Queensland

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[Hansard]

Legislative Assembly

TUESDAY, 15 OCTOBER 1867

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LEGISLATIVE ASSEMBLY.

Tuesday, 15 *October*, 1867.

Auditor-General's Department.—Selections in Agricultural Reserves.—Grant of Land to the Honorable Louis Hope.—Prevention of Contagious Diseases Bill.—Ipswich and Brisbane Railway.

AUDITOR-GENERAL'S DEPARTMENT.

Mr. FITZGERALD moved, pursuant to amended notice—

That a select committee be appointed, with power to call for persons and papers, and sit during any adjournment, to inquire into and report upon the management of the Auditor-General's Department, from its institution to the present time; and on the method adopted of paying claims for salaries, wages, or contingencies against the different departments of Government throughout the colony.

He said that after what had taken place on a former occasion, he had felt it his duty to move for a select committee, in order to afford the late Auditor-General an opportunity of making such explanations as would satisfy the House, and be of service to himself. He made the motion in a friendly spirit. He had no personal feeling against that officer; he had heard him well spoken of on all sides; and he should be glad if the inquiry instituted by the committee would place him in a position to aspire to future employment under the Government. He thought it would be well to take into consideration the mode adopted of paying claims against the different departments, as well as wages and contingencies. At present, as far as he was aware of the practice pursued, in all the outside settlements no payments could be made until vouchers properly receipted had been sent in to the head office, and in following out that rule great injustice was done to the recipients of Government pay. The policemen and boatmen, for instance, at Cardwell, Townsville, and Bowen, had frequently to wait some months for their money. He could not see why the business of the country should not be carried on in the same way as that of banking institutions or private companies. He did not see why the sub-collectors of customs at the different ports should not be authorised to make the ordinary payments due by the Government. Another matter which he thought the committee should deal with was, the necessity for some change in the present Audit Act, and whether a different method of paying accounts against the Government could not be adopted. It must be patent to every honorable member that great irregularities existed under the present system. What he objected to in the system hitherto practised, was the signing of receipts for payments, and the witnessing of the signatures of the persons signing before the payment was actually made. The Auditor-General had no means of judging whether the payments reported to him had been really made or not. The whole system, in fact, seemed based upon a wrong principle; and for this reason, and in order to make some alteration in the Audit Act, and to afford the late Auditor-General an opportunity of doing justice to himself, he had asked for the appointment of the committee.

Mr. STEPHENS asked the honorable gentleman at the head of the Government, whether the Government intended to amend the Audit Act, or whether they considered any amendment of it necessary this session.

The COLONIAL TREASURER said that though the Government intended to take the state of the Act into consideration, there was no time for them to do so this session. The question appeared to him to be not so much as to whether the Audit Act had been to blame,

but as to whether it had been properly read and acted upon, hitherto. There might be one or two defective clauses in it, but it had been carefully drawn up from the Victorian Act, which appeared to work very well.

Mr. DOUGLAS said he thought an amended Audit Act ought to be introduced this session; he felt sure it would greatly conduce to the proper management of the public accounts. He could not agree with the honorable member at the head of the Government, when he affirmed that those accounts had been managed in accordance with the Audit Act. He hardly thought they had; and he believed that the proposed committee might, by looking over the various Acts of the different colonies, and taking their salient features, easily suggest an amendment upon the present Act. That was not, as the honorable gentleman had remarked, similar to the Victorian Act—in fact, it was totally different, and carried out in a very different way. No doubt it was the duty of the Auditor-General under the Act to audit accounts after payment, and not before; and he might have to interpose his authority at some time or other, and be brought into collision with the Executive of the day, which it was very desirable to avoid. He thought the committee might well take the subject into consideration; and he should therefore support the motion.

The COLONIAL TREASURER said that he did not state that the public accounts had been managed in accordance with the Audit Act. He had said quite the contrary, viz., that perhaps there was not so much fault to be found with the Act as with the manner in which it was read. With regard to the other point which had been raised, he took it that the duty of the Auditor-General was to decide whether accounts should be paid or not. If the accounts were credited after payment, it would be too late; for the money would be gone.

Mr. DOUGLAS: If the Auditor-General refused to pass an account after it had been paid, it would amount to a direct indictment against the Treasurer; the question would then be brought to a direct issue.

Dr. CHALLINOR said he believed that, under the twentieth clause of the Audit Act, the Government were not allowed to transfer a sum of money from one loan account to another, unless there was a surplus over and above the expenditure required. But, in these accounts, there had been no surplus. Under the strict interpretation of that clause, the Government had no power to do what they had done.

Mr. BELL said that a number of charges had been made against the late Government. They had been accused of constantly passing Executive minutes which obliged the Auditor-General to carry out their wishes with regard to the accounts. He was not going to give that as a reason that the Act should be altered, as there were many other reasons to prove that the public accounts could not be kept in a strict state under the Act as it stood. He had been long of opinion that a deputy Auditor-General or accountant should be appointed, to visit the different offices in the colony, for the purpose of inspecting the books and accounts. In the Customs Department at present, there was a system of checking the books, but it was a very faulty one. Certain statements of the revenue collected were sent in, but there was no means of knowing whether they were correct. In his opinion it would not do for the Auditor-General to audit the accounts after they were paid. Under the present system, he had the means of preventing payments which he considered unauthorised; but under a system of audit after payment, he would be able to do nothing till after the money had been spent.

Mr. CLARK said he must differ with the honorable member for West Moreton; he did not think the Auditor-General should audit the accounts before payment; it was the practice of commercial establishments to have their accounts audited after they had been paid. He thought it the business of the Treasurer to see whether the money was properly spent, and of the Auditor-General afterwards to check the accounts.

Mr. BELL pointed out that the Auditor-General was an officer appointed by the House to see that the money was spent as it was voted.

The question was put and passed.

SELECTIONS IN AGRICULTURAL RESERVES.

Mr. DOUGLAS moved, pursuant to notice—

For a select committee to inquire into, and report upon, the applications for selections in agricultural reserves lately made upon the notification of the 17th of August last.

He said it would be in the recollection of honorable members that shortly after the present Government came into office—he thought the day after—a notification appeared in the newspapers by the authority of the Minister for Lands, signed by Mr. Gregory, the Surveyor-General, and dated the 17th of August, 1867, the purport of which was that the Surveyor-General informed the various land agents that it had been decided that the Leasing Act was applicable to the selection of unsurveyed lands in agricultural reserves, and requested them to give every facility to intending selectors. That was an indication of a change of policy, which in his opinion was not in accordance with the literal reading of the Act, nor with the spirit of it as administered by the previous Government. The Agricultural Reserves Act was passed in 1863, and the operation of it had been somewhat after this fashion: Reserves were proclaimed; it was not considered necessary that the whole of those reserves should be surveyed at the time they were proclaimed, but as the demand required it, surveys were made in them, and after the surveys had been effected, the surveyed

portions were notified in the *Government Gazette* as being open for sale. But, besides this, the Agricultural Reserves Act of 1863 gave a special power to persons who wished to apply for special selections. Under the fifth clause of it, it was provided that within those agricultural areas, and over such portions as had not been already surveyed, persons might make a special application to the Surveyor-General for any pieces of land they wished to take up, and the Surveyor-General might authorise their location on these pieces of land and make provision for the survey of them. Practically, selections had hitherto been confined to surveyed land, and there had been very few special selections. Some clauses of the Leasing Act, passed last session, and especially and notably the twelfth clause, affected the operation of the Agricultural Reserves Act. [The honorable member quoted the twelfth clause.] He was aware that it was held that the Government had power, under the twelfth clause, to admit of selection within the whole of the agricultural areas that had then been proclaimed, and that it was considered unnecessary that surveys should be made under that reading of the clause. He would not now dispute that proposition, because he knew it would serve no good purpose to raise a legal discussion on a subject, of which, perhaps, the House was hardly the best judge. But he wished to draw attention to the fact that that change of policy was a very material and important one, and must have taken place apparently without the concurrence of the Executive Council. To justify the assertion, he pointed out that the notification appeared, not in the *Government Gazette*, but in a newspaper, the day following, or shortly after, the entrance of the Government into office. The action must have been a departmental action on the part of the Minister for Lands, who could not have sought the advice of his colleagues on the subject. If he did consult his colleagues, they did not think fit to embody their determination in a formal act. It was just possible that at the time there was a temptation to strain a point in the interpretation of an Act of Parliament. It was very desirable then that the utmost facilities should be given to settlement. All parties in the country were united in the opinion that if the thing could be done, by all means facilities should be afforded to settlement. But he must also assert that there were some higher laws by which they were to be governed than what was merely expedient or desirable. They were bound, in the first instance, to ascertain what was strictly legal, and in every respect to prefer that to what was merely expedient. No doubt, at certain periods, expediency forced itself upon a public man, and compelled him to mould his action in a form suitable to the times. But he was far from saying that this would warrant his drifting into a total denial of the plain reading of an Act of Parliament. Now, apart from the legality, he thought there had been a certain amount of precipitancy in the course of conduct adopted by the Minister for Lands; and the result had proved that, in some respects at any rate, the action of the Government had been ill-considered. This change which was made was a most important one; it involved the most serious consequences; and, in his humble opinion, the regulations framed, and preparations made to carry it into effect, had not been duly and sufficiently considered. He approved, as a matter of policy, that, in all cases, lands proclaimed as agricultural reserves should be surveyed before they were selected. If they could afford to survey with the means at their disposal, nothing would conduce so much to the settlement of the country, He did not mean that minute surveys should be made; but skeleton surveys. It was much to be regretted that the Minister for Lands had not caused considerable surveys to be made in the agricultural reserves. If he had done so he might have satisfied all demands, and avoided committing himself to the confused state of affairs which now obtained in the Warwick district. He had been credibly informed, and had received numbers of letters to the effect, that the regulations had caused very great confusion in the district he represented. He had been told that from 23,000 to 24,000 acres of land had been selected before survey, in the district of Eastern Downs. There were also a variety of conflicting claims. It was only where the land taken up was unsurveyed, that applications should conflict as to boundaries. He contended that the form of declaration required from the selector was a somewhat stringent one. Such a declaration was not required under the Leasing Act of 1866; but he was quite prepared to admit that it was desirable to procure such a declaration from a selector who contemplated occupying the country. He had been informed that many of those declarations were unfounded on fact, for land had been applied for by persons signing their names to the declaration on behalf of other people whose names were not attached to them. In fact, some people had been induced by persons desirous of getting possession of land, under the very advantageous terms offered by the proclamation, to so far forget themselves as to represent themselves as intending to do that which they had no intention of doing. Where conditions of residence or cultivation were required, declarations must be obtained. It had been stated that in New South Wales those declarations had been perverted, and it was well known that such had been the case in Victoria. It had everywhere been found very difficult to provide a check that would prevent the diversion of the public lands in a way not contemplated by the framers of the Acts that provided conditions. That was very much to be regretted; but the fact must not be overlooked that men in high

