

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

TUESDAY, 5 SEPTEMBER 1865

Electronic reproduction of original hardcopy

LEGISLATIVE COUNCIL.

Tuesday, 5 September, 1865.

Parliament Buildings.—Crown Lands Bill.—Claims against Government Bill, 2^d.—Real Property Act of 1861.—Real Property Act Amendment Bill.—Resignation of the President.

PARLIAMENT BUILDINGS.

The PRESIDENT said: Honorable gentlemen—The first notice of motion which stands on the paper to-day is in my name. I have thought it my duty to bring this question before you for consideration, inasmuch as it appears to me that the session is fast approaching its termination, and I understand that it is in contemplation to attach to the proposed new Parliament Houses other offices connected with the Executive Government. As there has not been any official notification of that intention on the part of the Government laid before Parliament, I have thought it desirable, that an expression of your opinion on this subject, which is one concerning closely both Houses, should be obtained, before any step that might involve expense or be difficult to retrace should be taken in this matter. I have thought this my duty, because, in the first place, as the highest dignitary belonging to the Parliament, I am bound, I think, to watch over anything which more immediately concerns the Parliament as a body; and, in

the next place, because I was myself the mover of the original resolutions which brought about the construction of the new Houses of Parliament. On the 10th September, 1863, I moved, amongst other resolutions—

“(1.) That, in the opinion of this House, the time has arrived when measures ought to be adopted to procure increased and improved accommodation for the Houses of Parliament.

* * * * *

“(3.) That, in the event of such a measure meeting with the concurrence of all branches of the Legislature, a joint committee of the two Houses ought to be appointed, with power to act during the recess, and to cause to be prepared, and to approve of, plans for new buildings, as well as to determine on a site for their erection.”

Eventually, honorable gentlemen, as you will recollect, these resolutions were carried out, by the appointment, in the first place, of a joint commission composed of members of the two Houses, and afterwards by a committee, consisting of those same commissioners, appointed next session. But the only act consequent on the appointment of that commission, for which the commissioners themselves can be held responsible, is the selection of a site. They did select the site which the Government consented should be handed over as that for the proposed Parliament Buildings. Eventually, none of the plans which had been approved of by the commission or the joint committee met with the approval of the Government; and the whole business was so carried that the construction of the Parliament Houses was taken over by the Executive Government. Now, the main grounds upon which I found my supposition that it is intended to use the site given to the Parliament for other purposes than the Parliament Buildings is, that I have had presented to me by the Colonial Architect a design of a large block of buildings, containing evidently very much more accommodation than was intended for the Parliament Buildings alone; and, from inquiries I have made, I understand that it is contemplated—I presume, if it meets with the approval of the two Houses of Legislature—that there shall be combined in one building all the necessary accommodation for the Parliament, and all the necessary accommodation for some three or four of the Executive departments of the Government. Now, I am desirous that this question should be looked at from a parliamentary point of view as well as from that of the Executive, to whom only I presume it has yet been submitted. I have asked you to agree with me that it is not desirable that the Executive departments of the Government should be constructed in the same block of buildings, or even in the immediate vicinity of the buildings, devoted to the uses of the Parliament. But this is a question I shall leave entirely to your personal consideration. My own opinion on

it is a strong one. I think it very desirable that the Parliament should be removed as far as possible from the intrusion of a number of persons, or the public generally, who very naturally frequent the public offices, and who would be constantly in the vicinity of the Parliament Houses in pursuance of their business with those offices; I think the Parliament Buildings should be as secluded as possible—as remote from contact with the concourse of the public as we can well devise or carry out under the circumstances. I feel that the site selected is one admirably suited for that purpose. You are all personally aware and daily feel the inconvenience we are subjected to by the constant passing of traffic in the street now before us. Even the noise of the passing of vehicles is one which frequently interrupts debate—in fact, is annoying, at any rate, to the ears of individual members of the House; and I thought, when this site was selected, that we had escaped very much from inconveniences of that description. It seems to me, also, that if the Colonial Secretary's, the Colonial Treasurer's, and the Crown Lands departments are in the same block of buildings, there will be not only a number of Government *employées*, but of other persons constantly in attendance at those departments on their own business, who will be attracted more immediately about the Houses of Parliament than is at all desirable or advantageous. However, honorable gentlemen, these are matters which I put before you as my own individual opinions. They are, perhaps, matters of no moment; yet, I think they will be of consequence to Parliament hereafter, and to the future welfare of this country. I believe, if the design is carried out, that in future times Parliament will find the concourse of people attracted towards their Houses so annoying, that, notwithstanding all the expense incurred, some Parliament will do away with the nuisance by removing the buildings elsewhere. I propose that, if you agree with the opinions I have placed before you, these resolutions shall be transmitted to the Legislative Assembly. This is a matter of, perhaps, more importance to them than to us. My object is to obtain an expression of the opinion of Parliament on the subject, as it is due to the Parliament, before any steps shall be taken to carry out the proposed block of buildings, as appears to be intended by the Colonial Architect, that they shall have an opportunity of making known their feeling on it. I think the architectural effect will be altogether spoilt by the additions contemplated, and by the putting up of a block of buildings having very much the aspect of a large manufactory. I think the original design of the Parliament Buildings is one of considerable pretensions, and if carried out, will be pleasing; but not so, if added to in the way proposed. I believe, not only that the lungs of the city will be better preserved

and more perfect by the original than by any other design, but that there will be more space for the free circulation of air, for coolness, and for the convenience of members, if the buildings are erected on the site having the accommodation that is required for the business of Parliament only. This is not a question I need dilate upon at any length. Your own individual experience, honorable gentlemen, will, as I said before, enable you to judge correctly of its merits. It is one in which you are all much concerned, and I am desirous of obtaining an expression of opinion upon it; and, without further preface, I leave it for your decision. I now move—“(1.) That in the opinion of this House, it is not desirable the public offices appropriated to the Executive departments of the Government should be constructed in the same block of buildings, or even in the immediate vicinity of the buildings, devoted to the use of the Houses of Parliament. (2.) That the above resolution be communicated to the Legislative Assembly, and its concurrence therewith requested.”

