Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 16 MAY 1865

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ERRATA.

May 16.—Page 34, column 1, in Mr. R. Cribb's speech, 3rd line from the bottom, instead of "protected" *read* "treated"

May 25.—Page 98, column 1, in the Colonial Secretary's speech, 23rd line from the top, for "£19,000" *read* "£1,019,000."

May 25.—Page 101, column 2, in Mr. McLean's speech, 8th line from the top, after "honorable member" *insert* "for Maryborough."

May 30.—Page 124, column 2, in Mr. Mackenzie's speech, 20th line from the bottom, instead of "support" *read* "oppose."

August 23.—Page 530, column 2, in Mr. Jones' speech, 25th line from the bottom *insert* "*et*" between "*Danaos*" and "*dona.*"

September 5.—Page 598, column 2, in the speech of Secretary for Lands and Works, 17th line from the bottom, *omit* "non" before "competitive."

LEGISLATIVE ASSEMBLY.

Tuesday, 16 *May*, 1865.

The Clerk of the Legislative Council.—Church of England Bill, 1°.—Cemeteries Bill, 2°.—Real Estate of Intestates Distribution Bill, 2°.—Opening of Roads Bill, 2°.—Agricultural Reserves Bill, 2°.

THE CLERK OF THE LEGISLATIVE COUNCIL.

Mr. MACKENZIE: Sir, I now beg to move the adjournment of this House. I do so in order to have an opportunity of adverting to the question to the honorable the Colonial Secretary which circumstances that have lately arisen induced me to put upon the business paper. In putting that question, I had no desire to express any disrespect of the Legislative Council, or of its members, as a body. But, sir, it is well known that the gentleman to whom I have referred has shown himself for the last three sessions utterly unfit for the duties of his position. This has been the case to such an extent, that it was my intention when the Estimates were laid upon the table of the House to have opposed the vote for his department, unless some guarantee was given that the officers of the House were qualified to discharge their duties in an efficient manner. The officers and clerks of the Houses of Parliament hold very important offices. This is especially the case with the Clerk of Parliaments, who, in that capacity, is certainly an officer of this House, as well as an officer of the Legislative Council. I do not think, sir, in such a case, his incapacity should be so lightly passed over. It is supposed that this House has nothing whatever to do with the upper house, and I admit it is only in extreme cases that we can be called upon to interfere. In this case I am perfectly ready to do so. I think, sir, it is unjust to the public, and also unjust to those officers and servants of the House who have conducted themselves properly, to be silent upon this occasion. I believe the appointment of Clerk of Parliaments is made by the Parliament, on the joint recommendation of the President of the Legislative Council and the Speaker of the Legislative Assembly. And I must say, although no one is less anxious than I am to withhold all undue interference in matters relating to the other branch of the Legislature, I think we have a right to expect that, in filling up the higher situations, a desire should be evinced to appoint officers who are efficient and able to serve the interests of the country. I do not think, sir, the committee of the Legislative Council who considered this question have done their duty to the country. I may admire the feelings which prompted them to decide as they did, but I think private feelings should give way to a regard to the public interest. If we are to retain in the service of the Parliament imbecile officers, for no other reason than that they have wives and families, for goodness' sake let us at once vote a sum in favor of a benevolent asylum, where they can be properly cared for without further detriment to the public interest. It would be better to adopt such a course than to retain in the service men who have been proved to be totally incapable to discharge the duties assigned to them.

The COLONIAL SECRETARY: Sir, I have had some little difficulty in following the remarks of the honorable member who has just spoken, because I cannot see that this House can debate the question without infringing upon the privileges of the other branch of the Legislature. The appointment of the Clerk of Parliaments is not made exactly in the way in which the honorable member supposes it to be. It is made upon a recommendation of the Standing Orders Committee, and it is agreed by this House and the upper house that the Clerk of the Legislative Council, by virtue of his office, shall also be Clerk of Parliaments. The gentleman in question has not failed in the discharge of the duties appertaining to that office, and it seems clear to me that, if he had failed in the performance of his duty as

Clerk of the Legislative Council, the fact must have been patent to the members of that House; and if so, they would naturally have taken notice of such remissness either during the last session or the session preceding it. I think, sir, we must come to the conclusion that the Legislative Council have acted fairly in this matter. The report of the committee is not before the House, and I am not, therefore, in a position to discuss the whole question. I may say, however, that the President of the Legislative Council submitted to the Government the proposal that the Clerk should receive six months' leave of absence upon half-pay, and that is what has been determined upon. We may assume that his duties will be properly discharged during his absence, and that he will resume them at the close of that period. I do not think the Legislative Council could fairly have arrived at any other decision, and I cannot see that the interest which this House takes in the officer in question can be so powerful as to render it necessary for us to go any further into the matter.

The SPEAKER: I must take the opportunity of calling the attention of honorable members to the practice of Parliament in reference to questions of this nature. It is laid down in "Cushing's Legislative Assemblies" that:— "In order to the preservation of the essential privileges of equality and independence, it is important that neither branch should encroach upon the other by undertaking any matter of business which the constitution has confided exclusively to such other branch, or interfere in any matter depending before it so as to preclude or even influence that freedom of debate or of action which is essential to a free council; or claim, and much less undertake, to exercise any control or authority over the persons of the members or officers of the other." I should have stopped the honorable member (Mr. Mackenzie) at an earlier period, had I not conceived that this House had a right to express an opinion in reference to the appointment of the Clerk of Parliaments.

Mr. MACKENZIE then withdrew the motion.

CHURCH OF ENGLAND BILL.

Mr. MACKENZIE: Sir, in bringing forward the motion which stands in my name "for leave to introduce a Bill to regulate the affairs of the United Church of England and Ireland in Queensland," I think it necessary to offer a few remarks, because I am aware that a considerable misapprehension exists on the subject. I do so without any intention to raise a discussion at this stage of the Bill. I may say that this measure has been drafted with a great deal of care, with the assistance of a number of gentlemen connected with the Church of England. It has also been distributed extensively throughout the country, and it embodies a number of suggestions which have been made by churchmen interested in the question. These suggestions have indeed been so numerous as to cause a delay in the preparation of the Bill. Many objections have also been made having reference to the propriety of introducing such a measure in the absence of the Bishop of the diocese. But we were not apprised of his Lordship's intended absence; and I may say that before he left, I myself wrote to him on the subject of this Bill, in order that any suggestions which he might have to offer might be received before the close of the present session; and I asked him to give me his address, that I might be in communication with him on the subject. His Lordship sent me his address, and I forwarded to him the heads of the measure by the February mail. There has, therefore, been no desire evinced by the members of the Church of England to keep his Lordship in ignorance of the action they were taking. I am aware that the introduction of this Bill has been considered a very unusual course. Some persons think it gives an undue prominence to the Church of England, while others are of opinion that its effect will be to cause those members who do not assent to its provisions to separate themselves from that church. Now, sir, I believe this is the only colony in which similar action has not already been taken, and I believe it will be found that the colonies generally have been invited by the Secretary of State to take their own church government into consideration. I had intended, sir, to have postponed the motion for the second reading of this Bill for another month; but, upon second thoughts, I came to the conclusion that it would be desirable to have the Bill read a second time, and then to refer it to the consideration of a select committee; every honorable member will then have an opportunity of considering it in detail. I now, therefore, beg to move that the Bill be read a first time.

Mr. R. CRIBB: I am aware, sir, that it is not usual to oppose the introduction of any Bill into this House. In this case, I regret to say that I consider it my duty to do so. If this measure had been brought forward as a private Bill I should have made no objection whatever; I should in that case have given it every consideration, and the House would have dealt with it as in its wisdom it thought proper. The measure, sir, which the honorable member seeks to introduce, ought to have come before us in this shape; since it is a measure which refers to one portion of the community only, and should be treated in the same way as any measure which refers to a matter of commerce or manufacture. I trust it will not be supposed that I entertain any objection to its introduction, because it affects the interests of a religious denomination to which I do not belong. I utterly repudiate any such feeling; but I must, upon principle, oppose the motion, and I heartily trust the House will take this view of the question, and be careful not to allow such an innovation upon established

practice. If this motion be carried, sir, it will be impossible to object to the introduction of Bills to regulate the affairs of any religious sect, whether they be Chinese, Mormons, or of any other persuasion; all of which will have to be considered public measures. I believe, sir, in assenting to this motion we shall be establishing an unsound principle. I think all measures which are introduced into the Legislature as public Bills ought to be of such a character as to affect the interests of the whole population of the country, and this is plainly not the case with the measure referred to in the motion of the honorable member for the Burnett. I trust the honorable member will withdraw it, and bring it before the House in the form of a private Bill. I shall then have much pleasure in according it every consideration.

Mr. LILLEY: Sir, I may say, also, that I have always great hesitation in opposing the introduction of a Bill, but I must add that I feel bound to do so upon the present occasion. I have always felt some hesitation in dealing with religious matters, as I feel they are a very delicate subject to legislate upon. But, sir, I will ask the honorable member for the Burnett if he is dealing quite fairly, or if he is treating with proper respect the Bishop of this colony, when, in the absence of his Lordship, he seeks to introduce a Bill which not only deals with church matters, but with the government of the church of which the right reverend gentleman is the acknowledged head? I am also a member of the Church of England, and I do not say that I am altogether satisfied with matters as they stand; but, in the absence of the Bishop, I should certainly hesitate in interfering in religious matters, and especially so in any matter relating to church government. Now, sir, although I am a member of the Church of England, I can state that I have never seen a copy of this Bill, and I can hardly think that, if it had been so widely circulated, I should have been obliged to speak of it from oral testimony, instead of from personal acquaintance with its provisions. I think, sir, that in a question of this character, every member of the Church of England, every seat-holder, or person who is otherwise interested in it should have had a copy of the Bill before him, and been in a position to express an opinion upon it. However, sir, the one cardinal objection to the introduction of this measure appears to me to be the fact that, in admitting it, we shall be dealing with a question which will affect a considerable amount of property belonging to the Church of England, as well as with the internal management of the Church, in the absence of that person who—however some members of his flock may be opposed to him—in my opinion, ought to be referred to. I think, sir, this House ought not to meddle with the matter, and I shall certainly oppose the motion. In the absence of the Bishop, I think we cannot legislate upon the question. The measure in question would very probably cause dissension among the Church of England members. Among them, there are many who support the views of church government held by his Lordship. I trust the honorable member will withdraw it, as, if he presses the motion, I shall consider it my duty to divide the House.

Mr. PUGH said he felt constrained to oppose the motion, though not for the reason which had been advanced by the honorable member who had last spoken. For it was well-known at the time the Bishop left the colony, that such a measure would be submitted to the Legislature during the session. His objection was to the introduction of the Bill as a public measure. Had the honorable member for the Burnett asked leave of the House to introduce a private Bill of such a character, he would not have objected to it.

