

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

...  
**Legislative Assembly**  
**23<sup>rd</sup> May 1861**

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Extracted from the third party account as published in the  
Courier 24<sup>th</sup> May 1861

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The Speaker took the chair at ten minutes past three.

**OCCUPATION OF RUNS.**

Mr. FITZSIMMONS pursuant to notice asked the Attorney-General the meaning of the word occupation, as used in the *Government Gazette* of the 12th March last. He had been induced to ask this question owing to having received many letters from the country asking for information, and he should like to see the opinion of the Attorney-General on the matter set forth.

The ATTORNEY-GENERAL said that he understood the word "occupation" referred to mean the occupation of stock.

**SUPREME COURT BILL.**

The ATTORNEY-GENERAL gave a contingent notice of motion making certain necessary alterations in this bill as at present printed.

**GOVERNMENT CIRCULARS.**

Mr. FERRETT asked the Colonial Secretary, whether the circulars issued to the heads of government departments was to be considered a peremptory order to the officers in such departments to attend the levee, to be held by his Excellency?

The COLONIAL SECRETARY explained that the circular referred to was issued because it was found that an erroneous impression prevailed as to the right of persons to attend the levee. It seemed to be imagined by many people that persons not on the visiting list at Government House should not attend. The attendance at the levee was of course a mere mark of respect to her Majesty, and was not in any way personal to the Governor. The circular referred to was not in any way compulsory, and those only who chose to attend need do so.

**ADJOURNMENT OF HOUSE.**

The COLONIAL SECRETARY moved that the House on its rising do adjourn to Tuesday, June 11th. Owing to circumstances over which the House had no control, it was very improbable that, should they meet before that time, they would be able to muster a quorum. Most members would be taken away by important occupations elsewhere. The government would likewise find the adjournment convenient, as it would give them time to complete some important bills, and bring up other arrears of business.

The ATTORNEY GENERAL seconded the motion, which was put and passed.

**LAW OF FALSE PRETENCES.**

The third reading of the bill to amend the Law of False Pretences was carried; and the measure was transmitted for the consideration of the Legislative Council.

**IMMIGRATION.**

On the motion of the COLONIAL SECRETARY, the house resolved itself into a committee of the whole to consider the present Immigration Regulations.

The COLONIAL SECRETARY, in accordance with the intention he had expressed upon a recent motion of the hon. member for Western Downs, had brought these regulations before a committee of the whole house, in order that questions might be asked, and additions and amendments be proposed, with greater facility, than if the matter were brought under the notice of the house itself. He thought it

