

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

SATURDAY, 9 SEPTEMBER 1865

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LEGISLATIVE ASSEMBLY.

*Saturday, 9 September, 1865.**English Mails for the North.—Selectors Relief Bill, 2^d.—W.
H. Richards and Co.*

ENGLISH MAILS FOR THE NORTH.

Mr. FITZSIMMONS moved—“(1.) That this House is of opinion that in order to prevent delay and confusion at the General Post Office, it is advisable to have the mails made up in separate boxes in England, for the ports of Maryborough, Gladstone, Rockhampton, and Bowen. (2.) That this resolution be embodied in an address to the Governor, praying that His Excellency will be pleased to cause effect to be given to it as soon as possible.” The honorable member said that he had had the honor recently of bringing the subject of this motion before the honorable the Colonial Treasurer, and from the earnest attention that honorable gentleman gave to his statements on that occasion, he had no doubt he should receive his valuable assistance in carrying the motion. For his own part, he did not anticipate there would be the slightest opposition to it, as it was well known that under present arrangements the residents in the northern portions of the colony had not the slightest chance of replying to letters received from England by the returning mail. It would be well, therefore, that the letters for the ports named in his motion should be made up in separate boxes in England. If that were done much time would be saved, and a great deal of annoyance prevented at the Post Office here.

The COLONIAL TREASURER said the subject of this resolution had been under the consideration of the Government, and, in consequence of the representations made to him by the honorable member, the Government had placed themselves in communication with the authorities of the General Post Office in London on this subject, with the view of having the wishes of the people of the north complied with. Two or three years ago a similar application was made to the same authorities, but the request was then refused, as they were not disposed to make up the mails in England for the different ports. But as more important interests were now involved it was possible the Post Office authorities might consent to the application. He did not think there could be much objection to the proposition on the score of expense, as there was a post office agent on board of every

mail steamer, and there was no difficulty in having the boxes with the mails for the north so arranged that they could be sent on by the first steamer after their arrival.

The motion was agreed to.

SELECTORS RELIEF BILL.

Mr. DOUGLAS moved the second reading of a Bill for the relief of selectors in agricultural reserves. He said that a few days ago a measure similar to this one was returned from the Legislative Council with some amendments, which the House did not think fit to agree to. Several advances were made by both Chambers to bring about a compromise of the differences between them, but without success. At last the honorable the Secretary for Lands and Works, who introduced the Bill, moved that the order of the day respecting it should be discharged from the notice paper. When the subject came under consideration it led to some discussion as to the policy that actuated the Legislative Council in making the amendments they had made in the Bill; and regret was expressed that the Legislative Council should have stood out on what were merely matters of punctilio. About three or four hundred persons had selected lands under the Act of 1863, and as they had not complied with all the provisions of the Act, they were liable to have their lands forfeited. It might not be necessary for the honorable the Secretary for Lands and Works to know officially of any cases of non-compliance with the Act, but if any case, or number of cases, were brought under his notice he would be obliged to have the provisions of the Act as regarded forfeiture carried into effect. Now, such being the state of affairs, the Legislative Council had wisely stepped in and professed their willingness to remedy in any way in their power the existing evils, and for that purpose had passed a short Bill, of only two clauses, authorising the Governor, in cases of non-compliance up to the present time, to remit the forfeiture to which the lands had become subject. It might be a matter for some consideration as to whether residence alone was sufficient, but the Legislative Council had shewn by this Bill their desire to construe the conditions liberally; and proposed that all that should be considered necessary to avert forfeiture was that the Executive should be satisfied that a person who had taken up land should have resided on it since he took it up. Now nothing could be more fair or liberal than that. When the previous measure was before the House he expressed himself in rather harsh terms with respect to the Legislative Council, but by this measure they afforded a proof that they were willing to rectify the effects of what they might have done in a wrong direction. The Bill, he believed, was carried through all its stages in one sitting in the Legislative Council, and there it received the support of the Attorney-General. He trusted

it would also receive the support of the Government in this House, as it would provide a remedy for an evil, which it was admitted would occur during the recess. The honorable the Secretary for Lands and Works would then have the power he asked for by his own measure, that of affording relief, from forfeiture of lands, to persons who might not have complied with the conditions of the Act of 1863.

