

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 15 SEPTEMBER 1885

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LEGISLATIVE ASSEMBLY.

Tuesday, 15 September, 1885.

Petition.—Floggings in the Gaol.—Fortitude Valley Election.—New Member.—Formal Motion.—Cairns to Herberton Railway.—Elections Bill.—resumption of committee.—Adjournment.

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

PETITION.

Mr. ALAND presented a petition from inhabitants of the town and district of Too-woomba in favour of the Licensing Bill now before Parliament, and especially the local option clauses ; and moved that it be read.

Question put and passed, and petition read by the Clerk.

On the motion of Mr. ALAND, the petition was received.

FLOGGINGS IN THE GAOL.

Mr. BAILEY said : Mr. Speaker,—I rise to move the adjournment of the House, and I do so to bring before hon. members a painful question. Some few years ago I protested very strongly against the flogging of a certain criminal, and I entered my protest on that occasion for the reason that that man did not exactly belong to the criminal class as his offence was a first one, and that it was intended to administer a short and severe sentence. I am proud to say that I was successful in my efforts on that occasion, and that the flogging was struck off the punishment. I am quite aware that in the cities and towns of this colony there have now sprung up a criminal class with which the law is perfectly powerless to deal unless sharp and severe punishment is administered. It was with no idle motive of curiosity that I and two of my friends went to witness the punishment inflicted upon those criminals in the gaol the other day. It was a spectacle that I am sure not one of us would wish to see again ; but I wish to relieve my friends and myself from the imputation that we attended out of mere curiosity. We did not. We wanted to see whether the punishment was a punishment that would really effect its object, and whether it was what we assumed to be a punishment suitable to the offences which these men had committed. I think I speak the sentiments of my friends as well as my own when I say that the punishment inflicted was in excess of the object to be attained. When ordinary imprisonment fails to effect the punishment of the criminal—when a criminal cares nothing for imprisonment or the restriction of his liberty—it is necessary to administer sharp punishment ; but as soon as a man receives from ten to fifteen lashes it is perfect cruelty to go beyond that. You are then merely cutting up an almost inanimate object. The man has lost his sensation to a certain extent, and the further carrying out of the punishment appears to me a most barbarous thing. If you wish to hurt a man by his skin—if you wish to flog him—ten or fifteen lashes will effect all the object the law has in view ; but when you carry on the flogging up to forty or fifty lashes you are laying the lash upon a senseless man, and the punishment then becomes nothing less than horrifying. I hope something will be done to limit this flogging, and that the number of lashes which a man may receive will be defined. I admit the necessity of this punishment in some cases, but I am of opinion that ten or fifteen lashes at a time will carry out all the objects that the law wishes to effect—and that is the punishment of the criminal. If a criminal can only be hurt in one way and that is by his skin, let the punishment

be inflicted, but not to excess. I feel pained in speaking on this subject, but I have such strong feelings upon it that I cannot restrain myself. I do hope that something will be done to limit the number of lashes. Bad as a man may be—murderously inclined as he may be—we have no right to punish him by a kind of cruelty which is perfectly useless. I do not know what the House can do, but I merely wish to express my opinion that if flogging is necessary the number of lashes should be restricted to ten or fifteen. In England, in the Navy and Army, the number of lashes that may be administered is now reduced considerably below fifty. I believe no more than twenty lashes may be administered, but when we go up to fifty we are rather indulging in what may be looked upon as a very cruel kind of criminal sentence. I move the adjournment of the House.

Mr. MELLOR said : Mr. Speaker,—I can bear out all that the hon. member, Mr. Bailey, has said. I think that the punishment in the cases mentioned was excessive. I look upon it as perhaps necessary in some cases to administer castigation of this kind, and I am certainly more in favour of it than capital punishment. I think that flogging is far more punishment to the criminals and far more deterrent in its effect than capital punishment. I think myself that when a man commits murder he does not care about his own life being taken, but if he knows he is to be subject to the flogging process I believe it would be very much more effectual than the sentence of hanging. I endorse all that has been said by the hon. member for Wide Bay.

The PREMIER (Hon. S. W. Griffith) said : Mr. Speaker,—Hon. members are probably aware that the maximum of corporal punishment that can be administered is fixed by statute at fifty lashes. It is in the discretion of the judge to sentence a prisoner to fifty lashes or such less number that he deems fit. Of course the Governor may exercise his prerogative and reduce the number ; but I have never known any instance in which that has been done. I am not in a position from personal knowledge to express any opinion as to whether the punishment inflicted on the present occasion was excessive or not ; but I was certainly rather surprised to read that in one case the punishment was continued after the prisoner had become insensible. That requires explanation, and I have called upon the gaol surgeon to report if that is so, and if so why he did not stop the punishment when the man became insensible and did not know what was being done. Until I get that report I do not see that I can express any opinion on the matter.

Mr. WAKEFIELD said : Mr. Speaker,—I quite endorse all that the hon. member for Wide Bay has stated to the House. I quite admit that punishment of this kind is necessary in extreme cases ; but I think, with the hon. member for Wide Bay, that fifty lashes is rather an excessive punishment, and I would like to see the limit reduced to something like twenty lashes.

Mr. SHERIDAN said : Mr. Speaker,—I thank goodness that I was not present at these dreadful punishments that took place on Saturday. I have, however, read the account of them, and I wish to direct the attention of the proper authorities and those who read the report I did to this point—namely, that during the time this terrible punishment was being inflicted on one of the men one of the surgeons asked the other whether he did not consider the man had had enough, and while the surgeons were consulting the lash was descending—there was no cessation whatever—and by the time their consultation

was over the dreadful punishment was completed and the man was taken away in the terribly exhausted state in which it was said he was.

Mr. MACFARLANE said: Mr. Speaker,—It is very evident from the remarks made by the three members who attended that exhibition that if many more members go to see such like exhibition this House will very soon raise its voice against punishment in this way. I am averse to going to such an exhibition; indeed I cannot very well look on at the punishment of a cat or dog. At the same time we must remember that desperate diseases require a desperate cure sometimes, and almost everything has been tried with a certain class in the community, but not with any good effect. It appears that this is the only kind of punishment that the class to which I refer stand in terror of. I do not object to punishment in this way being inflicted once, but I think it is too bad to put a man's life in terror for perhaps two years together, by threatening that he should receive another flogging at the end of that time. I think if a man is punished in that way once that should be sufficient, and that we should give him a chance to do well in the future, and not keep him living in the terror of other lashings at the end of every year or every two years. I certainly do not disapprove of the flogging of those men who hold the lives of other people at a very low estimate—who care not for the life of anyone, and would take it away without any very fine feelings. I say such men as those ought to be punished, and if the lash is the only thing to terrify them then they ought to be flogged; but let us temper justice with mercy and give a man one flogging. I think one flogging is quite sufficient without holding a man in terror for years that he will receive the same punishment at the end of that term.

Mr. BAILEY said: Mr. Speaker,—In withdrawing the motion for the adjournment of the House I may be permitted to say that I am sure the three hon. members of this House who attended those floggings did so as a painful duty. They considered that it was a duty to themselves, to the House, and to the country, to witness what kind of punishment it was that was inflicted. I have stated the conclusions to which we came, and I hope something will be done to moderate the form of the punishment in future. I beg to withdraw the motion.

The MINISTER FOR WORKS (Hon. W. Miles) said: Mr. Speaker,—I have had some considerable experience as to the effect corporal punishment has had upon men who received it some forty years ago, when almost the whole of the population of the colony were convicts. As far as my experience went I never once saw any reformation effected in the case of a prisoner who was flogged, but there was one way in which I am perfectly satisfied it had a particularly good effect, and that was, that those who were in a similar position to the person flogged got so frightened of the punishment that it made them very careful indeed to keep out of harm's way. I am perfectly satisfied that the effect of flogging a prisoner will not reform him, but it will very likely make him a great deal worse. I think, however, that flogging has a beneficial effect in deterring others from committing crimes.

Mr. HAMILTON said: Mr. Speaker,—The great object of corporal punishment is to deter others from committing a similar offence to that for which it is inflicted, and I do not think that any greater deterrent could be placed before the eyes of the public than flogging for the offence of which these prisoners were convicted. I think that persons reading an account of the sufferings

of these men will think twice before putting themselves in the clutches of the law. My sympathies are not with the prisoners; my sympathies are with the victims—with the victim whom Carmichael nearly killed by putting a chain round his neck. I think we should simply terrify persons of that character, and that the kind of chastisement which those people receive will act as it acted in England, where, as hon. members will recollect, it stopped garrotting, when every other punishment failed to have that effect.

Motion, by leave, withdrawn.

FORTITUDE VALLEY ELECTION.

The SPEAKER said: I have to inform the House that on the 2nd September, in accordance with the 2nd section of the Additional Members Act, I issued a writ for the election of a second member for Fortitude Valley. That writ was returned to me this morning by the returning officer, endorsed with the name of John McMaster, Esquire, as having been duly returned to represent the electoral district of Fortitude Valley in the Legislative Assembly.

NEW MEMBER.

Mr. John McMaster having been introduced by the Colonial Treasurer and Mr. Buckland, was sworn in, and took his seat for the electoral district of Fortitude Valley.

FORMAL MOTION.

The following formal motion was agreed to:—
By Mr. NORTON—

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

1. The number of actions brought against the Government since the 1st January, 1883, in connection with railway accidents.
2. The names of plaintiffs.
3. The amount of damages claimed, the amount awarded, and the costs allowed against the Government in each case.
4. The fees paid to counsel for Crown, specifying to whom paid; and the fees paid in connection with each case.

CAIRNS TO HERBERTON RAILWAY.

The MINISTER FOR WORKS moved—

That the Speaker do now leave the chair, and the House resolve itself into a Committee of the Whole to consider the following resolutions, namely:—

1. That the House approves of the plan, section, and book of reference of the proposed railway from Cairns to Herberton (first section), from 0 miles to 21 miles and including the Wharf line, shown by the said plan, as laid upon the table of the House on Tuesday, the 8th instant (being from 2 miles to 8½ miles, the plan, section, and book of reference of the line described as the alternative line, and passing by way of Selection 138).

2. That the plan, section, and book of reference be forwarded to the Legislative Council, for their approval, by message in the usual form.

Question put and passed, and the House went into Committee accordingly.

The MINISTER FOR WORKS, in moving the adoption of the resolutions, said the proposed railway from Herberton to the coast was no exception to the general rule. He did not know how many suggestions had been made by the inhabitants of Port Douglas and in the neighbourhood of the Johnstone River and Mourilyan Harbour, concerning the route the line should take. He might inform the Committee that trial surveys had been made to each of those places—to Port Douglas, to Cairns, and to Mourilyan Harbour. After those had been completed—

The HON. SIR T. McILWRAITH: Do you say there was a trial survey made from Herberton to each of those places?

The HON. J. M. MACROSSAN: From Herberton to each of the three ports?

The MINISTER FOR WORKS said that after those trial surveys had been reported on Mr. Hannam was sent by the Government to report as to which, in his opinion, was the line most suitable to construct. Mr. Hannam was there, he thought, about eighteen months ago. Mr. Hannam was in favour of the line from Cairns to Herberton, but immediately after his report was made a deputation came down from Port Douglas representing that the surveyor who was sent to make the survey of the line from Port Douglas to Herberton was a young and inexperienced man. They said something more than that, hinting that he was addicted to taking more than was good for him. Under those circumstances, he had informed the deputation that a surveyor would be sent to re-survey the line, and if it could be proved that it was the most accessible and easiest line their representations would be taken into consideration. Mr. Ballard was instructed to send up one of the best surveyors he had—and all the official surveys were good. Mr. Hannam was the gentleman sent; he surveyed the line and his report was unfavourable. There was also a deputation from the neighbourhood of the Johnstone River and Mourilyan Harbour, who urged very strongly that that was the route the line should properly take. An individual named Dr. Tomassi communicated with the Railway Department, and said he was prepared to show a line that would be a saving of £100,000. He could only inform the Committee that all those representations had been fairly considered, and the engineer was instructed to ascertain if the statements made were correct. A Mr. Gardiner, who was a civil engineer, was employed by parties interested at Port Douglas, and he also surveyed a line from Cairns to Herberton by way of Collinson's Gap. As a matter of course, being employed by private persons, he (Mr. Miles) presumed it was his duty as a servant to endeavour to give satisfaction to his employers. However, he reported upon the surveys and condemned the line recommended by the officers of the Railway Department from Cairns to Herberton, and proposed to show how a saving could be made of £100,000. That was a large sum of money, and he was bound, at all events, to give the fullest consideration to it. A survey party was sent to test the line, and the result was that Mr. Gardiner's calculations were all dispersed. He need say no more of Mr. Gardiner than that he reported on the Port Douglas route, and estimated that it would cost only £4,200 a mile. Anyone who had been in the locality and knew the country would know that a surveyor who could say that a line could be built from Port Douglas to Herberton for £4,200 a mile must be a lunatic. He could assure the Committee that the officers of the Department had put the estimate for a considerable portion of that line at £12,000, and he was perfectly certain that it would take all that, if not more, to cover it. He need say no more with reference to Mr. Gardiner and his recommendations than that in the report he sent in to his employers he said:—

"The average cost per mile for constructing a line of railway from Port Douglas to Herberton will not be greater than £4,200 per mile."

It was needless to consider the matter further when Mr. Gardiner could put forward such a statement as that. Of all the rough country through which he had ever travelled there was none rougher and more difficult than that between Port Douglas and Herberton. Every consideration had been given to all their recommendations, but it always resulted in this: that whenever they came to be investigated self-interest was always found to be at the bottom of them. The Government had come to the con-

clusion that the proper route to take the line to Herberton was from Cairns. By adopting that route they had the advantage of starting from a good port, and he had been told, by those who understood the matter, that by employing a dredge for two or three months to remove a sandbank at the entrance to the port of Cairns the whole of the Royal Navy could be anchored there in deep water. That was a question which the Government had to take into consideration; for what would be the use of taking the railway to a place where they would have to expend as much money to make a port as to construct the railway? Of course the residents of Port Douglas were extremely anxious to have the railway there, for it would advance the value of their property. But the Government were in the position that they had no more interest in one place than in the other, and they could deal with the matter in a way that the country, and not private individuals, should be benefited. No matter which way the line was taken, it would be a costly one—he did not believe that even £12,000 a mile would finish it. However, a very long time had elapsed since, he thought, the previous Government voted a sum of money for the construction of the railway; during the two years he had been in office he had never lost sight of it, and he had never withdrawn the survey party from the route that was recommended by Mr. Hannam. No delay whatever had taken place; the work had been pushed forward as rapidly as possible. The country, as he had said, was very difficult, and it was well to subject each route to the most careful examination in order finally to decide upon the best route possible. He could not do better, perhaps, than read Mr. Hannam's report. Every hon. member would give that officer credit, at all events, for efficiency. He believed, he was correct in stating that the track over the Main Range to Toowoomba was found by Mr. Hannam; and the Government had enough confidence in Mr. Hannam to take his opinion in preference to that of all the Gardiners that ever were created. Mr. Hannam's report was as followed:—

"I have the honour to forward, under separate cover, Parliamentary plans, sections, and books of reference in duplicate, of the first section of the railway from Cairns towards Herberton.

"Also plans, etc., of an alternative line leaving the main line at 2 miles, and rejoining it at 7 miles, with an extra length of 1½ mile.

"I was instructed to send in 14 miles only, but there being no accessible site for a temporary terminus near 14 miles, I have managed to get 22½ miles completed so as to include a station site near the crossing of the Thornborough road and telegraph line over the Barron River about the falls.

"This length of 22½ miles comprises the most difficult portions of the railway route from Cairns to Herberton.

"Starting from the shore of the harbour at a point where there is deep water and a good site for a railway wharf the route runs through railway reserves for about three-quarters of a mile, including a site for a passenger station on the bank of the Lieby Creek; thence skirting the town allotments and through the town reserve over swampy ground to 2 miles. (Here the alternative line diverges to the right.) Continuing still over swampy country the main line reaches the foot of the Whitfield Range at 3 miles, and rises to Brinsmead's Gap at 4½ miles. Here a tunnel of about 10 chains will be required, the formation being 196 feet below the lowest part of the ridge. Thence descending and crossing Freshwater Creek at 5½ miles, the line commences the ascent of the mountains at about 7 miles.

"(Here the alternative line would rejoin the main line.)

"Precipitous spurs and gullies necessitate a tortuous line and heavy works from 8½ miles to 18½ miles, where the level of the Barron Falls is surmounted—the works are especially heavy from 11 miles to 15½ miles, there being twelve short tunnels in this distance, besides numerous cuttings.

"After passing the top of the Barron Falls the route is comparatively easy for the remaining distance to 22½ miles, which is some distance past the crossing of the road and telegraph line from Cairns to Thornborough over the Barron River above the falls.

"The only bridges of importance on this length will be those over Freshwater Creek—two deep gullies near 13 miles—Stony Creek, and Surprise Creek, the rest of the deep gullies being very short and carrying little water.

"Three surveyors and two assistants are setting out the permanent centres on this length—a work of extreme difficulty, owing to the dense scrub covering the steep mountain sides. In this process the section will be much improved and the works reduced to a minimum."

Then Mr. Hannam refers to the alternative line :—

"Two miles from Cairns an alternative line, 6½ miles in length, may diverge to the right, keeping along the flats in the general direction of the road from Cairns to the Lower Barron, skirting the foot of the spurs of the Whitfield Range, and rejoining the main line at about 7 miles, with an increased length of 1½ miles. Several nasty swamps have to be crossed, and the crossing of Freshwater Creek will not be so favourable as on the main line.

"On the other hand, the expensive tunnel at Brinsmead's Gap, and the ascent to and descent from it, will be done away with, and two miles' less private land will be passed through. Also the alternative line could be completed at least twelve months earlier than the main line, thus greatly facilitating the works on the remainder of the length, while a saving of at least £12,000 would be effected in favour of the alternative line.

"I have, therefore, no hesitation in strongly recommending the alternative line, *via* Barron road, in spite of its extra length of about 1½ miles.

"As it will undoubtedly become necessary to run a line along the shore as shown on the plan, I have supplied also a section thereof—being on a railway reserve no book of reference is required."

He did not know that he could give any more information on the subject; but if so, he should be glad to give it.

