Record of the
Proceedings of the Queensland Parliament
...
Legislative Assembly
20th July 1860
...
Extracted from the third party account as published in the
Moreton Bay Courier 21st July 1860

The Speaker took the chair at ten minutes past 10 o'clock.

CORRESPONDENCE.

The COLONIAL SECRETARY laid on the table a correspondence relative to the federation of the Australian colonies.

PETITION.

Mr. LILLEY presented a petition praying for an alteration in the laws relating to naturalisation.

Petition received.

TENDERS REGULATION BILL.

The COLONIAL SECRETARY, in moving the second reading of this bill, said it was not his intention to enter into a discussion of the principle involved in the Land Occupation Bill, the second reading of which had already been assented to. All they had now to consider was as to how the lands tendered for up to the present time could be legally brought into occupation, so as to yield a fair equivalent to the public revenue for their use. He did not say that the bill before the house ought to be passed in its present form, as he was aware that alterations had been suggested by hon. members which might be so modified and adapted as very considerably to improve the character of the Bill. He was also aware that some doubt had been raised as to whether the alteration proposed in the tendering system might not involve a breach of faith between the government and those who had already tendered, but after having given the matter the fullest consideration he felt persuaded that no legal difficulty existed as had been imagined. By Orders in Council of 9th March, 1847, the government were bound under certain conditions to accept all tenders that might be sent into them, but at the same time authority was given empowering the government to make regulations for the occupation of all Crown lands based under the existing system. One object of the bill then under consideration was to regulate the tendering system in such a way as to bring the lands for which tenders had been accepted into immediate occupation. The occupation principle already assented to in another measure would enable the government to compel persons obtaining land by tender to come fully up to their promised performance. This would check that very objectionable system which so extensively prevailed at present, whereby persons had the privilege of obtaining large blocks of land for the mere purpose of future speculation and without any idea of putting them into immediate use. By the Bill now proposed all persons whose tenders for runs had been accepted by the government, would have to pay a yearly rental from the first day of January, 1861. Thus there would be no inducement in future for persons to take up lands unless they really intended to make use of them. As he said before, the bill would require considerable alteration in committee, and among other parts he observed that the preamble and title would have to be altered so as to make them more distinctly expressive of the real object contemplated. The hon. Chairman of Committees, he believed, had a new clause to propose, which, perhaps, with some modification, might be very

advantageously incorporated in the bill. He was inclined to think that the hon. member's suggestion, if carried out, would very materially shorten the period when this unfair dealing in land would cease altogether. With regard to the payment of rent for runs, he imagined there could be no doubt that it formed one of the conditions of the lease, and that the government had also a further power, under the Orders in Council, of imposing an assessment, or increasing the rent in lieu of assessment. This, however, was a question which hon. members would have to consider. Another question which would also require mature consideration in committee was whether a tender accepted for a fourteen-years lease could be commuted for any less period. As to the rent of runs, it was proposed that the lessee should pay in advance according to the manner set forth in the lease: 10s. per square mile for the first four years, the rental for each succeeding five years being determined by appraisement, based on the number of sheep and cattle the run might be estimated to carry. The 4th section enacted that "Every lessee shall within twelve months from the date thereof occupy and stock the lands, comprised in such lease, to an extent equal to one-fourth of the number of sheep, or an equivalent number of cattle, which such lands shall be deemed to be capable of carrying." The hon. member for East Moreton had suggested to him that a provision of the kind would operate unjustly, inasmuch as many persons might occupy runs with bona fide intentions, and yet be unable within twelve months to stock them with the requisite number of sheep or cattle. The hon. member had further suggested that the same object might be accomplished by doubling and trebling the assessment at the end of the second and third years, and he (the Colonial Secretary) was not indisposed to think that some such provision might be judiciously adopted. However, the matter was one for consideration in committee, and he would therefore content himself now by simply moving that the bill be read a second time.