and respectable positions—men exercising the functions of magistrates, and probably performing the duties in a most exemplary manner—did not hesitate to connive at what he could not designate as anything else than a false declaration. It was, he supposed, an insatiable thirst for land that induced many who were less educated to do so; or that persons who were in needy circumstances, or who, from their position, were subservient to others, allowed themselves to be tempted, perhaps, into signing their names to that which was a false declaration. Now, it was a most injurious thing that their legislation should have that effect; and it was still more to be regretted that public feeling in respect to the matter was such as to enable men to commit such acts, or to tolerate those who connived at them. He had been told that, in one particular case at Warwick, shortly after the proclamation appeared, thirteen applications for the maximum amount of land, 320 acres, in each case, were sent in from one station. He was also informed that one magistrate attested the whole of those declarations. It was well known that the persons making the declarations were all employees of the lessee of Canning Downs; and some of the applicants admitted that they did not make the application on their own account, but for their employer, and they also stated that they would have been glad if they could have given him more. A large number of persons in this city, he understood, had also made these declarations, though they had no intention of fulfilling the conditions. He doubted very much if he could substantiate any crime of this character; but he was sure that, if the committee were granted, much valuable information on the subject would be obtained. He did not despair of being able to ascertain from many of the parties themselves, who would be examined, that they had no intention of occupying the land; and from all those circumstances the House might gather some results from which they would be able to deduce some general principle for application in respect to the land laws. This was no light matter. On a small scale they had already acted out what they now proposed, by the Bills before the House, to carry out on a large scale. Before they took that step, it would be well to see what had taken place on a small scale, and from it deduce some principles that might afterwards guide them. In reference to the petition that had been presented by him that afternoon, he could only reiterate what he had already stated, that he did not think the petitioners had any intention to be disrespectful. He had, certainly, only glanced very cursorily at the body of it, and looked more at the prayer. From further explanations that had been made to him, he certainly thought the petitioners had a case that ought to be investigated. They said that they made applications at the land office at Warwick; that they considered the Warwick office was the proper one for them to send in applications to; and that at the time of their making such applications there were no previous applications at the Warwick office. It turned out, however, that applications for the same lands had been sent in to the office at Brisbane; and these being sent to the head office, they, of course, ranked before the applications at the local office at Warwick. He did not wish to discuss what it might be desirable for the House to enact on this question of the land law, but he wished to point out the anomalies that arose in the matter of free selection under such arrangements. He would wish to point to another code of regulations which were in force in respect to the taking up of lands for certain purposes. The regulations he referred to were those affecting the gold fields. There, the principle of license and of occupation was that of priority of possession. When a miner got his license he went on to the gold field, which might be compared to an agricultural reserve, as it was an area described for the pursuit of gold digging—and under his license he had a right to occupy such ground as was not in the occupation of any one else. Now, could a principle somewhat similar to that not be adopted in respect to the selection of Crown lands for occupation and purchase; and, indeed, he might point out that it was virtually the principle that obtained in the case of the pastoral tenants. Was it not, he would ask, one that would solve the difficulty they now found themselves placed in? Might not the principle be adopted for the purpose of giving only a temporary occupation—in the form of a prior claim of right to occupy—to any person who chose to go and sit down on lands not previously occupied, leaving it to the local commissioner to decide, and decide definitely on the spot, as to who had the right to occupy permanently, in the case of there being two claimants for the same allotment. He should wish now to point to the possible working of the policy that had been adopted by the present Government. He must acknowledge that the declarations of the Government were satisfactory as to the kind of cultivation they intended to enforce. It was not that kind of cultivation that had been described as the mere scratching up of the soil; but was to be a *bonâ fide* cultivation, as that term was generally understood in agricultural phrase. He was sure that if the honorable the Secretary for Lands insisted on that condition, he might very well do without imposing any other; for he felt sure that if the honorable gentleman required it to be faithfully acted up to, a great deal of the land that had been taken up since August last would be forfeited, and then the land would be available for those who would cultivate it in reality. Now, that was what he was afraid of; and he feared that, in the first instance, the country might suffer if the operation of the Leasing Act was such that the occupier, if he cultivated the sixth

part of the land in one year, could claim to be allowed to purchase the land, and pay for it in land orders. He very much questioned if it were desirable that a person who had occupied the land for twelve months, and cultivated only a small proportion of it, should be allowed to step in and claim to be the purchaser on certain conditions. That he took to be the reading of the Bill. Now, as he understood, it was never intended that the cultivation of a proportion of the 320 acres should entitle the holder of the selection to claim to buy it absolutely—tendering the balance of the purchase-money in land orders. If such a thing were allowed, it would, he held, be a subversion of the original intention of the Agricultural Reserves Act of 1863, and of the Leasing Act of 1866. As to the gentlemen whom he had named on the committee, he had chosen them because he thought they would constitute a fair tribunal. However, he had no desire to force the gentlemen he had chosen upon the acceptance of the House; but would be content to take such committee as the House might direct. The honorable member for Warwick, Mr. Clark, he understood, desired not to act. The honorable member had assured him that he was not interested in any way in the matters he proposed the committee should inquire into, but, as a personal interest had been attributed to him, he would rather not be appointed on the committee. However, as he had said, he would take such a committee as the House might appoint. It might be urged that, if it were necessary to bring witnesses down from Warwick, it would cost money; but, although it did, the subject was one of such importance that there should be no hesitation, on the ground of the expense of witnesses, to the appointment of the committee. If the Government were willing to appoint a commission to go to Warwick, he would agree to that course; and if it were desired to enter fully into the merits of the case, that might be the best way. All he asked was that the matter should be investigated. He believed that much information to guide them in legislating on the land question for the future would be obtained by the committee. He hoped the House would accept of the motion in the spirit in which it was brought forward. He had no other wish than that information should be obtained, and, if possible, a satisfactory solution of the difficulties surrounding the question of land legislation. He thought it would be the duty of the House to investigate the matter generally in regard to practice, and specifically as it applied to the case of the petitioners, who appeared before the House by the petition he had presented at an earlier hour.

The SECRETARY FOR PUBLIC LANDS said he did not mean to oppose the motion so far as its object was the appointment of a committee; but he would prefer that the commitee should be chosen by ballot. The honorable member for the Eastern Downs, in his speech in proposing the motion, accused the Government of precipitancy, of a change of policy, and of acting illegally, in the issuing the notice of the 17th of August. Now, he contended that there was no precipitancy in the matter, so far as he was concerned, or so far as the Government were concerned; because, time after time, in that House, before the dissolution, he stated his opinion as to the nature of the land laws; and he thought that after four or five years practical and intimate acquaintance with those laws and their administration, he might be allowed to express an opinion respecting the interpretation of them, without offering any apology for doing so. He stated what he considered to be the law—that free selection with deferred payments existed twelve months ago, and that the Government of the day were to blame for not putting it in force. The late Government fostered the cry for the land, and had lands surveyed for selection in unsuitable positions. From the 15th August to the beginning of October, 30,000 acres were taken up outside the areas, which shewed that the Government had not surveyed the portions they should have surveyed; and, further, that they had failed to keep open always 50,000 acres for selection, as required by the second section of the Act 27 Victoria, No. 23. The latter portion of that section had been set at naught. When he pointed out that free selection with deferred payment was law, there was no member of the Government who was able to answer him on that point; and when the then Attorney-General got up to reply to him on that portion of his address he stated that it was an oversight. Now, he maintained that that was the proper time to have answered such a question. So much for the precipitate manner in which the present Government were accused of acting; and now as to the charge that there was no necessity so to act. He could inform the House that there was very great pressure brought to bear. Owing to the statement he made in the House just before the late Government left office, parties rushed to the Lands Office to know whether what he had said was the law was or was not correct; and the day after the change of Ministry occurred he was literally beset by parties for information. He did not, however, even under those circumstances, act with precipitancy, but consulted his colleagues, and also the Attorney-General, upon the subject; and after a careful consideration of the Act, the Ministry all agreed that there was no doubt upon the subject. He contended, therefore, that there were no grounds for the charge of precipitancy. The late Government had kept the lands locked up, and, instead of having half a million of acres surveyed, they had only comparatively small areas surveyed for the purpose of alienation by selection. The honorable member for the Eastern Downs had spoken of the quantity of land that had been taken up at Warwick; but the quantity was

not great. Altogether, the quantity of land taken up on the Darling Downs was only about 20,000 acres, including between five and six thousand acres on the Cumkillenbar Run—but the whole that had been taken up on the Darling Downs, under the proclamation of the 17th August last, was 20,876 acres, and in that was included the agricultural reserves at Toowoomba, Dalby, Cumkillenbar, and Warwick. The inquiry now proposed, with respect to the lands taken up at Warwick, would, therefore, refer to only a very small portion of the land that had been selected. He could assure the House that the working of the Act had given great satisfaction; and as to any complications, those were not nearly so great as the honorable member represented them to be; and the only cases that had been brought under his notice were the two cases the honorable member himself had called his attention to; and the allegations made in support of those cases were contradicted by the land agent. As to the petition that had been presented to the House by the honorable member for the Eastern Downs, he regretted that the matter had not been brought under his notice, for he could assure the honorable member that if it had he would have had the case inquired into. At first, when the notice was promulgated, there was a little difficulty on account of the land agents not exactly understanding what they had to do; but immediately he found that to be the case he telegraphed up to one of the most intelligent surveyors, giving him full instructions, and telling him that he was to go to all the land agents round about and instruct them as to their duties, and that he was not to leave any office till he had drummed into the local agent's head what he would have to do. As to the legality of the notice, he had no doubt of it whatever; and as to precipitancy, there was none; for he had, as he had already stated, called the attention of the House, over and over again, to the existence of free selection, and the matter received the fullest consideration by the Government before the proclamation was issued. The present Government took office on a Thursday, and it was not till the following Saturday that the notice was issued. Now, he had to charge the previous Government with acting exceedingly illegally in respect to those agricultural reserves; and if, on succeeding to office, he had carried out their policy in the lands department, every squatter in those reserves would have been ruined by this time. The late Government allowed parties to select eighty acres here and eighty acres there, and so on all round a run, until the lessee had no means of egress or ingress to or from his leasehold, which, of course, had then to be left waste. That was what he considered to be the most objectionable part of free selection. By the ninth section of the Act it was a contravention of the law to take up land in that way; but he found that the regulations by which lands were so taken up were submitted to the late Minister for Lands, and passed by him as correct. He could not conceive how such an interpretation could be placed upon the ninth clause. That clause read as follows:—

"The portions of land selected by any one person in an agricultural reserve shall be conterminous and shall in no case exceed in the whole three hundred and twenty acres and no minor agent or trustee shall select land in any such reserve."

After construing that clause in the way they did, the late Government accused the present Government of acting illegally. But, he unhesitatingly flung back the charge; and he could fling it back in scores and scores of cases. He might mention one case, where a Minister of the Crown, as attorney, applied to himself, as Secretary for Lands, for certain lands for a public company. The application was granted; and the land was now occupied by the Brisbane Gas Company's works, for five years, with the advantage of deferred payment. Now, could any member of the late Government shew him why that was done? There were many other like cases he could point out; he did not say of the same kind, but of equal illegality. The first clause of the Agricultural Reserves Act said:—

"From and after the passing of this Act so much of the Act entitled the Alienation of Crown Lands Act of 1860 as is contained in the tenth eleventh and thirteenth sections shall be and the same is hereby repealed Provided that nothing herein contained shall prejudice anything already lawfully done or commenced or contracted to be done under the provisions of the said Act."

The second clause said:—

"It shall be lawful for the Governor with the advice of the Executive Council by proclamation published from time to time in the *Government Gazette* to define and set apart for agricultural occupation such lands as may be deemed expedient and the said lands shall be denominated agricultural reserves Provided that there shall at no time be a less quantity of available land open for selection within the said agricultural reserves than fifty thousand acres on the shores or navigable waters of Moreton Bay Wide Bay Port Curtis and Keppel Bay and also within seven miles of all towns whose inhabitants shall exceed five hundred in number not less than two thousand five hundred acres Provided also that the Governor with the advice aforesaid may by proclamation withdraw and deal with the same as country lands or otherwise the whole or any parts of the land comprised in any such agricultural reserve."

Then the third clause:—

"The lands within agricultural reserves shall be surveyed into portions of not less than eighteen acres or more than three hundred and twenty acres and such portions shall be offered for sale at a fixed price of twenty shillings per acre at the office of the land agent for the district and all particulars of such sale shall be notified by proclamation in the *Government Gazette* not less than one month nor more than three months prior to the day of sale."

That was, the lands were in the first place to be proclaimed as reserved; and it was quite clear that there should be a further notification, allowing a specified period, that the lands had been surveyed; because, after the Government had gone to the trouble of surveying the land, it was necessary the public should be duly made aware of the survey, in order that all might start fair. Then the fifth and sixth clauses ran thus:—

"If any person shall desire to purchase a portion of land within an agricultural reserve but which land shall not have been surveyed or actually in course of survey for sale as provided in the last preceding section he may apply to the Surveyor-General or other officer authorised in that behalf for permission to employ a licensed surveyor to effect the survey of the land at the expense of the applicant and such application shall contain a clear description of the locality in which the portion of land is situated and shall be accompanied by a certificate by an officer authorised for that purpose that a sum equal to twenty shillings or land orders to that amount for each acre together with the amount of deed fee has been paid into the treasury of the colony and unless it shall appear to the Surveyor-General that the land ought to be specially reserved from non-competitive sale as a village or town reserve or for any other public purpose he shall thereupon issue suitable instructions for the guidance of the licensed surveyor in marking the boundaries of the land according to the rules of the Surveyor-General's department or such as may be specially necessary to be observed in the particular locality referred to Provided that in no case shall the area of such special survey be less than eighty acres or more than three hundred and twenty acres and provided also that any applicant under this clause shall make his application to the Surveyor-General in the form prescribed in the schedule B of this Act.

"If within three months after the issue of the instructions for survey the applicant shall produce to the Surveyor-General a proper plan and field book of the survey by a duly licensed surveyor accompanied by a certificate by said surveyor that the boundaries have been in every respect marked in accordance with the rules of the Surveyor-General's department the applicant shall subject to the provisions hereinafter contained be deemed to be the purchaser of the land and entitled to a deed of grant thereof Provided that if within ten years from the date of purchase it shall be found expedient to resume any portion of the land for the formation of any public road the owner thereof shall be compensated by a valuation to be made by two valuers one of whom shall be appointed by the Surveyor-General on behalf of the Government and the other by the owner and the two shall choose an umpire whose decision in case of disagreement shall be final."

