Record of the
Proceedings of the Queensland Parliament
...
Legislative Assembly
25th July 1860
...
Extracted from the third party account as published in the
Moreton Bay Courier 26th July 1860

The Speaker took the chair at a quarter past 3 o'clock and read prayers.

QUESTION.

Mr. FERRETT asked the Colonial Secretary—(1.) If the Government be aware Mr. Commissioner Boyle is not at Surat, or anywhere on the road between this and that place. (2.) And that he has not returned to his district since leaving it near six months ago. (3.) If the Government intend to take any steps in that matter, so as to give the Maranoa district the benefit of a Commissioner of Crown Lands' services.

The COLONIAL SECRETARY stated, in reply, that he was not aware that the commissioner referred to was not at Surat. They had directed him to proceed thither, and believed he was on his way. The government proposed to appoint an extra commissioner for Maranoa, to carry out the extra work requiring to be done.

POSTPONEMENT.

Mr. MACALISTER postponed the motion standing in his name, with reference to the appointment of a select committee to enquire into the allegations contained in the petition of Messrs. William and Joseph North, presented by him.

FIREARMS FOR QUEENSLAND.

On the motion of Mr. Coxen, the Speaker left the chair, and the house resolved itself into a committee of the whole, to consider of an address to the Governor, praying that his Excellency will be pleased to cause to be placed on the Supplementary Estimates for 1860, a sum not exceeding three thousand pounds for the purpose of obtaining a sufficient stand of firearms for the protection of this colony of Queensland.

The house having resolved itself accordingly, Mr. COXEN moved the address.

Mr. BLAKENEY suggested that the word "stand" should be struck out and "quantity" inserted in its place as more suitable.

The COLONIAL SECRETARY said that he considered it would be more advisable to place the sum on the estimates for 1861, as the estimates for this year would hardly bear the expenditure.

Mr. TAYLOR was glad that the Colonial Secretary had taken this course, and hoped that when the item came to be discussed in 1861, it would be again postponed till 1862.

Mr. BROUGHTON proposed, as an amendment, that the words "stand of fire" should be left out, as it was advisable that side arms, as well as fire arms, should be procured.

Mr. TAYLOR objected to the word "fire" being left out, as he thought few would be found who knew how to use firearms, and that few enough would be found to bear the firearms.

The question standing thus—"That an address be presented to the Governor praying that his Excellency will be pleased to cause to be placed on the estimates for 1861 a sum not exceeding £3000 for the purpose of obtaining a sufficient stand of arms for the colony of

Queensland," was then put and passed.

The house having resumed, the Chairman reported progress, and the report was ordered to be received on the following day.

RESERVIOR AT EAGLE FARM.

The Chairman brought up the report of the committee of the whole, with reference to the reservoir at Eagle Farm.

On the motion of Mr. EDMONSTONE, the resolution was agreed to by the house.

WAYS AND MEANS.

The COLONIAL TREASURER moved that the Committee of Ways and Means have leave to sit again that day.

COMMISSIONERS FOR THE ADJUSTMENT OF DEBT.

On the motion of the COLONIAL SECRETARY, leave was granted to introduce a bill to appoint commissioners for the adjustment of accounts with New South Wales.

BILL TO ABOLISH THE COLLECTION OF ELECTORAL LISTS.

On the motion of the COLONIAL SECRETARY, leave was granted to bring a bill to abolish the collection of electoral lists.

The COLONIAL SECRETARY subsequently brought up the two bills, which were read a first time, and ordered to be read a second time on Thursday week.

WAYS AND MEANS.

On the motion of the COLONIAL TREASURER, the Speaker left the chair, and the house resolved into a Committee of Ways and Means.

The COLONIAL TREASURER, to correct an error in the previous report, moved that towards meeting the supply to be granted to her Majesty for the year 1860 the sum of £184,014 be granted out of the consolidated revenue fund.

On the motion of the COLONIAL TREASURER the report was ordered to be received on the following day.

GRAMMAR SCHOOLS' BILL.

The report of the Committee on this bill was adopted, on the motion of the COLONIAL SECRETARY, and the bill was ordered to be read a third time on Tuesday next.

APPROPRIATION BILL FOR 1860.

On the motion of the COLONIAL TREASURER, the second reading of the bill was postponed till to-morrow.

UNOCCUPIED LANDS OCCUPATION BILL.

On the motion of the COLONIAL TREASURER, the Speaker left the chair, and the house resolved itself into committee to consider this bill. The house having resolved itself accordingly the Preamble was postponed.

The COLONIAL TREASURER moved the 1st clause.

Mr. BUCKLEY asked to what districts this clause was intended to apply.