Mr. BUCKLEY regretted that the house, in another measure lately under their consideration, had to a certain extent, he believed inadvertently, lent their sanction to a principle which could not be morally or legally justified. The bill now before the house recognised the same principle, and he felt very great doubt whether in consequence it should be allowed to pass at all. He maintained that the only proper time for putting a man in legal occupation of a run was when the authorities accepted the tender and not as the government proposed at the commencement of 1861, otherwise the greatest possible confusion and injustice might arise—not only from the indefinitiveness of the occupancy previously, but from the fact of runs overlapping one another. It seemed to him that the main question for the house to consider now was, whether in passing this bill they would be keeping faith with those tenders which had been accepted under the regulations of the Orders in Council. He contended that they would not be keeping faith with those persons, and that it would be a gross injustice to subject them four or five years after their tenders had been accepted to a lease containing entirely new conditions, such as was now proposed. Unquestionably the proper time as contemplated by the Orders in Council for granting the lease was when the tender had been accepted, and it was from that time the house ought to date. The hon. member then proceeded to quote from the Orders in Council in support of his argument, and showed that the proposed rental of 10s. per square mile would involve a loss to the revenue of £14,000, or £15,000 per annum, it being a well known fact that persons had tendered at as high a rate as £100 per block. With regard to the best means of enforcing occupation, he thought there might reasonably be a great difference of opinion; but he certainly did not approve of the method proposed in the bill. In his opinion the punishment for non-occupancy ought to be purely of a novel character and not forfeiture as had been suggested. He would accomplish this by increasing the assessment according as circumstances rendered it necessary. If the bill, however, were carried in its present shape, he was persuaded that it would touch every lease in the colony, and in proof of this assertion he again quoted from the Orders in Council. As for the provision requiring the runs to be stocked, he thought it was positively absurd seeing that there were not sheep and cattle enough in the colony to stock one-half the runs in the sense alluded to. He found from the Surveyor-General's report that, in the Leichhardt and Maranoa districts alone, there were no fewer than 1600 runs still unreported. In the majority of these cases, promises of leases under the Orders on Council had been made, and yet with reference to this matter he defied them to point out any parallel clause in the bill before the house

for carrying out those promises in their integrity. In conclusion, the hon. member stated that he had not made up his mind as to the course he ought to adopt with reference to the motion for the second reading, and he would therefore wait and hear what other members had to say upon the subject.

Mr. MACALISTER had been of opinion that the government would have introduced a measure having for its object the entire abolition of the abominable practice which had grown up under the system of tendering, and which had been the source of so much injury to the public; but he found the bill submitted by the government did not come up to the mark; that in point of fact it aimed at little more than a compromise. So far as it went in other respects, he saw nothing objectionable in it, nor could he see the slightest foundation for the supposed breach of faith, to which his hon. friend the member for East Moreton had referred. He believed that the bill altogether was quite in accordance with the Orders in Council, and was calculated to effect a great deal of good. Indeed, his only objection to it was, that it did not go far enough. His hon. friend the member for East Moreton had argued that according to law persons whose tenders had been received were not necessarily compelled to occupy their runs; but surely the hon. member could scarcely deny that such a result as keeping large blocks of land in an unoccupied state, was never contemplated by the Orders in Council. According to the 12th section it was very clear that any received tender for a run entitled the tenderer to the promise of a lease, but would it be argued for a moment that the Orders in Council intended that the person receiving possession of the land should pay nothing for it? and yet such was the case. There were now, they had been told, 1600 of these tenders for blocks of land in the Leichhardt and Maranoa districts which had not been reported on, and for which, although the land was in the possession of different parties the public received not a farthing of revenue. Surely the law never intended that such a state of things should exist. In advocating a reform in this respect he had no desire to make the holders of tenders pay for the time past, but he did think they ought to be compelled to pay immediately after the passing of this act, and with that view he now proposed the following new clause as a rider to the Bill:—"All tenders for runs already received and opened by the Government of New South Wales or the Government of Queensland, under the 12th and 13th sections of the hereinbefore recited Order in Council, dated 9th March, 1847, relating to runs in the colony of Queensland, and on which such parties shall be entitled to a lease under said 12th section of Order in Council, shall be liable to pay, and shall pay, rent on such tenders, such rent to be the same, and to be payable at the same time and manner specified in this Act for accepted tenders, and to be subject to the forfeiture for non-payment of rent mentioned in the Crown Lands Occupation Act of 1860: notwithstanding that such tenders may not have been finally reported on: Provided always that in the event of its appearing that any such tender comprises land lease, or under promise of lease, or applied for under any previous tender, and that such tender has ultimately been declined, then and in every such case the said rent shall be returned to the party or parties whose tender or tenders shall have been so declined."