Therefore, if the Surveyor-General was not in a position to survey the land himself, he was empowered to call in some one else to do it. The honorable member had called that special selection, but he called it free selection; and it was well known to every honorable member that, under the most liberal Land Bill, the land must be surveyed by a licensed surveyor. That was a provision necessary to secure that lands that had been already selected and granted should not be selected by some one else. All lands must be surveyed before a grant could be given, that the Crown might know that the land it was granting did not belong to some one else, but that it was waste lands. In the United States, all the lands of a State were surveyed in the first place by the State; and the surveys by applicants were compared with the State survey maps, upon which all alienations were marked off; and by that course being strictly adhered to, the same land could not be granted to two different persons. It was, he held, a matter requiring the greatest consideration—how they allowed parties to survey lands for themselves. He thought he had shewn clearly enough that under the fifth clause of the Act there was free selection; and he now came to the question of deferred payments. He would not trouble the House by reading the first portions of the Leasing Act, 30 Victoria, No. 12, because they all knew that the price was fixed at half-a-crown an acre per annum, payable for eight years, for all lands taken up outside the agricultural reserves; but as to lands inside the agricultural reserves, they were dealt with by the twelfth clause, which was as follows:—

"All lands in agricultural reserves which shall have been or may hereafter be proclaimed as open for selection and have remained so open and unselected for one calendar month shall be open to lease by the first applicant under the terms and conditions specified in the seventh clause of this Act Provided only that if taken up on lease they shall be subject to the same condition and restriction as to cultivation and quantity as if they were selected by purchase.

Now, he contended that the framers of the Act, if they had intended to shut out parties from the unsurveyed portion of the agricultural reserves, would have simply supplied the word "surveyed." It would then have read "all surveyed lands in agricultural reserves," &c. That, he imagined, was what the framers of the Act would have done if they had intended to shut out persons from the benefit of deferred payments in virtue of selections made under the fifth clause of the Agricultural Reserves Act. But they did not do so. All land, under the fifth clause, in the area they were now speaking of, had been open for five months for selection on the 15th of August; and therefore the Government could at once operate under the twelfth clause of the Leasing Act. But the matter was submitted to the Cabinet, and was considered deliberately, and the opinion of the Attorney-General was given as deliberately as any opinion could be given. The charge of precipitancy, therefore, must fall to the ground. When he sat on the Opposition side of the House he stated that it was his opinion that free selection was in existence twelve months ago, and the then Attorney-

General, the honorable and learned member for Fortitude Valley, when asked by his colleagues to answer the question, said that it was an oversight.

Mr. LILLEY: Oh, no.

The SECRETARY FOR PUBLIC LANDS: Yes; those were the very words the honorable member made use of, for he took them down at the time.

Mr. LILLEY: He wished to be allowed to explain. He did not say anything of the kind. What he did was to point out that the section of the Agricultural Reserves Act to which the honorable member alluded on the subject of free selection, did not contain the powers of free selection which was asked for outside of the House, and which would be in accordance with the opinions of honorable members now inside the House. He believed he had good information for saying that the honorable member himself never dreamt of the powers under the twelfth clause of the Leasing Act, till after he issued the notice. What the honorable member did before the dissolution, was only to refer to the power of free selection under the Agricultural Reserves Act.

The SECRETARY FOR PUBLIC LANDS: He could assure the honorable member that he had been wholly misinformed, and he could satisfy him of that by documentary evidence. The honorable member for the Eastern Downs had favored the House with another idea of his new Land Bill; and he must congratulate honorable members opposite on their great ability for framing Bills when they were out of office. The honorable member, on a previous occasion, when he crossed from this side of the House to that side, congratulated the honorable the Premier upon his having suddenly become a child of light upon the land question; but he thought he could now return the compliment, and congratulate him upon his having become a child of light. The honorable member had contended that this was not the law the people wanted, and that they wanted something else; but he would tell the honorable member that the law, if it had been worked fairly, would have been as satisfactory as the Bill the honorable member was to have brought in; and during the short time it had been in operation it had been worked fairly and satisfactorily. The honorable member spoke of taking up the lands in the same way as the diggers took up lands for digging operations; but there was not, he maintained, any analogy whatever. The occupation by the diggers was not a permanent occupation, but only a temporary occupation; and it did not very often matter to the digger if the extent of his claim went out twenty or thirty feet. It was also very much the same with the pastoral tenants. It was not a matter of any particular moment to them if their runs were half a mile out one way or another, as the boundaries could be very easily arranged afterwards. He had nothing further to say, and would only repeat, that he would not oppose the motion for the appointment of a committee, but he would like to see the members appointed by ballot.

Mr. CLARK said that, in speaking to the honorable member for the Eastern Downs about this committee some time ago, he told him that he could not act upon the committee, because he had been accused through the press of what was called "dummying," and of having given certain information to persons who intended to "dummy." He could assure the House, however, that those accusations, and others of a similar character that had been made against him, were untrue. That was the reason why he told the honorable member that he did not wish to be on the committee. Since then some of his constituents had spoken to him on the subject of the petition that had been presented to the House, and they had asked him specially to be on the committee, as they thought that matters might arise that would require there should be some one on the committee to look after their interests. Their feelings, he might say, were altogether in favor of the proclamation. He thought he could safely say so, without fear of being told that he did not know what were the feelings of his constituents, as he was told when the Land Bill was under discussion. He had only come to town to-day, and before he left Warwick he asked a great many of his constituents what their feelings were on the subject, and they told him that they had taken up land under the proclamation, and wished to possess it. He believed that a great deal of "dummying" had taken place, but he did not think there was much wrong in it; and he would confess that if he had not been a member of Parliament he would have dummied himself. It was a bad thing that the laws should have been framed in a way that forced people to do what was seemingly dishonest. He believed there were many members of Parliament who thought the same as he did about "dummying," and perhaps had tested it. He believed the committee would be able to bring to light much valuable information on the subject. He believed it would be found that in many cases, where cultivation was imposed as a condition, the land would not be cultivated; and in ninety-nine cases out of every hundred, the selectors would try to evade complying with the conditions. He thought the committee should not look so much to the matter of "dummying," as to finding out what were the wishes of the people. He believed it would be found that "dummying" had been carried on to a considerable extent, and that the committee would also find that it was out of their power to do anything with it. He was sorry to have to say so; but certainly he thought the committee should investigate the matter, and see what had occurred. He hoped what had taken place would be a lesson to the House, not to throw any unnecessary obstacles in

the way of selectors. He should be glad to act on the committee, and he would support the motion.

Mr. RAMSAY said the honorable member for the Eastern Downs had commenced by withdrawing the motion that stood before this one on the notice paper, but still he had made a speech upon it. He was not surprised at the discussion having been brought on, but he was surprised that it had been brought on by a member of the late Government. All that the present Government had done had been to carry out to a legitimate conclusion the illegal proclamation by their predecessors of large areas in West Moreton and on the Darling Downs. In using the word illegal, as regarded those proclamations, he did not do so on his own authority, though he believed the wording of the Act to be sufficiently plain to be capable of being interpreted by any man, though he was not a lawyer. When the proclamation came out, a good many of those interested in the operation of the proclamation thought it advisable, with the view of understanding their position, to take legal advice in regard to it, and they took the best advice he believed they could get on the subject in Australia. With the permission of the House, he would read the opinion of Mr. Martin, the Attorney-General of New South Wales, on the subject. It was that gentleman who had been consulted on the subject, and he would read the portion of his opinion referring to the matter before the House. It was as follows:—

"By the forty-fourth section of the Act 27 Victoria, No. 17, it is enacted that 'the whole or any portion of a run may be reserved for public purposes or reserved for sale or otherwise after giving twelve months' notice in writing to the lessee or occupier.' These words are equivalent to a legislative declaration that runs shall not be so reserved, or resumed, without this twelve months' written notice. By the second section of the Act 27 Victoria, No. 23, power is given to the Governor and Executive Council to define and set apart for agricultural occupation such lands as may be deemed expedient, and such lands are to be denominated agricultural reserves. By the tenth section of the latter Act it is enacted, 'that if lands under lease for pastoral purposes, be brought within the limits of an agricultural reserve, the lease shall not be cancelled, but such lands shall be open to purchase like other lands.' I am of opinion that a proclamation, bringing lands under lease within the limit of an agricultural reserve, is a resumption for sale of such lands, and that such proclamation cannot affect such lands, without the twelve months' written notice, directed to, or given by, the thirty-fifth section of the 27 Victoria, No. 17."

Now, it seemed to him perfectly clear by that, that, in the opinion of Mr. Martin, the proclamation was an illegal one. He had the opinion of Sir William Manning, also, and, in addition to it, the opinion of the Attorney-General. Now, he thought, he might take all those opinions, which agreed the one with the other, for saying that the proclamation was illegal.

Mr. LILLEY: There was a difference between the proclamation and the resumption.

Mr. RAMSAY: Now, if that were so, he held that the illegality commenced with the former Ministry; and it, therefore, came with very bad grace from a member of the late Government to blame the present Ministry. If there was blame in the matter, he thought both sides ought to share it; and he would not have been at all surprised if an independent member had come forward and found fault with both sides; but he was astonished that a member of the late Government should find fault. He hoped the honorable member would substitute some other name for his on the committee; because, as he had been, perhaps, a larger sufferer than any one else by free selection, it might be better that he should not be on the committee.

Mr. BELL thought the course the honorable the Minister for Lands had taken with regard to the resolution before the House, had, in a great measure, done away with any necessity for debate on the question. The honorable member, he thought, had acted wisely in not offering any opposition to the motion. But he could not support the position which the honorable member who had last addressed the House had taken up; for that honorable member had attempted to justify the illegality he admitted to exist in this instance, by a previous illegality. The honorable member might be right in saying that the proclamation of the Darling Downs was illegal; but all he (Mr. Bell) could say to that was, that every means that was within the reach of the then Government was taken to find what was the legal position of the question. If the proclamation the honorable member alluded to was illegal, every previous one of the same kind was illegal. He believed that previous proclamations were made, and he regretted that, instead of the reserves being limited as they were, the proclamation did not extend to the whole of the lands on the Darling Downs, from one end to the other. He had been charged with excluding his own station; but the only regret he now had, was that he did not feel it to be his duty to include his own station, and others in which he had an interest. He thought it would have saved a great deal of what had taken place here if he had done so. The Act was passed with the full knowledge that it contained powers for making those reserves, and with the knowledge of the present Attorney-General that it did so; and no attempt was made to shew that it would be illegal to exercise those powers in the way they had been exercised; and no attempt had been made till now to shew that the proclamation of those reserves was illegal. But it was useles for honorable members to attempt to discuss the question either one way or the

other, because they were not judges of the exact legality of any question of law. He thought it was not fair towards the honorable member for the Eastern Downs that he should be twitted by the honorable member for the Western Downs, Mr. Ramsay, with acting unfairly towards the present Government in withdrawing the resolution that stood number three on the notice paper, because his doing so had had the effect of stopping discussion upon the question involved in that resolution. To him, it appeared that the effects of withdrawing the resolution had been to make this a simple, instead of a complicated debate. But the question was not now one of legality, but of the seeming inconsistency of honorable members, who a short time ago were sitting on the Opposition side of the House—those honorable members who now formed the Government then contended that there was no necessity for legislation on the land question in this way; and held, that if the administration of the laws was only in the hands of an honest Government, all that was necessary could be done.

The SECRETARY FOR PUBLIC LANDS: It was the case now.

Mr. BELL: Well, if it was the case now, there was, according to the honorable gentleman's own shewing, no necessity for this Bill, if the honorable member had faith in himself and in his colleages. The Minister for Lands had made sweeping assertions and charges against the late Government, and they were so numerous and general that it would be very difficult to deal with them all, or even with many of them. But there was one that he should like to make reference to, and that was the one about free selection. The honorable member had said that he (Mr. Bell), while Minister for Lands, had been guilty of gross illegality, and not only that, but that he had inflicted great injury upon the Crown tenants by the way in which free selection had been allowed to be exercised upon the runs of those tenants; but he could inform the honorable member that the instructions that were issued by him were to the effect stated by the honorable member himself; and he could further inform him that very few selections were made under the Act, because it was not so generally known as it should have been that free selection existed under the Agricultural Reserves Act. He did not deny having the opinions it was well known he held of free selection; but this much he would say, that he thought the public generally were likely to object to the carrying out of the instructions of the present Ministry in reference to those lands. The honorable member for Warwick had told the House that his constituency were glad that the notice was issued; but that honorable member should bear in mind that much might be done that would please his constituency, or any other constituency, that would not be for the general good of the colony—morally or otherwise. The honorable the Minister for Lands, however, went on to make another grave charge against the late Ministry, and he did so in a way in which it was not right to bring a charge against a former Ministry before the House. He now referred to the allusion that was made by the honorable member relative to certain lands occupied by the Gas Company. Now, he could not conceive what such an act on the part of the late Ministry, even if it was illegal, had to do with the present question. He thought it would be well if the present Government, who were in a strong position, and also some of their supporters, would refrain from making attacks on the late Government, unless they were in a position to prove those charges. He deprecated, and very strongly deprecated, the making of those charges, which, of course, went forth to the country through the press. Those charges were unsupported by proof, and the people who read of them had not the means of knowing whether they were founded or unfounded. He thought it was as well that no objection had been made to this resolution; and he would not himself offer any.