was apparent that in the country at large, a deficiency of information existed regarding the Immigration Regulations. A large number of people did not know on what terms they could introduce their friends into the colony, and employers of labor did not seem fully to understand on what terms they could import labor. Immigration to this colony from the mother country had ceased for eight or ten months, in consequence of our failure to obtain our proportion of the £60,000 voted by New South Wales for immigration purposes. A fifth of the money so voted had always been allotted to Moreton Bay, and the government of Queensland reckoned upon receiving their usual share of the vote referred to, but were refused. When the immigration received through New South Wales stopped, of course we had to start upon our own account, and the government were now acting upon the recommendations contained in the report of the Immigration Committee of last session. That report, however good its recommendations might be was not sufficient. The government were compelled, in accordance with the report, to put a stop to the Remittance System by which immigrants would be introduced by their friends out here paying £4 per head. He should now ask them to reconsider this point. There were other features in the scheme which were apparently not thoroughly understood. It offered great advantages to the pastoral tenants of the Crown for the introduction of that labor, the scarcity of which they had so often bewailed. If these advantages were more widely understood they would be more largely made use of. The stoppage put to the importation of immigrants at the expense of the revenue was at the time it was determined on doubtless very judicious. It was found that immigrants so imported did not stop here but proceeded to other colonies and consequently did not benefit this colony by their labour. Now the case was different; the tide of population tended at present towards this colony from the other colonies. There were not those superior inducements held out to labour in the Sydney or Melbourne markets which once prevailed and attracted immigrants from this colony. No doubt we should have no difficulty now in retaining immigrants brought out in the mode referred to. He did not however at present intend to advise the House to revert to the old system of bounty emigration. The arrivals coast-wise for the year were equal to three large emigrant ships. He was not alluding to the absolute number of arrivals, but the surplus of arrivals over departures equalled the amount he had stated. Thus the colony had not suffered as much as it might have done from the temporary cessation of immigration from England. Before they made any radical changes in the present system it would be better to first have some report from England as to the working of that system. He thought that the best system for the colony would be a combination of all the systems. (Hear, Hear.) Population should be introduced by every means possible. A few alterations might be considered advisable in those parts of the present system affording facilities to people who wished to introduce their relatives, and to employers who wished to introduce labour. (The hon. member here quoted the recommendations of the Immigration Committee.) These recommendations, coupled with the opinion of the committee that we should not continue the importation of immigrants brought here at the cost of the public revenue, reduced our present system to three heads. 1st, there was the guarantee system, by which the employer paid the immigrant's passage; the immigrant being entitled to receive his land-order when the amount of his passage had been refunded to his employer, in the shape of labour; in default of such amount being refunded, the employer, of course, receiving the land order. Under this regulation, as yet, only 70 or 80 immigrants had been applied for. 2nd, there was the regulation granting land-orders to people who paid their own passage out, upon satisfactory proof of such passage having been paid. These land orders were also granted to people who arrived direct to this colony via Melbourne or Sydney. They, of course, must not have stopped at either of those places for any time, but must have come on direct, and must also have made an affidavit that it was always their intention to come to Queensland. 3rd, there was the provision for the importation of female domestic servants of a good character. A ship was already on its way to this colony, having left London in April last, and about one-third of the immigrants consisted of female servants. It also brought remittance immigrants, whose friends out here had paid £4 for their passage. He would take an opportunity of contradicting a statement which had appeared in some of the papers, to the effect that this ship was sent out by Dr. Lang. This was not the case, although no doubt he (Dr. Lang) would soon be sending out a ship. There were one or two defects in the working of this system of land orders which he would bring under the notice of the House. Attempts had already been made by private parties to make a profit to themselves out of the system. A family could contract with the shippers of Liverpool for a passage at a reduced rate. They might make a voyage to this place and get land orders, dispose of them, and then be off to the other colonies. Another defect in the system was this; land orders being transferable by endorsement, had already been offered for sale below their real value, and of course at a profit to the speculator. He had heard that a land order worth £18 had been offered for sale for £12. He believed there was no absolute necessity to make these land orders transferable. The principle reason for making them negotiable was that the Government did not like to tell the immigrant as in New Zealand, that he must take a certain piece of land in consideration of his passage, or else have none at all. The