The COLONIAL TREASURER agreed with the hon. member for Ipswich, that occupation could be enforced without in any way violating the Orders in Council or any other law bearing upon the subject. With regard to the statement of the hon. member for East Moreton that it was common to send in tenders offering in some cases £100 each for blocks of land, he begged to state that so far from this being the case, since his tenure of office the amounts offered were generally very small, sometimes as low as £2 10s. As to the new provision proposed to be introduced, he had no particular objection to it, but he thought that a reasonable notice ought to be given to the parties interested before bringing it into operation.

Mr. BROUGHTON, before entering that house as a member of it, had given it as his opinion in public that the tendering system at present in force should be abolished, but at the same time he never meant to repudiate existing contracts, or to assert that present interests should not be protected. He considered, therefore, that all tenders sent in to the government for runs in the unsettled districts up to the present moment should not be affected by the bill before the house, but only by the regulations now in force. He thought no ex post facto law should be passed to affect past arrangements at all; and he hoped the house would not be led astray by the

eloquence of the hon. member for Ipswich, but would deal justly with the case in question. That hon. gentleman had displayed great powers of rhetoric, but no small amount of practical ignorance of the subject he discussed. He did not see how a man tendering for a run could possibly be aware whether or not it had been applied for before, and consequently it would be unjust to make him pay on the mere acceptance of his tender, before the government was in a position to put him in possession of his run. There had been so much overlapping, as it was called, that no man going into the bush to look for new country could tell, when he applied for a certain run whether or not it had been applied for half-a-dozen times before. Hence a man wanting seven or eight blocks was obliged to tender for seventy or eighty, because he never could tell what had been tendered for before by other parties, and what portion he was likely to obtain. He thought it would be unfair to charge rent and assessment on the mere acceptance of a tender for a run which the tenderer might never get possession of, as they might either be in the actual possession of another party, or be applied for by some one else, who would have a prior claim. He believed with the Colonial Treasurer, that if two or three surveyors were sent to each district, the tenders could all be reported on in twelve months. He thought, however, that when the 1600 tenders now said to be in for acceptance came to be examined, it would be found that out of the whole number there would be only 400 or 500 for original country. In many instances it would be found that two or three tenders were for the same run, and, as only one man could ultimately obtain possession of it, he thought it would be unfair to demand rent from each tenderer until it could be discovered to whom the land should be leased. It was found at present that the high rate of rents and assessments was telling so unfavorably upon the holder of unstocked land in the unsettled districts, that they would be compelled either to stock their runs or to abandon them altogether.

Mr. TAYLOR could not agree with the Colonial Secretary in thinking that it would be advisable to charge rent and assessment immediately on the acceptance of tenders and before the tenderers could be put in possession of their runs; for by such means they would be placed in a false position, and while they would suppose from the state of the treasury that they had large sums at their disposal, it would be found that three-fourths of the money in their hands would have to be returned. He desired to see a larger number of Commissioners appointed throughout the country to keep ahead of the work instead of to be constantly engaged in working up arrears. The districts at present in charge of the Commissioners were by far too large, and he thought the sooner they were reduced in size the better. It was well understood that the commissioners did not do their duty in a zealous and efficient manner: And as was the case in former days, when it was a hard matter to induce a commissioner to leave his residence and take the trouble to report on a tender, so at the present moment they had good ground for complaining against the conduct of the commissioners generally. Gentlemen had to apply repeatedly, time after time, before the commissioners would consent to attend to their duties. The hon. member for East Moreton seemed to think they would be doing an injustice to the squatters to compel them to stock their runs, as if they had them, for any other purpose than to be stocked. He was sure that no present holder of country would abandon his run if it was assessed for twice or three times as much as at present; and if a man was not in a position to stock his run, he did not see why he should be permitted to hold it. It was said, moreover, that there would be an insuperable difficulty in getting stock for the new runs; but he would like to know where the necessity existed for taking up new country if there was no stock to put upon it. Were the runs to be taken up for stocking, or for mere speculation? He contended that no man should have a run who had no stock to put upon it, or money to procure stock. He was glad to see that the hon. member for Ipswich (Mr. Macalister) had laid down the law in so clear and able a manner, and he was sure that, even if the hon. member for East Moreton (Mr. Buckley) had enjoyed the opportunity of replying, he would not have been able to answer the arguments that had been brought forward. Because the member for West Moreton was an auctioneer, and the member for East Moreton was an agent, they seemed to imagine that the whole of the stock of the country passed through their hands. He knew, however, such was not the case, and he knew besides that during one season no fewer than 120,000 sheep had crossed his own run on their way to the northern districts. He could see

