

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 22 JULY 1869

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LEGISLATIVE ASSEMBLY.

Thursday, 22 July, 1869.

Personal Explanation.—Provision for Acting Governor.—
Station Wages Debts Bill.—Telegraph Extension to
Carpentaria.—Selectors' Relief Bill.—Travelling Stock
Bill.

PERSONAL EXPLANATION.

The Hon. R. PRING moved the adjournment of the House for the purpose of making a short personal explanation. He simply wished to say that he had noticed by the report in the newspapers that his honorable colleague, the honorable member for Burnett, had made some remarks about his absence from the House on the previous night. The honorable member must have misunderstood his political views if he thought that he had lost a vote by that absence; for, if he had been present, he should have voted against the honorable member and his party. That was all he had to say, and he would now withdraw the motion. Motion withdrawn accordingly.

PROVISION FOR ACTING GOVERNOR.

On the Order of the Day being read for the consideration of the Legislative Council's message of 23rd June, relative to provision for Acting Governor,

Mr. RAMSAY said it would be in the recollection of the House that when Sir George Bowen was Governor it was understood that, in the event of his death or absence from the colony, the Government of this colony should be administered by the President of the Legislative Council, and he believed that arrangement gave general satisfaction. It so happened that it was acted upon; and when Sir George Bowen left the colony, the President of the Council administered the Government. While he held that position, it struck him that the colony might be placed in a very awkward position from the fact

that, although provision was made to appoint an Acting Governor, no provision was made for a successor to him. He therefore sent a despatch to the Secretary of State, a portion of which he (Mr. Ramsay) would read to the House. It was dated 29th January, 1868—

"I then brought the matter once more before the Executive Council, and the minute, of which I enclose a copy, was drawn up, urging me to bring this subject under your Grace's consideration as speedily as possible.

* * * *

"I would remark to your Grace, that the ordinary mode of providing for an *interregnum*, prevailing in the colonies, viz., by appointing the senior military officer to be the successor of the Governor, is still as much a difficulty in Queensland as it was in 1860, when Sir George Bowen wrote his despatch on this subject. The detachment of troops stationed in Brisbane, never exceeds one company, and it would hardly be acceptable to the colonists generally to be ruled over by a captain in the army, who might chance to be a very young man.

"I venture, therefore, to lay before your Grace, my opinion, that if the present arrangement can be completed by in any way enabling the President of the Legislative Council to nominate his successor, it is the best plan under present circumstances, for the colony; but, if this cannot be done, then I think the succession to the Government ought to be in the senior military officer, either in Queensland, or in the colonies."

Then, there was a minute of the Executive Council which, as it explained the case so clearly, he would also read—or, at least a portion of it—

"His Excellency the Acting Governor, directs the attention of the Council to the provisions contained in Letters Patent, under the great Seal of the United Kingdom, issued on the 5th March, 1861, by which, as at the present moment, the administration of the Government of this colony is vested in the President of the Legislative Council; and to the fact that such Letters Patent make no provision for any contingency beyond the absence of a Governor appointed under Royal Warrant. It is submitted that these Letters Patent are defective, inasmuch as in the event of the death of the President of the Legislative Council while administering the Government, they contain no order relative to the succession to the office of Administrator. The Letters Patent vest that office in the President of the Legislative Council, who nevertheless retains the subordinate appointment which placed him in a position to assume the Government of the colony; and, consequently, is unable during his tenure of office, to appoint any one to that office which alone can supply the vacancy occasioned by the death or absence of the Governor of the colony. The officer administering the Government being President, his temporary promotion leaves no vacancy in the Chair of the Legislative Council; and it follows that, in the event of his death, there can be no one competent to assume the Government, while the Letters Patent carry the order of succession no further than they do at present."

In reply to that despatch, the Secretary of

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State for the Colonies wrote, on the 24th April, to the following effect:—

"I have to inform you, that by the terms of Colonel Blackall's commission, the Government is vested in the senior military officer, in the absence of the Governor, Lieutenant-Governor, or Administrator; and that as Colonel Blackall will shortly proceed to assume the Government of the colony, I do not think it desirable to make any further change at present."

That letter, however, did not make it very clear whether the officer intended to assume the Government of the colony was to be the senior military officer in Queensland, or in any of the colonies. If it were the former, it might certainly happen, as the Acting Governor had pointed out in his despatch, that the colony would be ruled over by a captain in the army—perhaps a very young man. If it were the senior military officer in the Australian colonies, this difficulty would not exist—that officer would be a person of a certain age and experience, as well as standing in his profession. Still, however good a soldier he might be, there would be nothing in his training which would lead the colonists to expect that he would make a good Acting Governor, over a colony possessing representative institutions. But, although the letter from the Secretary of State did not make it very plain, whether the officer commanding the troops in this colony was referred to, or the senior military officer in Australia, yet, he thought, the commission of His Excellency the Governor put the matter in a still worse light. The ninth section read thus—

"9. And we do hereby declare our pleasure to be that in the event of your death, incapacity, or absence out of the said colony, all and every the powers and authorities herein granted to you shall be, and the same are hereby vested in such person as may be appointed by us under our sign-manual and signet, to be our Lieutenant-Governor of our said colony; or if there be no such Lieutenant-Governor in our said colony, then in such person or persons as may be appointed by us under our sign-manual and signet to administer the Government of the same; and in case there shall be no person or persons within our said colony so appointed by us, in the senior office for the time being in command of our regular troops in our said colony; and such person or persons, or such officer, as aforesaid, shall have and exercise all and every the powers and authorities herein granted, until our further pleasure shall be signified therein."

The meaning of that was, he thought, that the successor to the Governor should be the officer in command of the troops in this colony, and he did not think such an arrangement would be satisfactory to any one. The difficulty originally suggested in the appointment of an Acting Governor had undoubtedly been got over by the commission of the present Governor, but it had been got over in a way which was not quite approved of, and the very means by which the Duke of Buckingham proposed to get over it

had been ignored, and the Legislative Council, in their resolutions, had objected to the appointment of a military officer; consequently the question was left in exactly the same position in which the Acting Governor found it. It would be necessary, therefore, if the House adopted the resolutions of the Council, to recommend the appointment of some person as successor to the Governor. He should be very glad to see this remedied by means of an amendment. He had not proposed one himself, because he thought it was a matter which should rest with the Government; but he hoped the Premier would do so, and would state who, in his opinion, would be the proper person to occupy that position. He thought it was a pity that the question had been placed in the hands of a private member at all, and that it should have been introduced by the Government in another place, and then passed into the hands of the Government in the Assembly. At any rate, he hoped the Government would express their views upon it, and state what they thought should be the line of succession to the Government of the colony. That was of course a question, the decision of which did not rest with this House; the appointment of a Governor and his successor were entirely Imperial questions. Still an expression of opinion from the Legislature of the colony, who were more particularly interested in these appointments, would no doubt be listened to with attention, and if they expressed a decided opinion on the subject, it might probably—considering the way in which all matters connected with the colonies were now treated—have some weight with the Imperial Government. His own opinion was that it was very desirable to make the President of the Legislative Council the successor to the Governor, and next to him the Chief Justice; but he hoped to see the honorable Premier rise and meet the difficulty by moving an amendment embodying his opinion as to the fittest person to recommend. He begged to move that the resolutions from the Legislative Council be adopted.

