Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

FRIDAY, 11 OCTOBER 1889

LEGISLATIVE ASSEMBLY.

Friday, 11 *October*, 1889.

Question.—Rockhampton Gas Company Bill—consideration in committee of Legislative Council's amendments.—Warwick Gas, Light, Power, and Coal Company, Limited, Bill—consideration in committee of Legislative Council's amendments.—Artesian Bores for the North—committee.—Federal Council Referring Bill (Queensland), No. 1—committee.—Diseases in Sheep Act Amendment Bill—committee—re-committal.—Motion for Adjournment—Bulimba deputation to the Minister for Lands—strangers in lavatory and refreshment-room—the sanitary committee.—Crown Lands Acts, 1884 to 1886, Amendment Bill—consideration in committee of Legislative Council's amendments.—Adjournment.

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

QUESTION.

Mr. SMITH asked the Minister for Railways—

1. Have the Railway Commissioners been asked to report on the question of the point of junction of the Bowen Railway with the Northern line?

2. If so, have they furnished any report; what is the nature of such report; has it been considered by the Cabinet, and what decision has been arrived at?

3. If not, when will the Commissioners be asked to report upon the question?

4. When will tenders be called for the second section Bowen Railway?

The MINISTER FOR RAILWAYS (Hon. H. M. Nelson) replied—

1, 2, and 3. The Railway Commissioners will report on the point of junction of the Bowen Railway with the Northern Railway as soon as the alternative surveys are completed.

4. The Chief Engineer North and Central Division advises that plans of the second section, Bowen Railway, will be ready to admit of tenders being called in about eight weeks.

ROCKHAMPTON GAS COMPANY BILL.

CONSIDERATION IN COMMITTEE OF LEGISLATIVE COUNCIL'S AMENDMENTS.

On the motion of Mr. REES R. JONES (for the hon. member for Normanby, Mr. Murray), the Speaker left the chair, and the House went into committee to consider the Legislative Council's amendments in this Bill.

Mr. REES R. JONES moved that the Legislative Council's amendments in clause 2, omitting the words "except the transmission of any telegraphic message" in lines 50 and 51, and omitting all the words in lines 52 and 53, be agreed to.

The HON. SIR S. W. GRIFFITH said he did not know why the amendment had been made. He did not see why the Rockhampton Gas Company should be authorised to start telegraph lines. There might be some reasons why they should, but he did not see them at present.

Mr. REES R. JONES said he would call the hon. gentleman's attention to the interpretation of "private" purposes, which was—

"Any purposes whatever to which electricity may for the time being be applicable not being public purposes."

The HON. SIR S. W. GRIFFITH said private purposes should not include the sending of telegrams.

Mr. REES R. JONES: That would be covered by the Electric Telegraph Act.

The HON. SIR S. W. GRIFFITH said he could not find anything in the Act of 1857 prohibiting private persons from starting telegraph lines. It might be proposed to start a private telephone system in Rockhampton.

Mr. REES R. JONES said he was under the impression that the Act 20 Vic. No. 41 gave the Government the exclusive right to electric telegraphs, but he could not find anything to that effect. Under the circumstances he begged leave to withdraw his motion and to move that the amendment be disagreed to.

Motion withdrawn, and question put and passed.

On lines 52 and 53, of clause 2, as follows:—

"'Telegraphic message'—A telegraphic message as defined by the Telegraphic Messages Act of 1872"—

which the Legislative Council proposed to omit.

Mr. REES R. JONES moved that the Legislative Council's amendment be agreed to.

The HON. SIR S. W. GRIFFITH said he agreed with the motion, but the Bill had not been studied carefully enough in going through. He was not present on the occasion, or he would have called attention to many objectionable things. The omission of the words would prevent the company starting telegraph lines; but whether it would exclude them from sending telephone messages he did not know, but probably it would. Another thing was exceedingly objectionable—the alteration of the constitution of the company. It had been formed for the supply of gas, and was turned into an electric light company. He happened the other evening to read a *Hansard* report of a debate in the Imperial Parliament, in the House of Lords, on a similar Bill in charge of Lord Herschell. The objections to altering the constitution of the company were pointed out so strongly that the House of Lords threw out the Bill altogether. That appeared to have escaped the attention of both Houses. It was all very well to say that if the shareholders did not like it they could sell out; but that might be practically confiscating their shares. They went into a company to provide Rockhampton with gas, and it was now proposed to turn it into an electric light company; and if the shareholders did not like it they could sell out. But that would have to be at whatever price they could get for their shares, and the value of the shares might have depreciated. There was nothing, so far as he could see, to show that even a majority of the shareholders approved of the change.

Mr. REES R. JONES said that if the hon. member would take the trouble to read the report of the select committee to whom the Bill was referred, he would see that a copy of the Bill had been sent to every shareholder in the company, and a meeting of the shareholders had unanimously passed a resolution approving of the Bill being introduced, and passed with such modifications as the directors and Parliament might sanction. The shareholders had approved of what had been done.

The HON. SIR S. W. GRIFFITH: All who attended the meeting may have agreed to the Bill.

Mr. REES R. JONES said that every shareholder had got a copy of the Bill and a copy of the resolutions proposed at the meeting, and there was not a dissenting shareholder at the meeting.

The POSTMASTER-GENERAL (Hon. J Donaldson) said there was not the slightest doubt that the Bill had been allowed to go through the House without due consideration. He remembered that it had only taken about ten minutes to put it through, and there had been no discussion upon it, as very few hon. members appeared to take any interest in it. He had not been aware of the real nature of it until after it had been passed by that House, and he was then informed that an attempt would be made to amend it in another place with regard to the electric rights which were conferred in it. There were no conditions laid down in the clause with respect to the wires, and they might be stretched in the way of the public; and there were other matters which should be dealt with, and which had been omitted from the Bill. It was too late now to amend that part of the Bill, but he had fully understood that it was to be amended in another place.

On the motion of Mr. REES R. JONES, the Legislative Council's amendment in clause 2, omitting the words "telegraphic message—a telegraphic message as defined by the Telegraphic Messages Act of 1872," was agreed to.

Mr. REES R. JONES moved that the Legislative Council's amendment, inserting the following new clause 4, be agreed to:—

No pipes or lines, except service pipes or lines, shall hereafter be laid in any street beneath the surface except in that part thereof which is situated between the watertables on either side of the street.

Question put and passed.

Mr. REES R. JONES moved that the Legislative Council's amendment, inserting the following new clause 8, be agreed to:—

If the company does not, within five years from the passing of this Act, make arrangements to the satisfaction of the council of the municipality of Rockhampton for supplying electricity for public purposes, the powers conferred by the two last preceding sections shall cease and determine so far as regards the area of that local authority.

The HON. SIR S. W. GRIFFITH said he did not know that that could be considered a satisfactory arrangement. The clause provided that if the company did not make arrangements satisfactory to the council of the municipality of Rockhampton for supplying electricity for public purposes within five years the powers of the last two sections would cease so far as regarded the area of that local authority, but that did not include North Rockhampton. It was an extraordinary thing that the company should get power to erect electric lines, and that there should be no provisions in the Bill for the proper safeguarding of the wires in the interests of the public. They knew that sometimes very powerful electric currents were transmitted on the wires, and serious accidents had in consequence occurred. If a strong current was being transmitted by any of the company's wires and any man or animal were to touch it, the death of the man or animal would probably be the result. The current required for an arc light would certainly kill a man, and if a wire transmitting such a current were to fall across the road or street very serious consequences might ensue. He was not aware of the provisions in force in other places for the protection of the public in connection with

electric wires, but he was sure they must be more ample than any contained in that Bill. There was nothing to prevent accidents through the wires falling. The Government wires did not cause any serious risk; if any of them fell they would only become entangled; there would be no danger of their killing anyone.

Mr. REES R. JONES said that clauses 5 and 6, now numbered 6 and 7, gave the company the right to make arrangements with the municipality for lighting the place with electricity, and as the council were the guardians of the public they would see that the interests of the public were properly protected. If satisfactory arrangements were not made within five years, then the whole thing would fall to the ground.

The HON. SIR S. W. GRIFFITH said there was nothing whatever in the Bill to protect the public. The 1st clause provided that the principal Act should be construed as if "gas" meant "electricity," and as if "pipe" meant "electric line," and "works" meant "works" as defined by the Bill. Electric line was defined as "a wire or wires, conductor, or other means used for the purpose of conveying, transmitting, or distributing electricity, with any casing, coating, covering tube, or insulators, enclosing, surrounding, or supporting the same or any part thereof." If the company were to be allowed to supply electricity it should certainly be provided that the wires should be underground. He did not know whether that was practicable or not, but still there should be proper precautions if the company were to have the power of erecting things most dangerous to human life.

The POSTMASTER-GENERAL said he quite agreed that that measure was giving the company a very dangerous power. Everyone knew that if the insulators of the electric wire were knocked off by accident, and an animal should happen to touch the wire, death would be instantaneous. If electric wires were to be used by the company they should be underground. There would not be so much danger then, though, of course, there would always be danger under any circumstances. He could only repeat what he had already said, that it really was a pity that those powers were given at all. If electricity for lighting purposes was going to be improved, it would be quite time enough then for the company to ask for the powers sought to be obtained by that Bill. If those powers were granted to the company now, that might prevent some other persons who made great discoveries in electricity entering the field, and such discoveries were being made every day. The Bill would practically give the company a monopoly in Rockhampton. They might, if those powers were granted to them, enter into competition with the Government by erecting telephone lines; and the Government were not even given the monopoly of electric telegraph lines.

Mr. ISAMBERT said the company evidently had some very good friends in the Legislative Council. He thought the clause ought to be considered that day six months. That would give the Government an opportunity of bringing in a general Bill dealing with the supply of electricity, reserving to themselves proper control over all electric lines both for public and private purposes. He was most decidedly opposed to new clause 8 inserted by the Legislative Council.

Mr. REES R. JONES said that clause 5, now numbered 6, provided that—

"The company may, and they are hereby authorised and empowered to, supply electricity for any public or private purposes within the area comprised in the municipality of Rockhampton and the borough of North Rockhampton, and all the provisions of the principal Act relating to the manufacture and supply of gas shall apply to the production and supply of electricity."

There was ample provision in that clause for protecting the public interest. When they broke up the streets the company were bound to make them good.

The HON. SIR S. W. GRIFFITH: That is poor satisfaction for people who have been killed.

Mr. REES R. JONES said he was told that in the city of Brisbane there was an electric line not belonging to the Government going to the Central station right across Queen street to supply electric light to the station, and the public had no control whatever over that; but in the case before the Committee, the company would have to contract with the municipality of North Rockhampton before they supplied electricity to the town, and unless the municipal council would undertake to use the electric light it would be impossible for the company to carry on electric lighting, because they would not get sufficient support from private individuals. The council could therefore make such conditions as would perfectly protect the public. He did not see that there was any objection to acceding to the amendment made by the Legislative Council, and it would certainly be an extreme course to take if, after the Bill had passed the Assembly and been amended by the Legislative Council, it should be rejected at the last moment.

The HON. SIR S. W. GRIFFITH said of course the legislature had control over its work till the last moment, and it was not at all too late for them to retrace their steps, as the Legislative Council had made an amendment which enabled the Committee to exercise its powers. Did the company intend to start electric lighting?

Mr. REES R. JONES: Yes.

The HON. SIR S. W. GRIFFITH said he did not see why they should want five years to set about it.

Mr. REES R. JONES said that electricity was now employed for lighting purposes at Rockhampton. There was one private house lighted by electricity. The machine was at the back of the house, upon private property, and the light was very conspicuous on Saturday nights. He had not heard that there was any danger connected with it. He thought the municipal council was fully protected.

Mr. TOZER said owing to recent developments, electric lighting was now within the reach of even ordinary individuals. Just before he left England, a gentleman who was associated with the general management of a company—which had succeeded in carrying electric lighting nearly all through London, and which, without any patents at all, had made such improvements in their system that they were able to supply the light at a very moderate expense—had told him that the means of lighting towns in Queensland would be very simple. In point of fact, after a long conversation he had had with him, he had placed the matter before him in such a concrete form that, had he been of a speculative nature, he would have obtained the necessary powers as soon as he returned to the colony for lighting the different towns by electricity. He mentioned that just to show that there were persons away from the colony who were thinking of extending their operations even to Australia, and establishing branches of their business here. Before many years were over they would find that such improvements would be made in the system, that the various towns in Queensland could be lighted by electricity at a less cost than by gas.

Mr. HUNTER said that when he was in Sydney a few weeks ago he met the gentleman who had had charge of the electric lighting of the Melbourne Exhibition, and that gentleman had assured him that he was then on his way to Queensland, after having made arrangements in New South Wales, for some very large scheme of electric lighting. He thought he was right in saying that the Brisbane Stock Exchange was lighted by electricity, although the machinery was not in that building.

The POSTMASTER-GENERAL : The Post Office is lighted by electricity from the same source.