no difficulty, therefore, in the way of procuring stock for the runs in the unsettled districts. The hon. member for East Moreton had stated that he knew of a run that had been tendered for at £100 per block; he would like to know where this magnificent country existed, and he thought it would be discovered to have been only in the fertile imagination of the hon. member himself. He had been personally challenged by the hon. member as to whether he could accept the bill before the house, and would consent to pay the assessment and rent established in the bill for his run on the Darling Downs. He would only say that he would be quite willing to pay the proposed rates, and to allow his run to be brought under the operation of the bill. He regarded the appeal of the hon. member as a sort of threat and attempt at intimidation; but he would content himself with saying that neither threats nor intimidations would have the least effect upon him. He hoped the bill, with the slight alterations in its details that had been suggested by the hon. member for Ipswich, would pass into law. It would be a noble measure, and by providing for the stocking of the country on a larger scale than at present it would not only double our exports but double our imports likewise, and increase not only the rent and assessment revenue, but also the customs revenue of the country. It had been complained that there was a large number of tenders not reported upon; but what had been the cause of this? He considered the blame rested with the government in not having a sufficient staff of commissioners; and he hoped that instead of four as at present, the government would appoint ten or twelve to do the work in an efficient manner. They had voted handsome salaries for the commissioners, with three troopers and a messenger a piece, and as they had office-keepers to look after their deeds in their absence, they would have no excuse for staying at home; and with three gallant troopers to protect them from the savage blacks in the bush, they would have no excuse for delaying to go out and report upon the various tenders that might be sent into them. He considered that the land sharks and speculators might congratulate themselves in being let off so easily by the bill, which, instead of providing that they should stock their runs to within one-fourth of their carrying capabilities, provided only that they should stock one-fourth of them. Great stress had been laid by the hon. member for East Moreton on the evidence of Mr. Gregory, and particularly on the legal opinion he had given with regard to the occupation of runs. He, however, could not place the slightest reliance on that opinion, as it did not emanate from a legally qualified gentleman. Besides, Mr. Gregory must be regarded as an interested party, and his evidence must, therefore be taken “cum grano salis.”

Mr. WATTS regarded the bill before the house as the most important that could be introduced into the Assembly, and was glad that it met so well the wishes of the country. The hon. members for East Moreton and West Moreton, respectively, had set forth to their constituents in their published addresses loud complaints against the iniquitous system which the bill proposed to abolish; and he was not a little surprised to find them advocating the continuance of that system now, and objecting to the inauguration of a more equitable arrangement. They said we could not deal with the question because the Imperial Act had settled the disputed point already; he denied, however, that the Imperial Act did anything that was not directly authorised by the orders in council. Those hon. gentlemen had forgotten to tell the house that in the month of February, 1858, the government of New South Wales had issued a proclamation to the effect that all tenders accepted after that date should be subject to any future legislation of the colonial parliaments. Therefore he considered that all those persons who had accepted runs after that date held them subject to any legal enactments the house might make. The tenders received prior to the date of the proclamation amounted to only 2649, while 3343 had been issued since. Now, he maintained that the house had full power to deal with the 3443 tenderers, and to make laws affecting their runs. He considered that no injustice would be done to the holders of country by compelling them to stock their runs, nor would it be any wrong to make them either stock their stations or abandon them altogether. It had been said that many persons had been holding runs which had not yet been reported on during the last eight or nine years. He thought such a state of things argued badly for the system that had been in force, as it had occasioned great loss to the revenue, and great injustice to the country. Besides, if they did not compel gentlemen in the intermediate districts to stock their runs, what use was there in attempting to compel those in the remote districts to do so. He thought the government should appoint a large staff of efficient