The Hon. J. M. MACROSSAN said that now they had the plans of the Herberton and Coast Railway they might expect the drought to cease. They need not despair of anything after that, for which they had waited so long with patience; and he thought gentlemen on both sides of the House who were suffering for want of water might expect a deluge shortly. It was now three years, all but a few weeks, since the money for the line was voted by the House. He (Hon. Mr. Macrossan) was Minister for Works at the time, and he brought the project forward. Even before the money was voted, so anxious was he to get the railway made that he was in communication with the gentleman in charge of the Central Railway survey staff, to get a competent surveyor to survey the line. He knew himself that it would be a difficult line to survey, as anyone could tell who knew the country. Nevertheless, it was disgraceful either to the survey staff to have delayed the survey so long, or to the Government for having kept the survey back so long. In this colony there were two survey staffs doing less work than was done in the neighbouring colony by one staff; more money was spent in New South Wales on railway construction, and yet in Queensland they had two survey staffs doing the work; and in spite of that, there was a line that had been three years under survey, and the plans were yet incomplete. It was a disgrace to whoever was concerned or connected with it. At the end of the year 1882, some months after the money was voted, he put on the work a man supposed to be the best surveyor on the Northern survey staff—Mr. Monk; taking him away from a line he was as anxious as possible to have surveyed, because it benefited his own constituency. That was the line extending to Hughenden; and a comparative novice was put on to complete the work there. He even promised Mr. Monk a bonus if he would survey the line quickly, and find a route that would be practicable in a reasonable time. The result of all that was that the whole strength of the survey staff had been occupied trying to find fault with

independent private surveys made on one line, and trying to make a survey if possible from Cairns to Herberton. He was sorry to hear the Minister for Works make a statement which he thought he would not have made unless he had been misinformed. The hon. gentleman said a trial survey had been made from each of the three places—Mourilyan Harbour, Cairns Harbour, and Port Douglas Harbour—to Herberton. That was not the case. No survey had ever been made from Mourilyan Harbour, unless it was a survey for a gentleman to walk down the range in three or four days with an aneroid barometer in his hand. Mr. Hannam certainly did that, if that was to be called a survey. That was eighteen months ago, and since then nothing had been done to ascertain whether it was a more favourable route than the one before the House or the one suggested by the private independent survey of the Port Douglas people themselves. The hon. Minister for Works told them that he had never lost sight of the survey. Perhaps he did not; but neither did some other hon. members lose sight of it. Last year he (Hon. Mr. Macrossan) moved for the production of all correspondence connected with the surveys, and the hon. member for Kennedy put a question where the railway was intended to start from. He was answered—that was nearly twelve months ago—that Cairns had been decided upon. He (Hon. Mr. Macrossan) knew that Cairns had been decided upon several months before that, and yet it had taken all this time to produce the plans—over fifteen months since the Government made up its mind to have the survey made from Cairns. This was what Mr. Ballard said on the very question of the Mourilyan Harbour route. Mr. Hannam went down there early in the year :—

"According to Mr. Hannam's report, dated 26th Feb., the distance from Herberton to Mourilyan by this route is estimated at ninety miles, being thirteen miles longer than the Cairns survey; but I believe that an actual survey might make this distance very much shorter—indeed, as far as I can see, the distances to Herberton from each of the three ports would prove very similar should permanent surveys be carefully made. I am also bound to state that I think that it is quite possible that an easier line could be made from Herberton to Mourilyan than by either of the other two routes; because it appears probable that a more gradual descent of the range could be made, extending over a distance of some twenty miles, instead of from nine to thirteen miles, as on the other two surveys.

Certainly that was very reasonable. This was what he said as to whether the survey had been made or not :—

"There is no doubt the country is difficult, and rendered more so by the thick scrub, but I have no solid evidence before me to show that this could be a worse or more expensive line than either of the other two."

—Because he had no surveys. So the hon. gentleman misinformed the Committee when he said that a survey was made from each of the three places, because such was not the case. Had a survey been made from Mourilyan, he dared say it would have been found, as Mr. Ballard himself there said, that the ascent of the range would have been much easier to make in twenty miles than in nine miles or thirteen miles, as in each of the other two cases. But that was never tried. Mourilyan Harbour was carefully tabooed. From the start the officers of the Railway Department—he did not say that the Government were responsible—were determined that Cairns should be the place from which the railway should go. He thought the Minister for Works had some inkling of that himself in his own mind.

The MINISTER FOR WORKS: No; I have not.

The Hon. J. M. MACROSSAN: He thought the hon. gentleman had some knowledge—that

rumours had come to his ears about some of the survey officers having had land purchased by them or for them in Cairns. The hon. gentleman told them—he (Hon. Mr. Macrossan) did not know upon what authority, as he did not hear him quote it in the report he read—that the line was going to cost £12,000 per mile or over. Did he mean that it would cost £12,000 per mile from Herberton to the coast, or only from Cairns to the end of the section?

The MINISTER FOR WORKS: No; only through the mountainous country.

The HON. J. M. MACROSSAN said it was only a few weeks ago since he had heard from the same authority that it would cost £20,000 per mile. That was when he asked the question when the Government were going to table the plans of the railway from Herberton to the coast. When he asked that question he was informed that it would cost £20,000 per mile. He hoped, but he was very doubtful, looking at the section, that it would cost no more than that. Anyhow, the amount of cost was not mentioned in the report, or the hon. gentleman would have read it. He did not think the Government were quite blameless in the matter of the delay of those plans, because it had come to his knowledge that they were in the possession of the Government for several days, and that was the reason why, two weeks ago, he tabled a motion calling for a select committee to inquire into the route. He was determined that the Government should either give the select committee or table the plans, and the consequence was the plans were tabled on the first sitting day afterwards. They were in the hands of the Government several days before.

The MINISTER FOR WORKS: What about that?

The HON. J. M. MACROSSAN said he knew the hon. gentleman was undecided whether he should table them or not. He did not see why, even admitting the difficulty of the country, it should have taken nearly three years to bring the plans to the state they were in at present. If they had been determined not to take advantage of the position which they occupied in the North, as a mineral producing country, it might be understood. He thought the hon. gentleman must be aware of the advantage the North had been to Queensland hitherto, and was likely to be in the future; he must also see what an advantage it would be to have railway communication with mineral districts such as Herberton; and it seemed to him to be very discreditable that the plans should have been kept back so long. He thought that if the Government had been thoroughly in earnest, and impressed their earnestness upon their officers, they would have had the plans twelve months ago.

The MINISTER FOR WORKS: We wanted you back to push them on.

The HON. J. M. MACROSSAN said that the hon. gentleman told his constituents two or three weeks ago, at the opening of the Killarney Railway, that he hoped to have the plans of the first section of the *via recta*—the direct line to Warwick, which was not an easy line—on the table of the House that session. That line was only voted at the end of last year. Compare the hon. gentleman's activity in regard to that line with his activity in regard to the other! Was there an hon. member in that Committee who did not know the difficulty of ascending the Main Range on the direct line to Warwick? It was at least 500 or 600 feet higher at the top of the gap than at Toowoomba. Instead of being 2,000 feet high, the range on the line to Warwick was about 2,500 or 2,600 feet. The difficulty on the Herberton Railway could be very little

more than that on the Warwick line. The country was a little more broken, but the height was not so great, and, in spite of that, the hon. gentleman expected to have the plans of the first section of that line on the table before the end of the session, while he had taken three years to bring forward those of the line before the Committee. He said again it was discreditable to the Government and discreditable to the Survey Department as well; and it was time that some change was made in that department when it took three years to produce such plans. Would anyone, looking at those plans, believe the line could be made for £12,000 per mile? There was over a mile of tunnelling in the short distance shown on the plans. He did not think there was anything like it anywhere in Australia—82 chains or 83 chains of tunnel in about 12 or 14 miles. The ascent of the Range between Ipswich and Toowoomba was made in a most extravagant way, and at a time when they were mere novices in railway-making, but he believed it did not cost more than the proposed line as it appeared upon that plan. What he chiefly blamed the Government for was the length of time that had been taken in not pushing on the surveys as they ought to have been and relying upon the subordinate officers entirely; because the reports which the hon. gentleman read, and that which he read from last year's "Votes and Proceedings," were simply based upon the reports of subordinates. Mr. Hannam simply went over the Port Douglas route in a carriage, and if that constituted a survey—no matter what ability he had to speak with authority on the disputed point—it seemed to him (Hon. Mr. Macrossan) that railway surveying must be extraordinarily easy, at least in that particular case. Instead of walking over that line with his subordinates, as he ought to have done, and seeing for himself, Mr. Hannam drove upon the main road. Then, as for Mr. Monk, he simply walked from the top of the range with Mr. Palmerston, who was a better bushman than Mr. Hannam—who was looked upon as being the best bushman in the North, where there were many good ones. They simply walked down the range with an aneroid barometer, and from that Mr. Monk condemned that route. Allowing that the Cairns route was the best, the Government made up their minds fifteen months ago to adopt that route, and why had they taken all that time to produce the plans? Let the hon. gentleman answer that. The reason was that, so long as they could keep the railway dangling between the ports of Cairns and Port Douglas, they commanded the votes of both places. That was the reason, and they would have kept it dangling still only for the motion he tabled a few weeks ago.

The MINISTER FOR WORKS said he was very sorry that he had incurred the displeasure of the hon. member for Townsville, but everyone knew that that hon. gentleman was a heaven-born Minister for Works—according to his own opinion, but not according to his (the Minister for Works'), because a greater bungler never existed. Why, what had he been doing ever since he came into office? Correcting the hon. gentleman's blunders. The hon. gentleman had made lines on most extraordinary curves; he had made them on gradients of 1 in 50, and with the increased traffic the trains could not start on them. If anyone would travel along the Sandgate line he would see what they had been compelled to do there to remedy the difficulty. But here they had the hon. gentlemen saying that the Government had not done this, that, and the other. He (the Minister for Works) did not profess to be an engineer, and never interfered. He thought it was not his place

to go and instruct professional men in the construction of railways, and he would not attempt to do it. The hon. member for Townsville had cost the colony sums of money that might well have been saved if he had allowed professional men to carry out their duties without interference. Look at the wretched curves and gradients of 1 in 25 and 1 in 30! What was the use of the railways that the hon. gentleman had constructed? They were utterly useless. Well, the hon. gentleman said the plans and specifications had been in the hands of the Government for a very long time. Supposing they had? He had explained to the hon. member that the survey parties were now making the permanent survey and pegging out the central line. What matter was it if the plans were passed this month or the next? He would ask the hon. member, if he condemned the line, why he did not go on with his motion? Why did he not go on with the motion for the appointment of a select committee to inquire as to which was the best route? The hon. gentleman knew that he did not dare to do any such thing. He knew perfectly well that that would have been the means of shelving the railway altogether. He (the Minister for Works) freely admitted that there had been great delay in bringing the plans forward, but when they came to consider the difficulty that had to be gone through, time must be taken to select the best route. He could not accuse himself of not doing sufficient work, and he knew that Mr. Surveyor Monk had been on this line ever since he was sent up north. He had never been taken away. He was not in a position to say whether the permanent plans would arrive in time, but he knew that there would be no further delay. A great deal of time had been lost in making trial surveys in order that the requirements and representations of the people might be met. The hon. gentleman said no trial survey had ever been made between Herberton and Mourilyan Harbour, but he could assure the hon. member that a trial survey was made and it was found that the rise that would have to be made would have been considerably over 800 feet—that was, a height of 800 feet had to be surmounted over and above the height to be got over on the other routes. And not only that, but the distance would be increased by eighteen miles if the Mourilyan route were adopted. What was the use of going on with a line like that?—and the conclusion come to by the Government was that the most likely route and the best route was from Cairns. Cairns had a good harbour, and surely the Government were bound to consider the interests of the country in the construction of the line. The people of Herberton were perfectly indifferent—so long as they had a railway they did not care—and he was perfectly satisfied that, so far as the Government's action was concerned, there was nothing else that they could do. The Government must receive the reports of their officers or they must dismiss them. As far as the report of Mr. Gardiner was concerned, and his statement that the line from Port Douglas to Herberton could be made for £4,000 a mile, those facts were sufficient to make him (the Minister for Works) disregard that gentleman's statements. The hon. member for Townsville had got that information, but he had ways and means of getting information that nobody else had. The hon. gentleman said that the line would cost £20,000 a mile.

The HON. J. M. MACROSSAN: I got that information from the Minister for Works himself.

The MINISTER FOR WORKS said all the information he had was obtained from officers of

the Government, and they put down the cost at £12,000 a mile. Of course he was not going to dispute that. The hon. member for Townsville charged the Government with not pushing on the survey: but what more could they do? There had been three survey parties on the ground, and the hon. gentleman must know perfectly well that when survey parties had to go through miles of dense scrub the work was one of great labour and not easily got over. And not only that, but they had to make many trial surveys to test the different routes. All he could say was that he was not in a position to push on the plans any quicker than they had been pushed on.

The HON. J. M. MACROSSAN said he thought the hon. gentleman understood him when he said that the authority that informed him that the line would cost £20,000 a mile was the same that had said it would cost £12,000. £12,000 a mile was not mentioned in the report, and therefore the Minister for Works must have obtained some additional information since. Now, the hon. gentleman said something about the Sandgate line. The steepest grade on that line was 1 in 50, and that was the ruling grade all over the Southern and Western Railway. That was the grade all the way up the Main Range, and if the hon. gentleman found fault with that grade then he found fault with all the engineers that had been employed in the colony. The hon. gentleman made a statement when he was speaking before, which it was right should be corrected. He (Hon. Mr. Macrossan) had no desire to dispute the ability of any officer in any Government department, but neither did he think it right that one officer should be lauded at the expense of another. The hon. gentleman stated that Mr. Hannam was the surveyor who found out the route over the Main Range. Well, Mr. Hannam was simply a boy under Mr. Smith, the engineer whom the hon. gentleman dismissed, and who surveyed the line from Toowoomba down to the foot of the range. If, therefore, there was any advantage to be gained or any laurels to be worn, then Mr. Smith was the man to wear them, and not Mr. Hannam. He said again that the Government did not do their duty in trying to find out a better route than the one now before hon. members. The largest part of their strength was concentrated on the line from Cairns to Herberton. With regard to the route from Port Douglas to Herberton they did very little, but left it to the people themselves to survey it and then sent a surveyor to criticise the survey made by them. He might be mistaken in saying that it was Mr. Hannam who went down the range carrying an aneroid barometer in his hand; but whether that was a proper survey he would leave to hon. members of that Committee.

The PREMIER said: Of course there was no satisfying the hon. gentleman. Last week he wanted to put that matter off indefinitely until a select committee had made inquiries as to which was the best route. That would take the whole of the session, and should the committee come to a different conclusion from the one arrived at by the Government another survey would have to be made, and the matter might be delayed two or three years longer. He (the Premier) did not think the people could thank the hon. member for his advocacy in pushing on the line.

The HON. J. M. MACROSSAN: They can.

The PREMIER: How could they thank the hon. member for pushing it on? It was perfectly well known by everybody familiar with the country that it was difficult country to survey; he did not know any more difficult. That difficulty, he supposed, presented itself to the

preceding Government, of which the hon. gentleman was a member, but what had they done towards fixing the route?

The Hon. J. M. MACROSSAN: Nothing towards fixing the route.

The PREMIER: Not very much. They gave instructions for preliminary surveys to be made, and the first report of any value was one from Mr. Hannam on the 28th February, 1884. That was almost immediately after the present Government came into office. They had that to go on, but it was scarcely sufficient, and they waited a little longer. When they got further information, the first thing then to be done was to adopt some route, and they fixed upon the Cairns route as the proper one to adopt. They certainly did not take very long in deciding that, and if any charge could be made against them it was that they had made up their minds rather hastily. In coming to the conclusion they did, they considered the three rival routes—the Port Douglas, Cairns, and Mourilyan routes. With respect to the Mourilyan route, there were very serious objections to it which seemed to be fatal, so that the Government did not think they were justified in making any further inquiries in reference to it. In the first place, a line from there would have to cross the range at a height of 4,000 feet to get to Herberton, whereas a line from Cairns would not have to go higher than 3,200 feet. In the second place, that line would not have been the slightest use to the goldfields that lay west of Port Douglas and Cairns; it would not have been of any use to the Hodgkinson, which was very rich not only in gold but in other minerals; whereas a railway from Cairns or Port Douglas would benefit that country. Another objection was that Mourilyan had not a sufficiently large harbour. Mourilyan Harbour was a pretty—a remarkably pretty—place, but as for its being a harbour there was no more room in it than there was in the reach of the Brisbane River at the back of Parliament House, between the bridge and the coal wharf. It was a very pretty spot, but it was not the sort of harbour required for the large trade that was expected from the country to which the proposed railway would extend. Those were the objections to the Mourilyan route. It might be said that the harbour was larger than that. It appeared so on paper, and it was so at high tide, when there was much more land under water; but at low tide, when there was not so much covered, it was not, as he had said, for practical uses any larger than the reach of the river behind that House. Then as to the Cairns and Port Douglas routes. The height to be surmounted before they got to the top of the range was about the same in each case. The distance was about the same. The route to Port Douglas was a little longer, the difficulties of construction were about equal, and the cost would probably be about the same. Then the Government had to consider the two ports. Nobody could say that Port Douglas was a good port, or that it could be made a good port by the expenditure of any reasonable sum of money, whereas Cairns was one of the finest harbours in the colony or in Australia. It was a magnificent harbour. Under those circumstances the Government made up their minds twelve months ago that the Cairns route should be adopted. Having done that they had to consider the best way to get up the mountains. They rejected the suggestion of Mr. Ballard that he should try to find a route further southward towards the Mulgrave. The surveyors were instructed to ascertain the best way of mounting the range. He certainly thought they had taken longer than they might have done, but the Government

could not hurry the surveyors. Mr. Ballard said he could not do it any faster, and Mr. Hannam said he could not do it any faster. He (the Premier) certainly thought they might have done so. It had then been said that there was a route by Collinson's Pass which made the ascent several hundred feet less. A statement of that kind could not be allowed to go without inquiry, and it was found on examination that the pass was 350 feet higher than the proposed route. Another question then arose as to what was the best route for leaving the town, and a deviation was suggested, which it was said would effect a saving of £12,000 and enable the line to be completed a year sooner. Those matters had been settled by the surveyors, and they had been able to send down their plans and confidently recommended the route before the House as the best route. Then a few days elapsed before the plans were laid on the table of the House. The reason was this: that knowing there was much difference of opinion as to which was the best route, he asked his hon. colleague to allow him to see the plans before actually deciding on the route. They were sent to his (the Premier's) office, and he looked at them as soon as he could, and the next day they were laid on the table of the House. That was the history of the delay. There was no delay as far as the Government was concerned other than was absolutely necessary. But that was not a matter of much consequence; what he wished to point out was that the Government gave every attention to the three routes, and had decided upon the Cairns route as the best.

The Hon. J. M. MACROSSAN said he would like to say just a word or two about the select committee that he had moved for. Hon. members would remember that about ten weeks ago he asked the Minister for Works when he would be able to lay the plans of the Herberton Railway on the table of the House. The answer was—in about six weeks. He (Hon. Mr. Macrossan) gave him six weeks, and at the end of that time he knew that the hon. gentleman had the plans in his office. He heard that the hon. gentleman was undetermined as to whether he would lay them on the table, and he therefore moved that motion knowing that it would force his hand, which it did. Now as to the surveys made before the hon. gentleman got into office, certainly he (Hon. Mr. Macrossan) did not tell the surveyors the route they were to adopt, but he promised them a bonus if they would find a good route, and find it quickly. Perhaps the Premier did not believe in the bonus system or he might have had the surveys completed sooner than they had been. The hon. gentleman himself admitted that there had been delay in bringing the plans before the House. The hon. gentleman had as much knowledge of the range when the money was voted for the line as he had now; he had been over the range; and if he would look back over his speeches he would find that he had stated that it would take six months to make a survey. He asked him (Hon. Mr. Macrossan) if he had a competent surveyor he could send to do the work, and he replied that Mr. Hannam had not, and he could not send Mr. Hannam himself. The hon. gentleman then said—with the same knowledge he had now of the different routes—that he thought it would take six months; and it had taken six times that.