Mr. MORGAN said they should be very guarded in reference to the powers they gave any company ; but the local authority, under the Bill, would have power to refuse to enter into any contract for electric lighting, unless proper safeguards were adopted for the preservation of life and limb. The local authority was as capable of being trusted with the interests of the citizens whose affairs it managed, as that Committee. For his part he did not think there was any more danger likely to ensue from electricity, if as much, than from gas. If reasonable care was not adopted in regard to gas, a whole town might be burned down, and many lives sacrificed ; but if they took reasonable precautions to see that the electric wires did not come down from the posts there would be no danger, and of course, if the line broke, no damage would be done. Those details might safely be left to the local authority, who would be quite alive to the danger of playing with the wires that conveyed the electric current. They might be pretty certain that proper safeguards would be inserted in any contract that might be entered into, either with a gas company or an electric lighting company. As to the developments that were taking place in electricity, the local authorities were well aware of them, and they would not enter into a contract with any company when they could get the work done at a less cost by somebody else.

The POSTMASTER-GENERAL moved that the new clause be amended by the insertion of the words "and the Governor in Council," after the word "Rockhampton," in the 3rd line.

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

Mr. REES R. JONES moved that the new clause 9, as follows, inserted by the Council, be agreed to :—

Every wire or cord crossing any road or water above the surface shall be at least eighteen feet from such surface, and the free use of any such road or water shall not be obstructed more than is absolutely necessary.

The HON. SIR S. W. GRIFFITH said that in order to make the clause as safe as possible, he intended to move that it be amended to read as follows :—

Every electric line, wire, or cord crossing any street shall be laid below the surface.

There was no occasion to refer to the crossing of water, because it would only have to cross by the Fitzroy Bridge, and that was provided for in the 7th section. He moved that after the word "every" the words "electric line" be inserted.

Amendment put and agreed to.

The HON. SIR S. W. GRIFFITH moved the omission of the words "road or water above the surface" with the view of inserting the word "street."

Amendment put and agreed to.

The HON. SIR S. W. GRIFFITH moved the omission of the words "at least eighteen feet above the surface," with the view of inserting the words "under the surface."

Mr. REES R. JONES said he thought it would be unfair to compel the company to put their lines below the surface. Even if the lines were put 18 inches below the surface that would hardly be safe in a tropical climate, unless they were encased in costly iron pipes.

Mr. DALRYMPLE said he could see no reason whatever for altering the clause. No one was prepared to say what further developments there might be in electricity, and if the matter was left to the municipality of Rockhampton, who were most vitally interested in it, and to the judgment of the Governor in Council, who would be fully alive to their responsibilities, they might depend upon it that all necessary precautions would be taken. It would be far better to leave the clause as it stood, depending on the watchfulness of the municipality of Rockhampton and the Governor in Council to provide all necessary safeguards. The House had far too many functions to perform to discharge them all properly, and in a measure of that kind it would be advisable to decide it generally, and leave the details to the local authorities.

The HON. SIR S. W. GRIFFITH said that was what he was asking the Committee to do, as the clause did not provide sufficient safeguards. They knew that electric wires covered underground would do no harm to people walking in the streets, and they also knew that if an overhead wire fell down it would be a source of great danger.

Mr. MORGAN said he thought clause 8, as amended, would meet the difficulty. By that clause no agreement would be ratified by the Governor in Council and the municipality unless it contained those safeguards, which it was now proposed to insert in clause 9.

The HON. SIR S. W. GRIFFITH said that clause 8 did not come into operation for five years, and did not affect the matter dealt with by the clause now before the Committee.

Amendment put and agreed to.

The HON. SIR S. W. GRIFFITH moved that all the words after the word "surface" be omitted, as they were no longer applicable.

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

The House resumed ; the CHAIRMAN reported that the Committee had disagreed to one of the Legislative Council's amendments ; had agreed to others with amendments, and had agreed to the remainder without amendment.

On the motion of Mr. REES R. JONES, the report was adopted.

Mr. REES R. JONES said : Mr. Speaker,—I beg to move that the Bill be returned to the Legislative Council with the following message :—

"MR. PRESIDENT,

"The Legislative Assembly having had under consideration the Legislative Council's amendments in the Rockhampton Gas and Coke Company, Limited, Bill—

"Disagree to the proposed amendment in clause 2, lines 50 and 51—Because the amendment would authorise the company to use their electric lines for telegraphic or telephonic messages.

"Propose to amend new clause 8 by the insertion, after the word 'Rockhampton,' of the words 'and the Governor in Council'—in which amendment they invite the concurrence of the Legislative Council.

"Propose to amend new clause 9 by the insertion, after the word 'every,' at the commencement of the clause of the words 'electric line' ; by the omission on lines 44 and 45 of the words 'road or water above the surface,' and the insertion in place thereof of the word 'street' ; by the omission on line 45 of the words 'at least eighteen feet from such,' and the insertion in place thereof of the words 'laid below the' ; by the omission after the word 'surface' where it occurs for

the second time on the 45th line, of all the remaining words of the clause—in which amendments they invite the concurrence of the Legislative Council; and

"Agree to the remaining amendments in other parts of the Bill."

Question put and passed.

WARWICK GAS, LIGHT, POWER, AND COAL COMPANY, LIMITED, BILL.

CONSIDERATION IN COMMITTEE OF LEGISLATIVE COUNCIL'S AMENDMENTS.

On the motion of Mr. MORGAN, the Speaker left the chair, and the House went into committee for the purpose of considering the amendments made by the Legislative Council in this Bill.

On the motion of Mr. MORGAN, the following new clause :—

Every wire or cord crossing any road or water above the surface shall be at least eighteen feet from such surface, and the free use of any such road or water shall not be obstructed more than is absolutely necessary—

which had been inserted by the Legislative Council to follow clause 34, was amended to read as follows :—

Every electric line, wire, or cord crossing any street shall be laid below the surface—

and passed.

On the motion of Mr. MORGAN, the Legislative Council's amendment in clause 42, omitting in the interpretation of "private purposes," the words "except the transmission of any telegraphic message as defined by the Telegraphic Messages Act of 1872" was disagreed to down to the word "message," and agreed to as to the remainder.

The House resumed; and the CHAIRMAN reported that the Committee had agreed to one amendment of the Legislative Council, disagreed in part with one amendment, and agreed to the remainder of the amendment.

The report was adopted.

Mr. MORGAN said: Mr. Speaker,—I beg to move that the Bill be returned to the Legislative Council with the following message :—

"MR. PRESIDENT,

"The Legislative Assembly having had under consideration the Legislative Council's amendments in the Warwick Gas, Light, Power, and Coal Company, Limited, Bill—

"Propose to amend the new clause following clause 34, with the following amendments :—By the insertion after the word 'every,' on line 46, of the words, 'electric line'; by the omission from lines 46 and 47 of the words, 'road or water above the surface,' and the insertion in their place of the word 'street'; by the omission, from line 47, of the words, 'at least eighteen feet from such,' and the insertion, in their place, of the words 'laid below the'; by the omission, after the word 'surface,' where it occurs for the second time, on line 47, of all the remaining words of the clause—in which amendments they invite the concurrence of the Legislative Council.

"Disagree to the portion of the amendment in clause 41, lines 25 and 26, omitting the words, 'except the transmissson of any telegraphic message'; and

"Agree to the remainder of such amendment."

Question put and passed.

ARTESIAN BORES FOR THE NORTH.

COMMITTEE.

On the motion of Mr. HUNTER, the Speaker left the chair, and the House went into committee to consider this Order of the Day—

"Consideration in committee of an address to the Governor, praying that His Excellency will be pleased to cause to be placed on the Supplementary Estimates for the present year the sum of £20,000 to defray the expense of putting down bores for artesian water at Croydon, Etheridge, and other portions of the far North."

Mr. HUNTER moved—

That an address be presented to the Governor, praying that His Excellency will be pleased to cause to be placed on the Supplementary Estimates for the present year the sum of £20,000 to defray the expense of putting down bores for artesian water at Croydon, Etheridge, and other portions of the far North.

The COLONIAL TREASURER (Hon. W. Pattison) said when the motion was under consideration on the previous day, the Government allowed it to go into committee. In the short reply made by the junior member for Burke, he said he would require an assurance from the Government that Mr. Jack, the Government Geologist, would select the most suitable sites for the bores to be put down. As he (Mr. Pattison) had explained to the House, the Government had shown that they were in earnest in the matter by asking Mr. Jack to report before the motion was brought on. The Government were quite aware that there were special circumstances connected with Croydon that entitled it to special consideration, and the motion had not been opposed on the previous day because he believed that arrangements could be made by giving an assurance to the junior member for Burke that such conditions would be complied with. He had informed the junior member for Burke, who had no doubt communicated the fact to the senior member for Burke, that the Government intended to instruct Mr. Jack forthwith to test the North as the West had been tested. At Croydon, Etheridge, and other places tenders would be called, and the bores would be put down in such places as Mr. Jack might think advisable. With that assurance the hon. member should be satisfied. He might say that the Government could not allow the motion to be passed as it stood. A large sum of money had been voted on the last Loan Estimates to be expended in boring. The Government would endeavour to give the North its fair share, and under its special circumstances to give it every consideration.

Mr. HODGKINSON said the Colonial Treasurer had made a very pleasing assurance, but he was sorry such a decision had not been arrived at some two years ago. He did not think it would be proper, after such an assurance had been given, to take any further steps in the matter. The hon. gentleman had acknowledged the special circumstances and claims of the North. They had no desire to embarrass the Government as a Government, but the step taken by the junior member for Burke had been taken after proper discussion by the representatives of the district, and it was simply a last resource of the members of the district to get justice done. Having obtained a guarantee to that effect, as far as he was concerned he would rely with implicit confidence upon the hon. gentleman's promise—his distinct and deliberate promise—that no time would be lost in selecting sites in the Northern district for the purpose of putting down experimental bores, and that tenders would be called at once. He trusted "at once" would really mean "at once," because the wet season was approaching, and any delay would mean keeping the thing over until next year. While on the subject he might give a hint to the hon. gentleman with respect to one portion of the district, where the health of the inhabitants was jeopardised only to a secondary extent to that of the people at Croydon. He referred to Cumberland. The residents there were numerous, and were compelled to use for domestic purposes the water collected in dams, which was impregnated with quicksilver.

Mr. HUNTER said he was pleased to find that the Government had seen their way clear to grant the request that had been made, and that they were prepared to put down bores at Croydon. He would like the Colonial Treasurer to

give him some idea to what extent the Government were likely to go, and whether the claims of the Etheridge, as well as Croydon, would be recognised. In addition to the place which his hon. colleague had mentioned, he would mention that Durham was also very badly in need of water. Both Cumberland and Durham were dependent upon the water used for crushing purposes, and that was not even sufficient to allow of crushing operations being carried on continuously.

The COLONIAL TREASURER said he could only tell the hon. gentleman that the bores would be put down to a sufficient depth to thoroughly test the country. It was scarcely fair that he should be asked to say more. They would be put down to a sufficient depth to thoroughly test Croydon, Etheridge, and other places. The Government were not going to put down dummy bores, but would give the country a fair trial.

Mr. PALMER said he would like to call the Colonial Treasurer's attention to the stringent conditions of the specifications. In order to encourage tenderers, it was necessary to relax some of the conditions. Some years ago, when similar conditions were in force in connection with well-sinking, the Government tenders were always 50 per cent. over those obtained by the pastoral tenants, on account of the unnecessarily stringent conditions. The squatters could get dams excavated and wells sunk for at least 50 per cent. below the price paid by the Government. Some of the conditions hampered the tendering for those artesian bores, and the specification required looking into and proper revision, and if the conditions were tempered a little the tenders would be more numerous.

The COLONIAL TREASURER said he had not yet perused the specifications which he thought had been drawn up by the late Government. Some of the contracts now let were being carried out under those specifications; and he believed some of the conditions were unnecessarily severe and required amendment. He found that in connection with the Clermont bore. He could not say to what extent the specifications would be amended; and they must, of course, be framed in such a way as to leave sufficient power in the hands of the Government to ensure the faithful carrying out of a contract. The specifications would be considered, and would possibly be so amended as to remove some of the objections raised against them. Up to the present time no objection had been raised by any contractor, except in the case of the Clermont bore, and there the country appeared to be altogether unsuitable for the putting down of artesian bores.

Mr. HODGKINSON said he would like, before the subject was closed, to point out what the hon. gentleman probably knew himself. He had called for tenders for bores in the Croydon district during the short time he was Minister for Mines and Works, but he had not accepted a tender, as the expense appeared to be so enormous. He was not so familiar with the subject then as he was now, and if one bore only was called for in the Croydon district, the Treasurer would hardly be justified in incurring the expense. They would be tapping a new district altogether, and the cost of removing the plant would be very great, so great that it would be useless to call for tenders for one bore only.

The MINISTER FOR MINES AND WORKS (Hon. J. M. Macrossan) said there was a great deal in what had fallen from the hon. member for Carpentaria. There was no doubt that private individuals got work done at a much less cost than the Government.

An HONOURABLE MEMBER: In all cases.

The MINISTER FOR MINES AND WORKS said it was true in the case of buildings and public works of all kinds. There was a strange thing underlying all that, and it was that some contractors, who, though they did not generally care to do anything that would injure private individuals, and while they carried out their contracts honestly for private individuals did not carry out their contracts as honestly for the Government.

The HON. SIR S. W. GRIFFITH: I do not think that is so.

