

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 10 NOVEMBER 1885

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ERRATUM.

November 10.—Page 1555, line 38, column 2, in the Premier's speech, for the word "Northern"
read "Southern."

LEGISLATIVE ASSEMBLY.

Tuesday, 10 November, 1885.

Assent to Bills.—Suspension of Standing Orders.—Supply—resumption of committee.—Ways and Means—resumption of committee.—Appropriation Bill No. 2.—Adjournment.

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

ASSENT TO BILLS.

The SPEAKER announced that he had received messages from His Excellency the Governor intimating that he had assented, on behalf of Her Majesty, to “A Bill to enable the South Brisbane Gas and Light Company (Limited), incorporated under the provisions of the Companies Act, 1863, to light with gas the city of Brisbane and its suburbs, and for other purposes therein mentioned”; “A Bill to further amend the Pacific Island Labourers Act of 1880, and to put a limit to its operation”; and “A Bill to consolidate and amend the laws relating to the Sale of Intoxicating Liquors by retail, and for other purposes connected therewith.”

SUSPENSION OF STANDING ORDERS.

The COLONIAL TREASURER (Hon. J. R. Dickson), in moving—

That so much of the Standing Orders be suspended as will admit of the reporting of resolutions of the Committees of Supply and Ways and Means on the same day on which they shall have passed in such committees; also of the passing of Bills through all their stages in one day.

—said: Mr. Speaker,—It is usually understood that this motion is a purely formal one, as it applies only to the passing of the Appropriation Bill after the resolutions passed in Committee of Supply have been adopted by the House. Hon. members are aware that this resolution is merely paving the way for the initiation and passing of the Appropriation Bill after we have passed the rest of the Estimates which have yet to come on for discussion. I beg to move the motion standing in my name.

The Hon. Sir T. McILWRAITH said: Mr. Speaker,—I objected to this motion going as formal, because there are two Bills among the Orders of the Day to which it applies equally as much as to the Appropriation Bill. The hon. gentleman has, however, intimated to the House that he means it to be applicable only to the Appropriation Bill. Had I known that that was the intention I should not have dissented from the motion passing as formal.

Question put and passed.

SUPPLY—RESUMPTION OF COMMITTEE.

On the motion of the COLONIAL TREASURER, the Speaker left the chair, and the House resolved itself into Committee of the Whole further to consider the Supply to be granted to Her Majesty.

Question—That there be granted the sum of £27,050 16s. 9d. to further defray the expenses of the Department of Public Instruction—put and passed.

The COLONIAL TREASURER, in moving that the sum of £15,926 4s. 1d. be granted for the Colonial Treasurer's Department, said the principal items included in the vote were a sum of £2,655 19s. for commission and exchange beyond the actual amount which appeared on the Estimates-in-Chief, which was caused largely by the retirement of the loan in last January, and also by the sale of a portion of their stock during the past year. Customs and contingencies required an amount of £4,677 9s. 5d. owing to an increased amount of extra work imposed on the Customs Department owing to a larger quantity of imports. It should be borne in mind that the department was one of the largest contributors to revenue during the past year, and it was reasonable to expect an additional amount of expenditure in connection with it. Under the heading “Harbours and Pilots” there was an item of £2,868 2s. 8d. for the steamer “Llewellyn,” the pilot boat for Maryborough and Wide Bay. The “Llewellyn” had had to undergo considerable alterations on her arrival here, and that expenditure was necessary to fit her out efficiently. There was also a sum of £830 for the outfit of the lightship at Norman River Bar. Those were the more prominent items in the vote.

Question put and passed.

The COLONIAL TREASURER moved that the sum of £4,630 18s. 5d. be granted to defray expenses in connection with the Lands Department.

The MINISTER FOR LANDS (Hon. C. B. Dutton) said the vote included items for the salary of an additional clerk, from 1st March to 30th June, 1885, and for the salaries of the secretary and clerk to the Land Board. There was an item of £110 4s. 3d. for salary and allowance to Mr. Golden, Commissioner for the Division of Runs. The sum of £1,200 2s. 6d. was down for the survey of runs, for which a larger amount was required for last year than was anticipated. An item of £899 was down for the purchase and fitting up of a lithographic machine for the Lands Department. The machine itself cost £300, and there was a gas-engine and foundation required for it. There was an amount for a reserve at Bowen which had been omitted inadvertently from the Estimates-in-Chief. Under the heading “Miscellaneous” there appeared a sum of £1,412 11s. 7d. for the survey of the boundary between South Australia and Queensland, as far as it had gone—that was, to the Georgina River. There were items for compensation to F. Casely and L. Golding for land resumed. That was for town lots purchased at Cloncurry; and it was found after these men received their deeds that a portion of the land they bought was included in some mineral selections already given. They refused to give up the deeds, and the department had to make the best bargain they could with them, and they were given a fresh deed for a portion of the land and compensation. There was a sum of £50, compensation to Messrs. Hebble and McIntyre. That was caused by a mistake in the description of advertised runs in the settled districts. The run

was described as between certain boundaries, and it was found that a portion of it had already been included in a run under lease. Some difficulty arose between the lessee and the man who held the former lease, and an arrangement had to be made to get him to surrender his lease. He asked £300 as compensation for the loss and annoyance he had been put to, but compromised for £50.

Mr. PALMER asked if the Minister for Lands could tell whose fault it was that the land at Cloncurry came to be wrongly surveyed?

The MINISTER FOR LANDS said he supposed it lay between the surveyor and some clerk in the department who should have corrected the error.

Mr. SCOTT asked if the survey of the boundary line between this colony and South Australia was completed, or likely to be completed in a reasonable time.

The MINISTER FOR LANDS said the survey was still going on. The vote asked for was the Queensland share of the expenses as far as it was carried at present—about the Georgina River, he thought, a little more than half the distance.

The Hon. J. M. MACROSSAN said he thought the present was the time to put a question he wished to ask the Minister for Lands. It might be in the recollection of hon. members that when the Cairns-Herberton railway passed the House certain members considered that the Port Douglas route had not received fair play at the hands of the Government. The plans, after being approved of by the Assembly, were sent to the other Chamber, where a select committee was appointed to inquire into the passing of the plans and see whether the route was the best that could be found. A surveyor named Amos, who had formerly been in the Government Service as a railway surveyor, was amongst the witnesses examined, and, very strange to say, his evidence went directly to prove that the Port Douglas route had not received any consideration at the hands of the Government. His evidence was so strange as to astonish even the chairman of the committee—the Postmaster General—of course a member of the Government. Mr. Amos was employed by the people of Port Douglas to survey and report upon a route from Port Douglas to the top of the range—to a point where the route would be common to both Cairns and Port Douglas. He made the survey, and found what he said in his evidence was not only a practicable but a good route, alongside of which a fair road could be made the whole way, by which timber and every other necessary could be delivered to any point of the railway. He estimated the cost at £5,000 per mile, while the smallest amount they were told the other railway was to cost was £10,000 per mile. When he had made that survey, he was actually ordered by the Surveyor-General, under pain of dismissal, not to make the report to the Port Douglas people. Now, he (Hon. Mr. Macrossan) wanted to know from the Minister for Lands if he had any knowledge of that, or if such instructions came from him? Did the hon. member instruct the Surveyor-General to threaten Mr. Surveyor Amos with instant dismissal if he made his report to the Port Douglas people? Mr. Amos was paid for finding the route; but conscientiously, because he was prevented from making the report, he returned the payment. He said in his evidence that he never told that to anyone until he was examined before the committee. He was examined by several members of the committee, and his evidence confirmed what he had said before.

The MINISTER FOR LANDS said all he knew about the affair was that the Surveyor-General came to him one day with a wire from Mr. Amos, asking that he might be allowed to leave certain work he had in hand for the Survey Department, in order that he might carry out a survey for the Port Douglas people. The Surveyor-General asked if the request should be granted, and he (the Minister for Lands) replied—"Certainly not; let him carry out his instructions; we are not going to send a surveyor from the Lands Department to do the work of the Railway Department; if he wants to carry out this survey let him surrender the instructions he has from the Survey Department." He believed the Surveyor-General telegraphed to Mr. Amos to that effect, and after that he believed Mr. Amos asked if he could report on the route. Of that he (the Minister for Lands) knew nothing until he saw the report of the evidence. He believed the Surveyor-General telegraphed the reply as stated there—that if he attempted to make a report on that line while he held instructions from the Survey Department he would be dismissed; if he wanted to carry out the survey for the Port Douglas people, he had nothing to do but surrender his instructions to the Survey Department; he could not do both.

The Hon. J. M. MACROSSAN said he did not consider the explanation a satisfactory one. Mr. Amos was not actually in the service of the Government; he was a private surveyor doing private work under the instructions of the Surveyor-General. It was after he had actually made the survey that he received a hint from some of his friends that it would be better for him to understand how he stood with the department. In consequence of that hint—which probably came from the Surveyor-General or the Minister—he asked if he would be allowed to make the report after having made the survey. The survey was actually made, and all that was necessary was to make the report. The survey was made in three or four weeks, showing that it was not a difficult one. The answer was that if Mr. Amos dared to report on the matter referred to in his telegram he would make it his duty to at once dismiss him from the department. The only dismissal the Surveyor-General could make in the case was not to employ him as a private surveyor, because he was not actually in the service of the Government at the time. The whole affair bore out the accusation made by hon. members at the time the plans were being passed, that the Government were determined to make one route, and one route only, and that no other proposed route should receive any sort of consideration. It was clearly the duty of the Government to find out what that report was, even if it proved all that the Port Douglas people wished; and if it had resulted in a saving to the country of £100,000, or £150,000, they would have been justified in acting upon it. Not only would they not do that, but they refused to allow Mr. Amos to make his report public, and it reflected greatly upon the Minister for Lands that he did not make further inquiry as to the actual facts of the case. He was very glad to find that in that instance the Surveyor-General was not responsible, and that the responsibility rested solely with the ministerial head of the department.

The MINISTER FOR LANDS said that as a matter of fact Mr. Amos did not tell the Surveyor-General or anybody else, when he made his first application, that he had already inspected the route and reported upon it. Mr. Amos asked to be allowed to make a survey of the route, and he (Mr. Dutton) maintained that

as he was in the service of the Lands Department he should not at the same time accept private work from other employers. Mr. Amos was employed to carry out certain work for the Government, and if he chose to neglect that in order to do other work he ought certainly to be dismissed. The whole affair was simply a dispute between two ports as to which of them the railway should go. It was not likely that he would send a surveyor from the Lands Department to prove that the railway survey was wrong. It was not part of the duty of the department to interfere in work of that kind. Supposing two rival ports contended for rival railway routes, and the people at one port asked him to send a surveyor to prove that the other survey was wrong, it would be a most extraordinary proceeding on the part of the Minister for Lands to allow one of his employés to be used for such a purpose. If Mr. Amos wished to make the survey he should have first thrown up the instructions he had received from the Lands Department, which he was otherwise bound to carry out.

The HON. J. M. MACROSSAN said the hon. gentleman had not stated the case fairly. Parliament voted a sum of money for a railway from Herberston to the coast, independent of ports, and the Government had nothing whatever to do with whatever disputes might have taken place between rival ports. Their duty was simply to find out the best route to the coast, and the Port Douglas people, it seemed, were not satisfied with the manner in which the Government were surveying the route, and they employed Mr. Amos to make a survey. There was nothing in the evidence about Mr. Amos having asked the Surveyor-General's permission to make the survey. What Mr. Amos said was, that after the survey was made he asked permission to send in his report upon it, and was forbidden from doing so by the Minister for Lands—who, as a member of the Government, ought to have been solicitous to select the best route for the proposed railway—and was prevented from making it public for a period of eighteen months. Such conduct reflected nothing but discredit on the department and on the hon. gentleman who presided over it.

The MINISTER FOR LANDS said it was no part of his duty to correct the railway surveys. How was he to know that Mr. Amos was possessed of any information, supposing he was possessed of any, that would enable the Government to check the Railway Department? Mr. Amos simply applied to make a survey of the route; he never said that he had already surveyed it, and was prepared with his report upon it. In fact, Mr. Amos, in that matter, had been disingenuous; he had not told the whole truth. When he first asked the department to inspect and report upon that route, he led them to suppose that nothing had been done by him with regard to it. The impression he gave was that he wanted to do the work at the request of the Port Douglas people, not that he had already done it. He did not care a straw for Mr. Amos' evidence, and maintained that he had not told the whole truth, inasmuch as he had refrained from stating that he applied to do the work before intimating to the department that he knew anything about it. That was the reason why permission to publish the report had been refused.

The HON. J. M. MACROSSAN said he wished the hon. gentleman to understand that he did not say that that route was the best or not; his contention was merely that the Government were bound to find out the best route. Whether they had done so or not in that particular instance was a matter of opinion. If Mr. Amos was to be believed—and he thought him quite as

worthy of credence as the Minister for Lands or the Surveyor-General—they had not chosen the best route. According to Mr. Amos, what he asked was whether he might report on a route which he had discovered—not to report on a route which he had not discovered and had yet to survey. However, he would read some of the evidence. The following was the report of the second examination of Mr. Amos, by the Hon. F. T. Gregory :—

"In the course of your examination, just now, Mr. Amos, you stated that you were prohibited by the Surveyor-General from furnishing the information that you obtained in the course of a survey of a railway line from Port Douglas. Am I right in that understanding? Yes, sir; correct.

"You made that survey under instructions from the Surveyor-General? No.

"From whom? The people of Port Douglas employed me.

"I will put it in another way:—Did you make a survey of that railway under instructions from the Engineer's Department? No.

"Or were you in their employment at the time? No, sir.

"The survey, then, that you made was quite independent in any way of any Government departments? Quite.

"Then you were a licensed surveyor in the district? In the Cook district.

"Carrying on surveys for the Government? Yes, sir.

"But only as a licensed surveyor? As a contract surveyor, not as a staff surveyor.

"Then, may I ask you in what way could the Surveyor-General prohibit you from supplying information to anybody? I can only tell you that it is a fact. I had heard indirectly—I am a bit frightened, Mr. Chairman, and may say that I do not like giving this information—that the Surveyor-General objected to it. I wired to him to know, if I reported to the people of Port Douglas on the route which I had discovered"—

"Had discovered?" Would the hon. gentleman mark those words?—

"over the Port Douglas range, would it be detrimental to my status in the department. He replied to me, 'If I hear of you reporting upon the matter referred to in your telegram, I will deem it my duty to at once dismiss you from the department.' I thought that quite conclusive."

He should think it was conclusive, seeing that the surveyor could obtain no employment except from the Government. It was whether Mr. Amos should throw up his means of existence and report to the Port Douglas people, or keep the report to himself, and still have the means of existence open to him. There was nothing in the evidence of what the hon. gentleman said about asking whether he should survey the route or not. It was actually after the route was surveyed, and after the report was drawn up—and that report, Mr. Amos stated further on, if he had not destroyed it, was still in his office at Cooktown—that he asked the Surveyor-General whether he should report to the public of Port Douglas on the route or not. He asked whether he should furnish the report which was already drawn up, and the Surveyor-General replied, "On pain of dismissal you must not give it." That was different from the statement made by the Minister for Lands.

The MINISTER FOR LANDS said that if there had been anybody to cross-examine Mr. Amos he would have been obliged to admit, unless he told a barefaced falsehood, that he had not informed the Surveyor-General that he had already examined and prepared a report upon the route. They only supposed that he wished to do it. It was perfectly consistent with what he said there, although he might have suppressed the fact in his first communication with the Lands Department, that he had already examined the line and prepared a report, and only just wished to put the Port Douglas people in possession of it. If that state of things had been presented to him he should have said, "Give them

the report by all means." The question was simply whether he was to be allowed to give up his first instructions, and leave them lying in abeyance while he carried out work for the Port Douglas people, or not? He did not care a fig which way the line went. It was not his duty to inquire into it. He simply said that his instructions from the Lands Department must not be in abeyance while Mr. Amos carried out those of the Port Douglas people. If Mr. Amos chose to do the latter he could only do so by giving up the former. He first did the work of the Port Douglas people, and then let the Surveyor-General know, indirectly, that he had already done it, and it seemed that that was the result of the message he received.

The HON. J. M. MACROSSAN said the hon. Minister for Lands had said that he did not care a fig which way the line went. Nobody in that Committee cared how it went, provided only that the best and cheapest should be obtained. That was the only care that rested upon any member of the Committee, and it rested upon the Minister for Lands as well as any hon. member, and more so. Upon him and his colleagues rested the responsibility, and upon every member responsibility also rested. The terms used in the evidence admitted of no doubt whatever. Mr. Amos said "I wired to him"—meaning the Surveyor-General—"asking if I should report to the people of Port Douglas on the route which I had discovered." Would the hon. gentleman produce that telegram?

The MINISTER FOR LANDS: That is the second communication.

The HON. J. M. MACROSSAN asked if the hon. gentleman would produce that telegram, and lay it upon the table of the House that evening or to-morrow, to see whether Mr. Amos was telling an untruth or not? As to there being no person to cross-examine him, was there not a member of the Ministry there—the chairman—and was he not, being an attorney, capable of cross-examining Mr. Amos? He really thought the statement of the hon. gentleman had gone a little too far. He had thrown the responsibility upon his own colleague, and was not his own colleague as much surprised as he was when he saw the evidence?

The PREMIER: Of course, naturally.

The HON. J. M. MACROSSAN: Of course, and why did the Postmaster-General not cross-examine him, if his statement was as the Minister for Lands said? All he now asked was, would the hon. gentleman lay that telegram upon the table of the House?

The MINISTER FOR LANDS: Yes, of course.

The HON. J. M. MACROSSAN: Next session, I suppose.

The MINISTER FOR LANDS: To-morrow; I cannot do it now.

The PREMIER said he failed to see the occasion for all that discussion. Mr. Amos, when examined before a committee of the Legislative Council, said he had sent a telegram to the Surveyor-General. He did not give the precise words of the telegram. They were quite ambiguous, as the hon. gentleman read them.

The HON. J. M. MACROSSAN: No; they are not.