The ATTORNEY-GENERAL said he hardly thought it came within the functions of the Government to meddle in this matter at all. These appointments were purely an Imperial prerogative, and he thought any attempt on the part of this Legislature to interfere actively in the matter would be regarded with little favor at home. Practically, the power of appointing the Governor was the best link which bound them to the mother-country; and any interference with that power would be likely to create jealousy; although there could be no doubt that a strong expression of opinion by the Legislature would have some weight. He believed that His Excellency the Governor, foreseeing the difficulty, had written home, offering some suggestions on the subject to the Imperial authorities; and he would therefore recommend that the Parliament should take no action until it was

seen what answer was returned to that communication. If the House wished it, he would state his own private opinion on the question, because there could be no harm in discussing it, and if any further correspondence took place between His Excellency, the opinions of the several branches of the Legislature would be listened to, and might possibly serve as a guide to the Secretary of State for the Colonies in dealing with the subject. Under Sir George Bowen's commission, the succession devolved, in certain events, upon the Colonial Secretary, who was then the Premier of the colony. He, however, perfectly concurred in the opinion that it was not desirable that the administration of the Government should rest in the hands of a person who exercised political functions. Well, that was altered, and a commission of similar form, the names being changed, was issued by the Home Government, which was dated 5th March, 1861. By that commission the President of the Legislative Council for the time being was substituted for the Colonial Secretary. But the same difficulty arose with respect to the President of the Legislative Council, to a great extent, which existed in respect to the Premier for the time being. He wished to be understood that he was not discussing this question from a personal point of view, and he hoped honorable members would dismiss from their minds the thought of any person who might possibly be successor to the present Governor; he hoped the occasion would not arise. The President of the Legislative Council could take part in the debates in the other House, and was to all intents and purposes a politician, not perhaps to the same extent as the Premier was in the popular branch of the Legislature; still, he was a politician, and equally open to objection. He might also be a gentleman engaged in private speculations, and it was possible that his affairs might be so disarranged that his appointment to such a high office, in the event of the succession being vacant, might be regarded with some uneasiness. His own opinion was, that instead of vesting the immediate succession from the Governor, in the event of his death, in the President of the Legislative Council, it should be vested in the Chief Justice—that the functions of the Chief Justice should be suspended; and that gentleman, who was entirely unconnected with politics, should succeed to the Government of the colony. The honorable member for Northern Downs shook his head, but he repeated that he was discussing this subject apart from all personal feelings, and entirely as an abstract question. He thought it would be better to place the administration of the Government, for the time being, in the hands of the highest legal officer in the colony, who came next to the Governor in standing and position, and should take precedence of any one else. That was his own private opinion, and he merely mentioned it to the House because

he thought no harm could arise from a discussion of the question. He must, however, again express his opinion that it was better not to interfere until it was seen what action the Imperial authorities were going to take. He thought the Acting Governor, at the time he held that office, had displayed an unnecessary degree of anxiety about the succession, which was hardly likely to run out by death. Two lives, he thought, were quite sufficient to consider, otherwise they might make provision for the succession *ad infinitum*. His own opinion, he repeated—and he was not prepared to make any recommendation on the part of the Government—was that the best arrangement would be to let the succession from the Governor rest with the Chief Justice, who was, apart from all the political and personal hazards to which the President of the Legislative Council was liable. That was his opinion, and, if the House desired to return the resolutions to the Legislative Council with an amendment, that was the only suggestion he could make. At the same time, he did not think there was any pressing necessity to interfere in the matter. The Home Government would, in all probability, send some answer to His Excellency; and when that reply arrived there would be plenty of time to deal with the whole question. He would however move as an amendment—

That, seeing that the Governor is in communication with the Imperial Government on the subject involved in these resolutions, the House considers it inadvisable to express any opinion thereon at this time; and that a message to this effect be communicated to the Legislative Council.

MR. BELL said, as the honorable Premier had referred to him as having expressed, by shaking his head, his disapproval of the suggestion made by the honorable gentleman, he would say a few words on the subject. He had listened attentively to the reasons advanced by the honorable member in support of his opinion that the Chief Justice should be the successor of the Governor, in case of death, rather than the President of the Legislative Council; and one of those reasons referred to the possibility that the private affairs of the President might be so disarranged that he would not be a fit officer to hold that position. But it occurred to him that it was quite possible the same state of things might arise with regard to the Chief Justice. That gentleman might also get into debt: he had that privilege as well as anyone else; and he was quite sure that no one would take that high office if he had not the power of getting into debt. The argument, he thought, was quite as applicable in one case as the other. The other reason given by the honorable member at the head of the Government—that the President of the Legislative Council was, to some extent, a politician, and for that reason was less suitable to succeed the Governor in the administration of the affairs of the colony

—did not coincide with his views on the subject; for he thought if there was any occupation more calculated than another to fit a person for the duties of a Governor in this or any other colony, and the working of the constitution, it was that of a person holding such a position as was held by the President. No doubt a lawyer was acquainted with the constitution from a lawyer's point of view, but he had yet to learn that lawyers were the best politicians. He was inclined to think they were the very worst, and, if the lawyers in that House were an exception, they only proved the rule. He had a strong opinion on the subject himself, and he thought the President was the most suitable man in the colony. The honorable member at the head of the Government had, however, told the House a fact of which they were not previously informed—that a correspondence had been opened between His Excellency the Governor and the Home Government, on the subject of the succession to the administration of the affairs of the colony; and the honorable member had thrown out a suggestion which, he thought, was a very valuable one. The honorable member had suggested that the consideration of this subject should be delayed until that correspondence came before the House. He thought, therefore, that if the honorable member who had charge of these resolutions, withdrew them for the present, it would be the wisest course.

THE ATTORNEY-GENERAL said it would be necessary to send a reply to the Legislative Council.

MR. RAMSAY said he was quite in the hands of the House.

The amendment was then put.

