

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Council**

**WEDNESDAY, 5 OCTOBER 1887**

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## LEGISLATIVE COUNCIL.

Wednesday, 5 October, 1887.

Messages from the Legislative Assembly—Valuation Bill.—Motion for Adjournment—Charges against the late Railway Arbitrator.—Local Government Act of 1878 Amendment Bill—third reading.—Queensland Fisheries Bill—committee.—Immigration Act Amendment Bill—committee.—Adjournment.

The PRESIDENT took the chair at 4 o'clock.

## MESSAGES FROM THE LEGISLATIVE ASSEMBLY.

## VALUATION BILL.

The PRESIDENT announced the receipt of a message from the Legislative Assembly intimating that the Clerk of the Parliaments having reported, under Joint Standing Order No. 20, that in the Valuation Bill the word "board" appeared in place of the words "local authority," the amendment had been made, and the concurrence of the Legislative Council was requested.

On the motion of the POSTMASTER-GENERAL (Hon. W. Horatio Wilson), the President left the chair, and the House went into Committee of the Whole to consider the Legislative Assembly's amendments.

The POSTMASTER-GENERAL moved that the Legislative Assembly's amendments be agreed to. They were purely formal, and would be found to appear on lines 5 and 28 of page 4.

The HON. A. C. GREGORY said he had just looked over the amendments and saw that it had been altogether an oversight to allow the word "board" to remain in place of the words "local authority." It was quite clear that the words should be "local authority," so as to cover both municipalities and divisional boards. They were verbal amendments, and were necessary to make the Bill complete.

Question put and passed.

The House resumed, and the CHAIRMAN reported that the Committee had agreed to the Legislative Assembly's amendments.

The report was adopted, and the Bill ordered to be returned to the Legislative Assembly by message in the usual form.

## DIVISIONAL BOARDS BILL.

The PRESIDENT announced the receipt of a message from the Legislative Assembly intimating that they had disagreed to some of the amendments made by the Legislative Council, agreed to others, and agreed to others with amendments.

The POSTMASTER-GENERAL moved that the consideration of the message stand an Order of the Day for to-morrow.

The HON. A. C. GREGORY said: Hon. gentlemen,—These amendments that the Legislative Assembly have disagreed with are considerable in number and some of them are very important, and I think it would be desirable that we should have until Wednesday next to consider the matter. No doubt by that time we will have considered the message in all its bearings, and shall come better prepared to transact the business of this Chamber. I would therefore suggest to the Postmaster-General that the message be considered on Wednesday next, or, if he prefers it, I would formally move that as an amendment.

The HON. T. MACDONALD-PATERSON said: Hon. gentlemen,—I certainly hope the Postmaster-General will not consent to any such

amendment, but will adhere to his motion that the message be taken into consideration to-morrow. There is no one here who can possibly gain more knowledge in reference to the subject-matter of the amendments between this and Wednesday next. These matters are extremely simple; they have been well debated and thought out. I take a very deep interest in one of the amendments at all events, and it is doubtful whether I and some other hon. gentlemen may be here on Wednesday next to give our votes and do what we can to make the Bill, in our opinion, as perfect as possible.

The PRESIDENT: I beg to point out to the hon. gentleman that by rising to speak so soon he has, whether inadvertently or not, put the Hon. Mr. Gregory in a false position; inasmuch as, in rising before the Hon. Mr. Gregory had finished, or received a reply from the Postmaster-General as to whether he would amend the motion or leave it to himself, the Hon. Mr. Macdonald-Paterson has deprived the Hon. Mr. Gregory of the opportunity of making an amendment, in case the Postmaster-General does not see his way to do so. He could, of course, get some other hon. member to move the amendment, but the Hon. Mr. Macdonald-Paterson's action has prevented the Hon. Mr. Gregory from moving the amendment himself.

The HON. W. H. WALSH said: Hon. gentlemen,—I would rather that the Postmaster-General had got up at once without his being interfered with by the Hon. Mr. Macdonald-Paterson. I think it would have been better for the Postmaster-General to declare whether it would be more convenient to go on with the business to-morrow. It would have been better that it should have come from the Postmaster-General whether it was necessary to go on this afternoon or to-morrow, or whether he would be prepared to accept the suggestion which, I believe, is the wish of almost every member in this Chamber, that the matter should be postponed until Wednesday next. There appears to me to be no absolute imminence involved in discussing the subject this week; but there is one potent reason why the suggestion of the Hon. Mr. Gregory should be accepted, as I am perfectly sure the majority of the members in this Chamber intend that the matter shall be put off until next week, and I am quite sure they would much rather that the Postmaster-General should lead the way rather than that he should be forced to accede to the wishes of hon. members. When a matter is in dispute between this Chamber and the other it deserves careful consideration, and is not to be hurried; but I feel a certain warmth of feeling at this moment, and it is shared in by several hon. gentlemen, that when we find that our amendments which we have made in a Bill are ruthlessly dealt with in another place, it is time for us to take the matter into serious consideration. We have a certain warmth of feeling existing in our breasts, and it is just as well that we should have time given us, so that we may give fair consideration to the business placed before us. I shall certainly support the suggestion of the Hon. Mr. Gregory that the matter be postponed until next week, and I do trust that the Postmaster-General will be his own exponent of what his views are, and govern us in a way which, I am sure, he can most successfully govern if he is allowed to do so.