The Hon. ST. G. R. GORE said, that although he cordially agreed with a great deal that had fallen from his honorable friend the President, which was characterised by his usual good sense; still he could not at all agree with the conclusion which the honorable gentleman had arrived at, from the premises stated by him. He thought it extremely desirable that the Houses of Parliament should be kept from the noise and traffic of the city which, as had been said, was now a matter of considerable annoyance to the Council. Still, the site that had been selected for the new buildings would save them from that annoyance in the future. It was proper that the Parliament Houses should not be in the immediate vicinity of business; and the fact that the Queen's Park was in front of the site chosen for them—and, indeed, reserved land was on three sides—guaranteed them from the considerable annoyance which his honorable friend had described. However, he could not see that it was anything but desirable that the departments of the Government should be concentrated as much as possible in close contiguity to the Parliament Houses. The number of officers in those departments was not likely to be a source of annoyance to honorable members. The business of Parliament commenced at the close of office hours, and it would be passing a stigma on the civil servants to say that anything they might do at an early hour of the day would affect the Parliament at a later hour. He thought that, as in the other branch of the Parliament constant reference was made to the papers and records of the departments, it was extremely desirable that the departments should be as close to the Assembly as possible; and, indeed, he could not see why the Colonial Secretary's, the Colonial Treasurer's, and the Crown Lands

departments should be singled out for particular remark by his honorable friend. Those were the departments which especially should be situated near to the site of the Legislature. But it was all a matter of taste. He had no doubt that his honorable friend foresaw those inconveniences that he had depicted, and was in fear that they would arise; but he could not himself see any probability of their arising, and, therefore, he must meet the motion with a direct negative. There were also other considerations which he thought should weigh very much with the House. Even assuming that a certain amount of inconvenience would arise—inconvenience from the contiguity of the Government departments to the Parliament Buildings—there were not many sites about Brisbane on which the Government offices could be erected. But the present site where the Parliament Buildings were going up was an unobjectionable one; and, so far, his honorable friend's arguments were established. It was convenient, from its central position, and also from the free ventilation and airiness that it commanded. It was on the back-bone of a ridge, commanding free ventilation on both sides, with the river before and behind. The land was the property of the Government, and he thought that a portion of the national inheritance might well be used for public purposes; and that it would be difficult to select any other place where a block of buildings for the business of the public could be more advantageously placed. If they went to Windmill Hill, that would be free and airy enough; but it would be a severe tax upon the citizens who might have business to do there, to have to ascend such a hill under a tropical sun. Therefore, on both the points raised—first, as to the inconvenience and annoyance; and, secondly, on the subsidiary question of the site—he must oppose the motion.

The ATTORNEY-GENERAL said: Honorable gentlemen—I also shall feel obliged to oppose the motion, because I consider the union of these offices to the Parliament might be found of considerable convenience, not only to the public, but to the members of the Assembly, if not to this House, as well. I see no particular inconvenience likely to arise from their close proximity; and if any persons are likely to be importuning members of Parliament, they would not be deterred from doing so by the distance of half-a-mile between the public offices and the Parliament Houses. I know of no inconvenience existing from this cause now, and I do not think it is likely to exist under the other circumstances contemplated. The plans of the buildings give private entrances to members of each House, and consequently every opportunity for keeping people away whom members do not wish to see. The saving of expense by placing the public offices in a block adjoining the Parliament Houses is

likely to be so great, that, even at the cost of a slight inconvenience to some members, I think the country will not be inclined to forego it.

The Hon. E. I. C. BROWNE said he, also, had been a member of the commission that had had the designs for the Parliament Houses under consideration. The designs afterwards came under the consideration of the Government, and the great reason for the commission adopting the recommendation of the Government, to place the public offices and the Parliament Houses in close contiguity, was one of economy—as it had been shewn to them. He saw no reason to alter the opinion they had then arrived at, that a very great saving would be effected by adopting that plan, and by releasing other lands in the city which could be sold. Therefore, he should be obliged to vote against the motion. He really did not see any objection to having the public offices under the same roof as the Houses of Parliament. As to honorable members being importuned by the civil servants, he thought that was less likely to be the case under the circumstances proposed than if the public offices were away from the Parliament Houses; for, when away from observation, the civil servants would be more, if at all, likely to press and importune honorable members than when open to the observation of every passer-by. The great object of bringing the departments together was to save expense to the country; and that would have great weight with him, and with all honorable members.

The Hon. R. J. SMITH said the honorable the President, as usual, had placed the subject clearly before the House; yet, he did not quite understand whether the alteration suggested was to erect the public offices on the same block of land as the Parliament Houses, or on land adjacent. He thought that those gentlemen who were on the commission should have satisfied themselves thoroughly as what offices were to be comprised in the block of buildings to be erected on the site of the Parliament Houses; as in that case there would have been no necessity for introducing the present motion to the House. There would, certainly, be an objection to have other persons going to and from their offices by the same entrance that would be used by members of Parliament; it might lead to great inconvenience and confusion. But all chance of that could be obviated by separate entrances; and, if there was sufficient land for all the offices, he could see no objection, with proper precautions, to their being all erected on the same site. The several departments should be so constructed as not to lead to confusion, and each should have a separate entrance. He confessed that he had heretofore been under the impression that the site selected and the design submitted were exclusively for the buildings in which the legislation of the country was to be carried on;—that the block of buildings included simply the Legislative

Chambers, the library, committee rooms, and other offices and residences for some of the head officers of the Parliament. He thought it was too late to introduce any alterations in the design before them; but he hoped the honorable the President would state whether there were to be any alterations or interferences with it.

The Hon. G. HARRIS said he quite agreed with the motion of the honorable the President. He did not think it was right that any other building but the Parliament Houses should be erected on the site which had been chosen, and was now occupied for that purpose. He always understood that the land had been granted for the express purpose of erecting Parliament Buildings; and, so far as his recollection and knowledge went, it was not customary in the other colonies to have other public offices connected with the Parliament Buildings. On that account, he should support the motion.

