Queensland

Parliamentary Debates
[Hansard]

Legislative Council

THURSDAY, 1 NOVEMBER 1888

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LEGISLATIVE COUNCIL.

Thursday, 1 *November*, 1888.

Maryborough-Gayndah Railway.—Cairns-Herberton Railway.—Cooktown Railway.—Croydon Branch Railway.—Message from the Legislative Assembly.—Marsupials Destruction Act Continuation Bill—third reading.—Valuation Act Amendment Bill—second reading.—Queensland Permanent Trustee, Executor, and Finance Agency Company, Limited, Bill—committee.

The PRESIDING CHAIRMAN took the chair at 4 o'clock.

MARYBOROUGH-GAYNDAH RAILWAY.

The MINISTER OF JUSTICE, in moving—

That the report of the Select Committee on the proposed extension (section 2) of the Maryborough-Gayndah Railway be now adopted.—

said: Hon. gentlemen,—The report of the committee is very concise. It says:—

"Having considered the policy and probable cost of the proposed extension, they recommend that the plan, section, and book of reference be approved."

This line is one, the policy of which has been already adopted by Parliament on the occasion of the construction of the first section. This is a continuation of the line by which it is intended to connect Maryborough with Gayndah. The committee have referred to the proceedings, which were available in the records of the parliamentary debates, and have obtained the necessary information to enable them to arrive at the decision which is now before you. On this section the resumptions required will be very slight, only about 12 acres from two selections, the anticipated cost of which will be from £20 to £30. There will be about 880 acres of Crown lands reserved for the usual 6 chains reservation. The road at 26 miles 70 chains will have a level crossing, and the Port Curtis road is crossed at Boompa station, where there is a level crossing provided. The road at 41 miles 50½ chains is to be closed. There are seven bridges required on this line: One at Boompa

Creek, 26 miles 50 chains, which will be 370 feet long; one over the same creek, at 31 miles, 258 feet long; one at Mungore Creek, 35 miles, 1,000 feet long; another bridge at Swindle Creek, at 36 miles 10 chains, 300 feet in length; another at Stoney Creek, 40 miles 20 chains, 1,000 feet long; another at Degilbo Creek, 41 miles 10 chains, 260 feet long; and the last at Two-mile Oakey Creek, 45 miles 30 chains, 390 feet long. Mungarr Junction is 12¼ miles from Maryborough, and the end of No. 2 section is 45 miles 60 chains, or, say, 58 miles from Maryborough. The estimated cost of this line is £90,000 approximately, which will give a cost per mile of £4,437 6s. 6d., exclusive of rolling-stock and land. I scarcely think that this line requires much further advocacy on my part, because it is a continuation of a line which has already been approved.

Question put and passed.

The MINISTER OF JUSTICE moved—

1. That this House approves of the plan, section, and book of reference of the proposed extension (section 2) of the Maryborough-Gayndah Railway, from 25 miles 27 chains 50 links to 45 miles 60 chains 00 links, in length 20 miles 32 chains 50 links, as received by message from the Legislative Assembly on the 23rd October.

2. That such approval be notified to the Legislative Assembly, by message in the usual form.

Question put and passed.

CAIRNS-HERBERTON RAILWAY.

The MINISTER OF JUSTICE moved—

That the report of the Select Committee on the proposed extension of the Cairns-Herberton Railway be now adopted.

Question put and passed.

The MINISTER OF JUSTICE, in moving—

1. That this House approves of the plan, section, and book of reference of the proposed extension of the Cairns-Herberton Railway, from 24 miles to 42 miles, in length 18 miles, as received by message from the Legislative Assembly on the 23rd October.

2. That such approval be notified to the Legislative Assembly by message in the usual form—

said: Hon. gentlemen,—This line, as will have been observed, is a continuation of the line which has been constructed at a very heavy expense from Cairns towards Herberton. The proposed section commences at 24 miles, the end of the second section, and follows the Barron River upwards, crossing it at 41¾ miles, and ends at 42 miles, at the township of Biboohra, being in length 18 miles. The bridges and earthworks are rather heavy. Several tributaries of the Barron River are crossed, of which the Clohesy River at 32 miles, 500 feet, and the Six-Mile Creek at 35¼ miles, 232 feet, are the principal. The Barron River, at 41¾ miles, is 150 feet wide. The ruling grade is 1 in 50 and the sharpest curve is 6 chains radius. On this line there will be no resumptions of private land required; it will be constructed entirely through Crown reserves and vacant Crown lands. About 700 acres are required for the usual 6-chain reservation. From Monk's Gap, about 38¼ miles, an alternative survey has been made. This is the route proposed to be adopted, and it is shown on the plan in blue, the corresponding section being inserted. The other route is shown as cancelled on the plan tabled. The rough estimate of the cost of the line is £108,000 for the 18 miles, equal to about £6,000 per mile for contractor's work only. The cost, as hon. gentlemen will see, of this section, is small compared with the cost of the section which has been already initiated. It is, I think, a line which will commend itself to the House as a necessary corollary of the expenditure incurred by the construction of the first section of the railway.