The MINISTER FOR MINES AND WORKS said it was a positive fact, and the conditions of contracts were made stringent to meet cases of that kind. He had inquired into the matter in the Works Office and in other Government offices, and he found it was the same in every case. It was admitted all round. Private individuals could get the same class of buildings put up all over the colony for 30 or 40 per cent. less than the Government could get the work done for. The Government were bound to have stricter conditions, because some contractors appeared to think there was less wrong in taking advantage of the Government than in taking advantage of private individuals. What the hon. member for Burke had said about one bore was quite true. There would be no use in putting down one bore at Croydon, because there were two or three separate fields at Croydon; and even if a bore was successful in one part of Croydon, it might not benefit another part. Croydon proper was quite distinct from Tabletop, and Tabletop was quite distinct from Golden Valley, and a bore in one of those places would not benefit the others. Hon. members would do well to disabuse their minds of the idea that the bores would supply water for the crushing machines. They could not do that unless they were put down alongside the crushing machines. They would give people water for domestic purposes, and prevent the people leaving the field for want of water. He was extremely doubtful about the bores providing water for the crushing machinery.

Mr. HODGKINSON: The Cunnamulla bore would supply a lot of crushing machines.

The MINISTER FOR MINES AND WORKS said that was a very exceptional bore, and if the water from a bore on Croydon was to be used for crushing machines, it would have to be conducted in flumes to get to the place where the crushing machines were. He quite agreed that one bore would not be sufficient to test Croydon.

Mr. SMITH said there was another reason why the Government had to pay more for getting work done than private individuals, and that was, the difficulty contractors had in getting their money out of the Government when their work was done. He knew many contractors who had had to wait a considerable time before they could get their money from the Government. So far as the specifications were concerned, if they were framed without unnecessarily severe conditions the Government could get their work done as well as private individuals. The stringency of the conditions caused the contractors to put on high prices; and if the conditions of the specifications were made less stringent, so long as they were perfect for the work to be done, that was all that was required.

The HON. SIR S. W. GRIFFITH said he could not agree with the Minister for Mines and Works as to the reason why Government contracts cost so much. He declined to believe that, as a rule, Government contractors robbed the Government——

The MINISTER FOR MINES AND WORKS : I did not say they robbed the Government.

The HON. SIR S. W. GRIFFITH : Or tried to rob the Government, because they had stringent specifications. He declined to believe that, with the knowledge he had of the subject. There were, of course, dishonest contractors, but as a rule he believed the Government contractors acted as fairly as anyone else. He believed it was because the specifications were unreasonable that they found the great difference in the price of work done for the Government. The specifications must be very strict, but it was surely not intended that they should always be carried out absolutely to the letter.

The MINISTER FOR MINES AND WORKS : That is where the harm comes in.

The HON. SIR S. W. GRIFFITH said the harm came in in having unreasonable supervising officers. There was no doubt any railway contract they had could be so enforced as to ruin the contractor. No private person would think of strictly enforcing such a contract.

The MINISTER FOR MINES AND WORKS : They have no such conditions.

The HON. SIR S. W. GRIFFITH said they would never enforce such conditions. He should be ashamed to enforce such conditions, and the Government should take the same view of them. Some of the engineers supervising railway contracts had not the courage to do what was right under the circumstances, and they fell back then upon the letter of the specification. That, he believed, often caused an extra 20 per cent. of expense in Government contracts. He had remonstrated with some of them more than once, and had told them to do their duty and do what was right without taking an unnecessary advantage of a contractor. They had not the courage to do it, and they thought the safest thing was to keep to the letter of the specification. He did not mean to say they did wrong intentionally, but they had not the necessary courage, and he thought a man to be in a position of that kind should be strong enough to withstand that fear of departing from the letter of a specification.

The MINISTER FOR MINES AND WORKS said that the supervising engineers and their subordinates were practically the arbitrators of the fortunes of contractors, from the power they had in the stringency of the conditions. They could actually ruin a contractor if they chose to do so, and they had ruined them in several cases to his knowledge. He had remonstrated with the engineers as the hon. gentleman had done, but it was no use, and the Minister was actually powerless in cases of that kind. If he compelled the engineer to alter the specifications to the form in which they would be made for a private individual, the first time that anything wrong occurred hon. members would attack the Minister for Mines and Works, and give him no mercy, and the engineer would have right on his side and would say, "I pointed this out." He (the Minister for Mines and Works) had been compelled in more cases than one to appear to take too much the part of the contractor, for the very reason stated by the leader of the Opposition, because he knew that subordinates used the power they possessed unmercifully. They got into a groove, and looked upon contractors as public enemies—at least, many of them did ; they regarded a contractor as a public enemy, as a man who had to be watched. In fact he was told by an engineer years ago that there was not an honest contractor in the world ; that they were all rogues. He was told that by an engineer who had the power referred to, and used it to the injury of men whom he should not have injured, as they were carrying out their work properly. That gentleman thought he was doing right, and that he was doing good work for the country ; but he was over-zealous, and did not believe in such a thing as honesty among contractors. He (the Minister for Mines and Works) did not know whether that officer had ever been a contractor himself or not. There were contractors whom the engineers had to watch closely, and they judged all the contractors by the bad men, and made the conditions so stringent—he did not say for all public works, but for some, railways especially—that the engineer, or a subordinate sometimes, could ruin any contractor no matter how honest he might be, and contractors had, he knew, been ruined by the subordinates of engineers.

The HON. SIR S. W. GRIFFITH said he remembered in his own experience one instance in connection with an officer in the Government service who had the reputation of being very hard on contractors. A very important work was to be done, and, if his recollection was right, only one person would tender ; that tender was 50 per cent. more than a fair price, and the contract was not let. Another officer took charge of the department, and the work had since been completed for a very much smaller sum of money.

Mr. MURPHY said he knew that in the western portion of the colony the Government paid quite 50 per cent. more for sinking tanks than was paid for the same work by pastoral tenants in the neighbourhood, for the simple reason that the contractor was always kept so very closely to the specifications. To show how closely contractors were kept, in some instances, he might mention that it was on record that a contractor in sinking a tank made a mistake as to the depth, and made it a foot or eighteen inches deeper than was specified, which was of course an advantage to the tank ; but the contractor was made to fill it up so that the work when finished might be exactly in accordance with the specifications. Instances of that kind showed why it was the Government had to pay so much more for their work than private persons. It was simply because the officials had laid down such hard and fast cast-iron specifications. He knew that at the prices obtained it was very seldom that a Government contractor was able to make any money out of a contract he took, whereas at half the money he could make a profit out of a contract from a squatter in the same neighbourhood.

Mr. ANNEAR said that it was almost impossible for a contractor to do work properly under such stringent conditions as were laid down in this colony. As regarded railway and some other works it was the practice here that the work done from day to day was passed by the inspector, and any person who had had any experience of railways or public works in this colony would admit that they had a sufficient number of inspectors. As a rule they were very numerous. They passed the work from day to day, and at the end of the month the work was certified to and a percentage of the value paid to the contractor in accordance with the specifications. At the end of six or twelve months, or even two years after that work had been paid for, the inspector and engineer might go and condemn the whole of the work, or a portion of it, and the value of the work condemned was deducted from the final certificate. In England it was the rule, as could be verified by reference in the library—and the hon. member for Burke, Mr. Hodgkinson, who had been in the engineers would be conversant with it—that the work was inspected and passed every day, and the work passed was paid for. He (Mr. Annear) had

worked for two years on a fortification outside Plymouth, where over £100,000 worth of work was done. It was then found that the work was in the wrong position, but not through the fault of the contractor, and it had to be removed at the cost of the Government. In England, Scotland, and Wales, a man working for the Government went to work in the morning, and when he knocked off at the usual time in the evening the work then done was either passed or condemned; and the same thing ought to be done in Queensland. He had himself suffered through the way in which work was inspected in this colony, in connection with a pile bridge on the Maryborough railway. A Government officer and a contractor for the firm of which he was a member connived together, and allowed some piles to be measured 8 feet or 10 feet longer than they really were, though he must say the piles were driven to the test required. Those two men were now dead. The accusation had been hurled against him from the other side of the House that he was a party to that, but he was not. Nevertheless, his partner and himself had to pay £5,000 for what he called the infamous conduct of those men. He did not see why there should not be the same rule here that was followed in Great Britain. The work should be inspected day by day, and if the inspector was of opinion that it was not in accordance with the specification he should condemn it at once. Why include it in the certificate at the end of the month if it was not done properly? Once the work was certified to it should be paid for, because a railway contractor could not always do all the work by day labour; he must employ sub-contractors, and if the work was certified to at the end of the month, and condemned six months afterwards, it was the original contractor who suffered. He was very glad that the hon. members for Burke had attained their object, and that they had the promise that artesian bores would be put down in their electorate. He hoped they would be as successful as the bore in the electorate of the hon. member for Barcoo. He quite agreed that they should not be altogether guided by the report of the gentleman sent to inspect the country, and see whether there was any probability of water being found there. He recollected many years ago hearing a man, who was supposed to be a gentleman of high scientific attainments, lecture at Ipswich on minerals. The lecturer stated that where gold was found they would never find copper, and that where copper was found they would never find gold. That idea had, however, been exploded, for gold and copper, and silver and copper had been found mixed together in many parts of the world, and he believed in Queensland. He was pleased with the discussion that had taken place on Government contracts that afternoon. He was glad that he was not now a Government contractor, and he hoped he never would be again, as he had suffered enough through the specifications being of the stringent character they were, and officers being allowed to do as they had done. He was only one, but there were many other men living in the colony who were suffering through those stringent specifications, and through those men he had referred to, who would stoop to any degrading acts.

Mr. ISAMBERT said he warmly supported the motion of the hon. member for Burke, and was very glad that his request had been acceded to. But he would like to know upon what conditions the work was to be performed; was it to be subject to general provisions or a free gift?

The MINISTER FOR RAILWAYS said he agreed with what had been said in regard to specifications, and the manner in which contracts had been carried out. He had heard from many contractors that they had been very harshly dealt with, particularly in regard to railway contracts. Recently the conditions of contract had been revised in the direction indicated as advisable by hon. members who had spoken, and the last specifications had been very much modified, and on account of the time which it had taken to revise those conditions the calling for tenders for the ninth section of the Central line had been delayed. It was some proof that the revision had been satisfactory when he stated that there were no less than ten tenders received for that work. He might mention that those conditions were undergoing still further revision, and he hoped that in future contracts would be carried out in a fair and honest spirit between the employer and the employé, and he had no doubt that that would be the case.

Mr. HODGKINSON said a great deal of experience had been acquired in the colonies in regard to the letting of railway contracts and in formulating railway tenders, and he must say that the conditions of contract were very drastic. Any hon. gentleman acquainted with the conditions upon which artesian well contracts were let must be astonished at the drastic conditions to which the tenderers were subjected. There could not be the slightest doubt that a man was entitled to be paid for his honest work, whether he was successful in getting water or not. If he put down a bore a certain number of feet and fulfilled the requirements of the department as to dimensions and material and everything else, it certainly was not fair, on the part of any Government, to expect him to do that for nothing, and make it a species of lottery. It was not sufficient for the head of the department to say, "The work is of no use; but I will give you permission to shift your plant to another quarter, and you can try again." It was only necessary for a practical gentleman like the Minister for Railways to peruse one of those contracts and see what men were asked to do, to induce him to make a change.

The MINISTER FOR RAILWAYS said the only reason he could find for the conditions being so stringent in regard to artesian wells was that they had had very little experience in the matter at the time they were framed. He did not deny that they were stringent, nor did he think the Colonial Treasurer could deny it either. It might have been necessary to adopt stringent conditions at first; but now they had had some experience, the conditions might be considerably modified.

Mr. SAYERS said he was very glad that the Government had acceded to the wish of the hon. member for Burke. It was well known that there was no district in the colony which suffered more from want of water than that. Before he sat down he wished to ask the Minister for Mines and Works if steps would be taken to have a report made of the country on the tableland between the Burdekin and the Campaspe at an early date? A number of small settlers had taken up land there, and they had suffered to such an extent that they had had to remove their stock. If it were shown that artesian water could be procured there it would be a great benefit to the residents in the district. On Burdekin Downs and the surrounding district they had to take off nearly every hoof of their stock, and if it were shown that artesian water could be found, private enterprise would do the work. He was not going to complain about Croydon being considered first, as he thought that district had great claims.

The MINISTER FOR MINES AND WORKS said he did not understand which particular locality the hon. gentleman had mentioned,

Mr. SAYERS said he had referred to the country between the Burdekin and the Campaspe—on the Charters Towers side of the Burdekin, between that and the Cape.

The MINISTER FOR MINES AND WORKS said when Mr. Jack was carrying out his work in the North, he would not be very far from that place, and he could go there then, and report upon it.

Mr. SMYTH said he hoped the Minister for Mines and Works would get Mr. Jack to report upon the country known as the Valley of Lagoons, in the Cook district. The late Rev. W. B. Clarke mentioned the locality as the only one in Queensland where they were likely to obtain gold at great depths, and that gentleman had never been wrong in his predictions. He said that underneath the basalt in that locality they might expect to find what might be called the deep leads of Queensland, which were out of the reach of ordinary prospectors. If Mr. Jack's report was favourable the Government might well send one of their diamond drills to test the country, and if gold was found at a depth it would give employment for thousands of miners.

Mr. HODGKINSON said he did not know whether the Minister for Mines and Works was aware of it, but gold had already been found in the Burdekin Valley by prospecting parties as far down as they were able to sink, when they were stopped by the influx of water. It was beyond the means of private enterprise to prospect that district, or the country referred to by the hon. member for Gympie. It would also be advisable to get Mr. Jack's opinion on that part of the country towards the Woolgar, of which Croydon was the centre. It was a portion of country which Mr. Jack would be delighted to have to report upon.