The Hon. D. F. ROBERTS said he was sorry to hear the honorable member who represented the Government oppose the motion, because he thought the Council and the other branch of the Legislature had every right to see the proposition of the Government in a former session carried out in its integrity. That, he took it, was as expressed by the honorable the President: simply that a commission was appointed, consisting of certain members of both Houses of Parliament, to select a site for the new Parliament Buildings—not a word about anything else!—and a site was selected by the gentlemen so appointed. He thought it would come with a very ill grace from the Government, if they should attempt to interfere with a promise given. If they broke their promise, the House would be inclined to have very little faith in the Government. He looked upon it as a matter of honor between the Government and the Parliament, that no building but the Parliament Houses should be erected on the site reserved. It would not do now, for the Government to tell the Parliament that it was the most central position, as was said by the honorable member, Mr. Gore. He (Mr. Roberts) wholly disagreed with that honorable member as to its being a central position: it was anything but that. At the present time the Government had a central site for the Treasury—the old Military Barracks;—and he had no doubt that some arrangement could be made with the trustees of the Brisbane Hospital for the land which that institution occupied, and which land was near the Department of Lands and Works, and most convenient for placing the public buildings near one another. He was not one of those who believed that any trouble would arise to members of Parliament from the clerks in the Government offices, or that the officials of the departments would cause any annoyance; but, still, he maintained that the Parliament Buildings should be an ornament to the city, and that nothing should be

adopted by the Government to interfere with that gracefulness which was originally intended when the site was selected and the design approved of; especially when there were other building sites far more suitable for the erection of Government offices than that set apart for the Parliament Houses. He again urged it upon honorable members, that, as the site was given to Parliament by the Government, it should not be interfered with.

The Hon. W. WOOD said he should not have addressed the House on this occasion had not so many honorable members opposed the motion. He intended to vote for it. One of the arguments of the honorable member, Mr. Gore, was quite against him. The hour at which both the Houses of Parliament sat was that at which the Government offices closed; so that the convenience to the Houses, of getting documents or making references on other matters to the departments, did not appear; for when they would be most likely to require them, the Under-Secretaries and the clerks would be away. The great argument in favor of the motion was, that if another block of buildings was put at the back of the Parliament Houses, it would shut out all fresh air on the south side;—there would be only the Queen's Park in front, instead of, as in the other colonies, and especially in Victoria, ornamental grounds all round, and the security for pure air by the reservation of the surrounding space from building purposes. While the Parliament had a chance of keeping the site, it would be a pity to lose hold of those advantages that should accompany it. If the Government departments were erected there, they would be taken out of the way of the public; while, if they were erected on the site of the old barracks, they would be in a central position, well fitted for the public offices, and they would be in a line with the new department of Lands and Works. The site selected for the Parliament Houses was a magnificent one, but if it were choked up with other public buildings it would be actually spoiled.

The Hon. F. E. BRIDGE observed, that, in his mind, there was only one point to be considered in connection with the motion, and that was—how far the buildings might have been advanced, and the expense consequent upon an alteration. The expense might be considerably more in making an alteration than if the buildings were allowed to go on according to the original plan recommended by the committee.

The PRESIDENT: Honorable Gentlemen—I will answer, first, the observations which have fallen from my honorable friend who preceded me. I have brought forward these resolutions in order that the opinions of the House may be given upon this subject, before any expense has been incurred with regard to the extension of the building beyond its uses for Parliament. So far as the founda-

tions and the progress of the building are concerned now, nothing has been done but that which is preparatory to the erection of the Houses and offices of the Parliament. Therefore, it was for this reason that I was anxious at an early moment to have the opinion of the House. The country is not committed to an expenditure which could not now be stopped, upon the Executive Government being made acquainted with the opinions of the Houses of Parliament on this subject. And I would also revert to what has been said by the honorable gentleman, Mr. Browne, in reference to the action of the commission in this matter. So far as my recollection goes—and I think I am right in so saying—no project was brought before the commission but the construction of the Parliament Houses. A project to include other buildings was never suggested to that commission; nor was any plan laid before that commission but for the Parliament Houses, and for the Parliament Houses only. An idea was never entertained by me, or by any other member of the commission, that the subject referred to our consideration was other than the making provision for Parliament Houses. The erection of other buildings was an afterthought taken up by the Government, which had never been proposed to the commission, and has never been laid before the House. I gather, from what the honorable the Attorney-General has said, that the Government have now that intention.

The ATTORNEY-GENERAL: Hear, hear.

The PRESIDENT: It seems to me that is hardly courteous to the Parliament. We should not have had the admission, I presume, unless I had brought forward these resolutions to-day. The ground was originally granted to the Parliament unconditionally, for the erection of Parliament Buildings; yet, without consulting the Parliament, the Government have thought proper to change the purpose for which the land was devoted, and to construct other buildings. It has often been said, as an excuse for the action of the Executive, that they are but a working committee of the Parliament. That is true. But I trust that the converse of that proposition will not, also, become a truth—that the Parliament is merely the recording office of the Executive. It does seem to me that the Executive Government have assumed a power over what might be the wishes and opinions of the Parliament in this matter, which the Parliament ought to be very jealous of granting to them. It has been said by the honorable member, Mr. Gore, that there is no other situation suitable for the erection of the public buildings. On this point, I disagree with him entirely, because I believe that the place which was originally intended by the Government to be used for that purpose—when the question of a site for the Parliament Houses was under consideration—is most suitable for public buildings, being at the corner of two streets,

and central. I mean where the Military Barracks have hitherto been. That seems to me to be a much more central and convenient situation for public access, and certainly one much better adapted for the purposes for which it was then contemplated to use it, than the site which was selected for the Parliament Houses only. I quite agree with what has fallen from the honorable the Chairman of Committees (Mr. Roberts), that the site chosen for the Parliament Houses was chosen because it is a retired one—because it is remote of access by the public and from the general business of the city; and, consequently, for the very reason which makes it a desirable site for the Parliament Houses, it is not convenient for the Executive Government offices. It has also been said by the Honorable Mr. Browne, that one consideration weighing very much with him was the saving of expense. The saving of expense, of course, consists in the power of disposing of the other site which was intended for public offices. Now, I do not believe this is a matter worthy of consideration in reference to the question which is before us. We are now providing for all time for the future of this colony, and whether we save £15,000, or £20,000, or £30,000, is not a matter which to-night ought to weigh with us in the consideration of this subject. The site of the public offices will for the future be a matter of great importance to the people of this country;—whether they be easy of access or otherwise will be a matter of daily annoyance or convenience to that portion of the community that attend them. I believe that to erect the public offices on the site which was selected for the Parliament Houses would be a matter of annoyance to the public; while to erect them on the other site named would be a convenience to all persons having access to them. I do not think the saving which might accrue from selling the block of land, which could otherwise be used for the public offices, should be considered by this House in determining the question now before us. I have no personal feeling at all in bringing forward this motion: I bring it forward with a desire to do that which is for the benefit of the country and the Parliament. It is very improbable, so far as I am personally concerned, that I shall have much to do with the new Parliament; but, from my present position, I consider it my duty to bring this subject forward; and I leave it for the House to determine how to deal with the resolution.