Dr. CHALLINOR said he had brought under the notice of the House the inconsistency of the honorable the Secretary for Lands in introducing a Land Bill at present, when he had only a short time ago stated that further legislation on the land question was unnecessary. He understood the honorable member, however, to say, in regard to the charge, that he got new light himself on the subject when he went into the Government; and that he there found the opinion of the late Attorney-General, which was fully to his mind, and satisfied him that the proclamations on the Darling Downs were perfectly legal. The honorable member stated that to the House the other night; and said that his reason for not abrogating the proclamations was that they were perfectly legal. The honorable member reminded the House also, on that occasion, that when those proclamations were made the then Government did not know to what expense they had put the country in the matter.

The SECRETARY FOR PUBLIC LANDS: The Cabinet did not take the law from the ex-Attorney-General, but from the Attorney-General of the day.

Dr. CHALLINOR: He could not yet understand the honorable member; because the Attorney-General, he believed, when out of office, did not give such an opinion.

The ATTORNEY-GENERAL: What opinion did the honorable member refer to? He never gave one.

Dr. CHALLINOR: Well, the honorable and learned gentleman had given an opinion to-day; for, as he understood him, he said that he coincided with the opinion of Mr. Martin, of New South Wales.

The ATTORNEY-GENERAL: He did not say so. It was the honorable member for Western Downs, Mr. Ramsay, who said so.

Dr. CHALLINOR: Well, the honorable member for Western Downs said so; and the Attorney-General, as he understood, made the remark—"Martin knew what he was doing." Now, it was hard to say what opinion the Government entertained as to the reserves on the Darling Downs—whether they were legal or illegal. He believed that the opinion of the late Attorney-General in the matter was correct—that the proclamations were legal. But he did not agree with the opinion of the honorable the Secretary for Public Lands, nor could he agree that the honorable gentleman's law was to be taken as a guide by the House in the interpretation of the twelfth section of the Leasing Act. That clause said that certain lands in the agricultural reserves—those lands that had been proclaimed open for selection, and had remained unselected for a month, were to be brought under the operation of the sixth clause of the Act. Now, by the Act of 1863, they found how lands were to be open for selection. They had to be surveyed, and notice given in the *Government Gazette* that they would be open for selection in a month after the date of the *Gazette* notice. The notice was to exist for a month, in order that all might have a fair claim; and the proclamation was not to cease for three months. But, according to the statement of the honorable the Secretary for Lands, those lands had been proclaimed open for selection for five months before, so that there was ample notice. By the Act of 1860, a certain way was defined for the taking up of lands; but the Act of 1863 provided a different way. By the latter Act one portion was to be taken up after survey and another after special application for survey. Now, he thought the Government must have confounded those two provisions, though they were widely different. Under the provisions for selection, when any selector had complied with the terms of the Act, no one could slip in and interfere between the selection and the purchase; but with regard to the application for special survey, the applicant might comply with the whole of the terms of the Act and still not obtain possession of the land. The mere proclamation of land as being open for occupation did not also place it open to free selection, for, as the Surveyor-General in cases of special survey had a right to refuse any applicant after he had complied with all the terms, the land could not be, in the proper sense of the term, open to free selection. He did not think that anything was gained by the honorable the Minister for Lands in saying that after the reserves were proclaimed nothing less than fifty thousand acres was to be open for selection—for that meant after survey. The provision for selection after survey had no reference whatever to special application before survey. It was exceedingly important that the House should not tacitly consent to the overstraining of an Act; and of that they had an example and warning in the overstraining of the Audit Act. An interpretation had been put upon a clause in that Act which it would not bear; and great injury had resulted to the public service from the clause being overstrained. That being the case, it was only a fair inference that injury might also result to the country from the overstraining of any other Act. He thought that the strained interpretation that had been put upon the clause by the late Attorney-General had been productive of much injury; because, as every one knew, if they got in the thin end of the wedge, they could drive it home to any extent if they had the power at command. Now, the Government did not concern themselves so much with the equity and law of a question as with the power they were able to wield. If they had the power of doing what they wished to accomplish, they would not trouble themselves considering as to whether the thing was right or wrong, but simply as to whether they could accomplish what they wanted; and they would leave it to others to fight about the consequences afterwards. The twelfth clause of the Leasing Act of 1866 provided that the lands in the agricultural reserves which had been proclaimed open for selection, and had remained so open and unselected for one calendar month, should be open to lease by the first applicant under the terms and conditions specified in the sixth clause of that Act. The fact that the lands in agricultural reserves which were to be brought under the Leasing Act were thus specifically defined, shewed clearly that there were lands in agricultural reserves which were to be excluded from the operation of the said Leasing Act—namely, those which had not been proclaimed for a given time as open for selection and unselected. But the honorable the Secretary for Lands had pointed out that the Darling Downs and West Moreton reserves had been proclaimed for five months when he came into office; and that, as under the fifth clause of the Act 27 Victoria, No. 23, anyone could make an application for a special survey in any part of the agricultural reserves which had not been surveyed or which was not in course of survey, he was justified in issuing the instructions of the 17th August. Now, it might not be known to honorable members that the words "by proclamation * * * to define and set apart for agricultural occupation," contained in the second clause of 27 Victoria, No. 23, were an exact transcript from the tenth clause of 24 Victoria, No. 15, viz.:—"By proclamation to define and set apart for agricultural occupation;"—the words inserted between "proclamation" and "to," in the first-named Act in no way modifying the principle involved in the sentence in either Act. Nobody would contend, when, under the Act 24 Victoria, No. 15, land had, by proclamation, been defined and set apart for agricultural occupation, that therefore it had been proclaimed as open for

selection; for there was only one way in that Act in which land could be occupied, viz., by selection after survey, the particulars of which survey must have been duly proclaimed for not less than one month. In the Act of 27 Victoria, No. 23, there was an additional way in which certain portions might be occupied—namely, by special survey, if granted;—but "open for application for special surveys," and "open for sale by selection," were not convertible terms. In the latter case, when the terms of the Act had been complied with, the land could not be withheld from the selector; but in the former case, when all the terms of the Act had been complied with by the applicant, the application might be refused by the Surveyor-General; and land which could be withheld from sale, at the discretion of one man, without the necessity of assigning a single reason for withholding his consent, except perhaps the general one of the land being wanted for "public purposes," could not be held to have been proclaimed "as open for selection" in any just sense of that term. In the strained construction put upon the twentieth clause of the Audit Act by the late Government, the House had seen the evils which had resulted to the public interest; and they ought not to allow any forced interpretation of the law in any case to go unchallenged; for it was an exceedingly dangerous precedent to break through a constitutional principle for the attainment of a present good. In this case it was unnecessary to do so, to accomplish the end designed, for the purchaser of eighty acres of land under clause five of the Act 27 Victoria, No. 23, was entitled to lease 240 acres more at sixpence an acre, under clause twelve of 24 Victoria, No. 15, as was now seen by the present action of the Surveyor-General, though that officer had previously refused to allow this interpretation to be put on the provision of the Acts named. He (Dr. Challinor) was, therefore, correct in his reading of the provisions of those Acts which had reference to this question, though he was not a member of the legal profession;—and the advantages conferred by those Acts administered in this way were, as a whole, almost equal to the provisions of the Leasing Act, as applied to the Agricultural Reserves Act of 1863, and in some respects superior. The previous action of the Surveyor-General had made the law a practical nullity, because he had required persons selecting to give a defined point from which he would be able to judge of the locality of the land applied for. To do that would, in many cases, have required a running survey of many miles to be made. But even now, since the last regulations were promulgated, he (Dr. Challinor) could point out more than one application which had been refused, because that fixed point had not been given. He understood the honorable the Secretary for Lands rather to have committed himself in his speech, as, in referring to the proclamation of the late Government, he said they had not honestly administered the law—that if they had, there would have been no necessity for forcing on the attention of the country free selection and the proclamation of large reserves; and he pointed out that in one particular they had failed, as they had not kept open for selection fifty thousand acres of land as provided for by the existing law. Did not the Darling Downs agricultural reserves contain fifty thousand acres? He had not had time to refer to the statistics laid on the table; but he was under the impression that it would be found from them that more than fifty thousand acres of land were open for selection before those large agricultural reserves were proclaimed. The complaint of the country had not been as to quantity of land open for selection, but as to quality; and he thought it was a very just complaint. He was not yet able to understand whether the opinion of the present Attorney-General agreed with that of the late Attorney-General as to the agricultural reserves, or, whether, with Sir William Manning, Mr. Martin, and others, in Sydney, the honorable and learned member considered that the land had been illegally taken from the pastoral lessees. He was bound to believe that the present Attorney-General agreed with the late Attorney-General as to the legality of that Act. However, that was travelling beyond the question before the House; though he made it a point to take up any matter on which the House allowed discussion. If the committee were appointed, he hoped they would be prepared to do their duty; but if honorable members wished to swamp the question—to defeat the object sought by the honorable member for Eastern Downs, he thought they had nothing to do but to appoint the committee by ballot.

The ATTORNEY-GENERAL said, before the honorable member for Eastern Downs replied to the debate on his motion, it would, perhaps, be well that he offered a few observations to the House on the matter before them. He thought the honorable member was wise in withdrawing a preceding motion which he had tabled, and which proposed to convert the Legislative Assembly into a legal tribunal. Of course, he could not deny that on many occasions the House were obliged to exercise a certain amount of judgment in pronouncing whether a certain action was legal or otherwise; but he doubted whether it was prudent that, when a specific line of conduct on the part of the Government was deemed illegal, the House should assume the functions of the proper tribunal—namely, the Supreme Court of the colony—to decide such questions. Whether an Act of Parliament was erroneously interpreted by a police magistrate or by any other functionary, or by the Government, past or present, the remedy, he took it, was always in the hands of the person injured by such erroneous interpretation; and, indeed, there was a

specific remedy to be obtained by going before the proper tribunal. No doubt, if the action of the late Government in proclaiming the reserves was illegal, and if the action of the present Government in continuing to act under that proclamation, or under regulations, was also illegal, the lessees of the Crown could immediately seek their remedy in the Supreme Court, as he understood some of them had, by one or two legal gentlemen, who had expressed opinions on the point, been advised to do. It was not for him to enter into the question, whether the Government had acted legally or not, since the first motion had been withdrawn, and he was not aware that the late Attorney-General had ever been asked any opinion on this particular question that he (the Attorney-General) was now asked to give an opinion upon. It seemed that the honorable member for Ipswich, Dr. Challinor, had got into some confusion between his, the late Attorney-General's, and Sir William Manning's and Mr. Attorney-General Martin's, opinions. If only the four opinions were put together, they would be easily reconcileable. Barristers only gave their opinions on specific cases placed before them. The matter which had been referred to the late Attorney-General was not the same on which his opinion had been asked; if it had been, he should likely have coincided with that honorable and learned gentleman. The matter upon which he (the Attorney-General) was consulted did involve what was now before the House—that the Government had acted with precipitancy. Whether he was right or wrong, in advising his honorable colleague the Secretary for Lands to pursue the line of conduct he had chosen, it could not be urged against him that he did not take that precaution which any honorable member in his position ought to take. It was unnecessary to say that, in the interpretation of a statute, the Attorney-General was always consulted. As to precipitancy, he denied that there was any ground for the charge. As regarded the legality of the regulations, he was prepared to take that responsibility on his own shoulders. But the honorable member for Eastern Downs had charged the Government with precipitancy in their action. The Minister for Lands, before he entered office, had shadowed forth his ideas on this very subject. He had also stated, when in opposition, that if the existing land laws were properly worked they could be made to offer greater facilities to the agriculturist than were offered at the time he made the remark; and he then stated that the cry for free selection was rather too much, and that the existing laws had not been carried out to the liberal extent which they were capable of. The members of the present Government held, when in opposition, the opinions they acted upon since taking office, and the carrying out of those opinions could not be called precipitate. When the people were on the alert, and they watched the Parliamentary debates with great interest—especially on the land question;—when they became aware that there was a difference of opinion as to the working of the land laws; and when they found that those gentlemen who held different opinions from the late Government had come into office; what was more natural than that they should press the Minister for Lands to do that which he had said the late Government could have done? As to the advisability of the course the Government had taken, he took it that the approbation of the whole colony was the best test, always assuming that their action was legal in its inception. With regard to the legality of the course pursued by the Government, as the question had not been directly raised, he would leave it to be contested by those who chose to fight it out in some other place. He was satisfied in his own mind that the intention of the Legislature, as collected from the Acts of Parliament, was that the same facilities which were offered by the Agricultural Reserves Act, for the sale and purchase of land, were intended to be given to the public under a different system—viz., by lease with deferred payments: in other words, whatever the Government could legally do under the Agricultural Reserves Act, in selling land before or after survey, it was the intention of the Legislature that the same should be done, not by sale, but by lease and deferred payments. Neither himself nor his honorable colleague, the Secretary for Lands, were members of the House when the Leasing Act was passed, and they could not know the intention of Parliament from the debates; but it was the majority which passed the Act, and the intention of the Legislature could only be gathered from the words of the Acts themselves. He was not unwilling to offer to the House the reason for the advice he had given the Government, because, he maintained, that it would be monstrous and absurd to suppose that the opinion of any Attorney-General was infallible. All he could do was to advise the Government to the best of his ability on the true construction of a statute whenever called upon to do so. He might state that the consideration of this question had occupied his attention and the attention of the Minister for Lands for a considerable time before they came to a conclusion; and his opinion was given in writing, and only acted upon after full deliberation in the Cabinet. He could not conceive that a grave step, such as that, would be otherwise taken by the head of a department. They came to the conclusion that the Leasing Act, construed with the Agricultural Reserves Act, gave power to the Minister for Lands to allow any person, under certain regulations, to take up land under lease on the principle of deferred payments, in the same way as land could be purchased under the Agricultural Reserves Act. It was not necessary to enter into the question—which he believed was

