do with them. They were now legislating for the railway, and it would be an advantage to Maryborough to offer facilities for the residents of that town to get to Pialba. It was not too much to ask that the line should be constructed in two years, as they had it in the evidence that it was very easy ground, and that there would be no difficulty whatever; and the railway would only cost £2,000 per mile. He should support the amendment of the hon. member for Maryborough.

Mr. BLACK said he thought that each of those lines should be discussed upon its merits. He did not see what the Emu Park line had to do with this particular line, and it came with a very bad grace from a Minister to suggest to the hon. member for Rockhampton, that if he would support him in the present matter, he would support him in the Emu Park line. Considering the very heavy penalty there was for the non-fulfilment of the terms of the company's contract, three years was little enough. He took it for granted that, the necessity of the line having been admitted, the company in their own interest would construct it as speedily as possible. The

country was not giving a very great concession, and he thought the company were entitled to every consideration. If the company found they could construct the line in two years, he had not the slightest doubt that they would do it in that time.

Mr. ANNEAR said he thought his hon. colleague had made a mistake, and that he meant that he would support a line from Port Alma to Rockhampton if it were to be constructed by a private company. There was no doubt that any line that would be made across those mangrove swamps would be made by a private company. He would like to ask the hon. gentleman what was the distance from Pialba to Urangan Point? He thought it was about three or four miles. The argument of the hon. Minister for Works would not hold good, so far as the timber was concerned. There was a clause in the Bill which provided that the company might procure timber at Fraser's Island—an island right opposite to where the wharves were to be made. Such being the case, the timber would not require to be brought by rail. The line might go as far as Pialba, and be continued afterwards, he presumed.

Mr. FOXTON said he gave the information as to the distance on the second reading. It was something less than seventeen miles to Pialba from the 7-mile peg on the Burrum line, where the Pialba line branched off. The continuation from Pialba to Urangan would be about four and a-half miles. That was about twenty-two miles from the Burrum line. There were also about four and a-half miles of loop-line—about twenty-five miles, roughly speaking, altogether.

Clause put and passed.

Preamble passed as printed.

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

On the motion of the PREMIER, the Speaker left the chair, and the House resolved itself into a Committee of the Whole to reconsider clauses 14 and 20.

On clause 14—"Power to purchase lands for additional accommodation"—

The PREMIER said the effect of portions of clauses 14 and 15, as passed, would be that the company would be able to purchase selections all over the colony upon which the conditions had not been performed. That would be a kind of speculation which it was not desirable to offer them. He proposed, therefore, to insert after the word "lands" in the 3rd line of the clause the words "distant not more than one mile from the main line of railway."

Mr. FOXTON said he, of course, accepted the amendment of the hon. member. Although it would appear that, as passed by the Committee, in the clause the power was given to commit the abuse—for it would be abuse—pointed out by the Premier, he was quite sure it was not the intention of the draftsman of the Bill to take the power of purchasing lands all over the colony. He was quite certain that the company would not require to take lands under this clause at any greater distance from the line of railway than one mile.

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

On clause 20—"Power to parties to make private branch railways communicating with the railway"—

The PREMIER said there was nothing in the clause to provide that the regulations to be made by the company should be subject to the approval of the Governor in Council. He doubted whether the general provisions with regard to regulations would cover the omission; in fact he did not think they would. He therefore proposed to insert after the word "company," in the 8th line of the clause, the words "subject to the approval of the Governor in Council."

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

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

TRAVELLING EXPENSES OF HIS HONOUR JUDGE COOPER.

The HON. B. B. MORETON, in moving—

That there be laid on the table of the House, a copy of all correspondence between His Honour Judge Cooper and the Attorney-General's department, having reference to the sum of £301 7s. 5d., drawn by him on account of travelling expenses when on circuit during part of April and part of May last—

said: Mr. Speaker,—As I have been informed by the Attorney-General that there has been no correspondence whatever upon this matter, between His Honour Judge Cooper and his department, I shall not take up the time of the House on the subject for very long. However, I will direct the attention of hon. members to my reasons for putting this motion upon the paper. Hon. members will no doubt have read in the Auditor-General's report, at page 11, that "in June last the customary statement of cheques drawn by His Honour Judge Cooper, between the 1st and 16th of May, was received, amounting to £205 14s. 11d.," and that the sum of £95 12s. 6d. had been paid on account of the same circuit in the latter part of the preceding month; so that in a very short time during April and May—a period of three weeks—His Honour drew a total sum of £301 7s. 5d. for travelling expenses. Hon. members will agree with the remark made by the Auditor-General—that that sum was "considered excessive." Since such was the case, the Auditor-General referred the matter to the Attorney-General, and I presumed there would have been some correspondence between the Attorney-General and His Honour Judge Cooper as to the expenditure of that sum. It seems now that there has been no correspondence at all, and that that sum of money has been placed to His Honour's debit for next year's expenses. How far the expenses of their Honours the Judges are amenable to criticism in this House, I do not know; but I think that, when we find that in three weeks a sum of £301 7s. 5d. has been expended on circuit by a judge, it is time this House should take notice of such an extraordinary expenditure. It is because I think we are the custodians of the money belonging to the public that I have drawn the attention of the House to this matter referred to by the Auditor-General in his report. As there has been no correspondence carried on between the Attorney-General's department and His Honour Judge Cooper, there is very little use in saying anything more upon the subject; but I hope that in future there will be some means taken to keep the expenditure of the judges in check in some way or other. I beg to move the motion standing in my name.