The HON. G. KING said: Hon. gentlemen,—The discussion on the amendments made by the Legislative Council only took place yesterday afternoon in the other House, and therefore there has hardly been time to consider the effect of the course pursued there, and I quite agree with the Hon. Mr. Gregory that we should have time for consideration.

The POSTMASTER-GENERAL said: Hon. gentlemen,—I took the proper course in moving that the consideration of the message should take place to-morrow, because our 94th Standing Order says:—

“Unless otherwise directed, amendments made by the Assembly to public Bills shall not be considered in committee on the same day on which such amendments may be brought up to the Council.”

If this Chamber wishes that the consideration of the message shall stand over until Wednesday next, I have no particular objection. Of course I should be very glad to go on with the Bill to-morrow, if possible, but if hon. members would like to look into the message more particularly, I shall offer no objection. I repeat, however, that I took the proper course in moving that the consideration of the message stand over until to-morrow.

The HON. J. F. McDOUGALL moved, as an amendment, that the consideration of the Legislative Assembly's message stand an Order of the Day for Wednesday next.

Amendment agreed to.

#### MOTION FOR ADJOURNMENT.

##### CHARGES AGAINST THE LATE RAILWAY ARBITRATOR.

The HON. P. MACPHERSON said: Hon. gentlemen,—I rise to move the adjournment of the House. It is very seldom that I do so on my own affairs, but I am constrained to do it on the present occasion because I feel it my duty, as a member of this House, and in justice to this Council and to my own honour, to draw attention to an article which appeared in the *Telegraph* yesterday afternoon reflecting upon me and upon my conduct when I occupied the position of Railway Arbitrator. The charges, if true, render me unfit to hold a seat in this House. That, hon. gentlemen, must be my only apology for alluding to the article in question. The article is headed “Railway Arbitration,” and it commences thus:—

“It is a fairly debatable point whether it is a misfortune or a blessing for a Minister of the Crown to be blunt and outspoken in his manner.”

I do not think that matters so very much so long as he speaks the truth. The article goes on to say, after narrating certain gilded facts:—

“This is really the chief grievance against the system of having a railway arbitrator. The outcry against the decisions of the first Railway Arbitrator was just as great as against the present one, but it was from a different class of people. His position in the Legislative Council, as a strong supporter of the McIlwraith Government and party, laid him open to attack on that score, and was the cause of great heartburning among those who supported the other side, and had to accept his decisions against them. It is notoriously untrue that his decisions gave general satisfaction, and if he put high values on land resumed for railway purposes, it certainly was not land belonging to political opponents.”

Now, those last words, hon. gentlemen, are the words that I most distinctly object to, in spite of the word “if” in the last sentence. The gist of the statement is that I prostituted my judicial office for political purposes. Now, there is no character in Scripture more abominable than that of the unjust judge, unless, indeed, it be that of the servant of God who deserts the plough for sake of the loaves and fishes—or who, to use an Americanism, shelves the Lord to hunt for dollars—even though he is the editor of a newspaper. I most emphatically deny the imputation which this article contains, and I say distinctly that the writer of it is a liar—a complete liar. I beg to move the adjournment of the House.

The HON. A. HERON WILSON said: Hon. gentlemen,—I am sorry to see that no one seems inclined to follow the Hon. Mr. Macpherson in this matter. I have heard a great deal about