Question put and passed.

COOKTOWN RAILWAY.

The MINISTER OF JUSTICE, in moving—

That the report of the select committee on the proposed extension of the Cooktown Railway be now adopted—

said: Hon. gentlemen,—The report of the select committee on this line is as follows:—

"1. They have read and considered the official records of the debates in the Legislative Assembly in relation to the proposed extension.

"2. They have considered the policy of the proposed extension, and they are of opinion that its construction is necessary towards the completion of a line of railway which is already far advanced in construction.

"3. They recommend that the plan, section, and book of reference be approved."

The HON. T. MACDONALD-PATERSON said: Hon. gentlemen,—I think that the members of this Chamber would undertake a very grave responsibility indeed, if they adopted this report without some further evidence in relation to the section. It is within the power of every member to obtain information in the city of Brisbane, from those who know the country very well, that this is a most undesirable route to adopt; that there is a better route, a much safer route, which would be of very much greater benefit alike to the district and the colony as a whole. The route to which I refer is one that would receive more traffic, and that would be accessible from all points for traffic for the greater part of the distance. I have been informed, and I have satisfied myself that the information is strictly correct, that this proposed section passes for many miles through a deep gorge, which is inaccessible from either side; and that, on the other hand, a very good route can be obtained, passing over what may be termed tableland. Now, that is all I intend to say about the matter. Those statements are quite sufficient to justify me in asking this Chamber to pause this afternoon and allow hon. gentlemen to consider what I have said, to discover for themselves, think out the matter, and come here to-morrow afternoon prepared to vote either one way or the other. I have not had time to follow closely the debates in the Legislative Assembly on the subject, as referred to by the committee which has reported upon this work, but it is something new to me, as it must be to every member of this House, to find a recommendation for the construction of a railway based upon the debates of the other House.

The MINISTER OF JUSTICE: You have done it.

The HON. T. MACDONALD-PATERSON: It is done occasionally, under special circumstances, if there is an intimacy of knowledge which is very general in regard to the new country, the nature of the undertaking, and the probable cost. But it is not the duty of this House to adopt any report upon what is said in the other branch of the Legislature. I have done it myself when further information might have been had, but the Minister of Justice will find, on referring to the historical documents of this House, that any railway undertaking, in a comparatively new and unknown country, was always supported by technical evidence—sometimes by the evidence of engineers, and very frequently by the evidence of residents in the district. There has always been something to give this House information, at least, of the physical features of the country, the estimated cost, and the probable traffic over the proposed line, which would enable members in this Chamber to come to a conclusion upon the matter. Here there is no information. Speaking for myself, I am in the dark as to the cost, which is not disclosed. I am quite in the dark as to the grades,

because the Minister of Justice has not mentioned anything about those matters, and there might be a radius of curves which is very undesirable.

The MINISTER OF JUSTICE: I will mention those things when I move the approval of the line.

The HON. T. MACDONALD-PATERSON: This is the proper time to speak on the question. If the report is adopted the other motion will go without saying.

The MINISTER OF JUSTICE: Not naturally.

The HON. T. MACDONALD-PATERSON: That has been the practice, and, therefore, I think anything that is to be said on the motion for the adoption of the report should be said. I hope hon. gentlemen will facilitate the consideration of this matter by leaving it till to-morrow afternoon, and I respectfully ask the Minister of Justice to postpone the motion until then, and until hon. members have had an opportunity of considering the statements that I have made. I believe that will facilitate business. All I ask is, that the best route should be adopted. But if the information I have received is true, and I am firmly convinced that it is, then I am afraid this is a leap in the dark. Why did the Minister of Justice not attempt to get from the Works Department, as is customary, the report of the engineer of the Northern division? There must be some reports which have been sent to the Chief Engineer. There must be information from the surveying engineer of the line, who must have contributed some report to the chief in the Northern division of the colony, and I think we should have those matters before us. With regard to the other railways on the paper, most of us know something. Everyone knows the Croydon country. We all have known the Gayndah country for many years past. We know the country through which the Bowen railway passes, and the necessity for connecting Bowen and Townsville is admitted; but I think it is very desirable that we should have a further opportunity of acquiring information on this line, more especially in the absence of any information whatever being supplied by the Government in relation to the line. There is nothing disclosed in the committee's report except a reference to the debates of the Legislative Assembly; and with all due respect to that Chamber, I do not think that that should be the only source from whence hon. members of this House should obtain information with respect to the policy and cost of any railway. I shall be very glad indeed, if the hon. the Minister of Justice will consent to defer this matter until to-morrow afternoon.