The MINISTER FOR MINES AND WORKS said there were three places in the North which he was extremely anxious to have prospected. Those were the Valley of Lagoons, the Limestone conglomerate in the Palmer district, and Cape River. He had tried to get several prospecting parties for each, but without success. He would send half-a-dozen prospecting parties, if he could get reliable men. He was happy to say that one party sent out to one conglomerate by the Government had reported finding payable gold up to five or six pennyweights to the bucket, but they had to leave the spot for want of water. One party he tried to keep on the Valley of Lagoons, but they went somewhere else. He would be glad if any hon. member would recommend him a good prospecting party for the Valley of Lagoons.

Mr. ISAMBERT said he could hardly accept the statement of the hon. member for Barcoo, that a tank which had been excavated eighteen inches deeper than was required by the contract had had to be filled up in order to make the work tally with the specifications. As to the squatters being able to let contracts for boring at a lower rate than the Governments, it should be remembered that the squatters could give many concessions, such as food and shelter, and many other things, which did not represent a money value to the squatter, but which the Government could not give. So far the Government had done very well with their Hydraulic Department.

Mr. MURRAY said he was glad to hear the Minister for Mines and Works talk about sending out prospecting parties. Last year he was requested to apply for a prospecting party to be sent to the country about Nebo and St. Lawrence, where it was well known that gold existed in considerable quantities. He made the application, but it was refused. After the expression of the Minister for Mines and Works he should try again.

The MINISTER FOR MINES AND WORKS said he had had a good deal to do with prospecting parties since last session; many he had had to reject for good reasons, and others he refused because there was no money. He did not know whether the hon. member for Normanby put in his application before the money was voted or not. For the present year there was £1,000 more on the Estimates for prospecting than last year.

Mr. O'SULLIVAN said it had been known for years that gold existed in some parts of West Moreton, but they had never got any portion of the prospecting vote.

Mr. SAYERS said it would be much better to send out larger prospecting parties, and offer larger rewards. Such a plan would be much more likely to result in the finding of new goldfields. Parties sent out by private enterprise would be much more efficacious than those sent out by the Government, if the reward was made sufficient. Under the present system the money spent in prospecting was lost to the country if no new goldfield happened to be discovered. If the prospecting was conducted by private enterprise, the reward would only be payable on a goldfield being discovered, when the Government would immediately begin to reap the benefit of its expenditure. Where men were sent out by private enterprise—by what were called "backers"—if there was gold to be found they would find it. It would be a grand thing if five or six new goldfields were to be discovered; and it would pay the country if it gave £100,000 in rewards.

Mr. AGNEW said he rose to express his great pleasure at the statement of the Colonial Treasurer that he had taken the specifications for water boring into consideration for the purpose of amending them. He had intended speaking on the subject, but having arrived somewhat late, and having found that his object had been attained, he would simply say he was glad the confidence he had expressed last night in the justice of the Colonial Treasurer had been so fully realised, and that the great body of contractors would look back to that discussion with a considerable degree of satisfaction.

Mr. HUNTER said that, acting on the assurance of the Government that boring operations would be begun forthwith at Croydon, he would, with the permission of the Committee, withdraw his motion.

Motion withdrawn accordingly.

On the motion of Mr. HUNTER, the Chairman left the chair.

FEDERAL COUNCIL REFERRING BILL (QUEENSLAND), No. 1.

COMMITTEE.

On the motion of the MINISTER FOR MINES AND WORKS, the Speaker left the chair, and the House went into committee for the purpose of considering this Bill.

Preamble postponed.

On clause 1, as follows:—

"In pursuance of the provisions of the said recited Act, the following matters are hereby referred to the Federal Council of Australasia, to the intent that, so soon as the legislature or legislatures of another colony or other colonies shall have referred the same matters respectively to the Council, the said Council may exercise legislative authority in respect of such

matters, and that the Acts of the Council relating to them respectively shall be in force in Queensland, that is to say—

(*a*) The recognition in other colonies of orders and declarations of the Supreme Court of any colony in matters of lunacy:

(*b*) Compelling the production to the Supreme Court of any colony of any documents, or of any property of any kind, the production whereof may be required for the purposes of any proceedings in the Supreme Court of any other colony."

Mr. PALMER said he would take that opportunity of asking the Minister for Mines and Works, or the leader of the Opposition, who had been the Queensland representatives at the Federal Council that year, what was the present position of affairs between South Australia and Queensland with regard to the apprehension of offenders on the border? It had been suggested that magistrates should have equal powers in both colonies to sign warrants for the apprehension of offenders, as it had often happened that persons charged with serious offences had escaped. If nothing had been done in that direction, would it not be possible to introduce a clause in that Bill dealing with the matter?

The HON. SIR S. W. GRIFFITH said that matter was provided for by the Federal Council Adopting Bill passed in this colony in 1885, which had referred the matter to the Federal Council. The difficulty had been that until the present year South Australia would not come into the Federal Council. He was not aware whether anything had yet been done by South Australia to deal with the matter. He did not know whether the Government had had any communications with the South Australian Government on the subject; if not he wished they would communicate with them.

The MINISTER FOR MINES AND WORKS: There seems to be some trouble down there.

The HON. SIR S. W. GRIFFITH said that the proposed increase of members in the Federal Council had been blocked by the Legislative Council of South Australia throwing out the Address for increasing the number of members.

Mr. O'SULLIVAN said he was sorry the hon. member for Carnarvon was not present, because that hon. gentleman, who represented a border constituency, could have given a good deal of information on the subject raised by the hon. member for Carpentaria. A great many matters were overlooked on the border, because the magistrates had not authority in both colonies. There was a township springing up on both sides of the river separating the colonies, and a great many selections were being taken up, and some provision ought to be made, such as had been suggested by the hon. member for Carpentaria.

Mr. PALMER said a great deal of trouble would be saved in the future, if some understanding were come to between Queensland and South Australia. A police officer would not at present keep strictly to the law in arresting an offender. A police officer had been known to go far into the territory of South Australia, take a man prisoner, bring him back into Queensland, let him go, and then as soon as he was at liberty, apprehend him again. It would be just as well if the matter were referred to the Federal Council. Magistrates in border townships such as Camooweal should have power to sign warrants for the apprehension of offenders in all cases where the offences were committed near the border, without regard to which colony they had been committed in. It was absurd to suppose that an imaginary line between posts a mile apart would ever be recognised by the police when they were after a man.

The HON. SIR S. W. GRIFFITH said the Federal Council could not deal with the matter, unless South Australia desired them to do so. The matter referred to by the hon. member for Stanley could only be dealt with if New South Wales would join the Council. The two legislatures between them could not do it. It could only be done by the Federal Council, and then only if New South Wales would join with Queensland in requesting the Federal Council to take it in hand. Up to the present time New South Wales had stood aloof, and had not joined the Federal Council, although at the beginning of the present year he had reason for hoping that New South Wales could be induced to join the other colonies. He hoped the Government would communicate with the South Australian Government on the subject referred to by the hon. member for Carpentaria, if they had not already done so. He did not anticipate they would make any difficulty about it. A new Government had come into office lately in South Australia, but he was sure if their attention were directed to the subject they would bring forward a Bill dealing with it.

The POSTMASTER-GENERAL said that at the last meeting of the Federal Council, South Australia had joined the other colonies, but unfortunately since then there had been a change of Government, and no communication had taken place between the Governments of the two colonies, but it was desirous that that should be done as soon as possible.

The HON. SIR S. W. GRIFFITH said he was a member of the standing committee of the Federal Council, but he did not think that justified him in communicating with the Governments of the other colonies. He did not know who represented South Australia on the standing committee, but he considered any communication should come from the Government only.

Clause put and passed.

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

Preamble put and passed.

The House resumed; the CHAIRMAN reported the Bill without amendments, and, on the motion of the MINISTER FOR MINES AND WORKS, the report was adopted.

On the motion of the MINISTER FOR MINES AND WORKS, the third reading of the Bill was made an Order of the Day for Monday.

DISEASES IN SHEEP ACT AMENDMENT BILL.

The POSTMASTER-GENERAL said: Mr. Speaker,—I move that you do now leave the chair, and the House resolve itself into a Committee of the Whole to consider this Bill.

Mr. BUCKLAND said: Mr. Speaker,—I wish to refer to an arrangement between the Minister for Lands and myself, in reference to his receiving a deputation this morning at 10 o'clock.

The SPEAKER: The hon. member is not justified in bringing up that matter at present, though he would be justified in doing so on the motion to go into Committee of Supply.

Mr. BUCKLAND: If I am not in order I shall conclude my remarks by moving the adjournment of the House.

Mr. SPEAKER: I think the hon. member misapprehends the position of affairs. The Order of the Day has been read, and the motion for going into Committee must be put. The hon. member cannot move the adjournment of the House now.

Question put and passed.

COMMITTEE.

On clause 1, as follows :—

"This Act shall be read and construed with and as an amendment of the Diseases in Sheep Act of 1867 and the Diseases in Sheep Act Amendment Act of 1877, and may be cited as the Diseases in Sheep Act Amendment Act of 1889."

The POSTMASTER-GENERAL said that when the Bill was being discussed the other day objection was taken to the inconvenience that would arise in connection with sheep travelling from one run to another. The owner would have to get a permit from the inspector or sheep director defining the route to be travelled; but there were so few inspectors in the colony, and the sheep directors were so far apart, that he quite saw the force of the objections raised. Since the Bill was under discussion before he had seen the Chief Inspector of Stock, Mr. Gordon, who agreed with him as to the inconvenience that would be caused, and he now proposed to make some amendments in the Bill. There would be no necessity for clause 4 at all; and clause 5 would be so amended that the owner of sheep before starting them must give a way-bill to the drover defining the route to be travelled. The two schedules would not be necessary, and he proposed to submit a new schedule very much like the 2nd schedule as the Bill now stood. That schedule would in reality be a way-bill, and on it all the necessary particulars would be stated. He thought that before long it would be necessary to introduce a Bill dealing with the whole question, but at that late period of the session it would be impossible to pass a measure containing all the necessary provisions.

Clause put and passed.

On clause 2, as follows :—

"Notwithstanding anything to the contrary contained in the above-recited Acts, any sheep arriving by sea from any Australasian colony in which scab does not exist, nor has existed during the preceding twelve months, may be released from quarantine after having been disinfected with tobacco and sulphur, or lime and sulphur, in such manner as shall be directed by regulations to be made hereunder."

The HON. SIR S. W. GRIFFITH said that on the second reading he pointed out that there was no way of ascertaining the facts, and that there should be some provision for a declaration by the Governor in Council to settle the question as to whether scab had or had not existed in a colony for twelve months. There ought to be some such provision in the Bill, so that a man might know whether his sheep would be liable to quarantine or not.

The POSTMASTER-GENERAL said the principal Act dealt with that question. When sheep were imported by sea or land they had to be accompanied by a statement to the effect that scab had not existed for a certain time in the district from which they came. It was not compulsory for any inspector to let the sheep go, but the clause provided that he might release them from quarantine. The principal Act showed what the conditions were.

The HON. SIR S. W. GRIFFITH : You want to get rid of those conditions.

The POSTMASTER-GENERAL said it was not intended to relax the existing precautions in the slightest degree. At the present time it was compulsory to keep the sheep three weeks in quarantine, and dip them three times; but that was really unnecessary. He moved that after the word "which," in the 11th line, the words "in the opinion of the Minister" be inserted.

Amendment agreed to.

The POSTMASTER-GENERAL moved that the word "scab," in the 11th line, be omitted with the view of inserting "disease."

The HON. SIR S. W. GRIFFITH said in the existing Act "disease" was defined to mean "scab or catarrh, or any other infectious or contagious disease affecting sheep which may hereafter be brought under the provisions of this Act by proclamation in the *Gazette*." The dressings specified in the clause applied to skin diseases, and if the proposed amendment was made, and sheep not suffering from scab were brought to the colony from a colony in which there were sheep suffering from catarrh, they would have to be dressed in the manner prescribed.

The POSTMASTER-GENERAL said he thought he had better withdraw the amendment.

Amendment, by leave, withdrawn.

Mr. PALMER said he would ask if those precautions were taken against skin diseases, what effect would they have with regard to anthrax and Cumberland disease?

The POSTMASTER-GENERAL said that to meet that he had proposed to substitute the word "disease" for "scab," to prevent the possibility of any other disease being introduced; but that was provided for in the dressing of the sheep. If there was any other disease, of course the sheep would not be admitted into the colony. He moved the addition of the words "or other approved disinfectant" after the word "sulphur," on the 14th line.

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

On clause 3, as follows :—

"The Governor in Council may by proclamation prohibit for any term not exceeding six months, the importation or introduction of sheep from any colony in which disease exists, and may from time to time renew such prohibition for any similar or shorter term."

Mr. PALMER said he would point out to the Minister in charge of the Bill the manner in which scab might be introduced into this colony, even if there was no disease in any of the other colonies, in the same manner as it was introduced into New South Wales some years ago. It remained for a long time a mystery how scab had been introduced, and it had travelled up as far as Goulburn, where it broke out among the flocks. They could not find out for a long time how it was introduced but it leaked out afterwards that steamers had been trading on the Californian coast which had carried scabby sheep. The fittings on those steamers had retained the scab and the sheep which were afterwards carried became infected. He did not know how long the scab insect remained alive, but that was the way in which the disease was introduced. Although the colonies might be free, in the opinion of the Minister and even according to official reports, yet the steamers trading on the coast might introduce the scab.