The PREMIER said the hon. gentleman might have meant that the words were inserted in the telegram, or he might have meant that he sent a telegram to know whether he might report upon the route which he had described to the committee as the one he discovered, or the one he described in that telegram as

the route he had discovered. The evidence was quite ambiguous. The fact was, Mr. Amos did not tell the Lands Department that he had made a discovery and merely wished to report upon it. He wanted to do something different. The Lands Department could only be judged by their actions upon the facts submitted to them. Mr. Amos did not submit the real facts, and the department were not to be blamed for acting upon his statements. If he had submitted the case differently a different conclusion might have been arrived at. It was impossible to say what might have been done then. The route was very carefully gone over by the officers of the Railway Department, Mr. Amos being amongst them as well.

The HON. SIR T. McILWRAITH said the hon. gentleman said that the telegram from Surveyor Amos to the Surveyor-General was not precise—

The PREMIER: I did not say that; I said the evidence was ambiguous.

The HON. SIR T. McILWRAITH said the statement of Mr. Amos was that he sent a telegram to this effect: That if he reported to the people of Port Douglas that he had discovered a route over the Port Douglas Range, would it be detrimental to his status in the department? The reply was, "If I hear of you reporting upon the matter referred to in your telegram, I will deem it my duty to at once dismiss you from the department." The reply was very precise, and it had been admitted by the Minister for Lands that it was true. If it was true and precise and confirmed what the surveyor had said—namely, that the question asked was, should he be allowed to report, etc.?—he did not think the hon. gentleman was justified in sending that reply, unless he had distinct knowledge of the terms of that telegram—that the Surveyor-General had been misled—that the surveyor was disingenuous, and had stated what was false. He did not think it was a fair thing at all that such a statement should be made without the telegram being laid upon the table of the House. They had been up to the present time with this information before them: that Mr. Amos had not been condemned by the Lands Department, and was still in the service of that department. Why should not the hon. gentleman put himself right with regard to the position he had put the department in? He said that the surveyor had acted disingenuously to the country, but still, at the same time, he seemed to enjoy the same confidence as before. If the hon. gentleman took up the position that he would dismiss any surveyor who took any work except by his authority, he had taken up a position that he had not the slightest right to take up. He said that every man wishing to take private work while having a contract with the Government must ask the Government whether he could take that work, and if he did so after the Government had refused, the hon. gentleman was at liberty to dismiss him from any Government work. That was the hon. gentleman's doctrine, and no surveyor in the country would enter into Government contracts upon those conditions. Contract surveyors took contracts with the Government, but as a rule they did a good deal of private work, and if they were restricted in the slightest respect from making use of any information or knowledge they acquired as to the general features of the country, or from being employed to the fullest extent by private people outside Government contracts altogether, the result would be that they would not take contracts. It was putting them in a false position. Surveyor Amos had a perfect right, if he did his work for the Government, to do work for other parties as well. He had acquired

certain knowledge in a legitimate way, and he had a perfect right to sell that knowledge to the Port Douglas people, and supply it to them in his own time; but he was prevented from doing so under a threat that his livelihood would be taken away from him. The Minister for Lands was not acting rightly at all with surveyors who contracted with the Government. There was no doubt that the point raised by the hon. member for Townsville had been clearly proved—that was, that the Government had come to a foregone conclusion as to where the terminus of the line was to be, and they made everything fit in with that. If they had acted properly they would have allowed Mr. Surveyor Amos to report, as he had got the survey ready, and was in a position to report. The action of the Minister for Lands had been to do discredit to the Government, and it had also done harm to the position of contract surveyors throughout the colony. He thought Mr. Surveyor Amos had been very badly used. The defence of the Minister for Lands was that he acted upon other information altogether than that given to the select committee; but he (Sir T. McIlwraith) held that the Minister for Lands, knowing that a certain charge was likely to be brought against him, and that his defence was that the information given to the select committee was not true, should have been able, before condemning an officer of his own department, to have produced the evidence upon which he relied. It was no defence for the hon. gentleman to say that he had not got the telegram in his box. He knew perfectly well that the matter was to be brought on for discussion, and he ought certainly to have been in a position to defend his action before casting a slur upon the character of a man who was just as good as himself.

The MINISTER FOR WORKS (Hon. W. Miles) said the hon. gentleman who had just sat down had not stated the facts correctly. He had led the Committee to believe that by the rejection of Mr. Amos' survey the Government had adopted a more costly line.

The HON. SIR T. McILWRAITH: I said nothing of the sort.

The MINISTER FOR WORKS: In the first place, Mr. Hannam was called upon to report as to which was the best route to carry a railway from Herberton to the coast. There were three routes proposed—from Mourilyan Harbour, Port Douglas, and Cairns—and he recommended the route to Cairns as the best of the three.

The HON. SIR T. McILWRAITH: That has nothing to do with the question before the Committee.

The MINISTER FOR WORKS: When that report was sent in a deputation from the Port Douglas people came down and represented to him that the surveyor who was sent to survey the route from Port Douglas to Herberton was young and inexperienced, and they said something more—that he was in the habit of indulging too freely. He thought they had made out a very good case for having the line re-surveyed, and promised that it should be done. He requested the Chief Engineer to send up one of his most efficient surveyors for that purpose, and that officer condemned both surveys—that from Port Douglas and that from Cairns. Ultimately the route to Cairns was reported as being the most favourable.

The HON. SIR T. McILWRAITH: What has this to do with the question before the Committee?

The MINISTER FOR WORKS: It had this to do with it: The hon. gentleman had made a statement to the Committee that the Government had selected the most expensive route—

The HON. SIR T. McILWRAITH: Not at all. I never said anything of the sort.

The MINISTER FOR WORKS: Then I have nothing more to say.

The MINISTER FOR LANDS said the hon. member for Mulgrave had put the case in a very unfair way. He had left out of consideration altogether, as the hon. member for Townsville had, that the first communication to the Surveyor-General was the only one that he (the Minister for Lands) had ever seen. That was the communication from Mr. Amos asking to be allowed to make the survey. Neither the Surveyor-General, nor anyone else at any rate in the department, knew that Mr. Amos had already done so. That was information he had since got, and it was upon the receipt of that report that he (the Minister for Lands) instructed the Surveyor-General that Mr. Amos should not do the work while he held work for the Government. Afterwards he wrote, or sent a telegram—he (the Minister for Lands) did not know which, as he had not seen it—to the Surveyor-General asking if he could give a report to the Port Douglas people. That put a very different complexion upon the matter to that which the hon. member for Mulgrave and the hon. member for Townsville had tried to put upon it, and his (the Minister for Lands') instructions were very much in the terms which had been read from the report—that was, that Mr. Amos would be dismissed from the Government Service if he presumed to do work which he had been already told he should not do. Of course everybody knew what the position of a licensed surveyor was. He was under the control and direction of the Surveyor-General, and did not come under his (the Minister for Lands') cognisance in any way, except so far as giving instructions as to what work was to be done; and he supposed that the Surveyor-General, for the sake of preserving the discipline in his department, and in order to carry out the work appointed, insisted on his instructions being adhered to. He (the Minister for Lands) had told the Surveyor-General that if the surveyor referred to did not carry out his instructions he should get somebody else to do the work—that he might get whoever he liked to do it. He thought that was a perfectly permissible position to take up—for himself, as well as the Surveyor-General.

The HON. J. M. MACROSSAN said he had no information whatever to go upon, except what appeared in the report of the committee. The hon. gentleman said that he knew of a previous communication, but he (Hon. Mr. Macrossan) knew nothing whatever of that, and if hon. members would look at the evidence taken before the committee they would see that when Mr. Amos was cross-examined before the select committee by the hon. gentleman's colleague, the Postmaster-General, at question 383, he was asked:—

"How long did you spend over this, including the preparation of plans and so on, from first to last?"

The answer was—

"Nearly three weeks."

Was that sufficient time to justify the hon. gentleman in taking up the position he had taken up—even supposing he had the right to prevent contract surveyors from doing private work? If the Government wished to give all the information in their power it was not the proper position for the hon. gentleman to take up; but if they intended to give no information except what was prepared beforehand it was a proper position for them to adopt.

Mr. LUMLEY HILL said he might be able to throw some light upon the subject, as he knew the facts as they had taken place. Of course they

should be much better able to come to a proper conclusion when they had the actual telegram before them to-morrow. He knew that Mr. Amos was on leave when he was engaged by the Port Douglas people to make the report referred to, and he, no doubt hearing some reports from some of his friends to the effect that he might get himself into trouble about the matter, telegraphed down in a somewhat disingenuous manner, asking whether he might make a report on the route; thus giving the Surveyor-General the idea that he would have to leave the work he was then doing in order to make this report for the Port Douglas people, whereas, as a matter of fact, the survey had been already made. The hon. member for Townsville had taken up a very curious position in the matter. He had been running with the hare and hunting with the hounds. At the time of the recent election he first of all moved for a select committee to inquire as to the relative merits of the two routes. He then withdrew his motion and voted for the adoption of the Cairns to Herberton line. In trying to make friends with both parties he offended both. For his (Mr. Lumley Hill's) part, he was glad the matter was settled one way or the other before he returned to the House, as he objected to use any influence or power his constituents had bestowed on him in the interests of one district to the detriment of another. He was relieved by the hon. member for Townsville of the responsibility of having to give any opinion on the matter. The question, however, was used at the time of the election like a bunch of carrots which was dangled before the noses of two districts, and, as was evident from the telegrams received in the North, the hon. member for Townsville was trying to throw dust in the eyes of the people. In that, however, he did not succeed. He did not even succeed in deceiving the Port Douglas people, whilst in the first instance he offended the people of Cairns by moving for a select committee when they thought their line was all right.

The Hon. J. M. MACROSSAN said the junior member for Cook had expressed himself as having been glad to get rid of the responsibility of fixing the route before he was returned to the House, and he also referred to a bunch of carrots being dangled between two districts; but those remarks had no bearing on the dispute at all. As to whether he (Hon. Mr. Macrossan) offended the people of Cairns or of Port Douglas, that was a matter which did not concern him in the least. He had considered that it was his duty to force the Minister for Works to refer the plans to a select committee. That was what he tried to do and succeeded in doing, and now he hoped that the Minister for Lands would place on the table next day both the first and second correspondence which passed between Mr. Amos and the Surveyor-General. Hon. members would then know if Mr. Amos had told the whole truth and nothing but the truth. The Minister would also be able in that way to set himself right. Had they his promise that he would lay the whole correspondence on the table?

The MINISTER FOR LANDS: Yes.

Question put and passed.

The COLONIAL TREASURER moved that a further sum of £3,111 15s. be voted for the Secretary for Public Works and Mines.

Question put and passed.

The COLONIAL TREASURER moved that a further sum of £19,161 13s. 11d. be granted for Railways.

Question put and passed.

The COLONIAL TREASURER moved that a further sum of £30 be granted for the Postmaster-General's Department.

The PREMIER said the item was a gratuity to the widow of John Burton, late line repairer, Laura. Burton had received six months' leave of absence on the ground of ill-health. During that period he died, and the Government thought it only proper to follow the practice adopted in similar cases, by paying to his widow the amount of balance he would have received during his leave of absence had he lived.

Question put and passed.

The COLONIAL TREASURER moved that a further sum of £275 10s. 5d. be voted for the Auditor-General as travelling expenses of inspectors. When the Auditor-General's Estimates-in-Chief were under discussion a comment was made concerning an item of £100 for travelling expenses. He could now inform the Committee that of that £100 only £45 4s. was spent, and the balance of £54 16s. was carried to the credit of the contingency vote of the office. He might also state that, in deference to a generally expressed opinion as to no report having been forwarded by the Auditor-General, he addressed a memorandum to him on the subject, and had received the following reply:—

"I should have replied to your memorandum of the 30th ultimo before, but that I was hoping to have had an opportunity of personally conferring with you upon the subject therein referred to.

"Partly on account of my recent somewhat protracted absence from Brisbane, and partly because nothing special in connection with public finance or audit has recently occurred to render it necessary, it was not my intention to present a preliminary report to Parliament during the present session, and I do not think that any such report, now hurriedly prepared by me, and which, I am informed by the Government Printer, cannot, in consequence of press of work, be printed before the rising of the House, would be of any practical value.

"(Signed) W. L. G. DREW,
"Auditor-General."

Question put and passed.

The COLONIAL SECRETARY (Hon. S. W. Griffith) moved that £132 be voted for the Electric Light of the Legislative Council and Assembly. The terms were £12 per week, and the arrangement was carried on for eleven weeks.

Question put and passed.

The COLONIAL SECRETARY moved that a further sum of £16,540 be voted for the Colonial Secretary's Department. The first item was £100 as compensation to the Bank of New South Wales for an error in a deed of grant. That error arose under circumstances which were unique, and it was not very likely to be repeated. A good many years ago a gentleman named Walter Gray, who carried on business at Ipswich, died intestate, leaving a large quantity of land; and a Mr. Gray, of Scotland, who was supposed to be his heir-at-law, dealt with the estate. Finally, this Mr. Gray sold all the real estate of the late Walter Gray to the late Mr. Macalister and was paid for it, but subsequently it was discovered that Mr. Gray was not Mr. Walter Gray's heir at all, he having died without relatives, and the property having consequently become forfeited to the Crown. In accordance with the practice in such cases the Crown issued a grant of the land to Mr. Macalister. The grant was issued in 1867 or 1868, and was duly registered, and the land was dealt with by Mr. Macalister in various ways. Some of the land was mortgaged to the Bank of New South Wales and was finally conveyed to them. That occurred about 1872. Some years after that it was discovered that a portion of the land included in the grant to Mr. Macalister had been sold by Mr. Walter Gray in his lifetime to other people, and was registered under the

Real Property Act in the names of the purchasers; so that the title of those purchasers from Mr. Walter Gray was better than the title of the Bank of New South Wales. When that was pointed out and the bank discovered it they sent in a claim for compensation, and they claimed from the Government the present value of the land. The Government, without admitting any liability, inquired what was the value of the land at the time it was conveyed by Mr. Macalister to the bank, and its value was ascertained to be about £100. The Government having issued the grant to Mr. Macalister, he thought they were in honour bound to pay that sum. The Bank of New South Wales accepted the offer, and Parliament was now asked to vote the money. The next items, for purchase of land for police stations, and allowances to acting clerks of petty sessions, would explain themselves. Addition to salary of clerk in the Colonial Stores—£30—was an item inadvertently left off the Estimates-in-Chief. The item of £150, as a contribution towards sending a combined rifle team to Wimbledon, required explanation. A request had been made that the Government would assist to that extent; but he had since seen in the newspapers that neither Victoria nor New South Wales intended to contribute. He had inquired of Mr. Service whether that report was true so far as Victoria was concerned, but had received no reply; and, under the circumstances, it was proposed to omit the amount from the Estimates. Under the head of "Miscellaneous Services" appeared a sum of £800 for the purchase of the "Beatrice," which was intended to be used as a smallpox hospital. £15,060 was put down for the purchase of the steamer "Otter." The steamer was bought under circumstances with which hon. members were familiar, but the purchase money was charged to Loan. Of course it would be manifestly improper to charge the cost of such a vessel, which was in everyday use by the Government, to Loan, and it was afterwards directed that the sum should be charged to ordinary expenditure. Before that could be done the accounts for last year had been closed, and therefore it would be charged to the current expenses of the present year, which practically amounted to the same thing. He now came to the item of £75, "Costs, Clarkson v. Mutual Life Association, incurred by Messrs. Wilson and Wilson." That case had been before the House two or three times previously, and some compensation had been granted to Mrs. Clarkson; but that did not deal with the claim of Messrs. Wilson and Wilson. The claim of those gentlemen arose under these circumstances: Mr. Clarkson brought his case under the notice of the then Colonial Secretary in 1878, and received the following reply:—

"Colonial Secretary's Office,
Brisbane, 29th November, 1878.

"SIR,

"I have the honour, by direction, to acknowledge the receipt of your letter of the 12th instant, in which you take exception to the action of the Registrar-General regarding the delivery of certain certificates of title to Messrs. Little and Browne, solicitors, acting for and in behalf of the Mutual Life Association of Australia, and since detained by them, as security of a mortgage held by the above association over the properties referred to; and in reply to intimate to you that should it transpire, in the event of your bringing an action for the recovery of the deeds in question, that the documents should have been delivered to you by the Registrar-General, then the Government will be prepared to consider your claim for any expenses you may have been properly put to in testing your position in the manner suggested.

"I have the honour to be, Sir,
Your most obedient servant,
FRED. RAWLINS,
Under Colonial Secretary.

"H. M. Clarkson, Esq.,
139 Queen street, Brisbane."

That letter was sent to Messrs. Wilson and Wilson, solicitors for Mr. Clarkson, and on the faith of that proceedings were commenced, when it was discovered that the non-delivery of the deeds to Mr. Clarkson was wrong, but that he could not recover substantial damages, and Messrs. Wilson and Wilson declined to go on with the action. Messrs. Wilson and Wilson sent in their claim for the actual costs incurred in the suit, which amounted to a larger sum than £75—£102, he believed, was the amount of the bill sent in. He went through the account, and struck out all items that were antecedent to the promise given by Mr. Douglas, leaving only items which were distinctly and absolutely attributable to Mr. Douglas' action. The balance of £75 he considered the Government were in honour bound to pay. He now moved that a sum not exceeding £16,390 be granted for the Colonial Secretary's Department.