THE SECRETARY FOR LANDS AND WORKS said he had listened very attentively to the observations of the honorable member for Port Curtis, and he must confess those observations had not convinced him that the Bill, as it stood, was worthy of the consideration of the House. He was not aware of any punctilio on the part of the Legislative Council that justified them in rejecting a Bill sent down from the Legislative Assembly; and though he could easily understand that this Bill was sent up by its author to prevent the carrying out of the provisions of the Act of 1863, the effect of which would be very injurious in many cases, he did not see by the measure that the Legislative Council were prepared to adopt any other course than they did in respect to the Agricultural Reserves Bill. The reason the Government did not take up the Bill on the previous day, when it was sent up, was that the passing of such a measure seemed to be an insult to legislation; and especially to the legislation of the Assembly during the present session. If the honorable member who had taken charge of the Bill could give a pledge that it would not be treated as the Agricultural Reserves Bill was treated by the Legislative Council, he would offer no objections to it. The former measure required residence and cultivation. Those were the two conditions requisite for the remission of forfeiture. The second was of more importance than the first, for it struck at the very root of the purpose for which agricultural areas were reserved. But the Council struck out the condition of cultivation and not only did they do that, but they inserted a clause requiring fencing. Now, that was a most useless provision, for the cultivator must for his own protection fence his land. Something was also said in the Legislative Council when the other Bill was before that House, about its encouraging cattle-stealing. If it afforded any encouragement to cattle-stealing, how much more would this Bill do so, as it did not require that there should be any fencing at all? In the previous measure, the Council required there should be residence and fencing, but in this measure residence only was required. To those persons who had resided, cultivated, and built to some extent, some relief must be granted, but this measure would give relief to persons who had selected lands within the last few months, and who had only put up a hut on the land. He could not consent to the Bill

going through the House, without asking the House to agree to the insertion of a provision requiring cultivation—cultivation such as was required by the former measure, which was rejected. He wished to know if the honorable member for Port Curtis could give a pledge that such a provision would be agreed to by the Legislative Council, because, if it would not, it was merely a waste of time to proceed further with the Bill. If the honorable member could give such a pledge, and would agree to the insertion of a provision such as was in the last Bill, he would offer no objection to the measure; and without such a provision, the effect of the Bill would be to convert the agricultural areas into grass paddocks.

Mr. DOUGLAS said he had not had any communication on the subject with the honorable gentleman who introduced the Bill into the other branch of the Legislature; and he only took up the measure because no one else did. He, however, gladly accepted the proposal of the honorable the Secretary for Lands and Works, as he thought such a provision as he had mentioned was highly desirable. He could not, however, give any pledge that it would be agreed to by the Legislative Council. He thought the exigencies of the case of several selectors were sufficient to justify the House in passing a measure of this kind, though it should contain very slight conditions.

Mr. R. CRIBB considered the reason why the members of the Legislative Council passed this Bill, and sent it to the Assembly, was that they had seen the mischief that would arise from their determined opposition to the previous Bill, and had adopted this course to escape as by a loop-hole from the censure of the public outside.

The Bill was then read a second time.

W. H. RICHARDS AND CO.

Mr. WALSH, in moving the adoption of the report of the select committee on the petition of Messrs. W. H. Richards and Co., stated that the members of the committee had given a great deal of attention to the subject which they were appointed to inquire into; and especially the honorable the Secretary for Lands and Works, whose time was very precious, in consequence of the many other important matters he had to attend to. The report was generally to the effect that the petitioners, Messrs. W. H. Richards and Co., had been very much wronged, and that decision he thought honorable members would find to be fully borne out by the evidence. It appeared that, by a series of unfortunate events and acts, the petitioners were deprived of much valuable country, which he believed would have been restored to them had they been able to take their case before the Supreme Court. Not only had they sustained a serious loss of country, but they had also suffered further loss by the trouble and expense they had been put to in