The POSTMASTER-GENERAL said he knew there was that danger. Sheep might be brought here from other countries or colonies where scab existed, but they would not be allowed to land. He would refer the hon. gentleman to clause 8 relating to the disposal of the litter and fittings of ships. There was no chance of their being landed now. He was well aware of the necessity for every precaution being taken, and for that reason he had provided that the matter should be dealt with by the Minister for the time being, who would take every precaution, and who would, of course, be guided to a great extent by the advice of the sheep inspectors or sheep directors.

Mr. STEVENS said there was a great deal in what had fallen from the hon. member for Carpentaria, but the difficulty the hon. member

raised could be avoided by the regulation for three dressings of tobacco and sulphur, or lime and sulphur for nine days each. The Governor in Council had power under the Bill to provide for that, and that would effectually remove any danger from scab.

Mr. MURPHY said they were only dealing with sheep brought by sea from the other colonies, and there was no necessity for quarantining or dipping those sheep at all. No sheep could be brought from California, or even from New Zealand to the other colonies, without being put through a strict quarantine and three dippings. It was absurd to say they should dip sheep or quarantine sheep brought from the adjoining colonies by sea when they could bring them overland by train without any quarantine at all. He had some sheep in Brisbane now that he had brought overland especially to avoid the quarantine. Those sheep were going on to Rockhampton and probably by the same steamer that would have brought them up from Sydney or Melbourne to Brisbane. While sheep were allowed to come over the border without quarantine it was absurd to quarantine sheep brought by sea from the adjoining colonies.

Mr. PALMER said the hon. member must recollect that he was not referring to the ordinary coasting steamers, but to a boat in which infected sheep had been carried making a casual trip between the colonies. That was exactly the way in which scab had been introduced into New South Wales, and it had cost hundreds of pounds to eradicate it.

Mr. MURPHY said that surely the hon. member must see that did not affect the question at all, because he could start his sheep from Sydney by train so that they should arrive in Brisbane in time to catch such a steamer as the hon. member had referred to to take them on to Rockhampton. It was an absurd provision.

Clause put and passed.

On clause 4, as follows :—

"Every owner or drover intending to travel sheep from any run shall, before leaving the sheep district in which such run is situated, obtain from an inspector or sheep director a permit in the form of the first schedule hereto, containing particulars as to the number, description, and marks of the sheep, and defining the route to be travelled and the destination of the sheep, and such sheep shall not be travelled by any route other than that prescribed in such permit, unless with the permission of an inspector or sheep director endorsed on such permit: Provided, however, that the provisions of this section shall only be in force in such sheep districts as the Governor may declare by notice in the *Gazette*."

The POSTMASTER-GENERAL said he had explained the objection taken to that clause the other night; that in this colony, where the sheep inspectors and sheep directors were stationed long distances apart, it would put the owners of stock to a great deal of inconvenience to procure permits. For that reason he proposed to negative the clause, and amend the following clause in such a manner as to provide that every person travelling with sheep should have a way-bill on which the route by which he intended to travel should be defined, and the route could not be altered unless with the permission of an inspector or sheep director.

Clause put and negatived.

On clause 5, as follows :—

"Every owner or drover in charge of travelling sheep shall, at the time of his departure, be provided with a way-bill containing the particulars set forth in the second schedule hereto, signed by the owner of such sheep in the presence of a subscribing witness, and any owner or drover who shall fail to comply with the provisions of this or the next preceding section, or who shall fail or refuse to produce such permit or way-bill on the demand of any inspector, sheep director, justice constable, or occupier of any run through or along which such sheep may be or have been travelling, shall incur a penalty not exceeding twenty pounds."

The HON. SIR S. W. GRIFFITH said he thought the clause was defective in one respect in that it provided that a person should have a way-bill "at the time of his departure," but it did not provide that he should have it throughout the journey.

The POSTMASTER-GENERAL: He may be called upon to produce it, and he cannot produce it unless he has it.

The HON. SIR S. W. GRIFFITH said he knew that was the intention, but the clause did not say so, and in his experience it was quite as well to express the intention of a penal clause. He would move the insertion of the words "and throughout the journey" after the word "departure" in the 2nd line.

Mr. PALMER said he would like to know whether it was necessary that the words "at the time of his departure" should be in the clause. If a person had to be provided with a way-bill he must have it at the time of his departure.

The POSTMASTER-GENERAL said the words were necessary.

Amendment put and passed.

The POSTMASTER-GENERAL moved that the word "second," before the word "schedule," in the 3rd line, be omitted.

Amendment put and passed.

The POSTMASTER-GENERAL moved that the words "or the next preceding," in the 6th line, be omitted.

Amendment put and passed.

The POSTMASTER-GENERAL moved that after the word "section," in the 6th line, there be inserted the words "or who shall travel such sheep by any route other than that prescribed in such way-bill, unless with the permission of an inspector or sheep director endorsed on such way-bill."

Mr. PALMER said he supposed there might be a deviation made in the route with the permission of an inspector.

The POSTMASTER-GENERAL: Yes.

Mr. STEVENS said he took it for granted that the object of the Bill was to prevent the travelling of what were known as "grass pirates." The clause under consideration gave the inspectors and sheep directors very large powers, but did not indicate any particular way in which those powers should be used. Were the inspectors to act under regulations? Would travelling sheep be allowed to return to the place from which they started if the owner of the sheep told the inspector that he had sold them, and that they were to be taken back to his own station for delivery? If that were allowed, it would defeat the object of the Bill. The measure was a step in the right direction. It was time that something was done to deal with grass pirates. At the present time, in bad seasons, those persons who had taken the precaution to save their grass, had it all swept away by travelling sheep belonging to persons who had not taken that precaution, and he thought it would be a good plan to state under what conditions a route might be altered.

The POSTMASTER-GENERAL said he had a very strong sympathy with the hon. member as regarded the matter referred to by him, as he knew that the necessity existed at the present time for legislation to prevent grass pirates travelling all over the country. But that clause was not intended to deal with that matter. It would be a certain check on the evil, but it was inserted more for the purpose of

preventing sheep stealing than for preventing the travelling of grass pirates. At the present time it was very easy for a person to go on a run, take possession of sheep, and go off with them, and if anyone who knew the brand of the sheep met him and asked, "Whose sheep are these?" he might say, "Oh, they belong to Mr. Brown." No way-bill was required, and they could not require the man to show his authority for travelling the sheep. But under the clause proposed a person travelling sheep would be compelled to have a way-bill, and that would be a serious check on such malpractices. With regard to grass pirates, he was certain that the time had arrived when they should have a law in this colony similar to that in force in New South Wales. In that colony if a person travelled sheep in any district for any distance beyond forty miles, it was necessary to get a permit from the inspectors. The route was marked on the permit, and it could only be deviated from by permission of the inspector; but if the sheep returned back to the place from which they started, without stopping four months in one place, the owner had to pay a penalty of so much per 100 sheep according to the distance travelled. It was time that that was done in Queensland. He knew that at the present time many people who did not make proper provision for storing water, started their sheep for another district where there had been rain, and stayed there until there was water on their own run. That should not be allowed. Every facility should be given for sending fat stock to market; but if the roads were made bare by the travelling of grass pirates, fat stock must suffer. He only regretted that it was so late in the session that the Bill came into his hands. If he had got it earlier, he would have made an attempt to have dealt with that matter.

Mr. STEVENS said he was very glad to hear the remarks of the hon. gentleman, and trusted that next session he would bring in a Bill dealing with that subject.

Amendment put and passed.

The POSTMASTER-GENERAL moved that the words "permit or" in the 7th line be omitted.

Amendment put and passed.

The HON. SIR S. W. GRIFFITH said there was an inaccuracy in the last line but two of the clause, where some words had evidently been dropped out. To make the wording of the clause consistent with that of clause 7, he would move that the word "which" be inserted after the word "through," in the last line but two.

Amendment agreed to.

The HON. SIR S. W. GRIFFITH moved that, after the word "or" in the same line, the words "which is intersected or bounded by any road" be inserted.

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

On clause 6, as follows:—

"The thirty-ninth clause of the Diseases in Sheep Act of 1867 is hereby repealed."

The HON. SIR S. W. GRIFFITH said he would like the hon. gentleman to tell them what was the difference between clause 7 of the Bill and the clause that was proposed to be repealed? He would also mention that "section" was the term generally recognised, and not "clause."

The POSTMASTER-GENERAL said the clause proposed to be repealed did not compel a person travelling sheep to give notice to the owner of a cattle run.

The HON. SIR S. W. GRIFFITH said a great amount of confusion would be created by that mode of getting over the difficulty. The simplest way would have been to have defined a run as any holding where sheep or cattle were kept. Would it not have been better to say that under the Diseases in Sheep Act of 1867 the term "run" should include any holding where any stock were depastured.

The POSTMASTER-GENERAL said if he had drafted the clause, he would not have worded it as it was. He moved that the word "section" be substituted for the word "clause" in the 1st line.

The HON. SIR S. W. GRIFFITH said the clause should not be allowed to remain in its present form. According to clause 7, a man would need to have the Brands Act with him, and he did not know what a man travelling with sheep would want with that Act. He had never heard of a more absurd way of making a penalty. The Bill dealt with sheep only, and an offence was created; but to find out what that offence was, they would have to look at a law dealing with cattle.

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

On clause 7, as follows:—

"Every owner or person in charge of any travelling sheep intending to drive the same on or across any run within the meaning of the Diseases in Sheep Act of 1867, or within the meaning of the Brands Act of 1872, or along any road which may intersect or form the boundary line of any such run, shall give the proprietor or occupier of such run not more than forty-eight nor less than twelve hours' notice of his intention by leaving such notice at the house or homestead of such proprietor or occupier, or at the head station on such run or holding; and any owner or person in charge of any such travelling sheep who shall neglect to comply with the provisions of this section shall on conviction in a summary way for every such offence forfeit and pay any sum not exceeding twenty pounds."

The HON. SIR S. W. GRIFFITH said he would suggest, to clear up all doubt on the subject, that something to the following effect be added at the end of the clause:—

For the purposes of this section the term "run" includes any run, station, or other holding under the Pastoral Leases Act of 1869, or the Crown Lands Act of 1884, or any freehold or leasehold where horses, cattle, or sheep are ordinarily kept or depastured.

Mr. PALMER said that some limit should be put to the time within which the summons must be served. He had known cases where, when there had been a contravention of the Act, owners of runs had let the man in charge of the sheep or cattle get 100 or 150 miles on his road before serving him with the summons, for the express purpose of giving him as much annoyance as possible; and the man had to go back and leave his stock to the mercy of a lot of drunken drovers. He had no great opinion of the justice administered from the bench when the magistrates were all pastoral tenants, and the defendant was a drover. He would like to see some working men on the bench when cases of that kind were heard. Some very extraordinary decisions had been given in cases where the bench was occupied by squatters, and a drover was the defendant. There ought to be a limit to the time within which a summons should be served, and also a limit to the distance.

Mr. GANNON said he was an old drover himself, and he knew there was a good deal in what the hon. member for Carpentaria had said. On one occasion he had to walk a great many miles to attend a summons, and the stock he was in charge of, which had to be left behind, suffered serious loss in consequence.

The POSTMASTER-GENERAL said there was a good deal to be said on the other side. It was not an easy matter in the outside districts to get a summons, and perhaps the squatter might have to ride 100 miles to take one out, in a direction opposite to that on which the stock

were travelling. Consequently it would be several days before the summons could be served. It might be possibly abused, where a pastoral lessee might intentionally let a man go a considerable distance in order to give him extra annoyance by having to come back a longer distance to answer the summons. On the other hand, where a gross offence had been committed he was not sure that the extra punishment would be more than the man deserved. In order to make it clear as to where the notice should be served, it would be better to amend the clause by providing that notice should be served at the head station.

The HON. SIR S. W. GRIFFITH moved the omission of the words "within the meaning of the Diseases in Sheep Act of 1867, or within the meaning of the Brands Act of 1872." He also considered that the clause should provide that the notice should be served at "the head station or principal homestead on such run," as he did not think it was exactly right only to say "at the head station." The definition of a run would also include freeholds.

Amendment agreed to.

Mr. PAUL said that in many instances the head stations were many miles away from the road, whereas there might be an outside station near the stock route where an overseer lived. There should be some provision by which notice could be served at any place where there was a recognised servant of the station in charge.

The POSTMASTER-GENERAL said the cases mentioned by the hon. member for Leichhardt were extreme cases. He thought the notice should be received at the head station or principal homestead, as difficulties might arise if it were allowed to be delivered at other places. It was better to narrow it down to one place. He moved the omission of the words "proprietor or," on the 28th line.

Amendment agreed to.

The HON. SIR S. W. GRIFFITH said he could not see why the notice must be served at the head station. Why not provide that it may be served there?

The POSTMASTER-GENERAL: They do that now as a matter of fact.

The HON. SIR S. W. GRIFFITH said that he could not see why the drover should be forced to deliver the notice at the head station. If he met the owner of the station he could not deliver it to him personally, but he might have to ride twenty miles to the head station in order to serve the notice.

Mr. MURPHY said the drover might meet the proprietor coming down to Brisbane, and deliver a notice informing the squatter that he was travelling sheep through the run.