commissioners to report upon tenders, so that they might be accepted as soon after as they were handed in as possible, in order that the country might derive the largest revenue from the runs. The hon. member for West Moreton (Mr. Broughton) had stated that there were at present 1600 tenders for runs in the Maranoa and Leichhardt districts still unreported on. Now if these tenders had been reported on as they should have been the treasury would be a gainer by £64,000 a year at the rate of £40 per run, the very lowest estimate. With regard to the particulars referred to by the hon. member for East Moreton (Mr. Buckley) in which £100 had been tendered for a run, he could state that the run in question had been occupied for some time previously, and that there were improvements on it worth several hundreds of pounds, erected by Mr. Fitzgerald, of New South Wales. The case was a special one for land that had been occupied and improved, and not like the generality of cases at all.

Mr. BLAKENEY, after mature consideration of the bill before the house, together with the other bill regulating the occupation of waste lands that had been laid upon the table a few days ago, had come to the conclusion that with a few amendments which might be made in committee the bill would admirably adapt itself to the exigencies of the colony. He was glad to perceive that the whole of the squatting members had expressed themselves favorably with regard to the measure, and that they did not consider that although the proposed rent and assessment were high, they could not be easily met by the holders of unoccupied country. He did not agree with the hon. member for West Moreton in thinking that the house had no power to deal with runs in the intermediate districts. The proclamation of February, 1858, decided the question effectually, and the 3443 tenders that had been sent in since that date could be legally dealt with by the house. Looking at the form of tender sent in he found that the tenderers bound themselves in distinct terms to take the runs subject to future legislation, subject to any new modifications or restrictions that the state might impose. Mr. Gregory said in his evidence that the proclamation was illegal and that the government had no power to make it; he thought, however, that the terms of the tenders were sufficiently binding; the tenderers were not coerced, they agreed to certain conditions voluntarily, and as the agreements had been signed they ought to be enforced. The hon. member for West Moreton did not appear to have considered the provisions of both of the land bills before the house, otherwise he would have known that for the future there could not be three or four tenders accepted for the same run, as the commissioner was bound to accept and advertise the first one, and in no instance would several persons be required to pay for the same country. There might be some inconvenience from “overlapping” as it had been called; but he could no fancy that the evil would exist to such an extent as had been complained of by the hon. member, nor could he believe that three- fourths of the whole of the tenders sent in would be useless. It had been said that we were bound to keep faith with the squatters, but he did not see how it was proposed in any way to break faith with them. The hon. member then quoted from the Orders in Council to show that occupancy was binding on the holders of runs, and it was never intended that persons should be allowed to retain country unstocked for mere purposes of speculation. He denied the assertion made by Mr. Gregory, that the law was complied with by merely paying rent and assessment; the condition of occupancy was absolute and imperative, and no other conditions would suffice. It was necessary that a belt of 200 miles of country should be brought under the operation of the bill before the house; that it should, in fact, be brought under the operation of the Orders in Council which had never been complied with. It had been said that 160,000 sheep would be required to stock the 1000 runs, and he had no doubt the stock could be found. He thought it absolutely necessary, however, that the staff of commissioners should be increased in order that the tenders might be reported on with greater speed, and the country derive its full share of revenue from the waste lands.