settled by the late Attorney General—as to whether twelve months' notice to the Crown lessee was requisite. That affected the legality of the original proclamation. He had not gone into that question, and was never asked to do so. He found, when he entered office, that the proclamation had been made, as proclamations had been made from time to time under the Agricultural Reserves Act of 1863. The Pastoral Leases Act, which was an important Act to be considered in connection with the present subject, was passed during the same session as that Act, and received the Royal Assent on the same day. Also, in reference to it, the House would have to consider the Unoccupied Crown Lands Act, in which was to be found a clause stating that twelve months' notice must be given; but, then, it only referred to the unsettled districts. The clause was copied into the Pastoral Leases Act, which repealed the last named Act, and was thus made available for each description of Crown tenant—for the lessees in the unsettled as well as in the settled districts. But it must be recollected that it only referred to those lessees who took renewed leases in the settled districts. All were aware that the leases did not become renewable until the end of December, 1866, three years after the Pastoral Leases Act was passed. But the Agricultural Reserves Act gave the Government power to proclaim and set apart reserves immediately after the passing of the Act; and as the two Acts came together, he should be very much inclined to be of opinion that when those renewed leases were granted, they were granted subject to the operation of the Agricultural Reserves Act, and did not include the agricultural reserves at all. That was the opinion he should be inclined to propound, if asked to give an opinion. To come to the second question. He assumed, as he was bound to do, that for the purpose of giving the Leasing Act its proper construction, it was intended to be read in conjunction with the Agricultural Reserves Act, to a certain extent; because it referred to land which the latter Act gave the Government power to set apart for agricultural purposes. In the first place, it would have to be decided what was the effect of a proclamation under the Agricultural Reserves Act? He believed it was contended by some that a proclamation was merely a reservation or dedication; but not resumption for sale. He could not assent to that proposition, for the simple reason that if he did, he did not know what the meaning of one or two clauses in the Agricultural Reserves Act was. In the first place, that Act said:—

"It shall be lawful for the Governor with the advice of the Executive Council by proclamation published from time to time in the *Government Gazette* to define and set apart for agricultural occupation such lands as may be deemed expedient and the said lands shall be denominated agricultural reserves Provided that there shall at no time be a less quantity of available land open for selection within the said agricultural reserves than fifty thousand acres" &c.

He took it, the true construction of that was, that there should never be less than the quantity set forth open for selection; and that "by proclamation" was the way the lands were thrown open. It was a question whether the Minister was right in proclaiming a larger extent of land than was required to meet the wants of the colony—not that the reserves were illegally proclaimed;—and whether it was advisable that such a large area of country should be brought under the provisions of the Agricultural Reserves Act, and so virtually taken out of the hands of the lessees, though not required for some time. If his view of the Agricultural Reserves Act was correct, with reference to the proclamation throwing open immediately the lands contained in the reserves proclaimed from time to time; then he found by the fourth section a certain system propounded for the purchaser in surveyed areas;—that was, it provided that certain lands should be surveyed in the agricultural reserves—in order to assist those who could not afford, or who were disinclined, to survey for themselves. Of course, he understood that when land was reserved for the purpose of survey, when surveyed it would have to be proclaimed again, in order that the public might know what particular blocks were ready for them to take up. The next section provided that the whole of those lands outside the surveyed part should be open, before survey, for free selection. Then the twelfth clause of the Leasing Act stated:—

"All lands in agricultural reserves which shall have been or may hereafter be proclaimed as open for selection and have remained so open and unselected for one calendar month shall be open to lease, &c."

Now, as he read the clause, it meant that those lands in the agricultural reserves which had been proclaimed open for selection, should be open under the operation of the Leasing Act, for lease with deferred payments, in precisely the same way as they were open, under the Agricultural Reserves Act, for purchase.

Mr. BELL: As to the month?

The ATTORNEY-GENERAL: He would answer the honorable member. As far as he understood it, the man who wished to select under the Leasing Act must comply with all the conditions of the sixth clause of the Agricultural Reserves Act, the same as if he wanted to purchase, only that, instead of paying the purchase money, cash down, he would pay the annual rent. All he maintained was, that the intending lessee, having once complied with the same provisions as the intending purchaser, was in the same position as the purchaser, with this difference—that he was entitled to a lease with deferred payments, instead of being

obliged to take up the land by purchase. He could see no other interpretation; and he gave his opinion to the best of his ability. He must say that the Acts were jumbled up together, and that they demanded great consideration. He had not arrived at a hasty conclusion. He assured the House that he would never give an opinion for the sake of enabling a Government to pursue a particular line of conduct; he had laid down that rule for himself;—nor would he give a hasty opinion. He congratulated the late Attorney-General on his having most ably carried out the same rule. He had now given the House the reasons why he had advised the Government in the action they had proposed to take. The honorable the Secretary for Lands was always of the same opinion as he was now, with regard to the land law; therefore, that action was upon no new idea.

Mr. LILLEY said he would not occupy the time of the House, because he thought the motion would be agreed to, irrespective of any opinion as to the legality of the action of the Government with regard to free selection. He did not think it necessary to enter into the question of the legality of the action of the Government, in any way. With regard to the policy, he agreed in the expediency of throwing open land to free selection;—if the law admitted of it, he quite indorsed the action of the Government. Opinions would, of course, differ on the land Acts; they were in a terrible state of confusion; one clause clashed with another; and even the practised lawyer had considerable difficulty in grasping them. He could not pretend to give any positive opinion against that of the honorable and learned Attorney-General; the matter was so very arguable. If they held different opinions, the matter might be very well left to the decision of the Supreme Court. There was a subject upon which he wished to give a hint to honorable members. When they talked about opinions given by his honorable and learned friend, or by himself, they had better have the opinion before them, before they attempted to state what it was. He found that the honorable gentleman at the head of the Government, only the other day, fell into a blunder about an opinion he (Mr. Lilley) was supposed to have given. He had given an opinion entirely the opposite of what the honorable member had made out. It only shewed how very cautious honorable members should be before they spoke of the opinions given by an Attorney-General or any other lawyer. He should, of course, support the motion. He should say nothing as to the law of the case; he did not think he ought to give an opinion, certainly not a positive one, against his honorable and learned friend. The law was so capable of the construction he had put upon it, that he (Mr. Lilley) could not quarrel with the advice given by his honorable friend to the Government. So far as the proclamation of the late Government was concerned, this was not the time or the place for him to explain the reasons upon which his advice had been founded; and he objected to stand up in the House and work out an opinion that he might have given to the Government in his official capacity. The House would give him credit for having done his best. He had known that opinions had been given by Mr. Martin and Sir William Manning. But lawyers would differ; and he was not persuaded by the mere statement of Mr. Martin or Sir William Manning—for both of whose opinions he entertained the greatest respect—that he was wrong. His opinion was based on a broad view of the whole land legislation of Queensland and the letter of the statutes. He could not see that any error had been committed. As to the policy or impolicy of proclaiming so large an area, with that he had had, as legal adviser of the Government, nothing to do. He had simply been called upon to say whether the proclamation could be issued, and he was willing to accept the responsibility of the late Government's action, should it ever be questioned. If he gave his reasons, he might convince the majority of the House that he was right; and if his opinion should be tested, he was sure that, if it should not be upheld by the courts of law, there would be a great deal shewn in support of it.

Mr. DOUGLAS, in reply, said he was very glad that the discussion had not closed without the speeches of the honorable and learned member for Fortitude Valley and the Attorney-General. It was satisfactory for the House to have such opinions on the question that had been opened up by the debate. He congratulated the late Government on the statement made by the Attorney-General; it bore out what they had done. In what he (Mr. Douglas) had said about precipitancy, he spoke only with regard to departmental action; he did not assume that the Cabinet had not been consulted on a matter of state policy. He saw no reason why the committee should not be appointed. He should be glad to see the honorable member for Warwick on the committee; and if the committee were appointed by ballot, he did not see why that honorable member should not be a member. Perhaps, he had been led to express himself warmly in his opening speech; but that honorable member himself had given expression to opinions which, as he had said, were held by his constituency—the largest agricultural district in the country. He (Mr. Douglas) was under the impression that he represented in the House the country district, and the honorable member, Mr. Clark, the town; and, under the circumstances of the case, he thought the honorable member was hardly justified in taking upon himself to express opinions which, whether right or wrong, belonged to another. He felt great regret that the honorable member should have said, that had he not been a member of the House, he would have probably

indulged in "dummying." It was to be assumed from that, that the honorable member would evade the law.

Mr. CLARK: And he would do it, in a minute.

Mr. DOUGLAS: An honorable member might as well indulge in smuggling. And when the world saw that a man in his high position thought nothing of setting aside the law, many others would not scruple to follow his example. It came with a bad grace from a legislator, that, if not trammelled by his position, he would do so. It had a deteriorating effect on the public mind, morally. He could not agree with the honorable member for Ipswich, Dr. Challinor, that, if the committee were appointed by ballot, the inquiry would be burked. It would be the duty of the committee to carry out the inquiry faithfully and efficiently.

The COLONIAL TREASURER demanded that the committee should be appointed by ballot.

The first resolution was then put and agreed to; and the House proceeded to the ballot. The following members were declared duly elected:—Mr. Douglas, Mr. Clark, Mr. Ramsay, Mr. Lilley, Mr. Archer, Mr. Macalister, and Mr. Mylne.

GRANT OF LAND TO THE HONORABLE LOUIS HOPE.

Mr. WALSH moved—

1. That the cultivation of the sugar-cane has so far proved successful, that the production of both rum and sugar promises to be a great source of wealth to the colony generally.

2. That to the Honorable Louis Hope may be justly accorded the merit of initiating and persevering in the first attempt to realise the above satisfactory fact; and that for his untiring energy and skill, as also to the large capital which he embarked in the experiment, this colony is much indebted.

3. That this House, to morrow, do resolve itself into a committee of the whole, to consider the justice of recommending to His Excellency, that he will cause a grant, consisting of two thousand acres of land, to be made to the Honorable Louis Hope.

