

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

WEDNESDAY, 23 OCTOBER 1867

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LEGISLATIVE COUNCIL.

Wednesday, 23 October, 1867.

Transference of Governorship.—The Cumkillenbar Run.

TRANSFERENCE OF GOVERNORSHIP.

The POSTMASTER-GENERAL said he had been directed by His Excellency the Governor to take this, the earliest opportunity, of informing the House that, by the last mail, His Excellency received official information that the Queen had been pleased to appoint him to succeed Sir George Grey in the Governorship of New Zealand. His Excellency would probably leave Queensland in December, but he expected definite instructions on the point by the next mail, when his Excellency would lay the despatches referred to before both Houses of Parliament, with farewell messages, renewing his thanks for their cordial co-operation on all occasions with him, as the representative of the Queen.

THE CUMKILLENBAR RUN.

The Hon. H. B. Fitz rose and said: Mr. President, and honorable gentlemen—I beg to move the adjournment of the House, and my reason for doing so is to revive a somewhat disagreeable subject; but, as this is the only mode open to me for referring to a matter that took place some months since, I trust honorable gentlemen will be forbearing with me. It will be in the remembrance of honorable gentlemen that in May last I taxed the late Government with mal-administration of the land laws of the colony, and that I also attacked the then Secretary for Public Lands, Mr. J. P. Bell, with securing to himself, as a member of the Government, advantages that were denied to other members of the community. I will now endeavor to substantiate, as far as I can, the statement I then made. I may have to introduce some matters that may be somewhat irrelevant, but as I consider that a gross attack was made upon me in the other branch of the Legislature, I trust that you, Mr. President, and honorable gentlemen, will make me some allowance. The charge I brought against the Government was with reference to certain pre-emptive right purchases made by Mr. Bell. I stated then that an application had been made by Mr. Bell to purchase, under pre-emptive right, portions of the station known as Cumkillenbar. I should here wish to avail myself of the opportunity of stating that in any remarks I may have made on the occasion to which I now refer, I had not the least intention of casting the slightest slur on the late Mr. Moffatt, who was a gentleman for whom I entertained the greatest respect. I believe that when Mr. Moffatt's death took place, the colony sustained a very great loss—such a loss as it has not since sustained. I believe that no one who has since held the office of Treasurer of this colony has anything like equalled the late Mr. Moffatt in ability for the office. That

being my opinion, honorable gentlemen will see that I could not have had any intention of casting a slur upon Mr. Moffatt. As I have already stated, I considered that Mr. Bell, as a member of the Government, received advantages that were denied to others. I do not pretend to say that Mr. Bell made his office subservient to his private interests; but he was a member of the Government, and benefited by the action that was taken by the Government; and I will be able to shew that the colony suffered to a great extent—that is, the revenue of the colony suffered to a great extent—by the advantages that were conferred upon Mr. Bell. There are some honorable gentlemen who do not know the locality I refer to, but if they will refer to the map, they will find that the township of Dalby is surrounded by three stations—Jimbour, Cumkillenbar, and St. Ruth. Two of those stations belonged to the firm of Bell and Sons, of which Mr. J. P. Bell is a member. About 1863, applications were made to exercise the pre-emptive right of purchase on Cumkillenbar and St. Ruth. I formerly stated that the application to exercise the pre-emptive right was made some two or three years previously, and was gazetted; and that every one was under the impression that the land had been bought. On that point I was in error, because the application to exercise the pre-emptive right was afterwards withdrawn. But when an application was made in 1864, by Mr. Moffatt, and an application was made by the North British Australasian Company to exercise the pre-emptive right of purchase, the Government Selector of Agricultural Reserves was sent up to mark out a reserve for the people of Dalby. They wanted a reserve, and asked to have it on the Cumkillenbar Run. But when Mr. Hill, the Selector of Agricultural Reserves, went up, a tracing was given to him, shewing that the land on the Cumkillenbar Run had been purchased; and in that same tracing land was shewn as purchased on Jimbour, which I shall be able to shew was not purchased then, and has not been purchased yet. Mr. Hill went to those two stations, and seeing that the lands which the Dalby people wanted on Cumkillenbar and Jimbour were bought under pre-emptive right, he went on to the St. Ruth station, and marked off a reserve there. About that time a proclamation was inserted in the *Gazette* by Mr. Macalister, who was then at the head of the Lands and Works Department, which I will now read. It is as follows:—

“Department of Lands and Works,

“Brisbane, 19th January, 1865.

“PRE-EMPTIVE PURCHASES OF PORTIONS OF RUNS.

“It is hereby notified, for the information of holders of runs, under the Order in Council of the 9th March, 1847, who may desire to purchase portions of their runs under pre-emption, that applications can only be received

during the currency of their present leases, and that a sum of one pound (£1) sterling per acre must be paid into the Treasury, in Brisbane, before the expiration of the lease, under the Order in Council, as the Government will not recognise any application which may be pending at the termination of the present leases, unless such deposit has been paid. The deposits will be applied to the liquidation of the purchase money of the lands if the sale be approved; but in the event of its being deemed inexpedient to alienate the lands applied for, under pre-emption, the amount will be repaid to the applicant."