the arbitrators' awards, and have seen a great deal of arbitration lately in the Maryborough district, and I can say that it is common talk that when Mr. Macpherson occupied the office of railway arbitrator he gave universal satisfaction. I am therefore exceedingly sorry and exceedingly astonished to see such an article published in the *Telegraph*, for I consider that it cannot possibly do any good. It is a libel on the Hon. Mr. Macpherson, and I deny that there is any truth in the article. I have travelled a good deal over this colony, and I never yet heard anyone say one word against the hon. gentleman's decisions. In some cases he might have erred and given what people thought a little more than he ought to have done; but his decisions taken as a whole were considered to be just and proper, and I am sorry the same cannot be said of the present arbitrator. If the article had been a reflection upon the present arbitrator there might have been some justice in it, and no doubt it would have been for the public good. Some of his decisions which have been given in Maryborough are absurd. For instance, there was a pet scheme in Maryborough, which, it was stated, would cost £3,500, and I was given to understand that nothing would be asked for the land which would have to be resumed, but one party made a claim and the arbitrator made an award of about £150 only. Everyone about the district who knows anything about the property knows that that was an absurd decision. The matter was left to a select committee from the Legislative Assembly, and they awarded something like £2,350. To another, who took it into law courts, the verdict of £2,000 has been given by the judge in court as a fair amount. Here was a railway extension which was to cost only £3,500, and yet already there are extras to the extent of £5,350. This line ought to have been considered a siding and nothing else, because, although it was a continuation of the main railway line in a straight direction, it led to nowhere but to private property, and ought to have been made by the parties who were chiefly interested. Some years ago a firm in Maryborough wished for a siding from the main line to their property. The then Minister for Works, Mr. Macrossan, declined to make any railway off the main line to a private individual's land, except at the cost of the owner of the land; but he made an agreement that, if after a given time the traffic proved payable and showed that it was going to be a permanent source of profit, the money spent in construction would be refunded. The present Government decline to refund that money, although the line has proved payable. Now, this Maryborough Wharf Branch Railway line has not been made according to the proposal of the Legislative Council. A different plan altogether has been adopted. I know a good deal of this case, as I happened to be appointed as one of the select committee who inquired into the proposed line. It was the first committee I had ever been upon, and I was rather diffident about asking questions, but the Hon. Mr. Walsh knew something about the matter and he endeavoured to get some information, but only got evasive answers. First of all, a question was asked by the chairman, Mr. Mein—

“What is the estimated cost of construction? £3,176.”

Now, those two cases I already mentioned have been decided lately, which add to the cost by £5,350, and there may be more cases yet. Mr. Walsh asked—

“You might mention the names of the mill-owners and the distance that each of the sidings will run to their respective mills? Siding to Hyne's sawmill, 8 chains 2½ links; siding to Pettigrew and Co.'s sawmill, 7 chains 6½ links; siding to Ramsay and Co.'s sawmill, 1 chain 5¾ links.

"There is another one? There is a siding to a second mill of Ramsay and Co.'s, 7 chains 75 links. So that the total, including sidings, will be 1 mile 1 chain 53½ links."

Now, that evidence was given to members of the committee, and they understood that if the railway was made the sidings would be made; consequently they approved of the making of that line on the belief that, considering all of these sidings would be made, there was a good prospect of trade. Another question was asked by the Hon. Mr. Walsh—

"Will that produce a profitable revenue?"

and the reply was—

"Well, not a very large revenue; of course not. But what I meant to imply was this: that the better facilities you give for conveying the traffic between the two termini, the larger your traffic will be."

Well, I make the statement without fear of contradiction that not one penny has ever been received by the Government for shunting over that same siding. The Hon. Mr. Walsh tried in every conceivable way to get some expression of opinion from the party giving evidence, but he could not get a single direct answer. The Chairman then asked some questions, and after consideration we saw well enough that this was an attempt to get sidings made for private individuals at the expense of the State. The committee, in sending in their report, said:—

"The object of the extension is to enable the proprietors of sawmills on the banks of the river Mary to connect their properties by sidings with the main line of railway. Although the extension will be available for other traffic, it is probable that for many years to come the traffic will be confined to the conveyance of timber to and from the sawmills. The timber traffic is however likely to be considerable; and, subject to the condition that the sidings to the different mills shall not be constructed at the expense of the State, your committee recommend that the proposed extension be approved by the Legislative Council."

Instead of continuing in accordance with the plans approved of by this House, this railway takes a bend towards John Walker and Co.'s place, then returns and goes right into Hynes's gate. Not a penny has been paid by the owner of the mill—it has been all paid by the State, and done in direct opposition to the expressed wish of this Chamber when the plans of the railway were before it. That is not justice; and, if this Council can do anything to stop such procedure it should do it. One party should not be made pay for his siding whilst the State pays for the siding for another. It has been a firm rule up to the present that persons asking for a siding from a main line of railway up to their own properties shall construct the same at their own expense; but here we have a railway made into a man's back-yard, or up to his front gate, and made not at the expense of the individual but at the expense of the State.

