Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY, 31 AUGUST 1864

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LEGISLATIVE ASSEMBLY.

Wednesday, 31 *August*, 1864.

Reservation of Agricultural Lands.—Lying-in Hospital.—Alienation of Crown Lands Amendment Bill.—Appointment of Commissioner for settlement of accounts with New South Wales.—Appropriation Bill, read 2°.—Evidence Bill, read 2°.—Export Duty on Gold Bill (Privilege).

RESERVATION OF AGRICULTURAL LANDS.

Mr. DOUGLAS moved the following resolutions:—"That in order to provide for the future settlement of an agricultural population, in a locality suitable for the growth of cereals, it is expedient to set apart for sale the land adjacent to, and lying on, the western slopes of the Main Range. That in order to give effect to the foregoing resolution, an address be presented to the Governor, praying that on or before the 1st of January next ensuing, His Excellency will cause notice to be served upon the occupants of Crown lands within the limits hereinafter set forth, that the runs or portions of runs therein included shall be resumed for sale:—Commencing at a point on the Main Range parallel to the Crow's Nest, thence by a line westerly till it intersects the road from Rosalie Plains to Drayton; thence by that road to Drayton; thence by the road from Drayton to Warwick, *viâ* Eton Vale, Pilton, and Allora; thence by the Maryland road to the southern boundary of the Colony; thence easterly by that boundary to the Main Range; thence by that range so as to include the heads of the western watershed, to the point of commencement." The subject had incidentally arisen from the resolutions of the Assembly for the encouragement of agricultural societies. In the course of the debate on those resolutions, it had been urged that there was no large extent of land in this Colony adapted for agriculture—that was to say, the country adapted for the growth of cereals was limited in extent. The substance of these resolutions had been embodied in a motion of the late member for Maranoa; but his (Mr. Douglas') resolution was more comprehensive in its character, and included a larger scope of country. In this matter they should exercise the widest liberality. As the scope of land in Queensland for agriculture was limited, care should be taken that the really available land should be devoted to the purpose for which it was fitted. The portions of land referred to in his resolution in reference to the Main Range, were some of the most elevated in Queensland, contained the best agricultural soil, and were not—like much other good agricultural land in the Colony—liable to floods. The country was suitable for agriculture, and most of it was above high-water mark. It was, therefore, desirable that it should be set apart as an agricultural district. As they had now spent a large amount of money for conveyance to the interior, it would be as well to take into consideration the desirability of affording means for the acquirement of land in that part of the Colony available for agriculture by a future population. This could be done without affecting the existing rights of property. The leases in the country referred to would expire in 1865 and 1866, and the Government could then reserve the land mentioned in the resolutions for the purpose stated. He was aware that on the Downs a large amount of water frontage had been alienated by the Crown to the present pastoral occupants under the pre-emptive right, and in accordance with law. He did not consider the pre-emptive right, as practised on the Darling Downs, a desirable system; but the occupants were perfectly justified in taking advantage of those privileges which the law conferred upon them. The Government might, however, have made the system

more equitable by exercising a wiser discretion in checking the monopoly of water frontages. On the Downs, a large portion of back country had been rendered unavailable by the intending occupant, owing to the fact that it commanded no water, as the whole of the water frontages had been taken up under the pre-emptive right. He had no wish to make inroads into vested rights; but he did consider that at the present time they were bound to make due provision for what was a most important interest—and which, although it had not at present attained to its full growth, would be increasing every year. This resolution, if carried, would afford some fair scope for future enterprise in connection with an interest which should be encouraged. He had introduced this motion to some extent at the instance of the late member for the Maranoa, Mr. Kennedy, and also because he believed its principles to be intrinsically just.

Dr. CHALLINOR agreed with the object sought to be attained, but conceived that the means proposed would not effect that object. He considered that the regulations relating to the occupancy of agricultural reserves had been, to a great extent, a failure.