4. That these resolutions be transmitted to the Legislative Council for its concurrence.

He said he felt it was the duty of the House to make some recompense to the honorable gentleman referred to in the resolutions, not only for the efforts which he had brought to such a successful issue, but for the stimulus which his enterprise had given to other colonists to embark in similar ventures. It would be in the recollection of honorable members, that a similar motion was introduced some two years ago, and would no doubt have been carried, but for an unfortunate circumstance. The Ministry were in favor of it, and he felt sure that if it had been generally known that the resolution was to be opposed, there would have been a larger attendance of members, and it would have been affirmed by a considerable majority. The recognition he proposed was a most just one. Sugar growing had now become a certainty. It promised to be not only a great success, but to raise Queensland into a colony of great importance; indeed, he believed that before ten years had expired, sugar would be her largest export, and that between that period and the present, it would do more to advance her prosperity than all the efforts of the best Government the colony could have. It would not be denied that the Honorable Louis Hope had encountered great difficulties, had labored almost against hope; but by great skill, and a wonderful amount of perseverance, he had demonstrated as an undoubted success, that which everybody had prophesied when he commenced the undertaking would prove a failure. Many persons, who had fully appreciated his enterprise, had looked upon his ruin as certain, and he (Mr. Walsh) believed any other man in his place would have been ruined, for any other man would have acknowledged that the attempt was a failure, and given it up, and thus deterred others from embarking in the scheme. But in spite of all the difficulties which met him at the outset, the Honorable Louis Hope had persevered, and it was owing to his strenuous efforts that sugar had become an article of export. The recommendations he had made, and the promises he had held out to others, had encouraged a great many to follow in his steps; and even at present, the honorable gentleman was so anxious to prove that sugar could be successfully cultivated in Queensland, that within the last few months he had volunteered, if necessary, to leave his own plantation, and go some hundreds of miles, in order to shew intending cultivators the way to convert the juice into sugar. He thought it was only due to Mr. Hope to mention the fact that the honorable gentleman had made an offer to him—that if the Maryborough company could not find anyone else, he himself would go up and give them the information they required. He did not think it was necessary to say much more in support of the resolution. Every honorable member, every citizen of Brisbane, must be aware that sugar growing had become a success in this colony. Not only was it consumed here, but it was exported, and he believed that rum was also exported. He believed he was right in stating that Captain Hope was not at first very sanguine about rum-making, but, notwithstanding, he had been the first to manufacture it in the colony, and there could be no doubt that it would become a great branch of industry, and would assist in advancing the prosperity of the country. He felt convinced that the grant of land which he hoped would be given that evening to Captain Hope would be of great advantage to the community, while it would really cost the colony nothing. It would not abstract one farthing from the

public treasury, and it would have the effect of redoubling the efforts of the honorable gentleman in whose favor it was made, to prove that sugar growing was a success, while it would shew to all that the colonists of Queensland felt it incumbent upon themselves to recognise and reward the enterprise of the first cultivator. The grant was but a small one, and he had at first intended to propose a larger number of acres. He had been reminded that the Messrs. Macarthy, in New South Wales, received a very handsome recognition from the Government of that colony for the introduction of merino sheep — something, he believed, like 8,000 acres of land; and although such a large grant might not be desirable or practicable in this case, still the fact was sufficient to shew the Government of the neighboring colony recognised the importance of services which benefited the whole country. He asked honorable members to enhance the value of the grant, by assenting to it without a division.

Mr. PUGH suggested an alteration in the third resolution by the addition of the words, "the said grant to be selected by the recipient,"—which would enable the honorable gentleman, who had been so justly eulogised by the last speaker, to choose the land where it would best suit his operations. He quite concurred in the opinion that the grant was a small one. When the proposition was brought before the House on a former occasion, there were twelve members for it, and thirteen against it. Out of those twelve members, nine were not now in the House, and he hoped, therefore, the motion would be passed without any division whatever. He only regretted that five thousand acres had not been mentioned instead of two thousand. It must be remembered that cotton bonuses had been given in this colony, and it had just been pointed out to the House that the growth of wool had been encouraged in New South Wales. The cultivation of sugar promised to be of such immense advantage to Queensland, that he sincerely hoped there would be no opposition to the motion.

Dr. CHALLINOR said he was present when the matter was previously brought under the consideration of the House, and had strongly supported the resolution, which, he believed, had been lost in consequence of personal feeling, irrespective of the merits of the case. He thought a grant of 2,000 acres the minimum amount which could be offered to Captain Hope; for that gentleman had, undoubtedly, saved a great deal of expense to the colonists in the cultivation of sugar, from the fact that he had imported, at a heavy outlay and at considerable risk, the different varieties of cane which were best adapted to this colony, all of which could now be obtained here without difficulty and at a greatly reduced price. He considered, therefore, the House was bound to give a unanimous assent to the motion; and if any honorable member chose to move that the grant be increased, he should feel disposed to support him.

Mr. BELL said he had much pleasure in supporting the motion, though he had opposed it on a previous occasion—in fact, his had been the casting vote which threw out the first resolution. He must, however, totally dissent from the opinion expressed by the honorable member for Ipswich, Dr. Challinor, that the vote was then negatived on personal grounds. He would like to ask the honorable member what reason he had for coming to such a conclusion? He denied the correctness of it;—he would give his reasons, and he believed every honorable member who voted with him was actuated by a similar motive. When that resolution was brought before the House, in 1865, sugar-growing had not been proved to be a success—it had not been shewn that sugar could be cultivated with profit to the grower. At that time a great deal of money had been expended in the cultivation of cotton, in the same way as Captain Hope had gone to work—not under the sugar and coffee regulations, but on purchased land. But at that date neither cotton nor sugar had been proved a success, and he should have as certainly voted against any grant in favor of either, because they were not then articles of export. That was his opinion two years ago, but he also held the opinion that as soon as cotton or sugar was successfully grown and become an article of export, the first man who had raised it would be entitled to some recognition of the service he had rendered to the colony. He believed that time had now arrived, and that the proposed grant of land was a fitting reward for such services. He had regretted to hear the honorable member for Ipswich, Dr. Challinor, a few evenings ago, express his opinion that the bonus upon cotton should be discontinued, and give as his reason that the object for which it was given had been attained. Now, there were two questions which that argument give rise to—first, that if cotton were proved to be a success, the first cotton grower should be entitled to a recompense for his enterprise, or else that the principle applied to the encouragement of sugar growing, viz., a continuous bonus by means of a differential duty should also extend to cotton. If it were established by the resolutions before the House that sugar was a success, upon what principle could the honorable member uphold a continuance of the differential duty? He had not referred to this matter for the purpose of raising any discussion in reference to the bonus upon cotton, but in order to give his reasons for voting for the resolution before the House. He believed there was no man in the colony to whom Queensland was so much indebted as the Honorable Louis Hope, for his active and untiring exertions in the cultivation of sugar, and he should be quite

willing to add five hundred acres to the grant named. He would ask the honorable member for North Brisbane to withdraw his amendment, as all that was necessary could be done in committee.

Mr. PUGH said he was quite prepared to substitute the words, "and that his opinion be taken as to the district in which the land be selected."

The ATTORNEY-GENERAL said it was his duty to call the attention of the House to the fact, that to make this grant a simple resolution would be inoperative. The Governor had no power to give the land away: there must be a special Act of Parliament for it. The Crown Lands Alienation Act of 1860 expressly stated, in clause four—

"It shall be lawful for the Governor with the advice aforesaid to grant or otherwise dispose of for such public purposes as are specified in clause sixteen of the Unoccupied Crown Lands Occupation Act of 1860 or for such other purposes as may from time to time be *previously sanctioned*."

The House must previously have sanctioned Captain Hope's cultivation of sugar, and then they could reward him with a grant of land. He did not desire to oppose the resolution, but he wished the House to consider what the result would be of the course now pursued.

Mr. MILES said the House appeared to be in a very generous humor, and disposed to give freely with both hands. One honorable member had even asked to add 500 acres to the proposed grant. He was in the House when the resolution was brought forward in 1865, and was surprised at the change which had come over honorable members since that time. There was no evidence before the House as to the quantity of sugar grown by Captain Hope, and he thought it would be as well if honorable members, before they were led away by their feelings of generosity, ascertained what grounds there were for making this grant. He, for one, could not reconcile the idea of giving away public lands without some sufficient reason being afforded. The great question was, was this to become a precedent? The honorable member for Ipswich, Dr. Challinor, had taken a great deal of credit to himself for having been a successful cultivator of cotton, and how did honorable members know that he would not come down next session for a grant of land? He should feel obliged to oppose the motion, and to press it to a division, for he did not think the House was justified in giving away the public lands in this way. He believed that everyone who embarked in an enterprise of this sort, did so with the object of benefiting himself; and he thought the honorable member for Maryborough must have drawn a little upon his imagination when he said the Honorable Louis Hope had offered to neglect his own interests and to go up to Maryborough to boil the sugar for the Maryborough company. If that were really the case, he could only say that Captain Hope was not the man he took him for.

The COLONIAL SECRETARY said he was sorry he was not nearly so liberally inclined as several honorable members appeared to be, and must enter his protest against the resolutions before the House. He felt bound to protest against all these bonuses, in whatever shape they were brought forward. A large sum of money had already been spent in this way, to encourage cotton growing. Honorable members seemed to forget that the revenue was suffering from a heavy bonus in the shape of a differential duty on sugar, and he could not see that Captain Hope was entitled to a grant of land more than any other successful cultivator. He should not be at all astonished, after this, to see the late Engineer-in-Chief, Mr. Fitzgibbon, coming down for a grant of land, for having successfully introduced railways into the colony. He should always protest, to the last, against these bonuses of all kinds.

Mr. STEPHENS said that, in order to adopt the suggestion made by the honorable and learned Attorney-General, he would move, as an amendment upon the third resolution—

That this House will, to-morrow, resolve itself into a committee of the whole for the purpose of considering the advisability of introducing a Bill granting 2,560 acres of land to the Honorable Louis Hope.

and that the fourth resolution be omitted.

Mr. WALSH, in reply, said the question was not as the honorable member for Maranoa had put it—how much sugar had been produced by Captain Hope, but that that gentleman had been the means of introducing it, and proving that it could be successfully grown in the colony. But for Captain Hope, he maintained, there would have been no sugar plantations in Queensland, instead of at least thirty or forty; and the number was being rapidly increased, for there were large tracts of land in the Mary River and along the coast peculiarly adapted to its growth. He did not think it was worthy of the honorable member to doubt his statement, in reference to the offer made by Captain Hope to visit the company's plantations at Maryborough. He would now add to his statement, and inform the House that Captain Whish had also come forward and made the same offer. As had been remarked, the Honorable Louis Hope had been the first to introduce the proper varieties of cane, and there could be no doubt that the operations of other sugar planters would have languished if he had not supplied them. He had distributed no less than 150,000 plants among the small farmers this season, and, with all his affection for squatters, he (Mr. Walsh) did not believe these gentlemen would have been guilty of so much liberality towards their fellow-squatters. He believed he was safe in saying that the Honorable Louis Hope, with all the difficulties with which he had had to contend, had manufactured sixty tons of sugar this

season. He felt sure he need not say anything further in proof of the fact that the colony had been largely benefited by the energy and enterprise of that gentleman. He felt obliged to the honorable and learned gentleman, Mr. Pring, for the suggestion he had made: he cordially accepted the amendment of the honorable member for South Brisbane, and trusted that a Bill would be introduced on the following day.

Dr. CHALLINOR said the honorable member for West Moreton had asked him how he could support the differential duty on rum if he disapproved of bonuses for the cultivation of cotton. Now, he thought it could not be doubted that the differential duty on rum should be discontinued when sugar growing had reached the extent of supplying the colonial market. But he might further inform the honorable member, that he had always objected to the differential duty on rum. As to cotton, he never claimed any bonus for being the first to grow it in the colony successfully. What he did was to deny that it was to Captain Towns the colony was indebted for the growing of cotton successfully; and he said, that if the country owed a bonus to any one for first growing cotton to the extent of exporting it, that bonus should be paid to the representatives of the late Mr. Panton, for he was the first who shipped cotton grown in the colony. He did not deny the services that had been rendered to the colony by the Honorable Louis Hope, in the matter of sugar growing; on the contrary, he set a high value upon them, especially when he considered the many and great difficulties Captain Hope had had to contend with, and the great amount of capital he had had to expend in the prosecution of his enterprise. He thought the House should mark its sense of the value of the service Captain Hope had rendered to the colony by making him a larger grant of land than that proposed in the motion, and he would, therefore, willingly support the amendment.

The SECRETARY FOR PUBLIC LANDS said he would support the amendment for bringing in a Bill to reward Captain Hope by a grant of 2,560 acres. He might state to the House that he happened to know, from Captain Hope, that that honorable gentleman would feel more gratified with the grant that might now be made, from the fact that his previous application was refused; because the grant, if now conferred, would shew that the previous application was not made without some reasonable grounds. He happened to know that Captain Hope would feel exceedingly gratified by receiving the grant, not on account of the value of the land itself, but as being a reward for the exertions he had made in the establishing of a new industry in the colony. He was satisfied that the honorable gentleman would feel proud in being able to found a branch of the Hopeton family in the colony; and whoever might undertake the cultivation of the ground would remember the motto of the Hopeton family—"*Et spes non fracta.*" To grant a piece of land for the establishment of an industry of this nature was nothing new in Australia; for in 1803 Captain John Macarthur received a grant of 10,000 acres of land for the successful introduction of the merino sheep into New South Wales. He thought, that having such a memorable precedent, the House should not hesitate to make the grant now proposed.