The HON. SIR T. McILWRAITH said he accepted the explanation of the hon. gentleman with regard to the £15,060 paid for the "Otter," but the explanation with regard to the £75 paid to the lawyers in the case of Mr. Clarkson was not of the same satisfactory character. The latter was one of those jobs for which he had found it necessary to blame the present Ministry before. The hon. gentleman misrepresented the case, because it was decided over and over again that Mr. Clarkson had no claim whatever on the Government. After a considerable time, however, it was decided that some compensation should be granted in consideration of the miserable condition in which Clarkson was placed through a mistake made by some Government officials. The great bar for many years to compensation being granted was that the House, though in favour of the equity of the case, always opposed the grant because it was a claim brought forward by the lawyers to pay themselves. Last year everyone again admitted the equity of the case, and, out of sympathy for the Clarkson family, they agreed to vote a sum of money, not to Clarkson but to Mrs. Clarkson. The money was voted in that way because if it had been granted to Mr. Clarkson it would have gone to those harpies the lawyers, and that was just what hon. members were determined to prevent. But what had the Government done? Paid the lawyers on their own account, simply on the ground that some promise was made seven years ago by Mr. John Douglas. That promise was considered every time the question was brought up, but in spite of that, and notwithstanding the fact that they believed in the equity of the case, they always deliberately refused to grant the money, because it would have gone to the lawyers. The Government, however, took that promise as a legal right on behalf of the lawyers, and now asked the Committee to vote a sum to Messrs. Wilson, one of whom was a member of the Upper House at the present time. The thing was not at all creditable to the Government. The Attorney-General, when a private member, admitted that the money was to go to the lawyers, and on that occasion the motion was laughed out of the House. The lawyers took up the case with the ordinary risks attaching to business, and there was no reason whatever why the Government should pay the money. If there was no amendment to be proposed in the earlier part he would move the omission of the £75. He moved the omission of the item.

The PREMIER said he did not know that lawyers were disentitled to have their debts paid any more than other people; nor did he see why they should be called harpies because

they incurred expense on behalf of their clients. The greater part of the expense consisted of money paid out of Messrs. Wilson's own pockets.

THE HON. SIR T. MCILWRAITH: What does that matter to us?

THE PREMIER said it did not matter unless they took into consideration the fact that the money was paid on the faith of a promise made by Mr. Douglas. It was simply a question whether they were bound to honour that promise. It might have been foolish or it might have been wise; but if a promise binding on the Government was made it ought to be kept. He would read the promise to hon. members:—

"Should it transpire, in the event of your bringing an action for the recovery of the deeds in question, that the documents should have been delivered to you by the Registrar-General, then the Government will be prepared to consider your claim for any expenses you may have been properly put to in testing your position in the manner suggested."

If hon. members thought they were not bound to honour that promise there was an end of the matter; but if they thought they were bound to do so the money should be voted.

MR. NORTON said it was not quite fair to put that sum of £75 on the Estimates, because the House distinctly refused to have anything to do with a grant which would enable the lawyers to recover their claim. He remembered the circumstances of the case distinctly. He thought it was unfair to bring the matter on again in the form in which it was presented on those Estimates, as it had been discussed on a previous occasion by the Committee. If the Committee were to be asked to vote that sum it was only reasonable that the case should be referred to a select committee, as was done with Mr. Clarkson's claim; and hon. members would then have their memories refreshed in regard to the whole circumstances.

THE HON. SIR T. MCILWRAITH said the Premier misled the Committee when he tried to make them understand that the Colonial Secretary had written to Messrs. Wilson and Wilson.

THE PREMIER: To Mr. Clarkson.

THE HON. SIR T. MCILWRAITH said that was a very different thing.

THE PREMIER: That is what I said.

THE HON. SIR T. MCILWRAITH said he understood the hon. gentleman to state that it was written to Messrs. Wilson and Wilson. Then in what way were they to fulfil to Messrs. Wilson and Wilson a promise made to Mr. Clarkson? The Committee had several times considered Mr. Clarkson's case, and finally got rid of it last year by deciding to vote a certain sum of money; but they went even further, and took such steps as would prevent any portion of that money going to the lawyers. How then, in the name of all that was sensible, could the Committee be asked to pay Messrs. Wilson and Wilson's bill? The Government had no right to ask hon. members to sanction such a claim as that.

THE PREMIER said he would read a letter, dated the 1st October, 1884, received by him from Messrs. Wilson and Wilson, which gave rise to that amount being put on the Estimates. After calling attention to the preceding letter, from the Under Secretary, dated 29th November, 1878, Mr. Wilson went on to say that—

"After this letter our senior called on Mr. Douglas and explained to him the exact state of the case, when Mr. Douglas said that we had better proceed, and if the Real Property Office were to blame he would pay the costs. A change of Ministry took place after Mr. Justice Lilley's decision, and our senior called on the new Colonial Secretary, Mr. Palmer, who declined to give any further guarantee, and as we did not think proper to carry on the case as a speculation we declined to proceed further."

The matter went as far as this: that Mr. Justice Lilley decided that the Real Property Office was wrong, but that Clarkson was not entitled to any substantial damages by reason of that wrong. He (the Premier) had not the slightest doubt that Mr. Douglas did make that promise, and, that being so, he felt bound to submit the matter to the Committee.

MR. BEATTIE said there was a letter sent to the Colonial Secretary last year during the time Clarkson's case was before the Committee.

THE PREMIER: Just after the amount was voted.

MR. BEATTIE said he supposed they saw there was a probability of getting something. But he wished to refresh his memory on a point on which he thought the Attorney-General could give some information. When Mr. Clarkson's claim was first brought forward by the present Attorney-General, who was at that time a private member, he (Mr. Beattie) understood that the law expenses were a great deal more than £75.

THE PREMIER: So they were—a very great deal more.

MR. BEATTIE said that at that time the legal expenses amounted to a large sum, and a great portion of that was paid by Mr. Clarkson himself. The balance remaining was that £75 on the Estimates.

THE PREMIER: Oh, no!

MR. BEATTIE said that was the information he understood the Attorney-General to give when he brought the matter before the House, and that was the impression he (Mr. Beattie) had when he brought the case forward and the sum of £300 was so kindly voted by the House.

THE ATTORNEY-GENERAL (Hon. A. Rutledge) said the evidence before the Committee was that Mr. Clarkson's then obligation to Messrs. Wilson and Wilson was about £300, and the Committee recommended that the amount Mr. Clarkson was indebted for his legal expenses should be paid; but Messrs. Wilson and Wilson had no desire to take the whole amount of £300, although that was recommended by the Committee, and they stated that they were willing, under the circumstances, to accept half the amount—namely, £150. Had the £300 been voted, as recommended by the Committee, instead of going to the purpose for which it was proposed, part of it would have gone into Mr. Clarkson's own pocket.

THE HON. SIR T. MCILWRAITH said that the amount put down for the vote under discussion was the tail-end of the lawyer's bill. In the evidence before the select committee Mr. Clarkson was asked:—

"What expenses were you put to in testing this action at law as far as you went? In costs?"

"Yes; what is the total legal expenses you have been put to in testing your claim, as suggested by the Colonial Secretary? £300, as near as I can tell."

"By Mr. Macfarlane: What was the immediate effect of the refusal to give you the £130? My complete ruin."

"In what way? I could not pay the interest, and the mortgagees foreclosed."

The fact of the matter was, as appeared from the evidence, that Mr. Clarkson had paid the last sixpence he had in the world to the lawyers.

THE PREMIER: He paid nothing.

THE HON. SIR T. MCILWRAITH said Mr. Clarkson paid every sixpence he had to the lawyers, and now the lawyers came and wanted the Committee to pay the rest of their bill. That was a matter with which the Government had nothing to do; the terms of the promise made by Mr. Douglas had not been complied with. The solicitors went on with the case to a

certain extent, and then stopped. Mr. Douglas was in the House himself when that matter was before hon. members, and he told them distinctly that he did not consider he was called upon to fulfil his promise because the terms of it had not been complied with; and that was the reason why he himself refused the application of Mr. Clarkson. Mr. Douglas was surely a very fair exponent of the meaning of his own letters, or of his under secretary's, but it was not necessary to discuss that point; they only required to read the letter, which had been before the House every time that Mr. Clarkson's case had been brought forward for consideration. It had been fairly discussed, but he (Sir T. McIlwraith) had never heard anyone put the construction upon it which was given to it by the Premier. He was quite sure that no one ever dreamt, when the money was voted for Mr. Clarkson from pure sympathy, that any of it should go to the lawyers. Why it should come upon the Estimates now as an amount which should by right be paid by the Government, he could not understand. There might have been some reason previously for putting down a sum for compensation to Mr. Clarkson, but there was none whatever for a sum of money to Mr. Clarkson's lawyers. Since 1878 the Government had always declined to put anything on the Estimates, because they did not consider that Mr. Clarkson was entitled to anything. That was the conclusion come to by the Premier before he went out of office in 1879, and that was also the conclusion come to by the late Government. How then, in the name of common sense, could Mr. Clarkson's lawyers have any claim upon the Government?

The PREMIER said the hon. member was all wrong. Mr. Douglas had just made the promise when his Government went out of office. That Government never had an opportunity of considering the matter again, and it was not until Mr. Wilson went to Sir Arthur Palmer, who was then Colonial Secretary, and he refused to give a further guarantee for the payment of costs, that the thing came to an end. In 1879, when the case was before the House, Mr. Douglas did not speak on the subject. So that the hon. member was wrong in all he had said.

The HON. SIR T. McILWRAITH : I did not say 1879. Mr. Douglas had an opportunity of speaking on Clarkson's case when the report came up from the committee.

The PREMIER said that was in 1879, and Mr. Douglas did not speak or express an opinion about the subject at all. He had pointed out that in the letter from Mr. Wilson, dated 1st October of last year, attention was called to the promise made by Mr. Douglas. He believed that statement was true, and that the Colonial Secretary at that time promised to pay the costs; consequently he felt bound to submit the question, as to whether they should ratify that promise, to the Committee.

The HON. SIR T. McILWRAITH said the hon. gentleman seemed to forget that the question had already been submitted to the Committee and to the House and decided on the case of Clarkson himself and not of Clarkson's lawyer. The case had come up two or three times and it was always decided that Clarkson himself had no case. Last year they were in a rather sympathetic mood, and they decided to settle the whole case by giving Clarkson's wife so much, the reason being in order that the lawyers should not get at it. The Committee decided not only that Clarkson had no case, but that his lawyers should not get anything.

Mr. ALAND said, that as he understood the case, the Premier would never have put that sum

of money on the Estimates had not the Committee voted the £300 they did vote last session. As the leader of the Opposition had stated, the Committee last year voted that sum, not as a matter of right, but out of pure sympathy and feeling for Clarkson's position. The Committee did not recognise Clarkson's claim in any other light than as a claim on their sympathy. They did not extend their sympathy to Clarkson's lawyer.

The HON. SIR T. McILWRAITH : No; quite the other way.

Mr. ALAND said he was disposed to vote against the item. It appeared to him that the Premier had a very ingenious way of finding out what moneys ought to be paid, and an equally ingenious way of finding out what moneys ought not to be paid; and in the present case the hon. gentleman had found out a sum which ought not to be paid.

The PREMIER said the Government had only done their duty in asking the Committee to ratify a promise made by a previous Government. That was the question, and it was not a question of feeling or sympathy at all. Mr. Wilson had waited on Mr. Douglas, and that gentleman had told him he had better proceed, and if the Real Property Office was wrong he would pay the costs. The question was not one of sympathy, but whether they would ratify that promise.

The ATTORNEY-GENERAL said it should be remembered also that Mr. Clarkson's claim on the sympathy of the House was founded on the action taken by Messrs. Wilson and Wilson, and had they not gone so far as they did with his case he would not have proved his right in the matter.

The HON. SIR T. McILWRAITH : The Committee last year did perfectly right in dealing with Clarkson's case. They refused to recognise any claims on the part of the lawyers, and declined to give Mr. Clarkson the money for fear the lawyers might get at it.

The PREMIER : That was a mean, despicable thing.

The HON. SIR T. McILWRAITH said it might be "a mean, despicable thing," but it was a thing done by that Committee, and the Premier now sought to upset the decision. That claim of Clarkson's lawyer should never have come before the Committee.

Mr. SALKELD said he understood that the promise made by Mr. Douglas, and to which the Premier referred, was made some years ago.

The PREMIER : In 1878.

Mr. SALKELD said the Government had now been two years in office, and he was surprised they had not brought the claim up before. He was inclined to think the reason they did not do so, was that they did not think the claim good.

The PREMIER : No application was made before.

Mr. SALKELD said that last session the House voted £300 to Mr. Clarkson's wife, and the leader of the Opposition was quite right in saying that the money was not voted as a legal right of Mr. Clarkson's or of his wife, and the motion granting the money was specially worded so that it could not be given to the lawyers. He hoped the Premier would withdraw the amount from the Estimates. He could not see why, if they were called upon to pay the expenses of one of the lawyers, they should not be asked to pay the lot.

Mr. KATES said it appeared from what the Premier had stated that Mr. Douglas made a promise to pay the lawyers' costs on certain terms, but those terms had not been complied with.

The PREMIER: Yes; they have, to a certain extent.

Mr. KATES said they understood, in passing that £300 last year, that Mr. Clarkson was to have no more claim upon the House; and he was surprised to see the item for £75 on the Supplementary Estimates. If Mr. Douglas promised to pay the costs they were bound to carry out the promise; but if he promised to do so on certain conditions, and those conditions had not been fulfilled, they could not be asked to carry out the promise.

The PREMIER said that the promise was made there could be no doubt, and the conditions were carried out to this extent: Mr. Wilson did not proceed to bring the action to trial because he would have incurred unnecessary expense. Certain expenses were incurred and then it was decided by the court that the Real Property Office were wrong. That was the decision come to, and Mr. Wilson took no further action.

Mr. McMASTER asked whether the promise was made to Mr. Clarkson or to Mr. Wilson?

The PREMIER: To Mr. Wilson, personally.

Mr. McMASTER said that if the promise had been made to Mr. Clarkson the item should have been put down for Mr. Clarkson.

The Hon. Sir T. McILWRAITH said there was no promise made in the matter. No Premier in the colony had a right to make a promise virtually to the lawyers of a client who was actually suing the Government that under certain conditions he would pay the expenses. That promise had never been taken into consideration by the Committee at all; and why should it? The fact of the matter was that the Hon. John Douglas' promise was clear and distinct: "You seem to have a good case. If you go and prove your case in a court of law, then the Government will pay the expenses." What he meant by that was that he sympathised to a certain extent with the position of Mr. Clarkson, and that the Government would take no legal advantage of him.

The PREMIER: The Government were not the defendants in the case.

The Hon. Sir T. McILWRAITH: What did that matter? The hon. member tried to bring in a quibble of that sort. Mr. Douglas sympathised with that man and explained that if he brought that action the Government would stand the expenses if he succeeded; but, so far from succeeding, he spent a certain amount of money and then stopped short. The real promise made by Mr. Douglas was contained in his letter, and anyone reading it would see that the conditions on which the promise was made had not been carried out. The matter had been half-a-dozen times before the House, and it was decided, over and over again, that Mr. Clarkson had no case. Then their sympathies were excited, and they granted a certain amount of money to Mr. Clarkson's wife in order that the lawyers should not touch it. If Mr. Clarkson had no case, how could there be a case for Mr. Clarkson's lawyers?

Mr. MACFARLANE said it appeared to him that if the £300 had not been granted last year that claim would not have been made this year. He was sure that if the House had been informed last year that if they granted the £300 to Mrs. Clarkson there would be £75 asked for on behalf of the lawyers, the £300 would not have been granted.

The Hon. J. M. MACROSSAN said the money was granted to Mrs. Clarkson, instead of her husband, to prevent the lawyers getting it,

and now an attempt was made to give £75 to the lawyers after the House had distinctly decided last year not to do it.

Mr. GOVETT said he hoped the Committee would advise Wilson and Wilson to write the amount off as a bad debt, and he also hoped Wilson and Wilson would make a handsome contribution to the subscription got up for Mrs. Pring.

Question—That the item be omitted—put and passed.

Question—That £16,315 be granted—put and passed.

The MINISTER FOR PUBLIC INSTRUCTION (Hon. B. B. Moreton) moved that a further sum of £2,925 be granted for the Department of Public Instruction. There was an item of £1,500 for the purchase of a site for the central school at Rockhampton. It barely came under the term of a purchase; it was a triangular exchange between the corporation, the Government, and the pastoral society. The Government got a section in the town of 5 acres 1 rood, they gave to the corporation for a recreation ground about 2 acres, and they gave the pastoral society £1,500 for improvements on the ground. The society also got another grant from the corporation. £175 was set down for the purchase of land for school, Cooktown, to increase reserve. The present site was not large enough, and that would make the area a little more than three acres. There was an item of £1,200 for the Stanwell Orphanage, Rockhampton. Hon. members would remember that papers were laid on the table showing the necessity for taking the orphans from the orphanage at Mackay. The Roman Catholic bishop, Dr. Cuni, at Rockhampton, erected buildings at Stanwell, near Rockhampton, and the money was put down to pay for inmates sent to that orphanage instead of to the orphanage at Mackay. Although the two items were on the Estimates the money granted for the Mackay establishment would not be used. The item of £50 for the Assistant Curator of the Museum was not an addition to salary. It had been put on the Supplementary Estimates for 1883-4, and this year should have been on the Estimates-in-Chief, but had been omitted in error.

Mr. PALMER said that, taking into consideration that vote of nearly £3,000, there was an increase of £65,000 in the Education vote during the last two years. Referring to the purchase of land for the Cooktown school, he thought the department should provide in time for those State reserves for schools. A return was laid on the table the other day giving information he had asked for with regard to the floor-space in the schools. The question he wished to settle was, whether, if the compulsory clauses of the Education Act were put in operation, they would be forcing parents to send their children to schools in which the proper health conditions were not carried out. A commission which sat in America showed conclusively that less than twenty-five square feet of flooring space per child was inadequate for the health of the children. Going through the return, he saw that in the Brisbane central girls' school the floor-space, even including the verandahs, was about 11 feet 2 inches for each scholar; in the Brisbane central boys' school, only 14 feet 6 inches; and in the Townsville girls' and infants' school, 11 square feet, including verandahs. The inspectors showed in their reports that there were very strong objections to use verandahs as additional floor-space. If they were going to compel people to send their children to school, as was quite within the bounds of probability, could the children's

attendance be legally enforced, when there was insufficient accommodation provided for them according to what were well-known rules of health? It was a question whether it would not be just as well to let the race grow up undeducated as to have a race unhealthy and stunted; and in a climate like that of Queensland special consideration ought to be given to the laws which governed the health of children in schools. He would commend the subject to the attention of the Minister for Education during the recess.