The COLONIAL SECRETARY: Mr. Speaker, you will, no doubt, very shortly give us your ruling upon the point at issue—the introduction of such a measure as a private or a public Bill. In the meantime, I am inclined to think it must be considered as a public Bill; for I have observed that, in the other colonies, measures of this nature rank as public Bills, and they must necessarily do so. With regard to the further points which the question involves, it is not my intention to enter upon them at the present stage. I may say that I am one of those members of the Church of England who consider it desirable that we should bestir ourselves in this matter, and see what our position really is. I am aware that many members of the Church differ with me, and are of opinion that the Bishop should be absolute and supreme, and that we should follow without questioning the course he has marked out. I believe, however, that, without any disrespect to him, it is quite within our province to meet together to discuss Church matters and to consider what is most desirable for our welfare. If this Bill is passed, we shall have an opportunity of doing so, and I shall therefore support its introduction. It was understood, when the Bill was framed, that it would be submitted to the House, and it was expected that those honorable members who do not belong to the Church of England would lend their assistance in maturing it, and in endeavoring to place the members of that Church in a better position than they are at present. I am sorry, sir, to have prolonged the debate, but I think it right to say that I concur in the opinion that some legislation on the subject is desirable. I trust the House will assent to the motion, and that they will refer it to a select committee, and, if possible, amend it to such an extent as may be deemed necessary.

Mr. BLAKENEY: Sir, I quite agree with the honorable Colonial Secretary, that it is quite time some legislation should take place with regard to the Church of which he and I,

as well as the honorable member who introduced this motion, are members. The honorable member for Fortitude Vally objected to the motion, although, as a member of the Church of England, he was obliged to admit that the management of church matters did not meet with his entire approval. I think that is quite sufficient reason for the introduction of this Bill. As to the objection taken by the honorable member for East Morton (Mr. Cribb), I do not think it can have any weight whatever. For the Bill which it is proposed to introduce must necessarily be a public Bill, in the same way as those Bills framed in the parent colony, which have hitherto been the law of the land. The person who has conducted the affairs of the Church of England in this colony has done so certainly in a way which has met with the condemnation of nine-tenths of its members. (No, no.) Well, at any rate of a large majority, for it is beyond question that great complaints and heart-burnings have resulted. I hardly expected that honorable members in this House, who do not belong to the Church of England, would have taken such a prominent part in this debate. I think, sir, they should have left the consideration of this matter to those who are members of the Church. It would have been more delicate for honorable members who belong to other religious denominations, to have waived their right of dealing with the question; and I trust that no honorable member in this House, who is not affected by the provisions of the Bill, will call for a division upon it. I believe, all persons connected with the Protestant Church, are of opinion that some such measure is needed—some alteration in the present system: and it would therefore, I think, be far better to allow this Bill to be read a first time; and then, as the honorable the Colonial Secretary has suggested, to refer it to the consideration of a select committee. There is no desire to hurry this measure through the House. Let it be fairly considered, and let evidence be taken upon it. The Protestant Bishop has had ample evidence of the intention on the part of the members of his Church to introduce such a measure, and there will be quite time enough for him to take action in the matter. No doubt he has already instructed some of his clergy to make certain propositions; indeed, I believe that has already been done. When the committee have brought up their report, the House will be in a better position to deal with the question. I do trust, sir, that the motion will be agreed to, and that the Bill will receive every consideration at the hands of the Legislature.

Mr. DOUGLAS: Sir, I cannot say that the Bill as now submitted to the House, has received my most favorable consideration. I am desirous, as I stated last session—although some misapprehension of my opinion took place, which arose from a discussion which took place upon the Trustees Bill—of taking some action in the matter. Upon that occasion reference was made to the Act 8 William IV., No. 6, which is at present supposed to govern the affairs of the Church of England in this colony. I stated then that we might take advantage of our position to repeal that Act, which had become effete, because State-aid to religion was no longer in force. I conceived, therefore, that this House had a right to deal with the question, and by repealing that Act of William IV. provide for its own Church affairs. I think I then stated that I should be glad to act with the Colonial Secretary in establishing a system of Church government, by bringing in a Bill for further Church purposes. I must explain, that when I said so, I did not conceive that such an action could be taken except in connection with the Church to which we belong, and that a subject involving the government of the Church would be introduced to the House by a private member. I admit the right of the House to legislate upon this question, because the Act 8 William IV., No. 5, is still in force, and I claim for this House the right of repealing that Act. These being my opinions, I fully concur in the desirability of effecting some change, for I hold it is perfectly right that this House should step in and repeal an old and effete Act of Parliament, which does not apply to the present circumstances of the country. I was quite inclined to take some step towards an improved state of Church government, and I think my honorable friend, the member for the Burnett, invited my co-operation in the framing of the measure which he now desires to introduce. I did not, however, render him any assistance; but a number of gentlemen did meet, and the Bill was framed. After that, I had the pleasure of meeting the honorable gentleman, and we discussed the measure; but I did not consider that I committed myself to any of its details. My hope was, that the measure was one to provide simply for the repeal of the old Act, and to make provision for vesting in the hands of proper trustees the lands which had been granted to the Church by the State. But, as to anything else, having reference to the government of the Church, I could not admit that I had any right, in my private capacity, to take action. I felt that we could only go to the State, and ask if they thought fit to give us power to go further. I must confess, sir, that this Bill has gone further than that. It has provided for matters which, in my opinion, really interfere with Church discipline. If we were all of one mind upon this subject, we might sit here, as a congregation, and readily come to a decision; but as that is very far from being the case, I can hardly think it will be wise to interfere in many of the points which are submitted for our consideration in this Bill. Having said thus much, sir, I presume that honorable members who have spoken against the introduction of the Bill, will

hardly be satisfied that I am justified in voting for it. I should have preferred to see it introduced as simply a repeal of the existing Act, and the vesting in the hands of trustees the property of the Church. That would, I think, have been the proper course, and the Bill may, eventually, take that shape. In that hope, sir, I shall vote that it be read a first time. I do not think it would be wise to extend its provisions further than this. I am prepared to go so far, as a member of a corporate body, but no further. I may say that in another Legislature I have had some experience of these matters. In New South Wales, I was requested to take charge of a Bill which was introduced into the Legislature of that colony. It was introduced after it had been submitted to a full council of the members of the Church; a committee of the upper House had sat upon it; it had passed through that House and came down to the Assembly. But certain alterations had been made in it, in the Legislative Council, and there being a strong feeling against the measure by some members of the lower House, I was requested by the Bishop of Newcastle, and other persons opposed to it, to withdraw it. on the ground that the Legislative Council had made those alterations after the report of the committee had been agreed to. I think, sir, it must be apparent that the House is not competent to deal with matters relating to the government of the Church; and I trust, therefore, it will be brought before us in such a form as will not exceed what I conceive to be its proper limits, viz., the repeal of the Act 8 William IV., No. 5, and the vesting in the hands of proper trustees the property belonging to the Church. I shall vote for the first reading of the Bill.

Mr. BROOKES: Sir, the introduction of this debate has caused me to wish that the honorable and learned Attorney-General had carried out his intention of consolidating the existing statutes, that we might really know what are the laws under which we live. Reference has been made to an Act of William IV., but it appears to me that the Act passed by this Legislature for the abolition of State-aid, should at least have been sufficient to prevent the discussion which has taken place upon this question. I think, sir, it would be less trouble to this House to grant money in aid of the United Church of England and Ireland, than to undertake the regulation of its affairs. If the gentlemen who belong to that community cannot regulate those affairs, I think it is but a forlorn hope to imagine that they will obtain any assistance from the Legislative Assembly. I do not desire to discuss the state of the temporalities of the Church of England, for I think the members of that Church ought to look to such matters themselves. I do not know what the honorable Colonial Secretary meant, when he expressed a hope that he would receive assistance from certain honorable members at a future stage of the Bill. Because, whatever honorable members may have said heretofore on the subject, I think that what the public have seen of the affairs of the Church of England, for some months past, will help them in arriving at the conclusion, that if those affairs are to be regulated at all it must be by the members of their Church, and by no one else. There is one great objection, as it appears to me, against the introduction of this Bill. I am speaking upon this subject with some diffidence, but I must say I hardly think it fair, as the ministers of that Church will hardly have such a voice in the question as I think their position demands. They would not have a fair hearing, and this House would be open to the invidious charge of having arrived at their decision upon *ex parte* statements. I do not know whether to recommend the members of the Church of England to wait for the return of their Bishop—perhaps it would only be decent for them to do so. I have no great hope that the right reverend gentleman will put matters into a much more satisfactory train, for I think it would take a much cleverer person to do so; but I think in his absence it would be an invidious task for this House to interfere. I think, sir, the great objection to the motion before the House is that taken by the honorable member for East Moreton (Mr. R. Cribb); and I am quite of opinion that this measure cannot by any means be considered a public Bill. I have been led to this conclusion by perusing the description of a private Bill in "May's Parliamentary Practice," which, with the permission of the House, I will read:—"Every Bill for the particular interest or benefit of any person or persons is treated in Parliament as a private Bill, whether it be for the interest of an individual, a public company or corporation, a parish, a city, a county, or other locality; it is equally distinguished from a measure of public policy in which the whole community are interested." That appears to me perfectly conclusive. The Church of England has been alluded to several times as a corporation, and it is admitted that the interests of that Church are not interests which affect the whole community except in so far as the whole community are anxious to see them in a prosperous state. I will assert, that if they desire to become a prosperous corporation they must keep their affairs out of this House. The introduction of this measure will form a most dangerous precedent. If it is admitted, we shall have endless Bills to regulate the affairs of the different religious denominations in the colony, and we shall have so much of it that the Legislature will become virtually an ecclesiastical court. I shall therefore vote against the motion.

The ATTORNEY-GENERAL: I rise, sir, to say a few words upon the subject, because it appears to me that most of the previous speakers have somewhat wandered from the question.