The Hon. E. I. C. BROWNE, in explanation, stated that his recollection of what took place at the last meeting of the commission was very different from that of the honorable the President. He most distinctly recollected—and the honorable the Attorney-General was present, and he doubted not would bear out his statement—that when the plans were brought forward by the Minister for Lands

and Works, that gentleman impressed upon the commission the saving it would be to the country to erect all the public offices on the site in the Queen's Park, as thereby the land then occupied by the Military Barracks would be released from the necessity it was under of being used for the public offices, and the Government would be able to sell it. He (Mr. Browne) did not know how he could have arrived at this conclusion, if what he stated had not taken place: he had not since had a conversation with a Minister of the Crown. He had, indeed, the most distinct recollection that that was said, and he thought it was on his own motion or suggestion that the matter was handed over to the Government, the commission being considered defunct.

The ATTORNEY-GENERAL said the honorable member, Mr. Browne, was substantially correct in his statement as to what had passed at the last meeting of the commission. His recollection was, that after the Government had ascertained that they could not carry out any of the plans or designs—he believed, owing to a deficiency of the specifications—and that the cost would be very much greater than had been estimated; then the Minister for Lands and Works presented that scheme for erecting the public offices on the same site as the Parliament Houses, and said—"That is what the Government propose, and we hope that you, gentlemen, will support it when it is laid before Parliament."

The question was then put and affirmed, the House dividing upon it,—

Contents, 7.		Not-Contents, 4.	
Mr. Landsborough		Mr. Gore	
" Wood		" Bramston	
" Hope		" Smith	
" Roberts		" Browne (Teller).	
" White			
" Bigge			
" Harris (Teller).			

On the motion of the PRESIDENT, a message was ordered to be transmitted to the Legislative Assembly, requesting their concurrence in the resolution.

CROWN LANDS BILL.

On the order of the day being read for the resumption of the debate on the motion, "That the Crown Lands Laws Amendment Bill be now read a second time"—

The Hon. D. F. ROBERTS observed that, as he had formally moved the adjournment of the debate the other day, it was for him to resume the debate; but he should now leave the Bill to the House.

The Hon. ST. G. R. GORE said he desired, in accordance with the request of some of his honorable friends in the House, to move an amendment: That the word "now" be struck out of the motion, with the view of adding at the end of the words "this day six months."

Question: "That the words proposed to be omitted stand part of the question."

The ATTORNEY-GENERAL said he would cordially support the amendment of his honorable friend Mr. Gore, whose object, he believed, was not so much to obtain his vote as to obtain an answer to what was stated the other evening when the honorable member, Mr. Wood, brought the Bill forward. At that time, the honorable member charged the Government, or, rather, the Minister for Lands and Works, with not knowing his own mind, and with having withdrawn on one day a promise that he had made a short time previously. As he (the Attorney-General) stated at the time, he was not then aware that any such occurrence had taken place, nor was he aware of it now; and he said distinctly that no such withdrawal of a promise had taken place. Certain gentlemen waited on his honorable colleague, the Minister for Lands and Works, with certain resolutions relating to the alienation of Crown lands in agricultural reserves, and on squatting stations under pre-emptive rights. His honorable colleague informed the deputation that he would next year introduce a comprehensive measure for dealing with the subject of the alienation of Crown lands; but not one word was stated at that meeting, nor in those resolutions, relating to the leases of Crown lands—the most important feature of the Bill now before the House. That was, he (the Attorney-General) believed, the correct state of the circumstances involved; that was the position which had been accepted by the Legislative Assembly—by those honorable members who had supported the resolutions—and, he believed, by the very member who asked this question, or some such question: Whether the reply of his honorable colleague affected the tenure of the northern squatters?—and that was the answer he was prepared to give to the Bill. If it would satisfy the honorable gentleman, Mr. Wood, no doubt he would withdraw his Bill, and leave the question to the action of the Government next year, and for the consideration of the public meantime. He (the Attorney-General) was not by any means certain whether the majority of the holders of Crown lands would accept the Bill as a beneficial measure for them. It was not one that, without very considerable alteration, could be accepted by the public generally; and he thought, looking at it as one somewhat interested in runs, that it was not a benefit that was offered to the northern squatters, that at the termination of the first four years of their leases the rent was then to be fixed for the remaining ten years. Suppose a portion of Crown land taken up for the first time and successfully brought into working order, as was generally the case, at the end of the first four years; it would not be a boon to a man to tax him then for the grazing capabilities of that run, and to make him pay full rent for the next ten years, while under the present system he

had five years at an intermediate rent. He (the Attorney-General) therefore supported the amendment.

The Hon. W. WOOD said: As he understood the honorable the Attorney-General, he said, on behalf of the Government, that they would bring in next session a comprehensive scheme for dealing with the whole of the Crown lands of the colony.

The ATTORNEY-GENERAL: Alienation.

The Hon. W. WOOD: It was a distinct promise by the honorable gentleman's colleague to deal with the whole agricultural lands, and with the pastoral tenants of the Crown. The honorable gentleman was very much mistaken if he thought that in the resolutions, and at the interview of the deputation with the Minister for Lands and Works, nothing was said but with regard to alienation, for the whole subject of the leases and the way in which land was to be held was brought up; and the honorable gentleman himself had most distinctly stated that in his place. There had been nothing whatever said in regard to alienation; but the honorable gentleman had said he would deal with the whole of the lands of the colony in a comprehensive measure next session. The reason why not only he himself (Mr. Wood), but the pastoral tenants generally, doubted the honorable gentleman, was that when he came to answer some questions subsequently put to him on the subject, his answer was that he trusted there would not be another attempt to alter a system that must last for years;—and they could hardly reconcile that with what he had before said about a comprehensive scheme for dealing with all the Crown lands next session. He had really hoped that the honorable the Attorney-General would, also, have said that that comprehensive scheme would be forthcoming. At the time it was promised by the Minister for Lands and Works, a Bill was before the Assembly for dealing with the pastoral tenants of the Crown, and they were willing to give it up in consequence of the promised new measure. The moment they gave it up, there was a comprehensive scheme brought forward for dealing with the agricultural lands, and they felt that those lands should have been left to be dealt with next session the same as the pastoral lands. They did not see why the agriculturists should have a clean sheet, and start fresh from a position they had got into simply by their own fault, while the pastoral tenants were left over till next session. They were willing that both should give way and wait. As he understood the honorable the Attorney-General now, the measure to be brought forward next session would deal with one part of the subject—the alienation of the lands; if it was to deal with the whole subject, the pastoral tenants were willing to wait. Certainly the agriculturists ought to wait, too. Both ought to be treated alike; for they were willing to work together, and ought to be