The MINISTER FOR LANDS AND WORKS observed that lower down on the paper was a Bill on this same subject, to be brought forward by the honorable member (Mr. Douglas). He trusted that honorable member would not inflict upon the House a second debate this evening, with regard to the one question. That honorable member had made out no case in favor of his resolutions. If the honorable member were prepared to show that a public demand existed for any portion of the land mentioned in his resolutions, the Government would be prepared to exercise those powers which they at present possessed, and to resume such land from the pastoral lessee. But at present the quantity of land in the market was sufficient to meet all demands. Much of this land, he admitted, would meet the purposes set forth in the resolutions, and a day would come—and was perhaps not far distant—when the Government would have to resume portions of it for sale. He saw no good, however, in taking the land now from the pastoral lessees without any object. Such a course as that proposed would only give some people without much capital an opportunity of running herds of cattle and flocks of sheep upon the ground without paying rent, and thus, perhaps, afford facilities for the introduction of scab and other diseases amongst the runs of the Colony. It would also, unless another Act was passed, lead to facilities for bushranging and cattle-stealing—the gorges of the Main Range would become a nest of cattle-stealers. The Government had, at present, power to resume the land, and take it from the pastoral occupants as soon as it was wanted.

Mr. WIENHOLT said that the mover would not have brought forward this resolution had he been a Darling Downs squatter. As it was, that gentleman had sold his run, and perhaps regretted having done so. He, therefore, now desired to injure the Darling Downs squatter as much as lay in his power.

The SPEAKER must call the honorable member to order. He must put a stop to the practice of that honorable gentleman of attributing personal motives to other members.

Mr. WIENHOLT would retract his observations. He thought the pre-emptive right, as practiced on the Darling Downs, had proved beneficial to the interests of the Colony rather than detrimental.

Mr. BROOKES remarked upon the disinclination of members opposite to discuss any questions affecting the Darling Downs squatters. This was evinced the other night when Dr. Challinor brought forward his resolutions relating to pastoral occupancy—the principles of which resolutions would yet have to be recognised in this Colony. Although the motion might not be carried, yet resolutions of this character were of service, as they instructed the minds of honorable gentlemen opposite, and made them acquainted with facts and principles which they would be yet compelled to recognise. In common with many others, he was at a loss, for one thing, to understand why the Darling Downs should still be classed among the "unsettled districts." He contended that the House had voted a large sum for immigration, and that their object must be, not to keep these accessions of population at the sea-board, but to convey them to the interior, where they might settle on the land. The enormous expense they had gone to for a railway, also, could not have been solely to bring down some bales of wool, hides, and tallow. It was to facilitate the occupation of the interior by a working population that the railway was constructed; and these resolutions, designed to reserve available land for such a population, were now, after the railway has been assented to, very appropriately introduced. As regarded the pre-emptive right, he knew that its exercise had been not beneficial as used by some of the squatters on the Downs. Cases had come to his own knowledge in which squatters had secured an exclusive monopoly of waterholes, and thus made the surrounding country useless, and put it out of the market. At the same time, in spite of this, he believed that the reading of the fee simple showed that there was a way of getting at the waterholes. The cry that these resolutions were intended to encourage cattle-stealing was like a man of straws put up in fields to scare away the birds. There was nothing in the resolutions to encourage cattle-stealers.

Mr. COXEN agreed with the objects which the mover professed himself desirous to attain, but did not see the advantage to be gained by taking from 700,000 to 1,000,000 acres of land from the pastoral tenant before such land was required. The time would

come, and was not far distant, perhaps, when a great portion of this land would have to be withdrawn; but such a time had not yet arrived. As long as a sufficiency of land was in the market, as was the case at present, he did not see why the honorable member should ask for more. He did not speak as a squatter, nor as a party immediately interested. He had long given up squatting, and was now an agriculturist. He might state that he agreed with the member for West Moreton (Dr. Challinor), and did not believe in our regulations with regard to the agricultural reserves. They were far too stringent, and precluded people from taking up the land. He trusted that they would be amended next session.