The MINISTER FOR PUBLIC INSTRUCTION said it was well known that in some of the older settled towns no provision had been made for school reserves. That was the case at Burke, where an application had come in for the erection of a school, and where the department was now looking for a site. The present practice was to include school reserves in all new townships. With regard to the area of schools in proportion to the number of children, in England it was only eight feet. The hon. member had said that in America it was twenty-five feet, but he (Hon. Mr. Moreton) had never, in his reading, come across any statement to that effect. There was no doubt that the schools in the city of Brisbane were too crowded, and the question was engaging the attention of the department. At Townsville a new school was being built at West End which would decrease the attendance at other schools. The Petrierterrace school, in Brisbane, was also greatly overcrowded, and a site for a new school would probably be found on the reclaimed Milton Swamp. Taking all the schools of the colony the average would be found to be more than ten feet for each child. Only in a few central schools in towns was the space less than ten feet. The question of overcrowding was engaging the attention of the department, and every effort would be made to minimise it as much as possible.

Mr. NORTON said he thought the Committee were entitled to a little further information with reference to the item of £1,500 for the boys' school at Rockhampton.

The MINISTER FOR PUBLIC INSTRUCTION said the question of the exchange was first brought to his attention by the hon. member for Blackall, and was warmly urged by that hon. member and the two hon. members for Rockhampton. The site was a very valuable one; indeed the value put upon it by the hon. member for Blackall was very high indeed. The school was for boys only, and was quite apart from the other schools.

Mr. NORTON asked whether the Government had no land of their own suitable to erect a school upon? They certainly ought to have, especially in a place like Rockhampton, where, consequent upon the constant increase in the population, a constantly increasing demand for school accommodation might naturally be expected.

The PREMIER said the matter first arose when the hon. member for Blackall was Minister for Education, and was almost completed when he (the Premier) left that office. The Government had an excellent site at Rockhampton for a school. It was land of great value, but it was not large enough for the purpose; and the money for building the school had been subscribed long ago. Various sites were suggested instead of it, and the site referred to by his hon. colleague was decidedly the best that could be obtained for the purpose. The corporation was anxious to get the school reserve for a public square, and the Government would have been willing to exchange it for the five-acre block in question, if it had belonged to the corporation. But it did not; it belonged to the agricultural association. But

the corporation had another block of ten acres which they were willing to give up to the agricultural association, and which was more suitable to the latter body, and in consequence the three-cornered exchange took place. The Government had the school reserve which the corporation wanted for a public square; the agricultural association had five acres which the Government considered were more suitable for a school site; and the corporation had ten acres which was more suitable for the agricultural association purposes. In the result the corporation would get a good site for a public square, the Government would get a better site than they had for a school, and the agricultural association would get a far more suitable show-ground. The £1,500 was the value of improvements on the agricultural society's five-acre block. It was one of the conditions of the exchange that that sum—it was in the first instance proposed at £2,000—should be paid for the expense of removing and reconstructing those improvements. That amount was a very reasonable one, and the matter, which had taken some time to carry out, had been finally arranged since he left that office. The exchange would be satisfactory to all parties; the association would get a better show-ground, the Government a better school site, and the corporation a very valuable public square.

Mr. BAILEY said he was not sure the arrangement would be satisfactory to all parties. He had on more than one occasion called the attention of the Committee to the contrast between the treatment of country schools and town schools, and the present was another instance of the same course of conduct being carried out by the Government. Country people were comparatively poor compared with people in towns; yet they had to find their own school sites and put up their own schools. They got no assistance from the Government, and they were given inferior teachers on starvation wages. Besides that, they had to contribute their share towards the £1,500 for the site in question at Rockhampton, and also towards the erection of a school upon it. It was time some better treatment was accorded to country schools. It was amongst the poorer classes of the community where education was more needed. They were not so wealthy as the townspeople.

The HON. SIR T. MCILWRAITH: Why are they poorer classes in the country?

Mr. BAILEY said they were not generally so wealthy as the townspeople, unless in a rich squatting district. Where a man could contribute £1 in the country, he could contribute £3 in towns. Merchants and storekeepers and people generally in towns made large incomes. He did not see many such large incomes in the country districts. Yet where the wealthy classes were, the country was called upon to pay for the schools, and even to buy the sites upon which they were erected; whilst in the country districts they had to find their own schools, and generally got a lower class of education, and the teachers were sometimes shamefully inefficient.

The MINISTER FOR PUBLIC INSTRUCTION said the hon. gentleman made a mistake. They did not find the money for purchasing sites. The Government helped them in that as well as in building the schools. He presumed that the hon. gentleman was referring to provisional schools, which came under a different system in the Act. In the present case, the people had to find everything but the salaries of the teachers. As soon as they had sufficient scholars, they could apply to have the school made a State school, and the cost of the building was guaranteed to them.

The HON. SIR T. McILWRAITH said he hoped the Committee would hear more of the matter. There seemed to be a three-cornered bargain by which one party exchanged with another, and the second with a third. The only information they had had about that £1,500 was that it was for improvements.

The MINISTER FOR PUBLIC INSTRUCTION said it was not altogether for improvements.

The HON. SIR T. McILWRAITH said the estimate said it was for a site. Would the hon. gentleman state what he really wanted the £1,500 for? He questioned very much whether he knew himself.

The MINISTER FOR PUBLIC INSTRUCTION said it was paid to the pastoral society for removing to their new site, and their improvements.

The HON. SIR T. McILWRAITH: What improvements?

The MINISTER FOR PUBLIC INSTRUCTION said the improvements upon the show-ground. The hon. member for Blackall had given a great deal of consideration to the subject.

The HON. SIR T. McILWRAITH said he understood that the Government were paying £1,500 for the purchase of a site for a school; but it seemed that that was not the case at all. It seemed that a three-cornered arrangement was made by which the present piece of land was exchanged for another, for which £300 per acre was paid, including certain cattle-pens and sheds, which had no connection with a school at all. Why not put down the transaction exactly? The estimate did not explain it at all. It was simply for the purchase of certain improvements upon the new site.

The PREMIER: I think I can—

The HON. SIR T. McILWRAITH: Let the Minister for the department explain it; surely somebody has brains besides yourself?

The PREMIER: I will explain it if the hon. gentleman will be civil.

The HON. SIR T. McILWRAITH: I asked a question of the Minister for Public Instruction, and it is ordinary civility on the part of a Minister to reply to a question; and it is always a piece of incivility and assumption on the part of any other Minister to answer for him.

The PREMIER said he thanked the hon. gentleman for his lecture on civility. He had asked a question arising out of something he (the Premier) had said just now. The hon. gentleman had taken up a technical point. It was not, strictly speaking, the purchase of land; it was something paid to the owners of land, without which they would not give it up; but it amounted to the same thing.

The HON. SIR T. McILWRAITH said what he complained of was that the item as it stood did not express the transaction in any shape or form. He had not the slightest notion of what the transaction was by reading the item, "Purchase of a site for boys' school, Rockhampton." All he could understand from that was that they had bought land and paid £1,500 for it. But it seemed it was a different transaction entirely from that.

Mr. BEATTIE said he wished to know the value of the land that the corporation were giving up, and of that which the Government were giving up? They were giving £1,500 and a piece of land that was held now by the Education Department in the town of Rockhampton. That would make the five acres very expensive. They should give £300 per acre less the value of the piece of land given up by the Education Department.

The MINISTER FOR PUBLIC INSTRUCTION: As I have before stated, we get five acres and we give up not quite two.

The HON. SIR T. McILWRAITH: Where is the third portion?

The MINISTER FOR PUBLIC INSTRUCTION said he did not know where it was; it was somewhere up the river. He did not know how much the society received from the corporation; that was a transaction between them and the corporation. The society would not have given up their land if they could not have obtained a suitable piece somewhere else. The land given up by the Government to the corporation was only for the purposes of recreation; they could not do anything with it. The hon. members for Rockhampton were not present, or they might be able to give an idea of the value of the property better than he could. He believed that the value of the land the Government obtained was very much beyond what they were paying for it.

Mr. NORTON said there was one matter that he did not understand in connection with the item. Was the money to be paid to the pastoral society to enable them to remove the improvements from the ground, or were the Government to claim the improvements after paying the money?

The MINISTER FOR PUBLIC INSTRUCTION said the society could take their improvements away. They were of no value to the Education Department.

The HON. SIR T. McILWRAITH: What is the £1,500 for?

The MINISTER FOR PUBLIC INSTRUCTION: For shifting, and the general "good-will."

The HON. SIR T. McILWRAITH said if he understood the position aright the Government had given the municipality two acres of land in the town of Rockhampton—a portion of a school reserve. He was speaking from the facts he had gleaned since he came into the Committee. It was given on the condition that it was used as a public reserve and for no private uses whatever, such as building sheds upon or receiving rent from. Then the municipality gave up five acres upon which some society—

The PREMIER: No.

The HON. SIR T. McILWRAITH: It is clear that I do not understand it.

The PREMIER said he would endeavour to explain clear the matter again. The school reserve, two acres, which of course belonged to the Government, was not suitable for school purposes, but would make an excellent public square. The pastoral society had a block of five acres, bounded by four streets, admirably adapted for school purposes, and worth a great deal more than the school reserve. The corporation had a reserve of ten or twenty acres for recreation in another part of the town, which was not of much value to them for that purpose, and was suitable for the pastoral society. Therefore they had three things suitable for three purposes at the present time, and none of them put to the best purpose. The school reserve was suited for a public square, the pastoral society's ground was suited for a school reserve, and the recreation ground was suited for the purposes of the pastoral society; and it was proposed that an exchange should be made so as to put each to its proper purpose. But as the land the pastoral society were getting was worth less than they were giving, they asked £1,500, which they intended to use in fitting up their new grounds. As a matter of fact the Government had made a very good bargain, because in his opinion the five acres was worth a great deal more than the two acres and £1,500.

Mr. NORTON said his only object was to get at the absolute facts. Were they to understand that the pastoral society were to be allowed to remove their improvements from their old ground to the new one?

The PREMIER: Yes.

Mr. HIGSON said he could furnish hon. members with a little more information on the matter. He knew the school reserve, and could say that the five acres given for it was as valuable a piece of land as there was in the town. It had streets all round, and if put up for sale, even in the present dull times, he believed it would bring £8,000 or £10,000. The land that was to be given in exchange was on Lion Creek road, and was worth about £50 or £60 an acre. It was so situated that it would not interfere with the people at all as a show ground. The exchange was one that everyone in Rockhampton approved of, and he was sure that no one could object to it if they knew the situation of the different blocks. He thought that the Government had got a very good bargain — as for £1,500 they had got land worth something like £5,000 over and above the value of exchanged land. He might mention that the society held out hard and fast for £2,000 for their land, and sooner than let it go he thought that the Government would have been fully justified in giving that amount for it, as it was admirably adapted for school purposes.

The HON. SIR T. McILWRAITH said he must congratulate the Government upon having made such a good bargain and the people of Rockhampton upon having made such a good arrangement. It appeared that everybody was satisfied. The hon. member for Rockhampton had told them that the people there were delighted because they thought they had got the best of the Government. He would like some information as to the next item, "Purchase of land for schools, Cooktown, to increase reserves, £175." Was there anything three-cornered about that? Was it a fair and square bargain to the country, or was it a case where the owner wanted to dispose of land to the Government that he had no use for?

The MINISTER FOR PUBLIC INSTRUCTION said it was a perfectly square arrangement. It was the purchase of an allotment adjoining the school reserve at Cooktown, which was only two acres in extent. The additional area would make it nearly three acres.

Mr. BLACK said he would like some information respecting the item of £1,200 for the orphanage at Stanwell, Rockhampton. Did the Government consider it necessary to have another licensed orphanage at Rockhampton? In the Estimates-in-Chief they had passed £1,500 for the orphanage at Rockhampton and £1,200 for the one at Mackay. He would like the Minister for Public Instruction to give some explanation of the vote.

The MINISTER FOR PUBLIC INSTRUCTION said it was agreed just before he took office that St. Joseph's Orphanage at Mackay should be removed to the new building erected at Rockhampton by the Bishop, Dr. Cani. When the sum was put on the Estimates-in-Chief it was for St. Joseph's Orphanage at Mackay, but in consequence of the transfer of the license it had been found necessary to put the item referred to on the Supplementary Estimates. When the children were removed from St. Joseph's Orphanage, which would be shortly, as the Bishop had applied for the transfer, the other would not be used.

Mr. BLACK said the hon. gentleman stated that when he went into office it had been arranged to remove St. Joseph's Orphanage

from Mackay. He (Mr. Black) was not aware of any such information having been given to the people of Mackay. The orphanage there was a licensed institution; the license had not been suspended, and could not be without due notice. He did not object to an orphanage being established at Stanwell. No doubt it would be a well-conducted institution; but he could not see the connection between the two orphanages. In the correspondence laid upon the table of the House some time ago it was intimated to the people of Mackay, who took an interest in the orphanage there, that in the event of their removing it to a more healthy site than it then occupied the license would be continued. They had accordingly taken steps to remove the building to a site to be approved by the officers of the Government, and he was now somewhat surprised to hear that the promise then made by the Government would not be carried out. He should like to know whether that promise would be kept?

The MINISTER FOR PUBLIC INSTRUCTION said that, in reply to the hon. member for Mackay, he could state that the promise of the Government would be carried out.

Mr. PALMER said that there was one matter to which he wished to call the attention of the Minister, and that was in connection with reserves for school purposes in the North. A schoolmaster had showed him the necessity of those reserves having some considerable expenditure laid out on them, so as to plant trees around them. A double row of trees around some of those reserves would be a very great improvement. He believed they now had five acres in the centre of Rockhampton as a reserve for school purposes, and it would be a very great advantage to have that reserve laid out by planting some forest trees round it. It looked a small matter, and he fancied the schoolmasters themselves might carry it out; but he supposed, being removed so often and having little encouragement given, they did not do so. His suggestion was one which the Minister might very well adopt, for it would add not only to the health of the scholars, but also to the appearance of the schools, which at present were uncommonly bleak-looking. The Minister for Lands would, doubtless, also appreciate that form of forest conservation.

The MINISTER FOR PUBLIC INSTRUCTION said that when school committees took action in that direction the department always assisted them. Help had been given in several cases.

Question put and passed.

The COLONIAL TREASURER moved that a further sum of £3,221 be granted for the Department of the Colonial Treasurer. The sum, he said, comprised three large items. The first was £5,000 for the drainage of Milton Swamp, and a foot-note showed that the money would be recouped by the sale of land at the swamp. Hon. members might be aware that just outside the city boundary in the direction of Milton, there was a large quantity of unoccupied land. Part of it had been dedicated to cemetery purposes, and the rest remained in the hands of the Government. That land was continually flooded. A large amount of surface water flowed down upon it and lay between the old cemetery and the river bank. At the present time the swamp, on account of its being a receptacle for all the drainage of the neighbourhood, was not only very unsightly but also very unwholesome to those living in the vicinity. It was therefore proposed that the drainage should find an outlet into the river under what was at

present the viaduct of the railway line. The railway was to be carried on an embankment instead of a viaduct, and the embankment would be pierced by a barrel drain, which would allow the water to escape from the swamp into the river. A large quantity of the land thereby reclaimed would be for public uses. It was intended that a portion of it should be dedicated for the purpose of a public reserve. The higher portions of the land, being well adapted for building purposes, would be sold. A certain portion would also be reserved for school purposes. It was expected that the proceeds from the portion to be sold would very considerably exceed the cost of the drainage. The total area of Government land there was between thirty and forty acres, and it was intended that not more than fifteen acres or thereabouts should be sold. The improvements would not only abate a nuisance but would yield a handsome return to the State. The second item was £121, salary of sub-collector at Bowen to 4th November; or rather, that officer had retired and was allowed a sum equivalent to three months' leave of absence on full pay. Then there was an item of £1,000 for salaries and expenses in connection with the Beer Duty Act. Hon. members were aware that no provision was made in the Estimates-in-Chief for the salaries and expenses in connection with that excise duty, which came into operation on the 1st October last. He was informed that the excise being collected under that heading represented something like £36,000 per annum. He had, however, hardly yet had time to test that branch of excise to its full extent. The next item was £1,500 for balance of purchase money and fittings of the steamer "Advance." He would remind hon. members that the "Advance" was purchased to replace the pilot steamer "Musgrave," which was wrecked on the coast of Ceylon on her voyage to this colony. The vote for the "Musgrave" was £9,000, but she cost a good deal more than that; and the amount recovered from insurance was £4,157. Another item of £500 was required for the towing of the lightship to Norman bar. Finally, there was an item of £100 for the salary of the Adjuster of Compasses.

The Hon. Sir T. McILWRAITH asked if any of the Milton Swamp land proposed to be sold was included in the Brisbane Drainage Act of 1875?

The COLONIAL TREASURER: No.