I think, sir, the debate which has arisen in consequence of the motion of the honorable member for the Burnett, ought not to have risen, because it is not a debate upon the question before the House. No doubt every member of this House has a right to express his opinion as to whether the Church of England should regulate its affairs. But when honorable members do so without having the Bill before them and without being advised as to the wishes and opinions of the members of the Church of England upon the subject, I think, sir, they are acting upon false premises. Now, sir, I believe the chief point raised is, whether this measure should be introduced as a public or private Bill. I believe the honorable member for East Moreton did not oppose the motion on the ground that this House has no right to deal with the temporal matters of the Church of England, but simply because the Bill was proposed as a public instead of a private Bill. Now it is all very well to quote May on the subject of public and private Bills, but, sir, I shall state my opinion on the question at issue. In the first place, according to the recent acts decided by the Privy Council, the Church of England in this colony is in no better position than that of any other denomination. It cannot, therefore, be in the same position as it was when it was under Crown government. If, therefore, the position of the Church of England has been changed, I think it is but right to make such provision for its wants as the majority of its members may desire. The question is, how can that be best effected? When this was a Crown colony, we find that Her Majesty's Government passed certain Bills, from time to time, affecting not only the Church of England and Ireland, but the Church of Scotland, regulating their temporalities, but leaving their spiritual affairs to be arranged by the heads of the Churches. But those Acts are totally inapplicable to the present circumstances of the colony. How, then, are they to be got rid of?—because we must dispose of them before we can legislate further on the subject. Now, sir, I do not think we can get rid of them, unless we provide others. We cannot come to this House and ask for the repeal of certain Acts, which have been in force since the foundation of the colony, except by the introduction of an Act of a similar character. We cannot ask the House to pass a private Bill for the purpose of altering a public statute. If the affairs of the Church are to be regulated in this House by the introduction of a Bill, that Bill must be a public one. We must act upon the principle of repealing a public statute, already in existence, by the introduction of another public statute. And, sir, I think the Act which the honorable member for the Burnett has asked leave to introduce is simply an Act to amend the existing law. The old Act may be repealed *in toto*, or probably it will be amended, and some of its clauses retained. I do think that, as the temporalities of the Church have been dealt with by public Bills, up to a period when the circumstances of the colony have become so altered that they are no longer suitable, they must continue to be regulated by public Bills. What the merits or demerits of the Act in question are, I cannot say; it will be time enough to deal with them when the Bill comes before the House. In these cases, I believe it is customary to look to precedent. I find that, in the year 1857, a Bill was introduced in the Legislature of New South Wales (21 Victoria, No. 4), to amend the Act then in force (8 William IV., No. 5), to regulate the affairs of the Church of England and Ireland in that colony. A similar course has been pursued in other colonies, and I think it will be quite safe for us to follow the precedent they have laid down. The Bills which have been introduced to amend the temporalities of the Church have invariably been introduced as public Bills, and I think justly so. It is not, of course, incumbent upon this House to adhere strictly to these precedents, which were probably established under different circumstances; but I think they should have their full weight. There is no doubt whatever in my mind that any Act introduced into this House, to repeal an existing Act dealing with the temporalities of the Church of England, must of necessity be a public Act.

Mr. TAYLOR: Sir, I have often been surprised at debates in this House, but never more so than to-day. I am surprised, sir, to observe that honorable members who are not members of the Church of England should have the audacity to get up to oppose the introduction of this Bill. What right, sir, I should like to know, have Wesleyans, Baptists, or members of any of these small sects to presume to oppose it? I am astonished at such a piece of—I scarcely know how to characterise their conduct. Here, sir, we have the first Church in the colony, which is supposed to number amongst its members the richest and most influential people in the colony, in a more objectionable condition than any other Church in the colony. And what is the reason, sir? It is simply the mismanagement of the affairs of this Church. We have clergymen sent up to us who are not liked by their congregations, and yet we are obliged to subscribe towards the payment of their stipends because we are not in a position to replace them; in fact we have nothing to say in the matter. The consequence is that the Church of England, which is the most influential and the most prosperous body in the colony, is in a most degraded state. I should like honorable members who oppose this motion just to take a tour through the country, in order to see how these clergymen are paid. Many of them do not get their stipend at all, for the simple reason that they are not liked by their congregation. It is only a short time ago that I heard the salary of the gentleman who officiated at the Wickham Terrace Church was in arrears,

and that the ladies of his congregation were exerting themselves to raise funds to defray it. Now, such a state of things can only have arisen from the bad management to which I have alluded; the members of the Church have, in fact, no voice in the appointment of their clergymen, or in the direction of their affairs. I have read the Bill which the honorable member for the Burnett has asked leave to introduce, and I must say I approve of it. Possibly, it may interfere a little too much with the Bishop, but that portion of it may be altered in committee. But as far as the temporalities of the Church are concerned, I approve of the measure, and I have no hesitation, sir, in saying, that if they are administered in the manner provided for by this Bill, great advantage will accrue to the country. Lands which are now lying waste will have handsome buildings erected upon them, and new and commodious structures will take the place of the miserable schoolhouses in which divine service is now conducted. In many country districts, where valuable portions of land have been allotted to Church purposes, it has been shewn that sufficient funds to defray the cost of erecting handsome churches can be raised by mortgaging the original grant; but when the members of the Church of England apply to their Bishop for permission to do this, they are refused: the consequence is, that the churches are not built. As to many of the remarks which have been made by honorable members on the opposite side of the House, they appear to me to have no weight whatever. The honorable member for East Moreton says this Bill ought not to be brought in as a public Bill, because it is not a trading Bill. And then the honorable member says it is improper to introduce such a measure in the absence of the Bishop. Did this House, sir, I will ask, wait for the arrival of Bishop Tufnell, or Bishop Quinn, when the abolition of State-aid was decided upon? No, sir; if they had, it would never have been carried, and it was a sorry day for us when it was. That Bill was hurried through the House; for it is a well known fact that one of the Bishops was on the water while that Bill was passing through the House; and a curse has rested on the country ever since. If, sir, we are to wait until the Bishop returns to the colony, the Bill may never be passed. Perhaps he will never come back at all, and if that be the case, what are we to do? Are we never to make any alteration in the government of our Church? Are we to go along in the old jog-trot way and to allow all these little sects to vie with us? The Church of Rome is the only other Church that can compare with us in wealth and importance; no other sect can pretend to do so. Are we then to allow ourselves to be rivalled by these small sects? They unfortunately return some members to this House, but that cannot be helped, and we must not allow them to interfere with a motion for the improvement of our Church government. I may say that I have no opinion whatever of Bishop Tufnell's church management; for the right reverend gentleman personally, I have a high respect. But I do not think he will come back; I think he has found it a very difficult matter to manage his Church—the task has been too much for him. If we had had a gentleman in his position like one or two I could mention in Sydney, the case might have been different, and we might have had a flourishing Church government. No doubt the right reverend gentleman is a good and religious man; but he is not a man of business, and a capacity for business is a very necessary element in the character of a gentleman who occupies his position. The honorable member for Fortitude Valley admits that he has not seen the Bill, and I must confess I am surprised to hear it. No doubt it was sent to him in due course, and found its way to his waste-paper basket. In conclusion, sir, I beg to say that I shall support the motion for the introduction of this Bill, and I do hope and trust that those honorable members who do not belong to the Church of England will walk out of the House rather than vote against it.

Mr. FORBES: Sir, I have some little reluctance in speaking to the question before the House, but I must say that I think there is a certain amount of courtesy due to every honorable member who brings forward a measure of a public character. The only point upon which I shall express my opinion is the point which has been raised by a previous speaker—whether this is a public or a private Bill. I think, sir, it should be regarded as a public Bill, for if this House has been empowered by former public measures to deal with matters affecting the government of the Church, they are surely in a position to entertain this Bill. Without entering upon any matters of detail which may more properly be left to the second reading of the Bill, I may say that it is only necessary to look around us and to see the number of parties and sects into which the Church of England is divided, and the number of meetings which are held—at which there is always exhibited a great deal of difference of opinion—to acknowledge the necessity which exists for some improved system of Church government. The state of things which now exists is disgraceful to the Church of England, and I think the introduction of this Bill should at least be allowed, in the hope that it may have the effect of producing something like unanimity among the members of that body. I do not pledge myself to support the Bill, for I have not seen it, and I am totally ignorant of its provisions. And, sir, I can assure the House it will be with great reluctance that I shall interfere at all with any of the old Acts which regulate the affairs of the Church to which I belong. But I am of opinion that, as a matter

of courtesy to a member of this House, and even as a matter of public policy, it is our duty to assent to the introduction of the Bill. When the second reading comes on, it is very possible that I, as well as other honorable members, may have objections to advance; and at that stage of the Bill, I shall not fail to give it all the attention I can, and to watch narrowly the passing of its various clauses in committee.

Mr. FITZSIMMONS: I do not think, sir, that any debate should have arisen at this stage of the Bill. I have but one remark to make in reference to what has fallen from the honorable member for Western Downs (Mr. Taylor). I do not think, sir, that honorable member was justified in drawing such invidious comparisons between the different religious denominations. And I think it is the right of every member of this House to express his opinion upon every question which is brought before him. I regret very much that any honorable member should have thought proper to pass a censure upon the Lord Bishop of Brisbane in the absence of the right reverend gentleman; and I do trust that if this debate be continued, remarks of such a nature will be modified.

The SPEAKER: I am clearly of opinion, from reference to the different statutes which I have been able to look over, that this should be regarded as a public Bill; and I am fortified in that opinion by the fact that a Bill of a similar character, which was introduced into the Legislature of New South Wales, was so considered. Upon reference to "May's Parliamentary Practice," I find the following passage:—By two standing orders of the 9th and 30th April, 1772, it is ordered,—

"That no Bill relating to religion (or trade), or the alteration of the laws concerning religion (or trade), be brought into this House until the proposition shall have been first considered in a committee of the whole House, and agreed unto by the House."

"The standing order concerning religion has usually been construed as applying to religion in its spiritual relations—its doctrines, profession, or observances; but not to the temporalities or government of the Church, or other legal incidents of religion."

By this I infer that Bills which relate to the temporalities of the Church are introduced as public Bills. But, of course, this House will decide whether the Bill in question is to be considered in that light.

Mr. JONES: Sir, as I read it, the motion before the House is a motion for leave to introduce a Bill to regulate the affairs of the United Church of England and Ireland in Queensland. Now, sir, I can perfectly understand the introduction of this Bill as a measure, the object of which is to do away with the system of Church government which is at present in force—in fact, to abolish the United Church of England and Ireland. But, after the remarks I have heard on the subject, especially those which have fallen from the honorable member for Western Downs (Mr. Taylor), I must say that I cannot look upon the Bill as a measure to regulate the affairs of that Church. I have listened with due attention to the theory of Church government which that honorable member has propounded; and I must say that my opinions are totally at variance with those of the honorable member. We all know how the Church of England and Ireland is governed. There are certain dignitaries occupying high positions, who take their share in ruling the affairs of the Church, and whose opinions receive the consideration to which they are entitled. It is quite clear to me, sir, that the motion before the House is an attempt to introduce the thin end of the wedge, which, when driven home, will have the effect of abolishing the United Church altogether. I could understand a number of gentlemen coming forward and saying—"We do not want any bishops or bishoprics. We wish to govern the Church ourselves. We should be sorry to say that we are deficient in religious principles, but we do not want to be taught them in the old way; we will in fact become congregationalists. Let us elect gentlemen who may have distinguished themselves as preachers or teachers, under whom we shall be glad to sit." Such a course I could understand, and if a number of gentlemen had come forward boldly and stated their wishes in such a way, they would have acted in a straightforward manner. But I repeat, I cannot understand this measure as one which is brought forward by persons who pretend to say that they are still under the wing of the Church. This is a subject of a very serious character—one which ought not to be dealt with in a spirit of levity. I do trust, sir, that this House—although many of its members do not belong to the Church of England and Ireland—will consider that in a matter in which he is so especially interested, the Bishop of Brisbane might have been consulted. I think, sir, he might have had notice of this meeting; and I am quite sure, if he could have attended it, he would have addressed us in tones more worthy of attention, in language which would have commanded greater respect, and which would have had a more salutary effect than that employed by the honorable member for Western Downs. The United Church of England and Ireland is an old and venerable institution. It has been introduced into this colony; and it is an established fact that a large proportion of the colonists look up to it with reverence and respect. And although, no doubt, there are some who consider that in certain respects its form of government might be altered to advantage, they do not like it to be spoken of in terms of disrespect, and still less rudely assaulted as it has been by the honorable member who—with a display of, I will not call it wit, but rather a mixture of bounce and truculence—has imported a tone to the debate which is altogether unsuited to the discussion of a question of such a serious and important character. The honor-