Mr. Douglas, in reply, stated that the Bill he had framed would meet the abuses which the Minister for Lands had instanced. He did not wish all this land to be at once withdrawn absolutely; he simply wished to give the power to the Government to reserve it.

The Minister for Lands: They have that power at present.

Mr. Douglas denied that he had an enmity to the Darling Downs squatters: on the contrary, he had a fellow-feeling for them. He was not, as stated by the member for Warwick, a prejudiced person; he ought rather to be considered an impartial judge, as he had no interest in the Darling Downs—a position which that member could not claim, as his interests and his pockets were affected by the question before the House. He estimated the land mentioned in his resolution at 700,000 acres, which was but a little slice as compared with the Darling district—which, in itself, was but a small portion of the Colony. He saw that he had no chance of carrying his resolutions, and would, therefore, with the permission of the House, withdraw them.

LYING-IN HOSPITAL.

Mr. Brookes moved,—"That this House will, to-morrow, resolve 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 the year 1865, the sum of £500 in aid of the funds of the Lying-in Hospital to be established in Brisbane, on condition of a like amount being raised by private contributions." He pointed out that much distress, and many painful cases had been brought under notice, owing to the absence of such an institution. These cases arose from wife-desertion; in some cases the husbands having gone away to the interior, or to other colonies, and left their wives destitute. In other instances they were criminals in gaol. There was no danger of the charity being abused by people who had means, and did not urgently require its assistance, as the supervision of the medical officers appointed, and the managers of the charity, would guard against such abuse.

The Colonial Secretary was glad that this motion had been brought forward, and he desired to lend the mover all the aid in his power. The object which the ladies, in this case, had taken in hand, was a very laudable one, and they had taken it in hand with very laudable zeal. If he had a wife he would be proud to see her engaged in such an object instead of in less profitable pursuits, and no doubt she would also have put him under orders to vote for this resolution. (Laughter.) A great deal of good would be done by the establishment of the proposed institution.

Dr. Challinor expressed his approval of the resolution, as cases of distress at Ipswich, which it would meet, had come under his notice.

Mr. R. Cribb thought that this resolution would encourage similar demands from other parts of the Colony.

Mr. Brookes stated that as regarded the sum asked for, a similar amount would first have to be raised by private subscription. The institution would be in connection with the hospital—an adjunct of it.

The motion was then put and passed.

ALIENATION OF CROWN LANDS AMENDMENT BILL.

Mr. Douglas rose to move the second reading of this Bill. It was a late period of the session to introduce a Bill of such importance, but it contained only six clauses, and it involved a question of the highest importance, and of the deepest interest to the owners of property in the Colony. He introduced the Bill with all due deference to the House, and he believed that there was time during the present session to pass it. It was only a few days ago that the Provincial Council Bill, a most important measure, had been brought forward at a late period in the session by the Ministry. That Bill was professedly an imperfect measure, but he hoped it would work well. The Bill which he now submitted labored under the same disadvantage, and might not meet all the requirements of the case. At the same time he considered its principles to be sound. When the Pastoral Assessment Bill was under discussion a few days ago reference had been made to the pre-emptive right, and one honorable member wished to introduce a clause to empower the squatters of the northern districts to enjoy the pre-emptive right, as enjoyed by the Darling Downs squatters. It was intimated by the Ministry at that time that it was not desirable to mix up this question with the Pastoral Assessment Bill, and that if the honorable member in question wished to carry his object it would be better to defer it and bring it forward in the form of a separate Bill. Now, his (Mr. Douglas') Bill dealt with this question, and he trusted the House would discuss it. He