Mr. MILES wished to inform the honorable member for Maryborough that if he thought to put him down, he had made a mistake for once in his life. He would take that opportunity of informing the honorable member, also, that he must not refer to him again by his occupation—that he must refer to him as the honorable member for the Maranoa, and not as a squatter. He now gave the honorable member fair warning. He would not go in a roundabout way in the matter, as another honorable member did; and the honorable member might depend upon it that if he promised to do the thing he would carry it out. The honorable member for Maryborough was too much in the habit of endeavoring to ridicule other honorable members, and of making comparisons that were uncalled for. He believed the honorable member was himself a squatter; and he should like to know what he had either said or done to call forth his indignation. He said nothing but that he thought the honorable member had drawn too much on his imagination. He did not mean to deny that he had said so, and he would say so again, and as often as he liked, when he thought there was occasion for it. As to the amendment, it appeared that the grant was to be made without any conditions; but as the House had lately shewn such pertinacity in the matter of conditions of residence and cultivation, in connection with the alienation of the land, he would take care to see that some conditions were imposed in this case also.

The motion was then amended, as proposed by Mr. Stephens, and agreed to.

PREVENTION OF CONTAGIOUS DISEASES BILL.

Mr. LILLEY moved that the order of the day for the second reading of the Prevention of Contagious Diseases Bill be postponed till Thursday next.

Mr. WALSH proposed, as an amendment, that the second reading of the Bill stand an order of the day for that day six months. He believed that, hitherto, they had got on very well without such a Bill; and he considered it would be a disgrace to the statute book if they were to pass this measure. Hitherto, prostitution had been dealt with as a crime; but if the Bill before the House were passed into law it would become one of the guarded institutions of the country. There was not

such a law in England, except in garrison towns; and even there it was limited in its application. If the Bill were to be limited to the neighborhood of the barracks he might withdraw some of his objections. If the Bill were made general in its application, it would be nothing more or less than a measure for the protection of prostitution—for the protection of the vicious—for the employers of vice and those who were employed in vice. Now, the laws of England did not recognise such a principle. It might be their duty to legislate to put down crime; but it was repugnant to the feelings of Englishmen to entertain such a beastly, such an atrocious, regulation as this Bill provided for. He hoped there was not a medical man in the country who would accept of the office which the Bill proposed to establish; and he did not believe that it would be possible to find any medical man in the colony who would accept of it. There was no necessity for such a measure; for it was not as if the people lived in a camp. He would repeat, that the Bill could only be for the benefit of the vicious and the hirer of the vicious. He hoped it would be thrown out to-night; but at every stage he would, with all the energy and feeling he could bring to bear, endeavor to frustrate the passing of the Bill.

Dr. O'DOHERTY said he felt perfectly assured that had the honorable member for Maryborough the same means of ascertaining the necessity that existed for the passing of a Bill of this nature as gentlemen of the medical profession had, he would have felt that all the, no doubt natural, indignation he had expressed was utterly and entirely misplaced. He must confess, that for more than a year past, from professional experience in Brisbane, he had been well convinced of the necessity there was for the passing of a measure of this kind—the absolute necessity there existed for it, and that on the highest moral grounds. There seemed to him to be no doubt whatever, that with the last section of immigrants that came from the old world into this colony, there came also a species of contagious disease of this kind that was rapidly infecting every young man in the colony. He had no hesitation in stating, that at this moment, there was stalking about in the town as frightful a form of venereal disease as there was in the world. It was stalking abroad amongst those unfortunate females, unseen and unknown to those who had dealings with them, or to any one. It was a dreadful form of the disease, though it was quite possible to be cured; and those unfortunate women were walking centres of the most frightful disease to which the human body could be subject. To non-professional men, that might seem strong language for him to use; but he could assure the House, from professional experience, that there was a large number of young men in Brisbane who were suffering from this disease, and who had become infected with it in the town. Not only would that disease never leave them, but it would affect their children, and their children's children. Something effectual ought to be done to check the disease, for there was no limit to the spread of it, especially in a colony like this. There were numbers of young men scattered all over the colony, who, when they visited large towns, fell ready victims to a disease of this kind. The honorable and learned member for Fortitude Valley deserved the thanks of the House for having brought forward a measure of this kind; and, entertaining opinions altogether opposite to those of the honorable member for Maryborough, he must say that he hoped the Bill would be passed into law with as little delay as possible. As to what the honorable member said about professional men, he had no hesitation in telling him, that so far from his opinion being correct, that it would be impossible to find any professional man who would carry out the medical provisions of the Bill, there was not one medical gentleman in the colony but would be found ready, at any moment, to perform any of the duties of his profession, no matter how repugnant to his own feelings the case might be. The duty of a medical man was, not to consult his own feelings, but to relieve from suffering. In England, there was a measure of this kind, and also, he believed, in South Australia. As was very well known, throughout the continent measures of this kind were the common law of the country, and there other precautions were taken to protect the youth of the country from the contagion of disease of this kind.

Dr. CHALLINOR said he cordially agreed with the opinions that had been advanced by the honorable member for North Brisbane, Dr. O'Doherty. He was sure it would be admitted that of all honorable members of that House, those who were medical men were the best qualified to give an opinion upon the necessity of a Bill such as the one before the House, as a sanitary measure. The honorable member for Maryborough had called this a beastly Bill. Well, if the honorable member were fully acquainted with the details of medical practice, he would see that there was nothing proposed in the Bill but what medical practitioners were daily called upon to do voluntarily, and that too after the disease had reached an advanced stage. Now, the professed object of the Bill was to prevent the dissemination of the disease. They could not, of course, prevent the dissemination of the vice that led to it. Such a measure as this was required for the protection of the innocent, for there was no doubt that the evil consequences of the disease spread to future generations, and to others who should not be made subject to it; for it was a matter of fact, that the vice which led to this disease was not confined to single men; and it often caused the destruction of domestic felicity. It was, therefore, their duty to legislate in regard to this matter, for

the protection of the innocent. A measure of this kind had been passed in Great Britain, and from its beneficial operation it was growing in favor with the British public. It had been found so advantageous in naval towns, that the desirableness of applying it to large towns was now being strongly advocated. The honorable member for Maryborough had spoken of this as a military Act, and had said that they might be justified in applying it to the neighborhood of barracks. But against whom were the provisions of the Bill directed? Not against naval and military men, but against civilians —against females. The provisions of the Bill were very different from what was the law on the Continent. There licenses were issued to females to carry on a course of vice, but this Bill was merely directed to prohibit, as much as possible, the spead of contagious disease. The only objection to the English Act was, that the granting of a certificate of cure, which it provided should be given to a female who had been cured, might be perverted into a license. But here the provision was, that the certificate of cure should not be issued to the individual, but to the police, so that the person who desired to pursue a course of vice should not have the certificate to exhibit. In many cases the legislature, for sanitary reasons, had to interfere with personal liberty; and if the Health of Towns Bill had been passed, the police would have been empowered to visit and inspect lodging houses. Now, was that not an infringement of personal liberty? Yet that measure was not so much objected to as the one before the House, which, besides being a sanitary measure, was also so far directed against a vice. In point of fact, all that the Bill proposed was a sort of individual quarantine. If a vessel came to these shores, on board of which there existed a disease that was prejudicial to the general health, there was no objection made to that vessel being required to go into quarantine, and why should there be any objection to do on a small scale what was considered good to be done on a large scale? Besides, in England the Act had been found to have a moral benefit. It had operated as a reformatory measure. Many prostitutes who had been brought under the operation of the Act had been restored to their friends, and had become good members of society. That was not the intention of the Act, but that had been found to be one of its results. Therefore, he contended there was nothing in the Act to foster or countenance vice in any way, but the reverse. The object of it was to prevent the spread of a certain disease. There could be no mistake that it was a very hereditary disease; and the sooner steps were taken to check it the better. If it could be got rid of by legislative enactment, the Legislature was bound to take such steps as might be necessary to get rid of it. They were bound to believe that all evils were the result of crime, more or less, and they did not hesitate to introduce remedies to prevent those evils. He should support the second reading of the Bill; and he did not believe there was any medical man anywhere, but certainly not in this colony, who would object to undertake the duties required of him by the Bill, for those were simply not more than came within his every day practice.

Mr. Bell said it was his intention to oppose the Bill through all its stages, though he did not approve of the course that had been taken in opposition to it by the honorable member for Maryborough. He thought it would be almost a sin and a shame to throw out the Bill without hearing the speech the honorable and learned member for Fortitude Valley had to make in support of it. He believed the speech would be well worth hearing; as the honorable and learned member had put himself to considerable trouble to get up information on the subject, and to prepare his speech. In fact, he believed the honorable member was more alarmed about not having an opportunity of delivering his speech than he was about the fate of the Bill. It had not been shewn that the cause for the Bill originated with the unfortunate creatures who were to be made subject to its provisions. He was not sure but the disease was brought here by the male sex, and that the females were the sufferers from others. He thought that there should be some provision in the Bill, applying to males as well as to females. He did not think it was fair that females should have the whole of such legislation hurled against them, while the other sex, who were fully as culpable, were allowed to go free. There was another reason why he objected to the Bill, and it was this: that he understood the fear of the disease had a very corrective moral action; and a very preventive action, too. The effect of passing this measure, and thereby securing a greater probability of freedom from disease, would be that that all the young men of Queensland would run riot; especially those in the interior, when they visited Brisbane. He did not know what young men might have experienced, but he understood that the fear of the disease had prevented much crime and much immorality; which preventive fear the Bill would do away with. He thought that, especially in a small community like this, there was something like an attempt at over-legislating in proposing a Bill of this kind. All the abandoned women who were in the colony would scarcely be thought of in any of the large towns in England. Such a measure had no existence in any other colony.

Mr. Lilley: It is in force in Adelaide.

Mr. Bell: Then he must say he was very sorry for the people of Adelaide. He should like that the amendment were withdrawn, in order that he might hear the speech of his honorable and learned friend who had brought forward the Bill.

Mr. Francis thought that, granting all that had been said on the subject by the

honorable member for North Brisbane, Dr. O'Doherty, and the honorable member for Ipswich, Dr. Challinor, to be perfectly correct, honorable members who were not members of the medical profession were quite qualified to speak on his subject. He did not consider that the two medical gentlemen had at all made out a case for a Bill of this kind, but only for a police measure. He thought the House should be very careful before passing a measure of this kind. If the matter was of such importance as to require legislative action, then it was of sufficient importance for the appointment of a committee to obtain information to guide the House as to how the matter might best be dealt with. The English Act had not been generally applied to large towns, but had been confined to garrison towns. A measure such as that, he considered, was liable to very great abuse. It would, in a sense, legalise vice, and it would expose an unfortunate portion of the community to the exercise of a species of tyranny. He felt bound to oppose the Bill.