Mr. GORE would not advert to the legal bearings of the questions, which had been sufficiently discussed already, but would content himself with taking a common-sense view of the question. The object of the bill was simply to compel parties to stock their runs, and he considered it was quite competent for the house to do so. He admitted that there were difficulties in the way, but these were the results of a vicious system; and if that system were abolished, the difficulties would vanish along with it. The hon. member for East Moreton had stated legal

objections, and appealed in support of them to the evidence of Mr. Gregory. But considering that Mr. Gregory was no legal authority, he would only say with regard to his opinion ‘valeat quantam,’ let it go for what it is worth. Much had been said about “overlapping,” but he regarded that as the result of the system that had been in operation, and he did not think the house should look upon it as a serious difficulty. In his time disputes had often arisen amongst the squatters, but he had never heard anything about overlapping. It had also been said that there were not sufficient sheep in the country to stock the runs; he had just learned, however, that 200,000 sheep had crossed the run of the hon. member for Drayton and Toowoomba on their way to the southern markets, and judging from the prices at which these sheep were selling, he thought if they had been kept in the country to stock the runs, the country would be better off than it is at present. He would cordially support the bill, and hoped the principles it embodied would meet with the approval of the house, while slight alterations in the details might be made in committee with a view to minor improvements.

Mr. JORDAN was glad to avail himself of the present opportunity to express his hearty approval of the bill, more especially as he had felt it his duty to condemn in no measured terms the other land bill which had been brought forward by the ministry. Taking the two measures together he thought they would work beneficially for the country, and tend to the rapid development of its resources. There were good principles laid down in the bill, and the most important of these was the principle of occupation. The next was that within twelve months after the acceptance of any tender, the tenderer would be compelled to stock his run to the extent of one-fourth of its carrying capabilities. When they considered that in the comparatively small colony of Victoria there were 800 squatters, who paid such high rates of assessment that they were compelled to stock their runs to the fullest extent, he thought they might anticipate an exodus from that locality, and the influx of a large number of squatters with their stock into Queensland. He admired the proposal to charge ten shillings per square mile for the first four years, and afterwards to subject the runs to a valuation, to ascertain the extent of their carrying capabilities. He had not been convinced by the arguments of the hon. member for East Moreton, if they deserved the name of arguments, with regard to the illegality of the bill before the house, and he fully concurred in the common-sense view of the case that had been taken by the legal members of the house who were qualified to express an opinion respecting it. He urged on the government the necessity of increasing the staff of commissioners, in order that less confusion should exist in the tendering arrangements, and a greater revenue might be derived by the colony; and concluded with expressing his belief that no importance should be attached to the opinion of Mr. Gregory, which carried no more weight with it than the opinion of any other private gentleman.

The ATTORNEY-GENERAL stated that having advised the government of the legality of the bill before the house, he felt himself bound to state to the house and the country the reasons which had influenced him in arriving at this conclusion. At the same time he was happy to find that the views he entertained and the opinions he expressed were concurred in by the other legal members of the house. With regard to the objections that had been raised by the hon. member for East Moreton, although they had not been substantiated by cogent or conclusive reasoning, he would do that gentleman the justice to say that he believed he was actuated by the best of motives, and only desired that a good bill could be passed by the house. When the first bill was introduced, doubts arose in his mind as to the strict legality of the proceedings contemplated by the government, and accordingly he reconsidered the whole subject, and carefully examined all the hearings of the case. The consequence was that he advised the introduction, met every difficulty and was in perfect accordance with the Orders in Council. He believed that, if the Queensland Government or the Government of New South Wales had chosen to carry out the law to the letter, they would have compelled the tenderers for runs either to stock or abandon them; for it was never contemplated or intended by the Home Government to allow the tenderers to hold their runs on any other condition than that of occupancy. With regard to the proclamation of 22nd February, 1858, it had in no way influenced him in judging of the legality of the measure before the house, for it had been passed without authority by the Government and Executive