The COLONIAL TREASURER, in reply, stated that it intended to apply to all lands not yet taken up, or to tenders which had not been accepted.

The ATTORNEY-GENERAL moved, as an amendment, that the words, "on day of 1860," be omitted, with a view to the insertion of the words "at time of commencement of this act."

On the motion of the COLONIAL TREASURER clause 2 was passed.

The ATTORNEY-GENERAL proposed that in the 23rd line the word “six” be omitted, and “seven” inserted in place of it; also that the word “consent” in 17th line and on 21st line be omitted, with a view to insert “with the advice.”

The clause, as amended, was then put and passed.

The COLONIAL TREASURER moved that clause 4 stand part of the bill.

Mr. GORE moved as an amendment, that after the word same, in 24th line, the following words be inserted, “which application shall be entered in a book to be kept for the inspection of all parties desiring to examine it.”

The amendment was then put and passed.

Mr. RAFF moved as a further amendment—That all the words from “for” in 31st line to “making” in the 32nd, be omitted, with a view to insert the words “and has continued to occupy the same up to the date of.” He afterwards withdrew the amendment, understanding that a more comprehensive one was about to be proposed.

Mr. BUCKLEY proposed that all the words after “provided” in the 28th line should be omitted, with a view to insert the words “that in computing the area of any run it shall be competent for the local commissioner to exclude any portion unavailable for pastoral purposes.” He considered that as it stood at present the clause clashed with the 33rd clause.

Mr. WATTS and the ATTORNEY-GENERAL held that the two clauses referred to did not clash. The clause was meant to provide that the bona fide finder of a run who intended to occupy it should have a preferent claim.

Mr. TAYLOR considered that the clause was meant to prevent any but bona fide occupiers from obtaining the runs. The clause would lead to innumerable quarrels and required alterations.

Mr. BUCKLEY contended that the 33rd clause referred to every acre of land affected by the clause under consideration. The one was antagonistic to the other. In one run scrub land might be found to exist in a block, and he thought the local commissioner should have the power to exclude such worthless country from the block.

Mr. GORE considered that it was a hardship that any useless scrub land unfit for pastoral purposes should be included in the area of the run; and that the commissioner should have discretionary power to exclude such land.

The ATTORNEY-GENERAL explained that the house and the country wanted bona fide occupation, and the money to be paid; and this clause effected both, because it bound a man to get a legal title to a run within a fixed time, say one month, or even two months, if that were not sufficient.

Mr. BUCKLEY said it was evident the Attorney-General had little experience in the matter, as it was the duty of the Commissioner to see that every person in his district had a license.

Mr. WATTS thought the hon. member who had last spoken knew as little of the question as the Attorney-General. The clause was to compel parties to occupy a run and to apply for his license as soon as possible. He thought if the words “one month” were altered to “60 days” the clause as it stood would be the best in the bill.

Mr. BROUGHTON endorsed the statement of Mr. Buckley that it was the duty of Commissioners to find out who had and who had not licenses, and to exclude those who had not complied with the regulations. It had been said that two parties might have a race for a license for the same run to the Commissioner, and that the first applicant who has no stock obtained a license before the person who had his stock ready to put on it.

Mr. TAYLOR said that if one man had stock on a run for six weeks, and another for a month, under this bill the latter would be entitled to the license, thus doing great injustice to the occupier. Not one man in fifty could afford to leave his run within 30 days after his arrival on it to go to a commissioner for a license.

The ATTORNEY-GENERAL said that the man who had occupied his run for six weeks and had not applied for a license was a trespasser under the 33rd clause.

Mr. HALY who has had large experience in taking up runs, and considered no man would think it a hardship to go to a commissioner to get a legal right to a good run. He thought if the words “one month” were altered to “60 days” the clause would answer admirably.

Mr. BUCKLEY’S clause was then put and negatived without a division.

Mr. RAFF said there was every inducement for a man to apply for his license immediately after occupation, as other run-hunters would drive him to do so.

The amendment previously suggested by Mr. RAFF was then put and lost on the following division:—

Ayes, 9.		Noes, 14.	
Mr. Taylor		Mr. Herbert	
“ Buckley		“ Royds	
“ Coxen		“ Ferrett	
“ Edmondstone		“ Richards	
“ Forbes		“ Watts	
“ Fleming		“ Fitzsimmons	
“ Jordan		“ Thorn	
“ Raff	} Tellers	“ Gore	
“ Broughton	}	“ Lilley	
		“ Blakeney	
		“ Haly	
		“ O’Sullivan	
		“ Pring	} Tellers
		“ Mackenzie	}

Mr. WATTS moved as an amendment that the words “one month” be omitted with a view to insert the words “sixty days.”