Mr. LILLEY said that, as he was not in the habit of preparing speeches for any occasion, the honorable member for West Moreton had no need to postpone his opposition to the Bill before the House, for the sake of hearing what he might have to say on the subject of the Bill. He might inform the House that he did not introduce the Bill without considerable previous reflection, and ascertaining that it was not opposed to the moral sense of the community. He had been long persuaded of the necessity for some such measure. While he was in office, from communications with the police, and from communications with others, he was fully persuaded of the necessity that existed for a measure of this kind. Acting on the information that he obtained in that way, and finding there was a measure of the kind on the English statute book, which, though it applied only to garrison towns and some large cities, was, nevertheless, capable of useful application to large towns in the colony; and finding that the British Parliament had overcome its strong feelings and prejudice against such a measure, he thought he might venture, when he found a necessity existing for it, to introduce such a measure to the Colonial Parliament. Before doing so, however, he was anxious to ascertain whether there would be any strong resistance to the Bill amongst a class of men with whom, if there were any moral objection to the Bill, such objection would no doubt exist. He referred to the clergy of various denominations in the city. He took occasion to ascertain their views on the subject, and not one, but several of them, waited upon him about it. He gave those gentlemen a draft of the Bill to read, and he could say it was fully approved of by them—whose moral character was unstained, and whose religious principles were unimpeached and unimpeachable, and whose opinion was equal, at any rate, to that of the honorable member for Maryborough, as regarded the moral tendency of a measure of this kind. Those clergymen had expressed themselves distinctly and decidedly in favor of the Bill, so that he came to the House to some extent, and he had authority to say so, armed with their approval of the measure. All that had fallen from the honorable member for Maryborough, who had spoken so violently on the subject, was merely an expression of feeling. Now, he deplored as much as any man in the community, the existence of prostitution; but, as it did exist, they must look at the subject as men of the world, and endeavor, if possible, to check it or remove it. Now, he would ask, could they drive out the vice? Could they prevent its existence? It was well known they could not, by law, prevent its existence; all they could hope to be able to accomplish was a mitigation of the evil; and to prevent the consequences falling upon the innocent; and, so far as legislation would enable them to do that, it was their duty to do it. With that feeling strong upon him, he had brought forward this measure; and he was willing to take all the odium that any honorable member might desire to cast upon him for it. He felt sure that if the Bill did not pass on the present occasion, the strong sense of the community would bear him out in bringing it forward on another occasion; and he would not cease to try to get a measure of the kind placed upon the statute book; and the time would soon come when the House would sanction it if it refused to do so now. It had been said that the fear of the disease had a corrective as well as preventive action; but if the honorable member who said so knew, as he (Mr. Lilley) did, from what had come to his knowledge on the subject, what form that corrective action had assumed, he would not hesitate to pass the Bill. He did not wish to enter minutely into details, but he might say that a very serious necessity existed for the measure. The consequences of this disease, as they descended from generation to generation, were of a dreadful nature, as every one knew, and were so fearful to contemplate, that no one ought to hesitate to prevent them if he could. Instead of the Bill providing a license for prostitution, or sanctioning it in any way, its effect, he believed, would be to diminish prostitution. When those females who followed the profession of prostitution—for it was a profession—knew they were under police surveillance, for this was solely a police measure, he ventured to say there would be fewer of them found upon the streets. If, as he believed, the measure would, as a police measure, act as a preventive of vice, they could not do better than place those females who made prostitution their business, under police inspection—as this Bill proposed to do. He must say that he had not heard any good reason advanced against the passing of the Bill; and it was a

most unusual thing to oppose a Bill at such a stage as this Bill had only reached. He thought it would have been better to have followed the usual practice, and to have allowed the Bill to go to a second reading. However, as a discussion had been raised upon the Bill, he had felt called upon to take part in it. He must inform honorable members that nothing he had heard would influence him to withdraw the Bill. On the contrary, much of what he had heard only went to convince him more strongly than ever of the necessity for the measure. As the honorable member for West Moreton, who opposed the Bill, had pointed out, the disease was spreading widely in the bush; and that circumstance of itself shewed the great necessity there was for such a measure, for he had no doubt the disease was carried from the towns to the bush, where it must be followed by more dreadful consequences than in towns, as medical aid was not so much at hand. The ravages of the disease must, therefore, be more swift and certain in the bush. It had been objected to the Bill, that it applied only to females, but it must of necessity do so. Prostitution was a female profession, for there were women who followed it as a profession, and it applied, therefore, peculiarly to them, and not to the male sex. There no doubt were some who felt shocked by a discussion of this kind, but honorable members must bear in mind that they were there to legislate, not with regard to the bright side of human nature, but for the dark side; and there was no use in trying to be nice when they had to deal with passions, and vice, and crime, and disease. They must speak as men of the world, and act as men of the world, and it was no use to try on a little bit of affected modesty. Lawyers and doctors all knew how those evils existed; and in the course of their respective professions they were unhappily too frequently called upon to witness the ravages they made, not only in the bodies, but in the domestic happiness of the people. They must know those things, and they did know them, and they must do their best, so far as legislation would enable them, to mitigate the evil.

The motion that the order of the day for the second reading of the Bill be postponed till Thursday next, was then agreed to.

IPSWICH AND BRISBANE RAILWAY.

Mr. PRITCHARD moved—

That this House will, at its next sitting, resolve itself into a committee of the whole to consider the desirableness of introducing a Bill to enable the Government of Queensland to grant facilities to a trading company under the Act 27 Victoria, No. 4, for the construction of a line of railway from Ipswich to Brisbane.

He said he hoped honorable members would not treat this purely as a local matter, but as a national one; as it was a matter of great importance to the whole colony. There had been a very great expenditure incurred by the Government for railways; and as the honorable the Colonial Secretary had informed the House, in his capacity as Minister for Public Works, there was a considerable weekly loss by the railway. Now, if there was a railway between Ipswich and Brisbane, the traffic on the lines beyond Ipswich would be greatly increased; which, of course, would reduce the heavy loss that was weekly accruing to the colony by those railways. All who were acquainted with the railway policy of the country, and who had a moderate knowledge of the traffic requirements of the country, must long ago have come to the conclusion that the first of the series of blunders that marked the Government railway policy was the fixing of the starting point at Ipswich, instead of Brisbane. If there was any portion of the route from Brisbane to the Darling Downs, and the south-western interior of the colony, which justified the construction of a railway, it was that portion between Brisbane and Ipswich. A line along that portion of the route, he was sure, would be eminently reproductive. There was not only the traffic on the road, but there was also the large traffic on the river, all of which would revert to the railway. The country might rest assured that the Government would never be called upon to pay the guarantee asked for in the motion; and that the proposition was merely a formal one, to afford confidence to those who might embark in the scheme. Brisbane, being the principal port for imports and the shipment of goods, should have been made the first terminus of the railway; but, as honorable members were aware, there were other interests at work at the time the railway policy was entered upon, and which led to Ipswich being made the starting point; and to carry out the idea, the country was put to a very large expenditure for the erection of a railway viaduct across the Bremer from Ipswich. He had obtained some returns as to the cost of a line from Brisbane to Ipswich, and the probable traffic receipts, and he thought honorable members would see by those that the receipts would justify the outlay, and not only also leave a surplus, but pay a very handsome dividend. By this return, the present receipts for freight for the half year might be taken as follows:—The Australasian Steam Navigation Company's gross receipts, £6,410; Queensland Steam Navigation Company's, £2,000; "Nowra" and "Kate," £2,000; Cobb and Company's, and for mails, £3,000; making a total of £13,910 for six months, or £27,820 per annum. The traffic on the line from Ipswich to Toowoomba, from the 1st of January to the 31st of August, amounted to £20,903 4s. 10d., or £27,870 19s. 9d. for the year. The engineer reported the working expenses at £342 per mile, which was a very high average. The length of the line from Brisbane to Ipswich would be twenty-five miles, which,

at £342 per mile, would give a total of £8,350; or, taking the usual allowance of forty per cent. on the receipts, it would be £11,148. The cost of the line was estimated at £8,000 per mile, or say a total of £200,000; the dividend upon which, at six per cent, would amount to £12,000. Taking the gross receipts, then, at £27,820, and deducting for working expenses £11,148, there would remain £16,672 to meet the guarantee and interest, and leave a margin for contingencies. In addition to the present traffic, as shewn by that return, there would be the road traffic, and also a good deal of coal traffic; and, he was sure, a vast improvement in the carriage of stock from the country. In Melbourne there had been a gradual increase, from £13,000 to £17,000 per annum in the receipts for the conveyance of stock from Echuca. Now, if there were a railway from Ipswich to Brisbane, there would also be a large increase in the number of fat stock brought from the interior to Brisbane—and that traffic would of course be more beneficial to the railways beyond Ipswich, than to the railway between Ipswich and Brisbane. There would be another benefit, and one of the utmost importance at the present time, and that was the employment of a large number of workmen. As was well known, there were a very great many people out of employment at the present time, and that number would be very largely increased, unless the public works were continued or some other works commenced that would absorb the surplus labor that would be thrown upon the market. The Government were only asked to give a guarantee of £12,000 to a company who would be liable for an expenditure of £200,000. He hoped honorable members would see that a company proposing to incur such an expenditure for a purpose that would be of great benefit, directly and indirectly, to the Government railways, was entitled to expect that their project should not be treated by the House as a mere local matter, but as a matter of some national importance. The portion of the colony for whose benefit the railway was asked contained about two thirds of the inhabitants of the colony, and surely the House would not refuse to such a proportion of the inhabitants the solid boon they now asked for. It might be objected that the company were asking money from the revenue, but honorable members would see that if the guarantee had to be paid, it was only a small amount in comparison to the amount the project would have the effect of yielding to the revenue. In dealing with a question of this magnitude, he particularly desired honorable members to understand that the determination to be arrived at must not be based solely upon local considerations. Some might be prepared to deal with it in that way. But, he hoped that, if the districts they represented had not received due attention—if they had not received as fair a share of the revenue as they were entitled to—and though they might, therefore, have good reason for opposing the motion—they would consider the large amount of money which had been expended on the railways, and that, unless the proposed line were constructed, that expenditure would not be reproductive. It was necessary to connect the southern and western railway with the port.

Mr. MILES: Take it down to the bay.

Mr. PRITCHARD: Well, take it down to the bay, if the honorable member liked.

Mr. G. THORN: To Cleveland.

Mr. PRITCHARD: He had no objection, if the House liked. But it must be completed to the metropolis, and then the railway would be the backbone of the colony, and be a reproductive work.

The COLONIAL TREASURER said he was sorry that the honorable member for North Brisbane should have chosen such an unfortunate time for bringing forward his motion. He might state, at the outset, that, as far as this railway was concerned, the Government were prepared to give every possible facility to any private trading company that would take it up—all, except the guarantee. In doing that, they must, also, be prepared to give equal facilities to any company that might wish to form railways in any other part of the colony of Queensland. The honorable member had opened his speech by saying that it was a mistake commencing a railway at the head of navigation. He (the Colonial Treasurer) maintained that it was not a mistake; but the opposite. Look at the neighboring colony: the southern railway was commenced at Sydney, when it ought to have been at Parramatta, and the northern line was commenced at Newcastle, when it ought to have been at Morpeth; both railways were made alongside navigable rivers. No doubt the great object ought to be to extend railways into the interior, and to utilise the means at command, and make the money go as far as possible. Years ago, he stated, when Parliament were going to authorise Government to expend a large sum of money in clearing the Bremer—for that chimerical project which some honorable members once had in view, to take up two thousand-ton ships to Ipswich—it would be better to make a railway. But a great part of the money that might have gone that way had been already expended. In the present state of the finances of the colony, it was impossible that the Government could commit themselves to any guarantee of the sort asked for. They might as well take up the railway themselves, as do so. The honorable member's figures were all very well; but after the failure of figures that the country had already witnessed in the present railways, the House could put no faith in them at all. When he (the Colonial Treasurer) could see that the railway, taking it all through to Dalby, was likely to pay the interest of all

the loans, then he should be satisfied that the Government could, and be ready to recommend that they should, give a guarantee, or construct the proposed line themselves. But the Government could not go further than he had already stated. If the projectors could see their way clear—and, if they had any faith in their figures, there was no reason why they should not—they ought to go on themselves with the work, and take advantage of the facilities that there was no objection to extend to them. It was all very well to say that the Government guarantee of interest would enable the company to raise the money required; but the Government wanted to raise money themselves, and they already had interest enough to pay. There was, also, another work coming before the House, for which assistance was required at the hands of the Government—he alluded to the Brisbane bridge. That was a work nearly completed—the other was not commenced. In either case, the Government would have to provide money. The idea that the bridge was a national work would not hold for a moment—it was an idea of the Brisbane corporation! It would, however, be very unwise policy to allow that bridge, so nearly completed, to go wholly to ruin. There was a large portion of the iron-work lying on the bank of the river, which, if allowed to lie much longer, would have to be sold as old iron. That was a different case altogether from the railway. He felt that if a Bill was brought forward—he had not examined it yet, though he understood it was drafted—for the completion of the bridge by the Government, they must regard it with favor, though the bridge was quite a local work;—it must be paid for by the sale of the land for which it was pledged. The Government were prepared to grant any amount of land necessary to give every facility for the construction of the railway; but they took exception, as he said before, to the guarantee of the interest on the loan, which it was impossible they could do.

Mr. PUGH remarked that the present was not the proper time to raise a discussion on this question—before the Bill was in the possession of the House. The motion simply amounted to this—the House were asked to resolve into a committee of the whole to consider the desirability of introducing a certain Bill. Doubtless, certain honorable members had seen the Bill, which was drafted, but he questioned if all the House had seen it, or if many of those who had seen it had examined it. He recommended that the House should pass the motion, and take the discussion on the second reading of the Bill, in due course, when they would be in possession of all the details of the project, and when honorable members could speak confidently and accurately upon its merits. Though they assented to the present motion, and affirmed the desirability of introducing a Bill; yet they did not thereby affirm the desirability of passing the second reading. He hoped, however, that when the Bill came before the House, they would be induced to pass it.

The ATTORNEY-GENERAL cordially concurred with the remarks of the honorable member for North Brisbane, who last addressed the House, because the motion was only a peculiar mode of introducing a Bill. If the House discussed the subject of the motion, now, when the Bill was not before them, they would save nothing;—there would be the consideration in committee, and the discussion on the motion for the second reading of the Bill. He hoped honorable members would allow the motion to pass. It bound them to nothing, being merely a formal motion.

Question put and passed.