The Hon. T. MACDONALD-PATERSON said: Hon. gentlemen,—The last speaker in beginning his speech expressed surprise that no member had got up to say something in support of the Hon. Mr. Macpherson. That was rather a hurried observation for the hon. gentleman to make, as very few seconds had elapsed between the time at which the Hon. Mr. Macpherson sat down and when the motion was put. I was somewhat surprised at the statement made by the Hon. Mr. Macpherson, as I had never read the article to which he referred. However, while the Hon. Mr. A. Heron Wilson was speaking, I sent for the paper, and have since read the article in question. I must say I am very much grieved to think that any paper in this colony could use the observations which this paper has used with respect to the hon. gentleman whom it has attacked. I regret it very much indeed, because this is an attack of the most slanderous kind, and against a colonist than whom no one in this colony stands higher.

I am able to say this with an extensive experience of that gentleman's conduct as Railway Arbitrator. I daresay the Hon. Mr. Cowlishaw, whom I see present, will remember that I was engaged in numerous cases with which that hon. gentleman had also something to do, though I forget now whether the Hon. Mr. Cowlishaw was engaged on behalf of the Crown or the claimants.

The Hon. J. COWLISHAW: On behalf of the Crown.

The Hon. T. MACDONALD-PATERSON: The hon. gentleman reminds me that he was engaged on behalf of the Crown. It is a good while ago now since I began to have anything to do with that department of business, but at the time I took a special interest in the numerous claims I had to represent in connection with the resumptions on the Brisbane and Ipswich Railway. I attended the Hon. Mr. Macpherson's court on many occasions, and in all cases there were valuations presented by experts on behalf of the Crown, and in almost all cases there were valuations by experts on behalf of the claimants, and there were in the majority of instances counsel on behalf of both parties. In every case with which I had to do, the railway arbitrator visited the ground on his own motion. I watched the hon. gentleman's career in that responsible position, and there were many people who took a deeper interest in his proceedings than I did, because it touched their pockets, and I am bound to say that I cannot but characterise his action, throughout the long term of years during which he filled that important position, as that of a gentleman who sought even in the most minute degree to do even-handed justice to Crown and claimant. Instead of there being any truth in this statement in the article referred to—

"It is notoriously untrue that his decisions gave general satisfaction."

the very converse is the fact; that is known to every hon. member present. If I were asked to make a statement with respect to the results of his awards, I would be bound to say that my instinct, from my experience, would be to say that any complaint that was made was of under-valuation. I can say that from my observation of all the cases I saw dealt with—and I saw very many in which I was not myself interested, as there were sometimes ten cases tried in one day, and mine might be the tenth on the list—I can assure hon. gentlemen from my own personal observation throughout that I never yet heard of a decision or one act of that hon. gentleman the result of which was the over-payment to any claim for land resumed by the railway authorities. There is another statement in this article to the following effect:—

"None of the men who were made wealthy by the compensation received, and tenfold more wealthy by the additional value to the land by the railway from Ipswich to Brisbane, would say that they got an unfair amount for compensation."

In spite of that, I say you can find half a-dozen men in this city who are prepared to say that they got under-valuation for the land that was resumed from them. I say that, although much of the land which was resumed by the Government for the Ipswich Railway has quadrupled the value which was put upon it at the time named. While I am on my feet I might as well say that if ever any evil did exist it must have been a very small one, for it never saw the light. The whole of this article, I say, is a fallacious fabrication, and it is brought about by some few men who cannot get it out of their heads that what is alleged did really exist at the time. What I have said already is a truthful representation of the opinion held by the country with respect to the Hon. Mr. Macpherson. If there was any evil at all, the Government taking that railway through that particular part of

Ipswich was at the root of the matter; that should not have been done. The railway was taken straight through the most valuable part of the city, when, by making a slight detour, a better line would have been secured for the country and for Ipswich, and it would have saved many thousands of pounds. I thought that this matter was past and dead, but it seems that the bones are laid together again, and some further life is attempted to be put into the subject. For myself I am not sorry that the opportunity has arisen to enable me to express my views from personal experience of the matter.