able member has very kindly requested the Baptists and Dissenters to walk out of this House when the question comes to the vote. But, sir, those very gentlemen have been invited to take part in perfecting the measure. What, then is the position in which the Bill places honorable members of this House? It says in effect—"We, the members of the Church of England, are unable to take care of ourselves, or to manage our own affairs. We do not like our Bishop and we cannot order our temporalities in a satisfactory way. Will you kindly give us your assistance to regulate the affairs of our Church?—or, in other words, will you help us to abolish the Church of England and Ireland in Queensland?" Those honorable members, the Baptists and Dissenters, express their willingness to render their assistance; and yet the honorable member for the Western Downs who supports the introduction of the Bill, with a strange inconsistency, requests them to walk out of the House. I must pay my tribute of respect to the disinterestedness and delicacy of sentiment displayed by honorable members on the other side of the House. They have expressed their surprise that the Protestant members, in the absence of the acknowledged head of their Church, should have entertained the idea of introducing such a measure, and have very properly advised them to take no further steps until the Bishop's return. That has been really the pith of their arguments, and I recognise the fact as an indication of sound morality and delicate sentiment. They say, in fact, "If you choose to abolish the principles which have always guided the government of your Church, we will not be party to such conduct." I think, sir, such an expression of opinion reflects the highest credit upon the Dissenters to the Protestant Church. They do not scruple to say that the Protestant religion is a farce in this colony; but at the same time, they say—"in the absence of your Bishop—in the absence of the gentleman who is the acknowledged head of your Church, do not introduce a measure which affects not only his position, but the vital interests of the Church." I think, sir, they are right. If you turn a man out of a hovel—if you sue a man in the commonest action at law—you are bound to give him notice of your intention. And yet, when the person who is especially concerned is the highest dignitary of the Church, it is in his absence that action is sought to be taken. And how is it proposed to be done? By the introduction of a measure to regulate the affairs of the Church, which its members are unable to do, and in which they are obliged to ask the Baptists, Wesleyans, and other Dissenters from the Protestant body to join. I must, sir, record my vote against the introduction of any such measure.

Mr. WALSH said he had not come to the House with any intention of taking part in the debate on the Bill now before them. He thought the question they were debating was one which ought not to have been brought before the House; but he was perfectly surprised at the premature discussion of it. He was still more surprised that Her Majesty's Ministry should have thought fit to deal with the Bill in the way they had done; and should have endeavored to force it through the House in the absence of a very high functionary of the Church, namely the Bishop. He found, on reading the Bill, that one of the clauses was of such a character that he could not describe it otherwise than audacious. It proposed to take from the Bishop the control, not only of the property vested for Church purposes by the Legislature, but also of any other property vested for such purposes in the Bishop. For instance, if he (Mr. Walsh) had given property to the Bishop, for Church purposes, this Bill, if passed, would take away the control of the Bishop over such property. No one could gainsay the fact that the Bishop in such a case would have certain vested rights, and he could hardly understand how any one could take those rights from him. He did not agree with the honorable member for Port Curtis, that the House had no right to deal with the question. The Church of England was a corporate body, in the sense that a banking company was, and he could not understand why the House should not exercise the same rights in reference to it, as they claimed with regard to the banks and other corporate bodies. He felt it his duty as a Churchman—especially in the absence of the Bishop—to oppose the Bill in every stage.

Mr. MACKENZIE said, in reply to the speech of the honorable member for Fortitude Valley, that the draft Bill was published in the Brisbane and Ipswich journals, and was also sent round some weeks ago to honorable members. In reply to the remarks of the honorable member for Maryborough, he would state that in bringing forward the Bill he had only followed the precedent established in the other Australian colonies.

The question was then put, and the House divided—

Ayes, 18.	Noes, 5.
Mr. Fitzsimmons	Mr. Jones
„ Stephens	„ Brookes
„ Coxen	„ R. Cribb
„ Pugh	„ Walsh } Tellers.
„ Miles	„ Lilley }
„ Royds	
„ Edmondstone	
„ Douglas	
„ Bell	
„ Forbes	
„ Watts	
„ Blakeney	
„ Herbert	
„ Pring	
„ Macalister	
„ Mackenzie	
„ Maclean } Tellers.	
„ Taylor }	

Whereupon, the Bill was brought in and read a first time.

CEMETERIES BILL.

Mr. BLAKENEY, in moving the second reading of "a Bill to establish cemeteries in the Colony of Queensland," observed that at present there were serious defects in the law which regulated cemeteries. Under the New South Wales statute, the Government could grant land for cemetery purposes, but there was not sufficient provision made for supervision over them in this colony, or sufficient power given to borrow on the security of the land, in order to put it in a proper state for the object to which it had been devoted. He proposed by the Bill to vest the land granted for cemetery purposes in trustees, who would have power to borrow money on the security of the land, with the consent of the Government, to lay it out in walks and to plant avenues of trees, and to regulate the scale of fees for burial, and other purposes of the same kind. The honorable member described the tenor of each clause *seriatim*, and said that the thirteenth clause related to the closing of the Brisbane burial grounds, North and South. The date, 1st January, 1866, might be altered, but some provision should be made for closing those grounds; as, owing to their close proximity to town, they were dangerous to the health of the inhabitants.

The COLONIAL SECRETARY said that after a perusal of the measure, he had considered it a very excellent one. He would remind honorable members that in the year 1861 he had introduced a similar measure, most of the provisions of which were embodied in the Bill now before the House. Owing to the opposition of the Legislative Council, the Bill did not become law, but he trusted that the present attempt at legislation on the subject before the House would be more successful than that previously made on the part of the Government. He hoped the opposition to it would not assume a sectarian character, and that honorable members in another place would not raise objections, to the effect that they could not, when dead, rest in the same ground with those from whom, when living, they had dissented in religious belief. The last clause of the Bill, relative to the closing of the North and South Brisbane cemeteries, had not been framed too soon. In the Public Health Bill which he was about to introduce, there was a general clause, giving the Governor power to close cemeteries when they became inconvenient to any contiguous population. This was, however, a general clause; and, under the circumstances of the present case, he thought the North Brisbane cemeteries required urgent attention, and that speedy remedial measures were necessary. He, therefore, was inclined to support the clause in the present Bill. There were certain difficulties attending the fixing of sites for cemeteries in a hot climate. In the first place, it was requisite that they should be a considerable distance outside the town, for sanitary reasons; and, again, it was necessary to have them at such a convenient distance, that poor people might attend the funerals of their friends, without much expense. Some method different from that now adopted would have to be devised, which would provide for the selection of cemeteries on the sides of rivers, in order that the remains of the dead might be conveyed easily to a distance from the towns by boat; otherwise, the cemeteries should be contiguous to railways, as was the case with those in the neighborhood of London. He agreed with the main portions of the Bill, and as regarded the regulation of fees; but he did trust, that if this measure became law, the trustees of burial grounds would adopt a different method from the present, in respect to notifying the scale of charges to the public. The present method of advertising them was most indecent. The scale was stuck up on a black board close to the graves of the dead.

The question was then put and affirmed.

REAL ESTATE OF INTESTATES DISTRIBUTION BILL.

Mr. BLAKENEY moved the second reading of "a Bill to provide for the distribution of the real estate of persons dying intestate." In cases of intestacy in the colony, the Bill merely provided that, as regarded heirs of the deceased, the same rules of distribution should prevail in cases of landed property, as in cases of personal property. At present, if a man died intestate, although he might leave a widow and numerous family, all his landed property went to the eldest son, and in the colonies it was often the case that the major portion of a man's property consisted of land. He knew of several instances of hardship arising from the operation of the existing law. It was well understood that land in this colony was one of the chief objects of investment to men possessed of a little capital. It might not be advisable to abrogate the existing law in England, where there was an aristocracy, and where the tenure of land was so different in character and origin from that which here prevailed. In Queensland, it was desirable that the law of England, in this respect, should be altered, as it had been in some of the other Australian colonies.

The ATTORNEY-GENERAL said that there was considerable difference of opinion as to the expediency of such a measure as that proposed; and he would give his opinion at this early stage. A Bill had passed the Legislative Assembly in 1863, but had not become law; and he then took the opportunity of expressing grave doubts as to the working of such a measure. The honorable member for East Moreton (Mr. Cribb) had introduced a Bill afterwards to effect the object contemplated by the present Bill; but the measure proposed was impracticable. In the first place, taking into consideration the law as it prevailed in England with regard to the devolution of

real property, that measure, if passed, would have led to endless litigation. Equity suit upon equity suit would have arisen, and an intestate estate would have been liable to be swallowed up by legal expenses. He had, however, after stating his opinion, left the Bill to the House on its broad principles, rather than oppose it on these technical grounds. He had grave doubts as to some of the details of the measure now brought forward by the honorable member for North Brisbane (Mr. Blakeney), and could not promise his support to it in its present shape. The position of the colony was so far different from that of the mother country, that some steps should be taken to prevent the evils complained of by the honorable member. No doubt, most of the members of the community invested their earnings in land, owing to the facilities afforded for its purchase. The case was different in England, where facilities for such investments did not exist to so great an extent. At the same time, it should be remembered that every man ought to make a will, and no one should expect the Legislature to guard him against the possible consequences which might accrue to his family from negligence in this respect. In cases, however, of men who through ignorance neglected this duty, or of men taken suddenly ill, it was not right that the younger branches of a family, where the sole inheritance was landed property, should receive no share of the inheritance, and that the eldest son should obtain all. His opinion was, that in a case of this sort, land, if subjected to the same law as personal property, should immediately be converted into cash. The land should be at once placed in the hands of the Curator of Intestate Estates, who should proceed to realise its value in money, and then divide the proceeds amongst the heirs, on the principle of the Statute of Distribution. If this plan were not adopted they would find that in a disputed case they might have ten people quarrelling over a rood of land, to a share of which they might all lay claim, and the whole property would be swallowed up in litigation. If real property in such cases were to be treated as personal property, by all means let it be treated as such, but let it be held and sold by the Curator of Intestate Estates, and then they would avoid the chance of an estate being swallowed up by legal expenses.