The HON. SIR S. W. GRIFFITH said it seemed absurd to insist that it must be delivered at the head station.

The POSTMASTER-GENERAL moved the omission of the words "the house or homestead of such proprietor or occupier, or at," in the 30th and 31st lines.

Amendment agreed to.

The POSTMASTER-GENERAL moved the insertion of the words "or principal homestead" after the word "station," in the 31st line.

Amendment agreed to.

The POSTMASTER-GENERAL moved the omission of the words "or holding," in the 32nd line.

Amendment agreed to.

The HON. SIR S. W. GRIFFITH said that in clause 5 the words used were "shall incur a penalty not exceeding twenty pounds," whilst in the clause under discussion the wording was different. There it was as follows:—"Shall on conviction in a summary way for every such offence forfeit and pay any sum not exceeding twenty pounds." Why should the wording not be the same as in clause 5?

The POSTMASTER-GENERAL moved the omission of the words "on conviction in a summary way for every such offence forfeit and pay any sum."

Mr. PALMER said that according to the principles of justice there should be different penalties for different offences. The offence dealt with in clause 5 was far worse than that dealt with in clause 7. It was a very small offence to misjudge the boundary of a run, and he did not see why the penalty should be so high.

The POSTMASTER-GENERAL: It might be only a shilling.

Mr. PALMER said the maximum penalty was too high. He did not know exactly where the boundaries of his own run were; and it was not likely that a drover would know.

Mr. PAUL said he could give an unfortunate case in point that occurred in the Springsure district. A drover in his employ was in charge of some sheep and thought they were on his (Mr. Paul's) run, and in fact was told by some one on the adjoining run that that was the case, but he was soon after met by Mr. P. F. Macdonald's manager who informed him that they were on Fernlees run, and said that if he did not take them back he would summon him. The drover took the sheep back to Springsure; and he (Mr. Paul) was summoned before the bench there for trespassing on Mr. Macdonald's run. The magistrates on the bench at the time were very much against travelling sheep, and the majority were for inflicting a penalty of £20. But inasmuch as one of them was personally interested, the case was decided by the police magistrate and one other magistrate, who was a squatter. The police magistrate was in favour of a nominal penalty of £1, but the squatter wanted to inflict a penalty of £20, and the result was that he (Mr. Paul) was mulcted in the sum of £10. He believed in a substantial penalty for wilful trespass, but in a case where a slight mistake was made, only a small fine should be imposed.

The POSTMASTER-GENERAL said it might happen that sheep were taken on a run without notice and kept there till they had done damage to the extent of £200 or £300. If only a penalty of £5 could be imposed in cases of that sort, it would be a temptation to drovers not to give notice. Both sides of the question had to be considered, and a great deal must be left to the common sense of the magistrates. In the case of a trespass through not knowing the boundary, he did not think any bench would be likely to inflict a high penalty; but if a drover stayed on a run several days without giving notice, the full penalty would not be too much to inflict.

Mr. MURPHY said he thought the penalty was not high enough. During the late drought a drover went on a run with 10,000 sheep, and let them into a paddock amongst the stock of the proprietor. As it happened, it was a large run, and the owner of the stock mustered his own sheep, and let the drover go with his travelling sheep without taking any further action, because it did not matter very much; but if it had been a small grazing farm it might have meant ruin to the proprietor. The hon. member for Carpentaria did not see those things

in the same light as some people, because his stock did a good deal of travelling. The hon. member did not travel with them himself, but some of his drunken drovers played all sorts of pranks when they got into the regions of civilisation.

Amendment agreed to.

The POSTMASTER-GENERAL moved the insertion of the words "incur a penalty" in lieu of the words which had been omitted.

Amendment agreed to.

The POSTMASTER-GENERAL moved the insertion of the following words at the end of the clause :—

For the purposes of this section the term "run" includes any run, station, or other holding under the Pastoral Leases Act of 1869, or the Crown Lands Act of 1884, or any freehold or leasehold where horses, cattle, or sheep are ordinarily kept or depastured.

Amendment agreed to.

Clause, as amended, put and passed.

On clause 8, as follows :—

"The Governor may make regulations, not being inconsistent with the provisions of this or the above-recited Acts, for carrying into effect all or any of the following matters or things, namely :—

(*a*) For prohibiting the importation of sheep by vessels trading with infected colonies ;

(*b*) For prescribing the forms of all declarations, certificates, and permits under which imported sheep may be admitted into the colony ;

(*c*) For the detention, dressing, and disinfecting of sheep while in quarantine ;

(*d*) For defining the powers and duties of inspectors ;

(*e*) The disposal of fodder, litter, fittings, or effects used on board ship with or about imported sheep ; and

(*f*) Generally all or any matters of detail necessary for carrying into effect any of the provisions of this or the two previously recited Acts."

The HON. SIR S. W. GRIFFITH said he would like the hon. gentleman in charge of the Bill to explain the meaning of the concluding words of the clause.

Mr. PALMER said he thought sub-clause (*a*) should be amended by the insertion of the words "or countries," after "colonies," unless it was provided for in the existing Act. If that amendment was made, it would be necessary to amend clause 3.

The HON. SIR S. W. GRIFFITH said the hon. gentleman was quite right. There should be power to prevent the importation of sheep by vessels trading with infected countries. There was no reason why California, for instance, or British Columbia, should not be included in the prohibition. He thought it would be advisable to amend the clause in the way suggested, and to make the same amendment in clause 3.

On the motion of the POSTMASTER-GENERAL, the word "infected," in subsection (*a*), was omitted, and the words "or countries in which there are infected sheep" were inserted after "colonies."

The POSTMASTER-GENERAL moved that the words "two previously," in the last line of the clause, be omitted, with the view of inserting "above."

Mr. MURPHY said the power to make regulations "for defining the powers and duties of inspectors" was already provided in the principal Act. He did not think it was necessary to insert it twice.

The HON. SIR S. W. GRIFFITH said the hon. gentleman was correct ; the existing Act did give power to make such regulations. It also provided for making regulations for "the keeping, dressing, and cleansing of imported sheep" and "all other matters of detail necessary for carrying this Act into effect." Nearly all the clause was provided for already. Subsections *a*, *b*, and *e* were all right, but the other three were mere transcripts of what were in the Act already.

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

Mr. PALMER said before clause 9 was put he had a new clause to propose. With regard to limiting the time for taking action in connection with offences under the Act. The clause read as follows :—

No proceeding shall be brought against any person for the recovery of any penalty under section 6 of this Act, unless the same is commenced within one week next after the Act complained of has been committed.

If a drover had committed any infringement of the Act, within a week he was compelled to travel at the rate of six miles a day. He would be forty miles away in a week, and that was a long distance for him to come back to the place where the court sat. If the time was extended it would be a great loss to him to come back, and owners often purposely allowed drovers to go long distances before taking action, for the purpose of making the penalty as severe as possible. He would like to see the drovers' interest studied sometimes.

Mr. REES R. JONES said a week was a very short time within which to lay an information, and even if it was laid, if the person who laid it had a friend in the magistrate the summons might be made returnable in thirty days. The hon. member's views would thus not be met. The magistrate might allow six weeks for the return of the summons, and where would the unfortunate drover be then ? He would be 252 miles away if he travelled at the rate of six miles a day. One month was a reasonable time within which to lay the information. The person wishing to lay it might be engaged in important duties on his station, and might not be able to lay it sooner. He might be 100 or 200 miles away from the nearest magistrate.

The POSTMASTER-GENERAL said he wished to point out that the 38th section of the Crown Lands Act of 1884 provided that—

"An information for an offence against the provisions of the last preceding section must be laid within seven days from the time when the matter of the information arose."

He thought seven days was rather too short a term, but, on the whole, he would not oppose the clause.

The HON. SIR S. W. GRIFFITH said he would point out that the clause, if passed in its present form, would make the previous clause useless. Section 7 said—

"Any owner or person in charge of any such travelling sheep who shall neglect to comply with the provisions of this section shall on conviction in a summary way for every such offence forfeit and pay any sum not exceeding twenty pounds."

The omission, he supposed, would be complete twelve hours before he came on the run, because if he did not give notice more than twelve hours before that, he would have committed the offence. The offence was not coming on the run, but omitting to give notice, so that the offence could be committed twelve hours before the sheep came on the run. That was the only construction he could put on it. It was an unfortunately-worded clause. It should have read : "No person shall come upon a run unless he has previously given notice." That was, that the going upon the run would be an offence, but as the clause was now, the omission to give notice was the offence, and that would be twelve hours before coming on the run. It was a very serious alteration to limit the time for taking action by way of prosecuting to one week. If the period was fixed at a week it would be the easiest thing

in the world for a man to evade the law. There would be absolutely no protection, and they might as well leave out the 7th section altogether. He thought the hon. gentleman had abandoned the idea, or he would have spoken before, but he did not think it worth while.

Mr. PALMER said that if some such provision were not inserted, a man might be in charge of travelling stock for six or even twelve months, and he would be liable during the whole of the time to be brought back for some offence, which he was charged with committing under the Bill at any time during his journey.

Mr. REES R. JONES: Quite right, if he infringes the law.

Mr. PALMER said the man might not have infringed the law at all. He might be an innocent person, and when he was brought back the case against him might be at once dismissed, but he would have no remedy at all, and he would have to go and collect his stock again if he could.

The HON. SIR S. W. GRIFFITH said the better way to remedy that would be to allow the magistrates adjudicating upon the case to award compensation to the defendant to be paid by the plaintiff if, in their opinion, the accusation was unfounded and oppressive.

Mr. REES R. JONES: What limit would you provide for?

The HON. SIR S. W. GRIFFITH said it of course introduced a new principle altogether, and it would require a great deal of consideration, but that was the proper remedy.

Mr. PALMER said a remedy could not be provided in that way, because no compensation that magistrates could award would compensate a man for having to come back several hundred miles to answer a charge.

Mr. CROMBIE said that no award made by the magistrates could compensate anybody. He had had a man on his run who had been there a week before he knew he was there at all, and he could get no compensation for that unless he took action against the owner of the sheep for trespass. He had had a man trespassing on his run, and it was a week before he could get away to look after him, and the man set fire to the run when he was going off it, and he had to put out the fire before he could go after the man.

Mr. MURPHY said there were times when they could not get about in the bush, and those were the times such fellows would take advantage of. In flood time they could set the owners of runs at defiance, because they would know it was impossible for the owner to get away to take proceedings against them within a week.

Mr. PALMER said he supposed he must withdraw the clause; but the difficulty still remained, though they had such a lot of legal talent in the Committee. They had District Court Acts and Supreme Court Acts, and such a lot of legal reform, that they did not know where they were, and yet they did not seem to be able to deal with a simple matter like that. A travelling trip might last six months, and on every run a man passed through in charge of sheep during the trip, he might be followed by a man with a summons to bring him back for some offence. He might as well have a pack of wolves on his track. He begged to withdraw the clause.

Mr. REES R. JONES said that they knew that hard cases made bad law, and a better illustration of the saying he had never heard than was given by the hon. member for Carpentaria.

New clause, by leave, withdrawn.

On the schedules—

The POSTMASTER-GENERAL said he intended to negative the schedules, and propose a schedule in an amended form providing for a description of the route by which the stock were to travel on the way-bill.

Schedules 1 and 2 put and negatived.

New schedule passed as read.

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

RE-COMMITTAL.

On the motion of the POSTMASTER-GENERAL, the Speaker left the chair, and the Bill was re-committed for the purpose of further considering clause 3.

On clause 3, as follows:—

"The Governor in Council may by proclamation prohibit for any term not exceeding six months the importation or introduction of sheep from any colony in which disease exists, and may from time to time renew such prohibition for any similar or shorter term."

The POSTMASTER-GENERAL moved the insertion of the words "or country" after the word "colony," in the 3rd line of the clause.

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

The House resumed, and the CHAIRMAN reported the Bill with a further amendment.

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

MOTION FOR ADJOURNMENT.

BULIMBA DEPUTATION TO THE MINISTER FOR LANDS—STRANGERS IN LAVATORY AND REFRESHMENT-ROOM—THE SANITARY COMMITTEE.

