

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 19 OCTOBER 1900

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FRIDAY, 19 OCTOBER, 1900.

The SPEAKER (Hon. Arthur Morgan, *Warwick*) resumed the chair at half-past 3 o'clock.

PETITION.

CONCILIATION AND ARBITRATION BILL.

Mr. NEWELL (*Woothakata*) presented a petition from a number of residents of the electorate of Woothakata praying for the introduction of a Conciliation and Arbitration Bill on similar lines to the Act in force in New Zealand.

Petition read and received.

PAPER.

The following paper was laid on the table, and ordered to be printed:—Report of the Government Printer for 1900.

QUESTION WITHOUT NOTICE.

ESTIMATES.

Mr. HIGGS (*Fortitude Valley*): I beg to ask the Premier, without notice—When does he propose to go on with the Estimates?

The PREMIER (Hon. R. Philp, *Townsville*) replied—I hope to proceed with the Estimates next week.

QUESTION.

CONDUCT OF A JUSTICE OF THE PEACE AT CAIRNS.

Mr. GIVENS (*Cairns*) asked the Home Secretary—

1. Is he aware that at the conclusion of a petty larceny case, tried at the police court, Cairns, on 28th September last, before Messrs. B. R. Stafford, P.M., and John Hoolan, J.P., the latter justice of the peace, after the defendants had been honourably acquitted, addressed them (the defendants) as “a set of piratical thieves,” and used other terms of abuse towards them?

2. If he is not aware of the facts alleged, will he cause inquiries to be made to ascertain whether the objectionable words complained of were made use of on that occasion towards the defendants by the said justice of the peace?

The HOME SECRETARY (Hon. J. F. G. Foxton, *Carmarvon*) replied—

1. The matter has not previously been brought under the notice of the department.

2. If formal complaint is made by the defendants in the case inquiries will be made.

IMPROVEMENT OF AGRICULTURAL LANDS BILL.

On the motion of the PREMIER, it was resolved—

That the House will at its next sitting resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill to authorise the establishment of a bank for the purpose of promoting the occupation, cultivation, and improvement of agricultural lands.

PROPOSED RELEASE OF UNIONIST PRISONERS.

Mr. GLASSEY (*Bundaberg*), in moving—

1. That in view of the great event in the history of Australasia, now about to be consummated by the proclamation of the Commonwealth of Australia, in the furtherance of which all classes of the community have

eagerly co-operated, and in view of the long-continued tranquillity throughout Queensland in the industrial relations between employer and employed, this House places on record the expression of its opinion that the occasion is suitable for extending the clemency of the Crown to the following prisoners convicted in 1896, and now undergoing sentences for arson committed during the shearers' strike of 1894, namely:—Edward Cowling, David Bowes, John Loyola, and James Martin.

2. That an Address be presented to the Governor, praying that His Excellency will be pleased to give effect to the desire of the House, by exercising, in favour of the said prisoners, Her Majesty's Royal Prerogative of Mercy, and directing their release—

said: There seems to be a feeling in the minds of some hon. members with regard to the case of Mr. Martin, and I propose to refer to his case later on, with the view of removing some of the prejudices which exist against him. I very much regret that the House is not in a better frame of mind to discuss this matter than it is on the present occasion, when members are tired by the long sittings, and may not be quite so enthusiastic over a motion of this character as they would be under other circumstances. However, as I may not have another opportunity of submitting this question this session for the approval of the House, I am obliged to avail myself of the present opportunity. It will be in the recollection of hon. members that in the early part of 1894 the Pastoralists' Association submitted an agreement to their employees, which was strongly objected to by the men. One clause in that agreement proposed that the wages of rouseabouts in some parts of the colony, where they had previously been 30s. a week, should be reduced to 24s., and that was objected to by the employees. Another clause to which the men objected was that relating to the shearing of wet sheep. Prior to that agreement the men had a say in the matter of shearing sheep which were wet, but the pastoralists in their agreement stipulated that the question should be left entirely to the shed manager. The objection which the men took was that the shearing of wet sheep was detrimental to the health of the shearers. Another provision on which strong feeling was aroused was that requiring shearers and rouseabouts to deposit, prior to engagement, the sum of £1 so as to secure a monopoly of work, and to produce a reference or certificate of character. Those are the salient points to which objection was taken. But the matter which aroused the strongest feeling among the men was the refusal of the pastoralists to meet them in conference to discuss the question in dispute, and this led to the strike. Under such exciting conditions as prevailed in 1894, and I may almost say from 1891 up to 1894, when the men struck work, it is not surprising that feeling ran very high, and that many deplorable things were done which, under other conditions and in calmer moments, would not have occurred. Some of the men concerned were arrested about April or May, 1896. They were tried and convicted at Rockhampton on the 8th of June, by His Honour Mr. Justice Miller, so that it will be observed that in April next year these men will have served five years, which I think is a very reasonable term. The Treason Bill now before the Cape Parliament, dealing with the subjects of that colony, who had been implicated in matters which led up to the present war and in matters which had occurred during the war, fixes the maximum penalty under that statute at five years—for offences far more serious than these men committed—and that being so, I think the men to whom my motion refers will have served a reasonable period when they have served five years, considering the circumstances of the case and the excitement which prevailed in the colony at that particular period. The establishment of federation, one of the greatest events in the history of the Australian continent, furnishes a fitting occasion for a splendid

and graceful act on the part of the Government in liberating these men and wiping out, once and for all, any little feeling that may have existed with regard to the troubles of 1891 and of subsequent years, which eventuated in the arrest and conviction of these men in 1896. Looking over the penalties imposed upon numbers of persons in Ireland under the Treason Felony Act, I find that, except in extreme cases, the maximum penalty was ten years, and that very few prisoners, particularly during the last few years, have suffered that length of penalty, though their offences were far more serious than those which these men committed. In some instances the penalty was only from two to five years. Some hon. members have said to me, would it be safe to liberate these men? Well, I do not think any person can successfully contend that the country is not in a sufficiently tranquil state for those men to be liberated with perfect safety. The Treasurer in his Financial Statement for 1897-1898, said—

During the past twelve months signs are not wanting that the colony is entering upon a new era of prosperity. We have had no industrial disputes. Capital and labour have been working hand in hand. Long may those amicable relations exist!

In his Statement for the following year the same hon. gentleman remarked that—

The amicable relations between employers and employed referred to last year have been maintained and, I believe, strengthened.

And quite recently, on the 30th of August last, the hon. gentleman said—

I am pleased to observe that the economic fact that the harmonious working together of capital and labour is essential to the well-being and advancement of both is steadily impressing itself on the minds of the great bulk of the people.

There we have proof positive from official sources that the utmost harmony, good-will, and peace prevail between employers and employed, so that I am justified in affirming that the tranquil condition of the colony is such that these men may be liberated with perfect safety. Some hon. members have said to me—and I believe the Premier holds strongly to the same view—that it is unusual for Parliament to interfere in such matters as these. In reply to that, I may point out that the British Parliament has from time to time discussed such questions, though perhaps not on a direct motion, and that in 1892, Mr. Redmond, the leader of the Parnellite party, submitted the following amendment to the Address in Reply:—

And we humbly represent to your Majesty that the time has come when the cases of all the prisoners convicted under the Treason Felony Act who are, and have been, for many years, undergoing punishment for offences arising out of the insurrectionary movements connected with Ireland, may be advantageously reconsidered, with a view to the speedy release of these prisoners.

If it is a wise and judicious thing for the Government, or the Executive, to review cases of this kind, then Parliament, which, as William Pitt has said, is omnipotent, and has the right by the will of the people to do what it in its judgment thinks best in the interest of the country, is competent to deal with the subject. The very first year I had a seat in this House the case of a man named Kitt, who was sentenced to three years' imprisonment for the larceny of a pair of boots, was discussed in this Chamber, and I supported the Government on that occasion, because I thought they were perfectly justified in releasing the prisoner. It may be imprudent to say that the prisoners mentioned in my motion were convicted of offences which were distinctly political, but, unquestionably, they are in a sense political prisoners. Their offence

is not to be ranked in the category of ordinary offences, as, for instance, where a man commits arson for the purpose of obtaining the insurance money, or for some selfish motive. Therefore I could not at all place them in the same category or on the same plane

[4 p.m.] as persons who would be guilty of offences, committed purely from selfish motives. I have been urged to endeavour to obtain the release of other prisoners at this particular period, to mark the advent of federation. Well, I think it is not so long ago since the sentences of the prisoners, particularly those serving long sentences, were reviewed by the Executive. I recollect very well that in 1897 when the then Prime Minister was about to leave for Great Britain, I urged him to leave behind him a note to the Acting Prime Minister to review the sentences of all the prisoners who were undergoing long terms of confinement, and I am pleased to say that he did so, and the present Agent-General, Sir Horace Tozer, did review the sentences of those prisoners; and in almost every instance—except in very bad cases—reduced the terms. I urge the Executive to take a similar course now, and to lessen the sentences of prisoners who are serving long sentences. I do that because this, I think, is a most opportune time for them to exercise clemency in these matters. I have been asked why I ask for the release of these particular prisoners on the ground of mercy—why I do not ask for it on other grounds? Well, I ask this House to release them entirely on the ground of mercy. I will put forward no other plea. I will not raise the question whether their sentences were just, or whether they were too long or too short. I will not prejudice their case by raising any of those issues. I ask for their release solely on the ground of clemency, and I hope no other member will raise any other plea. Some persons have said, “Why take up the case of Martin?” Well, Martin may have many enemies. He may have an extremely bad name. He may have had some very strong strictures passed upon him. He may have done many foolish, reckless, and unjustifiable acts. But I know Martin; I know him well; and I like Martin. I think he is an excellent man. I do not think there is a better piece of human material in the colony. Although of a very ardent nature, and very outspoken, I do not think a better hearted man stands in the colony than James Martin, now in St. Helena. I do not know the others so well. Two of them I know fairly well; but one is a perfect stranger to me. Martin, unfortunately for himself, occupied a prominent position. He was organiser for the union at that particular time, and he was regarded as being more largely responsible for the crimes that were then committed than any other man. That is the only reason why Martin got so long a sentence as fifteen years, but I hope that no prejudice will exist in the minds of hon. members against him on that ground, and that if these men are released no distinction will be made between Martin and the other men. I am quite sure if hon. members knew Martin as I do they would have the same feelings towards him as I have, and would extend to him the same leniency and warmth of feeling that I do. I think I am the more justified in submitting this motion in consequence of a distinct promise made to myself by the present Chief Secretary, the late Prime Minister, Mr. Dickson. I remember that in 1897 I was strongly urged to join in an agitation for the release of Martin and his comrades, but I thought that the time was inopportune, as the term they had served was rather short to convince the Executive that they should be released, but in 1898, when they had served nearly three years, I

strongly pressed the present Chief Secretary to liberate them. I urged the hon. gentleman to visit St. Helena, and I am pleased to say that he did so, and at any rate there was a tacit understanding that, after the general election, which was then approaching, Martin and his comrades would be released. I maintain that I am justified in submitting the motion on the ground of that promise being made to me.

The HOME SECRETARY: What was the exact nature of the promise?

Mr. GLASSEY: The promise was this: The Chief Secretary considered that the men had suffered sufficiently; that it was a very exciting time when the troubles in which they were concerned arose, and that the peace and harmony of the country was now such that they might with perfect safety be released.

The HOME SECRETARY: When was that?

Mr. GLASSEY: That was at the latter end of 1898 or the beginning of 1899, just prior to the general elections, and the Chief Secretary's strong reason for not releasing the men at that time was that it might be considered as pandering to a certain class. I must confess that I have been more than disappointed that the promise has not been carried out, not by the Chief Secretary, but by his successor, the present Prime Minister. As I have said, the feeling at the time that these offences were committed was very high, and almost every stream of feeling was swollen into a torrent if not into a flood. But that has all passed away, and it can scarcely be contended that further confinement in these cases is necessary. I wonder what argument can be adduced in support of further confinement. It cannot be said that the law has not been vindicated. I think it has been more than vindicated, and unless strong reasons can be urged to show that the ends of justice have not been satisfied, these men should be released. Let me cite the case of the Coombemartin men, who were also tried at a time of extreme excitement, and were sentenced, two to three years' and one to two years' imprisonment. The present Agent-General, Sir Horace Tozer, released them, and I do not think it can be said that any harm has resulted to the colony from their liberation. It may be urged that it is necessary to confine persons in gaol for a considerable time as a deterrent to others. I do not believe that the experience in any part of the world shows that long sentences have the deterring effect that some persons claim for them. In every country in the world men commit offences of this kind, but they are treated with leniency, and I have not heard of any case in which there has been cause for the Government of any country to regret that leniency. I maintain that these men have suffered sufficiently to deter others, and also to deter themselves, from committing similar offences again. I think the deterrent effect is surely now complete. Punishment should be to prevent the commission of crime; it should not be vindictive. The law should be sufficiently severe to punish to some extent, but I do not think the law should be vindictive, and I think that the further confinement of these men would appear to be vindictive. The Government acted with clemency in 1897, and I ask that the same spirit may be shown in 1900. The proclamation of federation on 1st January, I think, is a particularly opportune time, and I ask hon. members on both sides of the House to join with me in expressing the opinion that clemency should be shown. I ask the Executive of the day to give effect to that opinion—to open the prison doors for these men, and allow them to return to the bosoms of their families. What is to be gained by confining these men any longer in prison? I think I have shown that there is nothing to be gained. What is to be

gained by releasing them? Much, I think. There will at any rate be shown a spirit of gratitude to the House generally by a large number of persons in this colony, and more particularly in the Western districts, where these men are best known, where they worked, and where they have relations and many friends. It will redound to the honour of the House, and the feeling of gratitude will be exhibited, not only in this colony, but all over Australasia, where men follow occupations similar to those followed by these men. I am sure that spirit of gratitude will be something to compensate the Executive and the House for extending this act a clemency. It may be said that though Parliament may express an opinion in favour of the release of these men, the Executive have the power still to continue to confine them. That may be so, but I do not think they will exercise it. It is the strength of the strong to be merciful, and it is, for mercy I plead on this occasion. If any strong feelings are still held on the other side of the House on this matter, I ask hon. members to rise above the prejudices and passion which may have surrounded the question, and agree to send a message of peace and forgiveness to these men in gaol; and not only to send that message to the men themselves, but also to their relations and friends. That message will be warmly appreciated by the men, and more than warmly appreciated by those nearest and dearest to them, and especially by the wife of the prisoner Bowes, with her little girl five years of age, who was only a few months old when the father was imprisoned.