Council of New South Wales, and not by act of Parliament at all. The government had therefore placed no reliance on the proclamation, but had gone to far higher authority for the course they had taken; they had gone to the Orders in Council, and he only desired that those orders should be carried out, and that their terms should be fulfilled. There could be no doubt that the orders intended that the lands should be occupied. The act gave power to devise lands for a term of years for occupation, and not to be leased to persons to do with them what they please; and it was absurd for any one to say that he complied with the conditions or intentions of the orders, when he merely paid rent or assessment for his run and failed to occupy it. If the orders themselves were referred to, it would be seen in clauses 12 and 13 that the mode of granting leases was clearly pointed out. The tender sent in was not a tender for a run, but for a right to occupy a run, and he had no legal right till he got his lease. In New South Wales the government accepted the tenders, but never granted the leases, and consequently they had never carried out the orders or enforced their conditions; but it was no reason why they should do wrong because the government of the other colony had done so, and the bill was intended to set the matter on a proper footing, and by carrying out the orders, not only give the squatter the lease to which he was entitled, but compel him to stock his run. The bill should be regarded as the greatest boon that could be conferred on the bona fide squatter, while it was anything but satisfactory to the speculator, whose purposes would not answer at all. No breach of faith would result from enforcing the conditions of the bill, but great good would accrue to the country. The hon. member for Ipswich had said the bill did not go down far enough, because it did not absolutely provide against speculating in runs. It was true that a long time might elapse between the tendering for a run and the acceptance of the tender, but while the bill might be modified in committee to meet that objection, the principle would be untouched. The government were anxious to make occupation immediate, but as they were not a squatter ministry, they might be excused for not being so thoroughly up to squatting questions as other members of the house. He cordially concurred in the rider to the bill that had been proposed by the hon. member for Ipswich, and suggested to hon. members to get copies of it, and study its provisions well before it came on for discussion in committee.

Mr. RAFF said on a previous occasion he had not complimented the government on their land policy, but was happy on the present occasion to state that he cordially concurred in the measure before the house, and would be happy to support it. He was content to abide by the opinions that had been expressed by the legal members of the house, who were better qualified than himself to discuss the legal bearings of the case; and he accepted the construction by them of the Orders in Council which made occupancy the main condition of the contract. He thought that if the suggestions of the hon. member for Ipswich were adopted, the bill would answer well the purpose for which it was intended. The object of the bill was to facilitate the stocking of the country, and he considered that if this were rendered imperative on run holders the price of stations would fall in the market, while the price of sheep and cattle would rise in a proportionate degree; so that if there were disadvantages on one side there were compensating advantages on the other. The hon. member for West Moreton had twitted the hon. member for Ipswich with ignorance of the whole question, and in so doing had led the house to imagine that he possessed a very intimate acquaintance with it himself. He hoped such was the case, while he did not think the house would agree with him in thinking the charge made against Mr. Macalister could be borne out by the circumstances that had transpired in the course of the debate. He thought the argument of the hon. member (Mr. Broughton), that when a run hunter wanted seven or eight blocks he usually tendered for seventy or eighty instead, instead of proving against the bill, established a strong point in its favor. He agreed with the hon. member for the Western Downs in thinking that nothing would compensate the country for allowing the lands in the intermediate districts to remain unoccupied, for if the holders of them were not compelled to stock them how could the squatter 200 miles beyond be justly called upon to comply with the conditions of the bill. What was most desired by the squatters was fixity of tenure, and he thought therefore that it would greatly tend to secure the fixity if the lands were re- valued every five years; so that the public might have no reason to complain of the conditions under which the runs might be held

under altered or more favorable circumstances.

Mr. FITZSIMMONS cordially concurred in all the arguments that had been urged by the government in favor of the bill. He thought, however, a slight modification of one of the clauses might be made in committee with very beneficial results, for he could not but feel that if the bill passed into law in its present shape considerable injustice would be done to the man of moderate means, who might have saved up a small sum of money with a view to the investment of it in stock. He thought it too much to ask a man to stock one fourth of his run, and considered that the reduction of the amount to one eighth would have a very beneficial result. The man of small means might be able to stock one eighth of his run, while he would be prevented from speculating in stock at all if he were compelled to stock a fourth of it. He would be driven out of the market by some wealthy squatter from the Darling Downs, whose vast means would enable him to comply easily with the conditions of the bill. He hoped this point would be considered by the government and an amendment made in committee in accordance with the suggestions he had thrown out. Besides it was to be remembered that by the last advices from England it had been ascertained that wool and tallow had fallen 20 per cent in the market, and judging from the gloomy aspect of affairs in Continental Europe, he feared still further reductions in the price of their export produce must be anticipated. It was therefore not advisable to press too heavily on the squatter, and especially on the young squatter, at such a critical period as the present. A good landlord always let his land at a price that would allow his tenant to live upon it; but a bad landlord rented his land and ruined his tenant, and in the end did no good to himself.