immigrant in such cases was often discontented with his piece of land, and complained of being swindled by the colonial government and their agents at home. This evil it was desirable to avoid, and hence the land order was rendered transferable by endorsement. He questioned, however, now the wisdom of permitting these orders to be transferable. The immigrant should keep the order, and if he did not think it worth while to occupy the land it represented at once, he could wait for two or three years, and employ the order towards any subsequent purchase of other land, such as a town allotment, which he might make. To meet the other abuse of the system to which he had referred, viz., parties taking this colony in their way from London to Sydney or Melbourne for the purpose of getting land orders, he would suggest that it might be obviated by not bestowing the land order until six months after the arrival of the immigrant, making it necessary that he should have been resident here six months. It was not necessary for the immigrant to go upon his land at once, and the scheme he (the Col. Sec.) suggested would, perhaps, meet the difficulties of the case. If a family should happen to come to this port on their way to another colony, and reside here for six months, for the mere purpose of getting the land orders, the colony would not be a great loser in such a case. He believed the hon. member for Ipswich (Mr. O'Sullivan) was prepared with a resolution to be submitted to the committee, causing a return to the discarded remittance system, by which, by the payment of £4, people out here could get a friend or relative at home sent out. He (the Col. Sec.) thought this system a highly desirable one. The emigrants brought out under that system would be of a most desirable class, and having their relations and friends in the colony would be more likely to stop in it than those who did not possess such ties. The person out here who desired to bring out his relative had, it was true, under this system, to pay only £4, but even although such were the case, the government made a very good bargain by bringing out this class of people at the price stated. It had also been suggested by the honorable member for Ipswich that no definite provision had been made by the land order system for the passage of children below the age of four years, and that honorable member suggested that these should be brought out at the public expense. He thought difficulties might arise in the practical working of that suggestion. If a family consisted of the father and mother, two elder children, and two children below age, the elder branch would pay their passage, and come out at their own cost, under the regulations, in one vessel, whilst the younger branch would have to be paid for by the Government, who would scarcely like to send them out in a different vessel conveying immigrants of a different class from their father and mother. It was better that the parents should pay the passage of these young children, and receive a land order of a proportionate amount. A great portion of the immigration regulations, as would be seen, consisted of the old stereotyped rules having reference to mixed pickles, flannel petticoats, &c. (Laughter.) He was not answerable for these rules; he found them in existence, and no doubt in operation, they had been found highly salubrious. It would be seen, by reference to the regulations, that the facilities afforded by the 8th clause for the introduction of "relatives," had been likewise extended to "friends" of parties out here. By the payment of £18 down, to the proper authorities, a person was enabled by this clause to receive a land-order, and provide for the passage of a friend or relative from England. He inferred that no great use would be made of this inducement if the £4 payment, under the remittance system, came into operation again. With reference to the last clause in the regulations, by which persons could employ agents to bring out the class of labour they required, providing they paid the usual deposit of £18 to the government for each person, he (the Col. Secretary) thought it required alteration. Parties, according to this clause, received the land-order for every immigrant for whose passage they paid, and whom their agent would send out. A squatter wishing to buy land under the pre-emptive right might obtain land-orders in this way, and then proffer the land orders in payment for the purchase of land bought under the pre-emptive right. The land order represented £18, and a person could bring an emigrant out for £15. If by means of land orders obtained under such circumstances a squatter purchased 320 acres under the pre-emptive right, of course the colony would be a great loser by the transaction. This was not the way the regulation was intended to work. He (the Colonial Secretary) thought the regulation altogether was unnecessary, but if it were continued it would certainly require modification. The last clause was No. 9, and emigration under that clause he believed was at home proceeding rapidly. German emigrants were on the way, and he believed that Dr. Lang would soon send a number of immigrants from the mother country. Mr Jordan their own agent, had, he believed, arrived, although no communication had yet been received from him. We might anticipate now a steady stream of immigration of a good kind and sufficient in amount. Any suggestion made by any honorable member upon this important subject would meet with the attentive consideration of the government, who hoped, after the recess, to be able to present a draft of fresh regulations. He believed as far as he could judge, that the land order system had, as yet, proved effectual, and in the present circumstances of the colony, he should deprecate any attempt to abolish it.

Mr. O'SULLIVAN was gratified to find that the Colonial Secretary intended to support the re-

establishment of the remittance system. They had by this time experienced the error they had committed when they did away with it. He did not understand when the report of the committee was adopted last session that the effect of that report would be to do away with the remittance system. Had he done so he should have voted against this report. (The hon. member here read the resolution which he intended to submit to the house, affirming the desirability of re-establishing the remittance system as before in existence.) This system, he contended, was eminently calculated to bring out a class of emigrants who, having their friends and relations in the colony, would stop here, and upon whom the influence of those friends and relations would exercise a most beneficial effect. The Emigration Commissioner of New South Wales, who for a long time was an opponent of this system, had now been converted, and acknowledged its advantages. (The hon. member here quoted from a report of that commissioner, in which the remittance system was recommended in strong terms.) The class of emigrants brought out by Dr. Lang's ships, he (Mr. O'S.) admitted, was a most desirable class, but they were not the sort of men to compose the bone and sinew of a new country ; and the men brought out under the remittance system generally were such a class of men.