allowed to do so. Though he hardly wished to do so, he would withdraw his Bill, because he thought the honorable the Attorney-General probably meant to say that a measure would be brought forward next session to deal comprehensively with the whole subject of the Crown lands. The honorable member could not mean that his interpretation of the 4th clause was the correct one, or one that he would maintain. The clause meant simply that, instead of having a maximum or a minimum rent, as fixed under the present law, the runs should be valued at the end of the first four years of the lease, and the rent then fixed at what the runs were worth; and the rent so fixed would be payable by the tenants for the next ten years. That would be really a boon to the pastoral tenants. His Bill was based entirely on the resolutions to which he had before referred; and though, as the honorable member, Mr. Smith, had said, it was a "little Bill," he could easily have drawn it out to be a large one by wholly repealing the existing statutes, including the Agricultural Reserves Act, and incorporating their clauses in the present measure. That, however, was unnecessary, so long as the main points which the pastoral tenants of the Crown wished for were embodied in the Bill. The pastoral tenants were perfectly willing and ready to consent that all the lands of the colony, pastoral and agricultural, should be put up to public auction; and that the purchaser of any lot, large or small, should be subject to no restrictions at all—that each could do what he liked with his land. For his own part, he wished that all the lands were given away; but, as another plan had been adopted, that could not be. If the tenant of the Crown was afraid of losing a portion of his run, let him go into the market and buy it: give him only a fair chance to do so. If the agriculturist wished to push his industry on certain land, let him do the same; let him get it by bidding for it against any person. The system of auction gave all a fair chance; it was the best that could be devised for any colony. It was absurd to say that the rich pastoral tenants could outbid the poor agriculturists;—it was absurd, because the Government could stop that sort of thing, if it went on, by surveying land and putting it up to auction so fast that the capitalists could not have it. People were not such fools as to put their hands in their pockets to push out an interest that they were supposed, wrongly, to be antagonistic to. They would be blind to do so. There were great quantities of land now in the market. He thought the Bill could be altered to meet general approval; but he was not willing to press it now; and if the honorable the Attorney-General would only leave out that ugly word "alienation," he should be ready to withdraw the Bill.

The ATTORNEY-GENERAL: I am afraid I cannot.

The Hon. W. LANDSBOROUGH said he thought that, at this time, his honorable friend Mr. Wood should not press the Bill; but, nevertheless, he should like to hear from the Government that they intended to introduce, next session, a comprehensive measure with regard to the Crown lands of the colony. In a country so extensive as this, there must be great and different interests: the people of the north had not interests the same as those of the south; and it would be well for the Government to attend to the claims that the north had made upon them. He had been in communication with a gentleman at Rockhampton who had taken a great interest in the Crown lands—and he had told him that he agreed with his views, though he thought that there was little chance of those views being adopted by Parliament—who had informed him that the people of the north, generally, were resolved that if they could not get their wishes attended to, they would endeavor by all the means in their power to get separation from this part of the colony. He had the greatest wish that other interests besides squatting should be attended to. To make squatting pay as it paid in the south, the north required to have a large population; and with merely the squatting interest in the country, there could not be a large population and a market for the squatter's stock. The north wanted a larger population than it had at present.

The Hon. R. J. SMITH observed that he should certainly vote against the Bill, as he did on a previous occasion, and support the amendment that it be read a second time this day six months. The Bill should have gone further, if it was worth anything. From the short experience his honorable friend had of the lands of the colony, he should know that it was a very great thing for him to deal with; while, at this late period of the session, it was very inconvenient to attempt to pass such an important measure. Better that they should wait, and if a measure was to be brought forward by the Government it should comprehend everything. Honorable members would consider the subject during the recess. Should he be alive then, he would be willing to assist in carrying out anything for the good of the colony.

The Hon. F. E. BRIDGE said he was not quite sure he understood his honorable friend Mr. Wood perfectly: at first, he certainly understood him to say that he would withdraw the Bill, but now he gathered that the honorable member was inclined to press it. If it was to be proceeded with, he thought it would be better to go on with it at once; and it should not be withdrawn until some assurance was got from the honorable member who represented the Government—some pledge, that his colleagues would bring forward a comprehensive measure to deal with the Crown lands next session. For his own part, he really thought some

attention ought to be paid to the influential memorial that had been presented to the Minister for Lands and Works from the squatters of the north, because they represented a large amount of valuable property. He apprehended that if capital was not safe to the north, there would be very few buyers of stations. The moneyed people would lose confidence in squatting pursuits, and things would come to a pretty pass in the end. The honorable gentleman (the Attorney-General) should assure the House that the Government would bring forward a comprehensive measure next session not only to deal with the alienation, but also with the leasing of Crown lands. It would be only reasonable for the honorable member to do so, although he might decline to commit himself.

The Hon. G. HARRIS said he was also of opinion that the memorial of the northern squatters should receive that attention which was due to it. He looked upon the measure before the House as one of considerable importance; and, at the same time, it was one that should, in the first instance, have come from the Government. There was much dissatisfaction evinced by the northern squatters, the tenants of the Crown; and he should like to hear from the honorable gentleman who represented the Government some statement that next session a comprehensive measure would be introduced to deal with the Crown lands: for the question must be regarded as of very great moment indeed, and as affecting our exports to a considerable extent. He should like to hear the honorable gentleman say distinctly, and to the satisfaction of the honorable member who had charge of the Bill, that some such comprehensive measure would be introduced. Under all the circumstances of the case, he was disposed to advise his honorable friend Mr. Wood to withdraw the Bill for the present, until they could see what the Government would do next session.

The Hon. W. WOOD, in explanation, observed that the honorable the Attorney-General's colleague had used the expression "comprehensive land Bill." If the honorable member would do the same—for he did not think he really meant to limit himself to the alienation of land only—and say that the Government intended to introduce a comprehensive land Bill, to deal with the whole subject, he would withdraw the Bill.