Mr. JACKSON: And by the country.

Mr. GLASSEY: And by the country as well. Who can adequately estimate the amount of agony and suffering that must have been endured by the relatives and friends of these men during the last four or five weary, dreary years? Surely most of us who are husbands and fathers can extend something more than mere sympathy to those persons, and particularly to that young woman with the little child! I ask this, then, not only on behalf of the prisoners, but on behalf also of their relatives and friends and those kindred to them by the ties of blood. I ask that this act of mercy and clemency shall be extended to them. I believe it will have a most humane and beneficial effect upon the country; and if the people of the country were to be asked to-morrow to express an opinion with regard to the liberation or further confinement of these men, I believe the country would say that the demands of justice have been satisfied and that justice has been fully vindicated. It would do much to remove some feeling in the minds of people in the Western districts that there is a spirit of vindictiveness shown in the prolongation of the confinement of these men. I wish to remove that feeling, and I hope the expression of opinion that will be given by this House will be such that at an early date we shall see the prison doors opened and these men released, and thus a veil, so to speak, may be drawn across the events of 1891 and 1894, and we may hear no more concerning those matters now or in the future. I trust the House generally will rise to the occasion, and that in a spirit of generous forgiveness, when we have the federation proclamation on the 1st January, notice will be sent to these men that they are no longer prisoners confined at St. Helena, that they are free men, and free citizens who may return to their families, where they will be warmly welcomed by their relations and friends, who are waiting with some anxiety the result of the motion I have the honour of submitting to this House. I beg to move the resolution standing in my name.

HONOURABLE MEMBERS: Hear, hear!

The HOME SECRETARY (Hon. J. F. G. Foxton, *Carnarvon*): I approach this subject this afternoon at some slight disadvantage, owing to the extended sittings [4:30 p.m.] of the House which we have just gone through; not because, as some hon. members may think, of any personal feeling of exhaustion which would render me unable to deal with the matter, but owing to the fact that I have not been able to get near my office during any portion of this week. I have been "gagged," so to speak, so far as the work of my office is concerned, and have had to do as much as I could of it in the House. When I noticed the day upon which this matter was to be brought forward, I asked for all the papers in the cases of the men referred to in the resolution. I have received those papers so far as they exist in the Home Secretary's office proper, but I regret to find that some of the papers I was most anxious to get are in the custody of the Prisons Department, and that was not discovered until it was too late for me to get them this afternoon. I have taken steps to get them, but I shall be able to deal with the matter to the satisfaction possibly of the hon. member who has, in such feeling terms, moved the resolution, though I may be to some extent at sea regarding the facts in the cases concerning these men. Personally, I have little or no knowledge of the cases, though possibly at the time I followed the evidence given in the cases in the way anyone else would do. I was not then Home Secretary, and I am not quite sure that I was a Minister. If I was in the Government it was as Secretary for Lands, and the present Agent-General was Home Secretary. I had no more reason then for taking notice of these cases than of any other cases reported, and I have therefore no practical knowledge of them. I do not therefore propose—nor do I think it would be desirable—to go into the questions connected with the trials. But if we are to discuss them at all there are certain matters connected with these cases which I think may fairly be taken into consideration in any such discussion. There is, for instance, the question as to whether all or any of these men have petitioned for their release in the usual way. I have no evidence that they did, and the hon. member for Bundaberg may be able to inform me upon the point.

Mr. W. HAMILTON: I don't know that they have.

Mr. GLASSEY: There was a petition to members. There was a petition to myself.

The HOME SECRETARY: But have they petitioned the Governor in Council in the usual terms?

Mr. GLASSEY: I don't think so.

The HOME SECRETARY: I was under that impression, and it was because I was under that impression, and did not want to do them any injustice if they had done so, that I was so anxious to obtain the records from the Prisons Department for this afternoon. In that connection I venture to congratulate the hon. member for Bundaberg on the attitude which he has assumed, presumably on behalf of these men—that is to say, he did not propose in his speech to go behind the verdict of the jury.

HONOURABLE MEMBERS: Hear, hear!

The HOME SECRETARY: He puts forward the plea of mercy, which is the proper plea upon which men should approach the Executive, unless they are prepared to petition for a free pardon on the ground that they never were guilty at all—that they were wrongly convicted. I know one man going about in this colony to-day with the brand upon him of having served a considerable period in St. Helena—his full term—and everyone who has since had an opportunity of acquainting himself with the facts in the case

which have come to light years after his liberation is satisfied that the man was wrongly convicted. As at this distance of time his absolute innocence cannot be proved, though an informal confession was made by the man who was the actual delinquent, it is not, in the absence of actual legal proof, possible to extend to him a free pardon. The only thing the Government could do was to make provision for him in the Government service, and that was done.

HONOURABLE MEMBERS: Hear, hear!

The HOME SECRETARY: I am glad to have an opportunity of following the hon. member for Bundaberg in this particular matter, because it was only last session that the hon. member charged me with being the most inhumane man in this House. I am satisfied that had the hon. member known me better—and I sincerely trust he knows me better now—he would not have given utterance to any such sentiment.

HONOURABLE MEMBERS: Hear, hear!

Mr. JENKINSON: He was excited, perhaps.

The HOME SECRETARY: I am sorry to say he was. I do not know why he said it, or on what grounds he was induced to do so; but let me tell the hon. member and the House that, though I have many painful duties to perform as Home Secretary, I can assure hon. members that the most painful and trying duty I have to perform is my periodical visit to St. Helena, to interview the men who are unfortunate enough—and I say unfortunate enough, advisedly—to be incarcerated there. I am glad, therefore, to have the opportunity of referring to the remark which the hon. member directed to me last year.

Mr. HIGGS: You are going to prove now, I hope, that you are not inhumane.

The HOME SECRETARY: If the hon. member was one of those unfortunate individuals whom I have to interview under these painful circumstances, he would, I think, arrive at the conclusion that I am not an inhumane person.

Mr. HIGGS: I believe I would. I will concede that.

The HOME SECRETARY: It must be borne in mind that no matter how sympathetic a man may be, or how much sorrow and regret such interviews may cause him, as Home Secretary he has a duty to perform to society at large, and to the country, and it is the performance of that duty which makes his relations with the convict establishments so exceedingly painful. I am rather sorry that it has been necessary to refer to any particular men in connection with a resolution of this kind. The hon. member has based his resolution upon the fact that as the Commonwealth of Australia is about to be proclaimed on the 1st of January next, and that that would be a fitting time to extend clemency to these four men. Now, I think a resolution in more general terms would have been acceptable to the country at large, and it would have been a fitting thing to extend clemency, not only to these men, but to any number of prisoners who are now undergoing sentences in our penal establishments who are deserving of such clemency.

HONOURABLE MEMBERS: Hear, hear!

Mr. FOGARTY: We are quite agreeable.

Mr. GLASSEY: This resolution will not prevent your liberating any number.

The HOME SECRETARY: I am quite aware of that. As the hon. member said, this is purely an Executive matter; but I am surprised that no hon. member has taken exception to this resolution being moved in this way. I quite agree with the hon. member when he says that there is no impropriety in Parliament expressing an opinion on the matter. Parliament is surely representative of the people, and

ought to be able, in fitting terms, to express to the Executive its views with regard to the exercise of clemency with regard to any prisoner in our penal establishments. In fact, why should Parliament not, if it sees the propriety of doing so, do as the people do in the case of a capital sentence, when they frequently send in monster petitions for the exercise of the prerogative of mercy. Speaking in connection with the desirability of not making an exception in favour of any four men—or any number of men who might be named—there is another phase of the question, and that is this: That, if we are to celebrate the proclamation of the Commonwealth in this way, it would be very desirable if it were done in concert with the other federating colonies.

Mr. GLASSEY: The other colonies have no strike prisoners.

The HOME SECRETARY: That interjection brings me to another point in my argument. I, for one, object, with all due deference to the hon. member, to the use of the words "strike prisoners." Those men are not properly designated when they are so called. Suppose, for instance, there had been—as was nearly the case—a riot, the other day, at Townsville, in connection with the stringent enforcement of the plague regulations, and, in their excitement, some men had committed acts of violence, would they have been called "plague prisoners"? It is a mistake to hold out as an excuse for, or as a palliation of, crimes of violence, that they were committed during times of excitement resulting from industrial disputes. I cannot for the life of me see why, at a time when there is great public excitement, any distinction should be drawn with reference to crime. It is desirable that this should be recognised by those who have the conduct of strikes, because nothing tends to bring strikes into disrepute more than the acts of violence which are sometimes committed in their name, and it is not desirable that unthinking men should be led to believe that, at times such as that, they are at liberty to go to greater lengths in the direction of interfering with the rights and privileges of their fellow-citizens than at any other time. That is a mischievous principle to inculcate. There has been—or was the other day—a strike going on—I do not know what has become of it—in a Northern mining township. I know nothing in connection with it except what I have seen in the papers and from some official telegrams that I have received, but I immediately ordered the nearest police magistrate and some police to proceed to the place, knowing the tendency there is, in consequence of this lax feeling in regard to acts of violence committed at such times, to commit such acts of violence. I am very glad to say that the information I have received is that there has been no violence, and that, so far as the police magistrate can foresee, there is no likelihood of any. I quite recognise—whether it be an industrial dispute or whether it be a political dispute—that men are liable to get excited and commit crimes; but I deprecate, in the interests of the workers themselves, any differentiation between acts of violence committed at such times and those committed under ordinary circumstances when there is no public excitement through industrial disputes. I have said that I congratulate the hon. member upon his attitude in bringing forward this resolution. I understand that my hon. colleague, the Chief Secretary, is not exactly at one with the hon. member in regard to what took place between them in the conversation which has been referred to by the hon. member; but my colleague will himself deal with that matter, so that I shall not further refer to it. I do regret that, from my point of view, my hand has not been strengthened, and that the hand of the hon. member has not

been strengthened, by the receipt from any one of these prisoners of a petition in the ordinary course.

Mr. GLASSEY : They can very soon be got.

Mr. HIGGS : I don't know.

The HOME SECRETARY : Whether they can be got ?

Mr. HIGGS : I don't think that is against this resolution.

The HOME SECRETARY : I think it is very material. The attitude of anyone who holds the contrary view must be that these men ought not to have been convicted.

Mr. BOWMAN : Not necessarily.

The HOME SECRETARY : If those men were rightly convicted, they surely ought to petition for mercy in the usual way. The only justification for their not doing so must be a contention that they have not been properly convicted by a jury of their fellow-countrymen, and ought not to be there ; and that they say, in effect, " We will not petition. We ought not to petition."

Mr. W. HAMILTON : I think the reason they have not petitioned is that Mr. Dawson moved in this matter some time ago, and the Premier referred to your department, or else to the Department of Justice, and I think they were waiting for that. They were going to petition.

The HOME SECRETARY : I am glad to have that information from the hon. member. I should not have been drawn into that but for the interjection of the hon. member for Fortitude Valley. I wished to make my position clear with regard to the matter—that unless a man is prepared to say, " I am innocent, and ought not to be here at all," it is a proper thing for him to petition. As to the duration of the sentences of these men, the hon. member has mentioned that Martin got fifteen years. I am quite of opinion that, however that may be justified as the sentence which was passed by the judge at the time, looking at it from this distance of time, and without casting the slightest reflection upon the judge, we are justified in saying that that was a severe sentence.

MEMBERS of the Opposition : Hear, hear !

The HOME SECRETARY : Possibly it may have been demanded at the time by the circumstances of the case.

Mr. KERR : I think the judge said so.

The HOME SECRETARY : Very likely. That is a natural thing for a judge to say, because, largely, a sentence of that kind—in fact, it applies to all sentences—is imposed as a deterrent, and not from any spirit of revenge. I do not know what the duration of the sentences of the other men is.

Mr. GLASSEY : Ten years each.

The HOME SECRETARY : Although I understand from the Chief Secretary that he did not exactly say what the hon. member for Bundaberg understood him to say in their conversation at the end of 1898 or the beginning of 1899, the Premier has authorised me to say, on behalf of the Government, that, having regard to the very long sentences which everyone must admit were passed upon these men, the Government are quite prepared, at my instance, to take into consideration the remission of their sentences, provided the ordinary petitions for mercy, in similar terms to those mentioned by the hon. member in moving the resolution, are forwarded to me.

HONOURABLE MEMBERS : Hear, hear !

The HOME SECRETARY : On the proclamation of the Commonwealth, I think most people will agree that that would be a very proper time at which to cause these men to be liberated.

Mr. GLASSEY : Hear, hear !

The HOME SECRETARY : At the same time, I am bound to say that I do not see why these particular men should be singled out for that privilege, in distinction to every other man who received a very severe sentence, either before or since these men were sentenced.

HONOURABLE MEMBERS : Hear, hear !

The HOME SECRETARY : While on the subject of long sentences, I would like to refer to a remark which was made by the mover of the resolution, when he compared the sentences passed upon these men with the maximum sentences which are provided for in the Treason Felony Act, which has just been passed in Cape Colony. I do not think the circumstances are at all analogous. Unquestionably, treason is a more serious offence than arson ; but let us look at the condition of Cape Colony. Even the most thorough Imperialist among us, if he looks at the matter dispassionately, must admit that the Dutch Afrikaners can put forward excuses for the attitude which they have assumed towards the British. There is a racial hatred and rivalry—I do not justify it, of course—but let us try to put ourselves in their places. Can we not find stronger excuses for their excessive excitement, and their likelihood to be led into rebellion, when they saw an actual war going on between the two races in a neighbouring State, than we can find for men who practically went into rebellion in this colony against the powers that be ?

Mr. BOWMAN : It was caused by the differences between employers and employees.