The ATTORNEY-GENERAL said: Mr. Speaker,—As the hon. gentleman has just stated, he has been informed by me that there is no correspondence between His Honour Mr. Justice Cooper and the Attorney-General's department in respect to this matter. If I had only known beforehand that the hon. gentleman desired to obtain any information on the subject I could have given it to him, but the first intimation I had of his desire was seeing the notice of motion on the paper, and I had no opportunity

of previously conveying to him what I did convey to him immediately after he gave the notice. The amount no doubt seems large, but it will be borne in mind that it covers the entire period between the time the judge left Bowen and his return to Bowen. I am not prepared to say that the expenditure was confined exclusively to the period of three weeks. Although the cheques are drawn apparently during a period of three weeks, yet they cover the entire expenses required for the performance of that circuit, which began in April and ended in May. Of course, it must be borne in mind that in the North travelling is more expensive than it is in the South. As to the control which the Attorney-General's department has over the expenses of the judges, I may say that there is really no control. This is a matter that has always been left to the honour of the judges themselves. They are supposed to provide for their own requirements, for the requirements of their associates, and for the requirements of the tipstaffs they take with them, and to do so without stinting themselves. What those expenses are is left entirely to them, and they simply sign cheques for the amounts required, and send in vouchers for the cheques drawn. They are not called upon—and never have been called upon, or expected—to furnish any particulars of their expenses. All that I know about the matter before the House is, that an application came to me from the Treasury with regard to cheques drawn by His Honour Mr. Justice Cooper, for which it was said there were no funds, and I was asked what was to be done. I replied that the cheques were to be paid. I could hardly have given any other answer. I certainly will never be a party to cheques drawn by judges being dishonoured when presented for payment. The letter I have referred to is all the correspondence there has been with the Attorney-General's department in respect to this matter.

Mr. KELLETT said: I take it from what has fallen from the Attorney-General that the hon. gentleman is perfectly satisfied with the amount paid by his department for the travelling expenses of Mr. Justice Cooper. The hon. gentleman commenced his speech by excusing the whole thing, and telling us that travelling expenses in the North are very heavy. If this kind of thing is to go on I think the sooner judges are stopped drawing cheques the better; they had better send in their vouchers in the same way as officers of other departments. It appears that Mr. Justice Cooper spent £207 14s. 11d. in a fortnight. If that is correct, the cost of travelling in the North must be very high indeed. But I think this is past a joke, and I am rather astonished at hon. members laughing at it. There is no doubt that lawyers do take each other's part as a rule, but I think this is a matter deserving of consideration, and I am glad that attention has been called to it by the Auditor-General. It is well that we have one independent officer in the State who will draw attention to such a matter as this. If some alteration is not made in the mode of paying judges' expenses we do not know what their honours may do in future, seeing that they now draw cheques just as they like. The Attorney-General says their cheques should not be dishonoured; no matter what may be the amount of a cheque, it must not be dishonoured—at least that is what I understand from the argument of the Attorney-General. Well, I hold a different opinion: I think it should be dishonoured. I hope the Attorney-General will see that the matter is getting beyond a joke, and that some steps should be taken to prevent the recurrence in the future of such an expenditure as has now been brought under the notice of the House.

Mr. T. CAMPBELL said: I may point out to the last speaker and to the House that there is very little data indeed for him to base his strictures upon. As far as I can make out from the Auditor-General's report, the paragraph referring to this matter only says that Mr. Justice Cooper has spent £307. It does not say when it was drawn. It is quite possible that the cheques were drawn to cover a debt incurred by the judge when travelling on a previous circuit. If the Auditor-General had shown us in his report what Mr. Justice Cooper had drawn for travelling expenses some months before, we should have had something to go upon; but the report only states that these cheques were paid during June and a portion of the month of May.

An HONOURABLE MEMBER: In April and May.