would remind the Darling Downs squatters that their leasehold tenure expired in 1865, and that after that they would come under the operation of the Pastoral Leases Bill, which did not give them the right of pre-emption. He (Mr. Douglas) thought that the principle of pre-emptive right was valuable, but it had been badly exercised. He believed it might be found necessary at some future day, if this Bill were not passed, to introduce some such measure, giving the pastoral tenants power to convert a portion of their leaseholds into freeholds. They held their present lands under advantageous terms —their rent was small,—but the time might come when they would desire to possess a portion of the run they now held under leasehold. It would be a good thing if they could so benefit themselves without detriment to the revenue of the country. He desired to extend this right to the unsettled districts, of which he believed the Darling Downs was a portion; and for this reason he desired that a certain lot of land should be reserved for agricultural purposes, which should be exempted from the operations of the pre-emptive right. The first clause of the Bill gave power to the Governor to resume certain lands, and was much to the effect of the resolutions which he had previously moved. It said—

"Within one month from the passing of this Act the Governor in Council shall cause to be served upon all occupants of Crown lands within the limits described in the schedule hereto attached a notice of the resumption of such runs or portions of runs and from and after the thirty-first day of December one thousand eight hundred and sixty-five such runs or portions of runs shall be resumed for sale."

The second clause related to the right of pasturage and remission of rent, and provided that lessees occupying the land should continue to enjoy their right of pasturage until portions of the said land were from time to time required and proclaimed. This quite met the argument of the Minister for Lands and Works as to cattle-stealers. He (Mr. Douglas) never intended that the whole of this land should be at once proclaimed and thrown open as commonage until occupied. He desired that the present tenants should enjoy their leases until the parcels of land were from time to time wanted. The next clause of the Bill referred to the unsettled districts, and was to the following effect,—

"It shall be lawful for the Governor in Council to sell to any person holding or entitled to hold a lease of Crown lands within the unsettled districts any portion or portions of land within the boundaries of the said leasehold on the following terms and conditions—(1.) Any portion or portions of land not being less than eigh y nor more than six hundred and forty acres at the rate of one pound per acre. Provided that it shall have been satisfactorily proved that an amount equal to the said amount of purchase money shall have been expended on the said portion or portions by the erection of permanent improvements or in the procuring and preservation of water by the sinking of wells and the construction of dams and reservoirs. (2.) Any portion or portions of land not being less than five thousand nor more than ten thousand acres at the rate of ten shillings per acre. Provided that the same be in one block and as near as may be equilateral and rectangular. (3.) Any portion or portions of land not being less than ten thousand nor more than twenty thousand acres at the rate of seven shillings and sixpence an acre. Provided that the same be in one block and as near as may be equilateral and rectangular."

He contended that this was an equitable arrangement. The greater the amount of land which a man was willing to take in one block, the less should be the price charged. It might be said that we should be thus liable to sell the best portion of our land at 7s. 6d. an acre, but in reply to this he would draw attention to a few figures. If an area of twenty-five miles were sold at 7s. 6d., the amount of that area would be 16,000 acres, which would represent a sum of £6,000. So that if a pastoral tenant chose to pay for such a block of country, he would have to give £6,000. Now, would it not be worth the while of the Government to take this money? It would be certainly more economical than to borrow money at six per cent. on loan for public purposes. The interest on £6,000, at the rate of six per cent., would be £360 per annum, whilst the rent which the Government derived at present from the pastoral tenancy of the same space of land was but a trifling fraction of this sum. It would be better for the Government to sell the land at once, if they could find a purchaser, but if a purchaser could not now be found, he would ultimately be found, if sufficient inducement were held out. The fact of the possession of this power of purchase would also hold out inducements to the lessees who intended to take up runs. In the Darling Downs the pre-emptive right had been exercised in a different manner to that set forward in these resolutions. Some of the squatters had (as it was termed in the vernacular) cross-cut the country. They had purchased a block here, and a block there, under this right. He would point out that this clause only empowered the Government to sell, and did not render it compulsory to do so. If any land in a district were attempted to be brought under the Act against the wish of the Government, they could withdraw that land from sale by proclaiming that district as not one of the unsettled districts.