The HOME SECRETARY : Yes, but what complaints had they against the Government ? Had they an oppressive Government ? It was, as has been said, an industrial dispute between two classes of individuals, and what excuse had these men for breaking out into rebellion, and committing acts of violence and arson ? It is extremely fortunate for the colony and the people concerned that there was no murder committed, and I do not think it was because of any great amount of forbearance on the part of some of those who were in arms against the authorities that murder was not committed, but largely because of the tact shown by the authorities themselves. However, we will not go further into that. That is all dead and gone. I am only referring to it because the hon. member contrasted these sentences with the sentences

[5 p.m.] it is proposed to pass on those who may be convicted of treason-felony

in Cape Colony. If we look at the matter dispassionately, most hon. members will agree with me that more excuse could be found for the Dutch Afrikaners being in arms against their Government than for the so-called strike prisoners, who had had disputes with their employers, being in arms against the constituted authorities of Queensland. I do not know how long this debate is likely to last ; possibly some hon. members on the other side may desire to express their opinions on the subject ; but I think I may venture to suggest to the hon. member for Bundaberg that, having regard to the assurance I have given him, at the conclusion of the debate he should withdraw his resolution.

Mr. GLASSEY : Certainly, on such a promise.

The HOME SECRETARY : I have given the promise, and the hon. member thoroughly understands what it means, and I hope it will clear up any possible misunderstanding which may have been engendered in the minds of people outside or in this House that there is any political bias in connection with the incarceration of those men.

HONOURABLE MEMBERS : Hear, hear !

The CHIEF SECRETARY (Hon. J. R. Dickson, *Bulimba*) : During the course of his speech, the hon. member for Bundaberg made a

reference to me, to the effect that last year I had made a promise that these men should be liberated. I like to be particular in matters of this kind. I have always, within this House and elsewhere, expressed my feeling against long sentences. From what I have seen, they do not tend to improve the individual, and instead of being punitive they represent a vindictive feeling, which I think is not in consonance with a wise administration of justice. Before Sir Horace Tozer relinquished the position of Home Secretary, I frequently visited St. Helena with him, and saw these particular prisoners, and I know his feeling was one of deep sorrow that a man like Martin should be suffering incarceration. I fully share that view. From what I have seen of him—and I saw him two or three times subsequently, when Home Secretary—I believe him to be a man of superior attainments, though a misguided man, perhaps, in this connection. He is one of those men who will not cringe or beg for mercy, or sign a petition for his liberty before the termination of his sentence. He seems to be one of those stiff-backed men who consider they are suffering an injustice. I can only regret that Martin has adopted that particular attitude, but for which his position might have been considered earlier by the Government. I know the hon. member for Bundaberg has deeply interested himself from time to time to secure the liberation of those prisoners. My part in the matter is this, that before the last general election I said I should feel it my duty, after the election had taken place, to ask the Cabinet to review the whole of the circumstances of the case. I think the hon. member will acquit me of having made a promise to liberate them. I certainly could not have given that unconditional promise, because I consider that no member of the Government should take upon himself to make a promise of such an extraordinary character without having first consulted his colleagues. I may say that my sympathies have been in favour of extending clemency as early as possible to men who, I think, have been misguided, and I do not place these men in the ordinary category of criminals. What they did was done at a time of great public excitement—an excitement which may have extended even to the bench; and the sentence meted out was of such an extreme character that possibly it may have been given with the view of vindicating the law at a time of great public excitement rather than gauging accurately the measure of justice which should have been meted out to the men who had so offended. I have heard with very great pleasure the intimation from my hon. colleague that an amnesty will be granted at a very early period to those men, and I only hope that Martin will be induced to conform to the condition of presenting a petition to the Crown.

Mr. GLASSEY: I think that will be done.

The CHIEF SECRETARY: I am glad to hear it. At the same time, I know from former interviews with him at St. Helena that he would rather remain incarcerated than acknowledge he was in error. I have already expressed my opinion with regard to long sentences. I believe the effects to be bad, both morally and physically. The loss of liberty itself must be a very great punishment.

Mr. GLASSEY: Particularly to men leading such free lives as those.

The CHIEF SECRETARY: To all men the absence of liberty must be a terrible infliction. We all remember the pathetic story of Sterne's starling, "I can't get out." I am pleased that these men are to have their liberty restored to them at an early time, and I agree with the

mover of the resolution that the approaching inauguration of the Commonwealth of Australia is not only a suitable time for an amnesty to those men, but for a consideration of the cases of other offenders who have been a long time in prison. The tendency of our criminal administration is to try and ameliorate the condition of men incarcerated, to improve them, to make them better fitted hereafter to discharge the duties of social life; and I think that, with the exception of men who have been convicted of capital offences, a sentence of less than fifteen years, in the majority of cases is not only wise, but enables the offender to re-enter social life, and perhaps to become a good citizen in the future. I do not think there is any necessity to prolong this debate. I have merely risen to explain that my sympathies have been in favour of giving an early consideration to the cases of those men, and to free myself from the charge that I made any promise to the hon. member for Bundaberg of giving these men their liberty before I had consulted the Cabinet. I should have laid myself open to misrepresentation if before the general election I had taken action. I promised the hon. member that when the election was over I would certainly endeavour to get the Cabinet to review the sentences. I do not feel at liberty to say what was the result of those representations; but I may be permitted to say that I have always felt that it was desirable, as early as practicable, that the story of that dark period of Queensland's history should be buried in oblivion, and that the men who had taken part in and suffered for it—the majesty of the law having been vindicated—should be restored to the social body. I therefore think the hon. member for Bundaberg, having received that assurance of the Premier given to the Home Secretary, might very well be content, and not press his motion to a division. I fully admit that when any abuse or wrong is committed, whether in the administration of justice or otherwise, Parliament has a perfect right to interfere, still I draw a strong line of demarcation between the functions of the Executive and the functions of Parliament, and while Parliament may express an opinion concerning matters connected with the various departments of the State, the responsibility of action must rest with the Executive. I should be very sorry to think that, as a general rule, motions should be introduced into Parliament dealing with confinees in Her Majesty's gaol for the purpose of liberating them under political pressure, and I believe the fountain of justice will be kept purer and more undefiled by Parliament interfering as little as possible with the sentences of the judicature. Certainly the position should not be assumed that the Executive of the day should be instructed to liberate confinees because the majority of members of Parliament might think clemency should be extended to them. In conclusion, I have only to congratulate the hon. member for Bundaberg on the appropriate manner in which he introduced this question, and to express a hope that when those men are shortly liberated they will resume their position in the colony and become useful members of society.

Mr. CALLAN (*Fitzroy*): I am very glad this motion has been brought forward. These are the last to remain in gaol of the men who took part in the strike of 1895. They have already been imprisoned five years, and I agree with the hon. member for Bundaberg that it would be a graceful thing, on the eve of the federation of the colonies, to restore to these men their freedom. At the same time, I entirely endorse the opinion of the two Ministers who have spoken, that it is necessary that those men should petition for release before release is granted; and I

trust the friends of those four unfortunate men—I can call them by no other name—will induce them to do so. I do not class these men with those who commit ordinary offences under ordinary circumstances. Things are done in periods of great excitement which would not otherwise be dreamed of. Even here, last night and this morning, members have done things they would never think of doing in the ordinary course of orderly debate. And, as hon. members are aware, the country, four or five years back, was in a state of intense excitement, and everybody took either one side or the other. I trust that the friends of the men will see their way of getting them to sign a petition, and that they will once again be established in the right course of life, and all the past will be forgotten.

Mr. PLUNKETT (*Albert*): After the very tactful and sympathetic speech of the Home Secretary I have very little to say on this question. I must congratulate the hon. member for Bundaberg on the way in which he introduced his motion. I must, however, endorse all that has been said by the Home Secretary. I think the charges made against him as to his inhumanity are entirely unfounded. I remember a similar charge being made against Sir Horace Tozer, but I do not think anyone can deny now that Sir Horace Tozer is as humane a man as ever lived. I do not think that clemency should be confined altogether to these particular prisoners, but that the case of others who have not committed very serious offences might well be reconsidered. I must say that since I have known the Home Secretary I have never known him to deliver a speech which redounded more to his credit than the one which he has delivered this afternoon.

Mr. McDONALD (*Flinders*): On behalf of the Western members on this side of the House, who know the whole of these men intimately, and have had a great deal to do with them in organising the various bodies with which they have been connected, I can assure the members of the Government who have spoken, that their words will be hailed with delight in the Western part of the colony. The sole desire of the Western men is that the incident of 1895 should be thrust aside and the past forgotten. I can only assure the Government that their action will be thought a great deal of in the Western part of Queensland.

Mr. HIGGS (*Fortitude Valley*): I think the hon. member for Bundaberg has placed the case of these men before the House in a very temperate way, and has not introduced any contentious matter. Although some hon. members may have described the Home Secretary during the heat of debate as wanting in humanity or brains, or any other expression which has a political signification only, I hope the hon. gentleman will not take it seriously. I am very glad the Home Secretary has met the hon. member for Bundaberg in this way. The hon. member has taken a keen interest in the case of these men, and whatever may be the faults, politically, of the hon. member, no one could for a moment suggest that he is lacking in those characteristics which go to make up a warm-hearted, sympathetic man. I have taken some interest in the release of these men. I only know personally Martin, but I was very pleased to hear from the Chief Secretary his testimony to the character and capacity of that man. When the question of a petition was mentioned, I interjected that possibly the men would not sign it, and I was led to say that because there are men even in this Chamber who have been placed in a somewhat similar unfortunate position, and who have felt that too much was being asked of them when

it was suggested that they should sign a petition. I only hope that Martin and the others will avail themselves of the opportunity, and sign the petition asking for a remission of their sentences. I take the same view as the Chief Secretary. These men are not criminals in the sense that a born thief is a criminal. They have not been actuated by any desire for personal gain. They have simply become involved in a huge industrial dispute, they have been more self-sacrificing than other men, they have been more ardent in temperament and more sympathetic, and they have been led to commit offences which in calmer times they would not think of committing. These big industrial disputes only occur once in a generation. There is a depression in trade, and employers are tempted to reduce wages; the men resent it, and get themselves into trouble. I do not suppose we will have similar industrial disputes for years, and then probably other people will commit offences, knowing nothing of what took place in 1895. But the ends of justice have been met in this case; these men have been incarcerated, and any example that was required to be made has been made. A far better feeling now prevails, and there is a general desire for conciliation and arbitration. I am very pleased that the Home Secretary has acted as he has done, and I trust the attitude he has assumed will be the attitude assumed by all members on the other side. I was somewhat fearful of the result, after what has occurred this week. I did not think the Chamber was in a condition to consider questions of mercy. Fortunately, however, we seem to have recovered from any little differences which have arisen throughout the very heated debate on the Callide Railway Bill. I trust that no heated discussion will take place on this motion, and that the hon. member for Bundaberg will be successful in his errand of mercy.

Mr. BROWNE (*Croydon*): I wish to say only a very few words on behalf of the party sitting on this side of the House. I wish to express the great pleasure we feel at the promise which has been given by the Home Secretary that these men will be released. There are, of course, others of us besides the hon. member for Bundaberg who have endeavoured to obtain their release, and, if the men have been wrong, they have, at all events, expiated their wrong. I think the action the Government have taken will redound to their credit from one end of the colony to the other.

Mr. JENKINSON (*Wide Bay*): It is not my intention to detain the House at any length. It is two years since I took action very much on the same lines as that taken by the hon. member for Bundaberg, and, although the same motive actuated me as has actuated the hon. member, yet my motion was received in chilly silence by members on this side. I cannot forget that, because I was a new member at the time, and the circumstance has rankled in my mind ever since. I did think that the gentleman who was then leading the Labour party, the hon. member for Bundaberg, would have supported the effort I made. On that occasion I pleaded for mercy. I take the same course this afternoon, especially as the difficulties in the West are things of the past. Matters have assumed their normal attitude, and the men have expiated whatever offences they committed. I believed then, and I believe now, that they have expiated their crimes, that they will in future have a respect for the law, and that no harm can possibly be done to the country by releasing them. On the contrary, I believe they will be useful members of society and will be ready to set an example of keeping the peace. I am

therefore very pleased with the remarks which have fallen from the Home Secretary and the Chief Secretary this afternoon, and I hope before the year is out they will carry out their intentions.

HON. D. H. DALRYMPLE (*Mackay*): In regard to the announcement of the Home Secretary, that in all probability consideration will be given to the cases of these men, and that they will shortly be released, I am entirely in accord with what has been said. These men have been kept in prison for two reasons. First, because it is necessary that the law should be vindicated, and that an example should be made against offenders against the law; and, secondly, because of their determination that they were in the right, and that society was in the wrong in insisting upon punishing them for the offences which they committed. So long as that view was held by the prisoners, it is quite evident that it would not be safe to allow them to go back to society. While I admit that in all probability their motives might in many respects have been creditable—that is to say, they believed that they were fighting in a good cause—yet at the same time that would make them all the more dangerous to society. If it is laid down as a doctrine to be acted upon that any man is justified in declaring war against society and finding his own remedy for his supposed wrongs, I think such a state of affairs would be exceedingly serious as well as dangerous. If those who believe themselves to have been injured openly wage war on society, that in my opinion is a retrogressive step, and we must necessarily drift back into barbarism. But the moment a man admits that certain restrictions upon liberty are necessary, and that to break out into open rebellion is to subvert all lawful authority, then I think the danger of again liberating him is lessened, and he may with safety be given an opportunity to make a fresh start. The reason that it has hitherto been thought necessary to withhold this act of clemency is that it was not sought as an act of clemency, and the individuals concerned were actually defended for making war upon society. I admit that the object of punishment is to deter persons from committing crime, but if there is no probability of crime being committed there is no necessity for locking them up. I am quite sure no one would be more pleased than myself to find that the time has arrived when clemency may fairly be shown. It is only in the interests of society that people are punished, and under all the circumstances I think the necessity for further punishment no longer exists. Therefore I shall be glad to see effect given to the prayer of the hon. member for Bundaberg.

HONOURABLE MEMBERS: Hear, hear!

Mr. GLASSEY, in reply: I think it is my duty to tender my sincere thanks to hon. members on both sides for the generous and sympathetic manner in which they have received this motion. In view of the promise which has been made by the Home Secretary, speaking on behalf of the Government, that these men are likely to be released at an early date, I beg leave to withdraw the motion.

HONOURABLE MEMBERS: Hear, hear!