Mr. BROUGHTON moved as a further amendment that the words “ninety days” be inserted instead of “one month.”

Mr. Broughton’s amendment was then put and negatived on the following division:—

Ayes, 10.		Noes, 13.	
Mr. Coxen		Mr. Mackenzie	
“ Raff		“ Lilley	
“ Fleming		“ Watts	
“ Fitzsimmons		“ Royds	
“ Jordan		“ Herbert	
“ Taylor		“ Ferrett	
“ Edmondstone		“ Richards	
“ Forbes		“ O’Sullivan	
“ Broughton	} Tellers	“ Haly	
“ Buckley	}	“ Thorn	
		“ Blakeney	
		“ Pring	} Tellers
		“ Gore	}

Mr. WATTS’ amendment was then put and passed.

The COLONIAL SECRETARY then moved, as an amendment, that at the end of the clause the following words be inserted, “provided that such occupation during a period not exceeding two months, if followed by an application for a license, shall not be deemed a trespass under clause 33.”

The amendment was put and passed.

The COLONIAL SECRETARY proposed that the following words be added, “provided also that a return of all such licenses from time to time be published in the ‘Gazette.’”

The question was put and passed.

Mr. FERRETT moved as a further amendment, that the following words be added, “provided that no licenses by this clause granted shall be transferable.”

At the suggestion of the ATTORNEY-GENERAL, the amendment was altered by Mr. FERRETT as follows—“that no run shall be transferable unless stocked within provisions of this act.”

Mr. BROUGHTON objected to the amendment. Persons might die before reaching the

Commissioner, and his heirs would suffer loss by not being in a position to get a transfer.

Mr. WATTS considered the amendment a very good one. He thought there would be no hardships endured under it, as those persons who generally went out to look for new runs were young men who did no good to anybody but themselves, and whose death, therefore, would not matter much.

Mr. FERRETT said his real object was to prevent run-jobbing, which had been carried on to a great extent, to the detriment of the revenue. There were many gentlemen in the house who had spoken against this land-jobbing out of doors, but were speaking in favour of it now.

Mr. LILLEY would support the amendment, as without it the tendering system would not be effectually abolished, but permitted runholders to run revenue which could come into possession of the government.

Mr. Ferrett's amendment was then put and passed without a division.

The COLONIAL TREASURER proposed that clause 4, as amended, stand part of the bill.

Mr. BROUGHTON wanted to know whether, when a license had once been granted, it could be cancelled again? On consulting with a legal member of the house he had been told that two applications coming in on the same day would be considered parallel. (No, no.)

The COLONIAL TREASURER proposed that clause 5 stand part of the bill.

The COLONIAL SECRETARY proposed as an amendment that the word "government" in 38th line be omitted and "commissioner or other officer" be inserted in its place.

The question was put and passed.

The COLONIAL SECRETARY moved as an amendment at the end of the clause to add "as well as in the commissioner's book, to be kept in accordance with clause 4."

Clause 5, with amendments, was then put and carried.

The COLONIAL TREASURER moved that clause 6 stand part of the bill.

Mr. BUCKLEY wished to know whether the commissioner was to take the natural features of the country as boundaries?

Mr. TAYLOR thought that 100 square miles would be too large to allow any one person to hold as a single run.

Mr. JORDAN was sorry to hear the opinion given by the hon. member for Western Downs that 100 square miles was too large an extent for a run in the outer districts. He proposed as an amendment that the word "one" be omitted and "two" inserted, in order to allow a squatter to hold a run of 200 square miles instead of 100.

Mr. TAYLOR was surprised to hear the hon. member for North Brisbane (Mr. Jordan) come out so strong in favour of the pioneer squatter. He objected to a man taking up in one block more than 25 square miles, because, if the system of taking up 100 square miles in one block were permitted, the water frontage would all be monopolised by one squatter.

Mr. FITZSIMMONS said no squatter in the remote districts could live by feeding a few thousand sheep on 25 square miles of country.

Mr. BROUGHTON said that, if a man were allowed to take up 100 square miles, he would be able to form one station only; while if he were obliged to take up four runs he would have to stock each of them. The consequence was that the country would be better occupied.

The ATTORNEY-GENERAL stated that he quite agreed with what had been said by Mr. Jordan, that the clause gave power to any person wishing to take up country to begin with a small block, and increase it as he required. The act had nothing to do with blocks, but with runs, for which the occupier would get his lease. The object of the government was that no man should have more than 100 square miles of country in one lease.

Mr. COXEN thought the scale proposed by the act a very judicious one.