The MINISTER FOR LANDS AND WORKS, in opposing the motion before the House, would adopt the line of argument which had been used by the honorable gentleman who had just sat down on previous occasions, when motions of this character had been brought forward, viz., that measures involving interests of such importance should be introduced by the Government of the day, and

should not be brought forward without some substantial reason. The reason which he would assign for the Government not having interfered with this matter was, that they were unable to discover any necessity for interference with the Crown lands regulations at present in existence. After having given great attention to the remarks of the honorable member, he felt firmly convinced that no reasons existed at present for interference in the direction indicated. As regarded the first portion of the Bill, it had already been discussed and disposed of; and he would again repeat that he had no objection to the reservation of a large portion of the land on the Main Range for the proposed object. So far the Bill was more complete than the resolutions, and removed one objection, that if the land were reserved from the leases of the squatters, as was proposed by the resolutions, it would be handed over to parties who contributed nothing to the revenue, and who would run upon it their herds of cattle and their flocks of sheep. But this fact was not to be forgotten—and he would ask the honorable member whether he did not think that the country had pledged their faith to the squatters who held their fourteen years' leases? The Government were not to resume any portion of a run, unless the public requirements justified the resumption; but the honorable member proposed to revolutionise things as they now existed, and to take back runs for no purpose whatever. The Government had at present full power to reserve any land required for the public wants on these runs, and to put it up for sale, and he thought that for this reason this Bill should not receive the consent of the House. It was of no use to encumber the statute book with measures which were not required. He saw no reason to support the other clauses of the Bill. He would favor the sale of large tracts of land at one pound an acre, but would object most strenuously to any reduction in the standard price. He was astonished that the honorable member should come forward in that House, and ask them to give a right to the outside squatter to purchase twenty-five miles of country, when they had been told the other day that the outside squatter was in such a bad condition that the rent of £25 per annum for a block of country pressed hardly upon him. If they reduced the upset price of land, they would be guilty of a direct breach of faith towards those who had already purchased land at £1 per acre; and these parties would, in all probability, come upon the country for compensation. This measure could not be designated as a Bill introduced to encourage the agriculturist. By reducing the price of land, they would increase the amount of encouragement to speculators, who would flock to the Colony in order to gamble in the Crown lands, and who would eventually surround themselves with a millstone of debt which they would never get rid of. He moved "That the Bill be read that day six months."

Mr. R. Cribb was surprised that the honorable member for Port Curtis should bring forward such a motion. It was only a short time ago that he had told the House he was averse to pre-emptive right. He now went in for the extreme doctrine of pre-emptive right.

Mr. Bell was not sure that honorable members who had directly opposed the system which had prevailed under the Orders in Council, of the right of pre-emption to leaseholders under the Crown, were correct in doing so. But he should leave that question, and refer to those who were leaseholders under the laws of this Colony:—their position was one of great importance to themselves and to the country. He thought that the introduction of a system of pre-emptive right on the new lands of the Colony would have the opposite effect to what had been stated by the honorable Minister for Lands and Works. This was yet but a new Colony, with an immense area of land to be occupied, and the House should remember that at the present time it was opposed by the neighboring colony of South Australia, which was offering the most liberal measures for the occupation of its new lands. They had not, he thought, held out sufficient inducements to the people of the neighboring colonies to come here; they had not made sufficiently liberal laws to bring them in; and they ought to be very careful not to make such stringent laws as would keep them out. If some such inducement as was proposed by the Bill, were held out to people to purchase the land, it would be a great inducement to them to come here and settle permanently. It would, doubtless, be the case that the great bulk of the new settlers of this Colony could not purchase their stations, either at current rates or reduced rates, for some time; but the Bill would afford them the opportunity of permanently attaching themselves to the land. He agreed that the Bill ought to have come from the Government.