Mr. R. Cribb trusted that the Bill would pass, with the amendments suggested by the honorable the Attorney-General, which, he thought, were very judicious. Almost every man in the colony became a freeholder, and it was a great evil that the Legislature should not make provision for the case of a man, who died intestate possessed of landed property, and leaving, as often happened, enormous debts. He did not see why real property should not be protected in the same way as personal property.

The question was agreed to.

OPENING OF ROADS BILL.

The Secretary for Lands and Works said: In submitting this Bill to the House for second reading, it was unnecessary for him to remind honorable members that notwithstanding all the legislation of Queensland, a large number of our most important statutes had been passed by the Parliament of New South Wales. Those statutes that referred to the roads of the colony—that gave to the Government the powers of opening and forming new roads—were of still more ancient date. The first of them was passed during the fourth year of the reign of William IV., when New South Wales was still a penal settlement; the second was passed during the fourth year of Her present Majesty's reign, yet long before representative institutions were introduced into these colonies. There were many clauses contained in those statutes still of great use in this colony—clauses which he had taken the trouble to embody in the Bill now submitted to the House; but, notwithstanding, those statutes had been found in practical operation to be cumbersome, expensive, and unsatisfactory; while, in one or two respects, they were absolutely opposed to the legislation of this colony. It was not his intention, and the House would not require him, to direct his attention to those clauses of the statutes referred to, which were embodied in the Bill on the table, but he would invite the attention of honorable members to the new matter that was contained in the Bill, and which would be regarded as the principles of the measure. As some honorable members were very well aware, the demands that were frequently made on the Government for land that was resumed for the purpose of forming roads were by no means uniform in amount—calculated upon no fixed principle, and ranging from thirty shillings upwards, the great difficulty was how to deal with them. According to one of the Acts to which he had just referred, the fourth William IV., when a party made a demand on the Government for compensation on account of land taken from him for the purpose of forming a public road, it became necessary for the Governor to issue a commission to a number of individuals, not exceeding five, and by that commission they were directed to ascertain and assess the damages. The commissioners were directed to issue a summons to the party making the demand to appear before them, on a day named, in the court-house; they were also directed to issue their warrant to the chief constable, to summon not less than eighteen and not exceeding twenty-four jurors, to try the question of damages; a bond was required to be entered into by the party making the demand on the Government, but the condition of it simply was that if he did not succeed in getting anything, then he was bound to pay all the costs of executing the inquiry. Of course, no man would ever think of setting up a claim who

had not some shadow of a title for compensation, and so the Crown had, in most cases, to bear expense. But the matter did not end here. The parties assembled in the court-house before the commissioners, the jury sat as assessors, and the whole process of a law suit was then gone through for the sake, it might be, of thirty shillings. This being completed, the verdict was returned, and the jury were paid, and the witnesses also, and the parties separated. Still, there was something that the law required to be done: then stepped in the ancient law forms. It was required by the Act that a full and particular account of the whole of the proceedings, together with the verdict, should be recorded in a fair hand on parchment, and that the document should then be transmitted by the commissioners to the Supreme Court, to be enrolled. Those were some of the necessities, some of the requisites, which the law now said should be carried out on demands made for compensation for land taken for roads. As he had stated, there were portions of the Act which he had embodied in the Bill now before the House, and of which he highly approved; but honorable members would agree with him that the process which he had just detailed was both cumbersome and expensive. In the law as it now stood there was no power of arbitration—no power to compel arbitration—and, in point of practice, the only course that the Government were permitted to adopt—and, actually as an economical course—was to pay the party the amount of his demand, where he would not agree to go to arbitration. It had been found more economical to pay for the land on demand than incur the enormous expense of the process to which he had referred. He might mention that two cases only had occurred in the colony, which had been sent to a jury in the way he had described. The reason for giving up the system was exactly what he had stated; the expense was very much greater in most cases than the amount claimed originally by the party. This was the great evil with which he proposed to deal by the Bill; and, if honorable members would take the trouble to turn to the seventh and twelfth clauses inclusive, they would find that he there proposed to deal with it by arbitration; and, by adopting this measure, he thought they would agree with him that there would be placed before the country, and all parties who desired to take advantage of it, an easy and cheap mode of arriving at a settlement of all claims. Another, and perhaps a still more important feature presented itself in the Bill. Except the verdict to which he had already referred was engrossed upon parchment and transmitted to the Supreme Court, it had not been the practice, in those cases, to get a conveyance from the party whose land was taken for the purpose of making a road, nor was there an indorsement upon his title-deeds that either land had been taken or money paid. So that, if another party desirous of treating with him bought the land through which a road had been made, neither on the face of the title-deed nor in the search of the registry of deeds could he discover that a portion had ever been taken from the area of the land included in the original grant from the Crown, or that any money had been paid for the land resumed. And he (the Secretary for Lands and Works) had been informed of cases where parties had actually sold land a second time, and had taken payment for land previously resumed and previously paid for. Honorable members would observe that here was an open door for fraud, and he proposed to deal with it in the eighteenth clause; and by that they would observe that he required that the boundaries of the land taken should be described, and, with a certificate under the hand of the Surveyor-General, the description should be lodged with the Registrar-General, who would be bound to enter in the registry in his office that the fee-simple of the land had been "transferred to and re-vested in Her Majesty." This would give freedom and security to all parties in future to deal with such lands. Those were the two main features of the Bill, as distinct from the law as it now stood. By the fifteenth clause, he proposed also to give to claimants—where they did not object, and where they were desirous in point of fact, to have such compensation—compensation in contiguous Crown lands. There were a few other points in the Bill, but they were matters which had been introduced into it in consequence of the establishment of representative institutions, and the division of the Government of the colony into departments. He would, also, observe with reference to the Act fourth Victoria, the last which he had mentioned, that it was an Act which had reference exclusively to parish roads; it was an Act which had never been in force in this colony; it was an Act not suited to our wants: and honorable members who would take the trouble to read it would observe that it was totally inconsistent with the Provincial Councils Act, which was passed last session. He proposed to repeal that Act. Now, he thought he had placed before the House the principal features of the measure on the table; he did not purpose to read over the clauses in detail, and he would conclude by simply moving that the Bill be read a second time.

Mr. GROOM concurred in many of the observations which had fallen from the honorable the Secretary for Lands and Works; but at the same time he must confess that he had very serious objections to giving his assent to the second clause of the Bill. He was quite prepared to say that the Act 4 Victoria, No. 12, should be repealed; but he was not prepared to say that 4 William IV., No. 11, was one which it would be desirable for the House to repeal, because he did not think that the provisions

which were included in the measure before the House provided for a case which was met by the law as at present in force. He would give an instance from his own knowledge :— It was considered desirable by a private individual to open a certain road through his own land, in a certain town in this colony. In order to effect that arrangement, an application was made to the municipal council, and it was sought by a side-wind to put the municipality to an expense of £500 for making that particular road, which passed through the property of a private individual, and who, had the road been formed, would have pocketed something like £1,000 by the operation, from the enhanced value of his land. Under 4 William IV., No. 11, a petition, protesting against the extension of the road through private property, and the incurring of a large expense therefor, was forwarded by the ratepayers to the Executive, who, after a time, saw that the objections were perfectly valid, and granted the prayer of the petition. Here the Executive acted as a counterpoise between the ratepayers, on the one hand, and the presumptuous and extravagant claims of a private individual, on the other, and saved the public a large expense. In the Bill before the House it was proposed to repeal the Act in question, without providing a remedy in accordance with the requirements he had just illustrated. As he understood it, the honorable member intended the Bill to apply to agricultural reserves.

The SECRETARY FOR LANDS AND WORKS: Oh! no, no.

Mr. GROOM: Well, he did not see that wise provision in the Bill. The reply which the honorable member himself gave to the representations made to him the other day from Toowoomba had given unqualified satisfaction; and it would be in his recollection that the action of those who had appealed to him was under the very Act which it was now proposed to repeal. Although he (Mr. Groom) was prepared to accept the Bill on the whole, he was not quite clear that it was desirable to repeal the Act referred to; and he reserved to himself the right to move alterations in committee.

Mr. BLAKENEY agreed in the main with the provisions of the Bill, and said he thought it would be a very useful measure; but he would suggest to the honorable the Secretary for Lands and Works that there was one section which required some improvement. The Act 4 William IV., he was prepared to admit, was most cumbrous and expensive; but he attributed a large share of the difficulties in the opening of roads to the carelessness of the surveyors, who did not pay sufficient regard to the main lines of traffic in the country, but, regardless of them, made their surveys in their offices. He instanced a long-used thoroughfare between the main Ipswich road and the Brisbane River, which was, from the carelessness of the surveyors, fenced up; and the requirements of a large agricultural population that had settled in the neighborhood were thereby disregarded. The Government were now, however, taking measures to open the road. Care should be taken that similar mistakes should not again occur. There was one other point on which he had some objections to urge. The Act 4 William IV., which the Bill proposed to repeal, gave, in the twenty-third and twenty-fourth sections, remedies to parties having purchased land where Government works were going on and where Government contractors entered upon the land for the purpose of taking materials therefrom. There were some cases now actually pending in the Supreme Court which had been brought before the judges under that Act—some were appeals from the last circuit awaiting decision, as to the right of contractors to take materials without paying for them. Recently, as he remembered, one of the judges had decided—and he (Mr. Blakeney) thought most properly—that where a contractor took materials, such as cutting timber on enclosed or unenclosed lands for the purpose of public works, unless it was from land adjacent to or adjoining the said public works, he was liable to the proprietor for the value of the material removed as well as the damage occasioned thereby. Now he found that the twenty-first clause of the Bill, which was to a certain extent a re-enactment of the twenty-third and twenty-fourth clauses of the Act 4 William IV., contained a proviso to which he strongly objected. Though the contractor had power to go on alienated land, the compensation to the owner was limited to the "damage actually done, but not for the value of the material removed." Now he did not think that was just. He could give an instance which had occurred to himself. At Oxley Creek a bridge was made. The contractor for the work entered upon lands of his (Mr. Blakeney's) which were two miles distant, and cut a number of trees which were very valuable, and which he had himself intended to use for the purpose of fencing in the land. The contractor not only cut the trees down and took the timber away, but he left the land encumbered with the tops of the trees, thus injuring most valuable property. He (Mr. Blakeney) could recover under the Act which the honorable member proposed to repeal; but if the Bill became law, he could not recover under it. As he was reminded by the honorable member for Toowoomba (Mr. Groom), a case had been tried at the last assizes, under the thirty-fourth section of 4 William IV., No. 11; in that case, the magistrates had decided that the contractor was liable for the price and value of the timber taken; and, in reason and justice, if he (Mr. Blakeney) bought land from the Government, and bought it with what was on it, he could not see why a Government contractor should take material off the land without paying the value of it to him as

owner. It was not for the damage only that he had a right to be paid, but the value of the thing taken away. If the Bill passed in its present form, the owners of land would be without remedy. He would therefore suggest that the twenty-fourth clause of the Act proposed to be repealed should be more accurately incorporated in the Bill under discussion; and that it should be made clear that, where a party bought land, if the public required any property on that land, the owner was entitled to claim the value of it—let it be gravel, or stone, or indigenous timber. In common justice, the owner should be paid, not only for the damage done by the removal, but for the value of the material removed. If that were done, the Bill would be a very great improvement on the present law.