The HON. J. T. SMITH said: Hon. gentlemen,—I think that the point raised by the Hon. Mr. Macdonald-Paterson is one that is explained fairly by the maps. He asks a question as to what the maximum grade will be upon this series of plans, and upon the line generally. It has been told to him, or at any rate it has been told to the House, that the maximum grade is 1 in 50. In reference to this line the surveyors have had to explore one of the most difficult pieces of country, perhaps, in the colony. The height to be ascended is an isolated tableland, and when once ascended you travel along the top of it for a certain distance, and then inevitably have to descend again to reach the river. The surveyor stated plainly enough that the only method of dealing with this line would be by taking the valley of the Mossman Creek, and pursuing it as far as possible, so as to pass over the summit on the best terms possible for the railway. That is shown very specifically on the last page but one of the plans. The distance of the 1 in 50 grades is something under 2½ miles. The difficult country commences at 78 miles, and traverses chiefly the course of the Mossman Creek to the very extremity, up to 97 miles. I myself have explored a portion of this country, although not this particular piece, and know, as others who are acquainted with the country know, that further than that the road is only what is called a "packhorse" track. I believe it is not traversable by wheeled vehicles. The surveyors seem to have taken what seems to be probably the route that lay naturally within their grasp, that is the route of the valley of the Mossman Creek. Anyone acquainted with plans of this description can see the enormous difficulties which have arisen, and to have conquered those difficulties by scaling an evidently precipitous range, compelling the surveying engineer to go into cuttings, because there was no possibility of a bank affording a base for the line to rest upon, shows that the surveyor has adopted the very best means under the circumstances. The gentleman who holds the position of chief engineer for that portion of the colony is a man whom I know intimately, and he is a man who is extremely capable of investigating country. In fact, if he has a characteristic at all as an engineer, it is that which rests upon his capability of investigating country for the purpose of obtaining the best route. He has been remarkable for that in times past, and I have the very greatest confidence in the manner in which he has done his work. I think, if the House is satisfied that the course which the line has taken under the circumstances is the best one, it would be better not to postpone the question; but to take it as it stands before us. I am satisfied that we cannot get better information than we have, and the information borne upon the face of those documents is of such a character that no other is necessary, because we shall have to deal with a question which we are ourselves incompetent to speak upon with accuracy. If the face of that country were perfectly level, all we would have to do would be to draw the straightest line, but in this case we have to deal with an engineer's capability for investigating the best route for a line from one place to another. It will be found that taking the main road and the railway road, in the present instance the railway road is considerably shorter. I do not think I need say any more; the plans carry on the face of them characteristics which should satisfy the House.

The HON. F. T. BRENTNALL said: Hon. gentlemen,—The arguments advanced in favour of this line by the Hon. Mr. Smith go to show that it may be possible that the best series of gradients that can be obtained on this particular route have been obtained. I understand the point raised by the Hon. Mr. Macdonald-Paterson was whether this is the best route. It runs through a class of country that will be enormously expensive, and the drift of the argument raised by the Hon. Mr. Smith is that even if it is the best route it is a line of railway that will cost a very heavy sum of money. It is fair to the House that more information should be given regarding this line. We have no information before us as to what the cost of the line is likely to be, and even considering the arguments that have been raised in its favour, it would not surprise any one of us if the line were to cost £20,000 per mile. Are we to commit ourselves to the expenditure of this very large sum of money for a railway to go through country such as this without knowing what we are doing? We cannot afford to vote with our eyes shut upon questions of such magnitude. I should like to have an opportunity of looking into the matter myself. If the Minister of Justice will accede to the request that has been made, the cost of this line, and the

probabilities there are of traffic upon it may be ascertained. If the railway runs through country of a character such as has been described and will cost such a large amount of money, we ought to be put in possession of some information which will justify us in voting the amount which will necessarily be required for such a work.