Dr. Challinor said he thought he could point out some stations on the Darling Downs where the squares of purchased land, if aggregated, would form the greater part of the runs. The squares had been purchased so as to prevent ingress to the water and the back country, and to keep out private individuals. He referred to the thirty-eighth section of the Pastoral Leases Act of last year, as securing the pastoral tenant in possession of his run;—he was fully entitled to claim compensation for his improvements, which were just as valuable to him, in a sense, as if he had the freehold of the run. There did not, therefore, exist the slightest necessity for pre-emptive right in new country. He (Dr. Challinor) would be glad

to see the Darling Downs proclaimed as a settled district, instead of an intermediate district; and he reiterated that those honorable members who had made large purchases on the Darling Downs, had done so to prevent the land being taken up by private individuals, and that if it were not for that fear, they never would have given £1 an acre for what they had purchased;—it would have suited them to go on paying rent to the end of time. He regarded the opposition of the other colonies as of a very harmless character, for he had been informed that the lands of this Colony were already taken up to within one hundred miles of the Gulf of Carpentaria. In conclusion, he said he agreed with the Minister for Lands and Works that the Bill would open up the country to the speculators of other colonies, and therefore would oppose it.

Mr. TAYLOR would support the second reading of the Bill, in order that it might go into committee, and there be altered by striking out the proposal to reduce the price of land to 7s. 6d. an acre. He did so because, out of doors, it had been thrown in his teeth that he was the principal cause of preventing the outside squatters having pre-emptive right. Now, he would give them an opportunity of getting it. He was perfectly independent of it; and he intended to get out of squatting as soon as he could. He wished Dr. Challinor would go in at a fair price; he would not make much of it. That honorable member was always dipping into matters he knew nothing about; and he denied that he could point out, even on the celebrated "Drummond and Douglas" map, that one-twentieth part of any run had been bought by the lessee. He (Mr. Taylor) would oppose the schedule, but would go in for the land being purchased at £1 an acre. It would benefit the Treasury, but it would be ruination to the parties who purchased the freehold of their runs. He would support the Bill, although it would ruin them.

[The map referred to by the honorable member for the Western Downs was placed on the table by Dr. Challinor for examination, and the latter directed attention to the purchased land on the stations of Eton Vale, Westbrook, Gowrie, Ellangowan, and Talgai, in support of his assertions.]

Mr. DOUGLAS explained that the right to purchase land at £1 an acre was the prime principle of the Bill; and that he would be prepared to submit to modifications in other respects.

The COLONIAL SECRETARY did not think that the honorable member for Port Curtis was correct in his supposition that a freehold tenure of a run, supposing it to be extensively established, would lead to the introduction of capital from England or elsewhere; because large capitalists would be disposed, upon further acquaintance with the tenures on which land was held in this Colony, to adopt the practice that obtained here, and would consider that it was more safe and certain to invest in leasehold squatting property, than in barren freeholds. He believed if the Bill were to pass, it would give immense satisfaction to a large number of people in the north; and, knowing their opinions, he believed that they were wrong, and he would oppose them even in opposition to their wishes. They said it would do them a great deal of good; he (the Colonial Secretary) said it would ruin them. It was a mistake to think that there was any finality in a representative body at all. If the northern squatters had their freeholds, they might be in the position at any time to have to pay a high tax—they would, perhaps, have to pay a very large interest on the capital that had been invested in those freeholds. They were better off now, if they only knew it, enjoying their runs at a ridiculously small rental. It was difficult enough for them under present circumstances to get on, so they said; if they were to be led into borrowing £5,000 or £10,000 in order to become possessed of freeholds, then they would be ruined more speedily indeed. It was not an essential point of squatting to enjoy a freehold. He thought those who had spent their money in that way had made a mistake, though they were very wealthy men; they had made a very bad investment indeed, to lay out their money in land. However, if his honorable colleague thought proper to bring in a modified Bill, to give an opportunity to those who liked to do so, to purchase freeholds at £1 an acre, he (the Colonial Secretary) would agree with it, although he did not consider that it was essential for the welfare of the squatter.