The Hon. Sir T. McILWRAITH said he looked on the vote for the drainage of the Milton Swamp as one of the most remarkable ever submitted. The Local Government Act was founded on the principle that each locality should provide for its own wants, a certain subsidy being given by the general Government. Now, the drainage of the Milton Swamp was peculiarly a local work, and ought, of course, to be carried out under the Local Government Act or the Divisional Boards Act. Why should the Government ask for a vote for the purpose of doing what was purely a local work, and that, too, in a thickly populated district? It was a distinct violation of the Act. On what authority did the Minister ask Parliament to vote the money? The foot-note said the expenditure was to be recouped by the sale of land. Had that Committee any power to recoup the vote in such a way? They had no such power. By law the proceeds of such land had to go into the consolidated revenue, and it could only by law be got out of the consolidated revenue again, and not by a foot-note at the end of the Estimates. That foot-note, in fact, was misleading. It seemed to assume the principle that for the purpose of carrying out any local work the

proceeds of sales of land in the neighbourhood might be taken. It was quite true that in certain cases that might be a good principle, but it was entirely against the principle of the law at the present day. They had passed their local government laws, and ought to stand by them. In the present case the Government wanted to get money out of the Treasury by an indirect means. They wanted to get £5,000 for a particular purpose, and they deluded Parliament by saying that the money would be recouped by the sale of land; but it must be remembered that in voting that money they were voting money out of the consolidated revenue. Now, was it a fair thing to take money out of the consolidated revenue for the purpose of providing extra subsidies to municipalities and divisional boards for purposes of that kind? Brisbane had been exceptionally favoured before the Local Government Acts came into force. When those Acts were passed there was in force the Brisbane Drainage Act of 1875. At that time it was difficult to get direct votes from the Treasury, and Government took an indirect means of obtaining money by passing an Act dedicating certain public lands in Brisbane to the purposes of drainage. It seemed now that that was insufficient to carry out what the present Government wanted, and they came now in a more indirect way still, and tried to get money out of the Treasury for the purpose of doing that purely local work. He said that that violated the principle of local government; and if they could not get local authorities to carry out local works with the large subsidy already given them, then some general principle ought to be adopted by which all municipalities and divisional boards should be subsidised alike. If the subsidy provided by Parliament was not sufficient, then pass a general law that would be equitable and would apply to the whole of the divisions and municipalities of the colony. But why should the Government come in and ask for a special subsidy to carry out a work in one of the most thickly populated parts of Brisbane? Hon. members must bear in mind that land was not superabundant in Brisbane, and that whenever it was wanted in the town or suburbs for public purposes the Government had to pay for it. For railway stations, public schools, and all other purposes, the Government required to buy land, but here they were actually asked to sanction the sale of land that the people of Milton had no right to but which belonged to the people of the colony. The Treasurer ought to know that. He must know that the act was perfectly illegal and that he could not accomplish it by a mere vote of the Committee. If it was considered advisable by Parliament that special lands should be devoted to special purposes, and if it could be shown that expenditure in certain localities would be a public benefit, let them provide by Act of Parliament for such expenditure, and, if that was considered advisable, by all means bring in a Bill for that purpose, and let it be discussed on its merits; but here it was proposed to sell land in a particular neighbourhood, belonging to the people of the colony, and to devote the proceeds to the improvement of that neighbourhood. That was against the principle upon which they had hitherto acted. A direct request was made to spend £5,000 upon the Milton Swamp, and he said, in the first place, that if the work was to be done on sound principles a Bill should be introduced for the purpose. It had always been done so before, and there was no other legal means by which they could appropriate those moneys except by an Act saying that certain land should be devoted to special purposes. In the second place, that was a direct violation of the principle of local self-government. Parliament had adopted a uniform principle for the whole of the districts of the

colony, and why should they adopt a different principle in the present case? It was one of the most insidious attempts that had been made towards the destruction of their general laws. He believed himself that the Committee agreed with him that local government had done an immense amount of good. A great deal of credit had been taken for it, and there was no question about the amount of progress it had been making in the various localities throughout the colony; but the vote now under discussion struck at the very root of it, because so long as municipalities and divisional boards knew that there was an easier process by which money could be obtained than by the process of the people raising one-third and the Government the other two-thirds—so long as they understood that they had a pliable Government, ready and willing to give them the whole of the money they required—so long would they make no attempt to help themselves. That was not the first case of the kind he had directed the attention of hon. members to. He was sorry to see it. He was sorry to see the whole tendency of the present Government had been to sap the foundation of local self-government, and that had been done nowhere more particularly than in the present instance. He believed, with the Treasurer, that the work would be a splendid one for Milton, but it was a work in which the people themselves were interested. Every encouragement had been given them to carry out the work by the Local Government Act and the Divisional Boards Act, but surely the Government could not ask the country to be at the whole of the expense of such a work under the subterfuge that the land in the locality would pay for the drainage. The land did not belong to the people of Milton—it belonged to the people of the whole colony; and would it not be absurd if in the whole of the townships in the colony the money derived from the sale of land should be devoted to the purpose of improving those townships alone? How would the Treasurer look at such a scheme as that? He would find that his revenue would be very deficient indeed at the end of the year. He acknowledged there was a good deal to be said in favour of districts in the neighbourhood of which a large amount of land had been already sold. If a large amount of land had been sold and townships started it was a fair thing for the Government to be asked, and to concede, that a certain amount of money should be put on the Estimates for forwarding the interests of those townships. If a township was started on a river and consisted of a sawmill and two or three farms, and there was not enough land to satisfy the demand, it was a fair thing that two or three other farms should be sold for the purpose. He said it would be a fair thing for a locality like that to ask the Government to spend a little money; but that argument did not apply in the present instance at all, because, in Brisbane alone, when the Government wanted land for any special purposes they had actually to buy it. But the Government had selected an inopportune time to try and enforce a principle of that sort—that they should spend money accruing from the sale of land in the locality where the land had been sold. If that principle was adopted in the future, and adhered to strictly, he thought Brisbane would be very badly off indeed; and he was of opinion, therefore, that it was very unfortunate that they who had interests in other parts of the colony should be asked to contribute to such a scheme. Take, for instance, the town that he represented. His constituents had often asked him to try and get some assistance for the purpose of draining the town of Bundaberg and some other towns, but he had pointed out the facilities given

them by the Divisional Boards Act and the Local Government Act. He had consistently held to that principle. When he was Premier demands of that kind were constantly coming before him, and he referred the applicants to the principle which had always been adopted since the initiation of local self-government. And why now evade that principle, and evade it in favour of a place that had less right to demand that an exception should be made in its favour than any other place in the colony? It was thickly populated places that could go into a scheme of drainage, and it was there that the Local Government Act and the Divisional Boards Act should be proved; but the principle laid down in those Acts would never be proved so long as the Government were willing to come forward and recommend that money should be voted by the Committee under the subterfuge that the land in the locality would pay for the work required to be done. The principle of local self-government was violated, and he was sorry on that account. He was more sorry still that the example chosen deserved it perhaps less than any other part of the colony.

The PREMIER said the Government had no intention of violating any of the principles of local self-government. It was quite true that the land in question belonged to the people of the colony; it was also true that the people of the colony would never receive the proceeds of the sale of that land until the land was fit to sell. That was the point lost sight of by the hon. gentleman. The land was capable of being made available, and it would then bring into the Treasury a considerable sum of money; but at present it was unavailable. Part of it was a swamp, and the rest was so situated that until the swamp was drained it could not be sold. To sell it in its present condition would be simply inviting fever. Who should bear the burden of rendering the land available for occupation? The population of Brisbane was increasing, and they could not afford to have large vacant spaces in the middle of the city and suburbs. If the swamp were removed the land would become available, and would be an asset of the colony; and the people of the colony would get the proceeds of the land when it was sold. At present there was a burden on the land, not in the form of a mortgage, but a physical burden which rendered it unfit for use; and the people who were to benefit from the removal of that burden should be the people to pay the cost. That in no way violated the principle of local government. The hon. gentleman suggested that in the case of a new settlement on a river, where the execution of some improvement at the expense of the Government would make land available, the Government might fairly pay the cost. He agreed with the hon. gentleman, and he remembered a case of that kind in which he (Sir T. McIlwraith) promised to do a thing of the same kind—the erection of some improvement which would render the land fit for settlement.

The HON. SIR T. MCILWRAITH : Where was that?

The PREMIER : At the Kolan River. The improvement was a wharf, without which the land was unavailable for settlement. He thought that the principle ought to be applied everywhere when land was unavailable for sale owing to a physical impediment, and that the cost of removing any physical impediment should be defrayed out of the fund which benefited by the improvement.

The HON. SIR T. MCILWRAITH said that on the Kolan River a great deal of pioneer trade had been done. A lot of farmers had

settled there, and a sawmill or two had been erected. They proposed that a Government township should be established, and they asked, not unfairly, whether the Government would spend a certain amount in building a wharf if they bought certain pieces of land? Before the land was sold he gave that promise.

The PREMIER: That is what is asked now.

The HON. SIR T. McILWRAITH said it was not. The hon. gentleman said that those who were benefited ought to pay. Was it only Government land that would profit by the expenditure on drainage? Of course not; yet the Government proposed to pay for the drainage and let all the others who benefited get the advantage for nothing. If the people about the swamp bought their land on the understanding that it would be drained by the Government, the case would be in the same category as the Kolan River case; but they did not buy on that understanding. They had already benefited to an enormous extent by the increased value of land, and they should be asked to bear their share of the cost of draining the swamp. The whole of the basin would be benefited, yet the Government, who did not hold one acre in fifty, proposed to pay the whole cost of the drain. In any case, when such a scheme was brought forward, the advantages to the Government and the advantages to the public ought to be stated, and it should come before hon. members in a legitimate shape—in the form of a Bill. In the year 1875, when the Brisbane people professed themselves unable to carry out the drainage of the city, a Bill was brought forward by the Government to dedicate certain lands in the district to that purpose. It was acknowledged at the time that it was a violation of local self-government, and the measure was only agreed to because there was no Local Government Act at the time. So strongly did hon. members feel on the subject that when the Divisional Boards Bill was under discussion he stated as a matter of fact that the Brisbane Drainage Act was repealed by the passing of the Local Government Act and the Divisional Boards Act. So far as the late Government were concerned in their administration, that Act ceased to operate from that time, and it was simply because the Government had not time, owing to the pressure of other business, that they did not bring in a Bill formally repealing the Brisbane Drainage Act, because they considered it unfair that the city of Brisbane should have greater facilities than other places for going to the Treasury to get money for their drainage works. There was a great difference between the position of such a question in the year 1875 and its position at the present time. The Government had not the courage to ask for £5,000 to drain the Milton Swamp, nor had they the courage to bring forward a Bill dedicating certain lands for the purpose of carrying out the work, because that would involve every other demand being met in a similar manner; but they tried to slide over the difficulty by putting down £5,000 on the Estimates, and leading the Committee to believe that it would entail no loss on the general revenue—as the expenditure would be recouped by the increased value of the remainder of the land. As he said before, it would be illegal to take the money for that purpose, though voted. The Government could take the money, but they would have to pass an Act to get out of the Treasury the money derived from the sale of the land benefited by the drainage of the Milton Swamp, because the whole of that land was already dedicated to the general revenue of the colony. He repeated that the Government were violating the principle of the Local Government Act in a case where perhaps there was

less justification than anywhere else, and that they were sapping the foundations of local self-government in a place where the opposite principle had been always too strong. What was the reason that the colony consented to the Local Government Act? Simply because the local influence about Brisbane was so strong that the people there used to get money spent on local works, from year to year, that would not be expended on similar works in other parts of the colony. And now they had the Government, under a clumsy subterfuge, asking the Committee to vote £5,000 out of the general revenue, in violation of the Local Government Act, for the drainage of the Milton Swamp.

Mr. BEATTIE said he should be very sorry indeed to see local government interfered with in the manner in which the hon. member for Mulgrave thought it would be by that vote, but he thought the hon. gentleman had made a mistake in his remarks with reference to the Brisbane Drainage Act of 1875. In 1864 the Legislature passed an Act which took away from the city of Brisbane all the lands to which it was then entitled. At that particular time the municipality was entitled to half the proceeds from all land sold in the municipality, and all other municipalities in the colony had a similar privilege. No money endowment was then received from the Government, and when the land endowment was taken away the city was not in a position to carry out the necessary drainage works. He remembered the matter very well, as he had something to do with it. The subject was brought under the notice of Sir Arthur Palmer, who was then Colonial Secretary, and to him was pointed out the difficulties under which the municipality laboured by reason of the passing of the Act of 1864. The corporation suggested that certain lands in the city might fairly be given to them for drainage purposes. As a proof of the manner in which city lands were dealt with, he might mention that a large sum of money, something like £36,000, he believed, derived from the sale of city lands, was applied to the erection of the Parliamentary buildings. The application was favourably received, and there were certain portions of land extending from the Post Office to Eagle street, about seventeen allotments in all, promised to the corporation for the purpose of constructing a drain through the centre of the city to the river, and in order that the corporation might have the advantage of that promise of Sir Arthur Palmer—

The HON. SIR T. McILWRAITH: That was not in Sir Arthur Palmer's time!

Mr. BEATTIE said it was; he remembered it quite well, as he was one of the deputation who waited on Sir Arthur Palmer. Mr. King was then Minister for Works. There was a Bill introduced, and he (Mr. Beattie) pointed out the necessity for reserving some lands in the city for drainage purposes. That Bill met with the approval of the House, and was passed by Parliament. He understood that after the passing of that measure no money would be granted for purely local works. But he did not look at the drainage of the Milton Swamp in the light of a local work, because the Government had sold immense quantities of land in that locality, which the purchasers got at low prices, because they were situated near the swamp. In his opinion, the Government were bound to improve the swamp so that it should not be dangerous to the health of the inhabitants settled on the lands sold by the Government. In the carrying out of railway and other works about the North Quay the Government themselves had made the swamp a great deal worse than it was previously, because they had actually

stopped the natural outflow of the water into the river. He must certainly acknowledge that the proprietors of land on the river side had also tended to make the swamp worse than it was at the present time; but he contended that, as the Government owned large pieces of land there, it was their duty, seeing that the land was situated in the centre of a thickly populated locality, to do something to improve it so as to render it not dangerous to the health of the people in the neighbourhood. If the land belonged to private individuals the local authority would compel them to drain it. They would say—"We won't allow you to have this swamp here; you must fill it up so that it will not be a nuisance; if you don't, we will go through the forms of the Local Government Act, and make you do it." Now, the Government were the owners of that land, and it was therefore their duty to drain it; and he believed that if the expenditure of that money—which was, no doubt, the amount which the engineer estimated the work would cost—would be sufficient to carry out the drainage, it would be a benefit to the people of the locality, a benefit to the country, and a benefit to the Government, as a large sum of money would be paid into the consolidated revenue through the sale of the land which would not be obtained were it not put into a condition not dangerous to public health. The people in the locality had a right to expect that the swamp should be drained, as they had bought their land with the expectation that it would not be for ever a nuisance; and he took it that the Government, as landlords, were bound to do something to the property. If they did not, the people would have good ground to complain. He hoped the amount would be passed, because it would be a very great advantage to the locality generally, and also to the Government.

THE HON. SIR T. McILWRAITH said there was not one single word that had been said by the hon. member in favour of that vote which could not be said with equal justice in respect of a dozen different places in the neighbourhood of Brisbane where the Government had sold lands in low-lying localities. If the hon. member would look at the proposition he would see that if the Government, in selling the land, carried out all the sanitary conditions in order to make a place become inhabitable under favourable conditions, then there were a dozen different places, in the neighbourhood of the metropolis alone, which had an equal claim to such an expenditure. Had the Government sold the land under the condition that they would drain the swamp? Was it not a fact that the persons who bought that land bought it at low prices because it was in a low situation? Was it not a fact that fifty acres of land in that locality—considering the prices of land at the present day—were disposed of at extraordinarily low prices—prices that bore no proportion whatever to the prices at which they could be rated at the present time? Still they were asked, because the Government were the original holders of the land and held a portion of it now, that they should come down with a sum of money to make the whole place suitable for habitation. The proposition would not stand reasoning for one moment. If they applied the principle here, it was not only applicable to a dozen places in the neighbourhood of Brisbane, but it would be applicable to almost every town in the colony. With regard to what the Government was actually going to get out of that, it was going to be a substantial loss to the Government. There had been nothing brought forward to show that the enhanced value of the land remaining to the Government would be sufficient to recoup them for the proposed expenditure. The broad principle was laid down by the Treasurer that the land that would be resumed

would recoup the expenditure upon the drain, and he tried to persuade hon. members that they would 'not be dipping their hands into the Treasury; but he (Sir T. McIlwraith) said they would be dipping their hands into the Treasury. The hon. member for Fortitude Valley said, if the land belonged to private individuals, what powers would not the local authority have had over them? That was all nonsense. The hon. member knew perfectly well that a large portion of the land proposed to be drained was held by private persons at the present time, and that no proposition was made to force upon them an expenditure such as was now proposed. The hon. member also knew that he had the same proposition down in Fortitude Valley. They tried to make the owners of the land there make the drain, but they could not do it, because they saw within a reasonable distance the possibility of a squeezable Government coming into power that would make the drain for them. When they saw that, they put off the making of the drain year after year in spite of his (Sir T. McIlwraith's) repeated remonstrance, and waited until the squeezable Government came in.

THE COLONIAL TREASURER said they had not succeeded in squeezing the present Government to carry out their drain for them yet. The present was, however, a different matter from that. The hon. gentleman overlooked a very important point; and that was that the land at present belonging to the Government would be actually unsaleable until that drainage was effected. Doubtless the whole locality would be improved by the removal of that swamp; but beyond that it should be remembered that the swamp actually covered land, the property of the Government, which, if reclaimed, would be valuable for human habitation. They would be really improving their own property—the property of the State—by reclaiming a large area of land for human habitation, the proceeds of the sale of which would recoup the expenditure proposed for that very necessary improvement. The drainage would doubtless benefit people in the neighbourhood who owned land which, from the contour of the country, fed the swamp which covered Government land, for the whole of the land to be reclaimed would be Government land. For the reasons he had stated he could not see that the proposal in any way sapped or undermined the foundation of local government. He could not hold with the hon. member that the local authorities should in that case be made to bear the expense, because he could not overlook the fact that the Government themselves would in the present case be most largely benefited by the proposed work, and for that reason might fairly undertake the expenditure.

THE HON. SIR T. McILWRAITH said the hon. member said the land was at present unsaleable. That was not a fact. The Government if they liked could cut it up into lots and sell it to-morrow, even the land in the very deepest part of the swamp.

THE COLONIAL TREASURER: I do not think you can have seen it.

THE HON. SIR T. McILWRAITH: Did the hon. member say he had never seen it? Why, he passed it and smelt it every day! No one would benefit by the carrying out of that local work more than he would himself. He admitted all that, but it was against all principle of local government that it should be done by the Government. It certainly should be done, but it should be done by the local authority. It was not true to say that the land was at present unsaleable. The hon. member said the circumstances in the case were

peculiar—that the land in the lower part of the swamp belonged to the Government, and the land around it and which supplied the drainage to it was the property of private owners—and the hon. member gave that as a reason why they should vote that sum for the drainage of the swamp. Did the hon. member remember the reason he gave for contributing to the drainage of Fortitude Valley? His reason in that case was that the land outside and around the swamp belonged to the Government, and the land down in the centre of it belonged to private individuals. It was a perfectly opposite principle there. As a general rule, the hon. gentleman did not believe in violating the principle of the Local Government Act, but when it came to a question of benefiting his own constituency he did not think that it was a violation of the Act. If he stood alone, he (Sir T. McIlwraith) would vote against such a proposition to squander the public money. He moved that the item of £5,000 for the drainage of the Milton Swamp be omitted.