Motion, by leave, withdrawn.

RETURN RE ASSOCIATED BANKS.

Mr. LESINA (*Clermont*), in moving—

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

1. The number of shareholders of the associated banks of the colony who are foreigners in the sense of never living in the colony.

2. The amount of dividends paid to such shareholders during the last banking year—

said: I shall refrain from saying all that I could say in support of this motion, and I shall not detain the House many minutes with my remarks. Owing to the present financial condition of the colony, it has been suggested that the necessity may arise before long for the imposition of some direct system of taxation, whereby the Government may be enabled to derive a certain amount of revenue from persons who secure incomes from the colony, and who are non-residents in it. There are a large number of persons living outside Queensland who derive a livelihood from the colony—persons who are shareholders in financial corporations, in banking institutions—persons who are interested in mining, and persons who possess property in Queensland. According to the statistics which I have casually looked at, these persons take out of Queensland something like £3,000,000 or £4,000,000 per annum. Now, the Government, who represent the people of the colony, annually pay a large sum for the maintenance of police and the various other State institutions which are already in existence for the purpose of protecting the financial interests of these absentees. My idea in introducing this motion is that if these absentees do not contribute their proper quota towards the expense of the government of the colony, an injustice is being done to the rest of the taxpayers. The only absentees who pay any taxation at all are a few persons who are interested in mining, and who pay dividend taxes. If we impose a small tax on all absentees deriving incomes from Queensland it will mean that hundreds of thousands of pounds will flow into the Treasury per annum. If the information I ask for is forthcoming it will enable hon. members and the people of the colony to determine as to the necessity of imposing an absentee tax for the purpose of adding to our revenue. I do not see why these absentees should not contribute equally to the taxation of the colony with those persons who are living in the colony. All of our tradesmen, all our business men, nearly all our financial institutions indirectly, and certainly the whole of our population, contribute to the Treasury some millions of pounds per annum; but these absentees do not contribute to our revenue. Although some hon. member called "Not formal" to the motion, I cannot understand why any hon. member can object to it, and I feel confident that I am doing a wise thing in leaving this resolution in the hands of the House, because I am sure that it will meet with the approbation of hon. members, irrespective of what political party they belong to, and who are merely guided by a desire to gather information which will ultimately prove useful to the Treasurer in estimating the probable sources of income after federation is accomplished. In conclusion, I earnestly ask hon. members to assist in carrying this motion some time before this session closes.

The ATTORNEY-GENERAL (Hon. A. Rutledge, *Maranoa*): Personally, I am never unwilling to furnish any information that it is in the power of my department to supply; but the hon. member, by the form of his motion, has really taken it out of my power to furnish what he desires. First of all, he refers to "associated banks"; but there is no such institution as the associated banks known to the Department of Justice. I don't know what the term "associated banks" means. I might be able to supply the hon. member with some information with regard to individual banks which are registered under the Companies Act of 1863; but many of the banks exist by virtue of their own statutes, and there is no power to require them to furnish the names of their shareholders or the amounts of the dividends they pay to individual shareholders.

At 7 o'clock the House, in accordance with *Sessional Order*, proceeded with Government business.

CALLIDE RAILWAY BILL.

RESUMPTION OF COMMITTEE.

On clause 21—"Power to use steam"—being called,

Several members rose simultaneously, saying, "Mr. Grimes," and the Chairman called on the Secretary for Railways.

Mr. KIDSTON: I want to propose a new clause before this.

Mr. HIGGS: I want to propose a new clause.

The CHAIRMAN: By courtesy the preference is always given to a Minister in charge of a Bill when he rises to speak.

Mr. KIDSTON: If the Minister was going to move a new clause that was alright, but if the Minister—

MEMBERS on the Government side: Chair, chair! Order!

Mr. HIGGS said he had a new clause to propose to precede clause 21.

Mr. STEWART (to the Secretary for Railways): Can't you give way and allow the new clause to be moved?

Mr. HIGGS: On several occasions the hon. gentleman had got up immediately the clause was called.

The CHAIRMAN: I have called on the Secretary for Railways.

Mr. KIDSTON: In a grossly unfair way you called him.

HONOURABLE MEMBERS: Hear, hear! Order! Chair!

The CHAIRMAN: I call upon the hon. member to withdraw that remark—charging me with acting in an unfair way.

Mr. HIGGS: For a very excellent reason, too.

The HOME SECRETARY: Name them both.

Mr. STEWART: Name us all.

Mr. KIDSTON: As the expression was unparliamentary, he withdrew it.

The SECRETARY FOR RAILWAYS said he had given notice of three very important amendments which he wished to submit in three different paragraphs as an addition to clause 21. He would read them—

But if the railway or any part thereof is worked by means of electric power, then with respect to such part thereof as is so worked by electric power the minimum grade thereon shall be one foot in thirty feet, and the minimum radius of a curve shall be two and one-half chains.

The company may, with the consent of the Commissioner, substitute an approved system of aerial transport for the portion of the railway between the terminus at Callide and a point on the line of railway at the foot of the eastern slope of the Dawes Range.

Provided that all locomotive engines and rolling-stock used or employed on the railway shall be such as the Commissioner approves, and shall at all times be subject to the inspection of any person acting under his authority; and if after inspection any of such engines or rolling-stock are found to be unsafe or unfit for use or employment on the railway the Commissioner may by order prohibit the same from being used or employed thereon either absolutely or until such repairs or alterations have been effected as the Commissioner may prescribe; and if the company in any way disobeys such order it shall be liable to forfeit to the Commissioner a sum not exceeding one hundred pounds for every day during which such disobedience continues, such sum to be recovered by complaint before any two justices.

As he had already indicated—

Mr. KIDSTON rose to speak.

The CHAIRMAN: The hon. member has no business to interrupt the Secretary for Railways unless he rises to a point of order.

Mr. KIDSTON: He rose to ask the Minister if he would give way until a new clause had been moved to precede clause 21.

The CHAIRMAN: That is a matter which rests entirely with the Secretary for Railways.

The SECRETARY FOR RAILWAYS said he could not give way.

Mr. REID: Why?

The SECRETARY FOR RAILWAYS: Because he wanted to get on with business.

Mr. KIDSTON: You will be pretty sick of it before you are done; so will the Premier.

Mr. STEWART: Why not act fairly? It is scandalous—shameful.

Mr. LESINA drew attention to the words used by the hon. member for Rockhampton North.

The CHAIRMAN: Order!

Mr. STEWART: Why not act fairly? Why not give way?

Mr. HIGGS: A gross abuse of power! (Disorder.)

The CHAIRMAN: I again call hon. members to order. If they persist in interrupting the Secretary for Railways and defying my authority I shall take action. (Hear, hear! and disorder.)

The SECRETARY FOR RAILWAYS: He could not see what—

Mr. KIDSTON: You are simply a poor tool in this matter.

The PREMIER moved that the words be taken down.

The CHAIRMAN directed that the words be taken down accordingly.

Mr. GIVENS: It is not the pleasure of the Committee that the words be taken down.

The CHAIRMAN: Is it the pleasure of the Committee that the words be taken down?

HONOURABLE MEMBERS: Hear, hear! No, no!

The CHAIRMAN: Under Standing Order No. 165, I ask the hon. member for Rockhampton, Mr. Kidston, to withdraw the remark, and apologise to the Committee for having made use of improper language.

Mr. McDONALD rose to a point of order. He didn't want to make a scene, but if they wanted it they could have it. The hon. member persisted for some time—amid cries of "Chair, chair," and disorder—in attempting to state his point of order, though repeatedly ordered by the Chairman to resume his seat.

The CHAIRMAN: I have asked the hon. member for Rockhampton, Mr. Kidston, to withdraw the words taken down, and apologise. He has not attempted to do so, and I now direct that the Speaker be called in. (Continued disorder.)

Mr. McDONALD rose to a point of order. Surely the Chairman had some procedure to go on!

The CHAIRMAN: Order!

Mr. LESINA: Infamous! Talk about blood-thirsty crimes after this!

Mr. McDONALD: It was a positive disgrace and scandal to the House. The idea of thinking he was going to ride roughshod over the Assembly! Talk about tools! They were greater tools opposite than he thought to allow proceedings like this. (Chair, chair!) When the Chairman positively refused to allow members their rights and privileges, he was worse than a thing, and had no right to be there. (Chair! Order!)

The CHAIRMAN: Order! Will the hon. member be seated? He is out of order in rising when I am on my feet.

Mr. McDONALD: You have a right to sit down. You were out of order all through your dense ignorance of the Standing Orders. You are merely an instrument—a creature—in the hands of those on the other side.

The HOME SECRETARY: Name him,

Mr. McDONALD: You can name away. It does not trouble me.

The CHAIRMAN (amid uproar): I name the hon. member for Flinders, Mr. McDonald—

Mr. McDONALD: I think it is an honour under the circumstances. It is one of the most disgraceful affairs ever occurred in the House.

Mr. LESINA: A densely, brutal, ignorant sweater. (Disorder.)

The House resumed.

The CHAIRMAN: I have to report that while the Secretary for Railways was addressing the Committee, the hon. member for Rockhampton, Mr. Kidston, made use of certain language which was taken down on the paper which I now hand to you.

The SPEAKER: The Chairman reports that during the proceedings in the Committee the hon. member for Rockhampton, Mr. Kidston, said the Secretary for Railways was "only a poor tool in this matter," and that the words were taken down.

Mr. McDONALD: Not by order of the Committee.

The SPEAKER: It is now my duty to call on the hon. member for Rockhampton to retract those words, which are most unparliamentary, and to apologise to the House for having made use of them.

Mr. KIDSTON: This is the first time I have been asked to retract those words as being unparliamentary. I was previously asked to do so because they were improper, which is not true. I at once retract them because they are unparliamentary.

The SPEAKER: The hon. member must go further and apologise for having made use of them.

Mr. KIDSTON: And I apologise for having made use of them.

MEMBERS of the Opposition: Hear, hear!

The Committee resumed.

The SECRETARY FOR RAILWAYS: Before the disturbance took place, he was endeavouring to put before the Committee the character of his proposed amendment to clause 21. Owing to the character of the country on the eastern slope of Dawes Range, it was just possible that the company might find it necessary to use a system of aerial transport, and it was therefore proposed in the amendment that they should be allowed to use an approved system of aerial transport for the portion of the railway between the terminus at Callide and a point of the railway at the foot of the eastern slope of the Dawes Range. Paragraph 4 of the amendment placed in the hands of the Minister the control of all rolling-stock.

Mr. LESINA moved that the question be now put.

The CHAIRMAN: The amendment has not yet been put from the chair.

Mr. GIVENS: But the question that the clause stand part of the Bill has been put.

The SECRETARY FOR RAILWAYS moved that the amendments he had read be added to the clause.

Mr. BROWNE: Among the printed amendments circulated was one by the Minister on line 33 of the clause for the insertion of the word "electricity" after the word "steam," but the hon. gentleman, in his anxiety to get first with his amendment, had omitted to move that, so that there was no power given by the Bill to work the railway by electricity.

The HOME SECRETARY: Yes, the clause provides that the company may use steam "or other motive power."

Mr. BROWNE: Electricity might be a motive power. There were, of course, other motive powers besides steam, as, for instance, the motive power in the lobby at the present time.

With regard to giving the company power to use some system of aerial transport, it would be a great blessing to Queensland generally if there was a sort of aerial transport in the shape of a huge balloon for the Ministry, and a whirlwind came along and took them away.

The HOME SECRETARY: We could get the gas from that side.

Mr. BROWNE: If the hon. gentleman would build a balloon they would supply the gas, as they had a week's supply in hand. He did not think they had any Act on the statute-book which provided for aerial transport, and that being so, the Minister or some expert in aerial business on that side should give the Committee some information on the subject. The amendment further provided that all locomotive engines and rolling-stock employed on the railway should at all times be subject to the inspection of any person acting under the authority of the Commissioner, but there was nothing in it empowering the Commissioner to order an inspection of the aerial transport, which ought to be more rigidly inspected than locomotives and rolling-stock. Then if the Commissioner prohibited the use of any rolling-stock on the ground that it was unsafe or unfit for use, the company were liable to forfeit to the Commissioner a sum not exceeding £100 for every day during which such disobedience continued. What would the disobedience of orders consist in? Would it be in having the rolling-stock out of repair before or after it was inspected, or after the inspector had sent in his report? He thought the inspector for the time being should be invested with the powers of the Commissioner. Those amendments dealing with steam, electricity, and aerial transport opened up a tremendous vista for curious inquiry. He hoped that the hon. gentleman would explain what that aerial transport was, and why it came under the same heading as locomotive power, engines, and rolling-stock.

The SECRETARY FOR RAILWAYS had already informed the Committee that some of the country over which the proposed line would pass was of such a character that it might be found necessary to construct a line of aerial transport, and he thought hon. members understood what that meant. It was a system of wire transport to carry the coal from the mouth of the pit to the foot of the eastern slope of the Dawes Range, and from there the coal would be carried by the railway. He could not say whether that would require to be done, but the provision was proposed to be inserted in the Bill in case it should be found necessary.

Mr. HIGGS was not at all satisfied with the amendment, which the hon. gentleman had drafted, apparently after an exhaustive study of his (Mr. Higgs's) amendments. He moved in substitution a new clause providing for the following: "Carriages to be of certain design; regulations concerning carriages; penalty for using improper carriages; owner's name to be registered and exhibited on carriage; engines to consume their own smoke; engines to be approved by the Commissioner for Railways." Having read the clause at length, he submitted that these provisions were to be preferred to the limited clause moved by the hon. gentleman. He had taken the whole of them from the Imperial Statutes, statutes rolling over some 230 pages, and the hon. gentleman was simple enough to think that because he had put a clause into something like twenty lines he was going to circumvent the machinations of this company. The clause which he (Mr. Higgs) had framed would give the Government control over the rolling-stock, carriages, and anything else used upon the line, and the hon. gentleman knew it. Was it that the Government did not want any control over this syndicate?

The CHAIRMAN: Order!

Mr. HIGGS: Was Queensland to be governed by syndicates instead of by parliamentary government, for, if so, the sooner they got back to their homes and entered some other occupation the better? These comprehensive provisions were found absolutely necessary in England, where there were railways representing something like £700,000,000, and he thought they were also necessary here to protect the public against defective rolling-stock. These syndicates had no consideration whatever.