endeavoring to regain the country, or rather to retain it. He believed the legal expenses which the petitioners had had to incur amounted to almost as much as the country originally was worth. Indeed he had no doubt on that point. The claim having been substantiated by evidence, the committee could come to no other conclusion but that the petitioners should receive, if not the country they claimed, at least country that was equivalent in value to it. It appeared that a portion of the country which Messrs. Richards and Co. claimed was actually leased away to Mr. E. O. Moriarty, and that circumstance formed the great difficulty the committee had to deal with in their desire to do justice to the petitioners. At the same time, he thought the evidence would convince the House that Mr. Moriarty was justified to a considerable extent in trying to get possession of the country which he had quite a legal right to. There was no doubt, however, that Messrs. Richards and Co. were misled by the local commissioner; and, consequently, the hold they got of it, and which they endeavored to maintain, they were justified in upholding. He did not see that any blame whatever attached in the matter to Mr. Moriarty. The blame, if any, was attributable to the Acts of the Legislature, or to the Orders in Council, under which runs were granted at the time they were applied for and reported on. There was also blame attachable to the local commissioner, who seemed to have performed his duties in a very negligent way; but he believed that gentleman was as good a commissioner as there was in those days. To the slovenly way in which all matters were done in those days, all the blame belonged. The report did not exonerate the Government altogether, and looking at all the circumstances together, he thought honorable members would see that the Government was to some extent to blame. Probably that was owing partly to the system that then existed; but if the Government had been more prudent at that stage of the case when Messrs. Richards and Co. pointed out the errors which had occurred, and had the Government been more cautious then, the wrong which had occurred might not have taken place, and an alteration might have been made in the country without much injury to either party. Now there was no doubt of this, that Messrs. Richards and Co. would be serious losers, because it was impossible for the Government to apportion to them the land they had lost. He did not see the Government could be called on, or could in any way compensate Messrs. Richards and Co. for the expense they had been put to in endeavoring to substantiate their claims. It would appear evident to honorable members, in reading over the evidence, that, as the report stated, the primary mistake was made by the local commissioner; and he thought the following paragraph in the letter addressed by him

to Messrs. Richards and Co., which was dated the 18th of April, 1863, was conclusive. He referred to the 4th paragraph of the letter, which would be found in page 3 of his evidence. It read as follows:—

“A statement is now made that Springsure is one of the heads of Arcturus. I do not know it as a fact. I can now understand why you claim the country on Arcturus.”

Nothing could be more convincing than that, as shewing that he had arrived at the conclusion in April, 1863, that he had by mistake marked a creek for another party which he had previously marked out for the previous tenders of Messrs. Richards and Co. His other evidence, and the evidence all through shewed that his mistake was the cause of all this. Under those circumstances, and as the Government were in possession of another letter of his, dated the 18th of May, he (Mr. Walsh) thought the Government should then have paused before they continued the blunder which the committee had been obliged to bring under the notice of the House. In alluding to the Government, he did not allude to the honorable the Secretary for Lands and Works. He believed there was a Land Board in existence at the time, which might have hampered the Government, as it was supposed that the Board should advise and direct the Government in such matters; and he thought the conduct or intention of the Land Board, if the fault lay with them, shewed that the Board at that time, however constituted, must have been a very inefficient one. The report of the committee was unanimously come to, as there was very little difference of opinion on the subject. He had gladly to acknowledge that the honorable the Secretary for Lands and Works, all through, from the time it was discovered that Messrs. Richards and Co. had been wronged, joined cordially in the efforts of the committee to recommend something which would appear to be doing justice to Messrs. Richards and Co., and the consequence was, that the committee was able now, at the end of the report, to make the recommendation contained in the concluding paragraph.

“Your committee recommend, in accordance with the prayer of the petitioners, that some other contiguous country of equivalent value be granted to meet the claims of Messrs. Richards and Co.”

It was the intention of the honorable the Secretary for Lands and Works to carry out that recommendation as liberally as he could; but there was this difficulty in the way—and he would call the attention of honorable members to the matter—that it might prove there was no country contiguous of equivalent value to grant to the petitioners. And there was the farther difficulty as to what was to be done in that case. He believed he should not be stating more than he was justified in stating, when he remarked that that was a subject

which the committee largely discussed; and the honorable the Minister of Lands and Works acknowledged that if such were proved to be the case—if it was unfortunately found that there was no land contiguous, adequate or of sufficient value to compensate Messrs. Richards and Co., then he believed the Government would not prevent Messrs. Richards and Co. in endeavoring to receive compensation in another way—that was, if the recommendation of the report could not be carried out—if there was not land to give to the petitioners, the Government would not resist the efforts of Messrs. Richards and Co. further, to seek compensation in a court of law. He (Mr. Walsh) was quite satisfied that justice would be done in the matter when they arrived at that conclusion. He believed he had not stated anything to the House but what would be endorsed by his co-committee men. Without occupying the time of the House farther, he begged to move the adoption of the report.

The motion was agreed to.