Now, honorable gentlemen will find, and, as I shall presently shew, that Mr. Bell admits, though a member of the Government, that this was an illegal proclamation. Yet he stepped in and availed himself of the illegality of the proclamation, and exercised his pre-emptive right; and not only did he not pay his money before the 31st of December, as required by the Proclamation, but he did not pay it till the 7th April following; and the applications were gazetted as being approved of by the Executive after that date. The manager of the North British Australasian Company applied, in September, 1863, for three sections of land on St. Ruth, which it has since been ascertained are perfectly worthless for the purpose for which the land was intended. However, he put in his application for three sections on St. Ruth, paid his money into the Treasury on the 24th of December, and I will here read his letter on the subject to me:—

"Rosenthal, 10th August, 1867.

"MY DEAR FITZ,

"I herewith send you particulars of the St. Ruth affair.

"You will see that the Government held my £1,920 for nearly four months. I was at that time paying twelve per cent. to the bank, and consequently lost the interest upon the above amount during the time they held it.

"The weather is fine up here, and the lambing prospects good.

"Yours, very truly,

"LEONARD EDW. LESTER.

"The Honorable H. B. Fitz, Esquire, Brisbane."

The following is the enclosure referred to:—

"Application made on 23th September, 1863, by the North British Australasian Company, to purchase, under pre-emptive right, three sections of land on the St. Ruth Run.

"Several applications were made to the Surveyor-General to have the land surveyed, which was not done until end of 1865.

"£1,920 was paid into Treasury (in money, not land orders), on the 19th December, 1865, on account of this application, in accordance with the Government regulations.

"The company was informed that the land would not be granted, and it was not until the 7th April, 1866, that the money was repaid by the Treasurer, without interest."

Notwithstanding this, Mr. Bell, as a member of the Government, avails himself of

his position in the Government, and exercises his pre-emptive right over portions of Jimbour, and he did not pay in his money till the 7th of April, 1866. I will also now quote a case of my own. I applied to exercise my pre-emptive right over a portion of Pilton in May, 1865, and I received an answer from the Government stating that a surveyor would be sent up forthwith to measure the land, and that my money must be paid into the Treasury by a certain date. I could not say what amount I would require to pay, and I spoke to the Surveyor-General on the subject, and he said that the matter could be adjusted after the land was measured. Well, I paid so much into the Treasury, and a surveyor was sent up, and the land was measured. Sometime after I applied to the Government to know how much more I would have to pay; and then I was informed that my application would not be granted. I believe that my application never went before the Executive, but that the corner of the paper was turned down, and marked—"Refused. A. Macalister." Now, the late Government taxed me with having stated what was not true on the subject; and brought witnesses to the bar of the Legislative Assembly to prove that what I said was untrue; but I state now that what I stated formerly was substantially correct, though I was then wrong as to dates. I stated that Mr. Bell had applied to exercise his pre-emptive right on Cumkillenbar, that the Dalby people were led to suppose that the land had been purchased, and that the land was opened for selection in 1863. But it was never known that it was open for selection till the other day, when it was proclaimed by the present Government, and then it was rushed by the Dalby people at once. I think the remarks that were made about me on this subject in the other House were not only coarse, but were exceedingly uncalled for. What I stated formerly may have been incorrect as to dates, but I was substantially right as to the applications having been made—and subsequent occurrences have proved that the application was made; but the people were kept in the dark about it. Now, as to St. Ruth, I believe the present Government are bound to give the North British Australasian Company the land they applied for on the occasion I have referred to. As a matter of common justice, I think they are bound to do so. What confidence could the company, or any person, have in a Government that had behaved in such a way as the late Government had acted towards that company. The manager told me, the other day, that he had written to the company at home upon the subject; and I have no doubt that the representations he has made respecting the conduct of the late Government towards the company will be highly injurious to the colony. I find in the *Gazette* of the 11th

of January, 1866, the following notice from the Surveyor-General's office :—

"It is hereby notified that His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the persons mentioned in the annexed list being allowed to purchase, under their pre-emptive right, the portions of land specified against their names.

"2. Unless the required payments be made into the Colonial Treasury, Brisbane, within three months from this date, a fine of ten per cent. will be added for every three months or part of three months that the payment is delayed in compliance with the notice of the 7th October, 1858."

That pre-emptive list comprises 42,990 acres ; and the country was put to an expense of £500 in surveying it ; and yet none of the land has been taken up except the 7,000 acres that were taken up by Mr. Bell. Therefore, I maintain that, in availing himself of the illegality of the proclamation, he, as a member of the late Government, secured to himself advantages that were refused to others. With reference to the remarks that were made about me by Mr. Macalister, I felt at the time disposed to deal somewhat summarily with him, for stating that my name was never mentioned except as associated with falsehood. For a man like Mr. Macalister to make such a remark—a man whose name, ever since I have known him, and for the thirty years he has been in the colony, has never been associated with anything except—

The PRESIDENT : I beg to remind the honorable gentleman that it is contrary to the Standing Orders to refer to honorable members of the other branch of the Legislature in such a manner.

The Hon. H. B. Fitz : I have not yet said anything about Mr. Macalister. I was only about to say that it was a tap-room kind of argument that should not have been used by a member of the other House ; and had I followed what were my own inclinations at first, I would have dealt with him otherwise. But such a remark as he made respecting me came with a bad grace from a man who had been so well known in the colony for the last thirty years—in fact, ever since he occupied an exalted position in connection with the New South Wales postal department at Scone. Now, I would ask any of that gentleman's supporters or followers, if they could point to a single act or measure which he had been the author of, by which the colony had been benefited ; and whether he had not carried on the Government of the colony by political intrigue, trickery, and falsehood, coupled with an unwarrantable use of the revenue for the purpose of increasing his power, and to benefit his supporters, and injure his enemies.

No other honorable member offered to address the House on the subject, and the motion for adjournment was withdrawn.