The HON. A. C. GREGORY said: Hon. gentlemen,—The objection that has been taken to proceeding at once with the adoption of this line of railway is that there has not been sufficient evidence taken. I am under the impression, in the first place, when we dealt with this line the question of the policy of the whole line was considered, and now this is not a question as to whether there will be enough traffic to make the line pay, or whether the line is wanted to Maytown at all, but whether the line from Sandown—to which place the line is already extended—shall be carried on to Maytown. No doubt if the engineer who carried out the survey was here he would be able to give us a good many explanations in regard to details; but in the plan he has given us details which will enable us to judge whether he had any choice of adopting another route. When we leave Sandown we find that until we cross the Laura River he had no choice, because he had to get past the Laura, or he could not ascend the tableland which he had to cross to get to Maytown; the upper part of the Laura would have thrown him completely away from a direct course. That is nearly one-half of the line. Then we come to the other half. We find that a short distance past the crossing of the Laura he had no option whatever but to follow up the valley of the Mossman. Then, if you want to get up a steep place, you have to look for a leading spur or a leading valley. The tableland in the present case had a precipitous escarpment with deep ravines cut in the face of it, and it did not offer any leading spurs; and the only means by which an engineer could carry a railway up was to run up one side and go round and round like a spiral staircase. That plan has been adopted upon some European railways, where they have no less than seven of these upon a single line. Because the spur system was not open to him, the engineer had to follow the river as closely as was consistent with carrying on the line at all. Any hon. member on referring to the plans will see that the engineer avoided taking the railway backwards and forwards, a choice an engineer very often is unable to make. He followed the valley of the river, keeping the most even grades he could get, until he reached the tableland, at a point from which the summit was accessible, and from which there was a possibility of a road to Maytown itself. If we had the engineer before us we could only ask him questions like this: "What kind of rock are you going through; is it hard or soft?" and "Could you have made any deviation?" He would only have to reply, "I think the map shows that. I can assure you that no other course is possible." If this map is correct, it is perfectly clear that there is no choice whatever, and that any deviations must make the line longer. Under the circumstances we may consider that although we have not had oral evidence, we have had evidence by these plans and sections. Possibly to many hon. gentlemen who have not been engaged in this class of work as I have, professionally, it may not be so clear. When we were going from Ipswich to Toowoomba we had an almost similar class of difficulty to encounter. In the first instance we followed the valley up as far as we could go consistently, and then we came to a point where the leading valley was not sufficiently steep to enable us to ascend to the summit of the tableland of the Darling Downs. When we got as far as Helidon we had to make a tremendous deviation and follow up minor ravines and watercourses, winding in and out in a snakelike course, not for the purpose of simply getting up to the top, but for the purpose of obtaining a sufficient length of gradients to make an elevation of about 1,500 feet. If we had run the railway further up the valley we would have run into a *cul-de-sac*. Before that railway was started I proposed the circular railway system, but in this place that system was far too advanced for engineers to risk their reputations in attempting a new scheme. Had that been done it would have been possible to have shortened the line. The distance from Helidon to the top of the range was about ten miles, and it would have been possible to have reached the summit by railway in about twenty miles. Taking the present case as almost analogous, and that the engineer had no choice of route, if we had the engineer before us we should not be able to arrive at any better condition of doubt. I consider that it would be very undesirable that an undertaking which has been carried as far as Sandown, and which now requires an addition to utilise what has been already built, should be delayed, when we have it in our power to enable the work to proceed at once.

The MINISTER OF JUSTICE said: Hon. gentlemen,—I do not wish to incommode the hon. Mr. Macdonald-Paterson in any way if he wishes to have an opportunity of looking into this railway. I do not think that practically he has made out a good case for asking us to postpone the matter; but I have no objection to doing so. I wish every hon. member to have an opportunity of expressing an opinion upon any subject going forward, and will be very glad if any hon. gentleman will move the adjournment of the debate.

The HON. W. PETTIGREW said: Hon. gentlemen,—As this is a work of such magnitude, I think it is desirable that we should have all the information possible, and I therefore move that the debate be adjourned until to-morrow.

Question put and passed.

The MINISTER OF JUSTICE: Hon. gentlemen,—I now beg to move that the consideration of notice of motion No. 6 be postponed until to-morrow.

Question put and passed.

CROYDON BRANCH RAILWAY.

The MINISTER OF JUSTICE, in moving—

That the report of the Select Committee on the first section of the proposed Croydon branch railway be now adopted—

said: Hon. gentlemen,—This railway is one connecting the present line, which is constructed to a point about 13 miles from Normanton, with a point 42 miles from Normanton on the road to Croydon, and it is one about which very little question can be raised. The report says that the committee—

"1. Have read and considered the official records of the debates in the Legislative Assembly in relation to the proposed extension.

"2. The mineral resources of the Croydon Goldfield are very extensive, of a permanent and remunerative character, and now support a large population. With the advantages of railway communication with the seaport at Normanton the field is likely to be more advantageously developed, and at the same time to furnish a paying railway traffic. The cost of the construction of the proposed extension is shown to be comparatively very moderate.

"3. They recommend that the plan, section, and book of reference be approved."

The route of this line is from a point 13 miles from Normanton, or about a quarter of a mile beyond the proposed junction of the Cloncurry line. Then, after crossing the Norman River at 14