Mr. HAMILTON said the Premier had accused the hon. member for Townsville, Mr. Macrossan, of having endeavoured to put off this question indefinitely in asking for a select committee. That was not so. He should give a history of the reasons which induced him. Some time ago they became aware that the plans of

that line were in the hands of the Minister for Works. He interviewed the Minister, who by the way told him that the cost of construction of the first section would average about £16,000 per mile. He asked him how it was that the plans had not been laid on the table according to promise; he stated that he wanted more information before doing so. The hon. member for Townsville and himself, who, of course, were extremely interested in the speedy construction of this line, imagined, and they were not alone in that opinion, that the Government intended holding over the plans until after the elections for electioneering purposes. The hon. member (Mr. Macrossan) then called for a select committee, and that action of his had the effect that he expected: it forced the hand of the Government and they laid the plans on the table. He was glad to see that the estimated cost of the first section would not exceed £12,000 per mile. As this was only a small portion of the railway and as the remaining portion presented less difficulties, the average cost per mile of the railway would be considerably less. It must also be recollected that from every other coast town in the colony south of Cairns more money had been spent, or was necessary, to improve the harbour or water approaches than would pay for the cost of the construction of the whole line, whilst the natural advantages of Cairns Harbour rendered it unequalled by any other in Queensland. Upon completion of the first section a large timber traffic would at once spring into existence, as there were about 12,000,000 feet of cedar lying within from seven to twenty miles of the end of the section waiting for transit to Cairns. There could be hardly any doubt that this line would not only equal but excel in remunerativeness any other line in the colony. The best paying lines in the colony were the Gympie and Charters Towers lines, probably because there was a large population at each end, and also because of the high rates of carriage obtained from the class of articles required on mineral fields, such as dynamite, powder, fuse, candles, machinery, etc. Not only would the same conditions occur on this line, but it would also have the advantage of a large back carriage of a different nature to that obtained from the other mineral fields in the nature of tin, silver, and copper. Although, however, the remunerative capacity of a railway should not be lost sight of, the great object of a Government, when projecting railways, should be the benefit which would accrue to the colony and to the district. There was no other railway in the colony which would show up better in that way than the proposed one. It would open up the valley of the Barron, along which it travelled for about thirty miles—a valley rich in timber and in soil. It contained cedar, ebony, kauri pine, and other valuable timber, in incalculable quantities. The timber traffic alone from it would keep the line in full swing for a generation. At Maryborough cedar trees averaged from 2,000 to 4,000 feet. In the Barron Valley they contained an average of from 5,000 to 6,000 feet. When this was cleared they would have land ready for cultivation of unequalled richness. It would grow anything. He had seen, in his travels through that valley, beautiful chocolate soil thirty feet in thickness, as indicated by the creeks. That land averaged an altitude of from 2,000 to 3,000 feet. A few days since he had heard the passing of certain plans advocated on account of the fact that from 30,000 to 40,000 acres of good land would be rendered accessible. Why, that railway would open up hundreds of thousands of acres of land equal to any in the colony. In speaking of the railway from Cairns to Herberton he did not wish it to be understood that he thus intended to confine himself to Herberton

as the terminal point of the railway. That would be a matter for subsequent consideration. If Herberton were found to be the best place it should, of course, be taken there; it might again be found desirable to carry it to another portion of the district. After leaving the valley of the Barron the line entered into a district immensely rich in minerals, which it traversed for thirty or forty miles. Tin, silver, and copper abounded there. The mining industry had been languishing in that district for years, owing to the heavy handicap that had been imposed on it in the way of carriage of minerals to the port. Tin, which now cost from £8 to £10 freight, would be conveyed for less than a quarter of that sum. The cost of production would be decreased, whilst the facilities for production would be increased; and he believed that the result would be that the district would become one of the most thickly populated and richest mining centres in the colony. Of course the railway should not stop at Tinaroo; it should be carried on to the Etheridge. After leaving the mineral district of Tinaroo the line towards the Etheridge would travel through about 100 miles of good pastoral country, after which it got into the mineral country surrounding the Etheridge. That field, he believed, would eventually be second to no other goldfield in the colony. He had noticed that year after year the reports of the Secretary for Mines which were laid on the table of the House, showed that the average amount of gold produced by men employed on the Etheridge was in excess of any obtained on any other goldfield in Queensland. He regretted that the line was not farther advanced. The Minister for Works said this was not the fault of the Railway Department. He quite believed that. They knew that if Ministers were not in a hurry to have any particular survey finished they could easily give the surveyor a hint to that effect, which would at once be acted on. The hon. member for Townsville explained that only lately a line which presented equal engineering difficulties had plans of survey laid before the House in one quarter of the time, but then that line was connected with a constituency which a Minister had an interest in. The excuse preferred by the Government—that they had been awaiting the result of the Port Douglas survey—was not a valid one, because the Minister for Works and the Premier both admitted that they had made up their minds that the survey which Mr. Hannam had effected from Cairns over fifteen months ago was the best one, and that it should be adhered to. The plans and sections laid on the table could easily have been prepared in one-third of the time. Now, as soon as the Parliamentary survey on which the plans and sections laid on the table were passed, the House by passing them authorised the Government to have a permanent survey made from which the working plans are prepared, and then tenders were called. Now, the permanent survey, which had yet to be performed, always took twice as long at the very least as the Parliamentary survey on the strength of which plans and sections were laid on the table of the House; therefore, if the Government were as dilatory in getting that permanent survey finished as they had been in getting the Parliamentary survey finished it would be two years and a-half yet before tenders would be called for the construction of this first section. The Minister for Works said that two parties were already employed on that line in making a permanent survey. They had not been there above a month, at any rate, because, when he interviewed the Minister for Works, a few days since, to ascertain how long they had been employed on the permanent survey, he stated that he was unable to answer his question until he wired to the Chief Engineer. He had been

informed elsewhere that the two survey parties had been only engaged in the permanent survey, from which working plans were to be prepared in a few weeks. He was afraid, at any rate, that tenders for the construction of the line would not be called for under a year, although he hoped that he would be mistaken.

The MINISTER FOR WORKS said the hon. member for Cook had been talking to his constituents. He had come to him oftentimes wanting information, but he had always been very guarded as to what information he gave the hon. member, because he might put a wrong construction upon it.

Mr. HAMILTON: I could not get any to construct.

The MINISTER FOR WORKS said: The hon. member was now complaining of that survey taking a long time to be completed. He thought the hon. member for Townsville put a survey party on the direct line from Warwick. That was two years ago, and they had not even now been able to send in a preliminary survey. The hon. member for Cook ought to know very well that where the country was broken and mountainous it was a work of time to select the best route. He hoped the hon. member had satisfied his constituents. He had been simply talking to them, and talking a lot of nonsense.

The Hon. J. M. MACROSSAN said he thought the hon. gentleman was mistaken in saying that he had put a survey party on the direct route to Warwick.

The MINISTER FOR WORKS: If it was not the hon. member for Townsville, it was—

The Hon. J. M. MACROSSAN: Somebody else. Just so.

The MINISTER FOR WORKS: If it was not the hon. member it was his successor, the hon. member for Port Curtis.

Mr. KELLETT said he had heard it complained that there had been a good deal of delay in putting the plans of that railway on the table of the House. He thought it would have been a benefit to the country if the plans had been delayed a little longer. It would be remembered that he presented a petition in connection with that railway, signed by 400 residents of the district.

The MINISTER FOR WORKS: I deny it.

Mr. KELLETT said that nevertheless he believed the statement would be found as correct as any the Minister for Works had made that day, and a good deal more correct than many of the statements made by that hon. gentleman. That petition had been signed by 400 residents of the district, who had gone to the trouble and expense of employing a competent surveyor to go over the range and find out the best route. They had several routes surveyed, and at last they got plans laid on the table. The survey made by Mr. Gardiner showed that by commencing to ascend the range much sooner than was recommended in the first survey, and going up it a longer way, they would have much easier grades and the line could be constructed at much less expense. When they found the railway would cost a great lot of money—and from the information they had got from the Minister for Works they could not say what it would cost—after the length of time the railway had been in hand some better information should be given them than had been given them that day as to what the railway was likely to cost. It was a serious matter: plans were brought before them for approval, and they never knew anything like what they would cost until half the line was constructed, and then they were asked to vote as much more

money as would have finished the line according to the first estimate. When the people of Port Douglas had spent their own money, and had not asked for a Government grant to employ a surveyor, it was a proof that they were satisfied that there was a better and cheaper route than the one recommended. Mr. Amos was sent up to report upon that route, but before his survey was half-finished he was taken away from it, and the consequence was there had never been a proper survey of that route, nor had there been a proper survey of the route to Mourilyan Harbour. Mr. Amos was perfectly satisfied, from the survey made by Mr. Gardiner, that the railway, if made by that route, could be made for £6,000 a mile. The Minister for Works had told them that by the Cairns route it would cost £12,000 a mile. It was the duty of the Government when it was pointed out that they might save a great deal of money to the State—and especially as there were a great many railways to be constructed in the next few years—when it was pointed out that there might be a saving of one-third, at least, in the cost of a railway—it was the duty of the Government to see that a proper survey was made. For those reasons he thought it advisable that there should be some delay, and the people of the country would think well of the Government if they would consider well that proposition to save one-third of the money it would cost to construct the Herberton-Cairns railway. The people would be very well satisfied if the Government delayed a little longer and appointed the select committee as suggested to consider which was really the best route. The people of Port Douglas had at their own expense surveyed a route, which was much better than any of the routes surveyed by the Government surveyors, and he could hardly see how the Government could refuse to accede to the appointment of the select committee. It lay with them to decide, and he could not see how they could refuse to appoint that committee when there was an opportunity of making a great saving to the country.

Mr. HAMILTON said the Minister for Works accused him of talking to his constituents. Probably he was. His constituents were very much interested in the matter, and were probably also interested in the opinions he expressed regarding it. He had also stated that he was guarded in giving him any information, for fear he should put a wrong construction upon it. He seldom interviewed the hon. gentleman, but when he did go to him he was always very courteous and kind to him, and gave him the information he required; but he had not given him the information as to how long the parties he spoke of had been engaged upon that survey. He stated that two parties were engaged upon it, but he did not say how long they had been so engaged. Perhaps he would give the Committee the information, as he was not the only person interested in it. Permanent surveys in ordinary country were carried on at about a mile a week; but in extraordinary country, like the first section of that line, the progress per week would be less. Probably they would not do more than half-a-mile a week, and there was every reason to believe that the working plans would not be ready under a year's time. The hon. member for Stanley stated that he had seen a petition signed by 400 residents of the district requesting the appointment of a select committee. No doubt the hon. member believed that those were *bona fide* signatures of persons interested in the construction of the best line of railway. No doubt a large number of persons in one portion of the district—Port Douglas—had signed the petition; but with regard to the Watsonville names which appeared upon it he had received a telegram,

which he had not intended to read, but which it was desirable to read to the Committee now that the subject had been brought up. Watsonville, he might say, was seven miles from Herberton. The telegram, which reached him several days ago, was as follows :—

"To J. Hamilton M.L.A.

"Watsonville 5-9-1885.

"Large public meeting held here last night in consequence of Port Douglas petition to delay passing Cairns-Herberton railway. The following resolutions adopted unanimously—

"That the Port Douglas petition to delay passing railway plans has not been signed by present residents of Watsonville and adjacent places and we unanimously oppose requests contained in said petition.

"That early commencement of railway to this district is of vital importance to its welfare therefore we protest against unnecessary delay occasioned by selfish representations and it is our united and earnest desire that the plans of the Cairns-Herberton railway shall be passed this session.

"M. KELLY,

"Chairman."

On no other occasion in the colony had there been more trouble and delay in the matter of the surveys before a particular route was decided upon. As to the taxpayers being consulted, certainly the Northern taxpayers should be consulted. They had not had their share of the public expenditure, and now, when they were going to get the first moiety of it, it was sought to be delayed simply on the representations of a few individuals. It was a question of life or death to the petitioners which route the line should take, and in his (Mr. Hamilton's) opinion the Government were correct in starting the railway to Herberton from Cairns.

Mr. KELLETT said he also had a telegram to read. While he was speaking the Minister for Works interjected a remark to the effect that the signatures were not genuine. On that point he would read the following telegram, which he had received from a very respectable resident of Port Douglas :—

"W. Kellott Esq. M.L.A.

"Port Douglas 3-9-1885.

"Wimble circulating report names petition forged. We flatly contradict this. Hill rode over route yesterday expresses thorough satisfaction. Rode for twenty-five miles without unsettling. Thanks for action *re* petition. Kindly move that petition be printed.

"GEO. L. RUTHERFORD."

Mr. Rutherford, who was a respectable citizen, guaranteed that the signatures were correct, and he, at all events, was perfectly satisfied with the guarantee.

Mr. HAMILTON said he was satisfied that there was no more respectable gentleman in Port Douglas than Mr. Rutherford; at the same time the fact that he verified the names by riding over twenty-one miles showed that those names were confined to one portion only of the district.

Mr. BLACK said he was very glad to find that the North had got the aid of the hon. member for Stanley. At the same time he was not quite certain whether that hon. member was altogether sincere in his desire to still further extend the great procrastination under which that line had suffered. It had been shown that three years had elapsed since the first money was voted, and during the whole of that time the railway had been kept dangling before the people of Herberton, Mourilyan Harbour, Cairns, and Port Douglas. He, at all events, was very glad to find that the Government had at last come to a decision in the matter, and had stated their intention to run the line from Cairns to Herberton. However much it might grieve certain persons who desired that the line should be brought to their particular port, he hoped the Minister for Works would

put his foot down and go on with the work. Nothing was to be gained by the fresh delay which the hon. member for Stanley seemed to wish for. In the southern portion of the colony nearly all those public works for which money was voted out of the last loan were already in progress; while the hon. member for Stanley, after money had been voted for a most important line in the North more than three years ago, asked to have it still further postponed in order that a select committee of the House might inquire into it. What was the committee to do? Were the members to go up to the spot, walk through the scrub, and examine the rival routes for themselves? It must be remembered that they were not professional men; and he (Mr. Black) had entire confidence in the survey made by Mr. Monk. Two and a-half years ago he travelled up with Mr. Monk, and he believed that gentleman was perfectly sincere when he told him his belief that if a road could be found the route could be decided upon within six months. He had seen Mr. Monk later, and he told him that the difficulties he had had to contend against were almost unexampled. It had been a very serious matter to find a road, and he believed that when the railway was completed—as he hoped it would be before many years elapsed, it would be one of the greatest feats of railway engineering in the colony.

The PREMIER: Hear, hear! In the world!

Mr. BLACK said that ever since money was voted for the Herberton railway by the last Government the mineral portions of the district had been steadily going down hill, in consequence of the difficulty of getting their minerals down and their goods up. He had been from Port Douglas to Herberton, and from Herberton to Cairns. He had been twice on those routes, and knew the wealth of that part of the colony, both mineral and agricultural; and he could assure hon. members that what had been said about the magnificence of its soil, the richness of its minerals, and the magnificence of its timber, had been in no way exaggerated. When he went from Port Douglas to Herberton he thought that that was probably the easiest route, for he was able to go all the way by coach, whereas when he went by way of Cairns he had to walk. The ranges were so steep that all traffic between Herberton and Cairns had to be done by packhorses.

The PREMIER: This is a different route altogether.

Mr. BLACK said he believed that by a deviation by the Barron River they had succeeded in finding a route which was not impossible to the railway engineering of the present day. It would be a very difficult railway to construct, and it was just as well for the House to understand that the railway would be a very expensive one; but the resources that would be opened up, and the settlement that would be encouraged would be enough to justify them in proceeding with the construction of it: and when the line was once decided upon and commenced it would give extreme satisfaction to the North. He would certainly urge, considering that three years had elapsed since the money was voted, that the moment the plans had received the sanction of Parliament the survey should be continued, because there was a very difficult range to cross before they reached Herberton. No doubt that section would do a great deal in getting over the first range, but the railway was by no means settled then. He thought about twenty miles from the end of that section was through good cattle country, and then it went through agricultural and mineral land, than which there was nothing better in the colony. He hoped the House would take into consideration

the neglect the northern portion of the colony had received, and would not throw any difficulties in the way of commencing that railway, which he looked upon merely as an act of justice. There was another railway he hoped to see the Minister for Works take immediate steps about—that was the Gulf railway.

THE MINISTER FOR WORKS: The surveyors have been sent up.

Mr. BLACK said he was glad to hear it. He was sorry to think that procrastination was likely to take place in consequence of the Burke-town and Normanton people having that railway dangled before their eyes in the same way as the Port Douglas and Cairns people had in the present case. He was sorry that he had to give his opinion in favour of the line as reported, because he had received extreme kindness from the people of Port Douglas and also at Mourilyan; and he should have been glad to have been able to give them any return proportional to their kindness; but, as he had told them, only one line could be constructed, and when the Government engineers had fixed on the port, the Government were bound, in spite of all opposition, to go on with that railway. That he hoped they would do.

Mr. PALMER said he was not acquainted with the inland portion of the different routes, but he was quite satisfied to take the opinion of professional men in that matter. He had studied the grades of the three different routes, and from his knowledge of the different surveyors engaged he was satisfied that there was very little difference between the lines from Port Douglas and Cairns; what difference there was being slightly in favour of Cairns. He was well acquainted with the harbours, from having gone up and down the coast for many years, and so far as harbour accommodation was concerned he had no hesitation in saying that the Government had acted wisely and chosen correctly. In Cairns, where no money had been laid out, large steamers could go in and out easily, and with the expenditure of a little money the bank at the entrance of the port could be excavated so that almost any ocean-going steamers could go in, and into a harbour where a navy could ride. The fact was that nature had done very little for Port Douglas, and no amount of money expended would make it an available harbour for the amount of shipping likely to be at the terminus of such a railway. The only drawback as far as he could see was that, as it had taken three years to complete the plans, it would probably take five or six before the line was started. It was a grievance that small lines, such as that to Cleveland, should be started out of loan, while such a line as the one before them was kept hanging on like that. He had read all the reports, and he had seen Mr. Hannan personally about it; and he had no hesitation in saying that the line from Cairns had many more recommendations than any other line. The Government had chosen the best route available; and seeing that Herberton was not to be the terminus, but that the line was to be extended still further to the south he was certain that the sooner they started the line the sooner they would have a very large revenue coming from it, notwithstanding the enormous expenditure necessary on the first few stages.