The CHAIRMAN: Order! Do I understand that the hon. gentleman is moving his proposed amendment in addition to the amendment moved by the Minister for Railways?

Mr. HIGGS: No, in substitution thereof.

The CHAIRMAN: I will take it as a proposed amendment.

Mr. HIGGS: Well, I beg to move this clause as an amendment to the proposal of the Minister for Railways.

The CHAIRMAN: Will the hon. member indicate where it is to go in?

Mr. HIGGS: He wished to add it after the word "justice." The Premier had indicated by various glances at the clock that the time would shortly arrive when the *clôture* would be applied, and he would have to give way to some other hon. members who would have a few observations to make.

Mr. REID complained of the discourtesy of the Minister for Railway in not withdrawing his amendment to allow hon. members to propose previous amendments. Courtesy seemed to have disappeared from the front Ministerial benches. This was one of the most disgraceful things he had ever seen in the House.

The CHAIRMAN: Order! That is unparliamentary.

Mr. REID: Owing to the action of the Minister, the business was so mixed up now that hon. members could not follow it. These amendments should have been moved separately, and then they might have understood them. The amendment of the hon. member for Fortitude Valley dealt very effectively with the question of rolling-stock, and

[8 p.m.] was very necessary, especially in view of the report recently presented by the Chief Mechanical Engineer, Mr. Nesbit.

The PREMIER moved—That the question be now put.

Mr. HIGGS: A set of mere instruments in the hands of the syndicate.

Mr. REID: Mr. Grimes—

The CHAIRMAN: Order! There can be no debate upon this motion.

Mr. REID: I want to make a request.

The CHAIRMAN: Will the hon. member take his seat? There is no debate allowed.

Mr. REID: Under Standing Order 135—

Question—That the question be now put—put; and the Committee divided:—

AYES, 33.

Messrs. Philp, Dickson, Foxton, Rutledge, Murray, O'Connell, Dalrymple, Campbell, Stodart, Newell, Lord, Bridges, Moore, Hanraan, Bartholomew, Stephenson, Mackintosh, Kates, Bell, Boles, Curtis, Forrest, Leahy, Stephens, Forsyth, Story, T. B. Cribb, Keogh, Callan, Smith, G. Thorn, Cowley, and J. Hamilton.

NOES, 25.

Messrs. Browne, Kidston, Dawson, Hardacre, Fisher, Ryland, Jenkinson, Higgs, Stewart, Lesina, Turley, Fitzgerald, McDonnell, Givens, Fogarty, Plunkett, W. Hamilton, Dibley, Jackson, Dunsford, McDonald, Bowman, Kerr, Reid, and Maxwell.

Resolved in the affirmative.

The CHAIRMAN: The question is—

Mr. HIGGS: Have I not the right of reply?

The CHAIRMAN: This is only an amendment, and the hon. member has not a right of reply.

Mr. KIDSTON: You allowed another hon. member the right of reply.

The CHAIRMAN: Not upon an amendment. I declined to allow the hon. member for Nundah the right of reply upon his amendment.

Mr. HIGGS: By permission of the House, I desire to make an explanation.

HONOURABLE MEMBERS: No, no! Hear, hear!

The CHAIRMAN: The hon. member will be seated.

Question—That the words proposed to be added to the amendment (Mr. Higgs's amendment) be so added—put; and the Committee divided:—

AYES, 24.

Messrs. Dawson, Kidston, Browne, Fisher, Lesina, W. Hamilton, Reid, Hardacre, Bowman, Maxwell, Dunsford, Givens, Jackson, Fogarty, Fitzgerald, Dibley, Turley, Kerr, McDonnell, McDonald, Stewart, Higgs, Ryland, and Jenkinson.

NOES, 35.

Messrs. Philp, Dickson, Rutledge, Foxton, Dalrymple, O'Connell, Murray, Cowley, G. Thorn, Moore, Bell, Curtis, Forsyth, T. B. Cribb, Forrest, W. Thorn, Keogh, Plunkett, Boles, Kates, Stephenson, Mackintosh, Smith, Bartholomew, Bridges, Hanraan, Callan, Newell, Leahy, J. Hamilton, Stodart, Story, Campbell, Lord, and Stephens.

Resolved in the negative.

Question—That the wards proposed to be added (Mr. Murray's amendment) be so added—put; and the Committee divided:—

AYES, 37.

Messrs. Philp, Rutledge, Foxton, Dickson, Dalrymple, O'Connell, Murray, G. Thorn, Cowley, J. Hamilton, Bridges, T. B. Cribb, Stephens, Callan, Smith, Keogh, Leahy, Plunkett, Bell, Forsyth, Boles, Curtis, Forrest, Kates, Mackintosh, Stephenson, W. Thorn, Fogarty, Bartholomew, Hanraan, Petrie, Stodart, Newell, Lord, Moore, Story, and Campbell.

NOES, 21.

Messrs. Dawson, Hardacre, Browne, Kidston, Maxwell, McDonald, Bowman, Reid, Kerr, Higgs, Jackson, Fisher, W. Hamilton, Fitzgerald, Givens, McDonnell, Dunsford, Ryland, Lesina, Stewart, and Jenkinson.

Resolved in the affirmative.

Question—That clause 21, as amended, stand part of the Bill—put; and the Committee divided:—

AYES, 38.

Messrs. Philp, Foxton, Dickson, Rutledge, O'Connell, Dalrymple, Murray, G. Thorn, Cowley, J. Hamilton, Macdonald-Paterson, Smith, Callan, Stephens, Keogh, T. B. Cribb, Fogarty, Plunkett, Leahy, Bell, Petrie, Boles, Curtis, Forrest, Forsyth, Kates, Mackintosh, W. Thorn, Stephenson, Bartholomew, Hanraan, Stodart, Bridges, Newell, Lord, Moore, Story, and Campbell.

NOES, 21.

Messrs. Browne, Kidston, Maxwell, Jenkinson, Reid, Hardacre, McDonald, Bowman, Kerr, W. Hamilton, Fisher, Jackson, Dawson, Dibley, Givens, McDonnell, Dunsford, Fitzgerald, Lesina, Higgs, and Stewart.

Resolved in the affirmative.

Mr. KIDSTON: He wished to propose a new clause to follow clause 21. The clause just passed empowered the Commissioner to approve of the rolling-stock employed by the company on the railway, but there was no provision for the imposition of any penalty upon the company if they disregarded the Commissioner's injunctions.

The CHAIRMAN: I would remind the hon. member that in the amendment just carried a penalty of £100 is imposed.

Mr. KIDSTON: In the confusion that prevailed when the amendment was moved, that had escaped his notice. But he had intended to move a new clause to follow clause 20, which would come in just as well after clause 21. It was provided in clause 20 that the Commissioner

might send any person to examine the railway, but it did not provide what should be done if the company refused to give that person permission to examine the railway. The new clause, the insertion of which he moved, was as follows:—

The evidence of the person appointed by the Commissioner to inspect the railway, as provided for in the last preceding section, shall be conclusive as to the fact of the refusal of the company to permit him to inspect the railway.

He submitted that that was a reasonable amendment, and one which would save a great deal of dispute in court as to whether the company had refused to allow the inspection or not.

Mr. LESINA rose to a point of order. Was the Premier in order in giving the Chairman instructions? What was the Premier doing, whispering in the Chairman's ear?

MEMBERS on the Government side: Order, order!

Mr. KIDSTON: A clause of that nature should appeal to the Minister for Railways on the ground that it was likely to save trouble, and he hoped it would be accepted.

The CHAIRMAN: Before proceeding further I should like to refer to what I consider an impertinent remark addressed to the Chair by the hon. member for Clermont. The hon. member asked if the Premier was in order in giving me instructions. I have no objection to informing the hon. member what the Premier was saying. He was asking me whether I desired any relief in the chair.

Mr. HIGGS said he had not much to say on that very necessary amendment. Like the Chairman, his mental faculties had been somewhat impaired by the protracted sittings. In another part of the Bill, there was a provision that the mere publication of an advertisement by the company should be taken as sufficient evidence. He could well imagine that when the Commissioner sent his inspector to examine the locomotives and rolling-stock of the railway he might be met with a refusal. It would not be the first time that syndicates had placed obstacles in the way of inspectors. Even in Brisbane the inspectors under the Factories Act were met with all kinds of obstruction, and, if that occurred in the metropolis, what was likely to occur in the wild mountainous region between Gladstone and Callide Creek. No doubt the syndicate would place obstacles in the inspector's way, and it would be a great saving of trouble if the inspector's report to that effect was to be taken as evidence of the fact. He should like to hear what the Minister for Railways had to say on the subject. If the hon. gentleman would accept it, the thing was done with, and no more time would be wasted in debating it.

The SECRETARY FOR RAILWAYS said that as he was desirous that no more time should be taken up in the discussion of the amendment, he would simply say that he could not accept it.

Mr. LESINA: It was a most extraordinary thing that the Minister did not give the Committee a few reasons why he declined to accept such a rational amendment—

The PREMIER moved—That the question be now put.

[9 p.m.]

Question—That the question be now put—put; and the Committee divided:—

AYES, 34.

Messrs. Philp, Foxton, Rutledge, Dickson, Dalrymple, O'Connell, Murray, Cowley, G. Thorn, Callan, Keogh, Macdonald-Paterson, T. B. Cribb, Stephens, Moore, Forrest, Kates, Mackintosh, Stephenson, Bartholomew, Newell, Hanrao, Bridges, Curtis, Boles, J. Hamilton, Lord, Campbell, Bell, Forsyth, Stodart, Story, Petrie, and Leahy.

NOES, 22.

Messrs. Browne, Dawson, Hardacre, Fisher, Givens, Lesina, McDonnell, Reid, Bowman, Maxwell, Higgs, W. Hamilton, Fitzgerald, Jackson, Dibley, Kerr, Turley, McDonald, Ryland, Jenkinson, Dunsford, and Stewart.

PAIR.

Aye—Mr. Smith. No—Mr. Fogarty.

Resolved in the affirmative.

The CHAIRMAN: proceeding to put the question—

Mr. LESINA: The hon. member has the right of reply.

The CHAIRMAN: I hope hon. members understand the question.

Mr. LESINA: Hear, hear! State it.

Question—That the new clause stand part of the Bill—stated.

Mr. KIDSTON, in reply, said he was surprised that the Minister had refused to accept such a necessary clause.

Mr. LESINA: The gagger does not like it. He has disappeared amongst his syndicate friends in the lobby.

Mr. KIDSTON: As soon as the Attorney-General had given up talking to the Chairman he would proceed.

Mr. HARDACRE asked if the Attorney-General was in order in occupying the attention of the Chairman while a member was addressing the Committee?

The HOME SECRETARY: You are only wasting your friend's time.

The CHAIRMAN: The hon. member cannot object to any member speaking to the Chairman.

Mr. HARDACRE: Yes, while a member was addressing the Chair. Two members could not address the Chair at the same time.

Mr. KIDSTON: If the Committee were in a frame of mind to hear an appeal to reason he would point out the necessity for the clause. Clause 20 provided that the Commissioner might send an inspector during or after the construction of the railway to inspect it, and the inspector could only do that by permission of the company. The clause also provided that the company should give him permission, and if they did not they could be taken to court and fined. He thought it was very unfair of the Minister to walk out while a final appeal was being made to him. It showed how utterly callous the Government had become, and how utterly without reason they were when they refused to listen to reasons for including a very necessary clause. But perhaps the hon. gentleman had gone out to consult the syndicate to see if they would allow him to accept the clause. They knew quite well the influence a large syndicate had, and they might easily bring it to bear on justices of the peace in a small district. Perhaps some grocer in Gladstone, who got a great deal of business from the company, might be sitting on the bench to hear the case against the company, and the company might bring several of their employees to prove that there had been no obstruction of the Commissioner's officers. His new clause was designed to prevent that by making the evidence of the person sent by the Commissioner conclusive as to the fact of the company having refused him permission to inspect the railway. He was pleased to see the Chief Secretary and the Minister in charge of the Bill had returned to their places in the Chamber, and he asked those hon. gentlemen whether the syndicate in the lobby, who were controlling the Government in this matter, were in favour of this proposed new clause or not? It was evidently clear that the syndicate had not advised the hon. gentleman to accept the new clause, and therefore it was quite useless for him (Mr. Kidston) to go on.

The CHAIRMAN: The time allowed to the hon. member, under the Standing Orders, has been exhausted.

Mr. KIDSTON: Have you allowed me the time during which you were speaking to the Attorney-General?

The CHAIRMAN: Order! I have allowed the hon. member his fifteen minutes.

Question—That the proposed new clause stand part of the Bill—put; and the Committee divided:—

In division—

Mr. COWLEY: I call the attention of the Chairman to the disorderly conduct of the tellers for the "Ayes" [Messrs. Higgs and Dibley].

Mr. HIGGS: Under what Standing Order?

Mr. DIBLEY: Mr. Higgs is giving me the names, and I am checking them off.

The CHAIRMAN: I expect the tellers to do their duty.

Mr. LESINA: Count them over again.

Mr. HIGGS proceeded to call the names deliberately.

The HOME SECRETARY: I hope the public will take notice of this.

Mr. HIGGS: We are not going to be threatened in this fashion. Some hon. members have no sympathy for the people who have been sitting up all night.

Mr. J. HAMILTON: You were crying at 4 o'clock this morning.

Mr. HIGGS: That is not true.

AYES, 22.

Messrs. Browne, Dawson, Ryland, W. Hamilton, Bowman, Fisher, Kidston, Maxwell, Reid, Dunford, Fitzgerald, Dibley, Kerr, Turley, McDonald, McDonnell, Lesina, Stewart, Jackson, Higgs, Jenkinson, and Givens.

NOES, 31.

Messrs. Philp, Dalrymple, Dickson, Rutledge, Foxton, O'Connell, J. Hamilton, Murray, Macdonald-Paterson, Cowley, Bell, G. Thorn, Boles, Stephenson, Story, Forrest, Petrie, Mackintosh, Moore, Bartholomew, T. B. Cribb, Hanran, Lord, Leahy, Bridges, Callan, Stodart, Newell, Stephens, Campbell, and Forsyth.