Mr. LILLEY said it was not his intention to enter into the details of the bill as had been already done to too great an extent by hon. members. He would deal with the principles of the measure at present and reserve whatever suggestions he might have to offer with regard to the details till the house went into committee on the bill. With the main principles he entirely agreed; they were evidently based on natural and commercial justice, and there was no breach of faith to complain against. Such a charge of breach of faith came with particularly bad grace from men who tendered for land on certain specific conditions, and when their tenders had been accepted, turned round and said they would hold the runs but refuse to abide by the conditions. With regard to the hon. member for West Moreton (Mr. Broughton), he had evidently got on the wrong side of the question, for all the arguments he had used against certain provisions in the bill told directly in their favor. He would suggest to the hon. member that he had made a mistake, and taken the wrong side of the subject. The arguments advanced by the Attorney-General and the hon. member for Ipswich (Mr. Macalister), proved irresistibly that the government had a perfect right to compel the squatter to occupy their runs. He held it as a fundamental principle that every man was bound to turn his land to account for the good of the country, and that it could not be absolutely called his own. He congratulated the government on the excellencies of the bill they had introduced, although he was not so enamoured of the ministry as the hon. member for Ipswich, who only wanted a good site to build a monument to perpetuate their fame.

Mr. HALY supported the bill, and remarked that the hon. member for East Moreton had voted in another colony for the imposition of an assessment on the squatters for general purposes, which he contended was as great a breach of faith as that the hon. member complained of in this bill now before the house. In giving him adherence to the principle of this measure he wished it to be understood that he did not commit himself to all its details, some of which he would like to see altered in committee.

The motion was then put and passed without a division.

The committal of the bill was fixed as an order of the day for Thursday next.

APPROPRIATION BILL.

The COLONIAL TREASURER moved for leave to bring in a bill to authorise the appropriation out of the Consolidated Revenue Fund of Queensland of certain sums to make good the supplies granted for the service of the year 1860.

Leave having been granted, the bill was read a first time and the second reading fixed for

Wednesday next.

OCCUPATION OF LANDS BILL.

The consideration of this bill in committee was postponed until Wednesday next.

WAYS AND MEANS.

On the motion of the COLONIAL TREASURER the order of the day for receiving the report of the Committee of Ways and Means was discharged from the paper.

PETITION FROM IPSWICH.

Mr. FORBES moved that the petition presented by him on the previous day from certain inhabitants of Ipswich, praying that the unoccupied lands occupation might not be proceeded with at present. He explained that the only object of the petitioners was to give time for eliciting public opinion with regard to the character of the bill.

Mr. WATTS opposed the motion, and suggested that it ought to be torn to pieces and thrown on the floor of the house. (Laughter.)

Mr. TAYLOR was also averse to the printing of the petition on economical grounds.

Mr. O'SULLIVAN supported the motion. He was opposed on principle to the printing of petitions, but as others had been printed, he could see no reason why this should be less favoured.

Mr. MACALISTER would vote for the printing of the petition, although he was opposed to the prayer.

Mr. FERRETT opposed the motion, which was then put and negatived on a division of 15 to 7. The members who voted for the motion were Messrs. Thorn, Fleming, O'Sullivan, Forbes, Lilley, Macalister, and Buckley.

FIREARMS.

Mr. COXEN, with the leave of the house, postponed until Tuesday next his motion relative to voting £3000 for the purpose of procuring a sufficient stand of firearms for the protection of the colony.

RESERVOIR AT EAGLE FARM.

On the motion of Mr. BUCKLEY, the consideration of this matter in committee was postponed until Tuesday next.

The house adjourned at half-past one o'clock until three o'clock on Tuesday next.