Mr. BUCKLAND said: Mr. Speaker,—I shall conclude the remarks I am about to make by moving the adjournment of the House. In the early part of last week I arranged with the Minister for Lands that he should receive a deputation at his office this morning at 10 o'clock. At that hour some twenty persons, three being members of this Assembly and others being freeholders or ratepayers of the Bulimba division, attended at the Lands Office. On appearing there I was informed that the Minister for Lands had left the city, and that the Under Secretary would receive the deputation and report to the Minister on his return. After receiving that message, I informed the deputation, who at once declined to interview the Under Secretary, and desired me to bring the circumstances before the Assembly this evening, and for that reason I now do so. The object of the deputation was to impress on the Minister the necessity of preserving from public sale the reserve at Bulimba known as portions 166 and 167. It will be in the recollection of hon. members that a few weeks ago I presented a petition signed by about 250 ratepayers and freeholders of the division, praying the Government not to proceed to subdivide and sell that land, but to vest it in the local authority. No answer having been received to that petition, and hearing that it was the intention of the Government to subdivide and sell that land, it was considered desirable that a deputation of leading citizens and ratepayers should wait upon the Minister at the time I have mentioned, and it was the Minister's own suggestion that the deputation should wait upon him this morning at 10 o'clock. I can only say that the deputation were very much annoyed at the absence of the Minister for Lands, and at the fact that there was no explanation given of that absence. I am sorry that the hon. gentleman did not inform me in time, either last evening or this morning, so that

I could have given the gentlemen who formed that deputation notice, and prevented them from spending a lot of time. There are other hon. members of this House besides myself who were to have been present. The hon. member for Logan, Mr. E. J. Stevens, and the hon. member for Woolloongabba, Mr. W. Stephens, had arranged to come; but they told me that they could not possibly be present, as they were going to the Beaudesert Show. But for that, there would have been a much larger number of members of this Assembly present on that deputation. I have been requested to bring this matter forward by the members of that deputation, and I may infer from what the hon. member for Toombul said to me, that he will bear out what I say. Possibly the hon. gentleman had forgotten the engagement that he made, because I can assert that upon every occasion when I have waited upon him upon business connected with his office he has invariably met me in a very fair spirit. I think the hon. gentleman has endeavoured to carry out the spirit of the Land Act as well as he possibly can. That is my opinion; and I am sorry that no arrangement was made so that I could have prevented the deputation from meeting. I hope that he will consent to receive the deputation at an early date, and that we may be able to prevent that land from being subdivided. It is a fact, Mr. Speaker, that in the city and suburbs within a few miles there are very few reserves left. This reserve is only about four and a-half miles from the city, and will, I am certain, within the next few years, be greatly required for a public park or a recreation reserve. I beg to move the adjournment of the House.

The MINISTER FOR LANDS (Hon. M. H. Black) said: Mr. Speaker,—I do not know that it is necessary to make any very lengthy explanation. The facts are exactly as the hon. member for Bulimba has stated them. I found I had two appointments for to-day, and it was impossible to keep both. I suppose it is taken for granted that a Minister is always at the beck and call of every deputation who choose to wait upon him. I assume that that is the chief complaint of the hon. member. I had not the least idea that it was such an important and influential deputation as the hon. gentleman says. I remember early in the week, when I was sitting at the table, the hon. gentleman asked me if I would receive a deputation, and I said, "Yes." I took a note of the matter, and had it posted in my office. I have already received deputations upon the same subject, and I may say I do not attach very much importance to the object of these deputations. I do not know, after the matter has been so thoroughly discussed in the House this evening, whether there is any necessity for this deputation now, but I have arranged with the hon. gentleman that I will see the deputation next Friday, and shall be very glad to have the room cleared sufficiently to admit the whole of the ratepayers in that very important part of the hon. gentleman's electorate. I have no doubt that anything they can urge in reference to this reserve of over 106 acres of land—it is not a little piece—will receive every consideration. Up to the present time I think I have arranged to set apart twenty-six acres for a reserve, but that appears to be insufficient to satisfy the requirements of that important part of the suburbs. However, if they can bring forward any further grounds for increasing that area up to the full 106 acres, I can only promise that they shall receive every consideration.

Mr. GANNON said: Mr. Speaker,—I can bear out the remarks made by the hon. member for Bulimba. I was one of the deputation that attended at 10 o'clock sharp to-day to see the Minister for Lands, and he was not there. What made me feel particularly angry was that we were referred to the Under Secretary for Lands. I certainly did not like that. I did not care to be sent to an understrapper to ask for a thing that he could not give me. I have no doubt that if this adjournment could have been moved ten minutes after the affair happened, I should have been on the rampage for a few minutes. As we have got on to this question of reserves, and the Minister does not seem inclined to give way, I may say a few words. The hon. gentleman says that he will receive the deputation; but he does not lead us to infer that he is going to give us very much. Once more I trust that the Minister for Lands and the Government will take into consideration the question of these reserves. We were speaking about them last night, and we are speaking about them again to-night, and I think if we continue to speak often, there may be some notice taken of us. I know that the Under Secretary for Lands is anxious to sell every piece of land about the place, and he brings those things under the notice of the Minister, who, as a matter of course, will say, "Yes; sell it." He does not care so long as he gets money into the Treasury. I have spoken to the Minister in his own office, and I have spoken in this House on this subject, and some notice should be taken. Last night I spoke about the reserve near the Grammar School, and the reason given for selling that was simply absurd. It was that bad characters congregated there. But what do we keep policemen for? Why should those bad charactors be allowed to congregate there? That reserve will be very useful by-and-by. As the hon. member for Bulimba has said, a very large and influential deputation waited upon the Minister for Lands to-day. Those gentlemen, or some of them, came from long distances; but they would not have been at all annoyed if the Minister had left word that he would meet us on Friday, and not have referred us to the Under Secretary, Mr. Hume, who could do nothing but hear what we had to say, and report to the Minister, which simply meant losing time. Why should I, a member of Parliament representing the people, go with a deputation to the Under Secretary? The Minister is the man to receive us, and he should have received us. I do not blame him for going away, or for having inadvertently made two appointments, nor do I say that the Minister should be at the beck and call of every deputation. But he must receive deputations when they go to him at a time which suits himself. The hon. gentleman actually shunted us on to Mr. Hume, and I did not believe in that. I am sure the hon. gentleman did not wish to snub us, although it did look very like it, and I would have resented it very strongly, if, as I have said, the House had met within a few minutes after the affair happened. I hope the Minister for Lands will think twice before he gazettes this land for sale. We have spoken about it very often, and if on Friday the answer given is unfavourable to the wishes of the deputation, I myself will table a motion, bringing the entire question of the sale of reserves in the city and suburbs of Brisbane before the House, and obtain a definite expression of opinion as to whether they shall be sold or not.

Mr. ISAMBERT said: Mr. Speaker,—Only a few weeks ago, when the Land Bill was before the House, the hon. member for Toombul supported a clause for selling land at auction in increased quantities, and now he is opposing it. I cannot understand that. Is it a sign of the disintegration of the Government party? It is about time we changed sides, and then no such deputation will have cause to wait on the Government to protest upon the reckless sales of

land for the purpose of decreasing the deficit. I cannot understand why this deputation should have been appointed. According to the theory of the other side, land is of no value as long as it remains in the hands of the Government; it is only when land is sold that it acquires value. When those 100 acres are sold, it will improve the district as well as bring money into the Treasury. I cannot understand what those people want.

Mr. TOZER said: Mr. Speaker,—I desire to bring under your notice, and the notice of the House, a small matter which may get larger. Frequently in passing from the Chamber to the refreshment room or to the lavatories, I meet strangers. Being a young member of the House I have never raised any objection to this, although I have not liked it. But at length I feel obliged to bring it under your notice. This evening an hon. member—I will mention his name: it was the hon. member for Woothakata, and I would not have mentioned it except that I know he has been warned many times not to continue the course—again brought in strangers. These strangers go into the lavatory, take off their coats, and wash, and monopolise the place from members of Parliament. Then they proceed to the refreshment room, and turn it into a kind of public-house parlour. I have no desire that the hon. member for Woothakata should be singled out, but I am told he says he will continue to do it; and it is because I know that, that I desire to mention it.

Mr. WATSON said: Mr. Speaker,—I have known this piece of land at Bulimba perfectly well for the last twenty-five years. At Bulimba, where I have my residence, we have not a single acre of land in the locality on which our boys can go and play. It is a disgrace to all previous Governments to think that we have never been allotted an acre of land for recreation purposes for our lads. When I was returned for Fortitude Valley I went before to Minister for Lands and asked him for three-quarters of an acre of land for a market. I went to the expense of getting a plan drawn out, and I showed it to him, and he has it in his office now. I did this at the request of nearly the whole of the people of Fortitude Valley. What was the result. He said, "Mr. Watson, this land is too valuable to give away like that." We were doing away with Chinamen, and we wanted a market for Fortitude Valley, and when I asked the hon. gentleman for a piece of land for the purpose he refused it. With regard to this piece of land at Bulimba, I, as chairman of the Bulimba Divisional Board, waited on Mr. Jordan about it, and he said to me, "Mr. Watson, if it can possibly be done you shall have this piece of land." He distinctly stated that it would not be sold; that it would be a recreation park for the whole of the district of Bulimba. I am very much surprised now to see that the Government can find no other way of raising the wind than by selling our little bits of reserves. That shows we are coming to a nice state of things. If the Government want the loan of a few thousands I will lend it to them myself. To see the manner they are going on, picking up every little bit of land and trying to deprive our children of their playgrounds—what will our children say about it when they get a little older? They will say it was wrong, and that the Government did not look after their interests. I wish to bring under your notice, Sir, the case of Mr. Jamieson, of Bulimba, who came out as one of Dr. Lang's immigrants. He purchased land here at £1 per acre, and it was cut up and sold the other day for £600 an acre. What did the Bulimba Divisional Board do? We wanted to purchase a portion of that land, and when we went to the Treasury we could not obtain the amount of money to purchase the land for the benefit of our children. It is terrible when you come to think of it. Look at Victoria and New South Wales, and see the beautiful reserves they have in every direction. When people go to Victoria what do they say? They say the people who laid out Victoria had common sense about them. When they come to Queensland they say the people who laid out Queensland were a parcel of numskulls. Look at the way land is cut up. You will see a street without any end to it, good, bad, or indifferent. If all these plans of the city and suburbs of Brisbane were passed through the hands of the Surveyor-General he would see that those streets go in some shape or form somewhere, and not allow them to shut up the ends of a street with no outlet from it. They cut up the land and sell it, and there is no end to the streets. When a map of Brisbane, at the end of the next twenty years, is obtained, it will be a curious-looking map, showing the situations and sites of the streets and the allotments and everything else. It is a disgrace to the country to proceed in that manner. Some competent individual ought to lay down distinctly what the city ought to be in the course of fifty years hence. With these remarks I shall conclude by stating that I have much pleasure in supporting the motion the hon. member for Bulimba has brought in—that our reserves should not be taken and cut up by the Government.

Mr. BUCKLAND, in reply, said: Mr. Speaker,—I would remind the Minister for Lands that the appointment for this morning at 10 o'clock was his own suggestion. I left it entirely with him to fix the day and the hour. I can assure the Government that the public are determined to take further action in reference to the wholesale sale of these reserves. I was told to-day that it is the intention to summon a meeting of citizens in the Town Hall, at an early date, to consider the action of the Government in selling the reserves.

The HON. SIR S. W. GRIFFITH: The Government do not care about public opinion.

Mr. BUCKLAND: I think they will in time, if the public only speak out often enough. The Government will soon begin to feel that the public are in earnest. I would also remind the Minister for Lands that during the Exhibition week, in August last, the local authorities met and came to certain resolutions in reference to reserves generally, and in reference to matters specially connected with local authorities. We have the reply of the Colonial Secretary to those resolutions, and I think hon. members will agree with me that the reply of the hon. gentleman was not what was expected of him. I sincerely trust the Government will listen to the voice of the outside public now, because they will in time make themselves heard. I beg to withdraw the motion.

Mr. BARLOW said: Mr. Speaker,—Before the motion is withdrawn I have a matter to refer to which I have been waiting to refer to for some time. That is a matter connected with the progress report of the sanitary committee. It will be in the recollection of hon. gentlemen that a certain agreement, which was said to be made by the Brisbane Sanitary Company, was superseded on the day of the meeting of the committee by another agreement, signed by Messrs. Pibworth and four other contracting parties. I have been requested to say that the manager of the Sanitary Company, Mr. E. Parr Smith, feels somewhat aggrieved that further evidence was not taken on that occasion; and I wish to put it on record that the only reason why further evidence was not taken was that the committee lapsed for want of a quorum. The town clerk was there and presented the agreements, but the meeting

lapsed, and therefore the explanatory evidence which the town clerk was prepared to give, or which might have been given at a subsequent meeting was not given. It has been explained to me that the reason why the so-called sanitary company did not register under the Companies Act of 1863, was not that they could not secure the requisite number of partners to enable them to come under that Act, but because certain clauses then under the consideration of this House required the publication of liabilities, assets, and sundry other particulars which this company did not care to have made public. On that account the Brisbane Sanitary Company was superseded, and the agreement was signed by Pibworth and others. I am informed it was a mere coincidence that the agreement was signed on the very day that the select committee met to examine witnesses. So far as I am concerned no unfavourable impression has been left upon my mind in the matter, but, having been requested to make this explanation, I have great pleasure in doing so.

The SPEAKER said: With reference to the matter brought under the notice of this House by the hon. member for Wide Bay, it is rather a matter of regret that it was not brought forward at some other time and in some other way than when the adjournment of the House has been moved to bring another matter under the notice of the Government. I would point out to the hon. member that I have sometimes noticed that irregularities of this kind have occurred. The subject which has been brought under my notice to-night is, however, worse than anything I have heard of before, and I think the best mode of dealing with the matter will be to make it the subject of consideration by the Parliamentary Buildings Committee on an early occasion. The Committee will probably take some action in the matter.

The HON. SIR S. W. GRIFFITH said: Mr. Speaker,—I submit that it is within your competence to give directions to the officers of the House to see that strangers are not admitted. I certainly never heard of such a violation of the rules of the House, as regards admission to all parts of the House, as that which the hon. member for Wide Bay has brought under our notice. It is perfectly intolerable that any strangers should go into our lavatory and use it. I do not mind meeting members there, but no hon. member likes to use toilet appliances used by strangers. I should feel inclined to go somewhere else. I certainly would not feel inclined to go into any common lodging-house and use the appliances there. There must be some police about the House. I apprehend that if a stranger tried to walk through the door leading into this Chamber he could be stopped by the messenger without making it necessary for the Sergeant-at-Arms to arrest him. I think that it is within your competence, Sir, to give instructions to deal with this matter.