Mr. GORE thought that to save time, as most honorable members, he felt sure, concurred with the remarks of the Colonial Secretary, it would be better for any member who had a suggestion to offer, to confer with the government during the recess, and after the recess the Government would be enabled to come down and place improved regulations before the House. It would be a mere waste of time to now go through the regulations, clause by clause. He was opposed to the Colonial Secretary on one point. He understood that honorable member to be in favour of making the land orders not transferable. Now he (Mr. Gore) might be desirous of introducing say eighty men, but he might not wish to possess the amount of land which, by paying their passage money, he would obtain. He thought he should be permitted to dispose of some of these land orders thus obtained, so that he might devote the proceeds to the cultivation and improvement of the land which he felt himself justified in retaining.

The COLONIAL SECRETARY expressed himself desirous that the discussion should proceed, as he was anxious to elicit the opinion of hon. members upon the important subject before the committee.

Mr. FORBES suggested modifications in the 9th regulation. He also thought that a regulation should be framed to admit of companies, who desired to import labor and receive land orders, being enabled to import their labor, as they required it. If a company invested, say, £2000 in the importation of labor they should receive land orders to that amount, but should not be compelled to import the number of immigrants this presented all at one time. They should be permitted to extend the importation over (say) three years.

Mr. R. CRIBB thought that the suggestion of the Colonial Secretary to make the land orders not transferable would do away with the best part of our land regulations. (No, no, from Mr. Lilley). The hon. member knew that if the orders were rendered not transferable it would give a good deal more work for the lawyers.

Mr. LILLEY rose to explain that his reason for rendering the orders not transferable was that this course would prevent the operations of land jobbers and speculators (laughter).

Mr. R. CRIBB continued. He thought that the fact cited by the Colonial Secretary told in his (Mr. C.'s) favour. If a land order under present circumstances sold for £12 being worth £18, what would be the value of it if it were not transferable. He maintained that in spite of any regulations, it would be disposed of if its owner wished to dispose of it, and by being made not transferable, it would be disposed of at a diminished value. He concurred with the remarks of the Colonial Secretary as to the desirability of not giving the immigrant the land order until he had been here six months. The great object of the land bill was to introduce population, and by rendering the land orders not transferable that object would be defeated. A stop would be put to the exertions of Dr. Lang and others who had gone home to induce immigration, relying on the fact that these orders would be transferable. This formed the whole basis of such operations. He predicted that any interference at the present time with our land laws so recently passed, would have a most disastrous effect upon the reputation of this colony amongst the emigrating classes in the mother country.

Mr. LILLEY agreed with the Colonial Secretary as to the expediency of making these land orders not transferable. He contended that, as a lawyer, he so far from being benefited by this arrangement, would be injured by it. His object in advocating the views he held, was to save the poor man with his land order from falling into the hands of land sharks and land jobbers. (Hear, hear.) He objected to a man like Dr. Lang going home and making use of the land regulations to forward a commercial speculation for his own benefit. (The hon. member here proceeded to refer to a letter recently published in a local journal by Dr. Lang, in which the report of the committee appointed last session to