PAIR.

Aye—Mr. Fogarty. No—Mr. Smith.

Resolved in the negative.

At 9.40,

The CHAIRMAN called upon the hon. member for Dalby, Mr. Bell, to relieve him in the chair.

Mr. BELL took the chair accordingly.

Mr. GIVENS, in moving the following new clause:—

If electricity is at any time used as the motive power for the working of the railway, the company shall only use a system of underground wires for the cables for the purpose of conveying electricity to the motors—

said he was animated solely by a desire to improve the Bill. It was the opinion of engineers that electricity would be largely used in the working of railways in the future, and in order to protect life and property the use of electricity should be made absolutely safe by adopting a system of underground wires for conveying the power to the motors. It was well-known that in Brisbane there had been accidents in connection with the overhead wires belonging to the Brisbane Tramways Company; and if the syndicate used electric power on this railway, and adopted the system of overhead wires, there might be accidents resulting in the death of passengers through the falling of the wires. He would not occupy time in speaking at length on the new clause, which he hoped would commend itself to the Committee.

Mr. McDONALD rose to move an amendment at the end of the proposed clause.

The HOME SECRETARY moved—That the question be now put.

Mr. BOWMAN: That's a bit of sharp practice.

The HOME SECRETARY: It's time it was done.

MEMBERS of the Opposition: Gag! Gag!

Question—That the question be now put—put; and the Committee divided:—

AYES, 33.

Messrs. Philp, Rutledge, Foxton, Dalrymple, Boles, O'Connell, Murray, Dickson, T. B. Cribb, Kates, Story, Mackintosh, Petrie, Hanran, Stephenson, Newell, Moore, Callan, Cowley, Bartholomew, J. Hamilton, Lord, Leahy, Keogh, Bridges, Stephens, Grimes, Forsyth, Forrest, Campbell, Stodart, Macdonald-Paterson, and G. Thorn.

NOES, 23.

Messrs. Browne, Jackson, Hardacre, Dawson, Fisher, McDonald, Kidston, Reid, Bowman, Fitzgerald, Givens, Maxwell, W. Hamilton, Glassey, Jenkinson, Dunford, Kerr, Turley, McDonnell, Lesina, Higgs, Ryland, and Stewart.

PAIR.

Aye—Mr. Smith. No—Mr. Fogarty.

Resolved in the affirmative.

Mr. GIVENS, in reply, said he was astonished at the Home Secretary moving the closure motion on a new clause like this, embodying an important principle, as soon as it had been moved. He was particularly considerate in not occupying much time in moving the motion, and he was astonished that the hon. gentleman should deprive every member of the Committee but the mover of the right to say anything on the new clause; and he was rather astonished that the Acting Chairman did not exercise his privilege of saying that the motion had not been sufficiently debated, and refuse to accept the closure motion. It appeared to him that members opposite, especially the Home Secretary, had no regard whatever for human life. Everybody knew that if any other system than that of underground wires were adopted for the purpose of conveying electricity to the motors in the case of a railway 75 miles long, it would be a constant menace to human life. Possibly a large portion of this line would not be fenced, and then there would be the risk of horses and cattle scratching against the posts, displacing the wires, and getting injured or killed. Though members opposite might be careless of human life, they were zealous in safeguarding property, and in the sacred name of property, he asked them to vote for the new clause. The question of the conveyance of electricity had exercised the minds of some of

[10 p.m.] the most eminent electrical engineers for a number of years with the result that companies using electricity on a large scale, where there was a considerable population, were invariably compelled to carry the electric wires underground. A few years ago a company sought to establish a system of lighting the town of Charters Towers by electricity, and at first they were going to adopt the overhead wire system, but the citizens of Charters Towers, knowing the danger that would be incurred by the adoption of that system where there was such a large population moving about, insisted on having the underground system adopted. They were successful in their endeavours, and the underground system was in operation to this day, and the then engineer of the company had admitted that that system had proved more effectual and more economical than the overhead system. He did not say that electricity was necessarily a dangerous motive power, because he thought it was perfectly safe if properly applied under proper safeguards, and all that the new clause proposed was that it should be applied under proper safeguards, so that the lives of any of our citizens should not be imperilled by its use. He appealed to the Minister to accept the amendment, and so show to the public that the Government and the company were willing to accept amendments in important details. He had moved the amendment with a distinct and honest desire to improve the Bill, and he held that if hon. members voted against it it would

be because they were callous and hard-hearted enough to place no value on the lives of their fellow-colonists in Queensland.

Question—That the proposed new clause stand part of the Bill—put; and the Committee divided:—

AYES, 22.

Messrs. Dawson, Browne, Givens, Bowman, Kidston, Hardacre, W. Hamilton, Maxwell, Glassey, Dunsford, Reid, Fitzgerald, Kerr, Turley, McDonald, McDonnell, Stewart, Lesina, Higgs, Fisher, Jenkinson, and Jackson.

NOES, 34.

Messrs. Philo, Dickson, Foxton, Rutledge, O'Connell, Dalrymple, Murray, Macdonald-Paterson, Campbell, Leahy, Stodart, Stephens, Kates, Petrie, Story, Ryland, Callan, P. B. Cribb, Hanran, Lord, Forsyth, Mackintosh, Grimes, Forrest, Moore, Keogh, Stephenson, Newell, Cowley, Bridges, Boles, G. Thorn, J. Hamilton, and Bartholomew.

PAIR.

Aye—Mr. Fogarty. No—Mr. Smith.

Resolved in the negative.

On clause 22, as follows:—

(1.) Until the traffic thereon proves unremunerative the company shall, at all reasonable times, for the term of fifty years after the completion of the railway, maintain and keep the railway fit and ready for public traffic.

Until the traffic thereon proves unremunerative the company shall, unless for any just reason excused by the Commissioner, in every month during such term run so many trains each way throughout the length of the railway with sufficient accommodation to provide for the general requirements of the public traffic as the Commissioner, after making due allowance for the carriage by the company of its own products and materials, from time to time prescribes, and if in any month it fails or neglects so to do shall forfeit to the Commissioner, by way of penalty, a sum of fifty pounds, to be recovered by complaint before any two justices.

(2.) Every person, without distinction, who complies with the regulations and by-laws of the company for the time being in force for the railway shall be entitled to use the railway at all reasonable times.

(3.) The company shall not make or give any undue or unreasonable preference or advantage to, or in favour of, any particular person or class of persons, or any particular description of traffic, or subject any particular person or class of persons, or any particular description of traffic to any undue or unreasonable disadvantage in any respect whatsoever. The provisions of this subsection may be enforced by the Supreme Court upon the application of any person aggrieved, by the issue of an injunction or other process according to the practice of the said court.

Mr. BROWNE: The clause provided that the company should "until the traffic thereon proves unremunerative," at all reasonable times for the term of fifty years, maintain and keep the railway fit and ready for public traffic, and it gave the Commissioner for Railways power to compel the company to keep trains going unless sufficient reason was shown why they should be exempt from that duty. The latter provision was a proper one, but the insertion of the words "until the traffic thereon proves unremunerative" took the power out of the hands of the Commissioner. He therefore proposed that those words be omitted. In every private railway Bill in New South Wales there was a very stringent provision compelling the different companies to run trains at stated intervals, and it was laid down that only when sufficient reason was shown should the Commissioner allow them to stop running. These Bills went as far as stating what were not sufficient reasons. For instance, a strike would not be a sufficient reason for their refusing to work the line. This was a very short amendment; but the principle of it was important. He thought any hon. member would admit that it was too much to allow the company to say that the traffic was unremunerative, and, on that ground, stop the working of the line.

Mr. FISHER supported the amendment. He did not believe there was a single member but who believed that this matter could be safely left in the hands of the Commissioner to deal

with. If by any unfortunate circumstances the line proved unremunerative the Commissioner would not insist upon it being worked. The company were amply protected without the words proposed to be omitted. If, on the other hand, they were retained, all the company would have to do would be to say that the traffic was unremunerative, and the Commissioner would be debarred from exercising any of his rights and privileges under the Bill. His objection to the clause was that it gave the company the sole power of dealing with the railway, provided they could show that the traffic was not remunerative; and that was a power which it was not desirable or wise to delegate to any company.

Mr. COWLEY suggested that the hon. member should alter his amendment so as to read, "Until the Commissioner certifies that the traffic thereon proves unremunerative." That would make the Commissioner the judge of whether the traffic was unremunerative.

Mr. BROWNE: If the hon. member would look at the 2nd paragraph he would see that it said, "Until the traffic thereon proves unremunerative, the company shall, unless for any just reason excused by the Commissioner." If the company proved that the traffic was unremunerative, that would be a just reason for the Commissioner to excuse them from working the line. If the Minister, however, thought the form suggested by the hon. member for Herbert the better one, he was quite willing to accept it. All he wanted was to see that the Commissioner had the power.

Mr. COWLEY: He thought the object which the hon. member had in view would be attained by the insertion of the words he had suggested, but he would leave it to the legal members of the House. He quite agreed with the hon. member that the Commissioner and not the company should decide when the line proved to be unremunerative. If the hon. member would withdraw his amendment, and substitute for it the one he had suggested, he would be happy to support it.

Mr. FISHER: It was quite possible that the railway would not pay for at least a number of years.

The HOME SECRETARY: It may pay from the jump.

Mr. FISHER: All railways paid from the jump, but when the jump took place it was very difficult at times to determine. If the clause remained as it stood, the company would have full control over the line—to do what they pleased. The amendment would leave ample safeguards regarding the rights and privileges of the company, and at the same time give the Commissioner the powers that they had already delegated to him in the previous clauses of the Bill.

The SECRETARY FOR RAILWAYS: Being desirous of getting on with the business, he felt inclined to accept the amendment. [10.30 p.m.] Still, he thought it was one of those things which remedied themselves. The trains could not be kept running very long if the traffic was unremunerative. It would simply depend upon how much money the company could lose before they were compelled to stop. If they could not pay the wages of the men and the expenses of running the trains, they would have to stop. He had no objection to the amendment.

Mr. HIGGS: He did not like the clause at all. The company were public carriers, and one of the greatest difficulties that traders had in the old country was the want of punctuality on the part of the companies.

The HOME SECRETARY: That is objection; it cannot be anything else.

Amendment (Mr. Browne's) agreed to.

Mr. GLASSEY: He had an amendment to submit. He did not move it for the purpose of obstructing the passage of the Bill. He had not attempted to obstruct the Bill, and he did not intend to. He moved that before the word "the," on the 1st line, there should be inserted the words "or until the railway is purchased by the Government in pursuance of this Act."

Mr. KIDSTON thought the Minister might accept an innocent little amendment of this nature, which did not mean anything, without any injury to the Bill, and, if for no other reason, to reward the hon. member for Bundaberg for his behaviour in not obstructing this Bill.

The SECRETARY FOR RAILWAYS: He was afraid he could not accept the amendment.

Mr. GLASSEY: Why?

The SECRETARY FOR RAILWAYS: Because the hon. member's object was to give the Government power to purchase the line at any time.

Mr. GLASSEY: That is exactly my object.

The SECRETARY FOR RAILWAYS: Well, he was afraid that that would not do. The company were constructing this line for the purpose of working their mine, and they should have possession of it for a sufficient time to recoup themselves for their expenditure.

An HONOURABLE MEMBER: They have fifty years.

The HOME SECRETARY: It may not pay for the first ten years.

The SECRETARY FOR RAILWAYS: It was not at all likely that the company would construct the railway unless they had some definite time fixed for them to have the use of it. He could not accept the amendment.

Mr. GLASSEY: The hon. gentleman was perfectly correct as to the object he had in view, and if it was true that the company only wanted facilities for the haulage of the material from their mine to the port, what possible objection could there be to the purchase of the line by the Government at any time, providing, as he proposed, that they were paid the cost of the line and plant with reasonable interest added, on the certificate of the Commissioner? If such a provision had been inserted in all those Bills, it would have done away with much of the objection which hon. members on his side had to them. If the Government bought the line they would have an asset for the money they expended in the purchase, and the company would have the money for the asset they sold to the Government. If that would not satisfy them, it must be because they wanted something more than facilities for getting their mineral away to the port, and the Government should tell the Committee what it was the company really did want.

The SECRETARY FOR RAILWAYS: The hon. member might consider his proposition an exceedingly reasonable one, but he failed to see it in that light. He had said that he looked upon the line as part and parcel of the equipment of the mine. The company looked upon it in the same light, and unless they had control of the carriage of the produce of their mine to the port in their own way, and at the cheapest possible rate, it would be utterly impossible for them to carry on. The hon. member suggested that immediately after the construction of the line the Government should have the right to take it over; it was to be optional with the Government after that whether they would

purchase the line or not. If the enterprise turned out a great success, the Government, under the hon. member's proposal, would have the right to buy the line; but if on the other hand it turned out an absolutely unprofitable investment, would the Government buy it then? The hon. member must see that no company or individual would put money into such an enterprise on such conditions. Was the hon. member of opinion that the construction of such a line from Gladstone to Callide for the purpose of opening up the coalfield there would be a good thing for the district and for the country? If he was, would he not render every assistance to the company that proposed to carry out so desirable a work? Yet the hon. member proposed a condition under which no company would undertake the work. If such a condition was imposed the mines would remain dormant for the next fifty years as they had done in the past. The proposal was an unreasonable one, and he could not accept it.

Mr. GLASSEY admitted that in the case of a mine situated as that was, 70 miles from port, it was necessary that the haulage of the mineral to the port should be made as cheap as possible; but the Commissioner or the Secretary for Railways would be just as anxious to give facilities for the carriage of every ton of coal from that mine as the company itself. The Minister argued that if the line proved remunerative the Government would buy it at any time, and if it did not they would not touch it; but there was nothing in his proposal to bear out that. What he proposed was to leave it entirely optional with the Government as to when they would purchase the line. But, if the Government found it necessary in the interests of the country to purchase the line, under his proposal they would have to pay the reasonable cost, with interest added, and no loss could possibly accrue to the company. Did the Minister argue that in taking over the line any Government would be so unjust as to give no consideration to the time during which the line had been unremunerative to the company? His experience was that in such matters the Government and Parliament were not unjust; but, on the contrary, exceedingly generous. He did not think a single member of the House would be any party to taking over this railway, or any other, when it became remunerative, without recognising the loss accruing to the company in previous years. If the company had been wise, they would have themselves inserted such a reasonable proposal as he submitted. When he was consulted, he had advised the insertion of such provisions in all these railway Bills.