Mr. JORDAN said the intention of the bill was that no man should have more than 100 square miles in one block, which the hon. member for Western Downs considered too much. He

considered it not enough, and therefore considered it should be doubled, for a hundred square miles could only support 16,000 sheep or 800 cattle. He did not know what was the object of limiting a run to 100 square miles, if he was obliged to stock his run to a fourth of its carrying capabilities.

Mr. GORE said, in answer to Mr. Jordan, that no lease should comprise more than 100 square miles; therefore if a man wanted to stock 400 square miles he would have to obtain four leases. He thought it would be more convenient for the holder, who could more readily part with a portion of his property.

The ATTORNEY-GENERAL would object to a man's being allowed to take up 500 square miles, as it would stop the progress of occupation, as no man of small means could take up a run beside him.

Mr. COXEN said the main object was to occupy the country, and if a man wanted to take up 400 square miles, he could take up 100 miles of water frontage with a depth of only 4 miles.

Mr. TAYLOR was not convinced that it would not have been much better to mark out the runs in blocks of 25 square miles. It would favour the large squatter, and prevent the occupation of the country. He did not desire to restrict any man to the number of runs he might take up; but he objected to his getting more in one block than 25 square miles.

Mr. Jordan's amendment was then put and negatived without a division.

The COLONIAL TREASURER moved that clause 6 stand part of the bill.

Mr. RAFF had an amendment to make. He thought there was nothing to prevent a man from taking up 50 miles of river frontage with a depth of only 2 miles; and he therefore moved that there be inserted at the end of the 44th line "and the length shall as nearly as may be correspond with the width.

The amendment was put and passed.

Mr. BUCKLEY moved, as a further amendment, that there be added the following words, "that the commissioner shall have power to exclude any lands not available for pastoral purposes."

Clause 6, with amendments, was then put and passed.

The COLONIAL TREASURER proposed that clause 7 stand part of the bill.

Mr. GORE proposed to omit the word "at" with a view to insert the words "shall within sixty days."

The ATTORNEY-GENERAL said the bill provided that the government should make regulations, and he asked hon. members to consider whether it would not be advisable to refrain from passing proviso after proviso, and thereby hamper the act with unnecessary clauses.

Mr. FITZSIMMONS proposed that instead of "sixty days" the words "ninety days" be inserted. If 60 days were allowed for visiting the Commissioner, he thought 90 days at least should be allowed for coming to Brisbane.

The amendment of Mr. Fitzsimmons having been put, was negatived without a division.

The COLONIAL SECRETARY proposed to insert at the end of the clause the following words— "and unless such fee shall be paid the license shall be forfeited."

The question was put and passed.

The COLONIAL TREASURER moved that clause 7, as amended, stand part of the bill.

The question was put and passed.

The COLONIAL TREASURER moved that clause 8 stand part of the bill.

Mr. GORE moved as an amendment, that the word "exceeding," on the fourth line, be omitted, with a view to insert the word "less."

The amendment having been out, was carried.

Mr. FERRETT proposed that in the eighth line the word "fourteen" should be substituted for

the word “ten.”

The COLONIAL TREASURER withdrew his motion, with a view to admit of Mr. Jordan’s moving a new clause, the same as clause 14, merely substituting the word “license” for “lease.”

Mr. JORDAN moved the clause accordingly.

The ATTORNEY-GENERAL thought the amendment of very little use.

Mr. TAYLOR was glad to find that Mr. Jordan had come out in his true colours at last, and had shown himself to be a true advocate of the squatters and their interests. He thought sixty days quite long enough for all the purposes stated in the clause. If any unforeseen accident occurred, he could trust the government to deal justly with the case. He considered the hon. member for North Brisbane had been merely trifling with the time of the house in proposing his amendment.

Mr. JORDAN withdrew his amendment.

Clause 8 was then proposed by the COLONIAL TREASURER.

Mr. FERRETT then repeated the amendment he had previously proposed.

Mr. O’SULLIVAN proposed that instead of 14 the number 5 be inserted.

Mr. LILLEY opposed the amendment of Mr. O’SULLIVAN, and Mr. BLAKENEY, Mr. JORDAN, and Mr. TAYLOR supported the amendment of Mr. Ferrett for fourteen years leases. The last mentioned gentleman, in the course of his remarks, expressed his opinion that the Land Bill introduced into the New South Wales Legislature by Mr. Forster was the best yet submitted to the public. The only objection he had to it was the frequency of the appraisement proposed in it.

The ATTORNEY-GENERAL was not disposed to object to the amendment.

Mr. HALY did not think that the time of occupancy was a question material to the point, so long as the squatter was ensured his run until it was required for purchase.