Mr. MCLEAN did not believe in persons already in debt going further into debt to become freeholders. However, he thought that it was a good thing to encourage people to become freeholders in the Colony when they had the means to do so, and not to drive them and their capital away to promenade the streets of London or Paris with no object in view. He should certainly vote for the Bill if the Government did not give a guarantee that they would bring in a more mature measure for the same object next session.

Mr. ROYDS supported the Bill.

The COLONIAL TREASURER stated his reasons for not voting for the Bill on the present occasion. On a former occasion he had been in favor of the pre-emptive right for the northern lessees of the Crown, and his opinions were not altered, but for the sake of the squatters themselves he could not vote for the Bill now. He gave the honorable member for Port Curtis great credit for hurrying the Bill forward; it was not one that many members would take up, for it was not calculated to gain popularity. He would be prepared to support the pre-emptive right for the northern squatters at a future time.

Mr. WIENHOLT opposed the Bill, though in favor of pre-emptive right.

The question was then put, and the original motion having been rejected, the amendment,—"That the Bill be read a second time this day six months,"—was carried.

APPOINTMENT OF COMMISSIONER FOR SETTLEMENT OF ACCOUNTS WITH NEW SOUTH WALES.

Mr. HERBERT moved, pursuant to notice,—"(1.) That this House approves the nomination by His Excellency the Governor in Council, of the honorable the Colonial Treasurer of this Colony, as a Commissioner to act on behalf of Queensland, with reference to the settlement of accounts with the Colony of New South Wales. (2.) That the concurrence of the Legislative Council in the foregoing resolution be invited." He said it would be seen that the appointment of a commissioner to act in the settlement of accounts between this Colony and New South Wales must be made with the consent of the Legislature. He might say that a communication had lately been received from the Government of New South Wales, stating that the Honorable E. Deas Thomson had been appointed a commissioner on behalf of that colony to meet the commissioner appointed to represent Queensland, and to confer upon and determine certain preliminary conditions of the settlement of the accounts between the two colonies. Their deliberations would not extend for any great length of time, and there was no danger of the public service being injuriously affected by the Colonial Treasurer's temporary absence from the Colony. The primary object of the meeting of the commissioners was to see how far the two Acts passed by the Legislatures of the two colonies could be brought into unison. So great was the difference between them, that at one time it was thought it would be necessary to refer the whole matter to the arbitration of the Imperial Government; but before such an extreme course as that was taken, the present Colonial Secretary of New South Wales was willing to make another attempt to decide upon a basis upon which we could act. This Government had, therefore, decided that no better person could be appointed than the Colonial Treasurer, whose acquaintance with the accounts was necessarily greater than that of any one else. His absence would be for a short time only, and he (the Colonial Secretary) had no doubt the House would accord their formal permission.

The ATTORNEY-GENERAL seconded the motion.

Dr. CHALLINOR said that if the meeting between the two commissioners were to be only a preliminary one, it was not of so much consequence. But it seemed to him a very serious matter that the decision of those two gentlemen should be final.

Mr. BLAKENEY pointed out, that as the New South Wales Act completely ignored the basis of the settlement of the accounts which had been laid down and defined by Sir William Denison, and which was acquiesced in by this Colony, it would be better, instead of sending the Treasurer to Sydney, that the Colonial Secretary should by letter have the basis of negotiations defined. After the basis was known the Treasurer could go down and bring affairs to a settlement.