miles, it runs a little south of east, almost a straight course to its termination at 42 miles. It is entirely of surface construction, and, as the country traversed is level, very little bridging and waterways are required. The bridge over the Norman River will be 728 feet long, over thirty-five 20-feet openings and two 14-feet openings. The rails level will be 11 feet above the surface, or from 10 feet to 15 feet below flood level. To bring the bridge above the flood level it would have to be half a mile in length and 30 feet high in the centre, and the adjacent billabongs would require expensive bridges. The ruling grade is 1 in 66, but on each side of the Norman River there will be about 3 chains of 1 in 30. The smallest curves are of a radius of 30 chains. The Cloncurry road, which is crossed at 13 miles, will be provided with an open level crossing. The resumption of land on this line will be of a very nominal character; the line passes only through two selections, from which about 10 acres will be required, at an anticipated cost of between £20 and £30. The remainder of the line will be constructed through Crown lands, and the usual 6-chain reservation will be made of about 700 acres altogether. No special estimate of cost has been made, because the line is being constructed in continuation of the system which has been initiated in that part of the colony by the use of steel sleepers. It is being built under arrangements with Mr. Phillips, who is superintending and carrying out the work on what is called the small contract system. The length of the section will be about 29 miles, 25 miles of which will be constructed with Phillips's patent steel sleepers, and there is a suitable place for a temporary terminus at 39 miles from Normanton. The cost of the line itself, apart from the question of sleepers, must necessarily be very small, because it is shown that it goes through country which does not contain a single hill. The gradient from one end of the line to the other is very slight. The point at the extreme end of this section, at 42 miles, is 210 feet above the level of the sea, while at the commencement it is 122½ feet above the sea level, so that the total gradient from the 13 miles to the 42 miles shows a difference in elevation of something like 80 or 90 feet. The country is almost dead level, and the cost cannot be much. I think hon. gentlemen are fully aware of the importance of the Croydon Goldfield; of the extent of the mineral discoveries there, and the necessity for providing for communication with the coast. The line will not only afford great advantages in the way of developing a valuable mineral field, but it is hoped that it will also contribute a good paying traffic. On the select committee we have had the advantage of the Hon. Mr. Aplin's assistance. He is well acquainted with the country, and he has stated his views on the subject, in which I think hon. members will concur.

The HON. T. MACDONALD-PATERSON said: Hon. gentlemen,—I merely rise to say that this branch railway is one that undoubtedly meets with the general approval of the whole country, and I sincerely trust it will be expeditiously constructed, and that Government will likewise, concurrently with its construction, take steps, if it be at all practicable, to have the surveys completed to Croydon township, with a view of pushing on the line to that goldfield. It is extremely desirable that communication between Normanton and Croydon should, as soon as possible, be made permanent and certain, so that the difficulties with regard to the carriage of supplies may be overcome. I do not think the Minister of Justice could well have given us more information than he has done.

Question put and passed.

The MINISTER OF JUSTICE moved—

1. That this House approves of the plan, section, and book of reference of the first section of the proposed Croydon Branch Railway, 13 miles to 42 miles from Normanton, in length 29 miles, as received by message from the Legislative Assembly on the 23rd October.

2. That such approval be notified to the Legislative Assembly by message in the usual form.

Question put and passed.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.

The PRESIDING CHAIRMAN announced the receipt of a message from the Legislative Assembly, requesting that leave might be given to the Hon. A. C. Gregory to attend and be examined before a select committee appointed to inquire into and report upon sandstone quarries.

The MINISTER OF JUSTICE moved that leave be given of the hon. member to attend, if he thinks fit; and that a message to that effect be transmitted to the Legislative Assembly.

Question put and passed.

MARSUPIALS DESTRUCTION ACT CONTINUATION BILL.

THIRD READING.

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

VALUATION ACT AMENDMENT BILL.

SECOND READING.

The MINISTER OF JUSTICE said: Hon. gentlemen,—This is a Bill to amend the Valuation Act of 1887. Certain difficulties have arisen in connection with the Act, and probably some injustice has been done in consequence of the disputed point as to whether ratepayers had the right to appeal in certain cases against the decision of the appeal courts. It is proposed to repeal the 13th section of the present Act, and I will read that section to the House:—

"If any person thinks himself aggrieved by the amount of the valuation of any land, he may in any year, at any time within one month after he has received notice of such valuation, appeal against such valuation to the justices in such court of petty sessions as the Governor in Council may appoint, or, if none is so appointed, to the court of petty sessions held nearest to the land; but no such appeal shall be entertained unless seven days' notice in writing of the appeal is given by the appellant to the local authority.

"The local authority may appoint and notify by advertisement in one or more newspapers generally circulating in the district, a day, not being less than thirty-eight days after the delivery of the notices of the valuations, for hearing appeals against the valuations.

"On the day so appointed or notified, or any later day to which the justices adjourn the hearing, or if no day is so appointed and notified by the local authority, on such day as the justices shall appoint, the justices present shall hear and determine all objections to the valuations on the ground of error in the amount thereof, but shall not entertain any other objection, and shall have power to amend any valuation appealed against, and their decision shall be final upon all questions of fact determined by them."

It has been found in experience that that section, in some instances, does not work in a satisfactory manner, and I may instance one case to illustrate that fact. The question arose as to whether certain mining machinery, belonging to a mining company at Charters Towers, was liable to be rated. Under the 7th section of the Act, subsection 3, it is said:—

"In estimating the annual or capital value of mines, the surface of the land and the buildings thereon shall alone be taken into consideration, and all minerals and other things beneath the surface of the land, and all machinery necessarily used for the purpose of working the mine, shall not be reckoned."