MR. WALSH said he should not have taken any part in the debate, but for the amendment of the honorable the Premier, which, he thought, was an unwise step on his part, as it would leave things as they were. He could not agree with it, because, should anything occur to their respected Governor to-morrow, what would be the result? Why, the sergeant in charge of the military barracks would be their Governor. The senior military officer in command was the person named, and, as there was only one soldier in the place, and he was the sergeant, and there was no one commanding him, he was the senior military officer in the colony. He (Mr. Walsh) must protest against the government of the colony being administered by the sergeant of a regiment of the line. He thought the respectful message sent to the Assembly by the other branch of the Legislature deserved consideration. The honorable member at the head of the Government had drawn a picture of what might be the case, if the government of the country were to fall into the hands of an insolvent; but he might, with equal reason, point out that it might possibly fall into the hands of a military officer, who might be a thief, or a felon, or in

other ways unfit to administer it. The fact was that the Premier was so thoroughly a lawyer at heart that he was determined the whole government of the country should be absorbed by his profession, and that the Governor himself should be a lawyer. But for his part, he thought they had had enough of lawyers, and he should strongly object to have lawyer placed over lawyer in the way the honorable member proposed. The honorable member objected to entrust the government to the President of the Legislative Council; but he would ask him, and he would ask those honorable members who cheered him, if the office of Acting Governor had ever been more ably or successfully filled than by the present President of the Legislative Council. Not a single complaint had been raised against the administration of the affairs of the colony by that gentleman, pending the appointment of Colonel Blackall—in fact, it was a very happy release when that gentleman was called upon to hold the reins of Government. Therefore, he thought the honorable member's illustration, or argument, was singularly infelicitous—he had almost said unfair.

The ATTORNEY-GENERAL said he thought the honorable member for Maryborough was unfair towards him, because he (the Attorney-General) had purposely stated that he was discussing the matter upon its abstract merits, and not from any personal point of view.

Mr. WALSH: Still the feeling of the honorable member on the subject was apparent, and he thought the argument he had used was a most unreasonable one, and had been introduced at a most inopportune moment. He was surprised that the honorable member should attempt to draw such a comparison as he had drawn between the two offices. The amendment of the honorable member would virtually have the effect of vesting the Acting Governorship in the serjeant of a regiment of the line; and in view of the practical experience which the country possessed of the successful administration of the affairs of the colony by the President of the Legislative Council, he could not assent to the amendment. He did not think the honorable Premier had shown that the Chief Justice was so peculiarly fitted to undertake that office; for a judge, he maintained, ought never to be brought into the arena of politics, and besides that, it would be almost impossible to work the constitution of the country if the functions of the Chief Justice were suspended, as the honorable member proposed. He was inclined to think that the honorable gentleman had made his suggestion quite at random; that his reasoning was imperfect, and the illustrations he had given to the House singularly infelicitous.

Mr. RAMSAY said he should be obliged to press his motion to a division, as it appeared to him that the honorable Premier, in moving his amendment, had forgotten the position in which the colony was placed by the

commission of His Excellency the present Governor.

The ATTORNEY-GENERAL said he had stated that the succession rested with the senior military officer in command of the troops, but there was no such officer in the colony.

Mr. RAMSAY: But it was quite possible that a company, or even half a company of troops, might be sent to the colony yet. He thought the honorable Premier might have called earlier attention to the correspondence which he stated had been opened between His Excellency the Governor and the Imperial authorities, and might have given the House some further information in reference to it. It might turn out that His Excellency's letter was not of such a character as to require an immediate answer. If that letter had been made known to the Legislative Council when the debate on this question, as that would probably have put a stop to the whole proceeding. As it was, he felt obliged to press the motion to a division, because he thought a very unsatisfactory state of things would ensue in the event of anything happening to their present respected Governor. He was speaking, of course, without the slightest personal feeling towards any one in the matter. It appeared to him that it was the most natural thing possible for the President to succeed the Governor. That gentleman was sufficiently acquainted with the politics of the country, to be able to perform the duties of the office: at the same time, he was so far removed by his position from any political bias that he was quite fitted to administer the Government of the colony fairly and impartially. But these opinions could only be looked upon in the light of suggestions, because the Legislature had no power to take any action in the matter; they could only submit their opinion to the Imperial authorities.

Mr. MILES said he should not have spoken upon this question had it not been for the allusion made by the honorable member for Maryborough to the cheers which proceeded from the quarter in which he (Mr. Miles) was seated. He had cheered while the honorable Premier was speaking, but only when that honorable gentleman stated that the appointment of a Governor by the Home Government was the best link which bound this colony to the mother-country. He should be very sorry to see that link broken. He certainly agreed with the honorable the Premier, that the best person to take the position would be the Chief Justice, on account of his high office. There was no doubt that the honorable gentleman who had performed the duties of Acting Governor had given the greatest satisfaction on all sides, but they might not always have so able a gentleman residing amongst them. On the whole, he thought the best course would be to carry the amendment, as they had had the promise that a despatch had been sent to the Imperial authorities on the subject.

Mr. WALSH said he should like to hear from the honorable the Premier, whether the Government had made any recommendation to the Imperial authorities which would interfere with the Bill, or defeat its object.

The ATTORNEY-GENERAL said the Government had not done anything to interfere with it. He might take that opportunity of saying that when the subject was brought forward in the Legislative Council, it was not known to his honorable colleague, the Postmaster-General, that a despatch had been sent home. He mentioned that, in order that the honorable gentlemen of that chamber might not think that they had been treated with disrespect.

The question was put—"That the words proposed to be omitted stand part of the question;" and the House divided with the following result:—

Ayes, 7.	Noes, 13.
Mr. Walsh	Mr. Lilley
" Thompson	" A. Hodgson
" S. Hodgson	" Thompson
" Archer	" Thorn
" Royds	" Miles
" Ramsay	" Edmondstone
" Bell.	" Groom
	" Forbes
	" Jordan
	" Stephens
	" Macalister
	" Taylor
	" Williams.

The question—"That the words proposed to be inserted, be so inserted," was put and passed.

STATION WAGES DEBTS BILL.

Mr. GROOM moved that the Speaker leave the chair, and that the House resolve itself into a Committee of the Whole to re-consider the last new clause which had been passed whilst the Bill was in committee. That clause would, he believed, completely nullify the Bill, as it could not be made to apply to mortgages which now existed. He had always understood that the object of the honorable member for Maranoa in bringing in the Bill was to make it apply to those mortgages.

Mr. ARCHER trusted the honorable member would not proceed with his motion, as he felt perfectly certain that if the clause was rejected the Bill would be thrown out. It was a rule always recognised in English law, that a Bill should not be retrospective. In the present instance a great many persons had gone into stations without being aware of previous liabilities, and it would not be fair to expect them to pay them. He was sure the honorable the Premier would tell them that that would be contrary to law and justice. It was not for Parliament to take such a course, and throw liabilities on a mortgagee that he had never taken or expected to be called upon to pay. It might happen, or it was probable, that nearly one-half of the present station holders of Queensland would have to shift, and those by whom they were succeeded would have

to go under the Bill. He certainly would like to have the opinion of the honorable member at the head of the Government.