Mr. FOXTON said that at the risk of being accused of insincerity, as the hon. member for Mackay had accused the hon. member for Stanley, he had a few remarks to offer. He was satisfied that the route from Port Douglas to Herberton was the better of the two. The hon. member for Burke had told them that he had carefully studied everything and had come to a different

conclusion, and of course one of them was mistaken. He had spoken with residents of Cairns about the matter, and so far as he remembered not one of them had gone so far as to say that the line from Cairns would cost as little as that from Port Douglas: what they said was that the cost of making the harbour at Port Douglas would be a complete set-off to the extra cost of the railway. Actually, it was a question of railway *versus* harbour, as far as he could see. The hon. member for Burke had said that nature had done very little for Port Douglas. It was true that to get into the inlet a very considerable sum of money would have to be expended in dredging; but he understood that the divisional board was prepared to borrow a sum of money, and make themselves responsible to the Government for its repayment, sufficient to build a jetty out into the deep water. He had seen the largest steamers that ran up the coast lying so near the shore that a stone could almost be thrown from the deck to the shore—in fact, he believed boys did sometimes hit the steamers from the shore. A practical man, who had been several years on the coast, and who knew Port Phillip well, assured him that he had never seen such heavy seas at Port Douglas as he had seen at Sandridge pier. Now, if a pier could be built for £5,000 or £6,000, or even £20,000, that would accommodate the coasting steamers, it was a very poor reason to offer in favour of the Cairns route that the Cairns harbour was so superior, seeing that the cost of the line was so much greater than would serve to construct a line from Port Douglas. He did not know anything of the Cairns route from personal inspection; but he did know something of the route from Port Douglas towards Herberton, at all events that portion of it which was disputed—the portion which was not common to the other route. It might not be known to some hon. members that the two routes were common to one another for a certain distance from the coast. The difficulty—as he understood it from reading the report—in getting to the top of the tableland from Port Douglas was that there was not sufficient length of spur to enable them to obtain a sufficient altitude with anything like a reasonable gradient. Mr. Amos' report said that 1 in 40 would be the necessary gradient to attain that altitude; but he understood that the Port Douglas people had employed a competent surveyor and engineer to go over that route, and they had found that by beginning the ascent of that spur, which was perfectly simple and easy, about 10,000 feet nearer Port Douglas than Mr. Amos had gone, they could attain the necessary altitude by simply putting a small tunnel through the top of the range, where it was very narrow. He had been there himself and had seen it, and could say that there were very much longer tunnels on the Main Range. He thought Mr. Gardiner gave the length, but he had forgotten it. Instead of continuing to run on the other side of the spur the tunnel would be used for bringing the line back to the side by which the spur was ascended. Instead of going round it they would ascend it on the side Mr. Amos ascended it. On the inside of the spur it was most precipitous and difficult country; but on the coast side it was by no means so, and the ascent was perfectly easy, Mr. Gardiner having asserted, in his statement which accompanied the plans, that the necessary ruling gradient would be 1 in 55. When such statements as those were made, surely it was not too much to ask that some authoritative comparison of the two routes should be made! So far as he could understand, the survey from Port Douglas to Herberton had been bungled from beginning to end. It had never

received justice, and hon. members should bear in mind that when once the engineers committed themselves to the survey from Cairns to Herberton they were bound to support it. Mr. Hannam, as quoted by the hon. member for Burke, had stated that in his opinion the Cairns route was the better one, and without due consideration condemned the Port Douglas route. Of course he was bound to uphold that opinion, no matter to what extent it might be proved that he was wrong. His professional reputation was, of course, at stake; but it was his duty, as a servant of the Government, to find the best route, and a large number of people, more or less interested in the railway, held that neither he nor Mr. Ballard had found the best route, and had devoted their energies to Cairns instead of Port Douglas. It was well known that the gentleman who first went to conduct that survey was utterly incompetent, and so neglected his duty that it became a public scandal in Port Douglas, and he was removed—dismissed, he believed. From that time up to the present, the Government surveys of that route had been thoroughly bungled. The hon. member for Mackay said he was quite satisfied that the railway would be one of the greatest engineering feats in Queensland if the line from Cairns to Herberton were constructed. They were not there for the purpose of enabling engineers in the colony to perform feats. They were there, as he understood it, to see that the line was constructed in such a way as to serve the interests of the colony at the least cost to the taxpayers; and although it might be ultimately proved that the Cairns route was a better one, still they had a very strong feeling at present that the other was the best, and he certainly thought that under such circumstances the plans ought not to be adopted until a select committee had had an opportunity of getting the opinions of the various engineers and surveyors. The hon. member for Mackay asked what would the select committee do? He did not know, but there was some rule or standing order of the Council by which no plans were to be passed or adopted by that House unless a select committee had sat upon them. He presumed a select committee from that House could do very much the same as the select committee from the other House, and he saw no reason why they should not take evidence even if it did cause a delay in the adoption of the plans until next session. If it would be a saving to the country of something like £5,000 or £6,000 per mile on a considerable length of railway the delay would be very well earned by the country.

Mr. CHUBB said he wished to say a few words on the subject. Some two years ago he happened to be in Port Douglas and was asked by the residents whether he would support a railway from Port Douglas to Herberton. He gave the same answer as other hon. members had given—that when the plans came before him he would exercise his judgment upon the subject and would vote in favour of the line he considered best for the country. He was sorry to say, however, that the evidence did not allow him to say which was the best line. Unquestionably Cairns had the best port. That went without saying; but when it came to saying which was the better route he thought that, if anything, the evidence was rather in favour of the Port Douglas route. He had not been from Cairns to Herberton; but he had been over the Port Douglas range three or four times; he had walked over it, and ridden over it, and driven over it in a buggy. Whether the Cairns route was the more difficult or not he was not in a position to say, but the range seemed to him to be very easy to get up. He

could not say conscientiously that he considered the Cairns route the best; therefore he was unable to vote for it. He would like to have the matter referred to a select committee in order to settle the point and see which would save the colony the most money. It must not be forgotten that there was a vote of £600,000 for the construction of the line from Herberton to the coast; and if the line were going to cost what the hon. Minister for Works said—£12,000 or £20,000—the whole amount would be spent in reaching Herberton. He thought it was their duty not to consent to the expenditure of public money unless they were satisfied that it was to be properly expended; and he, for one, would have liked to see some further inquiry into the matter, so that they could give an unbiased opinion as to which was the best route. It seemed to be generally admitted that there could not be two railways—one from Cairns and one from Port Douglas—and as the Government had introduced the present railway and had asked the House to approve of it, the responsibility rested with them; but they could not remove the responsibility altogether from their own shoulders. He hoped that if the House did pass it the Minister for Works would go to work promptly and get the line constructed, so that the people of Herberton might have the benefit of it as soon as possible.

Mr. HAMILTON said that he was asked at the last general election, by his constituents, which railway he would support, and he replied that he should go by the report of the mining engineer. It seemed to be very absurd that certain hon. members should have so much reticence in saying which railway they would support, and give as a reason that they had not been over it themselves. They proposed to have a select committee, but they all knew what was the result of the last select committee. Would members of this committee get £450 each for travelling over those scrubs like the last Northern committee? The chief argument of the hon. member for Carnarvon was that he was not satisfied in his own mind that the Port Douglas route was the better one, because he had not been over it and because Mr. Gardiner, whom he considered a competent engineer, said it was not, and also because some of the residents of Cairns said that they considered their own route more expensive than the other, although, at the same time, it might be a better route. There were Cairns residents in the House and in town at that moment who could assure hon. members that the route from Cairns to Herberton would cost least money. He knew that very well.

Mr. FOXTON: There may be. I never met one myself.

Mr. HAMILTON said he did not know from whom the hon. gentleman had got his brief, but he knew there were such men—he had met them often, as they were his constituents. As to the argument regarding Mr. Gardiner, that might be a good one if Mr. Gardiner was a competent engineer; but they had it on the authority of engineers who were admitted to be competent—the two most competent engineers in the colony—Mr. Ballard and Mr. Hannam—that Mr. Gardiner was not a competent engineer, and that his statements were not correct; therefore the hon. member for Carnarvon had been arguing on false premises. He had been arguing upon the supposition that the statements of Mr. Gardiner were correct, and they had it on the authority of two gentlemen, who were the two most competent engineers in the colony, that those statements were utterly incorrect. Both of those gentlemen and their subordinates had unanimously decided that the

line from Cairns to Herberton was the correct route, and if they were not to accept their opinions on such subjects, what was the use of having such men?

Mr. FOXTON said the hon. gentleman quoted Mr. Hannam and Mr. Ballard as against Mr. Gardiner, but, as far as he (Mr. Foxton) was aware, Mr. Ballard had never been over the Port Douglas route—he believed that was a fact. He had heard it publicly stated, and had never heard it denied, that that gentleman had never been over the Port Douglas route. Mr. Hannam drove over it once in a buggy, and did the journey in an astonishingly short time. It was entirely upon the evidence of subordinates in the department that the present route had been chosen. The reports showed that, because Mr. Hannam and Mr. Ballard did not express their opinions, but simply quoted the reports of their subordinates.

Mr. MOREHEAD: That is what runs the present Government.

Mr. FOXTON said he did not quite see the drift of the hon. gentleman's remarks. He did not know whether it was the subordinates who ran the Government to which the hon. gentleman belonged—perhaps it was somebody else who ran the Government—but, at all events, it was run. The subordinates in the department in this case appeared to have completely run the survey by themselves, and it was for that very reason that he held that some authoritative opinion should be obtained regarding the merits of the two routes.

Mr. ANNEAR said he quite agreed with the hon. member for Mackay that the railway was an engineering feat, and there was no doubt that if the feat were accomplished at all it would cost a great deal more money than had been voted for it. He thought every hon. member had made up his mind that it was desirable there should be a railway from Herberton to the coast. He had never been over the proposed route; he knew nothing about it, and therefore could address himself to the subject in a most unprejudiced way. He had, however, met gentlemen who, he considered, were well qualified to give an opinion as to the best route, more especially one gentleman whose opinion he had great faith in. That gentleman had been over both routes. He was a totally disinterested person, and if one-half of what he had told him (Mr. Annear) was true, the railway should not be constructed from Cairns, but a judgment should be obtained from a select committee appointed specially to take evidence on the subject. He was sure there were few hon. gentlemen who did not know or had not heard of Dr. Robertson, the gentleman to whom he referred, and he thought they would accept him as an authority upon the subject. Dr. Robertson was known as a mining engineer, and he believed him to be a very eminent man. He also believed what Dr. Robertson had told him to be perfectly true. Mr. Gardiner had been very much condemned by the Government engineers, inasmuch as his estimate, so they said, was an incorrect one. For the sake of argument, let them suppose that the estimate was incorrect. He estimated the line from Port Douglas to Herberton to cost £4,500 per mile. Well, say it cost 100 per cent. more than that, or £9,000 per mile, he ventured to say that it would then be constructed for £6,000 or £7,000 a mile less than the proposed line from Cairns to Herberton. Mr. Gardiner was a stranger to him, but he was a gentleman who was sent to Maryborough to execute a survey for the municipal council, and after that survey was made a great many people pronounced him to be an entire bungler. He (Mr. Annear) was very pleased with a conversation he had lately had with Mr. Davidson, the Deputy

Surveyor-General, who had recently been in Maryborough, and who told him that the survey of Mr. Gardiner was not as bad as represented. Referring to what the Premier had said about the Herberton to Port Douglas route, he thought, from what he had seen, that the extra money it would cost to make the railway from Cairns to Herberton would provide all the expenditure necessary to make the improvements in the harbour of Port Douglas. Looking over the plan now on the table of the House, he did not think three years was too long a time in which to carry out such a piece of work. Some hon. gentlemen had referred to the Main Range, but in his opinion there was no comparison between the work carried out there and that which would have to be accomplished in getting over the range between Cairns and Herberton. In his opinion, in addition to the £600,000 on the Loan Estimates, it would require £400,000 or £500,000 more to complete the line between Cairns and Herberton. If the Cairns route was proved to be the right one, let the railway be carried that way; but on the other hand he agreed with the hon. member for Bowen (Mr. Chubb), that there was not sufficient evidence upon which to decide. Before they came to a conclusion they should have more evidence as regarded the Port Douglas route. Therefore he was in the same position as the hon. member for Bowen. Until he could see a plan of the route between Herberton and Port Douglas, he should refrain from recording his vote in favour of the line from Cairns to Herberton.

The HON. SIR T. MCILWRAITH asked if the twenty-four miles shown on the plan was a distance common to both lines—the one from Port Douglas and that from Cairns? Had any point been reached by the surveyors which was a common point?

The MINISTER FOR WORKS said the object of the alternative line was to endeavour to get a place for the terminus.

The HON. SIR T. MCILWRAITH said that the hon. gentleman did not understand what he meant. In order that hon. members should understand what they were doing it was necessary that they should know how much of the line between the coast and Herberton was common to both routes. How far would the line have to run before the junction of the two surveys would be reached?

The MINISTER FOR WORKS said the surveyed routes joined about thirty-five miles from Herberton—thirty-five miles on the coast side of Herberton.

The HON. SIR T. MCILWRAITH asked how far that was from the terminal point as shown on the plan—from the twenty-four miles they were sanctioning? Before they could come to a conclusion as to the value of the survey they must know what was to follow beyond it. They must compare the portion of the line which was unsurveyed with the plan before them.

The MINISTER for WORKS said the hon. gentleman would see by the reports that after the section of twenty-two and a-half miles all the country was level. That twenty-two and a-half miles was the difficult part of the line.

The HON. SIR T. MCILWRAITH said did he understand that all steep gradients were at an end when the twenty-four miles were constructed? Did the line then reach level country?

The MINISTER FOR WORKS said the hon. member for Mulgrave wanted some information about the distance from the Junction to Port Douglas, and from the Junction to Cairns.

In looking over Mr. Hannam's report, he (the Minister for Works) found that the distance from Port Douglas to Granite Creek, where the two routes joined, was fifty-two miles, and from Cairns to Granite Creek forty-two miles. He also found from a further report by Mr. Ballard that there was a difference of seven miles in favour of the Cairns route. The length of the Mourilyan route was put down at ninety miles, the route from Cairns to Herberton at seventy-seven miles, and from Port Douglas to Herberton eighty-four miles; so that according to Mr. Ballard the distance from Port Douglas to Herberton was seven miles longer than from Cairns to Herberton.

Mr. NELSON said the question before the Committee was one of the most important in connection with railways that had been brought forward during the session. He was sorry he had not the advantage of being personally acquainted with the locality, and he was sorry also that the information given by the Minister for Works was so meagre. He had heard no information given as to the quantity of traffic likely to go over the line when completed, or when it was probable that its earnings would return any revenue. When once they committed themselves to a line, it became a sinking fund into which they had to put money year after year. The line under consideration seemed one of the most gigantic undertakings ever proposed in the colony, yet the information with regard to the probable cost was extremely vague. The Minister for Works did not seem to have the slightest idea what it would cost. It was put down by those who were supposed to know best, at various sums up to £20,000 a mile, but he could only judge of its probable cost by the lines already in existence. The line from Ipswich to Toowoomba had cost about £17,000 per mile to construct and equip, and that seventy-six miles had stood the colony in £1,330,000; and he felt certain that the Herberton railway, before it was completed and equipped, would cost the colony about £2,000,000, at a very moderate estimate. The question was whether they were prepared to start on such a gigantic undertaking, and whether there was any hope of getting a return. He noticed in the Commissioner for Railways' report, in regard to another railway, a very discouraging remark, which should certainly make them pause before they entered upon such an undertaking. That gentleman said:—

"I regret to state that, in my opinion, based on information gathered during my recent visit, the prospect of this being a remunerative railway is very remote; in fact, there is scarcely any settlement along the line at present, and, as far as I could gather, the principal traffic which may be expected over the first section after it is opened is that to be derived from the employes on the second section when it is under construction."

That seemed a most remarkable prospect—the only revenue to be derived on one section being that from the employes on another section. He thought, before they committed themselves to such an undertaking, they should have the fullest information, and know what traffic to expect on the line. He looked upon the proposed railway as one respecting which he did not think there was any log-rolling, but as a national affair, and for that reason he was inclined to support the motion if there was the slightest prospect of a return being obtained on the outlay; but if it was going to cost such an immense sum of money as it was estimated to cost he did not feel inclined to support a motion which would commit them to the construction of the first section, because that section was only the beginning of the line. With regard to the disputed merits of the differ-

ent routes, he took his guide from the Government, because he took it for granted that they had the best information from the officials employed, and had examined the matter thoroughly before coming to the conclusion that the route from Cairns was the best. He doubted, however, whether the £600,000 voted for the line would be sufficient for more than thirty miles. The line from Warwick to Stanthorpe stood them in about £10,000 per mile, and the country there was not of such a difficult nature.

Mr. HAMILTON: The land is nearly level over the range.

Mr. NELSON said they had been told that after crossing the first range there was another range; and the route could not be so level as the line from Ipswich to Toowoomba, nor could the line be so easy of construction as that from Warwick to Stanthorpe, which had cost £10,000 a mile to construct and equip. He had no doubt that the proposed line would cost twice as much as that between Stanthorpe and Warwick. However, if the Minister for Works could assure him that it was likely there would be funds to go on with the line, or that it was likely to be remunerative within a reasonable time, he was inclined to vote in his favour; but looking at the financial position of the colony and knowing that they had given their word not to go into the market for another loan for a considerable time—knowing also that the money in hand would soon be exhausted—he should like to have the fullest information before voting for the motion.

The MINISTER FOR WORKS said the hon. member for Northern Downs wanted his assurance what the traffic would be when the line was completed; but it was impossible to give him any idea. Of course he could give the Committee a glowing description of the advantages to be derived from the construction of the line, but he would merely say that it would tap one of the most important mineral districts in the colony. At present the whole of the tin sent from Herberton to the coast, and all the provisions sent from the coast to Herberton, had to be carried by packhorses; not only that, but when he was travelling in that district some time ago he saw a horse laden with a gin-case on each side, and in each case a child. He thought they might provide the people of that district better facilities than that for travelling, getting their supplies, and sending their produce to market. The hon. member for Mackay had told them that night that there was some of the finest agricultural land in the colony there. Then, again, there was any quantity of timber there. If the hon. member would read Mr. Ballard's report he would see that there was an extraordinary quantity of timber there that would, in itself, almost support the railway for years and years to come. However, the House more than three years ago came to the conclusion that it was desirable to have a railway there, and the previous Government placed a sum of money on the Estimates for the purpose, and it was voted. The present Government were simply carrying out what had been initiated by the previous Government. As to the cost of the railway, it could only be approximate. A parliamentary survey was more particularly for the purpose of coming to a conclusion as to which was the proper route to take. The engineer could give no estimate until the permanent survey was made and the quantities taken out—the cuttings, bridging, and tunnelling. Until that was done, an approximate estimate only could be made of the cost. The hon. member said that if £600,000 would be sufficient to complete the railway he would be inclined to vote for it. There had never been a line built yet where the money voted for it on the first occasion was sufficient to

carry it out. If the hon. member looked over the Loan Bills passed from time to time he would see that certain sums of money were to be applied "to complete" certain railways. It was impossible to put on the Estimates the exact sum of money that would be required. He presumed that railway would be similar to others in that respect, and if the amount voted was not sufficient there would have to be provision made for more.