Mr. KIDSTON could not understand the Secretary for Railways objecting to the proposal. The hon. gentleman had himself assured hon. members that the company did not want to build the railway, and were only proposing to do so because they had no hope the Government would build it; that they expected a profitable investment in the opening up of their mine, and were only wanting the railway as a means of getting at the mine. Now, when the hon. member for Bundaberg proposed to take the hon. gentleman and the company on their own professions and put them to the proof, it was found that the company did want the railway, and wanted to continue to make a profit out of it. It seemed to him that the hon. gentleman was more anxious to safeguard the interests of the syndicate than he was to safeguard the interests of the Government or of the country. No one asked the company to take the risk. So long as the company could get their coal carried at a fair rate from Callide to Gladstone, it was of no consequence to them, as miners, whether the Government owned the

railways or they owned it. If the railway was a paying line, it would be the interest and the duty of the Commissioner to continue to make it pay, by charging rates which would encourage the output of coal. They had instances of reduced rates on all our railways to encourage production. The hon. member did not propose to compensate the railway, or that it should become the property of the Government after a specified term of years, without purchase, as, for instance, in the case of the Glasgow tramways. The refusal of the Government to accept the amendment justified all that had been said by the Opposition, because it showed that they were prepared to give the control of the whole district for fifty years to a railway monopoly.

The SECRETARY FOR RAILWAYS: The hon. member was mistaken. The Government looked upon the proposal to construct the railway as a reasonable thing in the interests of the country. There was not the slightest prospect of the Government building a railway to Cullide for the next fifty years, and, if they did not encourage those who were willing to enter into this enterprise, the district would lie dormant for want of railway communication. The success of the line would depend entirely on the success of the coalmine, and the Government were not prepared to undertake such a risk. If such conditions as the hon. member for Bundaberg wished to impose were insisted upon, the company would not care to invest their money, as the security would not be sufficient.

Mr. GLASSEY was sorry that he had to rise to correct the hon. gentleman, who persisted in misrepresenting what he had said. There was nothing in his amendment which proposed to take away the security the company would have for the capital they invested in the railway. This proposal was that the Government should have the right to purchase the line at any time at the full cost of construction, with 4 per cent. interest added, on giving six months' notice.

The CHIEF SECRETARY: I beg to move—That the question be now put.

Question put; and the Committee divided:—

AYES, 33.

Messrs. Philp, Rutledge, Dickson, Foxton, O'Connell, Murray, Dalrymple, Cowley, Keogh, G. Thorn, T. B. Cribb, Macdonald-Paterson, J. Hamilton, Callan, Story, Moore, Bartholomew, Forrest, Mackintosh, Grimes, Petrie, Leahy, Bridges, Lord, Haaran, Newell, Boles, Stephens, Stephenson, Campbell, Kates, Forsyth, and Stodart.

NOES, 19.

Messrs. Browne, Turley, Bowman, Hardacre, Reid, Dunsford, Givens, Maxwell, Glassey, Fitzgerald, Kerr, Jenkinson, Dawson, Ryland, W. Hamilton, Lesina, Higgs, Stewart, and Jackson.

PATR.

Aye—Mr. Smith. No—Mr. Fogarty.

Resolved in the affirmative.

Question—That the words proposed to be inserted be so inserted (Mr. Glassey's amendment)—put; and the Committee divided:—

AYES, 19.

Messrs. Jackson, Lesina, Bowman, Browne, Givens, Reid, W. Hamilton, Maxwell, Dunsford, Hardacre, Kerr, Jenkinson, Fitzgerald, Glassey, Dawson, Turley, Higgs, Stewart, and Ryland.

NOES, 33.

Messrs. Philp, Foxton, Dickson, Rutledge, O'Connell, Dalrymple, Murray, Cowley, Macdonald-Paterson, Boles, Keogh, G. Thorn, Newell, Bridges, J. Hamilton, Forrest, Grimes, Mackintosh, Petrie, Story, Bartholomew, Lord, Moore, T. B. Cribb, Callan, Haaran, Leahy, Stephens, Stephenson, Forsyth, Stodart, Campbell, and Kates.

PATR.

Aye—Mr. Fogarty. No—Mr. Smith.

Resolved in the negative.

Question—That clause 22, as amended, stand part of the Bill—put; and the Committee divided:—

AYES, 33.

Messrs. Philp, Rutledge, Dickson, Foxton, O'Connell, Dalrymple, Murray, Cowley, Macdonald-Paterson, Boles, Keogh, G. Thorn, T. B. Cribb, Callan, Moore, Story, Petrie, Bartholomew, Forrest, Mackintosh, Lord, J. Hamilton, Grimes, Haaran, Leahy, Bridges, Newell, Stephens, Stephenson, Stodart, Forsyth, Campbell, and Kates.

NOES, 19.

Messrs. Browne, Givens, Kerr, Hardacre, Dunsford, Lesina, Turley, Dawson, Reid, Maxwell, W. Hamilton, Bowman, Jackson, Glassey, Jenkinson, Fitzgerald, Higgs, Ryland, and Stewart.

PATR.

Aye—Mr. Smith. No—Mr. Fogarty.

Resolved in the affirmative.

Mr. HIGGS moved the insertion of the following new clause, to follow clause 22:—

Such court may also, if it thinks fit, make an order directing the payment by the company of such sum of money as such court shall determine, not exceeding the sum of two hundred pounds for every day, after a day to be named in the injunction or other process, that the company shall fail to obey such injunction; and such moneys shall be payable as the court may direct, either to the party complaining, or into court to abide the ultimate decision of the court, or to the Crown; and payment thereof may, without prejudice to any other mode of recovering the same, be enforced by attachment or order, in the nature of a writ of execution.

The great weakness of the clause just passed was that there was no penalty to compel the company to carry out its obligations. The clause he proposed was taken from an Imperial statute, and, if it was necessary in the United Kingdom, it was necessary in the case of a colonial railway company. The company might carry their own goods before they carried goods for anybody else, and thus cause delay.

The SECRETARY FOR RAILWAYS regretted that he was unable to accept the amendment.

Mr. TURLEY: It was necessary that there should be some penalty provided in the event of the company treating certain individuals preferentially, otherwise injustice might be done.

Mr. REID said that he had an amendment to propose in the clause.

The SECRETARY FOR RAILWAYS: I move—That the question be now put.

The ACTING CHAIRMAN: I am bound to say that I do not think the question has yet been sufficiently debated. At the same time, I desire to express the hope that hon. members will do nothing to make me regret having made that intimation.

Mr. REID moved the omission of the word "two," with the view of inserting the word "one," in the 4th line of the clause. That would reduce the penalty to £100, and bring it into conformity with the penalties provided in other clauses in the Bill.

Mr. HARDACRE asked whether the Supreme Court had power to impose a penalty if any order that it made was disregarded by the company.

The SECRETARY FOR RAILWAYS was prepared to accept the amendment.

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

Clause 23—"Company not to be liable to a greater extent than common carriers"—put and passed.

On clause 24, as follows:—

The area of land occupied by or used in connection with the railway shall not be taken to be rateable land within the meaning of the Valuation and Rating Act of 1890, or any Act amending or in substitution for the same. But this provision shall not be taken to exempt the company from liability to pay any rates which may by law be or become payable in respect of any other freehold or mineral lands owned or occupied by it.

Mr. HARDACRE moved the omission of the word "not" after "the railway shall," in the 2nd line. That would make the land held by the company subject to the operations of the Valuation and Rating Act of 1890, instead of being exempt, as provided in the clause. He had no objection to exempting the land actually occupied by the railway, but the company might acquire land in Gladstone and Callide, and it was not right that that land should be exempt from rating.

Mr. COWLEY thought that the hon. member would attain his object by moving the omission of the words "or used in connection with" in the 1st line.

Mr. TURLEY: Everything comes under the definition of "railway" in the interpretation clause.

The PREMIER: Negative the clause.

Clause put and negatived.

On clause 25, as follows:—

Before the expiration of six months after the date of the passing of this Act, the company shall cause to be made, at its own expense, a proper plan of survey of all the mineral lands, the situation of which is shown in the schedule to this Act.

Such plan of survey shall be submitted for the approval of the Secretary for Mines. Upon the approval of such plan, and upon the surrender of all leases of the mineral lands heretofore granted to the company, or held by any person on behalf of, or in trust for the company, under the provisions of the Mining Act of 1893, the company shall be entitled to grants from Her Majesty of leases of all the mineral lands so surveyed, not exceeding two thousand five hundred and sixty acres in area.

By such leases the company shall without payment of any royalty or sum of money other than the rent and royalty reserved thereby be the sole person entitled to dig for, raise, take, and acquire coal in and from the mineral lands so leased.

The leases shall be deemed to have been granted on the first day of January, one thousand nine hundred and one; shall be severally for a term of fifty years, and with respect to rent, royalty, labour covenants, and all other matters shall, save as by this section is otherwise provided, be subject to the provisions of the Mining Act of 1893.

Provided that—

- (i.) Until the completion of the railway the company shall be relieved from the obligation to observe any of the labour covenants contained in the respective leases;
- (ii.) During the currency of the leases the said labour covenants shall be deemed to be sufficiently performed if the total number of men prescribed in respect of all the leases is employed in or upon any part of the mineral lands on or about the railway.

Mr. DUNSFORD: There were many portions of the clause that he objected to, and some alterations were desirable. The company might hold leases aggregating 2,560 acres for fifty years, but there was no limit to the number of leases they might acquire. If they were allowed to hold a large number of small leases, they might monopolise the whole district.

The PREMIER understood that the leases were in one block. They were taken up under the Mining Act, which gave them a term of twenty-one years, with the right of renewal for another twenty-one years; so that the only concession that was being given was an extension of eight years. The labour covenants applied both to the land and the railway. He did not think anyone

would seek to compel men to work coal leases unless they could carry the coal to port, as they could not stack coal like they could quartz.

Mr. DUNSFORD moved the insertion after the 3rd paragraph of the following words:—

But all other minerals, together with the right of access thereto, are reserved to the Crown.

Amendment agreed to.

Mr. FISHER wished to be clear as to whether the clause covered the question of residence and homestead areas on the company's leases?

The PREMIER: They are not excepted here.

Mr. BROWNE moved the insertion of the words "period fixed by the Act for" in the first proviso, after the words "Until the." In the other colonies some companies had got extensions of time, and it was not desirable to allow that.

The SECRETARY FOR RAILWAYS had no objection to the amendment, but at the same time he did not think it would be of any value. The company would not raise any coal until the railway was completed.

The PREMIER: The company was compelled to build 40 miles of railway in a certain time, and that would show their *bona fides*. If they failed, no one was likely to take up the leases, because they could not win coal until the line was completed.

Amendment, by leave, withdrawn.

Mr. FISHER contended that it was advisable that all the leases should be held in one block, otherwise the company could monopolise the coal-bearing lands of the district.

The PREMIER: The company had already got the leases under the Mining Act and they could not be altered. At the same time he believed they were in one block.

Mr. MAXWELL thought it was as well to leave the matter in the hands of the Minister.

On the motion of Mr. JENKINSON, the clause was further amended by the addition of the words "or any Act amending or in substitution for that Act" at the end of the 4th paragraph.

Mr. GIVENS moved the omission of the 2nd proviso. The reason for passing the Bill was to enable the company to work the mine, and if, after the line was built, they were exempted from the labour conditions, they would be getting the railway under false pretences.

The PREMIER: The company must employ one man to 10 acres, so that they must have 256 men at work, all of whom could not possibly be engaged on 70 miles of railway. The probability was that about fifty would be at work on the railway, and the remaining 200 in the mine.

Mr. JENKINSON thought it would be better to allow the proviso to remain, merely omitting the last six words—"or on or about the railway."

The PREMIER: If he were the company he would prefer to be in the hands of the Minister, as the clause precluded the Minister from giving any exemption, so that it would be a good thing for the syndicate if the amendment of the hon. member for Cairns was accepted.

Mr. BROWNE: There was a great deal in what the Premier said about the number of men to be employed, and, after they started the mine, there could be no objection to having them employed on any part of the lease, but he thought they might very well omit the words "or on or about the railway."

The PREMIER: The best thing would be to omit the whole proviso, and then the leases would be held on the same terms with regard to labour covenants as all other mining leases.

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

On clause 26, as follows:—

With the consent of the Governor in Council the company may from time to time let the railway or any part thereof or the equipment thereof, and any tolls, fares, rates, and charges authorised by this Act.

During the period of such letting the person to whom the same are let shall, so far as the letting extends, have the same rights, powers, and privileges, and be subject to the same duties, obligations, and penalties as the company has and is subject to under the provisions of this Act.

Mr. FISHER moved the omission of the words "the Governor in Council," with the view of inserting the word "Parliament." It was not advisable that the Governor in Council should have power to undo what Parliament had done, and he was decidedly against the Governor in Council giving the company power to sub-let.

The PREMIER: If they do sub-let, the new company cannot go outside the provisions of the Act.

Question—That the words proposed to be omitted stand part of the clause—put; and the Committee divided:—

AYES, 31.

Messrs. Philp, Rutledge, Foxton, Dalrymple, Murray, O'Connell, Dickson, Macdonald-Paterson, T. B. Cribb, Cowley, Callan, Keogh, Stephenson, Bartholomew, Story, Moore, Petrie, Mackintosh, Leahy, Bridges, Hanran, Campbell, J. Hamilton, Forrest, Stephens, Forsyth, Newell, Kates, Stodart, Lord, and Boles.

NOES, 18.

Messrs. Browne, Fisher, Turley, Hardacre, Ryland, Jackson, Reid, Maxwell, Dunsford, Kerr, Jenkinson, Fitzgerald, Givens, W. Hamilton, McDonnell, Kidston, Stewart, and Dawson.

PAIR.

Aye—Mr. Smith. No—Mr. Fogarty.

Resolved in the affirmative.

Clause 26 put and passed.

Clause 27 put and passed.