The HON. W. H. WALSH said: Hon. gentlemen,—It is not because I do not feel strongly on this subject that I did not rise immediately after the Hon. Mr. Macpherson sat down. I know very well it is almost expected that I should say something in defence of the hon. gentleman, not only because he is a member of this Chamber, but also because the appointment he received came from myself. Therefore, I feel that, whatever he has had to defend himself against this afternoon, I am to some extent implicated in the charge. I rise with very great pleasure to say that I agree with all that my hon. friend Mr. Macdonald-Paterson has said. That hon. gentleman took a professional view of the actions of my hon. friend Mr. Macpherson, and he did him no more than the most ample justice. It was because the Hon. Mr. Macpherson was known to be a shrewd, honest man, confided in by all who knew him, and not possessing, I think, a single foe, that at that moment it occurred to me, when I brought forward that most difficult Act to manage, and yet most necessary one to introduce at the time, that of all the men whose names were placed before me, I could conceive none so suitable for the position as my hon. friend Mr. Macpherson. Nothing gave me greater satisfaction during my administration of office than the fact of his accepting that difficult and dangerous position—so far as his own character was concerned. I knew it would be beset with all sorts of difficulties, such as he is now fighting against. I was quite aware of that, but still it was at the time absolutely necessary to get the best man that could be got for the position, and in whom I could place the utmost confidence. I watched narrowly the hon. gentleman's administration of that office, and, so long as I remained in office, not one word was uttered, publicly or privately, officially or otherwise, which would lead me to think there was the least complaint against the way in which he administered that department. I have watched the hon. gentleman's career in that position ever since, and it is only when political troubles occur, and when political parties are roused to strife with each other, as they are now, that we find such vapid, stupid, lying charges are brought, either by innuendo or directly, against my hon. friend. The hon. gentleman has lived long enough and occupies a sufficiently honourable position to enable him to pay not the least attention to these penny-a-liners—these newspaper scribblers—these persons who live by the pen, and accuse and slander persons against whom not a breath of suspicion can exist, if they are honestly viewed. There is also a very serious question involved in this charge against a public officer, who has filled a very important and delicate office, with credit to himself, and I do not hesitate to say with great advantage to the public. That question is whether we cannot contrive that the character and doings of such a man, simply because he becomes a politician, or because he had so far earned the confidence of the people as to be appointed to a position in this Chamber, should be held to be above attack in this way. It appears to me a scandalous thing that

a gentleman who has served this country honourably, honestly, and successfully, should be violently attacked in this way, simply because he is trying to serve his country now as a politician, or as a member of this Chamber. I trust my hon. friend will take heart from the expressions of feeling for him on the part of hon. members of this Chamber. I can assure the hon. gentlemen that those who know him are not only aware that this attack made upon him is of a most scandalous and lying kind, but that he lives fully in the esteem of those persons who are able to esteem his character, and who are honest enough to do him justice.

The HON. J. D. MACANSH said: Hon. gentlemen,—I have had some little experience of railway arbitrators in Warwick, and I have had opportunities of seeing how the Hon. Mr. Macpherson conducted those investigations. I must say I never saw official proceedings conducted more justly or with greater impartiality than these were by the Hon. Mr. Macpherson. The hon. gentleman listened patiently to all the evidence brought forward on either side, and then went and examined the land for which the applications for compensation were made. I know that the applicants were not satisfied in all cases, but in many instances people who had land resumed sent in extravagant claims, which were very much reduced. What I say is, that no one could have taken more pains, or could have more justly decided the cases that came before him than the Hon. Mr. Macpherson did. I was very sorry, indeed, when I heard that the Government were going to appoint someone else in his place. I think the hon. gentlemen may very well treat with contempt any such lying statements as have appeared in this paper. Those who know him, and particularly those who have had experience of him as an arbitrator, can only say, as I have said, that they considered him a most just man in all that he did.

The HON. A. C. GREGORY said: Hon. gentlemen,—The attack made upon the Hon. Mr. Macpherson is altogether uncalled for. When we look back to the history of railway valuations we find that under the old system there were a great many complaints. The Government eventually decided, instead of having arbitration under the old form, to adopt the system of having only one arbitrator, umpire, or judge, or whatever he might be called. I believe that the Hon. Mr. Macpherson carried out his duties honestly and equitably, and although those receiving compensation growled a little when they did not get as much as they would like, the general consensus of opinion was that the decisions were, as far as they could possibly be, quite clear from bias either of party or prejudice. So far my hon. friend may rest perfectly satisfied with having a clear conscience. But we must look to see what was the cause of so unprovoked an attack. It is quite evident there was a purpose to be served, and I think the Hon. A. H. Wilson has hit upon that purpose. The whole of this question appears to have arisen out of some valuation made by the present Railway Arbitrator in regard to some land at Maryborough. A short time ago, in a previous session of this House, a select committee was appointed to inquire into the desirability of constructing a railway at Maryborough. It was shown at the time that the railway was to be made solely for the purpose of giving access to the properties of several parties along the line. It actually went nowhere, and as the measure was introduced it was proposed that the Government should make a whole host of sidings, and the railway, almost entirely for the benefit of individuals, and very little indeed for the benefit of the public. Unfortunately the line, as ultimately

approved by this Chamber, was not carried out, but another line was carried out, differing materially from the line as recommended by the Committee and approved by this House. The recommendations of the Committee have been fulfilled according to the meagre letter, but grossly and grievously broken according to the spirit of the report. It would appear that this attack upon the Hon. Mr. Macpherson is the more highly reprehensible, because it is quite clear it is written to hide the real object in view which is to influence Parliament in regard to the compensation to be given to one of the parties having land resumed in connection with this railway to which I have referred. The Hon. A. H. Wilson has drawn attention to the matter, and hon. gentlemen who care to look over the papers will see what has been the real object of this attack upon the Hon. Mr. Macpherson. I think no public paper is justified in making any attempt to influence either House of Parliament, and it is extremely reprehensible for any paper to make such an attempt in regard to the payment of public moneys for any purpose.