Now, the case which has given the origin to this Bill, and which shows the defect in the Act, was one in which a mining company owning machinery, which crushed stone from their own mine and from other mines, was ratable. The question arose as to how far that mining machinery was exempted. It is not necessary that I should be exact in stating what the decision of the magistrates was, but in the particular case in question the bench decided that the whole of the mining machinery was liable to be rated. The difficulty would have been just the same if they had exempted the whole of the mining machinery. In this case the mine-owners were unable to have the decision of the magistrates in any way questioned. It was a question of the construction of a statute ; it was not strictly a question of fact. But there were no means provided in the section for questioning the conclusions of the bench. Now, it would have been just the same if the bench had taken a different view of the case. The divisional board, or local authority, would have had no means whatever of settling the question of their rights. They would have had to submit, and they did have to submit, for the time being, to the ruling of the bench. It is not difficult to conceive of many cases in which similar questions might arise. In fact, when the Valuation Act was going through this House a question was raised, if I recollect rightly, by myself. I pointed out that, in the case of the Brisbane Hospital, or any country hospital, in which the resident surgeon was occupying quarters, and had, at the same time, the right of private practice, and used those quarters in connection with his private practice, the question might arise as to whether the surgeon's quarters were really exempted from rates, and it is very desirable that the general question of exemption from rates should be definitely settled. I have explained shortly the difficulty which this Bill seeks to remove. The mode in which it is proposed to do it is by repealing the 13th section and re-enacting it, with some modifications. The new clause will provide a right of appeal in respect of the valuation of land, not only as to the amount, as is provided by the present 13th section of the principal Act, but as to the principle on which such valuation has been made. The ratepayer may appeal, in the ordinary way, to the justices, and the new clause removes the present enactment which restricts the justices present to hearing and determining the case only as regards the amount involved. It gives the court of appeal the power of hearing appeals, both against the amount of valuation, and also against the principle on which the valuation has been made. In other respects clause 2 of the Bill corresponds with the provisions of the old clause 13. Clause 3 provides for the determination, by the justices, of any question that may arise between the local authority and a ratepayer, as to whether any particular property, or land, is liable to be rated. The justices may determine that question also, and in any of these cases appeals to the justices come within the 222nd section of the Justices Act which gives either party the right to have a special case stated for the opinion of the Supreme Court. The only difference which clause 4 makes in dealing with these appeals is, that it does away with the usual recognisance—that is, the usual undertaking to pay a sum of money to prosecute the appeal. The question has been raised as to whether a divisional board, being a body corporate, can enter into recognisances. I do not think that it is of very material importance that either divisional boards or the owners of property in the division, should be required to go to the expense and trouble of entering into recognisances. The people who take the trouble to appeal against their rates are generally people who have property in the division, and who are able without much trouble, to pay the expenses which might be incurred, and the divisional board need not, I think, be called upon to offer any security. The 5th clause provides for a difficulty that may sometimes occur, and which has occurred—that a judge of the Supreme Court has felt himself incapacitated from hearing an appeal in connection with divisional boards, because he was a ratepayer in a particular division. It is proposed to remove that disqualification from the judges of the Supreme Court. I do not think I can throw much more light on this subject than I have done. It may be said that the question of valuation and the principle of valuation on property for local authorities is open to much question. There is no doubt that it is still open to a great deal of discussion, but the Government this session did not consider that they would have a sufficient opportunity of discussing and considering adequately a Bill which would lead probably to a very large amount of debate, and a great deal of discussion. I move that the Bill be now read a second time.

Question put and passed.

COMMITTEE.

The MINISTER OF JUSTICE said : Hon. gentlemen,—If there is no objection, I propose to proceed with the Bill at once in committee. I, therefore, move that the Presiding Chairman leave the chair, and the House go into committee to consider the Bill.

The HON. F. T. BRENTNALL said : Hon. gentlemen,—I hope, if this motion be carried, we shall not overlook the fact that there is a private Bill on the paper. I offer no objection to the motion whatever, but I trust hon. members will endeavour to make a House after tea, so that we can go on with that private Bill.

The MINISTER OF JUSTICE said: Hon. gentlemen,—I will assist the hon. gentleman in charge of that Bill so far as possible. I owe that, at least, to the hon. gentleman, who has assisted me so much already.

Question put and passed.

Clause 1 put and passed.

On clause 2, as follows :—

"The thirteenth section of the principal Act is hereby repealed, and the following provision substituted in lieu thereof:—

"If any person thinks himself aggrieved by the valuation of the annual rateable value of any land whether in respect of—

(1) The amount of such valuation; or

(2) The principle on which such valuation has been made;

he may in any year, appeal against such valuation to the justices in such court of petty sessions as the Governor in Council may appoint, or, if none is so appointed, to the court of petty sessions held nearest to the land, but no such appeal shall be entertained unless seven days' notice in writing of the appeal is given by the appellant to the local authority within one month after he has received notice of such valuation.

"The local authority may appoint and notify by advertisement in one or more newspapers generally circulating in the district, a day, not being less than thirty-eight days after the delivery of the notices of the valuations, for hearing appeals against valuations.

"On the day so appointed and notified, or any later day to which the justices adjourn the hearing, or if no day is so appointed and notified by the local authority, on such day as the justices shall appoint, the justices present shall hear and determine all such appeals, and shall have power to amend any valuation appealed against.