The SECRETARY FOR PUBLIC LANDS said the honorable member who had just sat down remarked that one-half of the existing mortgagors were going out, if the Bill passed, and that new men would be going in. If that was the case, the servants of the mortgagors would be left without a single penny for their back wages. Because, forsooth, the mortgagors did not like to pay their debts, the unfortunate servants were to be deprived of their wages, and hundreds of men would be thus deprived, in order to please the mortgagors. If that clause was allowed to remain in the Bill, it would render it a nullity.

Mr. MILES said he had spent more time and money over the Bill than over any ever taken into that House, and he certainly should not feel inclined to bring in another. He objected to the clause, but was told that if it was not introduced, the Bill would be rejected. He was exceedingly anxious to secure to the working man, his wages, and would like to have the clause expunged, if it would not endanger the passing of the Bill in another place. The Bill would be an instalment of further legislation on the subject, and he was therefore, very anxious, it should pass, and he thought the sooner it took effect the better.

Mr. THORN thought the Bill would be useless unless the clause was retained, and questioned very much whether it would be advisable to expunge it, as then the Bill would, in all probability, be thrown out by the Upper House.

Mr. FRANCIS would ask whether there had been any similar case where it had been attempted to interfere with existing contracts. He believed the clause was most essential to the passing of the Bill.

Mr. ARCHER said he would advise the honorable member to withdraw the Bill, or accept the clause. In the interest of those who were concerned, it would be better to have future justice than throw out the Bill.

Mr. GROOM desired to point out that the clauses at present passed would only prevent future injustice under new mortgages. Their object now was to protect servants on the property already mortgaged. He therefore had a new clause to propose, which would divest the Bill of the character of retrospective jurisdiction. The servants should be protected in the present circumstances of the colony. The next news from England might be as bad as that received by the last mail, in which case the mortgagees might come in and sell off. He should press his motion to a division.

The ATTORNEY-GENERAL said, that as he had been asked to give his opinion as to the effect of the Bill, if the clause were expunged, he would say that he should not like to see the clause expunged altogether. The objec-

tion, that the Bill would be of a retrospective character, would be met by the proposed amendment. After thinking over the matter, he was very clear in his opinion that the amendment would effect the desired object. Perhaps the House would allow him to give two or three reasons in favor of the amendment as just. The existing mortgages might go on for twenty or thirty years, and no services could be recovered for as long as the mortgages survived. The Act applying to wages now due would be clearly *ex post facto* legislation. In the present instance, the principle was to protect the property for the benefit of all parties concerned. This arose from the nature of the property mortgaged, which was not only sheep, but the increase, and the services of those engaged upon the station, who were protecting the property of the mortgagee. He thought the mortgagee should be liable for the labor which enhanced the value of the property. He might add that it must not be laid down as a rule that the House could not legislate *ex post facto*. The general principle was to avoid such legislation. Appeal statutes were instances of *ex post facto* legislation, and other examples might be mentioned which showed that the principle was not unknown to English law. The Divorce Act, which was introduced by himself into the House, was not in existence at the time of his marriage; yet, by that Act, he could be relieved of his marriage contract, although it was no term of the contract at the time he made it.

Mr. WALSH said that Lord Macaulay stated that *ex post facto* legislation was of the most dangerous character, and should never be permitted except in extreme cases. It was altogether impossible in criminal law, and in civil law was only allowed in extreme cases. In fact, it was contrary to the spirit of the English laws in general. He had no wish to obstruct the proviso,—in fact the introduction of it was due to himself. He was glad that, although he had not been allowed to introduce the clause himself, that another honorable gentleman should possess more influence than himself, and that his words should arouse the eloquence of, and be listened to, with far more emotion by the Premier.

Mr. HALY thought the honorable member had better stick to the Bill as it stood. There were two objections to the proposed amendment: one, that the Bill was not general. If it had been, he was certain that two-thirds of the House would have divided against it; but because it was aimed at squatters only, the House agreed to it. He should, himself, certainly divide against the third reading, as he had already divided against the second reading. His other objection to the Bill was, that the Government had not introduced it. He was quite sure that the Premier had thought, and said, the last time the Bill was before the House, that it was an injurious Bill. If the Government thought that a Bill of the sort was

necessary, and the Premier brought one in, he should be disposed to support it. But when a Bill, affecting the rights of property was brought in by a private member, he should oppose it in every shape and form.

The ATTORNEY-GENERAL thought that an explanation might relieve the mind of the honorable gentleman as to one objection to the Bill. Special laws affecting classes were not unknown to the law,—as, for example, laws affecting sailors and the hiring of servants, and so on. The application of statutes to particular professions was quite common in English law. At home the truck system is forbidden, by which payment to servants in kind was disallowed. Perhaps the Bill might be made general, but it would be better to confine attention to one class of servants at the present time.

Question put and passed, and the Bill was re-committed.

TELEGRAPH EXTENSION TO CARPENTARIA.

The ATTORNEY-GENERAL moved that the House concur in the following resolutions transmitted by message from the Legislative Council—

1. That, in the opinion of this House, and in view of the probable extension by submarine cable of telegraphic communication to the northern shores of Australia, it is desirable that no delay should occur in constructing a line of telegraph from Cardwell to the settlements on the Gulf of Carpentaria.

2. That the foregoing resolution be transmitted to the Legislative Assembly for their concurrence.

He said that, in moving for the concurrence of the Assembly in those resolutions, he might state, at the outset, that the Government had no intention of entertaining the proposition contained in the first resolution, as regarded immediate expenditure; but inasmuch as the Legislative Council only invited the opinion of the Legislative Assembly in the matter, he thought that, from respect to the other branch of the Legislature and also from a due regard to the importance of the matter, the House should express its concurrence. He thought it would be unnecessary for him to enter at any length into the reasons that induced him to coincide heartily with the resolutions. He believed it would be for the benefit of the colony to establish telegraphic communication shortly with the shores of the Gulf of Carpentaria; and one reason was that it was necessary for the due administration of the law. Another reason was that, with the growth of settlement on the northern shores of the territory, it would be necessary, for mercantile purposes, that there should be telegraphic communication with that quarter. If, therefore, they looked only at their own interests, they should have such a means of communication established. But it must not be forgotten that Victoria and South Australia were

anxiously competing to have the projected line of communication with Europe, *via* India, carried through their territory, and thereby direct it from its natural course to the shores of Queensland. Now, it would be desirable that the Government should be in a position to inform the persons moving in the matter in Europe, that if they proposed bringing their line by the Gulf, this colony was ready to proceed with the work when they were ready, and the very fact of being in a position to say so, would likely be the best way of securing that the submarine telegraph should come to the shores of this colony. As the resolutions did not involve the immediate expenditure of money, but merely expressed a readiness to meet the cable at Carpentaria, he thought the House should assent to them. He ought also to mention that the Postmaster-General had been requested to communicate with the persons in Europe interested in the project, with the view of informing them, that if they took the cable by way of the Gulf, the line through this colony would be there to meet them. The expense of carrying the line to Normantown would, he believed, be about £22,000; but it would be a work that would be well executed. It was a work which they must carry out some day for their own purposes; and he might say, that for the purposes of his own department, it was a work of the greatest importance, and it was a work which for many reasons it was desirable should be executed as speedily as possible.