The Hon. J. TAYLOR said: Hon. gentlemen,—A great many arbitrations have taken place in the neighbourhood of where I live, and I never heard one word of dissatisfaction expressed by anyone with respect to the decisions of my hon. friend, Mr. Macpherson, as railway arbitrator. I have, I may say, heard great complaints against the present arbitrator, but what can the country expect from a man appointed by the Minister for Works—his brother-in-law? What can we expect from him, but gross injustice, and that the country is receiving at the present time. A few months ago a great injustice was done to the owners of a property called Eton Vale, 1,100 acres of land were cut off from the property by the Pittsburg Railway, and separated entirely from water. The claim made on that account and for the land resumed was £1,500. The arbitrator came up, and the owners of the land tendered the evidence of five or six honourable witnesses who knew the land well and its position, and yet after all the evidence was taken, and which was entirely in favour of the proprietors of the land, the arbitrator would only grant £500. I was quite satisfied, as I told the owners of the property, that if they took the matter into the Supreme Court they would get every penny of their claim. All over the country we are hearing of the injustice of that man's valuation, and I have no doubt several other cases may be brought against him as well as this at Maryborough.

The Hon. W. GRAHAM said: Hon. gentlemen,—I can speak rather feelingly on this subject, and especially upon that particular part of the article wherein the correct meaning is implied that the Hon. Mr. Macpherson did more as Railway Arbitrator for his political friends than for his political enemies. At the time the hon. gentleman was Railway Arbitrator I had some land through which a railway ran, and he came up and, I suppose, carefully looked at it, but I know I was not satisfied with his decision. He certainly did not err on the side of liberality to me, and the proof of that is that what I was awarded was at the rate of about one-fourth of what I had given in hard cash for the land twelve months before. That was in the flourishing town of Dalby.

The Hon. P. MACPHERSON said: Hon. gentlemen,—With the permission of the House I beg to withdraw the motion. At the same time I have to thank hon. gentlemen for their kind expressions of sympathy, and I can assure the Hon. Mr. Macansh that I voluntarily resigned the appointment of Railway Arbitrator.

Motion withdrawn.

LOCAL GOVERNMENT ACT OF 1878  
AMENDMENT BILL.

THIRD READING.

On the motion of the POSTMASTER-GENERAL, this Bill was read a third time, passed, and ordered to be returned to the Legislative Assembly, by message in the usual form.

QUEENSLAND FISHERIES BILL.

COMMITTEE.

On the motion of the POSTMASTER-GENERAL, the President left the chair, and the House went into committee to consider this Bill.

Preamble postponed.

Clauses 1, 2, and 3 passed as printed.

On clause 4, as follows:—

“No person shall, except as hereinafter provided, take or attempt to take fish with a net having a mesh of less dimensions than three and a-half inches from knot to knot.

“Provided as follows:—

(1) For the purpose of taking whiting it shall be lawful to use a net, not exceeding one hundred fathoms in length, having meshes of dimensions not less than two inches and a-quarter of an inch from knot to knot.

(2) For the purpose of taking garfish or flat-tailed mullet it shall be lawful (but only during such periods and at such places as the Governor in Council may from time to time by proclamation appoint) to use a net the length of the bunt whereof does not exceed sixteen fathoms, and the total length whereof does not exceed sixty fathoms, having meshes in the bunt of dimensions not less than one inch and one-eighth of an inch from knot to knot, and having meshes in the wings of dimensions not less than one inch and a-quarter of an inch from knot to knot.

“For the purpose of taking prawns it shall not be lawful to use a drag-net or any net but a scoop-net used with the hand.

“Every person who offends against or acts in contravention of the provisions of this section shall be liable to a penalty not exceeding ten pounds, and the justices by whom he is convicted may order the nets and tackle used by the offender in so doing to be destroyed or forfeited.

“The placing of two or more nets behind or near to each other, in such manner as to practically diminish the mesh of the nets, or the covering of a net with canvas, or any other article, to evade the provisions of this section with respect to the size of the mesh of nets, shall be deemed to be an act in contravention of this section.”