The question was then put and affirmed.

AGRICULTURAL RESERVES BILL.

The SECRETARY FOR LANDS AND WORKS said: Mr. Speaker—I rise for the purpose of moving the second reading of "A Bill to amend the Agricultural Reserves Act of 1863," and, in doing so, I do not anticipate that any grounds for a lengthy discussion, at any rate, exist with regard to this matter. The Bill has been introduced from the reports of officers of the Government who have charge of the agricultural reserves. Many honorable gentlemen of this House will recollect that when the Agricultural Reserves Act was brought before Parliament, not only considerable discussion took place, but by no means an unanimous opinion existed with regard to the conditions which should be imposed upon selectors within agricultural reserves. That a necessity existed for conditions was too apparent, from the way in which selections had previously been made; and it certainly was desirable that the honest and *bona fide* selector should be encouraged and protected, while he who desired to select under the provisions of the Act for the mere purpose of converting the land into a grass paddock should have every obstruction thrown in his way. It was not to be wondered at, therefore, that Parliament, while insisting on conditions of a nature calculated, it was supposed, to secure residence and cultivation, should, at that moment have forgotton to some extent the position of those parties who are most likely to take up land within agricultural reserves. We all know that the parties who are most likely to go upon those reserves are usually not possessed of capital;—if they have any money, it is no more than sufficient to pay for the land, and to carry them on, aided by their own personal industry, for the first twelve months. If conditions are imposed on those parties, and if the conditions went beyond what are necessary to secure residence on the land and the cultivation of it, it is clear that they must divert the means that ought to be employed in carrying on the legitimate objects contemplated by the Legislature to other objects opposed to them. I take the condition of fencing: under the Agricultural Reserves Act, a party is obliged to fence his land. I would observe that, of course, it must be the interest of every individual going upon an agricultural reserve and selecting to put up a fence, so as to secure his crops. But if he is not permitted to put up the very cheapest fence he can get, if he is compelled by an Act of Parliament to put up a three or four rail fence, it must follow as a necessary consequence that the man not only becomes embarrassed, but the means are actually taken from him that would have been employed not only to build his house and to cultivate the land, but he is thereby unable too frequently to comply with the two first conditions —those of residence and cultivation—and simply because an Act of Parliament requires that he shall put up a "substantial fence." The Agricultural Reserves Act is even more stringent than this; it enacts that a party shall not only put up a residence, that he shall not only cultivate, that he shall not only fence, but, if he fails to do the whole of these—if he puts up a house, puts up a fence, cultivates one-fifth in place of one-sixth of his land, as required by the Act—he forfeits his land, house, fencing, and crops even; and the Executive Government has no power under the Act to give him the slightest relief. It does appear to me that the object the Legislature had in view was to encourage the honest agriculturist in selecting on these terms: the object was, to secure residence and cultivation, but not, by setting up conditions, to bring ruin and misery on what otherwise may have formed a most intelligent, honest, and industrious class of colonists. I propose, therefore, by this Bill entirely to abolish the fencing clause. I maintain that the man who wishes to cultivate must fence for his own benefit; but the description of fencing that he puts up ought to be left to himself.

An Honorable MEMBER: A cockatoo fence.

The SECRETARY FOR LANDS AND WORKS: He may put up a cockatoo fence if he likes. I come, now, to a different clause. The selectors whom I have been talking of, are the selectors whom, I have no doubt, it was the intention of the Legislature to encourage and support. It appears by the present law that special surveys within agricultural reserves are permitted; and if those special surveys had led to any good practical result, there could be no objection to their continuance. But as only two cases have presented themselves since the law came into force—and all that the applicant in one of them did, was to go on the special survey, cut down and carry away every particle of good timber on it, and then throw the whole matter up;—this is a state of affairs which I am not disposed to encourage, and the House will agree with me that it ought not to be encouraged. There is no necessity for special surveys at the

present moment. Our surveys within agricultural reserves are in so advanced a state, that there is no necessity whatever for those other surveys. I propose, therefore, to repeal that provision for special surveys. In connection with the cases to which I have just referred, I would invite the attention of the House for one moment to another provision of the present law, which is intended to be operated upon by the Bill;—it is the clause which gives the power to purchasers in agricultural reserves to lease three times the quantity of land they have purchased. There is no doubt that the leasing power was an indulgence extended to agriculturists—held out as an inducement to them, to take up an additional quantity of land to be paid for hereafter, and to assist them as far as possible to success in their operations as agriculturists. What is the position of the matter? Why, in half of the cases no land at all has been taken up under lease; thereby showing, to a certain extent, that the honest agriculturist does not want it. In those cases in which leased lands have been taken up, what is the result? Not a particle of fencing has been put up on those lands, and, at the end of the term, the lands have been forfeited, and applied for the very next day by the same parties. This is a distinct fraud on the Legislature and the country. The only reason assigned to me in favor of the privilege of leasing lands is, that it enables parties to run cattle; but, instead of running cattle on land fenced in, parties have been running them on their neighbors' lands. The land taken up under the leasing clauses is of the very best description, and the effect of the leasing is to tie it up for a number of years for no corresponding advantage. I put it to the House, whether this leasing power ought not to be repealed? These are the only clauses of this Bill that are at all different from the Agricultural Reserves Act which is in force at present. No doubt, with regard to the districts of the colony where agricultural reserves are to be proclaimed, honorable members will observe that there is a difference between the Bill and the law as it now stands; but it has been made in consequence of the Government being driven to this conclusion—that we have no lands worth cultivating within the distance of the coast specified by the second clause of the existing Act. I think I have said all that is necessary on the present question. I shall be very glad, if honorable members have any amendment to suggest in this measure, to give it my attention. I have done what I conceive to be essentially necessary, not only to the protection of the honest farmer, but to the putting down of a system of frauds in agricultural reserves.

Mr. Douglas said the honorable member, in his concluding remarks, referred to a class of frauds that had been perpetrated on the agricultural reserves, and that, he presumed, had been perpetrated last year in virtue of the Act passed in 1863. He had no doubt the honorable member was well informed on this matter, and that his statement must be accepted by the House as a sufficient reason for the introduction of the Bill. Certainly, there was very little to do, and the honorable member was glad to have something to bring before the House; but he (Mr. Douglas) would have been better pleased if he could have seen some statistics in connection with this matter. He conceived that the annual statement of the Registrar-General, which the House had not seen yet, would give them the information. He would like to see the area of the land taken up, and the extent of the frauds spoken of. He could hardly imagine these were of a very alarming character. It must be in the recollection of honorable members who had seats in the House at the time, that the chief opposition to the Agricultural Reserves Act was on account of the fencing clause—he thought there had been a division on it—which it was the object of the Bill now under consideration to repeal. He had voted against that clause, because he was of opinion that it was unwise to impose that condition upon the selectors in the agricultural reserves; and he believed that if the Government had sufficiently large areas of land open, they might do away altogether with the fencing, and all other conditions. It was of no importance whatever for them to inquire what was the object for which the land was taken up, so long as it was paid for—so long as it was not squandered away, they had no right to inquire about what the selectors did with it. But it was the policy of the country now to set apart only small sections for agriculture; that being the case, it might be necessary to see that the agricultural reserves did not fall too rapidly into the hands of the large capitalists—as they were set apart for the small capitalists—and the Government might clog the purchase of land therein with strong conditions. When the Act was under consideration he framed certain schedules for setting apart, specifically, certain portions of country for agricultural purposes; but he believed certain honorable members took alarm at the amount he had named to be so set apart. Really, the amount was very insignificant compared with the large area at the command of honorable members opposite. He thought, however, that it would be wise to submit the Bill to a committee to ascertain whether they could not set apart certain portions of the country in that way. Honorable members would not, surely, be surprised at half a million of acres being set apart for agricultural purposes. It would be only a dot on our map. If they would consider that, it might be in their power this session to settle this question by voting a sufficient supply of land to meet the demands for agriculture for the next four or five years; they might then consider the matter at rest,

and they would not be under the necessity of having a new Land Bill brought in every year. The honorable member who introduced the Bill had expended a certain amount of vehemence on the honest agriculturist. He said, further, that there was a certain class of dishonest agriculturists. Whom did he mean? The honorable gentlemen sitting opposite to him?—were they the dishonest agriculturists?

The SECRETARY FOR LANDS AND WORKS: By no means.

Mr. DOUGLAS: Then did he refer to his (the Opposition) side of the House?

The SECRETARY FOR LANDS AND WORKS (in explanation): The honorable member asked me if I alluded to the honorable gentlemen opposite to me. I said—by no means; of course I did not.

Mr. DOUGLAS was glad to hear that the honorable member repudiated wholly his allusion to the dishonest agriculturists of the country. He presumed that they might dismiss from their minds the dishonest class. Returning to the Bill, he said he thought that the second clause would permit of their defining by schedule a certain portion of the country for selection by agriculturists. It must be remembered, that under the existing Act they had defined certain districts in which land should be so set apart. The honorable member opposite made out that it was not desirable for the Government within those limits to set apart land fit for agriculture. Might it not be wise of the House to prescribe in the Bill the limits within which it was desirable? He (Mr. Douglas) would leave it to the good sense of the honorable member whether, as he had done so on a former occasion, it would not be wise to do so now. A certain amount of pressure might be brought to bear on the Bill. When it was deemed desirable to set apart a certain portion of country, a feeling of dread was naturally evoked in the minds of certain persons; and he took it that those gentlemen on whom the Government depended for support, were those who were most amenable to that feeling. Would they not be relieved of all anxiety in future—would it not free them from any feeling of personal antagonism—those honorable members who were supporters of the Government—if the other side of the House assisted them in advancing what was so desirable? In conclusion, he remarked that he saw no objection to the Bill, with the exception that he thought it would be desirable to define the areas; it was an instalment of what he always upheld, that they should not clog agriculture with too many conditions. As a suggestion, he thought that this Bill, with the Opening of Roads Bill, might be referred to a committee; but it could hardly be looked upon as a final settlement of the question of the alienation of Crown lands. He had no intention of opposing the second reading, and he would give the Bill his best support in committee.

Mr. GROOM said it almost appeared from the remarks that fell from the honorable the Secretary for Lands and Works, that they were to have a Bill every session on the subject of the agricultural reserves. He could scarcely have imagined, however, that the honorable member would have presented such a liberal measure as he had on this occasion. The matters which had been referred to, had presented themselves to the farmers themselves, as well as to the officers of the Government; and he had in his possession a letter written by a practical farmer since the honorable member had given notice of his intention to bring in his Bill. He read the letter:—

"Toowoomba Agricultural Reserve,
"April 17th, 1865.