THE ATTORNEY-GENERAL: I certainly object to using the words comprehensive land Bill, when they do not bind the Government to anything. I must be understood as not binding the Government to the necessity of bringing in any Bill altering the tenure of the leases of the pastoral tenants of the Crown. I cannot promise that anything of that kind will be done.

THE PRESIDENT said it had not been his intention to speak on this question, though it was one which he felt to be of very

high importance. But, as his honorable friend who had charge of the Bill seemed to have got into a difficulty as to what should be his course of action, he felt inclined to volunteer some advice with reference to the measure before the House. He thought, looking to what was, as he had said before, the very high importance of the question, and the very late period of the session, it would be hardly prudent of his honorable friend to force or attempt to force on the Legislative Assembly, at the present moment, any decisive measure of the nature of that he had brought before the Council. It was true his honorable friend had not been able to obtain from the honorable the Attorney-General any pledge on the part of the Government, that they would bring forward any measure to deal with the pastoral tenants of the Crown next session. It appeared, however, that there was to be a comprehensive land Bill. He presumed it would cover questions of great interest to the pastoral tenants of the Crown, as he presumed it would divulge at any rate the mode under which the Government were prepared to admit them to the attainment of a better tenure than they at present held. He did not recollect that, during the twenty-five or twenty-six years he had known the colony, anything had occurred similar to what was disclosed under present circumstances. The squatters had begun to complain of the heavy taxation imposed on them. Since he first knew the colony, they had been the most squeezable, the most contented of taxpayers in the community. It appeared now, however, that to the north they found the contributions required from them too heavy a drain on their resources, and they called for altered terms. This was a very significant fact, and it ought to have weight with the Government of the country. He apprehended that the Government would not allow such an important interest to be injured, without attempting to palliate the evils complained of. If it was true, and he believed it was, that the northern squatters were suffering from great injuries to their properties, and that the capitalists who supported them were complaining of, and distrusting, the tenure on which they were held; it might be that those valuable properties, that great interest—which was of such vast importance to the colony—would be brought down to a low value, which was not to be estimated. The injury to the country would be so great, that any Government that might be then in power, would be forced to deal with it. Believing this, and that the question was one no Government could shun next session, and that the Government must and would take up, and that the Parliament could not go into the question now; he trusted that his honorable friend would carry out his first intention, and withdraw the Bill.

The Hon. W. WOOD said he was not satisfied with the answer he had received; but as a comprehensive Bill was to be brought forward, he would withdraw the Bill, if the honorable member, Mr. Gore, would withdraw his amendment.

The Hon. ST. G. R. GORE, with the leave of the House, would withdraw the amendment.

The motion and the amendment were accordingly, by leave, withdrawn; and the Bill was discharged.

CLAIMS AGAINST GOVERNMENT BILL.

The Hon. W. WOOD said: Honorable gentlemen—The measure I have now to ask you to allow to be read a second time comes down to this House under tolerably advantageous circumstances. It received a considerable amount of discussion in the branch of the Legislature in which it originated, and it also passed through the crucible of a select committee of the Legislative Assembly, a member of the Government, the late Attorney-General, being the chairman of the committee. After that, it came before the Assembly again, and received a large amount of discussion again; and I think I am not wrong in stating that it finally passed the House unanimously. There is a good deal to be said in favor of the Bill, in consequence of its having gone through such an ordeal; and, although I should be the last to suggest that because a measure passed one branch of the Legislature, it is necessarily a good measure, I mention this simply to shew what this Bill has gone through—to shew that it has had as much attention as it could receive in the other branch of the Legislature, and that it is as perfect a measure as—what must of necessity be imperfect always—it could be made. I think I shall be able to shew you that a measure of this sort is required; for I think I shall not be over-stating the case—and if I do, I am subject to correction by the legal members of the House, who will tell me where I am wrong—when I say that the only chance a person has of recovering a claim against the Government is by petitioning the Government for leave to enforce his claim, and it is open to the Government of the day either to refuse or to allow him to press it in court. This Bill does more than that. It enacts that any claimant who believes he has a just claim against the Government may send a petition to the Governor praying him to appoint a nominal defendant; and the Governor is to appoint a nominal defendant, and unless some other person is appointed, the Colonial Treasurer is to be the nominal defendant. It is hardly necessary for me to say that the Colonial Treasurer of the day is not subject to anything that is not due to his position. It is a safeguard that no action shall be allowed to be brought against the Government unless a Judge of the Supreme Court

shall first certify that there is a *prima facie* case to go upon. No doubt, many instances might arise where people would bring idle and irrelevant claims against the Government if not stopped by such a provision as this. After the Judge's certificate has been obtained, there is no reason why the claimant should not be allowed to go into court. There is a condition for the security of the country at large—for it is the country that must suffer if the Government lose an action; the party who wishes to bring an action must give security that, in case of his losing the action, the costs of the Government will be paid. So that there is likely to be no undeserved loss to the country. As the Bill was originally brought before the other branch of the Legislature, no doubt it had a retrospective effect; but a clause was introduced by the honorable member, I think, who brought forward the Bill, at the suggestion of the Government, that with regard to Crown lands, which is one of the most fruitful sources of claims against the Government, there shall be no retrospective effect. I think that in that clause, the 9th, there is a verbal error—a printer's error—which I must correct: the word "and," which has been introduced, would really go against the interpretation of the first part of the clause. It is very right and proper that the Government should not be liable to any actions for what is past, and for what may have occurred through the neglect or mistakes of Crown Lands Commissioners, who may have acted to the best of their judgment, but inadvertently; for, if such actions should be allowed, they might bring the Government into very large expenses. As the case now stands, it will be for the Minister for Lands and Works to take very good care that, when applicants come to him for a lease, they must first satisfy him which of them is entitled to it: "If you cannot settle it between yourselves, one of you had better bring an action against the other in the Supreme Court to try the case, and whoever wins it, to him I will grant a lease." The Government must not go out of their way to grant leases to persons, until they really are satisfied who has a just claim. In fact, there will be very little danger of actions being brought against the Government in such cases. There may be cases in which actions must very properly be brought, but the country would never object to them. Then there are the cases of contractors;—I think it is but fair that they should have the right to bring actions against the Government. On the third reading of this Bill in the Assembly, I believe the last clause was inserted by one of the members of the Government, and it met the wishes of the House and the Government.