Mr. FISHER moved that the following new clause be inserted to follow clause 27:—

Notwithstanding anything to the contrary contained in the Companies Acts, 1863 to 1896, or in the British Companies Act of 1896, or any other Act or Acts, the company, as long as it shall hold property or carry on business in Queensland, shall not have power to increase or reduce its capital without the leave or sanction of Parliament being first obtained by resolution of both Houses.

This was a British company, and it was desirable that there should be some connecting link between a company registered in Great Britain, as this one was, and a company registered in the colony. The clause could do no possible harm to the company, and the increase or decrease of its capital would be retained in the hands of Parliament.

The PREMIER said the amendment would be quite unworkable. Companies are always altering their share capital, and if they had to come to Parliament every time it would occupy the greater part of every session. If the company wished to reduce its capital it must go to the Supreme Court. If it wished to increase it, it must go to its shareholders or the public.

Mr. TURLEY: There might be no necessity of referring the matter to Parliament if it could be referred to any other responsible authority, such as the Commissioner or the Governor in Council. That was done in the Southern States of North America.

The ATTORNEY-GENERAL: Many of the railways in the Southern States of North America were often mere gambling speculations, and it might be necessary to have a regulation of that kind. He thought the dangers anticipated by hon. members were more imaginary than real. It would be an invidious distinction to draw between that company and other companies to hamper in any way any necessary increase of

capital. No companies were more of a gambling nature than mining companies, yet the existence of that right had been of the utmost advantage to them. Besides, Parliament was always there, and if it was found at any time that any enterprise was used for swindling the public, Parliament could always step in.

The CHIEF SECRETARY: While it would be exceedingly unwise for Parliament to interfere with the financial arrangements of a private company, if its capital were to be regulated by legislation, the corollary would be that Parliament should guarantee the fresh capital.

Mr. FISHER: His only object in moving the clause was to preserve as much as possible the credit of the colony. Parliament might not, perhaps, be the proper authority, but he was quite prepared to allow the Governor in Council to safeguard the interests of the public in that respect. With the permission of the Committee, he would amend the motion by substituting "Governor in Council" for "Parliament," and omitting the words "by resolution of both Houses of Parliament."

Amendment amended accordingly.

Mr. STEWART said that in that case they had the investing public of Great Britain putting their money into railway schemes in Queensland. Prospectuses were issued, and people had no means of testing the statements made, and if they took up shares they did so entirely at their own risk, and it was possible they might be taken in. The object of the hon. member was a good one. Any British company carrying on business in Queensland, desirous of raising additional capital, should procure the consent of the Governor in Council before doing so, and to get that consent they would have to make out a very good case.

The CHIEF SECRETARY did not think that would be a safeguard at all. The safeguard was in the Bill as it stood.

Mr. McDONNELL: The amendment would give outside investors confidence by knowing that with regard to that company the Government had taken ample precautions that they could not be in any way victimised.

Mr. KIDSTON agreed with the Chief Secretary that as a general principle it was unwise for Parliament to shackle trade, especially with regard to such financial operations as were contemplated in the amendment. But the hon. gentleman must recognise that they were initiating a new system of trading companies in Queensland, which, in the experience of other countries, had often developed into a most unhealthy form of speculation. If the hon. gentleman would suggest any other important authority which could safeguard the investing public, and check the tendency of such corporations to over speculation, the hon. member for Gympie would, no doubt, be glad to adopt it.

Proposed new clause put; and the Committee divided:—

AYES, 14.

Messrs. Browne, McDonnell, Fisher, Bowman, Kidston, W. Hamilton, Givens, Dunsford, Fitzgerald, Dibley, Stewart, Higgs, Ryland, and Jenkinson.

NOES, 31.

Messrs. Philp, Rutledge, Dickson, Dawson, O'Connell, Foxton, Dalrymple, Cowley, Stephenson, Bridges, Macdonald-Paterson, Newell, Boles, Keogh, Mackintosh, Moore, Petrie, Bartholomew, Leahy, T. B. Cribb, Callan, Hanran, J. Hamilton, Lord, Stodart, Campbell, Forsyth, Forrest, Stephens, and Story.

PAIR.

Aye—Mr. Fogarty. No—Mr. Smith.

Resolved in the negative.

On clause 28—"Power to mortgage"—

Mr. FISHER: At the second reading he took strong exception to the company being able to

mortgage their interest immediately the concession was granted; and, as his opinion was that for the first three years the company should not be empowered to mortgage at all, he moved that the following words be added at the end of the clause:—"No mortgage shall be given until three years after the passing of this Act."

The PREMIER: He did not think it wise to accept the amendment. Most of those companies borrowed money on debentures, and that particular company might prefer to borrow money on debentures at a low rate of interest, and the cheaper they could get their money the better chance there was of making the line pay. Why should they not do so? So long as the money came to Gladstone to build the railway what need they care where they got the money from? Some of the wealthiest companies in Queensland had debenture capital. Why prevent that particular company from doing so for three years if they wished to do so. He hoped the hon. member would withdraw his amendment.

Mr. KIDSTON said the danger the Opposition had all along pointed out was lest men who had no money to build the railway, having got the concession, should immediately take it to the Stock Exchange, and turn it into money.

Amendment negatived, and clause put and passed.

On clause 29—"Company carrying on public service"

Mr. HIGGS said he wished to substitute a small paragraph for the 1st paragraph of clause 29.

The CHAIRMAN: Is that the long amendment occupying pages 4, 5, 6, and 7 of the hon. member's printed amendments?

Mr. HIGGS: Yes.

The CHAIRMAN: Then, on behalf of the Committee, I offer the opinion that it may be taken as read.

Mr. HIGGS said he thought it advisable that he should read the amendment. The hon. member proceeded to do so with great deliberation. When about half-way through—

The CHIEF SECRETARY moved—That the question be now put.

The CHAIRMAN: I am of opinion that the object of the hon. member, since he rose to his feet on this clause, is suggestive of obstruction pure and simple. The printed amendment which he is reading to the Committee is a parody on the privilege of hon. members to move amendments. Recognising that, and having regard to the nature of the clause itself, I accept the motion of the Chief Secretary, and shall therefore put the question.

Question—That the question be now put—put; and the Committee divided:—

AYES, 32.

Messrs. Philp, Rutledge, Dickson, Foxton, O'Connell, Murray, Dalrymple, G. Thorn, Cowley, Moore, Keogh, Macdonald-Paterson, Stephenson, Bartholomew, Petrie, Bridges, Mackintosh, Story, Lord, Leahy, Forrest, Stodart, Newell, Stephens, J. Hamilton, Campbell, Bolcs, Grimes, Kates, Callan, T. B. Cribb, and Forsyth.

NOES, 11.

Messrs. Browne, Kidston, Dawson, Dibley, McDonnell, Bowman, Stewart, W. Hamilton, Givens, Ryland, and Higgs.

PAIR.

Aye—Mr. Smith. No—Mr. Fogarty.

Resolved in the affirmative.

Question—That clause 29 stand part of the Bill—put and passed.

On clause 30—"Government may purchase the railway"

Mr. KIDSTON moved the insertion after the word "may," in the 1st line, of the words "with the consent of Parliament."

Amendment agreed to.

Mr. KIDSTON moved the omission of all the words in paragraph 1, after the word "description," with the view of inserting the words "subject to the approval of Parliament previously obtained."

Amendment agreed to.

Clause, as amended, put.

Mr. DIBLEY moved the omission of clause 30, and the insertion of the following clause in lieu thereof:—

At the expiration of the term of fifty years after the completion of the railway, the railway shall, without payment of any purchase money, compensation, or other sum whatsoever, become the absolute property of the Government, and shall vest in the Commissioner as fully and effectually to all intents and purposes as if the same had been transferred and conveyed to him by the company, but nevertheless the Commissioner may, if he thinks fit, demand a transfer or conveyance thereof, and the company shall thereupon execute the same free of expense to the Government.

That was a common-sense amendment, and hon. members would have very little trouble in understanding it. He had particularly in his mind's eye the Pyrmont Bridge Company, in Sydney, which had permission to charge a toll for twenty-five years. At the end of that time the bridge, according to the original agreement, became the property of the Government without purchase, and the colony did very well out of it. It was unfortunate that the clause came in at the end of the day. It was certainly worth

[3 a.m.] a day's discussion. If the company could not make a fortune in fifty

years then they should not build the line at all. He believed the amendment would be in the true interests of the colony.

The PREMIER: The case quoted was not one in point. Sydney was a large and populous place at the time Pyrmont Bridge was built, and at the end of the term the bridge was worn out. No land concession was given as compared with those given in America. Of course, the proposal could not be entertained for a moment.

Mr. BROWNE: If the amendment had come on earlier it would not be disposed of in such a light and airy way. Considering they were giving twice the time to the company to the time given to any railway company in Great Britain, the company had a very good thing on hand; fifty years in a colony like Queensland meant a great deal. Suppose fifty years ago a company had been given the right to build a line to Toowoomba, what a splendid position they would be in today. Would the colony have prospered like it had under such circumstances? If the company had not made enough in fifty years and got their capital back with interest, was the investment one that any business man would go into. He should support the amendment.

HON. D. H. DALRYMPLE: Any proposal coming from the hon. member for Woolloongabba was entitled to be received with respect. His was a *bona fide* suggestion, but while it was desirable to get the best bargain possible for the colony, yet it was undesirable to impose impossible conditions. The company would not get their capital back if at the end of fifty years all that they had invested was confiscated. The Pyrmont Bridge case was not on all-fours. The population was already there, and the relative amount invested was very small. In all probability the adoption of such amendment would absolutely prevent the railway being built.

Mr. RYLAND: The principle of the amendment was one which was in force in a great many cases. Private owners leased their land for terms of years, the buildings to afterwards become the property of the landowners. The chief buildings in New York were built on leased land, and reverted to the owners of the land on the termination of the lease. He saw no objection whatever to the State extending the same

business principles to the construction of railways by private enterprise. It was undoubtedly a good and sound principle.

Mr. KEOGH: He had before stated that he would support the syndicate railways on the understanding that the Government had power to take them over on payment of compensation. Fifty years was too long a period for which to grant the company a lease, and he intended to support the amendment.

Question—That the clause, as amended, stand part of the Bill—put; and the Committee divided:—

AYES 28.

Messrs. Philp, Dickson, Dalrymple, Foxton, Murray, Rutledge, Forsyth, Boles, T. B. Cribb, Stephens, Stodart, Bridges, Forrest, Hanrahan, Leahy, Lord, Petrie, Story, Mackintosh, Bartholomew, Stephenson, Moore, Cowley, Macdonald-Paterson, J. Hamilton, Newell, Callan, and Kates.

NOES, 17.

Messrs. Browne, Kidston, Ryland, McDonald, Stewart, Fisher, Turley, Bowman, Dibley, Higg, W. Hamilton, Maxwell, Givens, Fitzgerald, Keogh, McDonnell, and Dawson.

PAIR.

Aye—Mr. Smith. No—Mr. Fogarty.

Resolved in the affirmative.

Clauses 31 and 32 put and passed.

Schedule put and passed.

On the preamble,

HON. T. MACDONALD-PATERSON moved the omission, on the 4th line, of the word "Gladstone," with the view of inserting the words, "Port Curtis."

Amendment agreed to.

HON. T. MACDONALD-PATERSON moved a similar amendment on the 8th line.

Mr. BROWNE: The short title had been amended to read "Gladstone and Callide Railway Bill," and now they were omitting Gladstone altogether.

The HOME SECRETARY thought that a mistake had been made in making the amendment. One mistake had been made, and it would be as well to leave "Gladstone" in on line 8. There was a land agent's district of Gladstone.

The ATTORNEY-GENERAL supported the view of the Home Secretary. It was the land agent's "district of Gladstone" that was referred to.

Amendment agreed to; and preamble, as amended, put; and the Committee divided:—

AYES, 30.

Messrs. Philp, Rutledge, Foxton, Dickson, Murray, Dalrymple, Forsyth, Boles, Kates, T. B. Cribb, Newell, Stephens, Stodart, Lord, Forrest, J. Hamilton, Bridges, Hanrahan, Leahy, Stephenson, Petrie, Keogh, Mackintosh, Bartholomew, Story, Callan, Moore, Macdonald-Paterson, Cowley, and Campbell.

NOES, 18.

Messrs. Browne, Kidston, Stewart, Dawson, McDonald, Givens, Dunsford, Reid, Fisher, Kerr, Maxwell, Ryland, Fitzgerald, W. Hamilton, Higgs, Lesina, Turley, and Bowman.

PAIR.

Aye—Mr. Smith. No—Mr. Fogarty.

Resolved in the affirmative.

The SECRETARY FOR RAILWAYS moved that the Chairman leave the chair and report the Bill with amendments.

Question put; and the Committee divided:—

AYES, 30.

Messrs. Philp, Foxton, Rutledge, Dickson, Dalrymple, Murray, Forsyth, Boles, Newell, Kates, T. B. Cribb, Stephens, Campbell, Stodart, Lord, Forrest, Bridges, Hanrahan, Leahy, Stephenson, Petrie, Keogh, Mackintosh, Bartholomew, Story, Callan, Moore, J. Hamilton, Cowley, and Macdonald-Paterson.

NOES, 19.

Messrs. Browne, Dawson, Hardacre, Kidston, Kerr, McDonald, Ryland, Dunsford, McDonnell, Maxwell, Fitzgerald, Stewart, Givens, W. Hamilton, Higgs, Lesina, Bowman, Reid, and Fisher.

PAIR.

Aye—Mr. Smith. No—Mr. Fogarty.

Resolved in the affirmative.

The House resumed. The ACTING CHAIRMAN reported the Bill with amendments.

The SECRETARY FOR RAILWAYS moved that the consideration of the Bill stand an Order of the Day for Tuesday next.

Mr. FISHER took that opportunity of intimating that he intended to move, on clause 10, to omit the words "deeds of grant in fee simple" with a view of inserting the word "lease."

Question put and passed.

ADJOURNMENT.

The PREMIER: I move that this House do now adjourn. The business on Tuesday, after the report stage of the Callide Railway Bill, would be the Federal Elections Bill.

Question put and passed.

The House adjourned at 10 minutes to 4 a.m. on Saturday.