

**Record of the
Proceedings of the Queensland Parliament**

...
Legislative Council
14th August 1860
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Extracted from the third party account as published in the
Moreton Bay Courier 16th August 1860

The President took the chair at half-past four o'clock, and read prayers.

TENDERS REGULATION BILL.

Captain O'CONNELL said that as there was but a comparatively small attendance of members, he would prefer that the consideration of the Tenders Regulation Bill be postponed till Tuesday next, when he hoped there would be a fuller house to discuss this most important measure.

Mr. YALDWYN objected to the delay proposed. He said the business of the country was not to be postponed because honourable members chose to absent themselves from their places in the house. He was in favor of proceeding to discuss the bill at once on its merits.

Mr. MACDOUGALL also opposed the postponement, while Mr. GALLOWAY supported it. The latter gentleman said it was well known that the measure was to be proposed on that day; and if honourable members went to their stations instead of attending in their places, those that remained, while they were enabled to form a quorum, were authorised to proceed with the public business, and were perfectly justified in proceeding to discuss the bill before the house.

Mr. FITZ agreed with his hon. and gallant friend Captain O'Connell, in the remarks he had made with reference to the necessity of obtaining as full a house as possible to consider the bill that had been submitted for their approval. He thought, however, that if the bill were read a second time then, the object of the hon. member would be gained by merely postponing the committal of the measure till Thursday next, when a larger attendance of hon members might be expected.

Captain O'CONNELL said as the feeling of the house was evidently against him he would withdraw his motion, and propose in lieu of it that the order of the day for the consideration of the Tender's Regulation Bill be postponed till after the fourth order on the business paper had been disposed of.

Leave to withdraw the original motion having been granted, the subsequent amendment of Captain O'Connell was put and passed.

UNOCCUPIED CROWN LANDS OCCUPATION BILL.

Captain O'CONNELL, in moving the second reading of this bill, said he conceived that as the measure was of the utmost importance, it was to be regretted that the attendance of hon. members was not so numerous as desirable. But as the house was anxious to proceed with the business, he was prepared to meet the wishes of hon. members, and would propose no further delay. The bill was intended to remedy an evil which had long existed, and which had operated most prejudicially to the great pastoral interests of the colony and indeed to its general prosperity, for under the system that had been in force during the last ten or twelve years a person could proceed into the interior, observe the character of the country, and send in his tenders for whatever tracts he might desire to the office in Sydney. The consequence was that much time was lost in forwarding the tenders to such a distance, and in having them reported on by the Commissioner; for the tenderer had to present himself in Sydney, and afterwards to proceed to