The motion was agreed to.

SELECTORS' RELIEF BILL.

Mr. THORN, in moving the second reading of the Selectors' Relief Bill, said he had almost forgotten all about the Bill, owing to the lengthened period it had been on the business paper; and he doubted very much whether it would have been on for a second reading that night but that an alteration had been made in one of the standing orders. He had promised his constituents to bring this matter before the House, as well as the Town and Suburban Lands Bill, which last night passed through committee, if the Minister for Lands did not do so. But he found that, in the latter case, the Minister for Lands had taken the ground from under him, and very properly. Originally, it was his intention to have asked for selectors under the Act of 1866 to be allowed to come under the Act of 1868, subject to classification, and amenable to all the provisions of that Act; but he found that would not answer, and for two reasons. The first was, that about half the selectors had conditions and the others had not; and it was not likely those who had not would subject themselves to conditions. In the second place, he was sure the revenue would suffer, and he made that statement from observation of the working of the Bill of 1868 in his own district; for a great quantity of land was taken up there as second-class

pastoral, at five shillings an acre, and finally approved of as second-class pastoral. A good precedent for asking that this Bill should be allowed to pass was to be found in the case of these lessees, or rather those who rented land under the twelfth section of the Crown Lands Alienation Act of 1860, and who were allowed to come under the Act of 1868, subject only to the regular payment of the purchase money, when due, without any conditions, at fifteen shillings an acre for agricultural land—and the different sixpences that were paid were deducted from the fifteen shillings. There were, originally, 2,020 selections made under the Leasing Act of 1866; of those, 939 were without conditions, and 1,081 were with conditions, and embraced an area of 185,371 acres. Those selections were not confined merely to the two Moretons, but embraced selections in the Darling Downs, Wide Bay, Burnett, Port Curtis, and the Kennedy. In the four latter cases, the selections were almost all without conditions. In the two Moretons, the bulk of the selections were without conditions, and only on the Darling Downs did the selections with conditions preponderate. Since then, the area of selections had been reduced to 170,000 acres, by reason of non-compliance with conditions, and the non-payment of instalments of the purchase-money—a little less than five per cent. of the selections not having paid up. He was sure that many more would have forfeited their selections but that the honorable the Minister for Lands and Works, and himself, had promised the selectors that their holdings would be brought under the Bill of 1868. But the revenue would, in consequence, have suffered, and he felt himself morally responsible to a great many selectors, for he was the means of inducing them to pay the last year's rent, when they were going to forfeit and get back what money they had paid in former years, less twenty-five per cent., in accordance with one of the clauses of the Land Act of 1863, which was still applicable to the Leasing Act; and the result would have been a great loss to the revenue, for he was sure the selectors forfeiting could take the same land up at a much lower rate, under the Bill of 1868, than they had to pay at present. A good reason why selectors should be allowed to come under the Bill of 1868 was, that lessees under the Act of 1866 had only a limited choice of land at the time they made their selections, and the land they selected was the refuse after the best had been bought at auction, or without deferred payments. Such was the case in almost every instance in West Moreton. Some might assert that selectors were as well off under the Bill of 1866 now, as they would be under the Bill of 1868, for, in the former case, they had to pay twenty shillings an acre, and five shillings an acre in lieu of cultivation—in all, twenty-five shillings, and, in the latter case, fifteen shillings an acre, and ten shillings in

improvements, which also came to twenty-five shillings an acre. Now, he denied they would be as well off; for, in the former case, selectors had only eight years to pay in, and, in the latter, they would have ten years. Besides, what were conditions to *bond fide* selectors, who alone were those whom he desired to serve. Now, some might say that this was *post facto* legislation, and ought to be deprecated; but honorable members must recollect the contracts were not complete, and he was quite sure the revenue would suffer if the Bill did not pass, for many would, even now, throw up their holdings and get their money back. He would remind honorable members, also, that several petitions had been presented to the House in favor of the object of his Bill, and one of those petitions was signed by over one hundred selectors in West Moreton. Although some alleged dummying was said to have been practised in the district, he maintained that the Government had condoned the offence by not taking action before twelve months elapsed in those cases, and by receiving the second, and, in some cases, the third year's rent; while in others they neglected to see that the conditions were complied with within the specified time. He questioned whether those selectors could now be legally ejected by the Government, but even if so, should ninety-nine just men suffer for the sake of one or two. He trusted that honorable members would not look with disfavor on the measure, more especially those who represented outside districts, for the selectors he desired to benefit had had a great deal to contend with, owing to the vicissitudes of the seasons. The Bill was a short one of only four clauses. In the second clause, at the end, he proposed to add an important proviso requiring that the selector should have, up to the date of his application, fully complied with all the conditions, if any, imposed upon him. With those remarks he begged to move the second reading of the Bill.

The SECRETARY FOR PUBLIC LANDS said, he did not intend to oppose the second reading of this Bill, but he should watch it very carefully in committee, to see what amendments might be proposed upon it. He was a little astonished at some of the remarks that had been made by the honorable member for West Moreton. The other night the House was told the commissioner for that district was one of the best and most upright commissioners in the colony; and to-night, the honorable member, Mr. Thorn, informed them that the same gentleman had been classifying some of the best lands as second-class pastoral. Now, he must say, that for his own part, he had never seen anything of the sort; and he would add that the honorable member appeared to be the only one who had seen anything of the kind. As to the Bill, he hoped it might be made a satisfactory one in committee, and that if it

passed into law, it would prove a beneficial measure.

Mr. RAMSAY said, that the Bill appeared to him to be a very reasonable one, and that it asked only for what was reasonable and just. It did appear very hard, that those who took up land on the passing of the Act in 1866, should, in two years afterwards, find another measure passed, reducing the price of land by twenty per cent., and extending the time of purchase by two years. Now that was, in effect, reducing the value of the land taken up under the Act of 1866. He thought, therefore, it was not at all unreasonable for those who took up land under the Act of 1866, to ask to be allowed to come under the provisions of the Act of 1868. They should also remember that they had passed through very trying times of late, and that an extension of two years for the payment of the purchase money of their land might give that benefit which would enable many to escape failure and accomplish success. But, looking at the matter in a merely business point of view, he did not think they would do wrong in passing the Bill; because the selectors, under the Act of 1868, could forfeit their holdings, obtain compensation for the improvements they had put on the land, and then resume them under the Act of 1868, by which they would place themselves in the position that instead of having to pay twenty shillings an acre for eight years, they would only have to pay about fifteen shillings a year for ten years. Honorable members would thus see that it would pay the selectors very well to abandon their holdings, and to take them up again under the Act of 1868. Of course, in some cases, it would not suit the purposes of the holders to do so, and, therefore, they would have to submit to the harder terms of their agreement. He thought that, on the whole, it would be well to pass the Bill. He did not altogether approve of it, but he hoped it would come out of committee a useful and practicable measure.