The Hon. J. M. MACROSSAN said the hon. member for Northern Downs was perfectly justified in asking for information, seeing that they had just heard the first information which the hon. Minister for Works had given the Committee as to the traffic to be expected on the line. Of course it was taken for granted that all the information was given when the money was first voted. So it was; but this was a new House, and the hon. member for Northern Downs was not a member of the House at that time; he was therefore perfectly justified in asking for information. The Minister for Works could give even better information than he had given as to the traffic. They had only two railways in the country at the present time made to mining districts, one to Gympie and the other to Charters Towers. With the exception of the main railway from Brisbane to Toowoomba, there was no other line in the country that carried the amount of traffic those two lines carried; and he was safe in saying that certainly none paid as well as the line from Townsville to Charters Towers; and that was chiefly because it was taken to meet a wealthy mineral district. The Gympie line did not pay quite as well, but it paid far above the average of the rest of the lines of the colony. The place to which the proposed line was going—Herberton—was simply the centre of a much larger mineral district than either Charters Towers or Gympie. Charters Towers was much larger than Gympie, and Herberton was as much larger than Charters Towers as Charters Towers was larger than Gympie. There was in his mind no doubt about it being a paying concern, though he would not say it would pay from the start. He was positive of this; that had it been possible to have the line made to Herberton three years ago, at the time when there was much activity on the tin-mines at Herberton, and when tin obtained a good price in the English market, it would have paid even at a high price of construction. He was quite certain it would pay now, and there were signs that the price of tin was reviving. Not only was there a large amount of tin-bearing country in the district, but there was a large amount of silver-bearing country there, and both the tin and silver ores must be carried by that line. He did not lay so much stress upon the traffic that would arise from timber as hon. members on both sides of the Committee had done on each occasion when the proposed railway was before them, because it would be very difficult to get the timber to the railway. It would be nearly as difficult to get the timber to the railway as it had hitherto been to get it to the coast by the Barron River—and that was so difficult that it did not go at all. In addition to that, as mentioned by the hon. member for Mackay, there was a very large area of good agricultural land which would be utilised, no doubt, when the railway was opened to the same extent, at any rate to as much purpose as agricultural land was usually utilised about the neighbourhood of railways in the colony. In addition to that, in the district where the railway was going to there was, at a point near the junction of what were called the Cairns and Port Douglas routes, the field of Northcote, which produced antimony; and the production of that ore was stopped to a very

great extent from the high cost of carriage. Hon. gentlemen understood that tin and silver and antimony ores, being heavy, cost very much for carriage. It was not the same as with gold, of which a man might carry a large amount in his pockets; and the cost of carriage was a great item in the working of those fields. At some distance from there and from Northcote there was the Hodgkinson; and those places could easily be brought into communication by a branch line. Then, as had been pointed out by the hon. member for Burke, some distance further west there was the Etheridge, and that, no doubt, would be the direction the railway would take when completed, and it would also bring into communication a large amount of country—considered by many miners to be mineral country—between the Etheridge and Herberton; and it must be remembered that the Etheridge was a heavy gold-bearing field. So much for the traffic; and if the hon. member read Mr. Hannam's report he would find it stated that at the time he wrote that report—which was a period of depression in the tin-mines around Herberton and Watsonville—1,700 packhorses were employed between Cairns and Herberton. That was not all. Nearly one-half the traffic went to Port Douglas—in fact, the traffic to Port Douglas was heavier than the traffic to Cairns, because the goods went to Port Douglas by drays, as there was a passable dray-road all the way to Herberton; so that 1,700 packhorses did not represent the traffic going into Herberton at the time that Mr. Hannam wrote that report. They were in Herberton at that time, perhaps, at their very lowest period. As to the cost of the line, the hon. gentleman was mistaken in his idea of £2,000,000 being the cost. It was not a fair comparison to make between the cost of that line and the cost of the line between Ipswich and Toowoomba. When the line from Ipswich to Toowoomba was made they were complete novices in the making of railways in the colony, and the price then paid for making railways would scarcely ever be paid again for any railway in Australia. The section now before them was, no doubt, the most difficult, though not the only difficult part of the line. The end of that section brought them to the top of the range, and then there was a large extent of country—ordinary undulating country—over which the railway should not cost more than £4,000 a mile to construct. When it got within a short distance of Herberton there was another range to surmount, which certainly would not cost more than £8,000 a mile for six or eight miles. Taking the whole line right through, he was inclined to believe that the £600,000 already voted would very nearly, if not quite, make the line. Then there was the cost of equipment, which would be about £500 a mile. There was no likelihood of the line costing more than three-quarters of a million. If a railway to Herberton could be made for that sum, they might fairly assume that within twelve months of its being opened it would be one of the best paying lines in the colony. It might not pay quite so well as the line from Townsville to Charters Towers, or that from Brisbane to Toowoomba; but it would certainly hold its own—and more—with any of the others. It was, of course, impossible to look into the future, but there was very little likelihood of tin getting lower than it had been in price, while there was a great probability that both tin-mining and silver-mining in that district would be more largely developed than they had ever been. Gympie and Charters Towers were never so prosperous before they had the benefits of railway communication as they had been since. Charters Towers especially had been benefited by it; and the same would assuredly be the case with Herberton. Several hon. members had

wished for delay in the matter. He himself had condemned the Government and the staff for not getting on more quickly with it, but further than that he was not justified in going. The result of referring the question to a select committee would in all probability be to delay the making of the line for two years more. So that, in spite of what it might cost the country—and he did not think it would cost more than the sum voted—and whether the best route had been chosen or not, he thought they had better take what they had got. The decision of the Government seemed to have been taken, not upon the merits of the three rival routes, but upon the question as to which was the best route from Cairns. The one now submitted was no doubt the best route from Cairns, although he did not think they had got the best route. Nevertheless, in spite of that, he thought the Committee had better take it than wait two or three years more to have a better one.

Mr. KILLETT said that, with regard to the question of delay, the Sandgate line was a case in point. There were two or three rival routes to Sandgate, and it was decided, on the same principle now advocated by the hon. member for Townsville, that it would be better to take the line offered to them than submit all the routes to the decision of a select committee, which would, of course, have created a delay. But it would have been most advantageous to the country had that inquiry been made, even at the cost of some little delay. Then there would have been no necessity for another line where the Sandgate line ought to have gone originally; there would have been only one line through the Valley and down to Sandgate instead of two, as was now proposed. If the Government did not pause now, and cause further inquiries to be made, the Opposition would some day turn round upon them and hold them responsible for the money that was bound to be wasted. By carefully considering the matter, even though it might delay the commencement of the work, they would save a lot of money to the country.

Mr. KATES said he thought the question had been under consideration quite long enough—three years. They had on one side the report of Mr. Gardiner, acting for the Port Douglas people; and on the other side they had the reports of Mr. Ballard, Mr. Hannam, Mr. Monk, Mr. De Lissa, and Mr. Macdonald; and if Mr. Gardiner was a competent engineer, the other five were incompetent. He preferred to back the five against the one in that respect. Let hon. members refer to the fifth paragraph of Mr. Ballard's report. Mr. Gardiner had said:—

"I estimate that the Government would save not less than £100,000 by constructing line *via* Collinson's Pass, and am confident that any competent engineer could not entertain any other opinion after inspecting the route."

In reply to that, Mr. Ballard reported:—

"As near as I can judge from the information before me, instead of saving £100,000 by going through Collinson's Pass, such alteration would not only make the line three miles longer, but would increase the cost of the road to Herberton by about £14,000 or £20,000. I am quite certain that no saving could be made by going through Collinson's Pass."

Some hon. members had asserted that Mr. Ballard had never seen that line, but in that very report Mr. Ballard wrote:—

"In conclusion, I have the honour to state that this investigation has established in my mind such entire confidence in the route which I have adopted, and upon which my surveyors are at work, that in laying the Parliamentary plans before you of the first section, which I intend to do in the course of a few weeks, I shall be able conscientiously to state that I have adopted undoubtedly the best route from Cairns to Herberton."

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There was another point on which sufficient stress had not been laid, and that was that Trinity Bay or Cairns Harbour was one of the best on the coast, and nothing of that kind could be said of Port Douglas. They had seen £50,000 or £60,000 spent in deepening the Fitzroy, and a similar sum in dredging the Brisbane River. Nothing of that kind would be required by taking the line to Herberton from Cairns, where there was a good port already. He had been informed that the agricultural resources of the district were very great; it could produce maize, sugar, tobacco, and other articles of agricultural produce; while the value of land there was so great that recently some of it had changed hands at from £10 to £20 per acre. The mineral resources of the district were admittedly very great. He believed the line would be one of the best paying lines ever constructed in the colony, and he should have very great pleasure in supporting the motion.

Mr. KILLETT said the hon. member laid great stress on the fact that five engineers had reported on one side as against one on the other, but the statement was scarcely correct. Those five engineers had not inspected the route at all. They might be excellent engineers, and he had nothing to say against them, but unless they had seen the thing for themselves they could not vouch for it. With regard to the port, it should not be forgotten that the Port Douglas people were prepared to make a harbour equally as good as that at Cairns without any expense to the country. They had simply to put out a jetty and they would have as good a harbour as any in the colony. That simply did away with the argument about the harbour being better. It was evidently the intention of the majority to go for this railway. Money seemed to be no object at all; they were throwing away hundreds of thousands without the slightest consideration. Hon. gentlemen knew that they could go over the surveyed road to Port Douglas in a buggy, and the other road could only be used by packhorses. They were simply going to waste a lot of public money, and he knew that before two years were over the Opposition would throw it up against them.

Mr. ANNEAR said the reading of the report by the hon. member for Darling Downs did not answer a statement which had been made—which perhaps the Minister for Works would be able to answer—that Mr. Ballard, the Chief Engineer for the North, had not been over the line himself. If that were the case, he hoped that before the tenders were called the Minister would see that Mr. Ballard did go over that line and over all lines in the North, and that the hon. gentleman would do as he had said he would do in the South—not let tenders be called for any line until he had been over it himself in company with the Engineer. It was rather a startling statement which had been made in connection with a gentleman whom the colony was paying, he supposed, together with expenses, about £2,000 a year. Mr. Ballard, in his report, said "from the investigation he made," which was not saying that he had been over the road himself, as he should do over every road in the district in which he was Chief Engineer.

The Hon. Sir T. McILWRAITH said he understood the hon. Minister for Works to say that the alternative line commenced two miles out of Cairns. As far as he could see from the section, it commenced from Cairns.

The PREMIER: No.

The Hon. Sir T. McILWRAITH: The first section on the main line, according to the plans, was 160; the other went on a level for a mile,

The PREMIER said there seemed to be a slight inconsistency between the plans in that respect, but it was not of much consequence. What the Committee was asked to approve of was the main line from the start to the finish, with the exception of the piece between two miles and eight and a-half miles; for that part it was asked to adopt the alternative line.

The HON. SIR T. MCILWRAITH said he did not understand the hon. member's explanation. The motion before the Committee was to adopt the plans for the first twenty-four miles, with the exception of what was called the alternative section. If they examined the alternative section they would find that it commenced, not at two miles, but at the seaside; so that they did not know what they were adopting. The fact was that the plans had been altered after the Minister had made up his mind what he was going to propose in the House. The section was different altogether in the alternative line from the main line. According to what the Premier said, if they passed the resolution they would adopt the main line up to two miles, then take the alternative line up to eight and a-half miles, then go back to the main line up to the end of the twenty-four miles; but he did not believe that was what was meant by the wording of the motion. He believed what was actually meant was to take the whole of what was called the alternative line. He could not compliment whoever was responsible for it on his English. He could not understand the meaning of the word "being" in the motion. What he believed the motion to mean, and what he believed the Government intended, was to adopt the whole of the alternative line up to eight and a-half miles.

The PREMIER said that practically there was no alternative line for the first two miles. The only difference was that on one of the sections a grade of 1 in 160 was shown, and the same part on the other was level. He did not know how that arose, but probably the Engineer changed his mind about it. It was certainly better that it should be level than that there should be a gradient of 1 in 160, especially when the country was so level that it probably would not take more than £50 worth of earthwork to make it perfectly level. If the resolution passed they would adopt the main line with the exception of the piece between two miles and eight and a-half miles.

The HON. SIR T. MCILWRAITH: It is from two miles to eight and a-half miles.

The PREMIER said the plan laid upon the table showed two alternative lines from 0 miles to 8½ miles. The Committee was not asked to adopt that line, except from two miles to eight and a-half miles.

The HON. SIR T. MCILWRAITH said he could not make out what the Government meant, and he did not think they had a very clear idea of what they meant themselves. However that might be, he was perfectly sure that the Committee had been asked to decide a matter upon which sufficient information had not been given them to come to a decision. That information ought to have been supplied before they were asked to agree to the motion. He had been watching that line with a considerable amount of interest for a very long time. In the first place, he had seen both Port Douglas and Cairns, and could say at once that Cairns ought undoubtedly to have the preference so far as the harbour was concerned, because there was no comparison between that port and Port Douglas, as a terminus, upon that point. Therefore, Cairns ought to have the preference, provided other things were equal or nearly so. In 1882, the then Government saw

the advantage of a line from Herberton to the coast, and knowing that there were three fairly good harbours, as they were then considered, they adopted the phraseology of "Herberton to the coast" as the line for which the money ought to be voted, leaving it to the Government to pursue the ordinary course of finding the best line by survey. The Government of the day, with as great expedition as possible, proceeded to find out, after the money was voted, the best route from Herberton to the coast. No blame could be attached to his colleague, the then Minister for Works, for any delay in putting on surveyors, as he was scrupulously keen, in fact in performing his promises with regard to railway works in all parts of the colony, especially in the North. He fulfilled all the promises he made, and when they left office sufficient information was given to the Government that succeeded them to decide at once, without asking for any more information than the surveys that had been left them. They decided at once that the Cairns route should be adopted, and from that time forward he did not think that they had done enough to satisfy the country that they had tried to find out, or prove to their opponents, which was the best. Let anyone look at the correspondence that was actually published. They had a report from Mr. Hannam, dated February, 1884, as to the different routes, saying that a doubt had arisen in the minds of men outside altogether of the two, or rather three, contending parties in the North. Mr. Hannam was then called upon to report to the Government, and to take action to find out for the Government data which would enable them to come to a proper conclusion in the matter. There were three contending routes—the Mourilyan route, the Cairns route, and the Port Douglas route. The Mourilyan survey commenced and ended with the despatch of one junior surveyor in the Railway Department, in company with Mr. Palmerstone, who walked over the difficult portion of the line with an aneroid barometer. There was no effort made to check the distance, which was guessed by walking; and by walking in scrubs a very accurate opinion of distance could not be formed. That could in no way be considered a survey. Mr. Ballard, in speaking of the surveys, said that a difference could be easily made of 20 per cent. or 30 per cent. in the estimate arrived at by a survey of that kind and by what would be shown by the working plans. That was the survey that was made to Mourilyan. Coming next to the survey of the Port Douglas route: The survey of that was worse in one respect, because the surveyor had pretended to have done a great deal more, and have given them an accurate survey. He believed that if the Government possessed those reports they would have published them. But they had not been published, and Mr. Hannam in his report spoke of them in a most general way—sometimes as a reconnaissance, sometimes as a survey, and sometimes as a flying level; but he had never given any information to the Government to show that the survey had taken place, nor had the Government ever given that information to the country. He believed that they would have given it if it had existed. The Minister for Works the other night gave them a little information on the matter, when he said that the surveyor who had charge of that part of the work had taken too much; if he had gone a little further he would have said the man was drunk and incapable.

The MINISTER FOR WORKS: I did not say so. I said it was represented so to me.

The HON. SIR T. MCILWRAITH said the hon. gentleman had volunteered the statement. He had heard it stated often that that survey was

never made; at all events the Government had certainly not shown that it was made, because they never placed that information before the Committee. Mr. Hannam, who was Acting Chief Engineer, and who virtually was Chief Engineer, had constantly confined his attention to one route—that from Cairns to Herberton. He did his best to find the best route, and had decided, as he himself said, that the line should go from Cairns to Herberton; but Mr. Ballard, his superior officer, did not say there was no alternative route. Mr. Hannam said distinctly that the line should go from Cairns and there was no alternative route. That route lay by the Barron River; and if they were confined to the one route there need not have been much delay in the surveyors' department in making surveys and having them laid before the Committee a great deal sooner than they had been. Those surveys might have been before the Committee last year. Having made up his mind that the Cairns route was the best—and he said distinctly so in his report—and having also intimated that there was no alternative route—it was only a matter of detail to survey all that was required in order that the plans might be approved of. Hon. members must remember that there was not one single permanent peg put down in that line; all that had been done was to take preliminary surveys, and those were the ones they were asked to approve of, actually fifteen months after Mr. Hannam had expressed himself in that way; and at last the plans were laid before them. After so much time had been taken to put plans of that kind before them, they were compelled to look at the controversy that had been going on; and they had reason to expect that the Government would put information before them that would prove beyond doubt that the proposed line up the Barron River was the best route right on to Herberton. In order to prove that, it was essentially necessary that plans—and plans of more or less elaborate character—should be put before them of the other routes, so that members would have an opportunity of comparing one route with the others. Well, what had been done in that way? Not one single thing had been done. The only thing that had been done since Mr. Hannam had expressed himself in favour of the Cairns line had been to lay out the trial section up the Barron River. He said himself that he was confined to the Barron River, and that he could scarcely deviate from it. He had to keep the banks of that river and get over by tunnels, cuttings, bridges, and culverts, but he was actually confined to one bank of the river almost all the way up. That apparently had taken up all the time of the engineers up to the present moment. Look at what Mr. Ballard said in his report, which he sent in about that time last year. He had been asked by the Government to give his opinion, and he said—"My opinion is that, so far as the cost and distance are concerned, I think that either of the lines might be made." The distances from Mourilyan, from Cairns, and from Port Douglas, to Herberton were pretty much the same, the difficulties to be encountered were pretty much the same; and whereas the land from Port Douglas had to go up a very deep range and down again, the other line—the line from Mourilyan—was one long sweep up. So far as Mr. Ballard was concerned, he must have got no information on which to decide which was the best of the three routes. What information had he got upon the route that had been chosen? Absolutely nothing—nothing at all from the Government surveyor. Not a single survey had been made excepting the survey they were asked to approve of, and so far

from the Government being justified in adopting the proposed route—so far from them being justified in not giving the House more details on which to judge—so far from them being justified in that course, they were actually warned by Mr. Ballard to say that, although Mr. Hannam actually believed that the route by the Barron River was the only route, he himself believed that a better route could be found out up the Mulgrave River. Yet, in the face of that, there was not the slightest action taken by the Government, and up to the present time no survey had been made up the Mulgrave River. Mr. Ballard himself was thoroughly inconsistent, because, while he put forward the Cairns line against all others, at the same time he admitted that the Mulgrave route would be the best. He recommended the Government strongly to survey the Mulgrave route, and distinctly said that unless they did so no engineer could come to a true conclusion. According to Mr. Hannam's report, 6th February, 1884, the distance from Herberton to Mourilyan was estimated at thirteen miles longer than the Cairns survey. And Mr. Ballard went on to say:—

"But I believe that an actual survey might make this distance very much shorter—indeed, as far as I can see, the distances to Herberton from each of the three (3) ports would prove very similar, should permanent surveys be carefully made. I am also bound to state that I think that it is quite possible that an easier line could be made from Herberton to Mourilyan than by either of the other two routes, because it appears probable that a more gradual descent of the range could be made, extending over a distance of some twenty (20) miles, instead of from nine (9) to thirteen (13) miles, as on the other two surveys."

He actually, then, expressed his opinion as an engineer that a better line could be found on the Mourilyan side, yet no survey whatever was made on the Mourilyan line. He did not think for a moment that the Minister for Works on consideration would dare assert that the supposed survey was one that could in any way be considered a survey. The report went on:—

"There is no doubt the country is different, and rendered more so by the thick scrub, but I have no solid evidence before me to show that this could be a worse or more expensive line than either of the other two."

Thus Mr. Ballard laid distinctly before the Government the other route, and said he could not decide which was the best of the three routes; and yet hon. members were asked, with no additional evidence before them, to say that the Cairns line was the best. Then, under the heading "Survey from Cairns to Herberton, *via* Mulgrave River," the report said:—

"This may be called the Mulgrave River trial line. Mr. Stuart has been instructed to take preliminary levels from Cairns *via* the Mulgrave River up to the present track to Herberton. No survey has yet been made in that direction, nor have any steps been taken to show that a better line cannot be obtained by this route than by the Barron River trial line."

That remained the case up to the present time, because no single mark had been put down along that route

"In my opinion, from the information that has up to the present time been placed at my disposal, it is hard to say which is the best route from Herberton to the coast. The distances to either port will be very similar, and the nature of the works in each case equally heavy and costly. My conclusions are that a practicable line, with gradients of 1 in 40 to 50 chains, could be made from either port at about the same cost and covering about the same distance."

"I recommend that the trial surveys *via* the Barron Falls, and *via* the Mulgrave River from Cairns to Herberton, be carefully completed, concentrating all our force upon them, and that, as soon as I have determined which is the better line of the two, the whole force be placed upon it and the permanent line laid out."