"The Governor in Council may appoint a court of petty sessions to be held in and for any district for the special purpose of hearing matters arising under this Act, and for no other purpose."

The HON. W. G. POWER said the clause said the local authority might appoint a day for hearing appeals; he thought it would be better if the local authority were compelled to appoint a day, otherwise it might be very awkward. He noticed that in the absence of the local authority appointing a day, the justices might appoint a day; but that would be inconvenient for people who did not understand those matters—appellants in a small way. It would be better to say, "The local authority shall appoint a day."

The MINISTER OF JUSTICE said it was compulsory upon a board to appoint a day, as unless they gave ratepayers an opportunity of appealing they could not enforce the payment of rates. Therefore the appointment of a day for hearing appeals was a proceeding which they could not avoid. The clause was sufficiently compulsory to secure the performance by a board of that duty.

The HON. W. G. POWER said the clause did not say that a board was compelled to appoint a day for hearing appeals, and they need not do anything they were not compelled to do. Some boards would take a small point in that direction. It only necessitated changing a word.

The HON. A. C. GREGORY said the clause was practically the same in that particular as the present Act, and no difficulty had arisen in regard to fixing a day for the hearing of appeals. No divisional board could collect any rates until they had fixed a day for hearing appeals. He was glad to see that not only could justices deal with the question of the amounts of valuations; but they could deal with the principle upon which a valuation was made. It would be patent to hon. gentlemen that valuers had valued property in what was undeniably its wrong class. He knew of a case in the shire in which he was residing, in which the valuer took the best improved property in the shire, on which one of the best houses was built, and almost every inch of ground was improved and cultivated, and kept in nice order, and put it down as improved, but not fully improved, property. That was absolutely contrary to the spirit of the Act, and there was no possible appeal; the owner could only go to the court and say that his assessment was excessive. That was one of a number of cases which had occurred. In at least a score of cases the valuer had put down property in the wrong class. That was sufficient to show how important that provision in the clause was.

Clause put and passed.

The remaining clauses in the Bill were passed as printed.

On the motion of the MINISTER OF JUSTICE, the House resumed, and the ACTING CHAIRMAN reported the Bill without amendment.

The report was adopted, and, on the motion of the MINISTER OF JUSTICE, the third reading of the Bill was made an Order of the Day for to-morrow.

QUEENSLAND PERMANENT TRUSTEE, EXECUTOR, AND FINANCE AGENCY COMPANY, LIMITED, BILL.

COMMITTEE.

On the motion of the Hon. A. C. GREGORY, the Presiding Chairman left the chair, and the House went into committee to consider the Bill.

Preamble postponed.

Clauses 1 to 11, inclusive, passed as printed.

On clause 12—

"Any executor or administrator acting under any probate or administration whether granted before or after the coming into operation of this Act, and any trustee, receiver, or committee with the consent of the court to be obtained in the manner hereinafter mentioned, may appoint the company to perform and discharge all the acts and duties of such executor, administrator, trustee, receiver, or committee, as the case may be, and the company shall have power to perform and discharge all such acts and duties accordingly; and in every such case all the capital both paid and unpaid, and all other assets of the company, shall be liable for the proper discharge of such duties, and the executor, administrator, trustee, receiver, or committee so appointing the company shall be released from liability in respect of all acts done by or omitted to be done by the company acting under such appointment."

The HON W. G. POWER said he thought the clause was a very improper one, because if any man made a will and appointed an executor, he did not think that executor should be authorised to transfer his liability to any company. If an executor wanted to get out of the trust reposed in him, it should go to the Government, that was, the official trustee. He did not see why a man should be allowed to do anything like the clause permitted. It was not fair to the rising generation. It was all very well at present; the directors of the company were respectable people; but they did not know who might be their successors in ten years' time. It was not proper that a man should be so allowed to put away the trust reposed in him.

The Hon. A. C. GREGORY said attention had been given to the point raised by the Hon. Mr. Power, and the Select Committee raised the very same question. They met the objection by inserting the words "with the consent of the court" after the words "or committee," in the beginning of the clause, and the consequence was that no trustee, or administrator, or executor could hand over his trust or executorship without the consent of the court. That was practically what the hon. member had suggested; there would be an independent authority to determine whether the trust might or might not be transferred.