Mr. MILES said he had no intention of opposing the second reading of the Bill, but he only wished to warn the honorable member who brought it forward that he might expect a good deal of opposition to the Bill in committee. If it got as much rough handling as the measure he lately brought forward, he would find his Bill a very different one when it came out of committee from what it was when it went in.

The motion was agreed to, and the Bill was read a second time.

TRAVELLING STOCK BILL.

Mr. RAMSAY, in moving the second reading of the Travelling Stock Bill, said that the original of the Bill was framed some two years ago, and that he had intended to bring it forward last session; but he refrained from doing so, because he found it would meet with strong opposition from some honorable

members. The disastrous season which they had just passed through had led those gentlemen to change their opinions, so far at least as to confess that some legislation on this matter was necessary. Indeed, no one could have read the papers of this and the neighboring colonies without seeing that the vicissitudes to which the squatters had been put by the long dry season of last year showed that such a measure as this was necessary. Since it was known that he had taken up the subject with the view of obtaining legislation upon it, he had received an immense number of letters about it from all parts of the colony, urging him to go on with it. He was aware that there were two sides to the question; and last year it was a question whether such a measure should be introduced, because it was thought that it might inflict great hardship upon those who, owing to the great drought, would be dependent for the saving of their stock on being able to move them off their runs. Honorable members would see that the moment stock was taken off a run and travelled for feed, they must go on to some other station, as there were no unoccupied Crown lands now for them to be placed on, and consequently, the owner of such stock did a great injustice to his neighbors, inasmuch as he impoverished their runs, for the grass of which they paid, in order to relieve his own station for a time. He would not read all the letters he had received on the subject, but would only trouble the House with extracts from two of them. The first was from a well-known squatter, Mr. Holt, of Kolonga and Wagga. After saying that from March to August, last year, sheep had been passing in large numbers to the boiling-down establishment at Baffle Creek, he continued as follows:—

“During the other months of the year, sheep from the interior are pretty constantly on the move, looking for grass, and only returning to their own runs, when the rains which usually fall in February, make this coast country too unhealthy for them. During the end of last year and the beginning of this, I had from nine to twenty thousand sheep always on the run.”

The other letter he would quote from, was from a gentleman in the Burnett district. After saying he was glad to see that this Bill was to be introduced, he continued—

“For instance, on my own run, the road runs parallel with the creek, and I have no back water. I was short of grass last year, and was obliged to save part for lambing; when just about the time lambing was about to commence, about 60,000 sheep travelled backwards and forwards through my run, consuming all the grass I had saved for my own sheep, and by this alone I lost upwards of 3000 lambs, and that was not all the loss occasioned. The greater number of people who have travelled sheep last year for grass, are those who have overstocked their runs, and it is hard for others who have been more provident, and *pay a large rent to the Government*, to be obliged, at a great loss, to support those improvident

squatters who prey upon others. From what I suffered last year from travelling sheep, I have only put 3000 ewes to the ram out of 10,000; because, I am afraid that the same thing will take place again.”

Now, these extracts showed that there had been a positive loss to the colony, in every way, from the want of such a measure as he now brought forward. He would not trouble the House with any more of the letters he had received upon the subject, but he would read a few extracts from a petition that he presented to the House, some time ago. The petitioners said, after describing the losses they had sustained—

“That in addition to the losses thus sustained, your memorialists have also, at times when their grass was most valuable, been subject to the incursions of many thousands of sheep, travelling (as your memorialists believe, contrary to the spirit of the Diseases in Sheep Act of 1867, though shielded from any action on the part of those whose properties they so much depreciate by this system of trespass, by the definition of the term ‘travelling sheep’ in clause two of said Act), for the sole purpose of grazing on the runs, for the use of which, your memorialists have annually paid large sums into the Treasury.

“While fully acknowledging the rights of those owners whose sheep travel for any equitable purpose, your memorialists must respectfully but firmly protest against the practice, which lately has so prevailed, of travelling sheep merely for agistment, whilst their owners are *enabled to restore the condition of their own runs*, by thus practising a system of trespass which has proved most detrimental to the interests of those who have been compelled very unwillingly, to provide them with free grass; and while entering this their protest against having their interests ruthlessly sacrificed, they would respectfully solicit your interference on their behalf by framing such regulations as will make the law having reference to ‘travelling sheep’ applicable to those only which travel for reasonable and legitimate purposes.”

Those were three very strong arguments in favor of the Bill; but, to show the House that in New South Wales the necessity for some legislation on the subject was felt, he would, with the permission of the House, read a few extracts from the report of a public meeting held at Dubbo, on the subject. The extract he would read was as follows:—

“That the nineteenth clause in the Land Occupation Act in reference to stock travelling, should be repealed, and that in its place should be inserted a clause which would compel sheep to travel not less than *six*, and cattle not less than *ten* miles every day, when upon the road; that an extension of tenure should be granted to the squatters to enable them, with safety to themselves, to carry out permanent improvements; and that the injury to squatters caused by the growth of the system of travelling for feed and water by the owners of *overstocked* runs should be abated by legislative enactment.”

Now, that showed that there was in New South Wales as strong a feeling on the sub-

ject as there was in this colony; and that such was the case, a stronger proof was to be found in the fact that it was intended to propose to insert a special clause on the subject in the Impounding Bill, to be introduced into the Legislature of the neighboring colony. Clause fourteen of the Bill provided as follows :—

“ It shall not be lawful for occupants of Crown lands which are not separated by a sufficient fence from any road passing along or through such lands to impound any cattle horses or sheep travelling along or over the said road unless they be at the time of seizure at a greater distance from the centre thereof than a quarter of a mile. Provided moreover that unless prevented by rain or flood such horses or cattle shall be moved on or along such road at least eight miles and such sheep at least five miles in one direction within every successive period of twenty-four hours. Provided also that the owner of any number of travelling sheep exceeding 500 who shall travel or drive such sheep through or over any Crown lands as aforesaid by virtue of the privilege conferred by this section shall pay the occupant of such lands on demand at the rate of ten pence per 1000 per mile for the distance such sheep travel along the said lands.”