Mr. KATES said he would like to know from the Colonial Treasurer the area of land that would be at the disposal of the Government for sale if that drainage was carried out?

The COLONIAL TREASURER said the area of the land belonging to the Government there was between thirty and forty acres. From ten to fifteen acres of the land would be sold and a portion of it would be reserved for the purpose of building a school, which was wanted there. He had not the slightest doubt that the proceeds of the land that would be sold would more than double the proposed expenditure for the drainage of the swamp.

The Hon. J. M. MACROSSAN said that the Colonial Treasurer told them that the greater portion of the land that would be benefited by the drainage was Government land, which was now in the centre of the swamp, and that the land which was not Government land, and which would also be benefited by the drainage, was situated around the swamp. Such being the case, if they admitted the principle that it was the duty of the Government to improve that land for the purpose of making it valuable for sale, and consequently increasing the Treasury receipts, why should not the Treasurer bring in a Bill showing exactly the area to be drained by that drain, and also apportioning the expenses fairly between the Government and the private owners? Why should the Government bear the whole of the cost? They had been told repeatedly by the hon. member for Mulgrave—and it was admitted without contradiction—that the whole of the colony of Queensland was under local government; that the portions not under municipal government were under divisional government; and the local authorities had the responsibility of making local works. They had the power, also, of making those local works with money borrowed from the Government. The present, it appeared, was to be an exception; and if they introduced an exception to the general principle of local government it should be done by a Bill, and not by Executive authority. Why should the Government be the first to show a bad example by breaking the law? It would be a good thing, no doubt, if the Milton Swamp was drained. When he was in office he was asked several times by the local authorities to drain it, and he refused to do so, for the simple reason that he considered he had no authority to do it—that it was a work for the local authority. If any proposal had been made for equitably apportioning the expense it would have assumed a different aspect, and probably he might have assented to it. Here the Government wished to bear the whole expense, and they got over it by saying, in a foot-note, that it would

be recouped by the sale of the land. That foot-note was utterly misleading, because the Colonial Treasurer knew that the proceeds of the land would have to go into the general revenue; and to get it out for a local work there must be an Act of Parliament. If the people in any other town wanted a drain they applied to the Treasurer for a loan, and they were specially taxed for it, but here the people of Milton would have the full benefit without any tax whatever. It was argued that the land was bought from the Government on the expectation that the swamp would be drained; but it was bought at a time when there was no local government. There were one or two places round Brisbane that had been sold by the Government, which in rainy weather were from eighteen inches to two feet under water—would the Government drain those swamps? He knew a place in Townsville, between Ross Creek and Ross River—the hon. gentleman at the head of the Government knew it very well—which was sold by the Government years ago; and it was well known by old residents in Townsville that that place had been from five to nine feet under water. But that was a piece of land containing hundreds of acres—not thirty or forty acres only. Would the Government build a wall round Ross Creek to keep the river away from it? They might as well do that as the other. If the proposed work were so necessary that the principle of local government was to be violated, then let a Bill be brought in which would give the exact area to be drained, and then the Government could apportion the liability to each particular owner, and its own liability as well. No injury would then be done to the colony or to local government. The hon. member for Fortitude Valley said he looked on the State simply as a landlord. If the State were simply a landlord it might do the work, but the State was something more; and it could not do it without injury to other portions of the colony. The Government that represented the State must ask the permission of the House to do it, and do it in a constitutional method by Act of Parliament. He would certainly vote against it, and he hoped the Committee would throw it out. Probably, if the Treasurer had brought in a Bill such as he had foreshadowed—one apportioning the liability of the different owners, the State, and the private individuals—it would have had his support.

Mr. McMASTER said he looked on the Government in that matter as a private landholder; and under the Local Government Act and the Health Act, a private owner who had a nuisance on his property could be compelled to remove it. He supposed the divisional board had not the power to go on Government land and drain the swamp, therefore he considered it was the duty of the Government to drain their own property. Whether that was the proper way of obtaining funds for the purpose was another question that he was not going to argue. The hon. leader of the Opposition said the drain which went through Fortitude Valley benefited private property; but he could assure the hon. gentleman that only about 100 yards of it went through private property. The municipal council were constructing a drain from Bowen Park down to James street, and only the portion through Ann street and James street went through private property; the rest went through Government property. He maintained that the people round Milton had a right to insist on the Government removing the nuisance. The swamp was a cause of sickness; and if fever broke out in Milton the whole city would suffer. He was only surprised that the local authority had not insisted long ago on the Government removing the nuisance.

But it took a very long time to move any Government in matters of that sort. In the Valley it took them a ten-years' agitation to get the Government to do what they were doing now, and which might just as well have been done at first. With regard to the particular work in question, it was only fair and reasonable that the Government should ask the Committee to have it removed.

The HON. J. M. MACROSSAN said the Colonial Treasurer stated some little time ago that the land in question was unsaleable, and could not be sold until it was drained.

The PREMIER : Hear, hear !

The HON. J. M. MACROSSAN : Who says, "Hear, hear" ?

The PREMIER : I do ; the Government have no right to sell the land under the circumstances.

The HON. J. M. MACROSSAN said the Government had no right to sell the land except in a legal way, nor to drain the swamp except in a legal way, and that way was by an Act of Parliament. He agreed with the hon. member (Mr. McMaster) that the nuisance was one which ought to be removed, but there was a legitimate way of removing it, and an illegitimate way ; and the illegitimate way was the one taken by the Government.

The COLONIAL TREASURER said the hon. member seemed to be labouring under some misconception. It was not proposed to operate on the vote under the Drainage Act. It would be dealt with distinctly from consolidated revenue, and under those circumstances a Bill was unnecessary. The simplest way was to ask the Committee for authority to spend the money, the expense of the work being afterwards recouped to the Treasury by the sale of a portion of the land so reclaimed.

The HON. SIR T. McILWRAITH said the Colonial Treasurer was putting a false issue before the Committee. The hon. gentleman asked for a vote of £5,000 for the drainage of the Milton Swamp—he could not have got it otherwise, for he would have had to give reasons why the Local Government Act should have been departed from. The special temptation held out to pass the vote was that the expense would be recouped by the sale of the land drained. But the proceeds of the sale of all lands, whether there or at Carpentaria, or anywhere else, belonged to the consolidated revenue, and, without a special Act being passed, there were no means by which any money accruing from the sale of land could be devoted to any special purpose. The sale of the land had nothing whatever to do with the question ; the fact was that they were asked to vote £5,000 out of the general revenue of the colony for that particular work.

Mr. HIGSON said he took exception to the vote. If it was granted, the Rockhampton people would have quite as much right to have £5,000 expended in a similar manner, especially as a large amount of the ratepayers' money had been expended in draining Government lands. If money was to be taken from the proceeds of land sales and devoted to special drainage works, a Bill ought to be introduced to make it legal. It should be remembered that the drainage of the swamp would enhance the value of neighbouring properties, and therefore they ought to be compelled to contribute their share towards the cost of the work.

Mr. NORTON said that if the vote passed the Colonial Treasurer would find a great many applications from different localities setting forth their claims for drainage works, and asking that money for the purpose be set apart from the

general revenue of the colony. Was it proposed to ask the Railway Department to contribute anything towards the cost of the work ?

The COLONIAL TREASURER said the Railway Department would provide for constructing the drain through the embankment, and across the line under the permanent way.

Mr. NORTON said it was the duty of the Railway Department to carry the water into the river below ; they were bound to make a way for the water to escape.

The COLONIAL TREASURER said the department would conduct the water into the creek close by, as at present, which ran into the river.

The HON. SIR T. McILWRAITH said that proved how completely the Colonial Treasurer was wrong in his statement—that the swamp was to a large extent caused by the obstruction offered by the railway. There was no obstruction from it, and it contributed nothing to the formation of the swamp.

The COLONIAL TREASURER : I never said anything of the kind. I think the hon. gentleman is referring to a remark of the hon. member for Fortitude Valley.

The HON. SIR T. McILWRAITH said that from whomever the remark came it was wrong. There was no place on the line on which there was less obstruction to the natural drainage. As the hon. member for Port Curtis had just stated, the Colonial Treasurer was preparing a whole nest of future claims of the sort urged by hon. members on both sides of the House.

Mr. BEATTIE : Hear, hear !

The HON. SIR T. McILWRAITH : The hon. member said "Hear, hear," but he would be one of the first to attack the Treasurer on the principles that he himself laid down ; and if he did not get some money for the swamp at Fortitude Valley during the next month or two, he would have to account to the electors when the next election came on, if he did not make himself responsible for a great number of other disagreeable features. There was nothing to justify a vote of that sort, and the foot-note that the Treasurer had placed on the Estimates might delude members of the Committee into passing it through. He thought, at first, that the expense was to be paid from lands that were dedicated to the drainage of the city of Brisbane by the Act of 1875. It would be bad enough if it had been that way, because that Act ought to have been inoperative since the Local Government Act was passed. The Treasurer must see that he was attempting by a subterfuge to violate all the principles of local government. It was a pitiable position for the Treasurer to put himself into, and he would not be able at all to be commiserated with if he found it brought a great amount of trouble upon his shoulders. All the members for the city, when a question of that sort was started, were quite prepared to come forward and say that Brisbane had suffered a great deal of injustice, and that it would have had so much more money if certain lands had been dedicated to drainage purposes. The hon. member for Fortitude Valley might tell them that had not certain lands been taken up for building the Parliamentary Houses they would have had so much more for Brisbane drainage and other works ; but the hon. member should not forget that there was a committee of the House, consisting mostly of members on the Government side, which came to the conclusion that certain sums should be given to the city of Brisbane, and they got every penny. In one item, while acting directly under the authority of that

committee, he (Sir T. McIlwraith) sanctioned the transfer of the whole of the wharves below the A.S.N. Company's wharf—the new corporation wharves—to the city of Brisbane, which were, in value, far beyond all that the hon. member for Fortitude Valley said they were entitled to give the city of Brisbane. That actually had been paid, and a great deal more since; but in the present case they found that the further advanced aldermen and those who had flourished in municipal matters, and come to be legislative authorities in that Committee, looked forward to Brisbane being one of the richest cities in Australia. How was it, then, that they came to beg £5,000 to drain a swamp—an improvement that they ought to take into their own hands—whilst they saw little towns struggling under great disadvantages, and doing what was necessary for sanitary purposes. It was in the advanced city of Brisbane that the Act was so violated; while the smaller towns he had alluded to received no assistance whatever from the Government.

Mr. McMASTER said the hon. gentleman said that certain lands were recommended by that committee to be handed back to the municipality of Brisbane. That was the case; but the report was never adopted. He endeavoured to obtain some of those lands; but the report that was brought up by the committee that the hon. gentleman spoke of was never adopted. The corporation of Brisbane did get a very good bargain from the hon. leader of the Opposition, in the case of the wharves at Petrie's Bight, and he, when mayor, had thanked him for it. The municipal council had paid £20,000 and odd for them; but still they were a good bargain. Still the city had not, however, received those lands which the committee he had spoken of had apportioned to it by its report. Besides, the swamp in question was not within the municipality; the city of Brisbane had nothing to do with it, as it was in the shire of Toowong.

The HON. SIR T. McILWRAITH said the hon. member was quite wrong in saying that the report of that committee recommended that certain lands should be granted to the city of Brisbane, but he was quite right in saying that that report was not adopted. The reason it was not adopted was that there was one recommendation in it, and that meant that if Brisbane did not like to take the responsibility of a capital city, the capital should be removed to some other town.

The HON. J. M. MACROSSAN said that before the matter was decided he should like to tell hon. members what they were going to do. If they voted in the affirmative they would place in the hands of the Government the power of saying to any municipality or divisional board, which they wished to place on friendly terms with themselves—"We will put so much on the Estimates for you; we are powerful enough in the House, and will get it voted." He did not mean that the present Government would do that more than any other. The vote would be a precedent either way—either for or against the principle of local self-government. If it were against that principle it would not be that alone, but in favour of the principle of corrupting local authorities. Hon. gentlemen should think of what they were going to do. They would deal with not only the present Government, but many members of the present Parliament would also be members of the future Parliament; and the hon. leader of the Opposition, whom the present Government considered so corrupt, might be at the head of the Government, yet they would be putting into his hands the means of corrupting municipalities and divisional boards.

Mr. ALAND: Which he will not make use of.

Mr. SALKELD said he had considered the matter, and it appeared to him to be a new departure from the principles of local self-government. If it were a right principle it should apply to other places. The case of Rockhampton was one, where a quantity of Government land was a swamp—a quagmire—and the municipal council had to pay for its drainage, which greatly enhanced its value. If the vote were agreed to he would deem it his duty to ask for a sum of money to be set aside to drain a swamp at Ipswich.

Mr. ALAND: You have not a swamp there.

Mr. SALKELD said the swamp he alluded to was all Government land, not private land, and was a source of ill-health to the locality. It was almost similar to the Milton Swamp, although there might be more persons living near the latter.

The HON. SIR T. McILWRAITH: It is the same in every town in the colony.

Mr. SALKELD said that they had as much right to have a sum placed on the Estimates for that swamp at Ipswich as they had for the Milton Swamp, and he was sure that in many other municipalities and divisional boards the Government owned swamps which were a nuisance to the locality, and it was only fair that the Government should place money aside to drain them and thereby increase their value. He could not see his way to vote for the amount. If the Government had got the local authority to contribute in proportion there would have been some reason for it; but it was an entirely one-sided thing. If the Government were going to benefit to the extent of one-half by the drainage, and private owners a similar proportion, and each contributed one-half, it would be a fair thing.

Question—That the item of £5,000 be omitted—put.

The Committee divided:—

AYES, 15.

Sir T. McIlwraith, Messrs. Macrossan, Norton, Aland, Smyth, Chubb, Nelson, Black, Palmer, Midgley, Kates, Donaldson, Macfarlane, Salkeld, and Higson.

NOES, 19.

Messrs. Rutledge, Dickson, Miles, Moreton, Dutton, Sheridan, Griffith, Isambert, Brookes, Jordan, White, Buckland, Bailey, Wakelield, Bulcock, Beattie, Annear, Foxton, and McMaster.

Resolved in the negative.

The HON. SIR T. McILWRAITH said he wanted to ask the Colonial Treasurer this question: Was there any means by which the money accruing from the sale of the lands adjoining the Milton Swamp could be earmarked or put aside in a separate account and devoted to the drainage of that swamp and that purpose only?

The COLONIAL TREASURER said there was no intention to keep the proceeds of the sale of the lands in question in a separate account. As he had already stated, the money would go into the consolidated revenue, and against it would be charged the expenditure under the vote of £5,000.

The HON. SIR T. McILWRAITH said the Government had deceived the Committee into believing that the money for that work would not come out of the general revenue. That was entirely misleading, and quite unworthy of the Government. That their action had that object he was satisfied. He could not conceive any other object that could be served; and now they found that they had voted £5,000 for a work purely local, and he was quite sure that the Government would repent it before long.

The Hon. J. M. MACROSSAN asked if it was the intention of the Government to ask the local authorities or private proprietors to contribute anything towards the drainage?

The COLONIAL TREASURER said he could hardly answer that question at the present time. The whole scheme of drainage had not yet been completed. At present he had only received the preliminary report. As soon as the Engineer of Harbours and Rivers had completed his report, and it was found to take a wider scope than originally intended, it would be a question for the Government to consider whether the local authorities might not be communicated with. In the meantime the vote had been asked for on the distinct understanding that it was for the purpose of draining Government land so as to render it saleable. That was the chief reason for asking for it. If, however, when the scheme was more fully elaborated, it was found that it would affect other property, it would be a question as to how far the local authorities might be asked to co-operate.

The Hon. Sir T. McILWRAITH said what the hon. gentleman had said amounted to this: That the Government would drain their own land and they would take into consideration the question of extending the drain down to the river for the purpose of draining other land. Was not that absurd? Did not the Government know that once they commenced the drain it must be continued, and that it was bound to be done out of general revenue?

The Hon. J. M. MACROSSAN said he was afraid that if the hon. the Treasurer did not take the whole matter seriously into consideration before spending the money it would be no use taking it into consideration afterwards.

The COLONIAL TREASURER said it was not intended to construct any portion of the work outside Government property. The object was to carry off surface water from Government land. If the work had to be extended outside Government property, of course it would be a question as to other parties contributing.

The Hon. Sir T. McILWRAITH said it seemed a curious thing that they could not get the intentions of the Government on that matter without the Colonial Treasurer consulting the Engineer. The Government appeared to have no fixed ideas respecting it. The Treasurer evidently had none except what he got from the Engineer. Were they to be bound by the schemes of the Engineer, or the schemes of the Government?

Mr. BEATTIE said the Colonial Treasurer was hardly correct in his last statement. He had no right to construct a drain and empty it on to other people's land. Yet that was the peculiar position he was taking up. Did he not know that there was already a drain to the river? The construction of a new drain would interfere with the one already constructed. He could not make a drain through the swamp without continuing it to some place where he could get clear of the water. No locality had any power to construct drains simply for its own drainage purposes, but had to continue them to the river or sea.

Mr. PALMER said it had just come to his recollection that a Bill was introduced last session providing for the drainage of certain lands in the colony of Queensland, and what recommended that Bill to the favourable consideration of the Committee was the fact that the cost of drainage was apportioned to the different people to whom the drainage would be a benefit—a principle utterly and thoroughly ignored in this case.

Mr. SHERIDAN said that if the proposed drainage would improve Brisbane and the health of its inhabitants the money would be right well

spent. It was true that they proposed to take £5,000 from the consolidated revenue for the construction of the Milton drainage, but thirty acres of Crown land would be reclaimed, and when sold the proceeds would go into the consolidated revenue, and the balance would be entirely in favour of the country. Not only would the sanitary condition of the metropolis be improved, but there would also be an increase in the revenue. As regarded his own constituents, they had in Maryborough a place called the Long Swamp, and he was satisfied that if the present vote was passed, as he sincerely hoped it would, the time would come when the Government would be asked for a sum of money to drain the Long Swamp. In that case, too, the Government could sell the reclaimed land and recoup the Treasury. He considered that the proposed work would be a very great benefit to the inhabitants of Brisbane; and the people throughout the colony had a right to do and say all they could to advance the interests of their capital. When they came to the capital they came to enjoy it, and they would like to have it made a beautiful and healthy place in every shape and form.