The ATTORNEY-GENERAL: No.

The Hon. W. WOOD: I hope that was the case. I hope there will be no objection to the Bill here, for it passed the Assembly

unanimously, at last. After all the discussion, and the consideration in committee of this Bill, I think it has come down to us in a shape that must meet the wishes of all parties. If I am mistaken, I still hope that honorable members will agree to the Bill, because it is one that is necessary. It is a measure that has been brought in by the legislatures of the other colonies, and in some of them it is in force. In New South Wales a similar measure had been brought in, but owing to changes of Government, and other things, it did not pass; but it is to be brought forward again. We ought to have such a measure in operation in this colony. This Bill has not been brought in with any view of embarrassing or tying the hands of the Government, but only to give the right to every person who thinks he is aggrieved to sue the Government, if only one of the Judges of the Supreme Court says he has a *prima facie* case. It only gives him the right, in future, to sue the Government for any claim he may have, and I trust that honorable gentlemen will agree that it be now read a second time.

The Hon. W. LANDSBOROUGH: Honorable gentlemen—I am very glad to see a Bill, such as this, coming before us. I hope that it will be read a second time. I think that the Bill, when it becomes law, will do a great deal of good to the occupants of the Crown lands. At present their boundaries are not well defined, and I think that after this Bill comes into force the boundaries will be clearly defined before leases are granted. It should, I think, be an easy matter to make clear boundaries between runs. Up to this time, the plan has been adopted, in some cases, of marking trees; and, in other cases, no boundaries at all are marked. I think that, as trees are liable to be burnt down, they are not the best marks that can be brought into use. If this Bill comes into force, it will enable persons who have business with officials to be more independent. In times gone by, I have heard a gentleman who was out for a couple of months with the Commissioner, surveying his run, say that he had been for a long time eating “humble pie;”—his interests were so great that he required to be humble to the Commissioner of Crown Lands. And I have heard a friend of mine, a Commissioner, say, that gentlemen going out with him to shew their runs were very officious and obliging; but when returning, after getting everything they required, they did not care a straw for him. I hope that this Bill will pass.

The ATTORNEY-GENERAL: Honorable gentlemen—I cannot say that this Bill passed the other branch of the Legislature unanimously, if we are to judge from the speeches uttered on that occasion. Though the Bill was allowed to pass through its latter stages without a division, I think, if the honorable member will take the trouble to look at the report of the debate, he will find that the members of the Government spoke decidedly

against this Bill; at the same time, as the feeling of the House was against them, they did not go to a division. They certainly would have opposed it to a division, and all in their power, if this palliative, the 9th clause, had not been introduced. Although this prevents the Bill from operating in cases of Crown lands in the past, yet I do not think it by any means saves the country from a great deal of unnecessary expense; for, although the settlement of the boundaries of runs is likely to be more perfect hereafter than it has been hitherto, owing to the introduction of surveys, there will be, and must be, continual disputes between rival claimants. And there is nothing in this Bill to prevent two parties claiming a tract of country from the Government, though neither has a right to it; and if the third party should come in and take it, there is nothing to protect the Government from an action by both the claimants. This Bill has arisen solely out of the action which the Government took recently in reference to a petition that was presented to the Assembly. I believe that was the chief reason—the main-spring of the Bill. The Government twice over refused to grant that petition, and refused to allow that particular case to be taken into the Supreme Court.

The Hon. W. WOOD: If I might be allowed to rise in explanation, I can say that the honorable member who brought in the Bill stated that he had it prepared long before the petition was heard of.

The ATTORNEY-GENERAL: At all events that petition has been a fruitful topic of discussion in the Legislative Assembly during this session, and has formed the subject of a committee that—from what I understand from what has leaked out in different ways—will endorse the action of the Government and say that the Government have acted perfectly right. That is a case which, if this Bill had been in force, would have been carried into the Supreme Court; and the Government would have had to fight it, and would have been put to great expense, and it would have been a matter of annoyance to all parties. I believe the law that is now in force is sufficient, except in very extreme cases, and such as I conceive are not very likely to arise—such as where a man has a just money claim against the Government which the Government refuse to acknowledge. That is a very unlikely case to arise, and not one which a Bill is wanted to meet. The Act proposed to be repealed, 20 Victoria, No. 15, was passed simply to enable a man to take a disputed account into the Supreme Court of New South Wales; and, after the passing of that Act, he took his case into court, and lost it. I shall not divide the Council on this Bill if I find that the sense of the House is not very strong against it; but it is a measure I do not approve of, and it will be found hereafter to work ill. I shall be very glad to find that the majority of the

House are of the same opinion, in which case I would vote with them.

The Hon. D. F. ROBERTS : Honorable gentlemen—I am somewhat disappointed to find that the honorable the Attorney-General disapproves of the measure, as I happened to be elsewhere when other members of the Government received it with some favor, and apparently with satisfaction. However, I see no difference between the Government and a private individual. If the Government wrong me, I do not see why I have not the right to sue them; and if it had not been supposed that the Government did not afford facilities to persons who had claims against them to enforce those claims, perhaps this measure would not have been introduced. With regard to the circumstances alluded to by the honorable the Attorney-General, that Bills of this kind were generally supposed to arise in matters of disputed account between private individuals and the Government, I can only say he is very much mistaken. In the older colonies of New South Wales and Victoria, he will see that the Attorney-General, representing the Government, is constantly a defendant, not only in cases connected with the Crown lands, but in actions of ejectment, and all other cases that arise in connection therewith. As I think this is a Bill that ought to be passed, I have no objection to give my assent to it; and I hope the House will pass it.

The Hon. G. HARRIS : Honorable gentlemen—It is my intention, also, to support the second reading of this Bill; and I do not give that support in any way in opposition to the Government. I think that, if I do any other person evil and he has a grievance to complain of, or if a person is aggrieved by the Government in any business transaction he may have with them, such person should have the right of testing the validity of any claim he may make therefor in a court of law. I do not look upon this measure as entirely in connection with the lands of this colony, as mooted in reference to the case of Messrs. Richards and Co. I do not suppose that the present Government would object to entertain or to pay any reasonable or just claim that might be advanced against them by any individual member of the community; but I think it is only right that they should be placed in the same position as any other person, and be liable to be sued in a court of law for any just debt; and for this reason I have very great pleasure in supporting this Bill.