Mr. T. CAMPBELL: Well, I take the correction. Supposing it were three weeks, that does not alter my argument. It is quite possible that the judge may have incurred the debt some months before. I must confess that I cannot understand how a judge could spend £307 in travelling expenses for the period which has been specified, but I suppose—and charitably, I presume—that the debt was incurred before that. I certainly think that this House would proceed more prudently by waiting until hon. members have more data in their possession, before they cast even a shadow of censure on Mr. Justice Cooper. The position of a judge of the Supreme Court, I am sure hon. members will agree, is a very onerous and important one, and I think it is well that he should be allowed some discretion in the matter of expenditure. It is possible that the discretion may be abused at times, but for all that I think it is the lesser of two evils to allow the judges that discretion. I repeat that there is not the slightest doubt that there is no data before us on which the House can justly censure Mr. Justice Cooper.

Mr. ISAMBERT said: Judges can in no way claim infallibility; and I think the Auditor-General and the hon. member for Burnett deserve credit for having drawn attention to this matter, for it is almost time the cheques of the officers, both high up and low down in the service, were looked into.

The PREMIER said: I should be loth to condemn a judge of the Supreme Court without being in possession of fuller information than is before us, but I do think I am justified and bound to express the opinion that, apparently, the expenditure is very extraordinary indeed. There may be, and possibly are, some reasons to justify so large an expenditure; but it has been the practice of Praliament always, in the case of such high functionaries as their honours the judges, to trust to their honour not to incur any greater expenditure than may be necessary for the performance of their duties with dignity. I know of no instance in which that rule has hitherto been broken. Parliament has reposed a very great amount of confidence in the judges of the Supreme Court, and it has been left to their discretion as to what expenses they should incur; but if it was shown that that confidence could be abused I have no doubt that Parliament would step in and define more definitely the powers of the judges in that respect. I hope that it will never be necessary in this colony to take such steps as that.

The HON. B. B. MORETON said: After the remarks of the hon. the Premier, I do not think I need say anything more upon this subject, and, with the permission of the House, I will therefore withdraw the motion.

Motion, by leave, withdrawn.

CUSTOMS COLLECTIONS AT THE DIFFERENT PORTS.

Mr. BLACK: Mr. Speaker,—The motion standing in my name is to the following effect:—

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

1. The Customs collections at the different ports of the colony from 1st July, 1879, to 30th June, 1884, with the totals for each port and for the four financial districts for the same period.

2. The general debt and the local debt of each of the financial districts.

The whole to form a continuation of the return ordered to be printed by the Legislative Assembly, 18th September, 1879.

The return that I have referred to was one called for by the late Mr. Amhurst, and it showed the Customs collections from the year 1861 to 1879 inclusive. It also divided the Customs collections into four different sections—namely, the Southern, Wide Bay, the Central, and the Northern divisions of the colony. If hon. members will take the trouble to look at it, they will see that it is a very valuable piece of statistical information. It includes every seaport in the colony; and the progressive nature of the revenue can be ascertained at a glance, as far as the Customs are concerned, in any particular district. It is valuable, as showing the progress from year to year of each district. I must mention that this return at that time was compiled for the purpose of giving certain necessary information in connection with a Financial Separation Bill which was then before the House; but it never came to anything. It is quite possible, as I understand from the Colonial Treasurer, that a certain portion of this information could not be procured until after a considerable time had passed over, and without giving more trouble to the Treasury Department than I am anxious to cause. At the same time, I wish to point out that there was also another return, dividing the general and particular debt of the colony into the four principal districts I have mentioned. The debt of the colony at that time was thirteen and a-quarter millions, so that we have practically no information since the date of the last return. Since that time the debt has increased to sixteen millions, so that really the further completion of the return merely involves the apportioning of the increased debt. Well, I find that even that information is not of such a difficult nature for the department to compile as I was led to believe, because I find in the Auditor-General's return up to June of last year that the whole of the debt of the sixteen millions is actually apportioned to the different expenditure of the colony. We have the whole of the railways, the whole of the buildings, the dams and water supply, the roads and bridges, and miscellaneous expenditure. The only thing is that it is not apportioned to the four different districts referred to in the return I have mentioned. I think it would be very useful if completed at the present time, especially as, in addition to making the return useful and valuable, it would complete it up to date. However, I am quite prepared, if the Colonial Treasurer will point out to me in what way he can make the return approach as near as possible to what I want, to amend the motion so as to meet his views.