Mr. ALAND said the arguments used by the hon. member for Maryborough with respect to drainage would also apply to the supply of pure water, for pure water was as much a necessity from a sanitary point of view as proper drainage. If, however, any municipality came to the House and asked for a vote for a supply of pure water they would get the same treatment as they received last session—treatment which, no doubt, the hon. member for Maryborough remembered very well.

Mr. ANNEAR said he was very glad to find it admitted that his colleague and himself could forget Maryborough and do justice to the colony. The leader of the Opposition would ever live fresh in the memory of the Maryborough people for an act he did there since the Divisional Boards Act was passed. When Premier he made a culvert or a drain there which cost between £1,200 and £1,300. There was no special Act of Parliament authorising that work, but it was a great boon to the people. As a colonist of Queensland, he (Mr. Annear) would like to do all he could to beautify Brisbane and to make it a capital worthy of the colony. He and his colleague were not like the members for that "cormorant" town of Ipswich, which had had the money of the colony lavished upon it. On the contrary, they could forget to dream of Maryborough, and could recognise that they were Queenslanders, at times. Maryborough had been called the "cormorant" town of the colony. What for? Was it for the money of the colony expended there? No; if theirs was a "cormorant" town, at any rate they had been able to raise themselves above those small people who were not able to look after themselves as they had done. He would give his vote for the Milton drainage because it was Government property they were to drain—land that was now worth £100 per acre, and which when drained would be worth £500 or £1,000 per acre. The work would be a benefit to the State and no loss to the people. He was sure that the hon. member for Toowoomba, Mr. Aland, was not sincere in his remark. That being about the last night of the session the hon. member appeared to be indulging in a joke, for he really believed as much in Brisbane as he (Mr. Annear) did. The Brisbane members had at all times supported his colleague and himself whenever they wanted a railway or public work for Maryborough, and he would not desert them on the present occasion.

Mr. MACFARLANE said the senior member for Maryborough had used words in reference to

Ipswich that he (Mr. Macfarlane) could not accept. Maryborough was the real "cormorant" of all public works. Where were the large bridges made, and where did the £60,000 jobs go to? They went to Maryborough. It was, therefore, surprising to hear the hon. member running down Ipswich, which always got so little. The reason why he (Mr. Macfarlane) would not vote for the £5,000 was that they had a swamp requiring draining at Ipswich, for the drainage of which, however, they had failed to get any money. Maryborough and Brisbane could get votes of that kind, but Ipswich could get none. If all the towns in the colony had to do their own drainage they would be on an equality; and that would be better than favouring one or two towns and leaving the others out in the cold.

Question put and passed.

The MINISTER FOR LANDS moved that a further sum of £515 be voted for the Lands Department. The sum consisted of two items. The first was £265 compensation to the lessee of Eveline Run for improvements. When the land was resumed the lessee waived his claim to six months' notice. That was some three years ago; and in consideration of that the Government undertook to sell him 640 acres of land elsewhere as soon as it could be surveyed. They were unable to keep their promise and carry out the arrangement before the passing of the new Land Act, and they were bound to make some compensation for the improvements on the 340 acres. Some of the land, he believed, had been cut up and sold as a township. £265 had been ascertained to be the value of the improvements. The last item—£250 for the Bowen reserve was on the Estimates last year, but had been omitted in error.

Mr. PALMER said, did he understand that the resumption was under the old Act?

The MINISTER FOR LANDS said the resumption was made without notice, there being a great desire on the part of the people at Emu Creek to select the land.

Mr. SMYTH asked if there was any reservation of minerals in the grants made for the purposes of reserves? In some of the colonies, in the deeds of grant the Crown reserved the gold and silver that might be found on the land. He believed that on Charters Towers a great deal of trouble had been caused through the school reserve and the reserve for a school of arts having been pegged out. He did not know how lands dedicated to other purposes were affected, but at Gympie at the present time a portion of the land granted by the Crown for a Church of England is proposed to be let on royalty by the trustees. He wanted to know if trustees had the power to do any such thing?

The PREMIER said the trustees of public lands could only deal with those lands under the Trustees of Public Lands Act, and that could only be done with the consent of the Government. The hon. member referred to the case of Charters Towers, where the reserves for a school and for a school of arts had been pegged out. He had seen the statement made in the newspapers that the judge of an inferior court had gravely decided that the grant for the school of arts ceased to exist because buildings had not been erected on the land; but if the land had been granted by the Crown for a specific purpose it certainly could not be jumped and taken up as a mining claim. He did not know what had become of the case, but he should be sorry to think that land set apart for a special purpose could be taken up by any chance means. All grants under the Crown Lands Act of 1874 contained an express reservation of gold, and properly so; but what would be

the best way of dealing with the case mentioned he was not prepared to say. With respect to the school reserve at Charters Towers, which was said to contain a reef at a depth of 1,000 feet, a good deal of trouble had already arisen; but that it could not be taken up under a miner's right there was no question.

Mr. SMYTH said he wanted to know if trustees of reserves had a right to let land on royalty to miners, or whether the gold belonged to the Crown?

The PREMIER said that, whether the mineral found upon the land belonged to the Crown or not, the trustees had no right to let the land without the consent of the Government; that was quite clear. Under all grants a reservation was made that the gold belonged to the Crown. Under the Act of last year a special reservation was made, but without that reservation he thought the law was that the gold belonged to the Crown.

Mr. NORTON said that possibly the Government in granting future reserves might allow mining to be done on the reserves; there was no reason why it should not be done.

Mr. PALMER asked if the Minister for Lands could inform him whether the improvements were on the resumed portion of the Eveline Run? Did the improvements consist of fencing or buildings, and would the selectors who took up the land be charged for the improvements?

The MINISTER FOR LANDS said the improvements consisted of fencing and some buildings, and of course the improvements would have to be paid for.

Question put and passed.

The MINISTER FOR WORKS, in moving that a further sum of £7,000 be granted for the Public Works and Mines Department, said that the first three items explained themselves. The money had been voted for the buildings mentioned, but that was exhausted, and a further sum was asked for. The fourth item was for the purchase of two diamond drills. He might inform the Committee that when the Government came to the conclusion to purchase those drills they put themselves in communication with the Victorian Government. The Inspector of Mines in Victoria recommended that two drills should be purchased similar to the drills used in that colony. They would be capable of boring to a depth of 2,000 feet, and it was also recommended that they should be similar to one another, so that a smaller quantity of duplicate machinery would be required. The sum on the Estimates was £3,000; and a contract had been entered into with the Atlas Engineering Company of Melbourne, who had supplied a large number of drills to the Victorian Government. The price was—for the drill, £420; driving apparatus, £333; extra fittings, £51 16s.; altogether, £804 16s. for each drill. After it was known that the Government intended to purchase drills they received offers from private individuals of drills at £1,500 each, but the Government came to the conclusion that it would be better to get information from the Victorian Government, as they had used diamond drills to a large extent. The drills were to be made from the Victorian plan and specification, and would bore 2,000 feet if required. Mr. Palmer, the inspector of diamond drills in Victoria, was to superintend their construction. The prices he had given were the first cost, but in addition there was a royalty of 20 per cent, and then there would be the cost of transit between Melbourne and Brisbane. There was no stipulation as to the payment to the Victorian Government for Mr. Palmer's services. It was considered better to employ

him than to send anyone from Queensland to supervise the construction of the drills. He did not suppose they would cost nearly the sum of money put down on the Estimates; and if all the money was not required it would not be expended. The bore was five inches in diameter, and the drills were intended for the purpose of boring for coal.

Mr. CHUBB asked when it was expected the drills would be in the colony?

The MINISTER FOR WORKS said the contract was let, and the drills were being constructed. They would perhaps arrive in the course of a fortnight or a month.

Mr. PALMER asked on what principle the drills would be worked—whether on the principle of the drainage of the Milton Swamp, or on the principle of local contributions? He found that they were only to be worked in searching for coal; but he understood previously that the Government were interested in the discovery of water also.

The MINISTER FOR WORKS said the Colonial Treasurer's Department had plant for boring for water, and he believed the drills now being constructed would be suitable for that purpose. If they were capable of boring 2,000 feet for coal or any other mineral, they would also be capable of boring for water. Hitherto it had been the practice, when private individuals wanted the use of a Government drill, for those who used the drill to pay the cost of working; and he presumed the same course would be followed in the future. Possibly the drills would be used for the purpose of testing coal measures on Government land.

The Hon. Sir T. McILWRAITH said that seven years ago a little debate took place which threw some light on the subject. On the 30th August, 1878, the member for Mitchell had a motion before the House, and his speech was short; in fact, the whole debate was not a long one. He would read it. The hon. member for Mitchell said—

"That since coming to the House this morning he had been informed on good authority that the Government had purchased, or were intending to purchase, a number of diamond rock drills, one of which, no doubt, the Minister for Works would set apart for boring for water in the west and north-west of the colony. If the Minister for Works would give an assurance that such was the case, he would not proceed further with the motion.

"The MINISTER FOR WORKS (Mr. Miles) said the Government had not as yet purchased any diamond rock drills, but he had requested his honourable colleague, the Colonial Treasurer, to place a sum on the Supplementary Estimates for that purpose, as he did not think it right to purchase them without the sanction of the House. He believed these drills would be of immense benefit to the colony in boring for water, especially in the Western districts, and would be the means of saving hundreds of thousands of pounds.

The member for Mitchell said—

"He was quite satisfied with the promise of the honourable gentleman, and would proceed no further with his motion."

Now they found the same old Minister for Works, after seven years, fulfilling his promise by putting £3,000 on the Supplementary Estimates for those rock drills. What they wanted to find just now was water, but they were told that the drills were intended for boring for coal. If the hon. member would give accommodation to the people who had coal to sell he would get over that difficulty in the meantime, and then he could devote his big talents and large resources to getting the drills into actual operation. After seven years the hon. gentleman had fulfilled his promise; he had ordered the drills, and they were being constructed. That was satisfactory so far.

Mr. NORTON said that boring for coal was a rather important subject, and he would ask how the drills were to be used? If the Government were going to bore for coal he could recommend some likely spots. He thought it would be better to bore for coal where, if found, it could be made use of at once, instead of having to be carried by rail. He thought that in entering into a matter of that kind the Government ought to give all the information in their power as to what were their intentions in regard to the working of the drill. Were private individuals to be allowed to use it, or had the Government some definite scheme of their own to carry out?

The MINISTER FOR WORKS said the Government had a large tract of coal land between the Burrum and Bundaberg, and they would possibly put one of the drills to work on a portion of that land in order to test the coal measures there, and he hoped the Minister for Lands would be able to let that land under a royalty. If he could, it would be of great advantage to the Government to know exactly what were the coal measures on the land. If a private individual wanted to test his own land he did not see that it would be wrong for the Government to let him have the use of the drill if he paid the cost of working it.

Mr. NORTON said it appeared that the Government intended to put one of those drills on the Burrum land. Hon. members had heard that before. They knew also that the Government had had a drill working at Bowen. Was it not fair, then, for him to ask that one should be sent to test the land near Gladstone? Hon. gentlemen might laugh, but he did not put the matter at all in a joking strain, because he knew that there was coal in that district and that it would be a very great advantage if the extent was ascertained by boring. If coal was obtained there it would lead to the splendid harbour of Gladstone being utilised more than it was at present. No expenditure need be incurred in dredging the harbour; all they wanted was to obtain the coal, and then he believed that many of the largest vessels coming to the colony would call there and take away any quantity of coal. He hoped in all seriousness that the matter would be considered by the Minister for Works.

The MINISTER FOR WORKS said that a burnt child dreaded the fire. Some time ago he promised that the people of Burrum should have the use of a diamond drill. He had never been able to carry out that promise. He made another promise to the hon. member for Port Curtis—namely, that Mr. Jack, the Government Geologist, would be sent to the Gladstone district. He had never been able to carry out that promise either, although when he made it it was his intention to carry it out. He had been castigated, too, by the member for Burke for making him a promise which, when given, he honestly intended to carry out, but which certain circumstances had prevented him from doing. Hon. gentlemen were not going to get him to make another promise.

Mr. NORTON said that in asking the hon. gentleman to promise that one of the diamond drills should be sent to the Gladstone district he wished to save him a great deal of possible trouble in deciding where it should go, as no doubt he would receive many applications for the use of the drills. They knew the hon. gentleman could not help promising; he promised that the plans of the railway from Bundaberg to Gladstone would be submitted for the approval of the House that session, but they were in limbo now, and the Lord knew how long they would stop there! But notwithstanding that the hon. gentleman had not carried out his promise, he

(Mr. Norton) believed that he intended to carry it out some time or other. He thought that in a matter like the diamond drills the Minister ought to make up his mind at once, and he hoped he would take his suggestion into consideration and send one to the Port Curtis district.

Mr. SHERIDAN said he sincerely hoped the Minister for Works would carry out his promise, and he believed the hon. gentleman meant to, and that was that he would send a diamond drill to Burrum, and by all means send Mr. Jack to Gladstone. Those were the two promises the hon. gentleman acknowledged to have made, and which he (Mr. Sheridan) had no doubt he meant to perform.

Mr. JORDAN said diamond drills were very costly; he thought the Minister for Works said about £800 each. He (Mr. Jordan) was under the impression that a drill had been invented in the colony which was now being used most successfully in the neighbourhood of Cumnamulla for raising water. The inventor was an engineer who was probably known to hon. members—Mr. John Faulkner. He had it on the best authority that the drill had been used most successfully for raising water, and that in all respects it was equal to the diamond drill, and in one respect much better—namely, that it was less costly. He had been informed that it cost only about one-tenth what was paid for a diamond drill. He was sure hon. members would remember the very admirable papers on watersupply which were read by Mr. Faulkner before the Philosophical Society. He had heard again and again that nothing written or published in the colony had been so valuable as those papers by Mr. Faulkner, who had invented a drill which was in many respects superior to the diamond drill, and which had been so successful in its operation. He (Mr. Jordan) wondered why it was that they were spending so much money for diamond drills out of the colony. He knew that a prophet was not without honour save in his own country, but he did not see any reason why they should spend an enormous sum of money for diamond drills out of the colony, and then have to wait for them, when they could get a less costly drill made in Queensland. He would like some information from the Minister for Works on that question.

The MINISTER FOR WORKS said he did not know where the hon. member got his information. The drill invented by Mr. Faulkner had never succeeded in getting water except on one occasion, although it had been working for years and years; and that was in the old bed of the Maranoa River. A bore was put down there, and struck the old bed of the river, and, of course, got water. Probably what the hon. member was referring to was a drill which had been purchased by a squatting firm on the Warrego. Mr. Biglow purchased a diamond drill in Melbourne, at a cost of some £1,500, and he had been very successful in sinking for water with it. In almost every place where he had used the drill he had found water. The borer the hon. member for South Brisbane talked of was some arrangement designed by Mr. Faulkner, and with which he had succeeded in getting water in the old bed of the Maranoa River. He had since moved further out with it, and had been boring for the last three months without getting water at all. He did not know where the hon. member for South Brisbane got his information.

Mr. JORDAN: Not from you; not much from you!

The MINISTER FOR WORKS said that Mr. Biglow had offered to sell his drill to the Government for £1,500; but they thought it

better to purchase a new one capable of boring double the distance, when it could be got for about half the money.

The HON. SIR T. McILWRAITH said he did not know whether the hon. member was right in blaming the hon. member for South Brisbane for wanting information; but he could not understand from the speech of the Minister for Works whether Mr. Faulkner failed to get water because there was none there, or because his machine would not bore. That was a matter upon which the hon. member had left them in complete ignorance.

Mr. ANNEAR said he happened to know Mr. Faulkner, and he had been engaged for many years in the Railway Department, and was an officer who faithfully performed his duties.

The HON. SIR T. McILWRAITH: He is a very clever fellow.

Mr. ANNEAR said he did not speak now as to his ability, but he believed he was a faithful officer of the Government. He rose to say that everything the hon. member for South Brisbane talked about was treated with the greatest contempt by the Minister for Works. He would take Mr. Jordan's opinion to-morrow on any question before he would take the opinion of the Minister for Works. He had always found Mr. Jordan address the House intelligently and practically, and everything he had stated had been the truth. It was very unbecoming of the Minister for Works to stand up and sneer at the source from which the hon. member for South Brisbane got his information. That source was equal to that of the Minister for Works. He believed he occupied a position as free in that House as the Minister for Works, and he represented as important a constituency; and he believed they would return him when he went back to them. The hon. gentleman could not say that. The hon. gentleman had had so many constituencies that he could not tell how many he had represented since he entered the House. He was grieved to hear the respected colleague of the Chairman treated as he had been treated by the Minister for Works. That hon. gentleman was greatly tolerated the other day, and had every consideration meted out to him; and while he (Mr. Annear) sat in the House he would not hear the Minister for Works speak so disrespectfully to a gentleman he respected so much as the hon. member for South Brisbane.

Mr. JORDAN said he was much obliged to the hon. member for Maryborough. He was not hurt by the remarks of the Minister for Works, and he could put up with anything he said, because he was so good-natured, and he never hurt anybody when he tried to turn them into ridicule. He had not proposed to give information to the Committee, but he had asked the information from the Minister for Works on that question. He had heard, on what he thought good authority, that that drill had been successful. As the hon. member for Mulgrave said, it was a question as to whether the drill could go through rock, and whether it performed its work rapidly, and not whether water was found at the bottom. He was informed, on what he believed to be the best authority, that it had been most successful in doing its work in going through any kind of material that it had to deal with. Knowing that it could be had at a much less cost than the diamond drill, he thought that was a good opportunity to ascertain whether the Minister for Works was aware of the existence of that drill, and to see, if what he had heard as facts were facts, why it was they were going to give £800 each for diamond drills, when Mr. Faulkner's drill had proved to be successful and was much cheaper.