The question was then put and affirmed, and the Bill was read a second time.

THE REAL PROPERTY ACT OF 1861.

The Hon. W. WOOD, in moving the adoption of the report of the Select Committee on the Real Property Act of 1861, observed that he thought honorable members would, on reading the evidence taken by the committee, come to the same conclusion as the

committee had arrived at. Although the Act had worked very well indeed, and although the committee trusted that the result of their labors would be to make it work still better, there were some points on which it might with advantage be amended; and in respect to trusts, particularly, it might be amended. But this was a question of such magnitude that it could not be properly gone into at the end of the session; and the committee felt obliged to postpone it, and to recommend that a select committee should be appointed in another session to consider it. There were two points they felt particularly bound to call attention to: one was, as to the sale of land by the Sheriff under writs of execution; and the other was that which had been brought under the attention of the House by the Real Property Act Amendment Bill—the conveyance of land by land agents. The committee, with the assistance of the Master of Titles, who was a member, and who drew up the several clauses, recommended amendments to that Bill, in respect to those two points. The honorable and learned gentleman had pointed out to the committee that the first of the new clauses was required for the conveyance of land by the Sheriff to the purchaser under a writ of execution, and that the others applied to the licensing of land agents. The committee had agreed unanimously to those clauses; but he (Mr. Wood) believed he did not overstate the case, when he said that they were perfectly prepared to accept any amendment that might be made in committee of the whole House. They had tried to make amendments that would suit all classes and the country generally, and they would accept any that might be suggested in the same spirit.

The question was then put and affirmed *nem. diss.*

REAL PROPERTY ACT AMENDMENT BILL.

On the order of the day being read for the House to go into committee of the whole for the consideration of "A Bill to amend the Real Property Act of 1861 in certain particulars,"

The ATTORNEY-GENERAL said that before they went into committee he should like to say a few words on those clauses which the Council were now invited to consider in detail—those clauses which, as his honorable friend, Mr. Wood, had stated, he had the pleasure of drawing up. He had drawn up the first one, because he found that it was a practical necessity that some steps should be taken to enable purchasers from the Sheriff to obtain a title. At the present time, the Sheriff did not feel that he could consistently, or with safety to himself, fill up a conveyance as required by the Act; and the form of deed which he had been in the habit of using, could not be recognised in the Registrar's office. It was not one of the

forms required under the Act; and it could not be registered; and the purchaser from the Sheriff could not have, as he ought to have, a good title for the land he had purchased. To that clause he (the Attorney-General) hoped to have the assent of the House. He hoped that honorable members had considered the other clauses fully and carefully, because, although he had prepared them, he did not by any means wish to state that they were of necessity perfect, or that they embodied the best scheme that could be devised to meet the difficulty that the colony was now in. Still, for all simple matters, he thought the land agents might be fairly trusted to perform the duties set out. But it was right, and a protection to the public, to leave matters of any complication to professional men. Looking at the cases which it was proposed to exclude the land agents from, it might appear in one respect that the select committee had drawn the line too tight; because, after the land had passed from the Crown grantee, the land agents were not allowed to bring it under the Act, in the first instance. They were forbidden from that transaction, while a conveyance from the original purchaser was so simple that it might be fairly left to them. But when the business went two or three steps further—when the land had passed through two or three hands, and had been mortgaged, or leased, and improved; or when it was found, probably, that it was subject to one or two trusts, such a state of things arose, that no person without a professional education was competent to deal with it. If a non-professional man undertook to bring land so burdened under the Act, he simply drew the deed and left the Master of Titles to find out the title. He took some blame to himself for having allowed things to get into that way, because he had accepted instead of rejecting such deeds. But as to the main question—whether non-professional men should be allowed to deal in any way under the Act—he had certainly formed a very decided opinion. He was willing to place simple matters in the hands of men who had not received a professional education, because he believed that the circumstances of this colony were very different from those of any other of the colonies where the Real Property Act was in force. The sale of land in this colony had increased tenfold since the Act was passed here, and every portion of that land had been brought under the Act, and every portion of it must be transferred in accordance with its provisions. There was no difficulty, and the simplicity and cheapness of transfer had made land much more saleable than it otherwise would be; and a positively new interest was thereby created, which the attorneys were scarcely numerous enough to provide for. At the same time, such had been the rapid spread of this colony, that new townships were springing up, and agricultural

areas were being proclaimed all over the colony; and in those places land was constantly passing from hand to hand, and there were no professional men to do the business of conveyancing. In the same localities surveyors were to be found who, for a small consideration, would do the work of putting the names of purchaser and vendor into the deed which the Parliament had adopted when passing the Act. In the other colonies the proportion of land brought under the Act by Crown grant was so very much smaller than in this colony, that there was not the same demand for a distinct class of men to carry out the simple transfer that existed here. This was borne out by the evidence of Mr. Rolleston. The clauses proposed were accepted as a sort of compromise, and he (the Attorney-General) hoped time would shew that they would be found to work well, and that the Council had done good service in accepting them.

The House thereupon went into committee on the Bill.

RESIGNATION OF THE PRESIDENT.

All the business on the notice paper for this day having been disposed of, the adjournment of the House was moved in the usual form by the ATTORNEY-GENERAL. Thereupon,

The PRESIDENT addressed the House in the following terms: Before the question is put, I wish to draw the attention of the Council to a matter which concerns myself. It is not my intention to occupy this seat again, but to lay my resignation of the office of President of this Council before His Excellency the Governor to-morrow. I cannot, however, take my leave of the Council, as its President—I cannot sever a connection now extending over something more than five years—without expressing my grateful thanks for the support, kindness, and attention, which I have ever received, not only from you, honorable gentlemen, who are now present, but from every member of this Council with whom I have had the pleasure of acting.

The ATTORNEY-GENERAL said: I cannot forbear expressing my regret, and, I must say, my surprise, at the unexpected announcement which the President has made to us, this evening. I certainly am not aware of the causes which have led him to determine upon taking that step, and I trust that it is not yet too late for him to allow himself to reconsider it. Whatever the result of my appeal may be, I am perfectly certain that I am only expressing the sense, the feelings, of every member of this Council, when I say that should he determine on carrying out what he has already foreshadowed, it will be universally regretted; for our only wish is that he shall continue to occupy the Chair in time to come.

The question was put and the Council accordingly adjourned.