The MINISTER OF JUSTICE said there was something more in the matter than the Hon. Mr. Gregory had put forth. Once the executor or administrator had taken up the functions of his trust, it was at present allowable for him only to relieve himself of the duty which he had taken up under special circumstances, such as if he had become unfit to be trusted—had lost his character or reputation so much as that the court would relieve him of his functions. Courts, as a rule, would not relieve an executor or administrator except upon some such ground as that, or except upon the ground that an executor who still retained his good name was obliged to leave the colony, or had become physically or mentally incapable of performing the duties. But here they opened the door very much more widely, and it was quite possible that they would find executors or administrators acting in the winding-up of estates being offered large sums of money to hand over their trusts to companies of this nature. It was a very common thing to find executors left certain legacies by the testator, and after they had drawn their legacies they could hand over the estate, and enable a company to make money out of it, if they were not men of very strict principles. A company would always make money out of estates; it was formed for the purpose. The directors of a company, as directors, were bound in duty to their shareholders to make what money they could. They would have two aims, one their duty to an estate, and the other their duty to the shareholders, and as they retained office by the votes of the shareholders, it followed as a natural consequence that the more pressing duty upon the directors would be that towards their shareholders. Very little objection

could be taken to the preceding clauses, but when the Bill went outside the ordinary clauses necessary for enabling a company to act as an executor, it was time to raise the question.

The HON. A. C. GREGORY said the exception that had been taken to the clause had been that a trustee should not be allowed to withdraw from his trust; but such a trustee as had been described by the Minister of Justice had much better be got rid of in the interests of the estate, and every facility should be given for getting rid of him. Those who would act dishonestly would get their own money out of an estate, whether they continued to act as trustees or not; but the interference of the court would be necessary to free him from his office. Any person interested could move the court to make such inquiry as would disclose any impropriety of action on the part of a trustee, if it were possible to have it disclosed. Even if a trustee were so clever as to be able to conceal his malpractices, it would be undesirable that he should remain as trustee, because the estate would be more likely to suffer by his continuance in that office than if it were placed in the hands of a company, which would be more completely under the supervision of the court through the provisions of the Bill.

The HON. F. T. BRENTNALL said the clause under debate, and the following clause, had been subjected to considerable criticism elsewhere, and clause 12 was so amended as to make all parties perfectly safe. No administrator, or trustee, or receiver, could delegate his power to the company without the consent of the court, and that was a sufficient safeguard for all the interests involved. If the court were satisfied that a trustee had too much private business to pay sufficient attention to his trusteeship it would be only fair, in the interests of the beneficiaries, that he should be relieved by the consent of the court; and this company, or any other in whose behalf the application might be made, should be allowed to undertake the duties. He regretted the tenor of some remarks that had been made in connection with the Bill. He did not think there was anything to justify the implication that there was a danger that the interests of people who were beneficiaries under wills would suffer in consequence of the tendency of the directors, whoever they might be, of such a company as this, to make large dividends for their shareholders. Such insinuations ought not to be made; and he hoped that it would never occur that any gentleman would be elected a director who would so far have lost his self-respect and conscientiousness that he would betray a trust in that manner. If the directors should be tempted at any time to make large commissions out of estates, it was expressly provided by the other branch of the Legislature that they should not be able to take any commission exceeding 5 per cent. The next clause, which referred to the transfer of power from a trustee to a company, was, as reported in *Hansard*, drafted by Sir S. W. Griffith himself in the other Chamber.

The MINISTER OF JUSTICE said he had thought that a slight amendment should be made in the Bill, by which the company should be rendered liable to come under any measure of general or particular application to their own company, and that if that were agreed to, there would be really no objection to the Bill passing through; but he believed that there was a fear that if an amendment was made in that House now it would have the effect of blocking the measure altogether. He had no desire to take a step that would have the indirect effect of blocking any measure. If he opposed a measure he liked to oppose it, and have it defeated on its merits by a proper division, but he should not like to see it defeated simply through delay or other reasons which, perhaps, might not be considered as going direct at the merits of the Bill. On further consideration of the Bill he did not think it necessary for him to insist upon that amendment, because the powers which were given by it to the company were simply powers to accept probates or letters of administration when the court thought well to grant them. He hoped that they should not have before them any more private Bills of that nature. He hoped they should have a general Bill dealing with the subject, but when that Bill came before them it would no doubt regulate the mode in which probates or letters of administration were granted to companies, and possibly also the conditions on which they should be granted to private individuals, and it would, therefore, have application to that company as well as to every other. He thought, as he said on the debate on the second reading, that the measure had some points to recommend it, and there was one point which he would refer to now. It would, at any rate, prescribe the limits within which companies could expect to get powers from Parliament if they came to seek them. No company need expect to get the privileges asked for by the company whose Bill was before them, unless upon terms quite as strict if not a great deal more strict than the provisions of the Bill. He would not, therefore, move any amendment on the Bill, nor would he attempt in any way to reject it. So far as he was concerned it might proceed through its necessary stages, understanding—and he was quite sure the hon. gentleman in charge of it would understand so far as understandings were of any use—that the company would have to submit to any general legislation on the subject which the Parliament should think fit to enforce.

Clause put and passed.

Clauses 13 to 32, inclusive, and preamble, passed as printed.

The House resumed, and the CHAIRMAN reported the Bill without amendment.

The report was adopted, and the third reading of the Bill made an Order of the Day for to-morrow.

On the motion of the MINISTER OF JUSTICE, the House adjourned at twenty minutes past 7 o'clock.