All that time it would be seen that the Port Douglas line was given up altogether, and no trial survey had proved that the route was impracticable. The fact remained that no survey of that line could be produced. Mr. Ballard recommended that all the energies of the department should be centred in the Mourilyan, Mulgrave, and Barron lines; but afterwards the Mulgrave line was thrown completely aside. The Mourilyan line was thrown just as completely aside, without the slightest attempt at a survey being made; and they were asked, on that information, to approve of the survey of one of the most expensive lines that they had up to the present time contemplated constructing in the colony. He did not think the Government had dealt fairly with hon. members. He believed himself in the vote by which he assisted in getting the amount for the construction of the railway put on the Estimates; he believed in making a line from Herberton to the coast; but he believed they ought to have used their most strenuous endeavours to find out the best and most practicable route. Having found the best route, then would come into consideration the question of the harbour; between those two points the matter would have been decided, but the Government had decided, he did not know for what reasons—certainly for no engineering reasons—to abandon two of the routes and pin their faith to one, asking hon. members to decide, on no more information than they got themselves. That was not the way in which railways should be sanctioned by the House. He had always regretted that more information could not be obtained when plans, sections, and books of reference were passed through the House than had hitherto been the case, and for that reason had suggested that railway plans should be considered in committee. But matters were getting worse and worse. The Committee had only the advantage of eliciting facts or evidence, provided it existed; but in the present case no evidence existed, or was in possession of the Government, to enable the Committee to decide the question before them. In fact, the Minister for Works had put a very dangerous precedent before the Committee that evening. In answer to a question from the Opposition side of the Committee he said, "How am I to know the cost of the line? I am not the engineer—I cannot tell you what the cost will be; there is not a single permanent peg put down, and how can I tell the cost?" That was not the way the approval of the Committee should be sought for any line; their approval should be obtained through their judgment on the plans submitted and the information furnished by the Minister for Works as to the estimated cost of the line proposed to be built. But the hon. gentleman had declined to give them any estimate; he told them that it was not his business to give an estimate nor the business of hon. members to inquire. He (Sir T. McIlwraith) could quite sympathise with the position taken up by his hon. friend the member for Townsville. The hon. member was anxious to see that no excuse should be given to the Government for delaying the commencement of the line, and therefore threw upon the Government the responsibility of the course and destination of the line rather than prevent the passing of it by voting against it. If the hon. member for Townsville were to act logically, and if other hon. members of that Committee were to act logically, he (Sir T. McIlwraith) did not believe the motion under consideration would receive the sanction of any outside the Ministers themselves. He believed that if hon. members on the Government side spoke their minds, and were not afraid of Ministers, they would say that they would vote for that line simply because they

did not wish it to be shelved. It was for that, and for no other reason, that the line would be passed that evening; and it was for that reason that he would offer no impediment to its passing. He believed that if the route now proposed were seriously objected to, the Government would use that as a reason for shelving the line for a considerable period.

The MINISTER FOR WORKS: No.

The HON. SIR T. McILWRAITH: He believed that would be the action of the Government, and that many members would give their votes believing that that would be the action of the Government. Now he would direct the attention of the Committee to another point—namely, the claim of the Minister for Works that he had effected such a saving in the cost of constructing railways. The hon. gentleman, in fact, said that his whole time was taken up in putting right the blunders committed by his predecessor in office, the hon. member for Townsville. Well, the hon. gentleman was not very sincere when he made a claim of that sort, for he knew, or at all events everybody else except himself knew, that he only created a laugh when he chaffed the hon. member for Townsville. But the hon. gentleman must understand that he was in a serious position, because he had prevented the late Minister for Works (Hon. Mr. Macrossan) from reaping the fruits of the very hard work that he did in reducing the cost of Government surveys. It was all very well to point to some suburban lines and say—"That is a miserable line; it has gradients of 1 in 30. That is not what I do: I make straight lines, with gradients of 1 in 50." But the hon. gentleman never counted the cost. If his hon. friend the member for Townsville had followed the dictation of the engineering staff in the southern portion of the colony he would probably have made lines a great deal better, but they would have been a great deal more costly. He endeavoured to make serviceable lines for the colony for a less amount of money, and to construct more lines. The present Minister for Works had handed himself over to the department. He (Sir T. McIlwraith) knew that department very well. He knew the Engineer and his staff, and he could say that, in all his experience in that House, he had never found the engineering staff brought to book seriously for having spent more money than they ought to do—they were always able to defend themselves; at least, when he said they were always able to defend themselves he meant that they had the Government of the day at their back to defend them. The consequence was that he had never found the Engineer brought to book by that House, although he had spent a great deal more money than he ought to have spent upon any particular work. The position of the Minister for Works was this: he had handed himself over, body and mind, to Mr. Stanley. He never questioned that officer's estimate. He might, perhaps, go up to him and say, "I'll be hanged if I give £5,000 a mile for this line; I will not give more than £3,500." Mr. Stanley would say, "All right"; and the Minister for Works would know nothing more about it, but would find out years afterwards that the line had cost £5,000 a mile. The hon. gentleman defied criticism on the present occasion. He said he could not tell what would be the cost of the line proposed to be constructed; that the staff themselves did not know the cost, and he even went a little further and stated that even if he did know it would not be his business to tell the Committee. Was that the course to be pursued by the Government?

The MINISTER FOR WORKS: You are making misstatements.

The HON. SIR T. McILWRAITH: He did not intend to make misstatements; at any rate, the hon. gentleman would have an opportunity of correcting him. The hon. gentleman had told the Committee that evening that he did not know what the cost of that line would be, and that the staff did not know; and that it was not his business to make an estimate at the present time, because it would be impossible to give one, as the permanent survey had not yet been made. He (Sir T. McIlwraith) did not think he was exaggerating when he said that.

The MINISTER FOR WORKS: No.

The HON. SIR T. McILWRAITH: The hon. gentleman said "No." Well, he (Sir T. McIlwraith) had not stated any more than that. He maintained that the Minister for Works ought to have from the Engineer-in-Chief and the Commissioner for Railways a complete estimate of the cost of the railway, before the sanction of Parliament was asked to the plans and specifications, so that the Engineer himself would be bound—by some reasonable limits, at all events—to his estimate. That, however, was a matter entirely ignored by the Minister for Works. He (Sir T. McIlwraith) could quite understand the hon. gentleman having such a lofty contempt for the economy practised by the hon. member for Townsville. He could quite understand that 1-in-50 gradients were far more popular than 1 in 30. He knew that when people saw the engine labouring on the Fassifern line as it passed along the road they did not like it, and were greatly afraid lest their horses should run away. He believed the late Government were right in the policy they had adopted. The present Minister for Works, however, adopted a different plan, and they saw that in the case of almost every estimate put before the House they were a long way beyond the estimate made when the ten-million loan was passed. When the loan was passed the hon. gentleman gave some information as to the estimated cost of the proposed lines, based on some calculations made by the engineering staff, but it was altogether different now. Of these lines already approved, one was actually going to cost double and another 70 per cent. of the estimated cost; but large as the estimate was for the line of eighty miles, now under consideration—£600,000—the general opinion of the Committee was that it would cost a great deal more. The mistake the Government made was in deciding the route on political grounds instead of getting information and assistance from members possessing a knowledge of the district; and the Committee were consequently left powerless to express an opinion except that rather than stop the construction of the line they would forego their opinion and throw on the Government the responsibility of having adopted a route which would prove detrimental to the colony. Most hon. members were in that position; and he did not believe half-a-dozen outside the Ministry would vote from the information they possessed of the cost of the construction of the line or of the merits of the different routes between Herberton and the coast.

The PREMIER said he did not rise to enter into a controversy as to the relative merits of the present Government and their predecessors as to the management of the Works Department. The management of that department might be left to stand on its own merits. The hon. gentleman complained that there had not been sufficient information given to the Committee; but he thought that much more information had been given with respect to the line under consideration than with respect to any other which had been brought forward during his experience. Still

it might be that not enough information had been given. The want of information was said to be on two points, one of which was the cost of the line. In making a railway over a plain they could tell the cost within £200 or £300 per mile; but when making a line up a mountain it was not possible to do so on account of the tunnels, cuttings, and bridges.

The HON. SIR T. McILWRAITH: We do not ask the cost within £200 or £300 per mile.

The PREMIER said that until the last moment improvements were being made in the surveys of such lines as that under consideration, with a view to shortening tunnels and avoiding cuttings and bridges, and it was only after that had been done that an approximate estimate could be given of the cost. But if they had waited for that information the plans could not have been laid on the table during the present session. Then, as to the route, what further information could be obtained? He had given the reasons why the Mourilyan Harbour and Port Douglas routes were rejected. The engineers had recommended this route from Cairns to Herberton, and the Government could not undertake to say that they were wrong—they had not examined the field-books of the surveyors. The hon. member said that some information should have been given about the route by the Mulgrave. That was rejected summarily by the Government, for two reasons: First, because the line would not suit any place but Herberton, and would have gone by the most inconvenient way for getting out again; it would have been of no use to the goldfields of the Hodgkinson or the Northcote mines. Secondly, members of the Government knew, from their own knowledge, that the route was about as impracticable as one as could have been found. The mountains were steeper there than by any other route. Going along the road they could see exactly the conformation of the country. He once came down that road and took good care not to be in front of his horse, and he felt thankful when he got to the bottom. He thought that to have gone out of the way to serve no place but Herberton, and get there by the most inconvenient way, would have been foolish. As the Government knew that the road was so bad there was good reason for not wasting time by useless surveys, especially as the surveying staff was not unlimited. They had given all the information available to the Committee. He had not the slightest doubt that the route proposed was the best. It might not be quite so cheap as the Port Douglas route, but he believed it was. The range on the Port Douglas route was higher, and the distance about the same in each.

The HON. J. M. MACROSSAN said the Premier had not answered the arguments of the leader of the Opposition, but had spoken as if that hon. gentleman had demanded the field-books of the surveyors. What the leader of the Opposition said was, that the Government in such a case should have supplied the sections of the different routes for the information of the Committee. Another complaint was, that having decided against every other route, since the decision was made it had been so long before the plans were laid on the table of the House. It was more than eighteen months since Mr. Hannam recommended that the route from Cairns to Herberton should be adopted. Last year—about thirteen months ago—he introduced a deputation from Herberton to the Minister for Works, and was told that the plans of the line from Cairns to Herberton were being prepared. The hon. gentleman read a letter from Mr. Ballard in regard to the first section, saying that he could have the plans ready in time to lay on the table

of the House that session, believing that the session was going to end in about eight weeks. Surely the plans, which thirteen months ago—according to the letter of Mr. Ballard—could have been ready in two months, ought to have been laid on the table of the House on the very first day of the present session! Either the hon. gentleman was misinformed by Mr. Ballard or there had been unnecessary delay in the production of the plans. The Minister for Works surely remembered that deputation. The Premier said the Mulgrave route was condemned for two reasons: first, because it would serve only Herberton; secondly, that it would go into Herberton by an inconvenient route for getting out again. But, according to the plan, the Mulgrave route joined the other long before it got to Herberton. The plan furnished with the report showed Cairns and the line from there joining the other line, and making a great round, while the Mulgrave route was a direct one almost from Herberton.

The PREMIER: It is about three miles from Herberton.

The HON. J. M. MACROSSAN said it seemed to be more than three miles by the plan. It seemed, according to the plan, to join the other line before it got to the Herberton Range, so that the reason given by the hon. gentleman was not valid, because all the routes went into Herberton by the same line from below the Herberton Range.

The PREMIER: You get under another range too.

The HON. J. M. MACROSSAN said the line had been decided, not by the routes at all, but by the harbours, according to all the discussions they had had that night about the harbours. It had been decided to take the railway to Cairns, because Cairns had a better harbour than Port Douglas. If that were the case, what was the use of carrying on the harbour works at Port Douglas at all? If the Colonial Treasurer was satisfied that he could not make a harbour at Port Douglas—and he (Hon. Mr. Macrossan) was satisfied he could by dredging the mouth of the inlet—he had better stop the works there altogether. If it was the harbour that decided the route the Government had been wrong. It was not because there was a large expanse of water at Cairns—capable of holding the whole of the British Navy, as had been said—that it was the best port; but whether there was an expanse of water sufficient to do the work required. He was quite satisfied that at the inlet at Port Douglas, which the Treasurer knew something about, there was a sufficient expanse of water for the work required. For the reasons given by the leader of the Opposition, he did not think the construction of the line should be delayed. The people of Herberton had been too long waiting for the construction of that line. He believed that 100 men had left the district through the difficulty and expense of working their claims, and the expense of carrying the ore to port. He threw the responsibility of the line upon the Government, who should not have taken so long in laying the plans before the House. They had taken the whole of the time they had been in office and part of the time the previous Government were in office; and the plans were only now laid on the table when the first section should be under construction and the second section ready for being tendered for. There had been a most unnecessary and disgraceful delay on the part of the Government and their staff.

The PREMIER said that no doubt the Government would get exactly the blame they deserved, and all the credit they deserved—no more and no less.

Question put, and the Committee divided:—

AYES, 33.

Sir T. McIlwraith, Messrs. Rutledge, Dickson, Dutton, Griffith, Norton, Moreton, Hamilton, Foote, Miles, Macrossan, Sheridan, Beattie, Lissner, Stevens, Palmer, Kates, Buckland, Wakefield, Morehead, Bailey, Midgley, Aland, Salkeld, McMaster, Mellor, Archer, Govett, Lalor, Jordan, Campbell, Black, and Brookes.

NOES, 5.

Messrs. Nelson, White, Kellett, Annear, and Macfarlane.

Question resolved in the affirmative.

On the motion of the MINISTER FOR WORKS, the CHAIRMAN left the chair, and reported the resolutions to the House.

The report was adopted.

ELECTIONS BILL — RESUMPTION OF COMMITTEE.

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

On clause 87, as follows:—

- "1. Every person who corruptly, by himself or by any other person, either before, during, or after an election, directly or indirectly gives or provides, or pays wholly or in part the expense of giving or providing, any meat, drink, entertainment, lodging, or provision to or for any person for the purpose of corruptly influencing that person or any other person to give or refrain from giving his vote at the election, or on account of such person or any other person having voted or refrained from voting, or being about to vote or refrain from voting at such election; and

- "2. Every elector who corruptly accepts or takes any such meat, drink, entertainment, lodging, or provision;

shall be deemed guilty of treating."

Mr. CHUBB said that that was the place where he proposed to introduce the amendments of which he had already given notice. The hon. the Premier, in referring to his amendments, had said that they were of a difficult character; that they introduced a foreign element into the Bill; and that they were such as should only be introduced by the Government after full consideration. It had been remarked in the course of the debate on the second reading, that the Bill should not be treated as a party measure, but with the sole object of securing purity of elections, and the rights of parties to a disputed election. With regard to the Premier's objection on the ground of the difficulty of the subject, that was no reason why it should not be dealt with, so long as the difficulty was not insurmountable. That was an objection which might be urged in any case, but he thought he would be able to show that it was not difficult at all if the House was willing to undertake the task. As to its being an introduction of a foreign element, the hon. gentleman had done that himself in the 87th and following clauses, defining offences in connection with elections. Those clauses would not be found in any law in force in Great Britain dealing with the registration of voters as that Bill did; they were contained in a separate measure passed in 1883 to amend the Corrupt Practices Act of 1868, an Act which established a distinct tribunal for the trial of offences, and remitted to that tribunal the trial of election petitions. If the hon. member went so far as to introduce those provisions into the Bill, it was quite consistent to introduce those which the hon. gentleman had left out. Therefore that objection fell to the ground. With regard to the objection that such amendments should be brought forward by persons having ministerial responsibility, and after careful consideration, he would point out that when a short Bill was introduced last year to remedy some defects in the existing law, the proposal

was made that the trial of petitions should be remitted to a different tribunal, and the Government then promised to give the whole matter their consideration. If the Committee were of opinion that no measure dealing with elections was perfect without provision being made for a tribunal such as he had shadowed out in his amendments, he was willing that the Government should take charge of the amendments and shape them as they wished. He had no desire to take out of the hands of the Government their proper functions; but, holding the views he did, he felt it his duty to try and enforce those views on the House, and if they proved acceptable to the House it would be for the Government to accept his amendments either as he was about to propose them or in some modified form, or else to lay aside the Bill. Without provisions of that kind he did not think the Bill would effectually prevent the abuses and irregularities which were known to exist in connection with the trial of election petitions. The present system, as hon. members knew, was contained in the Legislative Assembly Act, sections 15 to 34, which provided the method of dealing with disputed elections. They made provision for the appointment, by the Speaker, of a Committee of Elections and Qualifications, which might be disapproved of by the House; and petitions were to be referred to that committee and tried by them. They had the power to summon witnesses, finally determine all questions referred to them, and report to the Assembly as to persons not duly elected and so on. The 21st section contained a clause which he thought would never have been passed if matters which had occurred since had occurred before. It provided that the committee were not to be guided by evidence; they were to be guided "by the real justice and good conscience of the case without regard to legal forms and solemnities." That might be a good law in the hands of skilled persons; but in the hands of such persons as generally formed the Committee of Elections and Qualifications in any House he was doubtful if it was good. It gave them power to be guided by their feelings in any way they thought fit. The proposed substitute was briefly that the Committee of Elections and Qualifications should be abolished, and be replaced by a judge of the Supreme Court, who was to try the matter in the ordinary way, as he would a case at law, and report to the House the result of the trial. That was briefly the proposition—that instead of a petition being presented to the House it was to be presented to the Supreme Court, afterwards to be tried by the judges without a jury. The judge should afterwards report to the House upon the various matters dealt with, and upon that report the House should take action. The scheme provided first for the repeal of sections 15 to 34, both inclusive, of the Legislative Assembly Act of 1867. Then it said that the petition should be presented by—

"Some person who voted or who had a right to vote at the election to which the petition related; or,

"Some person claiming to have had a right to be returned or elected at such election; or,

"Some person alleging himself to have been a candidate at such election."

The petition was to be presented within twenty-one days after the day of the return of the writ, and at the time of its presentation, or within three days afterwards, security should be given for the payment of expenses: such security to amount to £500. Then, on the presentation of the petition, the prescribed officer should send a copy thereof to the returning officer of the electorate to which the petition related, and he should publish the same in the electorate. It next provided that trials should be conducted before a judge of the

Supreme Court at the place which might be most convenient. He might mention that, in England, the trial was held in the electorate, and he proposed to amend the clause so as to make it consonant with that; that the trial should be held where the disputed election was held. At the conclusion of the trial the judge who tried the petition should determine whether the election of the person whose election was disputed was void, or whether he was duly elected. Provision had been made for the judge to report whether any corrupt practice had occurred, for the furnishing of the names of persons proved to have been guilty of corrupt practices, and for a report as to whether there was reason to believe that corrupt practices had extensively prevailed. The judge might also make a special report to the Speaker as to any matters he thought ought to be submitted to the Legislative Assembly. Then there was a provision relating to applications to the court respecting trials, and for the Legislative Assembly to carry out the report. The Legislative Assembly might also order a special report. At the trial of an election petition evidence relating to any corrupt practice might be gone into, and two or more candidates might be made respondents to the same petition. A report of what occurred at the trial was to be taken down by the shorthand writer of the Legislative Assembly, and provisions were also made for the payment of the expenses of witnesses, and for the withdrawal of petition and substitution of a new one. Those were the general provisions of the scheme of amendments he intended to propose. It might be contended that it was an innovation, that the trial of disputed elections should be held by the judges of the Supreme Court; but he could show hon. gentlemen that it was not. It was only reverting to the old system. The first recorded instance of the House of Commons claiming its right in that respect was in the year 1580. Previous to that they had always been tried by the judges. The Commons, on that date, for the first time claimed the right, and although it was not at first conceded they eventually carried their point, and determined to inquire into those petitions themselves. At first the whole House considered them; then an Act was passed by which the duty was referred to special committees, and ultimately it came to a committee, elected by ballot, to hear such cases. So it went on until at last the House remitted the trial of election petitions to a legal tribunal, such as he had mentioned in his amendment. In a work on the "Constitutional History of England," by Mr. Stubbs, dealing with the question, referring to complaints against sheriffs improperly conducting elections, it went on to say:—

"They further show that the House of Commons had not yet thought of asserting any claim to determine the validity of elections. Until the Act of 1406 the sheriff had to return the writ in full Parliament; and the King, in or out of Parliament, took direct cognisance of complaints. After that Act the writ was returnable in Chancery, and by the statute of 1410 the judges of assize were authorised to inquire into the undue returns. But the validity of the returns was still, it would seem, a question for the King to consider, with the help of the Lords, as in the Rutland case, or with the help of the judges. The right of the Commons was first distinctly asserted in 1586. In 1604, in reference to the election for Buckinghamshire, the Commons in an address to James I. represented the question as one in dispute between their House and the Chancery; from the time of the restoration to the Grenville Act in 1770 election petitions were determined by the whole House; that Act provided for the formation and regulation of election committees; and very recent legislation has returned to something like the ancient practice by placing the determination of these disputes, and the infliction of penalties resulting from them, in the hands of select judges."