The MINISTER FOR MINES AND WORKS said: Mr. Speaker,—I do not know whether you have the right to do so; but I think you should prevent strangers from going to the bar of the refreshment rooms. That is quite as objectionable as the other matter. I have seen the rule broken several times; but I never saw it broken in the way the hon. member for Wide Bay has mentioned. Of course when I speak of strangers I do not mean members of Parliament from other colonies.

The HON. SIR S. W. GRIFFITH: They are not strangers.

The SPEAKER said: It is within the province of the Speaker to deal with everything of the kind referred to, but the reason I suggested that it should be brought before the Parliamentary Buildings Committee was that there is another breach of our rules besides the one mentioned to-night. I refer to the practice of taking strangers to the refreshment room. It is not only one or two members who do that. There is a notice hanging up on the walls of the refreshment room to the effect that none but members of Parliament of this and other colonies are to be admitted into those rooms; but notwithstanding that strangers are admitted. It is not infrequently done.

The HON. SIR S. W. GRIFFITH: Not until lately.

The SPEAKER: The hon. member is wrong when he says it has been done only of late. It has been done for a long time. If the House desires that steps shall be taken to put a stop to these practices, I am quite prepared to do so. I may say that the only reason I have refrained from acting was because I knew that it had been a not uncommon practice.

Motion, by leave, withdrawn.

CROWN LANDS ACTS, 1884 TO 1886, AMENDMENT BILL.

CONSIDERATION IN COMMITTEE OF LEGISLATIVE COUNCIL'S AMENDMENTS.

On the motion of the MINISTER FOR LANDS, the Speaker left the chair, and the House went into committee for the purpose of considering the amendments made by the Legislative Council in this Bill.

The MINISTER FOR LANDS moved that the Legislative Council's amendment, omitting the 1st subsection of clause 3, be agreed to. It left the law as it stood at present, and gave the Crown lessee the right of a rehearing at any time.

Question put and passed.

On subsection 7 of clause 3, as follows:—

"The following provision shall be added to section one hundred and thirty-one:—

> Any person holding a license under this section may use animals and vehicles in the removal of timber or other material as aforesaid, and may while so employed depasture, but to such extent only as is absolutely necessary, the animals being used therein upon Crown lands or holdings under Part III. of this Act in such numbers, for such time, in such manner, and subject to such conditions as the regulations may prescribe."

The MINISTER FOR LANDS moved that the Legislative Council's amendment, inserting the words "but to such an extent only as is absolutely necessary" after the word "depasture," be agreed to.

The HON. SIR S. W. GRIFFITH said that putting those words in made the subsection worse than useless. The amendment was a monstrous trap. Who was to be the judge of the exact quantity of grass necessary for a bullock to eat? If a bullock ate one blade too much in the opinion of the justices, all the protection intended to be given to the timber-getter would be gone. What was the use of telling him he might depasture his bullocks, provided they did not eat one blade of grass or trample down one blade of grass too much? That was giving him a stone when he asked for bread. As the clause was drawn it gave real protection. The bullocks might be depastured, subject to such conditions as the regulations might prescribe. The regulations might be as definite as possible; but with the Council's

amendment it depended on the caprice of the bench of justices whenever a case came up. If the justices did not like the timber-getter, they would find that he had been too long on the land held by the lessee; and if they had a leaning the other way they would find that he had not been too long. It was saying that a timber-getter might depasture his stock on Crown lands, provided the justices before whom the question arose did not choose to convict him. It depended entirely on the caprice of the justices, from whose decision there was no appeal; and it afforded no protection whatever to the timber-getter.

Mr. TOZER said he hoped the Minister for Lands would not accept the amendment, because it would lead to endless litigation, and the timber-getter having the smaller purse, would go to the wall. As the clause stood before, it was ample for the protection of everybody; but with the Council's amendment the timber-getters would not appreciate it in the slightest degree. The hon. member for Burrum was in rather a difficult position, because, being a member of the Government, he was desirous of getting the Bill through; but he felt sure that the hon. member, having such an intimate knowledge of the difficulties experienced by the timber-getters, would use his influence to have the Council's amendment negatived. He felt sure also that, when the Legislative Council were told that the amendment really did away with the beneficial effect of the provision, they would not insist on their amendment.

The MINISTER FOR LANDS said he certainly had no intention of allowing the introduction of those words if they amounted to a trap, and would put the timber-getters into a false position.

The HON. SIR S. W. GRIFFITH: The amendment will have that effect.

The MINISTER FOR LANDS said that if that would certainly be the effect of the introduction of those words he would certainly change his opinion on the subject. His opinion was that it meant that the timber-getter must only depasture such animals as were necessary for the removal of timber, and that it must be taken in conjunction with the end of the subsection, which provided that they must be depastured subject to such conditions as the regulations might prescribe.

The HON. SIR S. W. GRIFFITH: This over-rides all the regulations.

The MINISTER FOR LANDS said that under the circumstances he was prepared to have the amendment negatived.

Mr. MURPHY said he had not thought the amendment was intended to have the far-reaching effect which the leader of the Opposition had pointed out; but he could see now that the effect would be as the hon. member had stated.

Mr. BARLOW said there were practically two limitations, one relating to the removal of the timber and the other that the animals employed were depastured only to such an extent as was absolutely necessary, which had reference to the quantity of grass used by the cattle.

Question put and negatived.

The MINISTER FOR LANDS said the Legislative Council had amended clause 15 by substituting fourteen days for thirty days, as the period of notice respecting the correction of errors in deeds of grant. He thought fourteen days was too short a time to allow. It was absolutely necessary, especially in far distant parts of the colony, that sufficient time should be allowed, after the advertisement appeared, to admit of protests being sent in against the correction of errors in deeds of grant. He therefore moved that the amendment be disagreed to.

Question put and passed.

On new clause 17, as follows:—

"All lands which are now or may be hereafter dedicated to the public as roads under the provisions of the Real Property Act of 1861 or the Real Property Act of 1877, by the deposit with the Registrar of Titles of plans of subdivisions of land and roads for access thereto, shall be deemed to be thereby re-vested in the Crown, and may be dealt with in the same manner as any other roads which have been directly dedicated to public use by the Crown."

The MINISTER FOR LANDS said that clause had been inserted by the Legislative Council for the purpose of placing the position of roads dedicated by private individuals in a better position than they were at present, so far as the Crown was concerned. There were two classes of roads—those surveyed by the Crown, and over which the Crown had full control, which they could close whenever it was necessary; and others dedicated by private persons, chiefly in the subdivision of their property, and which were no longer required for the purpose for which they were originally dedicated, but over which the Crown had no control whatever—no power to deal with. In many cases where it would be actually to the advantage of the public that certain dedicated roads should be closed, nothing could be done because the Crown had no power to interfere in the matter. The original dedicator had no longer any interest in those roads; he might be dead, or it might be quite impossible to find him; therefore, he thought the clause a very good one to introduce into the Bill. He moved that the amendment be agreed to.

The HON. SIR S. W. GRIFFITH said that matter was pretty fully discussed when a similar clause was proposed to be introduced into the Bill when it was previously before that Committee, and various objections to it were pointed out. In the first place the clause assumed that roads and streets were now vested in the Crown, whereas the law as declared by the courts, was that they were not vested in the Crown but in the owners of the adjoining land. It proceeded on that basis, on an entirely erroneous notion as to what the law really was. The next assumption was that if a man lodged in the Real Property Office a plan of subdivision showing a road, he dedicated the land as a thoroughfare. That was by no means necessarily the case. How much litigation would that give rise to? The idea of the framers of the clause was that as soon as a man put a plan into the Real Property Office, showing a road, the land was to be deemed to be dedicated to the Crown; but that was by no means the law. It was evidence of dedication, that was all. The dedication of a road was a matter that must be proved by evidence. A man who had subdivided his property with the intention of selling it, and lodged the plan in the Real Property Office, might afterwards change his mind and sell it to somebody else, but under that clause the roads would be assumed to have been dedicated and vested in the Crown, and it would be at the option of the Minister to close the roads, or let the parties use the land or not. The clause proceeded upon an entirely mistaken notion of what the law was. As had been pointed out when the question was previously under discussion, it would be a very dangerous thing to close roads of that sort. Supposing a piece of land had been dedicated as a road, the persons entitled to the benefit of that

road were not only those who had bought subdivisions in that particular estate, but there might be people beyond who had bought land on the faith of being allowed to go through there. In fact, as the clause stood two title deeds might be issued for the same property.

The MINISTER FOR LANDS said he could give a case in point where the difficulty which that clause was intended to meet had actually arisen. The railway station at Auchenflower had no means of access whatever from the north side of the line, and consequently it was useless for purposes of traffic so far as the public were concerned. The people at Toowong were desirous of having a road made there, and Mr. Kellett, the owner of the property, was willing that the road should be made, if two other roads which had been dedicated could be closed, but there was no power to close them. At present there was no access to the station except by permission of Mr. Kellett, the owner of the land.

The HON. SIR S. W. GRIFFITH said if the clause was amended so as not to give rise to any erroneous notions he should have no objection to it. If it provided that all lands that had been dedicated to the public as roads, no matter how, should be deemed to be thereby vested in the Crown, he should see no objection to it, but the clause was framed on the assumption that once a plan was lodged in the Real Property Office the road shown on it became a public road. It might or might not have been dedicated to the public. In a case in which a piece of land was subdivided and a road laid out, and land on each side subdivided and sold, that was conclusive evidence of dedication. The clause would not be objectionable if it read in this way:—

"All lands which are now or may be hereafter dedicated to the public as roads shall be deemed to be thereby vested in the Crown, and may be dealt with in the same manner as any other roads which have been directly dedicated to public use by the Crown."

That would be intelligible. The law as declared at present by the best authorities in Australia was that roads were not vested in the Crown, and it would be really better to stop where he suggested. His reason for suggesting the amendment was that the clause was framed under an erroneous impression of the law, and it would give rise to misconception and litigation. Such a case as that referred to by the Minister for Lands was one in which no litigation could possibly arise, and if the clause were framed in such a way as he proposed there would be no difficulty in closing the roads.

The MINISTER FOR MINES AND WORKS said before the amendment was put, he would like to ask the hon. gentleman how it would meet the case which had been referred to before, that of John Leslie. The holder of the land cut it up, and the roads and streets were in such an awkward position that the land was unsaleable. One portion, however, was sold. The owner of the land then bought it back and wanted to get the roads closed. He went to the Real Property Office and found that he could not close them. The land was of very little value, because the roads were in such a position that they could not be used. How would that case be met by the amendment proposed by the hon. gentleman?

The HON. SIR S. W. GRIFFITH said the amendment which he had proposed would give the clause as much effect as it had now; it would not limit the operation of the clause. But he proposed simply to strike out words which created an erroneous impression. He did not know what the law would be in the case referred to by the hon. gentleman. He thought he had heard of the case. He expected there would be a great deal to be said on both sides. Perhaps it might assist the hon. gentleman if he explained the matter further. Suppose a man had made a road through his property without lodging a plan of subdivision, why should he not be bound to keep open that road? The dedication of a road meant the deliberate setting apart of a piece of land for the use of the public. That might be shown by a plan; it might be shown by running a fence along both sides of the road, and allowing people to travel over it for a week, a month, or a year, without obstruction; that was evidence of dedication. A man who deliberately threw open a road and left it open without any bar or obstruction, could never close it again. If there was an unequivocal intention to set apart a road for the public use, and it was so set apart, that was dedication. It might be dedicated by lodging a plan in the Real Property Office, but there were other ways. It might be done by deed or by surrender to the Crown; those were all evidences of dedication. The amendment he suggested would be to leave out all the words from "under," on the 2nd line of the clause, down to "thereto" on the 37th line, and that would remove any erroneous impression. The effect would be that when once a road had been made a public road it could be dealt with in the same way as any other road.

The MINISTER FOR LANDS moved the omission of all the words from the word "under" down to "and" on the 37th line.

The HON. SIR S. W. GRIFFITH said he would suggest the insertion of the words "by private persons" after the word "roads," in contrast to the words "by the Crown."

The MINISTER FOR LANDS said with the permission of the Committee he would withdraw his original motion, and move it in a different form.

Amendment, by leave, withdrawn.

The MINISTER FOR LANDS moved the omission of the words "under the provisions of the Real Property Act of 1861, or the Real Property Act of 1877, by the deposit with the Registrar of Titles of plans of subdivisions of land and roads for access thereto, shall be deemed to be thereby re-vested in the Crown, and," with a view of inserting the words "by private persons."

Amendment agreed to.

On the motion of the MINISTER FOR LANDS, the new clause was further amended by the omission of the word "directly" in the last line.

Amendment, as amended, put and passed.

The House resumed, and the CHAIRMAN reported that the Committee had agreed to one amendment of the Legislative Council, disagreed to two amendments, and agreed to one amendment with amendments.

On the motion of the MINISTER FOR LANDS, the report was adopted.

ADJOURNMENT.

The MINISTER FOR MINES AND WORKS said: Mr. Speaker,—I beg to move that this House do now adjourn. The business on Monday will be the further consideration of the Estimates.

Question put and passed.

The House adjourned at ten minutes past 10 o'clock.