the district where the land he applied for was situated, and he could not obtain possession till after the Commissioner had inspected and reported upon the run, and the tender had been accepted in Sydney. The present bill proposed to make the communication between the government and the tenderer more direct and less circuitous than formerly by providing that applications should be made to Commissioners on the spot, and settled on the spot without inconvenience or delay. Another important advantage was proposed to be effected by the bill. Hitherto tenderers were not required to stock their runs, but were permitted to hold them on speculation. The consequence was that persons desiring to occupy and stock new country had either to go into the market and give large prices to persons in possession of runs, but who made no use of them, or to pass over an extensive tract of waste uninhabited territory before they could find a spot on which to establish a station. The bill before the house proposed to effect the gradual and progressive settlement of the country by abolishing the present system, and by compelling holders of runs to stock them within a reasonable period to within one-fourth of their grazing capabilities. He thought the value of the great pastoral interests had not been adequately appreciated by the country; but if statistics were referred to it would be found that much of the wealth and importance of the colony was due to the squatters. At one time the minimum price for pastoral lands was fixed at five shillings per acre, and the squatter was enabled to purchase his run or as much of it as he desired. But in addition, for every square mile he purchased he was allowed a certain number of convicts as assigned servants. Under that system the colony flourished, and to it we are indebted for the large wealthy proprietors of land whom we have in the country as permanent residents and improvers of the waste lands. The squatting system originated in 1839. Previous to that time the lands lying waste were taken up by the servants of the sheep farmers, who committed depredations on their masters' property, and compelled them to petition the government to take the pastoral interests under their protection, and sanction the occupation of the waste lands by stringent legislative enactments. By referring to statistics, it would be seen how much the revenue had gained by fostering the pastoral interest; for in the year 1858 the land sold within the nineteen counties, or settled districts, amounted to 438 acres of town allotments, 1798 of suburban, and 66,810 country, valued at £115,236 11s. 6d.; while in the pastoral districts there were sold 912 acres in town allotments, 3004 suburban, and 92,713 country, valued at £133,489. The value of land sold in the pastoral districts was thus much greater than in the nineteen counties; and this circumstance proved the importance of the pastoral interest, and their bearing on the improvement and settlement of the country. It was to be remembered also, that the mercantile and commercial prosperity of the country depended very much on the development of its pastoral resources. In the year 1858, a sum of £1,102,511 had been advanced by merchants on mortgages of squatting property. This amount was large, and it only showed how important the pastoral interests of the country were regarded by the commercial community, and how desirable it was to promote them by wise and equitable legislation. He had stated the two leading features of the bill, which he hoped would meet with the approval of the house. Matters of detail could be altered or amended in committee, when he (Captain O'Connell) would be happy to meet the views of hon. members, if their suggestions would tend to improve the bill without affecting the leading principles.

The bill was then read a second time, and Captain O'CONNELL moved that its consideration in committee stand an order of the day for Tuesday next.

Mr. YALDWYN said if any substantial reasons could be urged in favor of so long a delay, he would be happy to support it; but in the absence of such reasons, as he thought it advisable to have this measure passed through all its stages with as little delay as possible, he would move, as an amendment, that the committal of the bill stand an order of the day for Thursday.

Mr. FITZ supported the amendment, as he considered the house would be quite prepared to deal with the measure on Thursday, and longer delay was neither necessary nor desirable.

Mr. LAIDLEY also was in favor of the amendment, as he had heard no sufficient reasons urged for further procrastination.

Captain O'CONNELL thought it would be hardly right to hurry on so important a measure in such a hasty and inconsiderate manner. He thought it would be hardly decent to do so.

Mr. YALDWYN said he did not see what necessity there was for postponement. Hon.

members had considered the measure carefully already, and were prepared to proceed with it at once;—they had thought over it, slept over it, and dreamt over it, and he did not think any benefit would be gained by longer delay.

Captain O'CONNELL'S motion having then been put, was carried on the following division:—

Contents, 5.		Non-contents, 4.	
Mr. Galloway		Mr. Laidley	
“ Roberts		“ Yaldwyn	
“ Bigge		“ Fitz	} Tellers.
Dr. Fullerton	} Tellers.	“ Macdougall	}
Capt. O'Connell	}		

LIBEL BILL.

The CHAIRMAN OF COMMITTEES moved the adoption of the report of the committee of the whole on the Libel Bill, but subsequently withdrew his motion, and proposed that the President leave the chair, and that the bill be re-committed, with a view to the reconsideration of one or two of the clauses.

The question having been put was passed, and the house resolved itself into committee accordingly.

Mr. GALLOWAY proposed that clause 15 be re-committed, as it had been passed without due consideration on a previous occasion, when several errors had been overlooked in its provision. He was under the impression when the house was in committee on the bill before, that damages, if awarded below ten pounds, carried costs; he found, however, they did not do so without a special order from the presiding judge. He desired, therefore, to amend the clause, with a view to meet such cases, and would propose that in the seventh line of page five all the words from “period of” to “and any” in the thirteenth line be omitted, with a view to insert in their stead the words “three calendar months when the damages are less than £10, six calendar months when under £100, and twelve calendar months when exceeding £100.”

The amendment having been put and passed, the Chairman left the chair, on the motion of Mr. GALLOWAY, and reported the bill with amendments to the house.