Those were old dates, but they had the Premier recently justifying the rights of the House on a precedent so far back as 1601; yet it might be said he (Mr. Griffith) was going a long way back for authorities when a question of the privileges of the House was concerned. With regard to the manner in which trial of elections had been conducted in England, he would quote from another writer, Sir Thomas Erskine May, in the "Constitutional History of England." He said:—

"Scandalous as were the electoral abuses which law and custom formerly permitted, the conduct of the House of Commons in the trial of elections petitions was more scandalous still. Boroughs were bought and sold, electors were notoriously bribed by wholesale and retail, returning officers were partial and corrupt. But in defiance of all justice and decency, the majority of the House of Commons conived at these practices when committed by their own party, and only condemned them when their political opponents were put upon their trial. *Dat venium coram, verat censura columbas.* The Commons having, for the sake of their own independence, insisted upon an exclusive jurisdiction in matters of election, were not ashamed to prostitute it to party. They were charged with a grave trust and abused it. They assumed a judicial office and dishonoured it. This discreditable perversion of justice had grown up with these electoral abuses, which an honest judicature would have tended to correct, and reached its greatest excesses in the reigns of George II. and George III. Originally, controverted elections had been tried by select committees especially nominated, and afterwards by the Committee of Privileges and Elections. This latter committee had been dominated by the House itself, being composed of privy councillors and eminent lawyers, well qualified by their learning for the judicial inquiries entrusted to them."

He then refers to a lot of names, which I need not read, and goes on—

"This committee was henceforth exposed to all the evils of large and fluctuating numbers and an irresponsible constitution, and at length, in the time of Mr. Speaker Onslow, a hearing at the bar of the House itself—which in special cases had already been occasionally resorted to—was deemed preferable to the less public and responsible judicature of the committee. There, however, the partiality and injustice of the judges was soon notorious. The merits of the election on which they were expected to adjudicate were little regarded. To use the words of Mr. Grenville, 'The court was thin to hear, and full to judge.' Parties tried their strength—the friends of rival candidates canvassed and manoeuvred—and seats corruptly gained were as corruptly protected or voted away. The right of election was wrested from the voters and usurped by the elected body, who thus exercised a vicious self-election. The Ministers of the day, when they commanded a majority, sustained their own friends and brought all their force to bear against the members of the Opposition. The flagitious custom formed part of the parliamentary organisation by which the influence of the Crown and its Ministers was maintained. It was not until a Government was falling that its friends were in danger of losing their seats. The struggle between Sir Robert Walpole and his enemies was determined in 1741—not upon any question of public policy, but by the defeat of the Minister on the Chippendale election petition. To remedy these evils and remove the opprobrium of notorious injustice from the House of Commons, Mr. Grenville introduced, in 1770, his celebrated measure—since known as the Grenville Act, and a land-mark in the Parliamentary history. He proposed to transfer the judicature in election cases from the House itself to a committee of thirteen members selected by the sitting members and petitioners from a list of forty-nine chosen by ballot, to whom each party should add a nominee to advocate their respective interests. This tribunal, constituted by Act of Parliament, was to decide without appeal the merits of every controverted election—being, in fact, a court independent of the House, though composed of its own members. The main objection urged against this measure was that the privileges of the House were compromised; and its discretion limited by the binding obligations of the statute. It is certain that much might have been done by the authority of the House itself, which was henceforth regulated by a statute—the only legal power required being that of administering an oath; but Mr. Grenville distrusted the House of Commons and saw no security for the permanence or honest trial of the new system except in a law which they could not set aside.

This Act was at first limited to one year; and Horace Walpole insinuates that Mr. Grenville, when in opposition, was willing to give a sore wound to the influence of the Crown, but hoping to return to office, took care not to weaken his own future power as a Minister. But the suggestion for making the Act temporary proceeded from Lord Clare, and not from Mr. Grenville, who was honestly persuaded that the 'system must end in the ruin of public liberty if not checked.' At this time his health and spirits were failing, and he died a few months after the passing of his measure. The Grenville Act was continued from time to time, and in 1771 Sir Edwin Sandys brought in a Bill to make it perpetual. It encountered a strong opposition, especially from Mr. Fox, who dreaded the surrender of the privileges of the House; but the successful operation of the Act in the five cases which had already been tried under its provisions was so generally acknowledged that the Bill was passed by a large majority. 'This happy event,' wrote Lord Chatham, 'is a dawn of better times; it is the last prop of Parliament; should it be lost in its passage the Legislature will fall into incurable contempt—the detestation of the nation. The Act does honour to the statute-book, and will endure for ever the memory of the framers.' For a time this measure undoubtedly introduced a marked improvement in the judicature of the House of Commons. The disruption of the usual party combinations at that period was favourable to its success, and the exposure of former abuses discouraged their immediate renewal in another form. But too soon it became evident that crowd and party spirit had not been overcome. Crowds now attended the ballot, as they had previously come to the vote—not to secure justice, but to aid their own political friends. The party which attended in the greatest force was likely to have the numerical majority of names drawn for committee. From this list each side proceeded to strike thirteen of its political opponents; and the strongest thus secured a preponderance on the committee. Nor was this all. The ablest men, being most feared by their opponents, were almost invariably struck off—a process familiarly known as 'knocking the brains out of the committee'; and thus the committee became at once partial and incompetent. The members of the committee were sworn to do justice between the rival candidates, yet the circumstances under which they were notoriously chosen, their own party bias, and a lax conventional morality, favoured by the obscurity and inconsistencies of the election law, and by the conflicting decisions of incapable tribunals, led to this equivocal result—that the right was generally discovered to be on the side of the candidate who professed the same political opinions as the majority of the committee. A Whig candidate had scant justice from a Tory committee; a Tory candidate pleaded in vain before a Whig committee. By these means the majority of the House continued—with less directness and certainty, and perhaps with less open scandal—to nominate their own members as they had done before the Grenville Act, and for half-a-century this system, with slight variations of procedure, was suffered to prevail. In 1839, however, the ballot was at length superseded by Sir Robert Peel's Act; committees were reduced to six members and nominated by an impartial body—the General Committee of Elections. The same principle of selection was adhered to in later Acts, with additional impartiality, and the committee was finally reduced to five members. The evil was thus greatly diminished, but still the sinister influence of party was not wholly overcome. In the nomination of election committees one party or the other necessarily had a majority of one, and though these tribunals undoubtedly became far more able and judicial their constitution and proceedings too often exposed them to imputations of political bias."

That was how the historian described the working of the Elections Committee in England. It showed clearly that there was no continuous course of practice. First, the matter was regulated by the king and his council; then the judges had a hand in it; then the House of Commons asserted their sole right to deal with disputed elections; then the whole House determined the course to be taken; then they had a special committee; then a committee chosen by ballot; until at last they got to the Act of 1868, when they put the whole jurisdiction in the hands of a court of law. That showed that the whole thing had worked badly all through and was made the means of doing injustice and carrying on a great deal of corruption. That was how the system worked in the House of Commons.

Now, everyone knew how the system worked in this colony. He believed that not only the present Parliament but past Parliaments had been dissatisfied, to use the mildest term, with the decisions of the Committee of Elections and Qualifications; and even during the present session hon. members had expressed their dissatisfaction with the decisions of the committee. It always would be so, so long as the persons who were to be the judges had a voice in nominating themselves. Of course it might be said that hon. members had no voice in electing themselves on the Committee of Elections and Qualifications, but they had in that House. It had always been held that the Speaker was the nominee of the majority of the House—with him rested the nomination of the Committee of Elections and Qualifications. He selected the committee and placed on that committee a majority for the Government—the party in the majority. They were therefore always in a majority of one on the Elections and Qualifications Committee; and he believed the records of the House would show that in nearly every case that that committee had tried, when there had been a difference of opinion, the voting had been four on one side and three on the other, proving conclusively that there had been, to some extent, feeling in the decision given, because it could not happen that the minority were always wrong. He thought there could not be two opinions that the Elections and Qualifications Committee was an unsatisfactory tribunal. The objections that had been made against substituting another tribunal for it might be divided into three, as far as he had been able to gather them. The first objection was that Parliament would, to a certain extent, be parting with its privileges. That appeared to have been one of the objections urged in the House of Commons when the Corrupt Practices Bill was introduced, but it was not successful; the majority evidently thought that it would be better to appoint a more satisfactory tribunal even if the Parliament parted with one of its privileges. Another objection was the difficulty of getting a tribunal that would be satisfactory to the House. Well, that difficulty was also got over; it was an objection that did not appear to carry any weight. A third objection was that there would be greater expense under the proposed system than under the existing one. He did not know how that had worked in England. It might or might not apply there; but he did not think it would apply in this colony. An hon. member had moved for a return showing the costs incurred by the Elections and Qualifications Committee. He did not think that return had been printed; but whether or not it would not be of much assistance to hon. members in coming to a decision on that question. He would point out that under the law, as it at present stood, the losing party, whether the petitioner or the person petitioned against, might be ordered to pay the whole cost of the investigation. Whether the Elections and Qualifications Committee had ever done so or not was a question which he was not prepared to answer, as he had never been on a committee. They, however, had the power of imposing upon the petitioner or upon the person unseated the whole cost of the inquiry, and he did not propose to give the judges any more power than that. It had been said that the expense of determining a petition before the Elections and Qualifications Committee was small. He had been informed that the reason why it had been small was, to a certain extent, that the House had placed a sum of money to the credit of the committee for the purpose of paying the expenses of witnesses required to attend inquiries. Whether that was

a right principle to adopt was a question, but he was informed that it had been the practice for the expenses of witnesses attending on an election petition to be paid out of the moneys placed at the disposal of the committee by Parliament. Of course, if that was so—if Parliament had paid those expenses—it did not cost the petitioners much. He did not refer at all to the expenses which the petitioner might have to incur for legal advice, but was speaking simply of the actual expenses of witnesses. Now, the return that had been moved for would only show what the committee had paid in witnesses' expenses, and would not give them any information as to the cost of the inquiry to the petitioner—nothing as to legal expenses—the amounts paid to his solicitor and counsel. Those expenses might be just as large—and he saw no reason why they should not be—as if the matter were tried before a judge instead of the Elections and Qualifications Committee. Therefore, he submitted that there was no force in that objection. He did not think there were any other objections under that system except perhaps this, that hon. members might not like the change. He, however, thought that was not a reasonable objection. He believed that the time had arrived to deal with this matter—that when they were dealing with a measure of that kind in which they were making new provisions with regard to the holding of elections, and were creating new offences or perhaps, not creating new offences, but carefully and specifically defining those offences—it was a step in the right direction to provide also a proper tribunal for trying disputes in connection with elections. He thought that if the scheme he had proposed were carried into law the reproach which had been cast upon that House in not dealing justly with election petitions would be at once swept away, and the trials would be relegated to an individual who had no interest in the matter at all; who had no seat in the House; who had no party to serve and who had no political principle to advocate. He had, therefore, thought it right to adopt the amendments which he had introduced; and he would now formally move that the following new clause be inserted after clause 86:—

Sections 15 to 34, both inclusive, of the Legislative Assembly Act of 1867 are hereby repealed.

He might say that if the general principle of his amendment were conceded it would perhaps be better to make the clause which he had proposed part of the schedule, in which the other repeals were specified. He had made his amendments in that form in order to draw the attention of the House to it, and in order that the matter might be discussed on the new clause he had now submitted to the Committee.

The PREMIER said that of course the hon. member knew that practically his proposition was to stop the Committee going any further with that Bill. That was the effect of his proposition.

Mr. MOREHEAD: Certainly not.

The PREMIER: The Bill dealt with a very important subject, which had been under consideration in that House on more than one occasion, and the Government had brought in the measure this session in accordance with a promise made by them last session. It was a Bill that had taken a considerable amount of time and care to prepare; it introduced very valuable amendments in the laws relating to elections, so far as they had gone up to the present time, and before they had concluded would introduce others equally valuable. The subject the hon. member had introduced would of itself well deserve the attention of the House for

a considerable part of a session. Certainly, amendments such as those introduced could not be put through committee and their principles agreed to in less than two or three weeks, so that, if it was the duty of the Government to keep control of their own Bill, which the Government certainly intended to do, it would be impossible to pass that Bill into law that session at all. He thought it was not a reasonable position to take up with respect to a Bill brought before the House, which commended itself as a great improvement in a matter urgently needing reform, that any section of the House should say it should not become law unless they adopted something else not necessarily connected with it—that the Bill should not become law unless something else also became law. That, he thought, was not a fair position. The hon. member was within his rights in proposing any number of amendments not forbidden by the rules, but it was not reasonable to introduce such an amendment into a Bill dealing with a different subject. He took no technical objection to the amendment, but he said again that it was not a reasonable position to take up under the circumstances, and he rather regretted that the hon. member had not accepted the suggestion he made on a previous occasion with regard to the matter. Apart from that, what he had to say was on the merits of the question. The hon. member began by giving the history of tribunals for trying disputed elections in Great Britain. It appeared that once the king and the judges tried such cases, but that was not a very satisfactory tribunal, because in those days the tenure of the judges was during pleasure—it was not uncommon to find a judge on the bench one day and see him practising as a barrister the next, having been removed for giving a decision unfavourable to the court. Therefore that proved nothing. After that, disputed elections were tried by the House of Commons, or by committees of the House, which worked with tolerable satisfaction. Of course, in a corrupt age, when the House was corrupt and Ministers were corrupt, the Elections Committees were corrupt also; but where the general tone of the morality of the House was pure the committees were not open to that charge. The fact was the hon. member opposite was a victim to the common vice of hasty generalisation; he and his friends were dissatisfied with one particular decision of the Elections Committee last year, and from that they generalised that Election Committees were wrong, corrupt, and objectionable in every way. But no such inference could fairly be drawn. During the present Parliament three decisions had been given by the committee, one of which no one ventured to dispute; it was, he believed, unanimous. Another one was dissented from last session; but, curiously enough, during the present session members of the minority had actually been heard pointing out how entirely just the decision was. The third case turned on a pure point of law, on which lawyers differed. His own opinion was that the committee were right, but other lawyers held that the committee were wrong. In his opinion, if a judge had tried the case the decision would have been as it was. In fact it was a nice point of law. He was of one opinion and the hon. member for Bowen was of another, but a difference of opinion was no evidence of corruption or incompetence on the part of the committee. With regard to previous sessions, he did not know that during the whole history of the Parliament of Queensland one decision of the Elections and Qualifications Committee could be said to have been clearly wrong—certainly not more than one. He remembered a

case in which a committee gave a decision which was technically wrong. They held that an election was not invalidated because the nomination deposit was paid by means of a cheque, but they did substantial justice. Probably a judge would have unseated the member in that case. In another case it was proved that more persons voted than there were electors on the roll. In that case he thought the election ought to have been upset, but the Committee did not upset it, on the ground that it was not proved that the sitting member procured so many votes to be recorded. If any hon. gentleman would look through the records of disputed elections in any yearly volume of "Votes and Proceedings," noticing the nature of the petition, the case submitted to the committee and their decision, he was sure that no charge could fairly be brought against the committees in this colony of having acted corruptly. They had made mistakes, but judges also made mistakes. That they had acted corruptly, however, he denied. During times of excitement there might have been some excitement in the committee-room, but the same thing was to be found in every human institution. The hon. member for Bowen proposed to substitute for the Elections and Qualifications Committee, which had worked fairly well, a different system. That committee were like a jury; they did not decide on technical grounds; as a rule they endeavoured to do what was fair and just. For instance, they were extremely lenient—he did not remember a case in which they had awarded that the unsuccessful party should pay costs; but no judge would ever have let off the unsuccessful party in that way. Another provision of great value was that referred to by the hon. member for Bowen, by which the committee were not bound by technical rules of evidence—not that they might do as they liked, but they were not bound by strict legal rules—a most valuable provision. How many petitions had there been with regard to elections in distant constituencies, which could not have been tried without crushing expense in the absence of such a provision? Sometimes the committee had sent a series of questions by the clerk to the returning officer, and the replies were read when received. No judge would do that; but it was a thing that might be trusted to a number of reasonable men acting in public with the fear of criticism before their eyes. They would never do anything manifestly unfair—the very fact of discussion amongst themselves prevented that—but they could defend themselves when charged with doing anything unfair. He would not trust any one person with such power; nor would any single person exercise the power—he would say he was exercising a judicial office and must have legal evidence. Just imagine the last Cook election petition being tried by oral evidence! It would have cost £2,000 or £3,000 a side.

The HON. J. M. MACROSSAN: Not at all.

The PREMIER: It would, unless the parties had abandoned their case.

The HON. J. M. MACROSSAN: Tried in the district?

The PREMIER: Yes; in the district.

The HON. J. M. MACROSSAN: Certainly not.

The PREMIER said he did not intend to deal with that point now, but would do so later. The attack on the Elections Committee was an attack on hon. members themselves—it was asserting that they were, as a body, corrupt.

The HON. J. M. MACROSSAN: Nobody said so.