sit on his petition, was commented on.) He (Mr. L.) contended that every member of that committee did his duty impartially. They had sufficient evidence before them to justify them in coming to a verdict less merciful than the one they returned upon the case. (Hear, hear.) The report was based on truth and justice, and he objected to Dr. Lang writing lying statements to the colony concerning that report. He concurred in every word of the report although he was biassed in Dr. Lang's favour when he first moved for that committee. He (Mr. L.) was in that house pledged to do what was right towards his God and his country, and he would be willing to submit the report and the evidence upon which it was based to any impartial jury, and they should decide upon its justice. Out of his own mouth Dr. Lang was convicted, and his evidence plainly set forth that the movement he and others were at that time engaged in was a religious and sectarian movement. (Loud cries of "Hear, hear," and "No, no.") When a man dared in public print to make such statements as Dr. Lang had done about that committee, he ought at least to prove his case. (Hear, hear.) Dr. Lang himself, in his evidence, said that the colony was being overwhelmed with Irish Roman Catholics, and that he and others had entered upon a scheme to counteract this evil. (Hear, hear.) Neither could Dr. Lang deny that this was also a commercial speculation. A perusal of the evidence would satisfy anyone of that fact. The evidence of Dr. Hobbs, and also of the hon. member for North Brisbane, tended to prove that it was generally considered that the Doctor's scheme might, if properly carried out, prove a profitable commercial speculation. (Hear, hear, and "No, no" from Mr. Cribb.) As he had before observed, he thought that for the protection of the poor man, to save him from the claws of the landjobbers, these orders should be made not transferable.

Mr. R. CRIBB contended that the previous speaker had failed to prove that the making these land orders not transferable would not benefit the lawyers more than any other class. The simple transfer of the land order by endorsement would interfere with the conveyancer's fees. The land shark would certainly, if the order were not transferable, take advantage of that fact and be much more exacting in the terms upon which he met the "poor man" who might wish to dispose of it. He denied that his evidence before the committee upon Dr. Lang's petition tended to prove that which the hon. member had asserted it did. As for the evidence of Dr. Hobbs, for that he (Mr. C.) was not answerable. Perhaps it would be better for the country if the hon member (Mr Lilley) possessed some of that philanthropy which characterised Dr. Lang. (Oh, oh.) Had Dr. Lang devoted his talents and energy simply to his own aggrandizement, he might now have been a rich man instead of a poor one. (Oh! oh!) He (Mr. Cribb) contended that by rendering the orders not transferable we should deprive our land system of one of its chief recommendations.

Mr. MOFFATT thought the debate ought to be postponed, if it were only to allow the government to introduce a series of resolutions embodying definite principles and a systematic mode of operation. Such a course would admit of the matter being fairly discussed, and a satisfactory result arrived at; and, considering the importance of the question involved, he thought it was not too much to ask time for further consideration. For his own part, he was not prepared at present to say whether the land order for immigrants should be transferable or not, under certain conditions, and therefore he asked time for further consideration. He believed that some of the recommendations made in the report of the Immigration Committee of last session were extremely valuable, and especially the one relating to the land-order system; but, as there were many persons desirous of emigrating who were unable to pay their passages so as to render themselves entitled to the bonus, and as the colony at the present time was very much in need of labor he thought that some scheme should be adopted enabling the government to provide for the exigencies of the case by sending home before hand an adequate sum of money to keep up the stream of immigration. In the northern districts of this colony he was aware that a very great demand for labor at present existed, and that the high rate of wages now prevailing proved a very serious impediment to the improvement of the colony. The hon. gentleman here adverted to the land regulations as adopted by the government, and pointed out some cases in which amendments might be made. He concluded by stating that he was glad to observe the cordial spirit in which the question had been discussed, and he was in hopes that something satisfactory would result.

The COLONIAL SECRETARY said the whole sum of £12,000 had already been sent home for the purpose of importing immigrants, and that in addition to the shipload of immigrants for Brisbane there was another chartered for Rockhampton. After the discussion which had taken place, he believed the government would be enabled to come down to the house with some amended scheme of immigration which would give general satisfaction.

Mr. BLAKENEY was in favor of concluding the discussion that evening as he believed that the opinions thus elicited would enable the government during the recess to come down with a more complete measure than they might otherwise be prepared to introduce. He expressed his satisfaction

that the old system of immigration was likely to be resorted to, and he also expressed his concurrence in the opinions of his hon. colleague that the existing land regulations ought not to be tampered with.