Now, that was much more stringent than anything that was in the Bill he proposed should now be read a second time; and showed how strongly it was felt in New South Wales that the grievance was one which ought to be abated, and which could be abated only by legislation. The evil, as honorable members would see, was one that, as it went on, increased itself; because the squatter, whose grass had been eaten up by his neighbor's sheep, found himself compelled, in the long run, to adopt the same course for the preservation of his stock. It might be asked, why was a measure of this kind not introduced before? and the question was a very fair one to ask; but it was easily answered in this way—that formerly stations were not so fully stocked as they were now, and consequently there was generally plenty of grass for stock that had to be travelled, and squatters did not therefore much heed about the grass that was so consumed by the stock of another who had been driven to the hard necessity of travelling his stock for feed. But as stations were now fully stocked, there was no longer grass to spare. As he had already stated, the evil was one that went on increasing itself. For example, a large proprietor in the Maranoa district told him that a large number of sheep came on to his run and ate up all the grass, and the consequence was that he had himself shortly afterwards to travel his own sheep in order to save them. Another case that came under his knowledge was that of a squatter who had given a portion of his run a spell for the purpose of having a good supply of grass at the time of lambing. When the lambing season came he started with his sheep to that portion of his run, and when he got there

with them he found that it had been eaten bare by travelling sheep. The consequence was that he lost a great many lambs. Now, he thought there was but one remedy for that sort of thing, and it was one that could be remedied only by legislation. Those who were able to do so would protect themselves against travelling sheep by fencing in their runs; but he thought it was advisable that the country should be kept as open and free from fencing as possible. But wherever lands were purchased, unless some check was put to the travelling of stock, those purchased lands would be fenced in. Then, there was another class who travelled their stock besides those who were driven to do so on account of the grass on their own runs being destroyed by drought. He referred now to those squatters who had large stations up-country, and small stations near the coast, where there was plenty of water for washing and other conveniences. Those gentlemen kept their sheep on the up-country station for a certain period, and then travelled them to the coast station, which occupied several months, and, of course, for that length of time, the sheep were fed on the grass of the stations through which they passed. In that way, those squatters to whom he alluded kept their sheep for several months at the expense of their neighbors. Now, unless some check were put upon the travelling of stock, there would absolutely be no reason why a man should have a run at all; for there was nothing to prevent a man taking a flock of sheep all over the colony and feeding them on the grass that was paid for by his neighbors; and that would be the most profitable way of doing, for the only cost would be that of the few shepherds who would be required to drive them. He did not intend to go through every clause of the Bill, but he would ask the attention of the House to the third clause. That was the most important one, and, he might say, contained the gist of the Bill. It provided as follows :—

“ On and after the date on which this Act shall come into operation it shall not be lawful for any person except as hereinafter provided for to drive any cattle or sheep through any Crown lands whether occupied under lease or otherwise within the districts aforesaid without having first applied for and obtained from the nearest commissioner of Crown lands clerk of petty sessions or other person duly appointed on that behalf a license to be in the form contained in the schedule to this Act marked A. Such application and the license to state and set forth the name of the applicant the station from whence the stock are to be removed the route by which it is proposed to travel the number of either cattle or sheep or both to be removed the probable time they will be on the road and final destination and shall at the time of making such application pay into the hands of the commissioner or other officer authorised to receive the same a sum of money equivalent to one penny for every sheep and threepence for every head of cattle for each month or part of a month that the same are estimated as likely to

be on the road. Provided that in computing the rate of travelling it shall not be estimated at more than eight miles a day for sheep and twelve miles a day for cattle."

It might be thought that the charge there stated was too high, but he was willing to listen to suggestions for its alteration, and that could be done in committee. He intended to introduce a clause for the exemption of all stock travelling legitimately—that was, travelling to market, or on account of sale, and so forth. The clause was in the Bill, as originally drawn up, but, at the request of some country members, he struck it out; but, from further consideration, and from communications he had received since, he was satisfied that he was wrong in striking it out, and he would, therefore, when the Bill was in committee, propose that it be again inserted. The Bill was not intended to impose an additional tax upon squatters, for they had quite enough of that already; but it was meant solely to protect the careful and prudent against the rash and unscrupulous. He might, perhaps, allude to the latter part of the clause, because there had been two or three stupid letters in the newspapers in which its meaning had been altogether misapprehended—

"Provided that in computing the rate of travelling it shall not be estimated at more than eight miles a day for sheep and twelve miles a day for cattle."

Two or three persons had remarked upon that and had asked how he could possibly compel sheep to travel eight miles a day; but it was the maximum distance that was put down, not the minimum, for computing the time occupied on a journey, because those travelling with sheep would be obliged to pay so much per month. He would say a word about clause five—

"Provided that this Act shall not apply to any stock travelling by railway or to any flocks of sheep or herds of cattle moved a distance of only forty miles if not so moved oftener than once within any period of thirty days. Provided also that it shall not prevent the lessee or duly authorised occupant of any run or runs from removing stock within the limits of the same without a license."

The object of it was simply to prevent anyone, having two runs with a short distance between them, troubling his neighbors by driving stock backwards and forwards. It had been suggested to him by a practical man, and he thought it was a very good addition to the Bill. He did not know whether there was anything further for him to remark upon. There was not very much interest in the matter; but he should be prepared to devote a good deal of time and trouble in taking the Bill through committee, and considering it clause by clause, so as to make it as perfect as he could. There was one great necessity in connection with a Bill of this sort, and that was, that the roads

throughout the colony should be proclaimed. It was a question of the greatest importance to the colony. He had spoken to the surveyors in the country, both Government and private; and he was told by them that it would be a great convenience to the country. Ultimately, it would not be a great cost, for it would be a sort of skeleton survey. He had no intention of making any proposal on the subject. He did not think his Bill perfect by any means; and he should be very glad to receive amendments. The Government had been twitted with bringing in imperfect measures; but he trusted that he should not be so treated, and that the second reading of the Bill would be affirmed.

Mr. MILES said there could be no doubt whatever that the Bill would receive support. In dealing with it, the House must take care that in doing away with one hardship, they did not inflict another. It could not be denied that the Bill would inflict a very heavy tax upon the outside squatters; for the further they had to travel for water the more they were embarrassed, and the less they could afford to pay. It seemed to him (Mr. Miles) extraordinary that in this enormous country, the Legislature could not set sufficient land apart along the main thoroughfares to allow stock to travel to market without paying a tax. The honorable member who had charge of the Bill attributed the travelling of stock to the overstocking of runs. It might be so, in some instances. He (Mr. Miles) had been occupied in sheep-farming for upwards of thirty years, and last season, for the first time, he was compelled to travel on account of the drought; and he begged to assure the honorable member for Western Downs, that his run was not overstocked, and that it was not from overstocking that many others, like himself, had been compelled to travel. From the succession of peculiar seasons in the westward, he had come to the conclusion that a drought occurred about every three years. If the honorable gentleman would compare the capabilities at which the runs were estimated and the returns of the stock they actually carried, he would see that they had not been overstocked, and, also, what was their real value; they had not half the stock on them that it was computed they could carry. The honorable member had complained of the quantity of stock that travelled in 1855. He (Mr. Miles) hoped the honorable member was not desirous of preventing the outside squatters from taking their stock to market.