The COLONIAL TREASURER said: When the hon. member for Mackay gave notice of his motion, and when it was called on yesterday, I had to declare it not formal—not with the desire to withhold the information which he has a right to demand as a member of the House, but simply because it is impossible at the present time to give him the information in the exact form he wishes it. The hon. gentleman has moved that certain information be given to form a continuation of a return ordered to be printed in 1879. That return, as the hon. member has stated, really formed part of a scheme of financial separation, which had been detailed in the House during the sessions of 1876, 1877, and 1878. I think it was in 1878 that the Bill was introduced, and the return to which he alluded was a complement to the scheme in the Bill, in which return Mr. Amhurst, the late member for Mackay, asked for the system of financial separation to be perpetuated. At that time it was a subject of considerable interest to the public, and the Treasury accounts were kept up to the year 1879 in such a manner that at any moment the expenditure and revenue, and the local and general debt of each district could be ascertained. I may inform the House that in 1879, and under the late Government, that system was discontinued, and the books which were kept up to that time ceased to be kept in the form by which the return furnished in 1879 was prepared for the information of hon. members. To give the hon. gentleman the information he desired would require the services of a clerk to specially prepare it, to go through the different vouchers of expenditure and revenue; in short, it would be a work of such magnitude that there would be no possibility of laying it on the table of the House for the next six months. The Customs collections at the different ports can of course be ascertained, and that can be done very easily. They are published quarterly in the *Gazette;* and, so far as any information can be derived from that source, there can be no difficulty in preparing a return, on the basis of that which was laid on the table of the House on the motion of Mr. Amhurst. But I do not think the Customs returns in that form would give the hon. gentleman a large amount of information, because it must be borne in mind that the Customs collections are treated as general and not as local revenue; they have always been regarded so by advocates of financial separation on both sides of the House. If the hon. gentleman, however, wants that information, a return can be prepared in a fortnight or three weeks; but to show the general and the local debts would be difficult, because they embrace the total revenue and expenditure, and public loans of the colony. The revenue accruing from all sources, and the expenditure for the endowments to divisional boards and other purposes, would have to be traced, and I am justified in saying that to place a return on the table of the House in such a manner as to be reliable information for the hon. gentleman, would require that several thousand vouchers should be examined, and the dates and items extracted from them; in short, the work would necessitate extra clerical assistance being obtained, and the return could not be prepared in less than six or nine months. I have no desire whatever to withhold any information that the hon. member may desire; but the form of the motion would make it quite inoperative if it were passed. I would suggest to him to withdraw it; and if he will call at the Treasury, I will instruct the Under Secretary to furnish him with any information on the matter that he may require. From the Under Secretary he could get a *précis* that would be valuable to him in supporting any argument he might have in view.

Mr. BLACK said: Of course I am obliged to the Treasurer for his suggestion, and I shall have to accept it. At the same time I think it is a great pity that the system of accounts that prevailed up to 1879 was not continued. I would also point out that if it is going to take from six to twelve months, as I understood from the Treasurer, to compile an analysis of an expenditure

of three millions, how long it must have taken to draw up this previous very valuable return which deals with thirteen millions.

The COLONIAL TREASURER : There was a previous return, in 1878, which brought the accounts up to a comparatively recent period.

Mr. BLACK : I cannot imagine that it would really take as long as the Treasurer says. I may mention—I only found this out later—that the Auditor-General's report almost gives the information I want ; I would guarantee from that report to compile in the course of three hours a return of what is there given. I was not aware of the extent of that information when I moved for this return. Sooner or later the accounts will have to be adjusted. The people of the colony will want to know if there has been a satisfactory expenditure in the different districts, and a return will have to be prepared showing the proportionate expenditure both from revenue and loan. However, with the permission of the House, I will withdraw the second portion of the motion, if the Treasurer will allow me. I understand that the first portion, referring to the Customs collections at the different ports, can be given without any trouble. The Customs revenue is treated as general revenue. I have no objection to that, and I think such a return would be a piece of valuable information for the different ports to have. It is a good thing for the whole colony to be able to ascertain what progress the various shipping ports are making. But I know that the Customs revenue is not the best guide to that. For instance, Brisbane stands at the head in the amount of Customs revenue collected, because almost all goods come to Brisbane ; the duty is paid there, and a large proportion of the goods are then transhipped to other ports. A port may thus have a large import trade, and necessarily give small Customs returns, because the duties have been paid in Brisbane. I think, however, a return of the Customs revenue is of some value as showing the progress of the various districts. I will therefore withdraw the second portion of the motion—"the general debt and the local debt of each of the financial districts," and also the words "the whole."

Question, as amended, put and passed.

ADJOURNMENT.

The PREMIER, in moving the adjournment of the House, said that on Tuesday next, as he had intimated, they would take the Defence Bill after the third reading of the Crown Lands Bill, and then the Members Expenses Bill.

The House adjourned at twenty-one minutes past 10 o'clock.