The Hon. E. B. FORREST said he intended to move an amendment in subsection 1, referring to the size of the mesh for taking whiting. It had already been explained on the second reading of the Bill that 2½ inches was too large a mesh. He therefore moved the omission of the words “two inches and a quarter of an inch” with a view of inserting “one inch and three-quarters of an inch.”

The POSTMASTER-GENERAL said Captain Fison had kindly provided him with specimens of the different meshes, and if hon. gentlemen would examine them they could come to a better decision than by simply talking on the subject.

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

Clauses 5 to 11, inclusive, passed as printed.

On clause 12, as follows:—

“It shall not be lawful to employ a boat in taking fish for sale with net or nets in Queensland waters unless the owner thereof has obtained from the Colonial Treasurer a license to employ the same for that purpose.

“The fee payable for such license shall be one pound, which shall be paid into the Treasury in advance.

"Every such license shall specify the name of the owner and of the boat licensed, and a description of the nets to be used therewith, and shall expire on the thirty-first day of December following the date of issue.

"Any person whose boat or net is so employed without a license, shall be liable to a penalty not exceeding twenty pounds."

The HON. A. C. GREGORY asked the Postmaster-General whether the license was to be an annual one. He presumed it would be annual.

The POSTMASTER-GENERAL said yes, and the latter part of the clause provided for that. It was exactly the same as clause 11 of the existing Act.

Clauses 13 to 17, inclusive, passed as printed.

On clause 18, as follows:—

"The Governor in Council may, by proclamation, prohibit or restrict the taking of all or any kind of fish, crabs, crayfish, or prawns in any Queensland waters, specified in the proclamation, either absolutely or except by such means as are prescribed by the proclamation; and any person who takes fish, crabs, crayfish, or prawns, contrary to any such prohibition or restriction, shall be liable to a penalty not exceeding twenty pounds."

The HON. E. B. FORREST said he had another amendment to move in that clause. He noticed that the turtle and dugong had both been omitted. They were both of very great commercial value, and if anything in the shape of fish were entitled to protection, they were. He moved that in line 41, after the word "fish," the words "turtle and dugong" be inserted.

The POSTMASTER-GENERAL said on the second reading of the Bill he pointed out that it had been represented to him that it would be advisable to include dugong and turtle in the list of fish named in the section, and if the Hon. Mr. Forrest had not moved the insertion of the words he had intended to have done so. He was strengthened very much in that determination by a letter that had been received since the Bill was read a second time, from Mackay, in which the writer said:—

"I see by the papers that you intend introducing a Fisheries Bill this session, and I do hope that you have a clause in for the protection of the dugong. The fishermen here at Port Newry slaughter them indiscriminately all the year round, and if this is allowed to continue all the dugong will soon be exterminated, and I think that would be a great pity. As far as I can find out, the breeding season here is from July to November. Last month one of the fishermen told me that he killed a cow dugong, and that actually the young calf followed its mother ashore."

As he had pointed out, it was necessary that there should be a close season, and he should therefore cordially support the amendment.

Amendment agreed to.

On the motion of the HON. E. B. FORREST, a similar amendment was made in line 44 of the same clause.

Clause, as amended, put and passed.

Clauses 19 to 22, inclusive, put and passed.

On the schedule, as follows:—

"THE SCHEDULE"

Bream ... ..	4 oz.
Black bream ... ..	8 "
Perch ... ..	4 "
Flounder or sole ... ..	3 "
Rock cod ... ..	16 "
Whiting ... ..	4 "
Flathead ... ..	8 "
Mullet, sea ... ..	16 "
Mullet, mangrove ... ..	6 "
Mullet, flat-tailed ... ..	3 "
Mullet, fresh-water ... ..	6 "
Garfish ... ..	1½ "
Jewfish ... ..	16 "
Pumba or tailor fish ... ..	8 "
Barramundi ... ..	16 "
Rockhampton perch ... ..	16 "
Polynemus ... ..	16 "

The HON. E. B. FORREST said he thought the only alteration that would be necessary was as regarded the size of fresh-water mullet. It was put down at 6 oz., but he was certain that a 4-oz. mullet was a saleable and marketable fish, and if the size of 6 oz. was adhered to an injustice might be done to the fishermen. He would move that the figure "4" be substituted for the figure "6." The only other thing that struck him in connection with the schedule was the last line, where a fish called "polynemus" was mentioned. He had never heard of that fish. He had asked a good many fishermen about it during the last few weeks, but they did not know what it was. If it was a fish known by any other name it should be given that name. Perhaps the Postmaster-General was prepared to tell them what a "polynemus" was.