Mr. RAMSAY explained that there was to be a clause in the Bill especially exempting stock travelling to market or for boiling down.

Mr. MILES said he was very glad to be corrected. He hoped there would be no injustice done to those who were obliged to travel. The simplest way to cure all difficulties would be for the Government to proclaim

all main roads throughout the colony, and to set apart half-a-mile on each side, for travelling stock, making a corresponding reduction of the rent to those tenants who held the country through which the thoroughfares were proclaimed, to whom it would be no great loss. He could not see that the travelling of sheep along the main roads was fraught with any particular loss or inconvenience; if they trespassed on the grass paid for by others the parties interested should look after them and have those in charge punished. He should not offer any opposition to the second reading of the Bill; but he should certainly endeavor to have it amended so that it should not become oppressive. For seasons past he had suffered as much as any one; but what was the use of having a run, at all, in the interior, if a man was to be prevented removing his sheep; and, if much more was to be paid by those outside, they would have to give up the country altogether. The honorable member who brought in the Bill, stated that it was more profitable to travel sheep than to keep them on the run. The honorable member himself could not have travelled sheep, or he would know that it was very costly indeed. There were very heavy expenses entailed by it; and he (Mr. Miles) was sure that few would travel if they could help it. There was not only the cost of travelling, but serious losses besides, which could not be calculated. He trusted that the honorable member would, by his Bill, do something to prevent the evils of travelling stock, to a certain extent, but that he would not, at the same time, prevent those who wished to travel from doing so.

Mr. ARCHER said he really thought, from the remarks which had just fallen from the honorable member for Maranoa, that he misunderstood, to a certain extent, the Bill, and the explanation of it which had been given by the honorable member for Western Downs, Mr. Ramsay. The honorable member who had brought in the Bill intended to introduce a provision, which would remove stock travelling to market, or to a boiling-down establishment, from the category of travelling stock that would have to pay. The clause was as follows:—

“Provided that either sheep or cattle actually sold for delivery or travelling for the purpose of being boiled at any public or private boiling establishment shall not be subject to pay the rates herein established but in every such instance it shall be necessary for the person at the time of applying for the license to make a declaration in the form contained in the schedule of this Act marked C.”

The fact was, that if the Bill should pass as the honorable member intended, sheep travelling from the westward to Brisbane, or any other part, for those legitimate purposes, would not be taxed at all. It was the intention of the Bill to prevent those who had grass from being eaten out of their runs by those who had not grass. It was a very

great hardship that a person who had grass, reserving it, perhaps, for a particular purpose, should be deprived of that for which he paid by a person who did not pay for it. He knew of a case in which persons travelled their sheep for no other purpose than to eat the grass of others. He knew of one person who removed sheep from a run, in order to give the run a rest, to have some grass for the approaching lambing. When the overseer went out on the run, one day, he found eight thousand strange sheep there; and, on asking those in charge what they were doing, the answer was, “Oh! I saw the country deserted, and I gave my sheep a rest.” If the Bill were carried out, persons who did that would have to pay; and it would then be a consideration with persons who travelled their sheep that way, whether it would be worth going out to eat their neighbors’ grass when they had to pay for it, or to stay at home. At present, when every track was a public highway, persons travelling stock could do almost as they liked, so long as they moved sheep four miles a day. What was the object of roaming all over a run? To eat the grass. And, when within half-a-mile of even a mere cattle track, on either side, they could defy anyone to prevent them doing so. However anxious honorable members might be to see the public roads surveyed and proclaimed, that could not be done in a day. Nothing would be of more advantage to the country than to have them all surveyed and proclaimed; but it could not be done without the expenditure of a considerable sum of money. As the House could not do that, nor compel persons travelling to confine themselves within half-a-mile on each side of the so-called roads of the colony, they must take some action to prevent the evils that resulted from the travelling of stock. Any measure that would check those evils would be an advantage to those lessees who were sparing parts of their runs for lambing or any other purpose of their own. Any one must sympathise with those who had been suffering over a series of years from drought and bad seasons; but that was no reason why others should suffer injustice at their hands. It could not be allowed that the misfortune of one was to be remedied by his stock eating the grass that another paid for. To prevent such injustice was the object of the Bill. If it became law, the effect would be to make persons less keen to travel; for they would then be obliged to pay a certain amount for eating off their neighbors’ grass. Of course, with the honorable member for Maranoa, he should do the best he could to improve the Bill. He saw it was faulty, as the honorable mover himself admitted; and he hoped they would so shape it, that if it should not entirely remedy the evil complained of, it would go a great way towards it, until such time as the country could afford the expense of laying out the main roads.

Mr. HALY expressed his belief that the Bill

could be made a very useful one. It might be a hardship on a man who had no grass, and who was therefore compelled to travel his stock; but, at the same time, it would make him cautious not to overstock his run. He agreed with the honorable member for Maranoa, that last season numbers of men had to travel whose runs were not overstocked. No doubt the Bill required alteration; but the honorable member who had it in hand would do his best to make it all it should be, and he would be glad to receive any suggestions to make it prove more perfect than it was now.

Mr. BELL said he must confess that he did not altogether admire the principle of the Bill, and he thought if his vote would be the means of preventing it passing, he should vote against it. At the same time, he was not prepared, nor did he intend to give it any strong opposition, as he found many sensible men, who had as much experience as he, speaking in its favor. It struck him that some of the grounds on which the Bill was advocated by the honorable the mover were not sound. The honorable member said that there existed in the colony unscrupulous persons, squatters, who overstocked their own runs, and then fled to the neighboring runs for the agistment of their sheep and cattle. He (Mr. Bell) had himself suffered as a squatter, from the stock of other squatters eating his grass, which he had intended for his own stock; and his run had been overrun in that way, when the part of the country he held was spelling for the lambing, and therefore, at a time when he most required the grass himself. At the same time, he fully appreciated the argument of the honorable member for Maranoa, which was correct, and upset the argument of the honorable the mover—that no man would travel his sheep for grass who could keep them on his own run; and he totally disagreed with the statement of the honorable the mover, that it was profitable to travel sheep. His (Mr. Bell's) experience was, that it was most unprofitable—both the losses and the expenses were almost incalculable. If there were any of those unscrupulous squatters that had been talked of, there were very few who overstocked their runs. His experience, further, went to show him that the less country was stocked, the less grass the holder would have, in consequence of the bush fires that took place and burnt off more grass than the stock could feed off. No man would voluntarily, for the purpose which the Bill was meant to prevent, travel his sheep from his own run for grass on the runs of his neighbors. The Bill might in some degree check the evil that was complained of, but he very much questioned its efficacy. If the Bill should go into committee, he would endeavor to assist in its improvement, though he was not in favor of it.

Question put and passed.