The MINISTER FOR WORKS said he did not know how he riled the hon. member for Maryborough, but if that hon. gentleman supposed that he was going to frighten him by the use of his lungs he was very much mistaken. He had not been offensive to the hon. member for South Brisbane, but had simply told him that the information he had got was not correct, nor had he said a word about Mr. Faulkner. The drills ordered by the Government were for a very different purpose altogether—boring for coal.

The HON. SIR T. McILWRAITH: You said water too.

The MINISTER FOR WORKS said he supposed they would be suitable for that purpose as well, but the machine used by Mr. Faulkner was entirely unsuitable for that purpose. They required a drill that would revolve and bring up the material in order that they might see what it was going through. He had said nothing whatever offensive to the hon. member for South Brisbane, and had only given him the information he had asked for.

Mr. HIGSON said he was very glad to see the vote on the Estimates, and he wished the Government had seen their way to put on another £1,500, so that they might have got three drills instead of two. The Central district had a right to a drill. He mentioned it before, and was told when he first came down to the House that they would have it. He was very sorry to see that they were to be left out in the cold. They might even now think of sending a diamond drill to the Central district, because there was no district in the whole colony which was in greater need of one. The Rockhampton district, and the whole district around it, was nothing but one vast mineral field, and he was given to understand, at the last election, that if the Government supplied a diamond drill to the district the people would be willing to pay something towards it. Other districts, he thought, should be treated in the same way, and the Government should be prepared to give assistance where it was required.

Mr. SMYTH said the feeling of miners with regard to the diamond drill was that they about gave it best as regarded looking for a lode. In Victoria it had been a success. In Victoria, at Creswick, and all around Ballarat, it had been successful for the purposes of deepsinking. There was so much heavy water there that the pumps could not bring it up, and the diamond drill had been a success in going through the water to be met with. It was a matter of importance in the sinking of a shaft, costing—as some of them had cost—£30,000 or £40,000, because they might find after sinking that they had got half-a-mile off the “gutter.” The drill had been successful there, because it showed them where they would require to sink the shaft. But in sinking for quartz the drill had been known to run fifty feet out of its course. He knew a case where a hole had been put down, and after bearings being taken at the surface a drive was put in; but the bore could not be found until an arrangement was invented which showed the exact position of the bottom of the bore. It was then found to be fifty feet out of the perpendicular. It was very likely, too, that the bore would strike a barren portion of the reef, when, perhaps, there was good gold alongside. He thought by far the better plan was for the Government to subsidise deepsinking. They had a diamond drill at Charters Towers, and the hon. member for that district could give some information about that. He believed he had made a promise in Gympie to try and get a diamond drill, but after investigating the matter he believed it would not be a success.

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Mr. LISSNER said he had been one of the directors of a company formed to work the diamond drill which they had the loan off from the Government, and if the gentlemen who were so clamorous for a diamond drill got it on the same terms as they did he did not grudge it to them. They had to get an expert from Melbourne to work it; they had to take it from the wharf at Cooktown at their own expense, and when they got it to Charters Towers it was in such a miserable condition that they had to get another expert to put it into shape. After that they had to get the diamonds, and by the time they discovered that the drill would not answer to look for quartz they were £4,000 or £5,000 out. If the hon. members for Port Curtis, Maryborough, and Rockhampton, who were waiting for diamond drills, wanted them on the same terms, he thought they ought to get them.

Mr. SALKELD said he thought he was in order now in referring to the item of £3,000 in connection with the Darra accident. Looking over the items in the return moved for by the hon. member for Port Curtis, he had to point out a few instances of want of judgment on the part of the Railway Department in dealing with those cases. There were seven claimants, to whom the Government offered altogether £2,320; but some of them went to court and they got £10,901 8s., or a little more than four times the amount offered by the Government, whilst the costs the Government had to pay amounted to £500 more than they offered to all the claimants, £2,807. He knew the department defended themselves on the ground that the claims were exorbitant and they could not come to a settlement. No doubt there was a good deal of human nature in claimants, and there was a general opinion that the more they claimed the more they were likely to get. Now, in one case he found the Government offered £500, and the claimant recovered £1,650 besides costs; in another the Government offered £250, and the claimant recovered £3,000, independent of costs; in another case the Government offered £250, and the claimant recovered £500; in another £1,000 was offered by the Government, and the claimant recovered £4,000. In one case the Government offered £50 and the claimant actually recovered £1,550—thirty-one times the amount the Government offered. He had reason for believing that many of the cases could have been settled out of court at a considerable saving to the Government in the actual amount of award, besides a saving of all the law costs. He did not think the Government offers were anything like proportionate to the amount of damages sustained by the parties, and he believed that had the Government shown more business tact and judgment, instead of having to pay £13,708, the cases might have been settled for less than one-half. He was under the impression that the niggardly offers made by the Railway Department prejudiced the juries, and made them award higher damages. If they had seen that the department was really anxious to compensate fairly he did not believe that the plaintiffs would have got a single verdict, and the Government would have saved the costs. He thought the House should exercise more control over the department, which never seemed to take the initiative in any reform whatever. They had to be driven into it by correspondence in the Press and the pressure of public opinion, though they did not seem to take much notice of what was said in the House at all. He thought that was wrong, because it was possible that public opinion might often be wrong. Any business man who knew anything of the practical workings of railways could see many defects in the management, but any suggestions from outside were always pooh-poohed.

Mr. ALAND said it was hardly fair, after the question had been so thoroughly discussed during the passing of the Estimates-in-Chief, to bring it forward again now because the hon. member for Ipswich did not happen to be present on that occasion. If the hon. member would only refer to *Hansard* he would find that the Government tried, as well as they possibly could, to justify their action in the matter referred to. If the Government had endeavoured to compromise the cases in a liberal spirit it was just possible that some of the economical members of the Committee would have been very much disgusted with the Government having yielded to what the applicants asked for. He happened to travel by train the other day with a person who received large damages on account of the Darra accident. That man was set up for life; his health appeared better than his (Mr. Aland's) own, and he had enough money to give him a comfortable income as long as he lived.

Mr. SALKELD: What is the name of the person?

Mr. ALAND: Did not the hon. member wish he might get it? The person in question was pointed out to him as the man who got £3,000 out of the accident; and that might give the hon. member some clue by which he could find out the person's name. The man could smoke him black in the face, and do other things of the same nature; and with the interest of £3,000 to live upon he need never do another stroke of work if he was inclined to live in a quiet way. There was another person who got rather large damages, which the jury ought undoubtedly to have assessed at a smaller sum. Even admitting that the Government had not acted so liberally as they might have done, still there was no reason why they should be imposed upon any more than a private individual; and they, as private individuals, would resist an attempted imposition to the uttermost, even though they might be compelled to pay a much larger sum afterwards.

Mr. WHITE said there was evidence that "the clique" continued to "boss" the traffic management of the railway up to the time of the disaster at Darra. He was anxious to know something of that clique and what had become of it. Could the Minister for Works give hon. members any information about it?

Mr. SMYTH said the Government were quite right in resisting extortionate claims. A case in point happened only recently in New South Wales, in connection with the Cootamundra railway accident, when a test case was heard, resulting in a large saving of money to the Government of that colony. But juries would continue to give heavy verdicts against Governments so long as they considered them fair game to go for.

Mr. ANNEAR said a great deal had been said about the Attorney-General having failed in his duty on that and several other occasions, but such was not his opinion. At the same time he went with the hon. member for Ipswich in every word he had stated. Had offers been made somewhat approximate to the damage sustained thousands of pounds would have been saved to the colony. He believed the Attorney-General acted to the best of his ability as a faithful officer of the colony; at the same time, had anything like reasonable offers been made, the majority of the cases would never have gone into court, and they would never have heard of a jury awarding a plaintiff thirty times the amount originally offered by the Government. Some £6,000 or £7,000 might have been saved had a more liberal course been adopted in the first instance.

The MINISTER FOR WORKS said that, as he had stated when the matter was formerly discussed, the Government took the best means in their power to ascertain the damage that had been sustained by the victims of the accident. They engaged the services of two professional men, who examined all the cases, and it was on their report that the Government acted. No one regretted more than himself the large sum that the accident had cost the country, but the Government could only be guided in the action they took by the report of their specially appointed medical advisers. Of course the Government had no control over a jury, and was not responsible for its verdicts. In almost every case the medical men reported that no great injury had been sustained. Why should the Government offer £1,500 or £2,000 to a plaintiff when two professional men said he had sustained little or no injury?

Mr. SALKELD said that if the Government had taken the first case as a test case they would have come to the conclusion that they ought not to place implicit reliance on the medical men whom they had employed. Having once arrived at that conclusion, a judicious compromise might have been made in the majority of the other cases.

Question put and passed.

The PREMIER, in moving that £108 be voted for compensation to Josiah Francis, for loss of money stolen from the mail at Yeulba, 15th July, 1881, said the claim was one that had been before the Government several times during the last few years, but had been put off from time to time for future consideration. The circumstances were as followed:—Mr. Josiah Francis enclosed some cheques and bank-notes in two registered letters in July, 1881, at Roma. The cheques they might leave out of the question as no claim was made on their account; but the bank-notes amounted to £108. The mail was sent by train in charge of the travelling mail officer. At Yeulba the train ran off the line and was detained all night, and the officer, instead of looking after his mail, went away to a neighbouring public-house to amuse himself. He returned to the train at half-past 1 o'clock in the morning, and found that the post-office van had been broken open and the mail abstracted. Therefore it was through the grossest carelessness on the part of the Government officer that the money was lost, and although it was one of the conditions that the Government were not responsible for registered letters, yet by the ordinary principles of law in such a case the sender would be entitled to claim the money from the Postmaster-General, who would be responsible for the gross negligence of an officer of his department. The Government had taken the matter into consideration, and had thought it right that the amount should be recouped.

Mr. DONALDSON: Has the man a legal claim?

The PREMIER said, in his opinion, he had. If any private person undertook to carry money on the same conditions as those stipulated by the Post Office, and was guilty of similar conduct, through his servant, the sender would be entitled to recover the money.

The HON. SIR T. McILWRAITH said the Premier dealt with the case very unjustly towards Mr. Francis. He said the case was brought before the late Government, and was always left over for future consideration. The case was before the late Government, and was very decidedly dealt with, the result being that it was decided that Mr. Francis could not get that £108. To start with, he believed that Mr. Francis lost the money, because in the statement he

made that he, or one of his clerks, put that £108 in a registered letter at Roma, he knew that he was disobeying the law, and in paying the money the Postmaster-General would have been breaking the law. Of course the present Liberal party, with a majority of about three to one, could go through any law in the country. But it would have been illegal for the Postmaster-General to have acknowledged the claim. He had cleared the ground by saying that he himself had personally investigated the claim in 1881, and had come to the conclusion that really Mr. Francis had lost the money; but, acting upon public grounds, he was satisfied that the Government were not justified in paying, for the reason that if any man simply registered a letter, and that letter were lost, he could claim anything he liked. The law protected the Post Office by making it illegal for a man to put money into a registered letter of that kind. Mr. Francis was actually acting illegally. He rose principally to state the case so far as the Government were concerned. He believed that Mr. Francis actually lost the money through the laches of a Government servant; but if the Government had refunded it it would have led to great disorganisation in the department and to a great number of claims being sent in.

The PREMIER said he must correct the hon. gentleman. He had said it was unlawful to send money in a registered letter, and as that struck him as being rather curious he had turned up the Act, and found that it provided that if a Post Office official found that a letter not registered had money in it he should register it, and also that letters containing money must be registered; but the mere fact of registration did not render the Crown liable for the loss of the letter. But when a letter was lost through gross negligence on the part of the officer in charge it was another thing.

Mr. MACFARLANE said he might inform the Committee that the letter was registered. But that was not the plea upon which Mr. Francis asked compensation for the loss. His reason was that, through the Post Office employé leaving the position he was placed in, as caretaker of those letters, the post-bag was stolen. He thought that was a very just plea. His property was given into the hands of a servant who departed from his post, and the money was stolen. Mr. Francis had a very good claim upon the Government through their not carrying out their contract with him. He actually registered the letter, and the money was taken away. There were cheques in the letter as well; but he made no claim on account of them, as he could stop them at the bank. He supplied the Government not only with the names of the banks that the notes belonged to, but also with the numbers. It was high time that the claim was paid; he wished all claims against the Government were as just.

Mr. SHERIDAN said he only wished to remark that in his own experience he had sent thousands of pounds through the Post Office in registered letters. He had sent between £50,000 and £60,000 in that way, and always considered it was legal to do so.

Question put and passed.

The COLONIAL TREASURER moved that the Chairman leave the chair, report the resolutions to the House, and ask leave to sit again.

The PREMIER said he took that opportunity of reading to the Committee a telegram sent by Mr. Justice Cooper to the Attorney-General with reference to a matter which was raised in the Committee the other night by the hon. member for Kennedy, Mr. Lissner. He might say that

he had that morning written to Mr. Justice Cooper, inviting him to offer any observations he thought desirable upon the statement which had been made to the Committee, that a suitor had been compelled to pay for a special train for the conveyance of the judge to the town where the case was to be tried. The following telegram had been received a short time ago by the Attorney-General:—

“Bowen 10th November 1885.

“Message for the Hon. the Attorney-General,

“Crown Law Office,

“Brisbane.

“Have just seen discussion in *Hansard* about suitor paying for special train Townsville to Charters Towers and think you should know the circumstances. In consequence of district court sitting after circuit court at Charters Towers there was a very heavy criminal calendar. One civil case was left unfinished even though I sat unusually long hours and was conveyed in a special train from Charters Towers. I understood the parties procured that train from the Government through the mayor. At the urgent request of both plaintiff and defendant I promised to return to Charters Towers from Townsville in the event of the business being finished there in time. The work was over at Townsville on a Saturday evening and it was intimated to me in court that the parties had again arranged for a special train on Sunday. I considered myself bound though at great inconvenience to go by that train which gave me just time to finish the case at Charters Towers and I did so. If the parties paid for the special I suppose it must have been because there was not sufficient time for them to apply to the head of the department. I think with the Premier that the department ought to refund the money. You know that in the Northern division when business is pressing the Attorney-General usually provides a special train for the judges but as the Attorney-General does not prosecute in person on my circuit I think in the very rare instances where a special train has been necessary the parties interested generally induce some public man to ask for it and I know it has been granted. I must beg you to read this telegram in the House.

“P. A. COOPER.

“Judge.”

He only wished to add that he thought in cases where a special train was required to enable a judge to perform his duty the judge himself should apply to the Railway Department and request a special train to be placed at his disposal. He was sure that the request would always be granted in the interests of justice.

Mr. LISSNER said since he read the telegram from Mr. Barker in the House the other day he had received another from that gentleman, stating that His Honour Mr. Justice Cooper said he could not spare the time to go and try the case except he had a special train, and consequently Mr. Barker had to get it.

The HON. SIR T. McILWRAITH: Who is Mr. Barker?

Mr. LISSNER: The plaintiff in the case. He got the train at the instigation of the judge and paid for it, and he (Mr. Lissner) hoped the money would be refunded.

The PREMIER said he expressed an opinion when the matter was brought up the other day that the money should be refunded.

Mr. PALMER said that the other evening, when the Attorney-General's estimates were going through, he referred to the weak point in the Northern District Court. He had since found that he was understood to refer to the Crown Prosecutor of the Supreme Court. That was a wrong impression, and he wished to correct it. He referred to the Crown Prosecutor of the Northern District Court, not of the Supreme Court.

Question put and passed, and the CHAIRMAN reported the resolutions to the House.

WAYS AND MEANS—RESUMPTION OF COMMITTEE.

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

The COLONIAL TREASURER moved—

That, towards making good the Supply granted to Her Majesty for the service of the year 1885-6, a further sum, not exceeding £1,804,575, be granted out of the Consolidated Revenue Fund of Queensland.

Question put and passed.

The COLONIAL TREASURER moved—

That, towards making good the Supply granted to Her Majesty for the service of the year 1885-6, a further sum, not exceeding £133,389 4s. 7d. be granted out of the Consolidated Revenue Fund of Queensland.

Question put and passed.

The COLONIAL TREASURER moved—

That, towards making good the Supply granted to Her Majesty for the service of the year 1885-6, a further sum, not exceeding £35,217, be granted out of the Consolidated Revenue Fund of Queensland.

Question put and passed.

On the motion of the COLONIAL TREASURER, the CHAIRMAN left the chair, reported the resolutions to the House, and the report was adopted.

The COLONIAL TREASURER moved that a Bill be introduced founded on the resolutions now adopted.

Question put and passed.

APPROPRIATION BILL No. 2.

The COLONIAL TREASURER presented the Bill, and moved that it be read a first time.

Question put and passed, and the second reading of the Bill made an Order of the Day for to-morrow.

ADJOURNMENT.

The PREMIER: I move that this House do now adjourn. Of course the Appropriation Bill will be proceeded with to-morrow, and I trust it will be disposed of before the Legislative Council meets. As we shall probably be sitting to-morrow night, the next night, and possibly the night after, I hope hon. members will be prepared to proceed with the next Order of the Day on the paper.

Mr. ANNEAR said: Mr. Speaker,—The other night, when the vote for Polynesian hospitals was under discussion, I made the remark that the gentleman connected with the Maryborough hospital, Dr. Joseph, was in the habit of coming into town every day and entering into competition with the other doctors in the town. I find now that my information was incorrect, and that Dr. Joseph does not come into town for the purpose of attending any other but emergent cases. I believe that in several of the cases in which he acted his services have been of great value, and that he has been the means of doing a great deal of good. The Colonial Secretary may have thought that Dr. Joseph had been in the habit of neglecting his duties for the purpose of working up a private practice, but I can now assure him that that is not the case, and that in one instance, when Dr. Joseph attended Mr. Tooth, the respected mayor of Maryborough, he was instrumental in saving the life of a most valuable citizen. I take this opportunity of making the *amende honorable* and of withdrawing any unjust remarks which I may have made with reference to Dr. Joseph.

Question put and passed.

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