The POSTMASTER-GENERAL said he would point out that according to the present Act the weight of a fresh-water mullet was fixed at 6 oz., so that there had been no alteration.

Amendment agreed to.

The POSTMASTER-GENERAL said the Hon. Mr. Forrest had asked what a "polynemus" was. He had asked the same question on several occasions, but had been unable to get an answer until that afternoon. Captain Fison informed him that it was a Northern fish, and was known by its common name of "king fish." Whether that was the case or not he did not know; but if it was it would be well to insert the words "king fish."

The HON. SIR A. H. PALMER said he believed the strictly correct name was *Polynemus Sheridanus*. He was positively informed that it was named after the hon. member for Maryborough.

The HON. E. B. FORREST said he should certainly prefer leaving it as it stood to adopting the proposed amendment of the Postmaster-General. He did not know until that moment that the fish had been named out of respect to and honour for the hon. member for Maryborough; but if they amended the title in the way proposed they might make a botch of it.

The HON. A. C. GREGORY said he thought it would be an improvement to add the words "or king fish."

The POSTMASTER-GENERAL said he was not in a position to say that the polynemus was in these waters at all, as they had not got it in their list of fish. They were caught in Port Jackson under the names of *Polynemus Indicus* and *Polynemus Marrochir*. Whether they were to be caught in these waters or not he did not know.

The HON. SIR A. H. PALMER: We had better leave them out.

Schedule, as amended, put and passed.

Preamble put and passed.

On the motion of the POSTMASTER-GENERAL, the CHAIRMAN reported the Bill to the House with amendments. The report was adopted and the third reading of the Bill made an Order of the Day for to-morrow.

IMMIGRATION ACT AMENDMENT  
BILL.

COMMITTEE.

On the motion of the POSTMASTER-GENERAL, the House went into committee to consider this Bill in detail.

The preamble was postponed.

Clauses 1 to 6, inclusive, and Schedule G, put and passed.

On Schedule H—"Scale of payments for nominated passages"—

The HON. W. F. TAYLOR said that on the second reading of the Bill he had signified his intention, if possible, to alter the prices mentioned in the schedule. The reason he had given was that the class of immigrants introduced under the schedule was a very inferior class, and he was of opinion that they might very well dispense with them altogether. They had evidence of that fact every month, and of the class of people introduced under the schedule. Only yesterday the "Chyebassa" had arrived, and he had been informed by the surgeon-superintendent that, with the exception of a few full-paying passengers, almost all the immigrants by that vessel came out under Schedule H. He further told him that he had a very hard time of it to keep those people alive, and it had been necessary for him to use up all the medical comforts supplied. About 30 per cent. of those immigrants were constantly being supplied with medical comforts throughout the whole voyage. The surgeon-superintendent had succeeded in bringing them all safely through with the exception of four infants, but only by considerably taxing himself and the consumption of all the medical comforts. He mentioned that to show hon. gentlemen that a great deal more attention should be paid than had hitherto been paid to the introduction of those people. When the nominations reached the old country very little notice was taken of the people nominated, and the same kind of investigation into their physical condition and general welfare was not gone into as in the case of other immigrants; the impression being that inasmuch as those people were nominated by friends in this country, even if they were to a great extent decrepit and weak, their friends here would look after them. Even if they were disposed to look after them—and they were not always so disposed—it was not desirable to continue the introduction of people physically weak and unfit to perform ordinary duties or to earn a living. He understood it would be trespassing rather upon the privileges of the Legislative Assembly to propose an alteration in the prices contained in the schedule, so he should not make any further objection to it. He hoped in the future they would be able to raise the prices materially, if not to abolish the system altogether.

The POSTMASTER-GENERAL said the matters referred to by the Hon. Dr. Taylor were of great moment, but they had to do more with the administration of the Act than with the terms of the Act itself. The rates in the schedule proposed were only slightly raised from the rates in the Immigration Act of 1882, and while the proposed increased rates would not materially interfere with immigration to the colony, they would, he thought, result in a better class of immigrants being introduced.

Schedule H passed as printed.

Preamble put and passed.

On the motion of the POSTMASTER-GENERAL, the CHAIRMAN reported the Bill to the House without amendment; the report was adopted, and the third reading made an Order of the Day for to-morrow.

#### ADJOURNMENT.

The POSTMASTER-GENERAL said: Hon. gentlemen,—I beg to move that this House do now adjourn.

The HON. A. C. GREGORY said: Hon. gentlemen,—As there is very little business on the paper for to-morrow—only two formal matters, which can just as well be dealt with on Wednesday next—I beg to move, as an amendment, the addition of the words "till Wednesday next."

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

The House adjourned at twenty minutes to 6 o'clock.