The PREMIER: Then the Elections Committee were not corrupt. He was not prepared to say

that they were a perfect tribunal, but they did fairly well; and when a thing worked fairly well, though not perfectly, it might be asked what better result was likely to be obtained from the proposed substitute? The proposition was to substitute for the Elections Committee a single judge of the Supreme Court, to make his decision final and binding, without appeal; to entrust to the hands of one man the existence as a member of that Assembly, of any members of it, perhaps the most distinguished; to put into the hands of one man the power to upset a Government and entirely change the politics of the country—a case that might easily happen; and though that man might act with the most perfect fairness, and do his best, still, if he gave a decision upon conflicting evidence, unfavourable to one party or the other, so as to cause serious difference in political affairs, he ventured to say that the blow that would be struck at the bench and the administration of justice would do infinitely greater harm than anything which could happen from a mistake made by the Elections and Qualifications Committee. He asserted that in his opinion a single judge would not be in any sense a better tribunal than the Elections and Qualifications Committee. On no one ground could it be urged. He admitted that the members of the Elections and Qualifications Committee, being interested in active politics, were liable to be biased, more or less. At the same time he believed a judge would not allow himself to be biased consciously any more than he believed the Elections and Qualifications Committee would. Still, he said that in this colony the judges were not so far removed from politics and political interests as they were in the old country. He asserted that without any disrespect to the judges. Anyone who had been many years in Australia could remember a case where a judge was distinctly accused by the Government of the day of being their active political opponent, and of writing to the public Press attacks upon them. He had seen many cases which it would be unsatisfactory for a judge to have to try and hear a case against a member of Parliament. Anyone who had been long in the colonies knew that such things happened. If that scheme were adopted it would be entirely a chance what judge might come to try a case. It might be a judge newly appointed and fresh from Parliament. It might be that a judge would have to try a case on the decision of which the political existence of a man who a few weeks before was his bitter political enemy would depend. Would that be a satisfactory state of things? It was certain that such a case as that would not happen in Great Britain in one case in ten thousand in the doctrine of chances, whereas here it would be as likely as not to happen with tolerable frequency. He said the judges in these colonies were not so far removed from political interests as they were in older countries. There was another thing they had seen in the colonies at various times, cases where the judges—well—wanted something. In England the salaries of the judges were fixed. A man became a judge and was fixed; he had got to the end, and there he was. Cases occurred in these colonies where a movement was got up to raise the salaries of judges. They were raised here some time ago, though that was by general consent. In two of the colonies, not long ago, the question of raising the judges' salaries arose. Suppose an agitation of that kind were going on, and an economical member—or, say, one party in Parliament—was strongly opposed to raising the judges' salaries, and that it really depended upon the result of one or two election petitions whether the salaries should be raised or not, although he did not say a judge

would be consciously biased in a case of that kind, still if the result of his decision was to unseat the men opposed to the movement for raising the judges' salaries, the blow that would be struck at the administration of justice in the colony might be fatal. That was a thing that might happen. Again, such a thing as promotion on the bench might be in question, and a judge have to try the case of a member understood to be opposed to his promotion. The judge might not be consciously biased in the case; yet if his decision resulted in such a way as to secure the unseating of that member and the promotion of the judge, a very serious blow would be struck at the administration of justice. He mentioned those things, not that he thought the judges would be consciously biased, but because he believed they were instances continually likely to arise in the Australian colonies, and he said that should confidence in the administration of justice be affected it would be a very serious thing indeed; a much more serious thing than that a member of that House should be exposed to being accused of being biased or even of being corrupt. If a judge were accused of corruption, or if it rankled in the minds of any section of the people that an injustice had been done, or that they were practically unrepresented in that House by the action of a judge, a blow would be struck at the administration of justice in the colony. Judges were lawyers, and lawyers were very much like other men, and he did not believe that there was any greater morality amongst lawyers than amongst any other class of men. He believed they tried to do their duty quite as much as other men, and he believed also that the members of the Elections and Qualifications Committee tried to do their duty. He believed that were the hon. member's scheme adopted the judges would be liable in colonies like this to the same imputations as members of the Elections and Qualifications Committee, and that was a very serious danger indeed. Moreover, judges here had been mostly engaged in politics before their appointment, and he did not think they would be immediately free from the charge of political bias. Let him refer to a very well known instance, which would apply to the case before them—that was the contest for the presidency of the United States by Mr. Hayes and Mr. Tilden. That was the greatest election petition that had ever been tried. They had to call in the judges of the Supreme Court of the United States—one of the most splendid judicial institutions in the world—to try that case; and what was their decision? Some of the judges were Democrats and some of them were Republicans, and there was one more Republican than Democrat. The petition was decided by a majority of one, and Mr. Hayes was declared president. The judges who tried the petition had been Republicans or Democrats before they were appointed, and the Republican judges voted for Hayes, and the Democrat judges for Tilden. That was the decision of the judges of the Supreme Court on the greatest election petition that was ever tried. Those judges held office too, it should be remembered, on the same tenure as theirs did. Under those circumstances it was not desirable at the present time—though he was not prepared to say that it would always be so—to put judges of the Supreme Court in that position. There was another objection—the objection on the score of expense. If a judge tried a case of that kind, it was specially provided in the scheme before them that he must try it on purely legal principles. In the first place, the petitioner had to give security for £500—good substantial security—equivalent to paying the money down. They all knew what an appeal to the Privy Council was, and what was thought of the

expense of it; but it would be a mere morning's amusement to the scheme which the hon. member for Bowen proposed. There might be another scheme proposed hereafter to reduce the expense, but he was dealing now with the scheme proposed by the hon. member and put before the Committee. The case would be brought on for trial, and tried either in Brisbane or somewhere else in the colony. The hon. member attacked would, no doubt, try to defend himself, and would take just as much care to secure his interests as he would if he were sued for a thousand pounds. Witnesses would have to be provided; the case would have to be carefully got up, and he would have to employ counsel and solicitors. Hon. members knew, perhaps, the cost of election petitions in England. They never amounted to less than thousands on each side, and the loser always paid. If that scheme were in force here, suppose a case was tried in Brisbane, witnesses would have to be brought from the remote parts of the colony, where they lived, down to Brisbane; and their expenses would come to a nice little sum, and with the expenses of counsel and solicitors, the expense of the trial would amount to, at any rate, if not thousands, many hundreds of pounds on each side, and the loser would have to pay. If the case were tried in the country where the witnesses were, in the first place, how many electorates were there where a judge could try a case? Could they send a judge up to Winton?

THE HON. SIR T. MCILWRAITH: Yes.

THE PREMIER: Or to Boulia?

THE HON. SIR T. MCILWRAITH: Yes.

THE PREMIER: Or to Thargomindah? He did not think it would be convenient to send a Supreme Court judge to those places. It would be inconvenient for the general administration of justice. Some of their judges now would not be capable of standing the fatigue of such a journey; and there was a time here when they had no judge who could take such a journey as that. The consequence would be a serious inconvenience to the administration of justice. They would have to consider the great expense of sending a judge to such places; and in addition to that, there would be the expense of taking the counsel and solicitors, and witnesses, to those places. Hon. members would see that the proceedings would be as complicated as the most complicated case that ever came before a court of justice, and the proceedings would be equally as expensive. And that expense could not be saved, because they could not trust a single man to act on his own discretion as to how the evidence should be taken. Who would be satisfied with a judge's clerk writing letters to somebody in the bush, asking questions and taking the answers as evidence? It was tolerated with the Elections Committee because there were several people there, and in the face of continuous criticism they would not do anything unfair. Those were the reasons why he said the proposed system would not work. He did not say that the present system was the best, but it had worked tolerably well, which the proposed system would not. He was not prepared to take up the question at that period of the session, and endeavour to shape it into something that would work. For those reasons he hoped the Committee would reject the amendment moved by the hon. member for Bowen.

THE HON. SIR T. MCILWRAITH said there was not the slightest doubt in his mind, from the tone of the last speaker's remarks, that he thoroughly believed in the amendment moved by the hon. member for Bowen; especially as he had implied that he would very probably take up the matter afterwards and put the principle of the amendment into law. The hon. gentleman

commenced by telling them that practically the enforcement of the amendment would mean the shelving of the Bill, because if carried it would take three weeks to remodel the rest of the measure in unison with it—a time which he was not prepared to give to it. In that case the alternative would be adopted and the Bill would be shelved. The hon. gentleman acted very unfairly in drawing a conclusion of that sort on the ground he took up. The hon. gentleman asserted that the amendment had no connection with the subject-matter of the Bill before them. He (Sir T. McIlwraith), on the other hand, asserted that it was most intimately connected with it. They were now making a law increasing the powers of the Elections and Qualifications Committee. They were giving that body the power to punish, which they never had before.

THE PREMIER: Yes; they have that power now.

THE HON. SIR T. MCILWRAITH said they were giving the Elections and Qualifications Committee a power to punish which they never possessed before, and he would point out afterwards how their power was increased. Such being the case, surely it was the right time to say that that was not the proper tribunal before which those cases should be tried. Certainly it was, and there could be no more appropriate time for the consideration of such a question than when they were making an alteration in the character of the Elections and Qualifications Committee itself. The hon. member said the Bill did not give that body increased power. Turn to clause 91:—

"If upon the trial of an election petition the Committee of Elections and Qualifications reports that any corrupt practice other than treating or undue influence has been proved to have been committed in reference to such election by or with the knowledge and consent of any candidate at such election, or that the offence of treating or undue influence has been proved to have been committed in reference to such election by any candidate at such election, that candidate shall not be capable of ever being elected to or sitting in the Legislative Assembly for that electorate, and if he has been elected his election shall be void, and he shall further be subject to the same incapacities as if at the date of the report he had been convicted of a corrupt practice."

That clause gave power to the Elections and Qualifications Committee to prevent anyone from sitting in Parliament for a certain time; and it was not a power that the committee ought to possess.

THE PREMIER: They have it now.

THE HON. SIR T. MCILWRAITH: Only for that particular electorate.

THE PREMIER: No; from sitting in the Assembly.

THE HON. SIR T. MCILWRAITH said that clause 92 also gave the committee a power which they did not at present possess; and such being the case, now was the proper time to reconsider the question whether the Elections and Qualifications Committee was the proper tribunal to decide those cases. The arguments of the hon. gentleman were extremely weak. In attempting to prove that the judges were incompetent to try disputed elections, he was proving to a much greater extent how unfit the Elections and Qualifications Committee was to try them. The reason given why a judge was incompetent to try a disputed election case was that he might not be impartial. But they had the fact before them that the Elections and Qualifications Committee was always partial. There was no surmise, or possibility, or probability, about it; all experience of self-government in the colony went to show that the Elections and Qualifications Committee was always partial. The hon. gentleman ought to have seen that the strength of that argument told far more against the

committee than against the judges. One part of the hon. gentleman's argument was that in that colony judges were more intimately connected with the details of politics than the judges were at home. There might be a little truth in that, but he did not recollect one single case where any party to a disputed election, which was tried before the Elections and Qualifications Committee, would have been afraid to have had his case taken before any of the judges of the Supreme Court. He never knew the judges biassed to that extent. In fact, he doubted whether the judges were more biassed here than they were at home. Most of the English judges had been strong politicians, and he did not think they were much more so here. Then the hon. gentleman went a little further into detail with regard to the position of the judges, and said that a question might arise as to the salaries of the judges, whereas at home they were fixed by statute. Certainly they were fixed by statute here just as much as they were at home.

The PREMIER: I did not make any point of that kind.

The HON. SIR T. McILWRAITH said he understood the hon. gentleman to say that a judge might be biassed against a particular individual or a particular section of the House because he or they might be opposed to some proposed increase of salary; and the hon. gentleman certainly said that they were in a different position to the judges at home, because the salaries of the latter were fixed by statute. So they were here. He did not think any of the judges here would be mean enough to be biassed by any remarks that might be made with regard to their salaries. He had heard hon. members on both sides reflecting on the cost of law, and they might reflect upon what, in their opinion, were the too high salaries paid to the judges; but he did not think, nor would any other hon. member think, for one moment, that any of the judges would be influenced by remarks of that kind. The hon. gentleman was just as illogical in the argument he brought against the scheme on account of its being so very costly. He said that if the case were tried before a judge, there would be costs amounting to hundreds and thousands of pounds, which the loser would have to pay. Did he not see that that was an argument against anything being tried before a judge? It ought to lead the hon. member to try and devise some system by which disputes other than those connected with elections might be tried without judges. It was the most economical system they had yet found; they knew it was expensive, but they had not had any less expensive scheme suggested. For himself, he did not see why a trial in the case of an election petition should be more expensive than a trial of any other case; nor why it should be more costly if tried by a judge than if tried by the Elections and Qualifications Committee. The hon. gentleman said that the greatest failure in connection with political matters was the trial by the judges of the case of Tilden *versus* Hayes, in America; but that was tried by the Elections and Qualifications Committee, and so it was an argument against him. It was a pure accident that the members of the committee were members of the bench: they were to all intents and purposes the same and they acted the same as the Elections and Qualifications Committee. The hon. member again said that they had done very well under the present system—that he did not know of a single case in which injustice had been done. His (Sir T. McIlwraith's) experience had been the other way. There were cases where the sympathy of both sides of the House was the same way—where something happened at an election which was not a party question; but whenever it was

an object with either side of the House to get a member, the majority always went for party purposes, and left fair play out of consideration altogether. The hon. gentleman would no doubt think himself highly aggrieved if the Speaker nominated on the committee four from the Opposition side and three from the Government side; he would look upon it as a great injustice and he would not stand it; he would have a row, and probably put in a new Speaker. There were always four from the strongest side on the committee, so that the majority was always in favour of the party in power. When they came to give them the additional power of keeping a member out of the House for seven years, it was perfectly monstrous. The hon. member talked about three weeks; but three months would not get the Bill through the House if he insisted on clauses of that kind.

Mr. MOREHEAD: No; I swear it won't.

The HON. SIR T. McILWRAITH: The House was justified in using every possible means to prevent the passage of a law which might exclude an upright, honest, capable man from serving in Parliament. It should not be in the power of any party to do a thing of that kind. The argument of the hon. member that there had been so few cases brought before the Elections and Qualifications Committee simply told against the committee; because many more cases would be disputed if there were any chance of getting substantial justice from the committee. The weaker side knew it was useless to attempt to dislodge a man from the stronger side of the House. What did hon. members themselves think of the constitution of the committee? What had been their practice in judging the value of the decisions of a committee? Formerly they used to have committees for everything and they were always biassed, because the man who moved for their appointment always knew pretty well what opinions they held before he chose them. The result was that the conclusions of committees of that kind were utterly disregarded; if they recommended that so-and-so was to be done, the House never did it. For instance, there was the case of Dr. Hobbs: there would be a committee every year to recommend the House to pay him £5,000 or £10,000, but the House never did it. It was the same with the Committee of Elections and Qualifications. It was a committee appointed by the House to bring in a certain verdict; that was not the intention, but it was the practical effect. At the present time the majority could unseat almost anyone they pleased, and the Bill was to give them the additional power of excluding them from the House for seven years. He was surprised at the hon. gentleman taking up the line of argument that it would take so long to work the amendment into shape; he had often seen the hon. gentleman put as many clauses as that into a Bill and make them agree in every detail with all the other clauses in the course of a night. He did not believe it would take more than a night to do it now; for the clauses were not inconsistent with the Bill, and it was quite competent for them to repeal the clauses of the Constitution Act which were involved. He would not like to see the Bill thrown out—not that he was particularly fond of it, for he would not lose a couple of hours' sleep if the hon. member laid it aside now—but in some particulars it was an improvement on the existing law. However, all the improvement would be more than counterbalanced by the increased power they were giving to the Elections and Qualifications Committee; and if it was worth while going into the case at all it

was worth while taking up the most important phase of it; and that was what was to be the tribunal to decide disputed elections. He held that a better system could be devised, and had been devised by the hon. member for Bowen in the amendments before them. The hon. the Premier tried to make a point out of the fact that the system had previously been in operation for fifteen years, and that they had abandoned it for the Committee of Elections and Qualifications. But if, having proved that wrong, they went back to the old system, it was no argument against it. In England, where the chances of coming to a wrong decision were so much less than here, they had been forced to introduce that system. The hon. gentleman said that in that colony the judges—through the limited population, he supposed, and their acquaintance with members of Parliament, and from their past experience in politics themselves—were more interested in such matters than they were at home. That argument might apply in the same way to the Elections and Qualifications Committee, from their limited number; their knowledge of every member on both sides of the House, and from considering questions in a smaller way than they did in England. The arguments applied equally to both. They were apt to take personal and petty matters into consideration in deciding such cases—considerations that would be left out by a committee of the House of Commons. What he urged was, that the system had proved a complete failure up to the present time, and that was the point upon which he differed from the hon. Premier.

Mr. HAMILTON said the Bill was introduced for the purpose of rectifying evils in connection with elections. At the same time, in attempting to abolish the present system of the trial of election petitions by a committee of the House, it avoided dealing with one of the most glaring evils in connection with the system. There was a feeling amongst the public, that justice was not done by those tribunals. Even if there were no grounds for that feeling, yet the fact that those tribunals were regarded with suspicion and distrust was a strong argument in favour of their abolition. But, unfortunately, there were substantial grounds in support of that belief, and it was not necessary to go back further than the last general election to find several cases. He should select that case which was discussed and attempted to be defended by the hon. member for South Brisbane (Mr. Jordan). It was right that the public should know the facts of some of these cases, so that they might form their own opinions as to what justice might be expected from that tribunal. That hon. gentleman stated that the question the committee had to decide in that case was whether the returning officer was right or wrong in refusing to allow certain votes because they had, in addition to the initials of the presiding officer which ought to be on the paper, those of the scrutineers. That was not the question which the committee had to decide, whether the returning officer was right or wrong. The case was simply this: Mr. Moreton and Mr. Stuart contested the Burnett electorate, and the returning officer decided that Mr. Moreton had a majority of two votes. Thereupon Mr. Stuart petitioned against Mr. Moreton taking his seat on the ground that at one of the polling places only seven votes were recorded, of which six out of the seven were given in favour of Mr. Stuart, and the other in favour of Mr. Moreton. Had those votes been allowed, Mr. Stuart would have been the sitting member. But they were disallowed by the returning officer, because they had, in addition to the initials of the presiding officer, those of

the scrutineers. The Premier himself stated, or he understood him to state, some time since, when the question was previously discussed, that the returning officer was wrong in giving that opinion. But even if he had been right the committee would not have been justified in acting similarly, because the returning officer was bound to act according to technicalities; whereas the committee, as had been explained by the hon. member for Bowen, had simply to be guided by equity and good conscience and the justice of the case. In the case to which he referred the presiding officer swore that the accredited agent of the returning officer—who, it must be recollected, was Mr. Moreton's scrutineer—told him that it was positively necessary that the papers should have the initials of the scrutineers as well as those of the presiding officer, and had not that statement been made to him he would not have allowed the papers to be so marked. Mr. Moreton's scrutineer actually admitted that he made that statement, yet it was decided that the votes should not be allowed to Mr. Stuart, who was actually unseated on account of the action of his opponent's agent. The Elections Committee were supposed to act in equity and good conscience, and there was not the slightest reason to believe the votes were not *bonâ fide*, yet they actually refused to allow them to be granted to Mr. Stuart, because his opponent's action had caused certain initials to be put upon them. They actually forced upon the Burnett electors the man whom they had rejected, because the agent of that rejected man had scratched his initials upon his opponent's voting-papers. A more monstrous decision it was difficult to conceive. He did not blame the committee for having so acted; he blamed the system, because he thought it was perfectly impossible for members coming into that House red-hot after an election to decide impartially. It was not their intention to decide corruptly, but they were insensibly biased. The member for Rockhampton, Mr. Ferguson, very tersely put it when he resigned his position on the Elections and Qualifications Committee. He said, "It was simply a question of four to three, and nothing else." The four Government supporters voted invariably one way, and the three Opposition members invariably voted the other way. It was contrary to all principles of law that any person should sit upon a case he was interested in. A jurymen was not allowed to try a case if he was personally interested in it. If a magistrate or judge was interested in a case it would be considered disgraceful for him to adjudicate upon it; yet they proposed to do that which would be considered disgraceful in others. The elections tribunal was a party tribunal. It was saturated with party feeling from its very inception to its end. The Speaker—who was appointed by the Government, and was chosen from their side of the House—he, a partisan, selected the committee, and he invariably selected four from the Government side and three from the Opposition side; and the mere fact of the Government always insisting upon him selecting the majority from their own side proved that they themselves recognised that the tribunal was a partial one. No honest man should support such a system, and no proper argument had been advanced in favour of it. He hoped that Ministers would consider the subject, and as he believed that they now felt inclined to adjourn, he, in order to give them time, and as it was getting late, would say no more on the subject at present.

The PREMIER said he understood that several hon. members wished to speak on the question before the Committee. He would,

therefore, move that the Chairman leave the chair, report progress, and ask leave to sit again.

Question put and passed.

The House resumed; the CHAIRMAN reported progress, and obtained leave to sit again to-morrow.

ADJOURNMENT.

The PREMIER, in moving the adjournment of the House, said that to-morrow it was proposed first to deal with the motion approving of the plan, section, and book of reference of the Beauaraba branch railway, and the Elections Bill would then be proceeded with.

The HON. SIR T. McILWRAITH: When are we likely to go into Committee of Supply?

The PREMIER: Next week, I hope.

Mr. MOREHEAD: "Hope told a flattering tale."

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