Mr. WATTS endorsed a great deal that had fallen from the hon. member for Ipswich, (Mr. O'Sullivan) relative to the system of immigration remittances, and also many of the opinions expressed by the hon. member for the Western Downs. He had no doubt that the discussion which had taken place that evening would induce the government to devise a more comprehensive and satisfactory system of immigration. With regard to the want of labour he could bear testimony to the fact that the observations of previous speakers on this point were fully borne out by the circumstances of the case. He knew from experience that in many districts of the colony labour of any kind was most difficult to be obtained, and that the wages consequently were exorbitantly high. In reference to the transfer of land orders for immigration he agreed to a great extent with the arguments of the hon. member for Fortitude Valley. He believed that such a principle was only calculated to encourage speculation at the expense of the poor immigrant by transferring the profits of the latter into the pockets of land sharks. The hon. member then went on to illustrate his argument by a reference to the proceedings of Dr. Lang and his son, as disclosed in a letter published by the rev. gentleman in the public press, whereby it appeared that those gentlemen had established an immigration office in Edinburgh. The hon. gentleman argued that such an office might lead, if the land orders were transferable to a system of trafficking in immigration directly antagonistic to the object contemplated by the land act, and as an instance of this he adduced the fact that Dr. Lang, when examined before the select committee of last session appointed to inquire into his own petition, stated that the passage of each immigrant cost £14 and yet he charged £20. Under all the circumstances of the case he thought the government ought to guard against the intrusion of land sharks.

Mr. R. CRIBB contended that under the present system a greater number of young females were likely to emigrate than perhaps any other. With regard however to the concluding observations of the last speaker he thought it was a pity the hon. member when stating the cost of each emigrants passage to be £14, did not also show the amount of expense to which Dr. Lang was subjected to in carrying out his immigration arrangements. This explanation, he imagined, would put a very different complexion on the case.

Mr. COXEN was in favour of making the land orders transferable because, unless this was the case, the employers of labour might at times experience a very great deal of difficulty in the disposal of their servants. But he would nevertheless make the orders transferable only in the cases of employers. He would also compel such servants upon engagement to enter into an arrangement for a repayment of the passage money by instalments.

Mr. O'SULLIVAN thought the Colonial Secretary's idea to be a very good one, and he should therefore support it. Adverting to the agency system of immigration, he contended that a greater breach of privilege, so far as that house was concerned, was committed in the published letter of Dr. Lang, to which so much reference had been made, than was committed by the newspaper brought before the bar of the house a day or two previously. The hon. member then proceeded to deprecate the private agency system as being only calculated to promote a pecuniary speculation, profitable perhaps to the agents, but certainly injurious to the immigrants. As an example of what Dr. Lang had done in this matter, he quoted from the evidence of two witnesses—(Stanley Hall and George Dickens)—who were examined before the select committee appointed to inquire into his (Dr. Lang's) own petition, to show that each of these persons had paid him no less than £100 as passage money, and yet had received no equivalent in land, or even in money.

Mr. FITZSIMMONS regretted that Dr. Lang's name had been brought forward, as he did not think it was at all necessary to their present discussion. There could be no doubt that the doctor's main object was to retard as much as possible the influx of Irish immigration into this colony, for the simple reason according to the rev. gentleman's imagination, that if such a course were not adopted, this colony would become as Irish as Ireland itself. (Laughter.) Whether such a result could be considered a calamity or not he would leave the House to judge, but entertaining as he did, a very high respect for the Doctor's ability and services, he must again repeat that he regretted very sincerely the circumstance of his name having been brought up in this debate.

Mr. FERRETT made a few observations, in substance much the same as those offered by previous speakers. Under all the circumstances of the case he was of opinion that further time should be given for consideration, and he therefore moved that the chairman do now leave the chair,

After some desultory discussion as to whether the debate should be brought to a close then or adjourned to a future occasion,

Mr. BLAKENEY drew attention to the fact that there was not a quorum of members present.

The house then resumed, and there not being the required number of members present, the Speaker adjourned the house at 10 minutes to 6, until 3 o'clock on the 11th of June.