The COLONIAL SECRETARY, in reply to the honorable member for Ipswich (Dr. Challinor), said the Government would not be bound by anything which took place at the first meeting, as it was merely to be a preliminary meeting, the object of which was to arrive, if possible, at some satisfactory basis upon which to act in coming to a settlement. In answer to the honorable member for North Brisbane (Mr. Blakeney) he would observe that a great deal of correspondence had already taken place on the subject, and it was because it had been found impossible to come to any agreement by letter, that it was proposed to send a commissioner. Of course this Government were not inclined to give way, or to depart from the Act passed by the Queensland Parliament. But it was thought that if the Colonial Treasurer had a personal interview with the commissioner appointed by the New South Wales Government, he might be able, by conversation and by referring to documents lying in the New South Wales office, to throw further light upon the question, and to obtain proofs which might lead to better results. It would simply be a preliminary meeting which would not bind the Government.

Dr. CHALLINOR wished to know whether anything which would be binding would be done without the sanction of Parliament?

The COLONIAL SECRETARY: No, the Government will not take upon themselves to decide upon any final action without the consent of this House.

APPROPRIATION BILL.

On the motion of the Colonial Treasurer, the Appropriation Bill was read a second time and passed through committee without objection.

EVIDENCE BILL.

The ATTORNEY-GENERAL moved the second reading of a Bill to amend the law of evidence. He briefly explained that he had brought in this Bill in consequence of some doubt raised in the Supreme Court in a late proceeding a short time ago, whether the Acts 6 George IV., cap. 87, and 18 and 19 Victoria, cap. 22, extended to this Colony.

The motion was agreed to, and the Bill was read a second time.

EXPORT DUTY ON GOLD BILL (PRIVILEGE).

Upon the order of the day being read for the House to go into committee for the consideration of the Legislative Council's amendments on the Export Duty on Gold Bill,

The COLONIAL TREASURER rose to ask the ruling of the Speaker on a question of privilege. The Gold Export Duty Bill was a money Bill, and, as such, it was considered that the Legislative Council ought not to have altered it. He believed that, according to the Constitution Act, the course that should have been adopted with such a measure by the Council was either to agree to the Bill altogether, or to throw it out, but not to amend it. He was desirous to take the Speaker's opinion on this question, so that his ruling should form a precedent when any similar question arose in future. (Hear, hear.) He might mention that the amendments were of an immaterial character; they did not alter the tax on gold, and he should not disagree with them in committee.

The SPEAKER had no doubt whatever that the Bill was essentially a money Bill, and, therefore, it was out of the power of the Legislative Council to amend it. By the Assembly's own standing orders, they could not receive it as amended. (Hear, hear.) The Assembly did not insist on their privileges in the following cases, as set forth in standing order No. 263:—"With respect to any Bill brought to this House from the Legislative Council, or returned by the Legislative Council to this House, with amendments, whereby any pecuniary penalty, forfeiture, or fee shall be authorised, imposed, appropriated, regulated, varied, or extinguished, this House will not insist on its privileges in the following cases:—(1.) When the object of such pecuniary penalty or forfeiture is to secure the execution of the Act, or the punishment or prevention of offences. (2.) Where such fees are imposed in respect of benefit taken or service rendered under the Act, and in order to the execution of the Act, and are not made payable into the Treasury, or in aid of the public revenue, and do not form the ground of public accounting by the parties receiving the same, either in respect of deficit or surplus. (3.) When such Bill shall be a private Bill for a local or personal Act." This was only one of a number of authorities he could quote of the same kind. [*Vide* "May's Parliamentary Practice," pp. 506-7-8-11.] He was clearly of opinion this was a Bill that the Council could not amend.

The COLONIAL TREASURER desired that the amendments might be concurred in, but that a message should be sent to the Council, informing them that their action on this Bill should not be a precedent.

The SPEAKER said that such cases had arisen in the House of Commons, he was perfectly aware; and the House of Commons, when amendments were of an immaterial character, had waived their rights, but would not consider such amendments as a precedent—as the honorable member proposed now.

The House then went into committee on the Bill.