"SIR,—I wish to bring under your notice a case which requires the immediate attention of the Legislature, and one which I trust you will at once bring under their notice—I allude to the over-stringent clauses of the 'Agricultural Reserves Act.' By that Act a purchaser of a block of land on any reserve in Queensland is required to fence in the *whole*, and to cultivate *one-sixth* of his holding, within one year from the date of purchase. Now, it is utterly impossible for any but the man of large capital to comply with the abovementioned clauses within the time given; and the more so, since the proclamation has issued that no timber shall be cut or removed within two miles of a surveyed railway line. The original time, eighteen months, was found to be quite little enough in most cases for even the requirements of the old Act, but now that the time is abridged, and conditions multiplied, it becomes a matter all but impossible to comply with. By taking into consideration the amount of labor to be done in fencing, clearing, ploughing, and building, you will at once perceive the justice of the above complaint. For myself, I frankly admit it to be a matter of vital importance, and I feel assured it is the same to nine-tenths of the present holders of lands on agricultural reserves. I would suggest, humbly, that the original time of eighteen months was quite little enough to enable those whose all depended on the land to make the purchase secure. It would be useless for me to say more to one who has made the want of the district to peculiarly his study, and I shall conclude by hoping that these lines may bring before your mind at the commencement of the present session some mode for alleviating an Act which must otherwise go far towards ruining many of your constituents, as well as—Your obedient, &c."

That was from the head of a family who had several sons engaged with himself in farming operations on the Toowoomba Agricultural Reserve, and who found it impossible to comply with all the conditions and restrictions of the Agricultural Reserves Act of 1863. He (Mr. Groom) would call particular attention to that part which said no timber was to be cut within two miles of any railway line. Every one who knew the Main Range was aware that there was a particular timber to be had near the line; but, by the proclamation, the farmers were driven to a distance of fifteen or sixteen miles to get timber for fencing their land. It therefore gave him

(Mr. Groom) great pleasure to see that the fencing condition would be repealed. He thought that the Bill was on the whole a very liberal one.

Mr. WALSH said he objected to the Bill on the ground that it was a piece of patchwork legislation. Not a session had passed over without the introduction of a Bill to amend some other Bill having reference to the lands of the colony. There seemed to be no finality to such legislation. The consequence was that no one out of the colony, and very few persons in it, knew what were really the land regulations in force. The time must soon arrive when some more comprehensive measure would have to be introduced by the Government. Year after year, session after session, the country had been informed that certain trifling amendments were necessary in the existing Acts; and he thought if those Acts required such continual alterations, it was high time they should be put into such a form as would suit the circumstances of the country, at any rate for a few years. He believed there was scarcely a clause in the Bill before the House which would pass in its present state through committee. The second clause, which referred to the proclamation of agricultural reserves, appeared to him to give a very unnecessary power to the Government. How was the Governor to reserve any portion of land in a reserve? Doubtless, he should do so under certain circumstances; but he contended that such a privilege should be limited and defined; for, if the second clause become law, it was very possible that such a pressure might be brought to bear upon the Government as would cause them to withdraw lands whichought not properly to be withdrawn. He also objected to the third and fourth clauses which referred to the selection and sale of lands in the agricultural reserves. He thought the time had arrived when those country lands should be made productive, and that it would be much better to legislate for the benefit of the free selector, and to let him have it at a lower rate of purchase. In his opinion, if the price of land were reduced so as to attract a greater number of emigrants, the expense now incurred in bringing labor and capital into the colony would be considerably lessened; and it would not be necessary to have an Emigration Commissioner at home, or to employ the expensive machinery for introducing emigration which was at present found necessary. In effect, the greatest attraction that could be offered, would be a reduction in the price of Crown lands. There was another provision in the Bill which struck him as being objectionable, and that was the necessity for cultivating the land. He considered that if a man paid twenty shillings an acre for his land, he paid its full value, and was entitled to possess it even in an agricultural reserve, without any reservation whatsoever. He ought to be able to take possession of it with the same advantages as a squatter who purchased land under the pre-emptive right, or any other person who bought land at an auction sale. Nothing was more calculated to hinder persons from taking up land in agricultural reserves than the enactment of a law which rendered him liable, after expending the hard labor of some months upon it, to forfeit the land in consequence of his failure to comply with some regulation which circumstances might have rendered it impossible for him to fulfil. In his opinion, that was a great objection to the Bill. But his chief objection was that the Bill was simply a continuance of the usual patchwork style of legislation, the effect of which was to leave the laws which affected the Crown lands in this colony in an unsettled and unsatisfactory state. He, therefore, felt constrained to oppose the motion.

Mr. FORBES said that the experience which he had obtained during a number of years in the working of agricultural reserves, had led him to the conclusion that they had proved a complete delusion. The reserves had been a snare which had attracted emigrants to the colony, and after the emigrants had arrived, they had actually been starved by Act of Parliament. The emigrant was informed upon his arrival, that he must go out and settle upon the land, whether he wished to do so or not. It must have been patent to many honorable members, in their experience of the colony, that ten out of every fifteen of the small farmers who took leases of farming lands at a mere nominal rent—clearing leases—had actually deserted their homes from sheer inability to make a profit out of the land; and other persons had become the possessors of their farms. It was a fact, that those persons who originally settled upon the land rarely retained it. His own observation had forced him to the conclusion that there was more agricultural produce grown upon lands which did not form a part of the agricultural reserves than upon those lands which were comprised in them. In his opinion. if a large quantity of land were surveyed, and put into the market, and submitted for public competition, and afterwards kept open for selection, the requirements of the intending small farmer would be provided for in a much more satisfactory way. The agricultural reserves were, no doubt, at first a great inducement to immigrants. But the real fact was, that the greater portion of the population was settled, not on the reserves, but upon lands which, having been submitted for sale by auction, had afterwards been selected at the upset price. He believed that if those honorable members who discussed farming pursuits in a theoretical way, would put their hands into their pockets and test their theories by practical experiments, they would soon be convinced of the absurdity of supposing they could live by farming in a colony where labor was so exhorbitant. It was a great mistake to suppose that farming was a profitable pursuit. It was a well-known fact that a sufficient supply of hay could not be grown in the

colony, and that the ordinary vegetables required for daily use had to be imported from the neighboring colonies. Under such circumstances, it was hardly fair to compel a man to settle down at once in an agricultural reserve, and to say that he must either turn farmer or starve—for it really come to that.

Mr. WATTS remarked that in all cases where it was endeavored to frame class legislation, it was found necessary to patch up the law from time to time. The remarks which had fallen from the honorable member who had just sat down met with his approval, and would, he was convinced, meet with the approval of a majority of the colonists. He would observe that the Act to which the honorable the Secretary for Lands and Works had referred was an Act passed during the session of 1863, and not the original Act. The class of persons to whom the honorable member alluded were not agriculturists in the proper sense of the word, but in reality land-jobbers. He could point out, in the vicinity of Drayton and Toowoomba, several instances where persons took up land solely for the purpose of speculation, and frequently without any intention whatever of cultivating it. The Acts of Parliament which related to the agricultural reserves, like all other Acts, were generally evaded. Even the last Act, which was framed with such care, was no exception to that rule. In the second schedule it was provided that a person taking up land in an agricultural reserve must go before the commissioner of Crown lands for that district and swear that he had not done so as agent for another person. That regulation might be complied with, and the law still be evaded by the person in question going, after four or five months, to any person possessed of money, and making whatever arrangements he chose. In that way a man might occupy as much as 1280 acres of land in one spot, one lot being taken up for himself, the second in the name of a cousin, and so on, the farm buildings being erected in the centre of the block. He knew an instance in which that had actually been done. (Name?) He declined to name the person, who had, after all, complied with the letter of the existing regulations. He knew also of another case, where a man had taken up a large block of land, which, failing to comply with the requirements of the Act, he had forfeited. The day after he took up a portion of the same land, but fenced in the whole of it, with the intention of selling it and realizing money upon it. It would therefore, he thought, be advisable to remove all those restrictions which applied to lands taken up for agricultural purposes. He was inclined to adopt the suggestion made by the honorable member for the Warrego, that the lands should be put up to auction, although he did not concur with the honorable member in his opinion as to the price at which they should be offered to the public. No doubt there was a great deal of land in the colony which might be reduced to five shillings an acre. But the land comprised in the agricultural reserves was picked land, and was fully worth twenty shillings an acre. He observed that there was a provision in the Bill which, at first glance, appeared to be tantamount to free selection. For it was provided by a former Act that no agricultural reserves should be proclaimed except within a certain distance of a town. But it appeared, in the Bill before the House, that power was vested in the Governor to proclaim any lands in the colony as agricultural reserves. Taking the various provisions of the Bill into consideration, he did think it would be better to submit the 320 acres, which might be taken up under existing regulations, to public competition, in which case every intending farmer would have a fair chance. He had no objection to the sale of agricultural lands, for he was of opinion that the sooner the lands were alienated the better. The sale of land in such a case would have the effect of promoting agriculture, and the proceeds derived therefrom would go far towards defraying the expense of introducing emigrants into the colony. In conclusion, he begged to say that, if the Bill passed its second reading, he should do his best to mature it and render it applicable to the circumstances of the colony. But he thought it would be far better to sweep away all the restrictions which existed to the actual cultivation of the land; to put up the lands for sale by auction, and to allow intending farmers the opportunity of taking up the unsold lots.

Mr. FITZSIMMONS said that it appeared to him the object which the Legislature had in view, was to bring the agricultural lands of the colony into cultivation. The waste lands of the colony were of little value, and they were not of much service to the agriculturist, unless he could obtain labor at a reasonable rate. If it were sought to bring the agricultural lands into cultivation, the object could best be attained by bringing them within the reach of the working man, who was always the best tenant for the Crown. For, if the poor man purchased a certain number of acres, in all probability he would invest his capital, whatever it might be, upon it. He would have no other means of support than his farm afforded him, and no other pursuit. He would therefore, as a matter of course, expend all his labor, and bring his best judgment to bear upon it, in order to make it as productive as possible. So far, he was a more profitable tenant than the rich man; and his occupation of the land was of greater benefit to the public. The rich man who purchased land would, in all probability, have other means of support; and would be engaged in other pursuits, to the neglect of the land. It was therefore very desirable to afford the greatest facility to the occupation of the land by the small

farmer, and to enable him to cultivate it with advantage, by removing the obstructions which at present beset him. He (Mr. Fitzsimmons) thought it was very hard that the working man who had taken up a few acres in an agricultural reserve, should be compelled to fence it in within a given period. Such a provision was calculated to cripple him, and to cause him to become embarrassed with his agent and storekeeper. The result would be, that he would be forced to part with the land to meet his liabilities, and it would remain unproductive, inasmuch as the person into whose hands it would fall, would not have time or inclination to cultivate it. It was therefore very necessary to remove every hindrance to the occupation and actual cultivation of the soil by the working man, who, as he had endeavored to show, was in reality the most profitable tenant.