On the motion of Mr. ROBERTS, the adoption of the report was fixed as an order of the day for Tuesday next.

RETURNS.

Captain O'CONNELL laid upon the table, in answer to an address that had been agreed to on the motion of Mr. ROBERTS, a return of all lunatics confined in H.M. Gaol during the period commencing the 1st January, 1860, and ending 31st July of the same year; also a similar return for the period between 1st January, and 31st July, 1860.

The documents, on the motion of Captain O'CONNELL, were ordered to be printed.

GRAMMAR SCHOOLS BILL.

Captain O'CONNELL moved the third reading of this bill. He would not detain the house with any lengthy observations on the measure at the present stage of proceedings, but would merely express a hope that the important amendments which had been made in the bill by the Council, and which he considered greatly improved it, would meet with the approval of the Assembly.

Dr. FULLERTON moved the recommittal of the bill with a view to amend clause 1.

Mr. GALLOWAY seconded the amendment as he had an amendment to propose on clause 8.

Captain O'CONNELL thought it unnecessary to recommit the bill. He regretted that the hon. member, Dr. Fullerton, had not been present when the house was in committee on the bill before. But the amendment which had been made in clause 1 had been attentively considered by

the committee, and was not hastily or thoughtlessly inserted.

Mr. YALDWYN concurred in the remarks that had fallen from the previous speaker, and thought the bill as it had been amended by the Council would admirably adapt itself to the wishes and wants of the people.

A division having been called for, the original motion was carried, the members voting as follows:

Contents, 5.	Non-contents, 4.
Mr. Laidley	Mr. Fullerton
" Yaldwyn	" Bigge
" Roberts	" Macdougall } Tellers.
" O'Connell } Tellers.	" Galloway }
" Fitz }	

The bill was then read a third time, passed, and ordered to be carried to the Legislative Assembly, with a message in the usual manner.

TENDERS REGULATION BILL.

Captain O'CONNELL moved that the order of the day for the second reading of this bill be postponed till Tuesday next.

The motion having been seconded, Mr. YALDWYN rose to object to the postponement. He thought the house should proceed at once with the second reading of the measure, which was one much required by the county, and which, therefore, it was desirable to pass as speedily as possible. There was a maximum of good in the bill, and but a minimum amount of evil, which did not affect its main features in the least.

The motion having been put, was negatived on the following division:—

Contents, 4.	Non-contents, 5.
Mr. Bigge	Mr. Laidley
" Galloway	" Fullerton
" O'Connell } Tellers.	" Fitz
" Roberts }	" Macdougall } Tellers.
	" Yaldwyn }

Captain O'CONNELL then said, as the sense of the house had been taken, and was in favor of proceeding at once with the measure, he would move its second reading accordingly. The bill was one of great importance, as it would tend materially to enhance the prosperity of the country by placing the pastoral interest on a better footing than the one they at present enjoyed. Under the system now in operation, a person without means, and with no prospect of obtaining any, could get from the government a title to land, which enabled him to exclude the bona fide squatter from occupying or stocking it, unless he paid a large price to the holders of the title. The bill proposed to cure this evil by bringing all the country tendered for up to the present time in the unsettled districts under its operation, and enforcing the condition of occupancy and stocking. Hon. members were all aware that large tracts of country that had never been seen had been tendered for by speculators whose operations proved detrimental to the pastoral interests, and very injurious, in consequence, to the revenue. The bill was simple both in its principles and in its details, and if the former were affirmed, as he had no doubt they would be, by the second reading of the measure, the latter could be easily altered or amended in committee.

The motion having been seconded by Mr. ROBERTS, the question was put, and passed, the committal of the being fixed as an order of the day for Tuesday next.

NOTICE OF QUESTION.

Mr. ROBERTS gave notice that he would ask the hon. gentleman representing the government in that house, to state the number of deeds of grants that had been issued by the government of Queensland.

On the motion of Captain O'CONNELL, the house adjourned at a quarter to six o'clock, till half- past four p.m. on Tuesday next.