Mr. WATTS though some provision was necessary to protect the squatters against one another.

After a few remarks from Mr. THORN, Mr. BROUGHTON and Mr. FITZSIMMONS, the amendment for 14 years was put and passed.

Mr. FERRETT then proposed a proviso, to the effect that all leases made under promise, or entitled to be granted, should be transferable.

The ATTORNEY-GENERAL, Mr. LILLEY, and Mr. BLAKENEY pointed out that according to law such must be the case, and that therefore no fresh legislation was necessary.

The amendment was eventually put and negatived, and the clause as amended carried.

On clause 9 being proposed, defining the capability of a run, Mr. GORE proposed that the minimum number of sheep should be 100 instead of 160, and the number of cattle 20 instead of 32 to the square mile.

The COLONIAL TREASURER opposed the amendment as he thought one sheep to four acres was not too much.

Mr. BUCKLEY suggested that the word “equivalent” number of cattle should be substituted for a fixed number.

A conversation ensued in which Mr. FERRETT, Mr. HALY, Mr. O’SULLIVAN, Mr. COXEN, the ATTORNEY-GENERAL, Mr. TAYLOR, Mr. FITZSIMMONS, and Mr. WATTS took part, in which a very general opinion was expressed in favour of the amendment, on the ground that all runs were not capable of carrying the quantity of sheep and cattle proposed in the bill. It was contended that but very few, if any, blocks of land were capable of supporting 800 head of cattle, or even the proportion of sheep proposed. Mr. WATTS said he knew of a run on the Condamine 60 miles in length by 20 in breadth which was so poor in point of pasturage that it was impossible even to obtain a fat sheep from it. Mr. TAYLOR corroborated this view. Mr. FITZSIMMONS urged that even if the minimum suggested by the bill were fair for runs in the rich pastoral districts of the Downs, they might not be fair for runs in other districts, and especially in very remote parts of the

colony.

The amendment was then put and passed, and the clause, as amended, carried.

On clause 10 being proposed,

Mr. ROYDS submitted an amendment, which was opposed by Mr. WATTS and Mr. TAYLOR, for the reason that it would increase the leases by another year.

Mr. FITZSIMMONS supported the amendment, which was subsequently put and negatived.

The clause was therefore passed without alteration.

Clause 11, after a few explanatory remarks by Mr. JORDAN, who now withdrew his opposition to it, in consequence of certain amendments made in the bill, was carried unanimously.

The next proposed was clause 12, providing for the payment of rent, fixing the amount for the first two years, and the amount during the residue of the term of lease, the appraisement to be made in proportion to the number of sheep or cattle which the run might be estimated to carry.

Mr. RAFF proposed an amendment, to the effect that four years be substituted for two, and that the last portion of the section be omitted altogether, with a view to the insertion of the following :— The rent payable in respect of such lease for the succeeding periods of five years, and five years being the residue of the term comprised in such lease, shall be the appraisement made at the commencement of such periods of five years, and five years of the actual annual value of the run.

Mr. GORE was generally in favour of the amendment, although he had some doubt as to the principle which ought to be applied in ascertaining the actual valuation. A run 100 miles from water carriage could scarcely be considered as valuable as one within 50 miles.

Mr. RAFF explained that in fixing the valuation the circumstances alluded to would of course be taken into consideration, and by this means a really bad run would not be required to pay more than a proportionate amount of rent.

The ATTORNEY-GENERAL opposed the amendment in its present form. The market value for instance might be taken as the basis of calculation, and in that case a run might be valued at £20,000.

Mr. RAFF was willing to alter his amendment so as to make the annual value, in connection with other circumstances, the basis of appraisement.

Mr. JORDAN supported the amendment. It was right that they should establish a correct principle—just to the squatter and just to the public—for making a periodical valuation of runs. It was well known that runs, after having been stocked and used for some time, improved in pasturage; and it was, therefore, only fair that they should be valued accordingly.

Mr. TAYLOR said the last hon. member was altogether wrong in supposing that runs improved in pasturage after the virgin grasses had been removed. The reverse was exactly the case, the virgin grasses being the most valuable to the squatter. In proof of this he referred to runs on the Darling Downs, the pasturage of which degenerated as the native grasses and herbs disappeared.

Mr. BUCKLEY suggested that time should be taken to consider the amendment, and therefore moved that the clause should be postponed.

Mr. TAYLOR thought they ought to go on until twelve o’clock, and Mr. THORN was prepared to sit until four o’clock.

The house then resumed, and the further consideration of the measure was postponed until the next day.

The house adjourned at 25 minutes past 10, until 3 o’clock the next day.