Mr. McLean said that, as a practical farmer, and a person who had derived considerable advantages from the Agricultural Act, he felt competent to offer a few remarks upon the question before the House. He fully concurred in many of the remarks which had been made by his honorable friend the member for Western Downs (Mr. Watts), and there was no doubt that all the selectors of land in the agricultural reserves did not become the possessors of the land with a view to make farming their pursuit; but that, in many cases, they took up the land as a matter of speculation, in order to make a profit upon it, without any intention of cultivating it. No doubt nine-tenths of the lands in the agricultural reserves was held by persons who had no intention of making any practical use of it. He could also instance several cases of that nature. Such persons took up farms in the reserves, and as soon as there was an opportunity of making a pound or two they realised upon the land which they had already paid for, and with the profit they obtained, were in a position to comply with the requirements of the Act in reference to the portion they leased. There were other persons who took up land under the delusion that, being owners of land, they would be perfectly happy and be able to reside upon their property. As a proof that the pursuit of farming under such circumstances was not to be depended upon, he could mention the case of a respectable married man, an overseer on one of his stations, who was comfortably situated and had a salary of £200 per annum. The man was deluded into the idea that farming would pay, and impressed with that idea, he took up a farm in the Warwick Agricultural Reserve. But what was the result?—he spent all his little capital in purchasing a team of bullocks, in buying farming implements and other preliminary expenses, and finally lost his all in the speculation. He tried to crop his land one year and was disappointed. He then got into debt to a certain gentleman who was in the habit of tendering assistance to persons in similar predicaments, and ultimately he was obliged to part with his farm. Other instances might be quoted to prove that farms taken up in the agricultural reserves were transferred by their original owners to capitalists, who made use of them as model farms,—farms for the breeding of fine woolled sheep and for other purposes, and possibly with more profit than was derived by the poor deluded persons who first took them up. He believed that was the case with three-fourths of the land taken up in the agricultural reserves throughout the colony. With regard to the remarks which fell from the honorable member for Maryborough, he must say that he sympathised with him, and he did think the privilege of withdrawing lands from the reserves was rather an extensive power to place in the hands of the Governor. He had himself been a sufferer in that respect. However, it must be borne in mind that railways were now in course of construction throughout the country, and in the course of time the lines of railway might go through portions of the Crown lands, where at present it was not contemplated to take them. In such a case the privilege might be desirable, in view of the advantage which would accrue to the Government and the country, from the extra price which lands in the vicinity of a proposed railway would fetch in the market. As to the great number of land Acts which had been brought forward in this Legislature, he entirely concurred in the remarks of the honorable member; the legislators of Queensland were terrible people to make Acts, and then to repeal them. Upon one point, however, he disagreed with the honorable member, and that was the price of land; he did not think it was necessary to make any alteration in that respect; and he was of opinion that persons who purchased their land at twenty shillings an acre, would be perfectly at liberty to claim compensation from the Government, if the price were reduced. In Victoria, when the system of free selection was introduced, many persons who purchased their land at a much higher price, viz., between £3 and £4 an acre, applied for, and obtained compensation from the Government, when the price of land was reduced to twenty shillings. With these facts before him, he did not think it would be advisable to alter the present upset price.

Mr. Coxen said he wished to call the attention of the House to the fact, that he had opposed the Bill passed in 1860, in all its stages through the House. He had done so from a conviction that it would prove inoperative—that its clauses were so stringent, as to have the effect of destroying the object of the measure. He believed, from the cursory view he had taken of the Bill before the House, that had such a Bill been in operation, the case would have been quite different. He was glad to see that such a measure had been brought in, and he believed it was

one which might be complied with in its integrity, by the honest and *bona fide* agriculturist. He would point out to the honorable Secretary for Lands and Works, that too much stress must not be placed upon the remarks of the honorable member for the Western Downs (Mr. Watts), as to the surveying of Crown lands, and submitting them to public competition. Such a course would be inimical to the interests of the poor man, as the land would thus be placed at once in the hands of the capitalist, and the small farmer would have less opportunity of taking it up. He felt satisfied that there was a large class of persons who were getting a very good living by agriculture, and he did not think twenty shillings per acre, with the power of selection, was at all too high a price for land. The class of men to whom he referred were the small industrious farmers who worked their own land, occasionally employing labor to assist them. He had much pleasure in supporting the motion for the second reading of the Bill, which he looked upon as one of the best measures that had been introduced since Queensland became a colony.

Mr. TAYLOR said he had occasion a second time that evening to express his surprise at the turn the debate had taken. After listening to the number of speeches which had been made in favor of the poor man, one would almost imagine that a general election was at hand. The honorable Minister for Lands and Works had proposed a very liberal measure, which he had introduced in a most liberal speech. Never had he spoken in a more eloquent way in favor of the poor man, and still he had been opposed. The measure before the House had been spoken of in the highest terms by the honorable member for Port Curtis, the leader of the Opposition; and the honorable member who sat next to him, and who had the credit of being an out-and-out radical, had opposed it as strongly. What conclusion was to be arrived at? A measure had been brought forward which was intended to advance the interests of the poor man, and it appeared to please no one. It seemed a matter of hopeless impossibility to afford any relief to that unfortunate and much injured individual. Would any honorable member endeavor to persuade him that farming pursuits were really profitable in this colony. For his part, he might say that he had farmed land for a number of years and never could make it pay; the consequence was that he had abandoned farming for a more gentlemanly pursuit. It appeared to him that in the course of the debate a most important point had been overlooked; he referred to the enormous quantity of land which would come into the market in consequence of the construction of railways throughout the country—the thousands of acres through which the several lines of railway would run, which was also some of the most valuable land in the colony. He would commence at Ipswich, for he believed the land under the Range—much of it, was more valuable than the land on the Downs. (Oh, oh.) Honorable members might say "oh, oh"; but he affirmed that the land on the Downs, excepting that which lay in the vicinity of Toowoomba and Warwick, was not as valuable or so well adapted to the growth of grain as the land under the Range. All that land was in the hands of the Government, to make reserves wherever they thought fit. He was convinced that the real granary of the colony would be found to be in the neighborhood of Warwick and Toowoomba, and a certain number of miles under the Range. He would observe that he occasionally lent a little money to the distressed hard-working man, and he had invariably found that it was the hard laboring farmer, the man who had expended his labor and his little capital in fencing and clearing his land, in a vain effort to make a living out of it, who was reduced to distress. As to the restrictions upon the occupation and cultivation of land, they amounted to nothing. He did not recollect whether he had ever objected to any of those restrictions; but he knew that he had objected to the leasing clauses; they had been the cause of a great deal of mischief; they had caused a large quantity of land to be locked up, and thus lost to the country—a man being placed by them in a position to buy a small portion of land, which he cultivated, and to lease a large quantity, of which he made no use whatever. He had been informed that there was not a cabbage, potato, or onion used in Brisbane that was not imported from the other colonies. Queensland, which was held up as a farming country, actually could not supply vegetables for its metropolis; and was it therefore to be expected that shepherds coming down from the interior with a few hundreds in their pocket, or emigrants with a small capital, could go into the agricultural reserves and make a living by growing grain? Agriculture had received every possible encouragement in this colony, and it had been proved that the country was not adapted to it, except perhaps, as he had previously stated, for a few miles around Warwick and Toowoomba, and for a certain distance under the Range.

Mr. BLAKENEY said he should not have taken any part in the debate, but for the remarks which had just fallen from the honorable member for Western Downs. That honorable member had been the very first to introduce to the notice of the House the unfortunate individual who, during the previous session, had been admitted on all sides to be defunct—the poor man. He (Mr. Blakeney) was sorry to hear that he had been resuscitated, because, in his opinion, the less said about that person the better. The honorable member (Mr. Taylor), had wandered considerably from the point. For his part, he agreed with the honorable and learned Attorney-General that some alteration in the existing regulations, having

reference to agricultural reserves, had become necessary. At the same time, he could not but concur in the opinion expressed by the honorable member for Maryborough, who followed him; it was a lamentable fact, that session after session, honorable members were invited to assist in framing some new piece of patch-work legislation to amend the laws which governed the lands of the colony. It was to be regretted that there was no finality to the question. In the Vice-Regal Speech, His Excellency had stated that there was to be an amalgamation of the criminal laws, and it was a pity that a similar course could not be adopted with regard to the land laws, which, since the Parliament first met, had been a continual subject of consideration and alteration. During the last session, he had asked the honorable Secretary for Land and Works for information as to the working of the agricultural reserves, and had inquired whether they had not in some cases been taken up in a way that was contrary to the spirit of the Act, and whether gentlemen of wealth and position had not taken up certain portions of the agricultural reserves in the Darling Downs. That such had been the case, there was no doubt. Instances had been cited by more than one honorable member that evening, which proved that the regulations were evaded, and that large blocks of land were taken up in the names of different members of one family. He had asked the Honorable Secretary for Lands and Works "what constituted occupancy?—whether fencing the land was a sufficient compliance with the Act?" The reply of the honorable gentleman was that fencing did not constitute occupancy. He had then moved for a return of those persons who had taken up land within agricultural reserves, and who had not improved it. The return was a very meagre one, and it clearly proved to him that the names of the favored few—the persons who supported the Government—were excluded. For, in the Drayton and Toowoomba Reserve, it appeared that there were only four or five individuals who had forfeited their land. With reference to the suggestion of the honorable member for Eastern Downs (Mr. McLean), that the Government should reserve certain lands for railway purposes, he must say that he thought such a course premature at present; it might, possibly, be found necessary some years hence. The honorable member for Western Downs, in his remarks upon the condition of the poor man in this colony, had said a good deal about agriculture, and had repeated a good many complaints which he had heard of the scarcity of vegetables—probably, from some of the hotel keepers in Brisbane. There was no doubt, that during the continuance of such an unusually dry season, while such an unheard of drought prevailed, it was a difficult matter to supply the necessary quantity of vegetables. But he would inform the honorable member that there was land in the vicinity of Brisbane—especially the scrub land on the banks of the river—of as good a quality as could be found anywhere under the canopy of heaven—even in Toowoomba. He also dissented from the honorable member's *dictum*, that farming pursuits could not be made to pay in this colony. No doubt, there were failures, at times, as in every other pursuit—from divers causes, the farmers occasionally lost their crops. But he affirmed that, not only in the neighborhood of Brisbane, but on the banks of the Mary, and in many other parts of the colony, land was farmed with as much success, and gave as large crops as could be found anywhere. He thought the Legislature ought to do all in their power to foster agriculture, for the agriculturist was the real benefactor of the colony. If the regulations which affected the agricultural reserves were properly worked out, and the land was not taken up by persons for purposes of speculation, great credit would redound to the honorable Secretary for Lands and Works. He believed that honorable gentleman was sincere in his wish to administer the land laws effectually, and he had every confidence that the honorable member would do so, although he might possibly be trammelled by the private interests which would be brought to bear upon him. Holding this opinion, he should give his support to the motion for the second reading of the Bill before the House.

The question was then put and passed, and the House adjourned.